

ATTACHMENT A

**A RESOLUTION SPECIFYING FOLLOW-UP TO NSAPIRC REQUEST FOR CONTINUATION
OF A SIX-MONTH MORATORIUM ON RESIDENTIAL DEVELOPMENT IN CARRBORO'S
NORTHERN STUDY AREA
Resolution No. 19/2007-08**

WHEREAS, the full membership of the NSAPIRC was not in place until early June, and

WHEREAS, the Board of Aldermen adopted a resolution establishing a six month moratorium on March 27, 2007 on residential development in Carrboro's Northern Study Area, and

WHEREAS, the effective date of the ordinance was expected to be April 26, 2007, or soon thereafter, and

WHEREAS, the effective date of the ordinance was June 27, 2007 and the ending date, as adopted by the Orange County Board of County Commissioners October 26, 2007 making the effective length of the moratorium only four months, and

WHEREAS, the NSAPIRC has made progress, but has not yet completed its recommendations.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen identifies the following action in response to the request from the NSAPIRC for continuation of the development moratorium to allow time for this work to be completed.

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This is the 18th of September in the year 2007.

The following ordinance was introduced by Alderman Dan Coleman and duly seconded by Alderman Alex Zaffron.

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
Ordinance No. 21/2006-07

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 26, 2007 or soon thereafter, 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. March 6 - NSA Plan Implementation Committee established by Board of Aldermen meets periodically during moratorium to review plan and organize community forums.
- 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 24 – Draft ordinance submitted to Orange County

- g. August 28 – Board sets public hearing on proposed ordinance changes and refers ordinance to advisory boards.
- h. September 6 to 20 – Planning Board and other advisory boards review proposed ordinance changes.
- i. September 7 – First public hearing notice published.
- j. September 14 – Second public hearing notice published.
- k. September 25 – Board of Aldermen conducts public hearing and considers adoption of ordinances.
- l. October 26 (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.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 27th day of March 2007:

Ayes: Mark Chilton, Joal Hall Broun, Randee Haven-O'Donnell, Alex Zaffron

Noes: Jacquelyn Gist, John Herrera

Absent or Excused: None

GT

A RESOLUTION ESTABLISHING A SIX-MONTH MORATORIUM ON THE CONSIDERATION OF REZONING PROPOSALS AND THE ACCEPTANCE OF NEW APPLICATIONS FOR CONDITIONAL AND SPECIAL USE PERMITS FOR RESIDENTIAL DEVELOPMENT BY THE TOWN OF CARRBORO IN THE CARRBORO JOINT PLANNING TRANSITION AREAS

WHEREAS, Orange County and the Towns of Carrboro and Chapel Hill entered into a Joint Planning Agreement, dated September 22, 1987, as amended April 2, 1990, September 30, 1998, February 2, 1999, and August 20, 2002; and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Area Land Use Plan and Map were adopted by all parties to the Joint Planning Agreement, and have since been amended on several occasions; and

WHEREAS, Joint Planning Transition Areas were identified wherein the Towns administer their Land Use Ordinances as if the land were located within the planning jurisdiction of the Towns; and

WHEREAS, a "Northern Study Area Plan" which encompassed the Carrboro Joint Planning Transition Areas was prepared and adopted as an amendment to the Joint Planning Area Land Use Plan by Orange County on February 2, 1999; and

WHEREAS, advisory boards for the Town of Carrboro have expressed doubts that goals and objectives of the Northern Study Area Plan are being achieved; and

WHEREAS, a six-month moratorium on the consideration of rezoning proposals and the acceptance of new applications for conditional and special use permits for residential development is recommended while an examination of the Land Use Ordinance and zoning map is conducted to determine if changes are warranted to better implement the goals and objectives of the Northern Study Area Plan; and

WHEREAS, the Carrboro Board of Aldermen held a public hearing on March 27, 2007 and adopted a six-month moratorium for the Northern Study Area; and

WHEREAS, the moratorium is not effective anywhere in the NSA (town limits and ETJ or Transition Areas 1 and 2) until the moratorium is adopted by Orange County as well; and

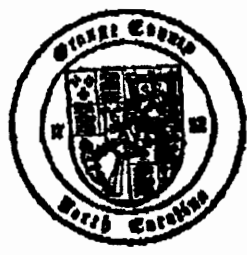
WHEREAS, Section 2.3.C of the Joint Planning Agreement defines the procedures whereby a moratorium may be established in the Joint Planning Transition Areas;

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners approves a moratorium until October 26, 2007 on the consideration of rezoning proposals and the acceptance of new applications for conditional and special use permits for residential development by the Town of Carrboro in the Northern Study Area consistent with the attached ordinance adopted by the Carrboro of Aldermen on March 27, 2007. The moratorium shall become effective upon adoption of this resolution.

Upon motion of Commissioner Quinn seconded by Commissioner Forsythe the foregoing resolution was adopted this the 24 day of June, 2007.

I, Donna S. Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on June 26, 2007 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in Minute Book No. _____ of the minutes of said Board.

WITNESS my hand and the seal of said County, this 27 day of June, 2007.



Donna S. Baker
Clerk to the Board of Commissioners

Northern Study Area Plan Implementation Review Committee (NSAPIRC)CHARGE

This Board of Aldermen hereby directs the NSAPIRC to participate in the review of the implementation of the NSA Plan, assist with design, development, and execution of other activities needed to complete this review as described in Resolution #138/2006-2007 adopted by the Board on February 27, 2007 (and incorporated into **Important Dates** Schedule that is presented below).

Date	New	Activities (from Resolution #138, with modifications noted, or as determined for new meetings added to the schedule)	Attendees
Thursday, March 15		NSAPIRC receives staff overview of NSA Plan and major development activity to date. Preliminary discussions of structure, agenda, and notification for community forums	M.Chilton,P.Vincent,A.Zaffron,J.Carnahan, T.Wiltberger,T.High,D.Murrell,R.Bell, A.Callimanis,C.Buckner,
Tuesday, March 27, 2007		Board of Aldermen adopts ordinance establishing six-month moratorium for Northern Study Area. Request for approval is submitted to Orange County Board of Commissioners for approval	
Wednesday, March 28		NSAPIRC continues earlier discussion and plans 1 st community forum.	M.Chilton,A.Zaffron,J.Carnahan,J.Bryan, J.Rabinowitz,T.Wiltberger,T.High,D.Murrell, A.Callimanis,S.Poulton,A.Jeroloman,C. Buckner,C.Parker
Thursday, April 12		NSAPIRC - preparation for 1 st community forum (CF#1)	J.Bryan,A.Callamannis,J.Ashley,J.Carnahan, C.Buckner,J.Rabinowitz,G.Bell
Thursday, April 19		NSAPIRC - final check in for CF #1	
*Saturday, April 21		Community Forum #1 at McDougale School cafeteria from 7:45am – 12 noon	J. Bryan, J. Carnahan, A. Callamannis, A. Jeroloman, J. Rabinowitz, M. Chilton, A. Zaffron, P. Vincent, J. Ashley, T. Wiltberger
*Thursday, May 10		NSAPIRC meets to review outcome of CF #1	
Thursday, May 17		NSAPIRC meets to review outcome of CF #1 and to plan the 2 nd community forum	S.Poulton,J.Ashley,J.Carnahan,T.High J.Rabinowitz,A.Jeroloman,A.Callamannis
May 23	Yes	Subcommittee meeting works on publication and materials for CF #2	C. Buckner, A. Jeroloman
May 29	Yes	Subcommittee meeting to work on publication and materials for CF #2	C. Buckner, A. Jeroloman

Date	New	Activities (from Resolution #138, with modifications noted, or as determined for new meetings added to the schedule	Attendees
June 6	Yes	Subcommittee meeting works on public and materials for CF # 2.	A. Callamanis, J. Carnahan, C. Buckner, T. High, P. Vincent, A. Jeroloman
Monday, June 11		NSAPIRC meets to prepare for Community Forum #2	Jefferson for A.Callamanis,J.Ashley,R.Price, J.Rabinowitz,J.Bryan,J.Carnahan,P.Vickers, A.Jeroloman
Saturday, June 16		Community forum #2 (CF#2) at McDougle Middle School cafeteria from 8:00 am - 12 :30 p.m.	R. Price, J. Rabinowitz, A. Jeroloman, M. Chilton, C. Buckner, J. Carnahan, J. Bryan, S. Poulton, B. Jacobs
Thursday, June 21		NSAPIRC reviews outcome(s) of CF #2 and begins formulating recommendations for Aldermen-based on staff analysis and community input; staff working with committee to prepare ordinance text and map revisions. Meeting cancelled.	
Wednesday, June 27	Yes	Orange County Board of County Commissioners approve six-month moratorium through October 26, 2007	
Thursday, June 28		NSAPIRC meets to begin review of CF#2	M. Chilton, J. Carnahan, C. Buckner, R. Price, T. High, A. Callamanis, F. Thomas, A. Jeroloman, S. Poulton, J. Rabinowitz, J. Bryan
Thursday, July 19		NSAPIRC meets to continue June 28 work	A. Zaffron, J. Carnahan, A. Jeroloman, S. Poulton, R. Price, P. Vincent, T. High, J. Rabinowitz, T. Wiltberger, C. Buckner, M. Chilton, J. Bryan, T. High, M. Campion, J. Ashley
Tuesday, July 26 31		NSAPIRC meets to continue July 19 work and formulate recommendations on ordinance text and map revisions discuss possible rezoning strategies and to formulate a values statement to guide its recommendations.	J. Rabinowitz, T. High, R. Price, S. Poulton, A. Jeroloman, F. Thomas, J. Carnahan, M. Campion, A. Callamanis, T. Wiltberger
August 1 to August 15		Drafts of ordinance amendments prepared by staff. Zoning Review Subcommittee formed on 7/31 to review existing zoning provisions and make recommendations to full committee regarding possible ordinance provisions.	
August 8		Zoning Review Subcommittee (see memo from P. McGuire dated 8/16/07 for summary of subcommittee meeting).	
Thursday,		NSAPIRC reviews final proposed ordinance changes.	

Date	New	Activities (from Resolution #138, with modifications noted, or as determined for new meetings added to the schedule)	Attendees
August 16		Committee met and considered schedule and continued discussion of values statement. Committee agreed to meet again on August 30, 2007 and, possibly, September 20, 2007. Subcommittee meeting on values statement scheduled for August 23, 2007.	
Thursday, August 23	Yes	Values Subcommittee met and formulated revised draft values statement	J. Carnahan, A. Jeroloman, R. Price, T. High, A. Callamannis, C. Buckner
Tuesday, August 28		Board of Aldermen sets public hearing on proposed ordinance changes and refers ordinance to advisory boards and Orange County for review prior to the Sept. 25th public hearing. No action by Board of Aldermen as NSAPIRC recommendations not yet formulated/forwarded.	
Thursday, August 30, 2007	Yes	New meeting scheduled for NSAPIRC to continue work formulating recommendations	
Thursday, September 20	Yes	New meeting scheduled for NSAPIRC to continue work formulating recommendations.	
Tuesday, September 25		Public Hearing where Board of Aldermen considers adopting ordinances. Recommendations not yet formulated. No public hearing set.	
Friday, October 26	N/A	End of moratorium, per Orange County approval.	



TOWN OF CARRBORO
Northern Study Area Plan Implementation
Review Committee

RECOMMENDATION

**Extension of Development Moratorium in
Carrboro's Northern Study Area**

August 30, 2007

James Carnahan motioned, seconded by Tom High, that the NSAPIRC request that the Board of Aldermen pursue extension of the development moratorium for the Northern Study Area.

Vote: Ayes (9) Bryan, Callimanis, Carnahan, Chilton, High, Jeroloman, Price, Poulton, Rabinowitz, Thomas; Noes (0); Absent Ashley, Campion, Jacobs, Vincent, Wiltberger, Zaffron; Abstention (1) Buckner

Jay Bryan, Chair

Date