

THE CHATHAM COUNTY MORATORIUM ORDINANCE

Comment [js1]: NCGS 153A-340(h)

Section 1: Authority

By the authority of Chapter 153A Article 340 of the General Statutes of North Carolina the Chatham County Board of Commissioners does hereby exercise the powers and authority to establish moratoria for any development approval required by law within its territorial jurisdiction.

Section 2: Purpose

The purpose of this Ordinance is to set forth the procedures for establishing a moratorium for any development activity requiring approval by Chatham County. It is the intent of this Ordinance to promote the public health, safety, and welfare through the adoption of development moratoria as determined by the Board of Commissioners.

Section 3: Jurisdiction

This Ordinance shall apply within all of Chatham County outside of the incorporated municipalities and their extraterritorial jurisdiction.

Section 4: Applicability

This Ordinance shall apply to any land development ordinance or regulation including but not limited to The Chatham County Zoning Ordinance, Subdivision Regulations, Mobile Home Ordinance, Communications Tower Ordinance, Junk Yard Control Ordinance, Compact Communities Ordinance, and Off-Premise Sign Ordinance.

Section 5: Severability

Should any section or clause of this ordinance be held invalid or unconstitutional, such decision shall not affect, impair or invalidate the validity of the remaining parts of this Ordinance that can be given effect without the invalid provision.

Section 6: Duration of Temporary Moratoria

The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the Board of Commissioners shall hold a public

hearing and shall publish a notice of the hearing in a newspaper having a general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 153A-323.

Section 7: Exemptions of Ordinance

Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Ordinance shall not apply to any project for which a valid building permit, issued pursuant to G.S. 153A-357 is outstanding, to any project for which a conditional use permit application has been accepted, to development set forth in a site specific or phased development plan approved pursuant to G.S. 153A-344.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the County prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the County prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Section 8: Standards for Adoption

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

- (1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the County and why those alternative courses of action were not deemed adequate.
- (2) A clear statement of the development approvals subject to the moratorium and how a moratorium of those approvals will address the problems or conditions leading to imposition of the moratorium.
- (3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the County during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

Section 9: Moratorium Extensions

No moratorium may be subsequently renewed or extended for any additional period unless the County shall have taken all reasonable and feasible steps proposed to be taken by the County in its ordinance establishing the moratorium

to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in Section 8: Standards for Adoption, including what new facts or conditions warrant the extension.

Section 10: Remedies

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the County shall have the burden of showing compliance with the procedural requirements of this Ordinance.

Section 11: Effective Date

This Ordinance shall be in full force and effect from and after the ??? day of ????, 2006.