

PLANNING & ZONING REVIEW NOTES

VII. C.

SUBJECT: Discussion of an ordinance setting forth the rules and procedures for establishing a moratorium according to state enabling legislation adopted in 2005.

ATTACHMENTS: 1. Revised text of the Moratorium Ordinance.

INTRODUCTION AND BACKGROUND:

The proposed Chatham County Moratorium Ordinance is the result of changes to the NC General Statutes during the 2005 Legislative session. A public hearing was originally scheduled for May 15, 2006, but was tabled until June 19, 2006, due to the length of the meeting in May. The ordinance lays out the procedures that must be followed to adopt a development moratorium.

DISCUSSION AND ANALYSIS:

The draft Moratorium Ordinance that was presented at the public hearing is a result of revisions by the North Carolina Legislature in one of the most comprehensive updates to land use regulations in North Carolina. The appropriate General Statute reference has been included in the margins of the ordinance. The legislation explicitly recognizes that local jurisdictions have the authority to adopt moratoria and establishes the criteria for adoption. Prior to this legislation it was generally assumed that local jurisdictions could adopt moratoria.

One person spoke at the public hearing and made several suggestions to revise the text of the draft ordinance as follows. First, the current language, which was taken directly from the NC General Statutes, exempts certain preliminary and final plats from a moratorium. It was suggested that sketch design also be added to the exemptions list, due to the significant expenses that are incurred during the time between sketch design approval and preliminary plat submittal. These expenses include, but are not limited to, site analysis, engineering and County and State approvals for utility systems, road plans and driveway connections, erosion control plans and wetlands permitting. Second, revise the timing provisions of Section 7 to include an exemption for subdivision applications submitted before imposition of a moratorium without a public hearing. Third, language in Section 7 that addresses plats that have been “accepted for review by the County” be re-worded since there is no formal County process for accepting plans for review prior to a submittal deadline. Fourth, revise language in Section 7 referring to a “call for public hearing” to “scheduling of a public hearing by the Board of Commissioners to consider adoption of the moratorium.”

Based on the public hearing comments the Planning Department staff recommends the following revisions to the text of the Moratorium Ordinance. Section 7 should be revised to include an exemption to sketch design approval that is the same as is set forth for preliminary and final plats. A significant expense can be incurred in preparing a layout and soils report for sketch design submittal and additional expenses incurred in the time between sketch design approval and preliminary plat submittal. The imposition of a

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moratorium in the period between sketch design approval and preliminary plat submittal would place an unreasonable burden on the applicant. The revised language also includes a provision that the validity of any approval by the Board of Commissioners must be maintained for a development proposal to be exempt from the moratorium and continue to the next step in the approval process. Section 7 has also been revised to change the wording of “plats that have been accepted for review” as indicated in attachment 1. The wording on a “call for public hearing” has also been revised as indicated in the attachment. The revised language for the previous two items is more specific and clearly establishes what items may proceed through the subdivision process. Planning Department staff does not feel that an exemption for projects that may be impacted by a moratorium that is approved without a public hearing is warranted. A moratorium imposed without benefit of a public hearing is reserved for cases of “imminent and substantial threat to public health or safety”, which would typically be emergency situations.

RECOMMENDATION: The Planning Department recommends approval of the revised text of the Moratorium Ordinance as included in attachment 1.