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## GROWTH MANAGEMENT PROTOCOL

Town of Chapel Hill  
October 11, 2000

This Protocol summarizes the policies, regulations, and general approach used by the Chapel Hill Town Council to manage growth and development in Chapel Hill. It is based on and intended to help implement the Town's Comprehensive Plan, adopted on May 8, 2000. It reviews mechanisms used by the Town to regulate new development, and to plan for and fund needed capital improvements to the community's infrastructure.

This Protocol does not modify the Town's discretion and obligation to make decisions based on information and evidence presented in the context of applicable legal standards.

### Summary of Context

Chapel Hill enters the new millennium as a vibrant, diverse, prosperous, and attractive community that is approaching build-out. An Urban Services Area, established in 1986 and contracted with the May 2000 Comprehensive Plan, sets a limit on the ultimate geographic size of the Town. Chapel Hill's municipal limits are now at or close to that boundary on all sides.

The Chapel Hill Town Council shares responsibility for the maintaining the well-being of Chapel Hill residents with several other public institutions that provide key services to Chapel Hill citizens:

- **Orange County** provides funding for schools, and a wide array of social services.
- **Chapel Hill-Carrboro City Schools** operates public schools in Chapel Hill.
- **Orange Water and Sewer Authority** operates the water/wastewater system.
- **NC Department of Transportation** builds and maintains key arterial streets.

These public partners are key components of the context

### Summary of Planning, Funding, and Building Community Facilities

The Town of Chapel Hill provides the following key services to Chapel Hill citizens:

- Public Safety (police and fire)
- Solid Waste Collection Services
- Streets, bikeways, sidewalks
- Stormwater Management
- Transit
- Parks and greenways
- Recreation facilities and programs
- Library facilities and programs
- Public Housing
- Building Inspections
- Municipal government operations

To provide for these needs, the Town collects revenues, funds capital and operating budgets, and provides services. Revenues mainly come from local property taxes, state-shared tax revenue, proceeds from sale of municipal bonds, state/federal grants, and user fees.

The population of Chapel Hill is growing at a moderate and steady pace. The Town annually adopts a Capital Improvements Plan that establishes a program for funding and constructing new capital facilities, and maintenance of existing facilities. In addition, as new development is approved and constructed, conditions of approval often contain requirements that the development construct (or make a payment-in-lieu for) facilities that will be needed by the users of the new development.

**It is the intent and practice of the Town Council to regularly assess the adequacy of public facilities, to seek ways to address gaps or capacity shortfalls, and anticipate and plan for facilities that will be needed in the future.**

### **Summary of Regulatory Approach to Development**

The Chapel Hill Town Council has established a regulatory environment that sets high standards for new development, and builds in multiple steps to assure citizen participation.

A key provision of Chapel Hill's Development Ordinance establishes that, except on the UNC campus, any development (existing or proposed) that has more than 20,000 square feet of floor area is a Special Use. This means that all major new development proposals in Chapel Hill must be considered as applications for Special Use Permits, requiring review by Town Advisory Boards and consideration at a quasi-judicial Public Hearing before the Town Council. This process requires that, before the Council can approve such an application, it must make findings that the proposed development would:

- Maintain or promote the public health, safety, and general welfare.
- Meet all applicable regulations in the Development Ordinance.
- Maintain or enhance the value of contiguous property.
- Conform with the Comprehensive Plan.

Property owners/developers contemplating development on large tracts of land can apply for approval of a Master Land Use Plan. In such a proceeding, the Council may approve such Master Plan application if it makes three of the above four findings. (The finding about applicable regulations is deferred until a Special Use Permit application is filed.)

For proposals that involve a proposed rezoning of land, the Council's review and decision becomes a legislative, discretionary action, requiring a Public Hearing and a finding that the rezoning can be justified on one of the following grounds:

- There is an error in the existing zoning designation.
- The rezoning is justified due to changed or changing conditions. Or
- The rezoning would achieve the purposes of the Comprehensive Plan.

For subdivision applications, there is one finding to be made: whether or not the application conforms to the subdivision regulations contained in the Development Ordinance.

(Note: For official language on these findings and justifications, please refer to the Chapel Hill Development Ordinance).

This regulatory context means that the Town Council reviews all major development proposals (except those on the UNC campus), and may approve such proposals only after hearing evidence and making specific findings. In pursuit of successful growth management and maintaining the adequacy of public facilities in the community, a key point then becomes the Health, Safety, and General Welfare finding.

**It is the intent and expectation of the Town Council that development projects will include construction (or payment-in-lieu of construction) of infrastructure components that are needed for the proposed development, such that all negative impacts of the new development on public infrastructure will be mitigated.**

#### **Summary of Key Public Facilities to Monitor**

The Comprehensive Plan contains a full description of the facilities needed by the Chapel Hill community. The Plan goes on to call for the development of this Growth Management Protocol, and accompanying annual Growth Management Reports, to help the community keep track of demands for services and capacities of services. A key excerpt follows:

“The purpose of this mechanism [annual Growth Management Report] is to allow the Town Council to annually check the capacities of key components of community infrastructure, and to be able to use this information in reviewing and acting on development proposals.”

“Initially the items subject to the Protocol will be schools, raw water supply, water treatment capacity, sewage treatment capacity, and levels of service of arterial roads. Projects for which approval has already been given will be counted as debits against existing capacity. A finding that infrastructure capacity is

inadequate to serve a proposed development may, in some regulatory contexts, be cited as a reason for denial of an application.”

Accordingly, the initial Growth Management report will focus on schools, water and sewer facilities, and arterial roads. In addition, to the extent feasible, the Report will include information on topics that are identified in the Comprehensive Plan as possible indicators of how well the Comprehensive Plan is being implemented.

### **Annual Growth Management Report**

An annual Growth Management Report, as described above, shall be prepared by the Town Manager and submitted to the Town Council during the spring of every year. The Report will rely on data that will have been published in January of every year as part of a Town Data Book. The Growth Management Report will evaluate and interpret data on the demands and capacities of schools, water and sewer facilities, and arterial roads. The Report will review capital plans that are planned and/or funded by the Town of Chapel Hill, Chapel Hill-Carrboro City Schools, Orange County, the Orange Water and Sewer Authority, and the NC Department of Transportation. The report will review the last year’s growth in Chapel Hill, and will offer conclusions about the capacities of each of these elements of infrastructure to accommodate additional development.

**The conclusions of the annual Growth Management Report will be available to be used in preparation of annual Capital Improvements Programs, and in the review of development applications.**

### **Summary**

This Growth Management Protocol reviews the components of Chapel Hill’s growth management system, and articulates the expectations and intentions of the Chapel Hill Town Council. The components are:

- **Growth Management Report:** The Chapel Hill Town Council annually will receive a Growth Management Report, describing existing and projected capacities of key components of public infrastructure. The Council will refer to this document as it considers its annual Capital Improvements Program and as it reviews applications for new development.
- **Capital Improvements Program:** The Chapel Hill Town Council annually will adopt a Capital Improvements Program, which identifies existing and projected public facility needs in the community, and which sets forth short-term and long-term plans for addressing those needs.
- **Development Review:** The Chapel Hill Town Council, in its review of applications for rezoning approval, Master Plan approval, and Special Use Permit approval, will consider the adequacy and capacities of key components of public infrastructure in making its decisions.