#### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

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## SENATE BILL 549

State and Local Government Committee Substitute Adopted 4/18/23

Short Title: Development Moratoria/Transportation Projects.

(Public)

Sponsors:

Referred to:

#### April 5, 2023

#### A BILL TO BE ENTITLED

# 2 AN ACT TO AMEND THE REQUIREMENTS FOR LOCAL GOVERNMENT RENEWALS

- AND EXTENSIONS ON DEVELOPMENT MORATORIA IMPOSED DUE TO
  PLANNED DEPARTMENT OF TRANSPORTATION PROJECTS.
- 5 The General Assembly of North Carolina enacts:
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**SECTION 1.** G.S. 160D-107 reads as rewritten:

### "§ 160D-107. Moratoria.

8 (a) Authority. – As provided in this section, local governments may adopt temporary 9 moratoria on any development approval required by law, except for the purpose of developing 10 and adopting new or amended plans or development regulations governing residential uses. The 11 duration of any moratorium shall be reasonable in light of the specific conditions that warrant 12 imposition of the moratorium and may not exceed the period of time necessary to correct, modify, 13 or resolve such conditions.

14 (b) Hearing Required. – Except in cases of imminent and substantial threat to public 15 health or safety, before adopting a development regulation imposing a development moratorium 16 with a duration of 60 days or any shorter period, the governing board shall hold a legislative 17 hearing and shall publish a notice of the hearing in a newspaper having general circulation in the 18 area not less than seven days before the date set for the hearing. A development moratorium with 19 a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 20 61 days or longer, is subject to the notice and hearing requirements of G.S. 160D-601.

21 Exempt Projects. - Absent an imminent threat to public health or safety, a (c) 22 development moratorium adopted pursuant to this section does not apply to any project for which 23 a valid building permit issued pursuant to G.S. 160D-1108-G.S. 160D-1110 is outstanding, to 24 any project for which a special use permit application has been accepted as complete, to 25 development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to 26 development for which substantial expenditures have already been made in good-faith reliance 27 on a prior valid development approval, or to preliminary or final subdivision plats that have been 28 accepted for review by the local government prior to the call for a hearing to adopt the 29 moratorium. Any preliminary subdivision plat accepted for review by the local government prior 30 to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete 31 32 application for a development approval has been submitted prior to the effective date of a 33 moratorium, G.S. 160D-108(b) applies when permit processing resumes.

34 (d) Required Statements. – Any development regulation establishing a development
 35 moratorium must include, at the time of adoption, each of the following:



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1	1 (1) A statement of the problems	or conditions necessitating the moratorium and	
2	2 what courses of action, altern	native to a moratorium, were considered by the	
3	local government and why the	se alternative courses of action were not deemed	
ŀ	adequate.		
	(2) A statement of the developme	ent approvals subject to the moratorium and how	
	a moratorium on those appr	ovals will address the problems or conditions	
,		noratorium.	
		moratorium and a statement setting forth why	
	that duration is reasonably n	ecessary to address the problems or conditions	
)	leading to imposition of the n	noratorium.	
		d the schedule for those actions, proposed to be	
	<i>J D</i>	ent during the duration of the moratorium to	
	1	itions leading to imposition of the moratorium.	
-	(e) Limit on Renewal or Extension. – No moratorium may be subsequently renewed or		
5	extended for any additional period unless the local government has taken all reasonable and		
)	feasible steps proposed to be taken in its ordinance establishing the moratorium to address the		
	problems or conditions leading to imposition of the moratorium and unless new facts and		
•	conditions warrant an extension. Any-Except as otherwise provided in this subsection, an		
	ordinance renewing or extending a development moratorium must include, at the time of		
	adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section,		
	including what new facts or conditions warrant the extension. For development moratoria		
)		renewals or extensions needed to address scheduled Department of Transportation projects, in	
5	lieu of the statement required in subdivision (d)(4) of this section, the ordinance shall provide		
Ļ	current information on the status of the projects and any available time line for completion.		
	(f) Expedited Judicial Review. – Any person aggrieved by the imposition of a		
)	moratorium on development approvals required by law may apply to the General Court of Justice		
	5 8	for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this	
	section shall be scheduled for expedited hearing, and subsequent proceedings in those actions		
	shall be accorded priority by the trial and appellate courts. In such actions, the local government		
	has the burden of showing compliance with the procedural requirements of this subsection."		
		<b>SECTION 2.</b> This act is effective when it becomes law and applies to moratoria renewal and extension ordinances adopted on or after that date	
2	renewal and extension ordinances adopted on of	renewal and extension ordinances adopted on or after that date.	