

BOARD OF ALDERMEN

ITEM NO. D(5)

AGENDA ITEM ABSTRACT

MEETING DATE: October 3, 2006

**TITLE: Discussion of Planning Board Recommendation for a Development
Moratorium in the Northern Study Area**

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Planning Board request C. Map of the NSA	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Planning Board has developed a proposal for a moratorium on rezonings, major subdivisions, and special and conditional use permit applications in Carrboro's Northern Study Area and has distributed the proposal to other advisory boards for comments. A development moratorium, as a temporary suspension of the Land Use Ordinance provisions, is enacted using the text amendment process meaning that a draft ordinance must be prepared and a public hearing date set. A resolution that provides an opportunity to respond to the Planning Board request has been prepared for the Board's use.

INFORMATION

The request is described in the Planning Board recommendation dated May 4, 2006 and revised May 17, 2006, with comments from the Transportation Advisory Board, Recreation and Parks Commission, Environmental Advisory Board, and Economic Sustainability Commission (*Attachment B*). The map "Recommended Small Area Plan" from the *Facilitated Small Area Plan for Carrboro's Northern Study Area* (NSA Plan) showing the boundaries of the area is also attached (*Attachment C*). A previous development moratorium was adopted from November 1997 to December 1998 for the NSA while ordinance amendments implementing the were in preparation.

The statutory authority regarding moratoria were modified as part of the 2005 changes to planning and development provisions. The changes require a statement of rationale at the time a moratorium is adopted, exempt certain projects from coverage, limit coverage and provide for prompt judicial review. The Planning Board considered the requirement for a statement of rationale when preparing its recommendation.

Under the revisions to statutory authority pertaining to moratoria and according to David Owens of the UNC School of Government,

Unless there is an imminent threat to public health and safety, moratoria do not apply to projects that have already received a vested right under current law; nor do they apply to preliminary or final plats or to special and conditional use permit

applications that have been accepted for review prior to the call for a hearing on the moratorium.

The Zoning Division has accepted applications for three projects seeking conditional use permit approval in the NSA. The projects are Ballentine Subdivision, Elementary School #10, and Carrboro Greens Subdivision. Other projects under discussion or preliminary review include Claremont II, Carolina Commons, Wheeler/Oaks subdivision, Won Buddhism Temple, and Twin Creeks Park. Projects in the second group would be subject to the moratorium as proposed; if enacted, development review of those projects would be suspended. Should the Board of Aldermen wish to proceed, it will be necessary for a draft ordinance to be prepared, a public hearing set and the ordinance referred to Orange County and the Planning Board.

FISCAL IMPACT

A public hearing is required for review of the ordinance establishing a moratorium, with associated notice costs.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider the attached resolution providing an opportunity to specify follow-up in response to the Planning Board request (*Attachment A*).