



MEMORANDUM

To: Village Council
From: Natalie Hawkins and Darryn Burich
Date: January 21, 2021
Subject: Proposed Moratorium for the Village Place/Rattlesnake Trail Corridor and the NC Highway 5 Commercial Area

Council discussed a draft moratorium ordinance at its January 12 work session and the Council consensus was to move the moratorium ordinance forward for a public hearing on February 9, 2021. Staff is moving forward with the required notifications that will be published in the Pilot newspaper on January 27, 2021 and February 3, 2021. Council also requested staff to refine the proposed moratorium ordinance based on discussions at the January 12, 2021 work session. Included with this agenda item is the updated moratorium draft ordinance based on previous Council discussion.

The ordinance has been updated to clarify what types of building and improvement activities would be permitted during the moratorium period that are not statutorily exempted per NCGS 160D-107(c). Per NCGS 160D-107(c), absent an imminent threat to public health or safety, the proposed moratorium does not apply to the following projects:

- 1) Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding.
- 2) Any project for which a special use permit application has been accepted as complete.
- 3) Development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.
- 4) Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval
- 5) Preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium.

Based on Council discussion, staff proposes to add the following new exclusions (staff commentary in italics) that were not included in the previous draft version reviewed with the Council on January 12th:

- A) Existing single-family residential uses as regulated by current North Carolina Residential Building Codes
 - *Added “as regulated by current North Carolina Residential Building Codes.”*

- B) Projects currently undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
- *This was added to clarify that projects that are currently undergoing Technical Review Committee review may proceed to building permitting during the moratorium.*
- C) Alterations and repairs to existing buildings regulated by the North Carolina State Building Codes.
- *This was added to permit alterations and repairs to existing buildings to continue to occur during the moratorium but not to permit new buildings and footprint expansions prior to Small Area Plans and Form Based Codes being developed for the areas. This would allow for roof repairs, window or siding replacements, and interior remodeling.*
- D) Site improvements required to comply with the American with Disabilities Act.
- *This was added recognizing that some changes of use or occupancy may require ADA improvements such as sidewalks or ramps and do not generally involve significant site improvements that would change a building's footprint.*
- E) Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.
- *This was added to clarify what could be done within existing structures and occupancies and would permit changes of uses to occur that would not require rezoning or the construction of additional site improvements (other than to comply with ADA). Essentially this would permit an occupancy or use to move from one use to another as long as no zone change or site improvements are required.*
- F) Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.
- *This was added to clarify Village staff and attorney interpretations that a "prior valid development approval" may include approved subdivisions with existing infrastructure in place.*

Council also requested that staff develop a communications plan to explain the purpose, duration, and impacts of the moratorium. Staff is currently working on a draft and will share more information at the 1/26/21 work session.

Village staff recognize that a moratorium may not be welcomed by the development community. Given the rate of development in our community, a short-term pause in development may be worth the longer-term gain from having development that is consistent with the community's vision for these areas.

We look forward to discussing the attached draft moratorium ordinance with you at your meeting on January 26, 2021.