

ATTACHMENT A

**A RESOLUTION REGARDING THE DRAFT ORDINANCE ON ESTABLISHMENT OF A
SIX-MONTH MORATORIUM ON RESIDENTIAL DEVELOPMENT IN
CARRBORO'S NORTHERN STUDY AREA
Resolution No. 155/2006-07**

WHEREAS, the Carrboro Board of Aldermen must receive public comment on the establishment of development moratoria; and

WHEREAS, the Board of Aldermen has set a public hearing for March 27th on a draft ordinance that will establish a moratorium for the Northern Study Area and has referred the draft ordinance to advisory boards and Orange County, and

WHEREAS, members of the Board of Aldermen have expressed an interest in establishing differing effective dates for those portions of the Northern Study Area subject to approval of the Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen directs as follows:

-
-

AN ORDINANCE ESTABLISHING A SIX MONTH MORATORIUM ON THE CONSIDERATION OF REZONING PROPOSALS AND THE ACCEPTANCE OF NEW APPLICATIONS FOR SPECIAL OR CONDITIONAL USE PERMITS FOR RESIDENTIAL DEVELOPMENT WITHIN THE NORTHERN STUDY AREA

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The Board finds that:

- a. On May 26, 1998, following years of study and community participation, the Board of Aldermen adopted the Facilitated Small Area Plan for the Northern Study Area (Northern Study Area Plan), a document which established planning goals and objectives for the area shown on the map attached to and incorporated into this ordinance as Attachment A.
- b. The Carrboro Land Use Ordinance and zoning map were amended in an attempt to implement the goals and objectives set forth in the Northern Study Area Plan.
- c. Significant development within the Northern Study Area has occurred since the adoption of the plan and the ordinance changes designed to implement the plan.
- d. The Carrboro Planning Board as well as other advisory boards and individual citizens have expressed doubts whether the goals and objectives of the Northern Study Area Plan are being achieved and can be achieved without modifications to the Land Use Ordinance and zoning map.
- e. The Board has considered and devised a process to involve the town's advisory boards as well as citizens and interested parties in the examination of the Land Use Ordinance and zoning map to determine if changes are warranted in order to better implement the goals and objectives of the Northern Study Area Plan.
- f. Considerable assistance from the town's planning staff will be necessary in order to allow this process to move forward satisfactorily and expeditiously.
- g. A moratorium on the consideration of rezoning proposals and the acceptance of new applications for conditional and special use permits for residential developments is necessary in order to allow the planning staff to devote the time necessary to move the above described planning process forward.
- h. A moratorium on the consideration of rezoning proposals and the acceptance of new special and conditional use permit applications for residential developments is also necessary to prevent decisions that could be inconsistent with the results of the planning process outlined above.

- i. A moratorium on the acceptance of special and conditional use permits for residential developments pending the completion of the planning process described above is also necessary to avoid the waste of time and resources (on the part of developers as well as town staff) that would otherwise occur if development plans are prepared and evaluated under ordinance requirements that may well be subject to change before the review process is completed.
- j. The Board concludes that no other alternatives to a moratorium exist that would serve as well to achieve the objectives and avoid the problems set forth in paragraphs g, h, and i above.

Section 2. From and after the effective date of this ordinance, for a period of six months, (i) the town will not accept applications for rezonings nor consider any pending applications for the rezoning of property within the Northern Study Area as shown on Attachment A, and (ii) the town will not accept any new applications for approval of special or conditional applications for residential developments within the Northern Study Area as shown on Attachment A. This moratorium is designed to provide time to allow for consideration of Land Use Ordinance map and text changes that would better achieve the goals and objectives of the Northern Study Area Plan and otherwise to achieve the objectives set forth in Section 1 of this ordinance.

Section 3. As set forth in Section 2, this moratorium terminates at the end of a six month period following its effective date. This six month period is the minimum time necessary to allow the above described planning process to go forward, including the preparation and adoption of any ordinance text or map changes that may be the product of this process.

Section 4. In accordance with Section 2.3C of the Joint Planning Agreement, a moratorium affecting rezoning or development applications within the Carrboro Joint Development Area may not become effective until approved by the Orange County Board of Commissioners. It is anticipated that such approval may be forthcoming on April 10, 2007, making that date the effective date of this moratorium. Either prior to the effective date of the moratorium, or while the moratorium is in effect, the following schedule of work is hereby established so that the planning process described above can be completed prior to the expiration of the moratorium.

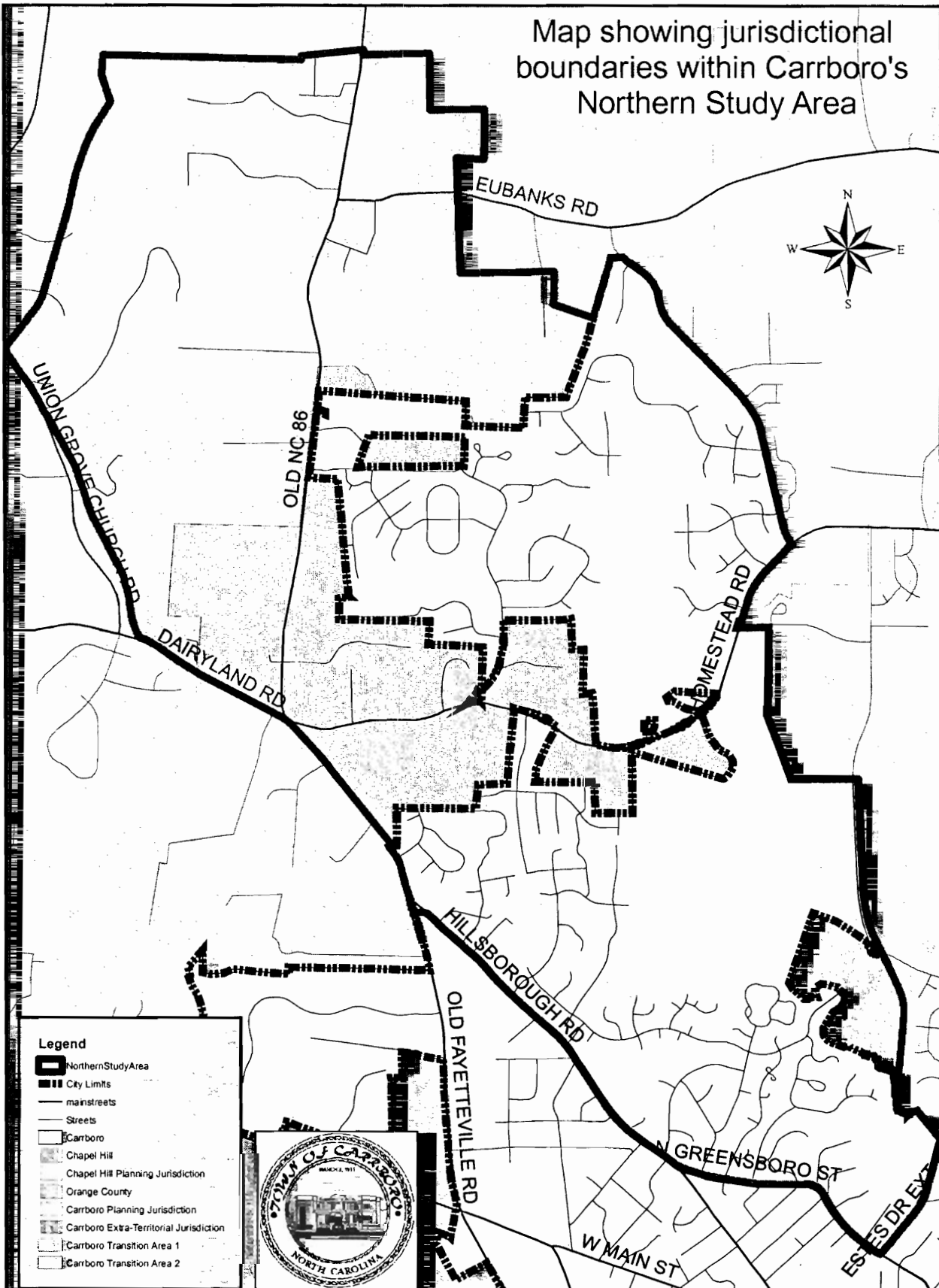
- a. Prior to or by effective date of moratorium – NSA Plan Implementation Committee established by Board of Aldermen
- b. April 14 – Community forum #1
- c. June 16 – Community forum #2
- d. June 17 to July 31– Committee meets to make recommendations based on staff analysis and community input; staff works with committee to prepare ordinance text and map revisions.
- e. August 1 to August 15 – Final drafts of ordinance amendments prepared by staff.

- f. August 21 – Board sets public hearing on proposed ordinance changes and refers ordinance to advisory boards and Orange County.
- g. September 6 to 20 – Planning Board and other advisory boards review proposed ordinance changes.
- h. September 8 – First public hearing notice published.
- i. September 15 – Second public hearing notice published.
- j. September 25 – Board of Aldermen conducts public hearing and considers adoption of ordinances.
- k. October 10 (or thereafter, depending on effective date) – moratorium expires.

Section 5. This ordinance shall become effective on the date it is approved by the Orange County Board of Commissioners, having first been adopted by the Carrboro Board of Aldermen. It shall remain in effect for a period of six months thereafter in accordance with its terms, except that, as provided in G.S. §160A-381, this ordinance shall not apply to:

- a. Any special or conditional use permit application that has been accepted by the town prior to the effective date of this ordinance. An application shall be regarded as accepted when it has been submitted for review in a manner that is sufficiently complete to enable the staff to undertake its normal review process and when all applicable fees have been paid to the town for the review of such application.
- b. Final subdivision plat approvals or requests for insignificant deviations from or minor modifications of existing special or conditional use permits..
- c. Any development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval.

Map showing jurisdictional boundaries within Carrboro's Northern Study Area



B. Whenever Chapel Hill or Carrboro receives an application for a development permit as defined in this Agreement relating to land within their respective portions of the Transition area, it shall forward copies of the application to Orange County for review. The towns shall establish timetables to insure that Orange County has an opportunity to make recommendations regarding such applications within the framework of the County's regularly scheduled meeting dates. To the extent possible, the timetables of the County and the towns shall provide for simultaneous review to expedite application processing; provided, however, the towns may not vote to issue or deny a permit until they have received the recommendations of Orange County or until the expiration of forty-five (45) days after orange County has received the application, whichever comes first.

C. From time to time a development moratorium is appropriate in order to address exigent circumstances or the results of a study of density designations, plan classifications or other matters prescribed by the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of the Town of Chapel Hill or the Town of Carrboro. To preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study, the Town of Carrboro or the Town of Chapel Hill may propose the adoption of a development moratorium pending consideration of the ordinance amendment. With respect to the CJDA, any proposed moratorium shall not be effective until adopted by the Town of Carrboro and approved by Orange County following a public hearing conducted by the Town of Carrboro. With respect to the CHJDA, any proposed moratorium shall not be effective until adopted by the Town of Chapel Hill and approved by Orange County following a public hearing conducted by the Town of Chapel Hill. Any such adopted and approved moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed here.