

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 549

Short Title: Development Moratoria/Transportation Projects. (Public)

Sponsors: Senator Sawyer (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 5, 2023

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REQUIREMENTS FOR LOCAL GOVERNMENT RENEWALS
AND EXTENSIONS ON DEVELOPMENT MORATORIA IMPOSED DUE TO
PLANNED DEPARTMENT OF TRANSPORTATION PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160D-107 reads as rewritten:

"§ 160D-107. Moratoria.

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

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

(c) Exempt Projects. – Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to 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. Any preliminary subdivision plat accepted for review by the local government prior 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 application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) applies when permit processing resumes.

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



- 1 (1) A statement of the problems or conditions necessitating the moratorium and
2 what courses of action, alternative to a moratorium, were considered by the
3 local government and why those alternative courses of action were not deemed
4 adequate.
- 5 (2) A statement of the development approvals subject to the moratorium and how
6 a moratorium on those approvals will address the problems or conditions
7 leading to imposition of the moratorium.
- 8 (3) A date for termination of the moratorium and a statement setting forth why
9 that duration is reasonably necessary to address the problems or conditions
10 leading to imposition of the moratorium.
- 11 (4) A statement of the actions, and the schedule for those actions, proposed to be
12 taken by the local government during the duration of the moratorium to
13 address the problems or conditions leading to imposition of the moratorium.
- 14 (e) Limit on Renewal or Extension. – No moratorium may be subsequently renewed or
15 extended for any additional period unless the local government has taken all reasonable and
16 feasible steps proposed to be taken in its ordinance establishing the moratorium to address the
17 problems or conditions leading to imposition of the moratorium and unless new facts and
18 conditions warrant an extension. Any Except as otherwise provided in this subsection, an
19 ordinance renewing or extending a development moratorium must include, at the time of
20 adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section,
21 including what new facts or conditions warrant the extension. For development moratoria
22 renewals or extensions needed to address scheduled Department of Transportation projects, in
23 lieu of the statement required in subdivision (d)(4) of this section, the ordinance shall provide
24 current information on the status of the projects and any available time line for completion.
- 25 (f) Expedited Judicial Review. – Any person aggrieved by the imposition of a
26 moratorium on development approvals required by law may apply to the General Court of Justice
27 for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this
28 section shall be scheduled for expedited hearing, and subsequent proceedings in those actions
29 shall be accorded priority by the trial and appellate courts. In such actions, the local government
30 has the burden of showing compliance with the procedural requirements of this subsection."
- 31 **SECTION 2.** This act is effective when it becomes law and applies to moratoria
32 renewal and extension ordinances adopted on or after that date.