

BOARD OF ALDERMEN

ITEM NO. D(5)

AGENDA ITEM ABSTRACT

MEETING DATE: March 20, 2007

TITLE: Discussion of Possible Revisions to the Draft Ordinance That Will Establish a Six-Month Moratorium on Many Development Projects In the Northern Study Area

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___NO__X__
ATTACHMENTS A. Resolution B. Draft ordinance C. Map showing jurisdictional areas within NSA D. JPA provisions	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

On February 20, the Board of Aldermen set a public hearing to receive public comment on a draft ordinance establishing a six-month moratorium on rezonings and special and conditional use permit applications for residential development. Board members have expressed an interest in modifying the effective date of the ordinance. A resolution providing an opportunity to specify any follow-up has been prepared.

INFORMATION

Background information on this request may be found on the Town's website at http://www.townofcarrboro.org/BoA/Agendas/2007/02_06_2007_D2.pdf. The draft ordinance that has been scheduled for public hearing on March 27, 2007 is attached (*Attachment B*).

As currently drafted, the ordinance establishing the moratorium would become effective following the approval of the action by the Board of County Commissioners, following a public hearing and adoption of the ordinance by the Board of Aldermen. Modifying the ordinance so that it includes two effective dates, one in relation to the Board's action related to the City Limits and ETJ areas and one in relation to the BOCC action related to the Transition Area has been mentioned. Staff has advised that if such a change is contemplated, it be made prior to preparation and distribution of the final agenda materials for the public hearing.

A map delineating the jurisdictional portions of the NSA, i.e. Extraterritorial jurisdiction, Transition Areas, and town limits, has been prepared (*Attachment C*). There have been no active inquiries related to development proposals within the areas fully under the Town's control during the past six months.

A substantial portion of the NSA is located with the Transition Areas portion of the Joint Planning Area as identified in the Joint Planning Agreement (JPA). The JPA allows the enactment of a moratorium, initially for no more than six months in duration (*Attachment D*).

The statutes do not expressly limit the length of a moratorium, but do allow that the time frame must be reasonable. Per the JPA, the moratorium may be extended one time for no more than six months following the same procedures. With respect to Carrboro's Transition Areas, the moratorium can not be effective until adopted by the Town and approved by Orange County following a public hearing conducted by the Town of Carrboro. A joint public hearing is not required. Though April 10 was originally identified as a tentative date for formal review by the Board of County Commissioners following a March 27th public hearing, the BOCC has decided to receive public comment at the April 26th Joint Planning public hearing. The BOCC has indicated that it will make a decision regarding approval, subject of course to any action the Board of Aldermen has previously taken, on either April 26 or May 3rd.

It should be noted that it is technically feasible to parse the Northern Study Area into its component jurisdictions and to assign effective dates accordingly. However, when the location of pending projects and available land is considered, it would seem practical to establish a consistent effective date. The table below summarizes some of the factors associated with considering the benefits of establishing differing effective dates in association with a development moratorium for the NSA.

	Controlling Instrument	Time frame	Adoption/ Approval	Total Area /% NSA	Available Area (under- or undeveloped)
NSA – Carrboro (ETJ and Town Limits)	NC General Statutes	Reasonable	Board of Aldermen	1,412/37 percent	595
NSA – Orange County	Joint Planning Agreement	6 months; max 6 mo-extension	Board of Aldermen/BOCC	2,375/63 percent	613

Two issues should be carefully considered prior to establishing different effective dates for different areas. First, the bulk of the undeveloped land that is under any imminent threat of development is located in the Transition Areas portion of the NSA. Second, different legal instruments affect the time limits for establishment and extension of moratoria in the different parts of Carrboro's jurisdictions. The six-month time limit with one six-month extension has no relevance to the areas outside the Transition Areas. Keeping track of the establishment dates, expiration, and possible extensions of two moratoria, slightly out of step with one another is unnecessarily complex and offers a greater chance of confusion and error. Due to the limited applicability of moratoria in the ETJ and town limits, it would seem appropriate to keep the proposed effective date as it is currently drafted.

FISCAL IMPACT

None.

RECOMMENDATION

The town staff recommends that the Board of Aldermen specify any additional action in relation to the draft ordinance that is scheduled for public review on March 27th.