

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15060-MQ-28

Short Title: Pinehurst-Limit Commercial Devel. Moratoria. (Local)

Sponsors: Senator McInnis (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE IMPOSITION OF MORATORIA ON COMMERCIAL
3 DEVELOPMENT WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL
4 JURISDICTION OF THE VILLAGE OF PINEHURST.

5 The General Assembly of North Carolina enacts:

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

7 "§ 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 (b1) Hearings for Commercial Development Moratoria. – In addition to the requirements
22 imposed under subsection (b) of this section, before adopting a development regulation imposing
23 a commercial development moratorium within the corporate limits or extraterritorial jurisdiction
24 of a municipality, the municipality shall hold two legislative hearings on different dates at the
25 usual place where legislative hearings are held and two legislative hearings on different dates at
26 a location within the area of the corporate limits or extraterritorial jurisdiction to be affected by
27 the moratorium. All four hearings must be held within 30 days of the final hearing.

28 (c) Exempt Projects. – Absent an imminent threat to public health or safety, a
29 development moratorium adopted pursuant to this section does not apply to any project for which
30 a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for
31 which a special use permit application has been accepted as complete, to development set forth
32 in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which
33 substantial expenditures have already been made in good-faith reliance on a prior valid
34 development approval, or to preliminary or final subdivision plats that have been accepted for
35 review by the local government prior to the call for a hearing to adopt the moratorium. Any
36 preliminary subdivision plat accepted for review by the local government prior to the call for a



1 hearing, if subsequently approved, shall be allowed to proceed to final plat approval without
2 being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a
3 development approval has been submitted prior to the effective date of a moratorium,
4 G.S. 160D-108(b) applies when permit processing resumes.

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

- 7 (1) A statement of the problems or conditions necessitating the moratorium and
8 what courses of action, alternative to a moratorium, were considered by the
9 local government and why those alternative courses of action were not deemed
10 adequate.
- 11 (2) A statement of the development approvals subject to the moratorium and how
12 a moratorium on those approvals will address the problems or conditions
13 leading to imposition of the moratorium.
- 14 (3) A date for termination of the moratorium and a statement setting forth why
15 that duration is reasonably necessary to address the problems or conditions
16 leading to imposition of the moratorium.
- 17 (4) A statement of the actions, and the schedule for those actions, proposed to be
18 taken by the local government during the duration of the moratorium to
19 address the problems or conditions leading to imposition of the moratorium.

20 (e) Limit on Renewal or Extension. – ~~No~~ Except as otherwise provided in this section,
21 no moratorium may be subsequently renewed or extended for any additional period unless the
22 local government has taken all reasonable and feasible steps proposed to be taken in its ordinance
23 establishing the moratorium to address the problems or conditions leading to imposition of the
24 moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing
25 or extending a development moratorium must include, at the time of adoption, the findings set
26 forth in subdivisions (1) through (4) of subsection (d) of this section, including what new facts
27 or conditions warrant the extension.

28 (e1) Commercial Development Moratoria. – The governing board may impose a single,
29 60-day moratorium on commercial development within the corporate limits or extraterritorial
30 jurisdiction of the municipality which may not be renewed or extended for any additional period,
31 except as otherwise provided in this subsection. No portion of the area within the corporate limits
32 or extraterritorial jurisdiction included in the initial moratorium may be included in any
33 subsequent moratoria imposed by the governing board unless at least five years have elapsed
34 since the initial moratorium. The limitation described in this subsection is in addition to all other
35 requirements imposed under this section and is not intended to limit the ability of the governing
36 board to address cases involving an imminent and substantial threat to public health or safety.

37 (f) Expedited Judicial Review. – Any person aggrieved by the imposition of a
38 moratorium on development approvals required by law may apply to the General Court of Justice
39 for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this
40 section shall be scheduled for expedited hearing, and subsequent proceedings in those actions
41 shall be accorded priority by the trial and appellate courts. In such actions, the local government
42 has the burden of showing compliance with the procedural requirements of this subsection."

43 **SECTION 2.(a)** This act applies to the Village of Pinehurst only.

44 **SECTION 2.(b)** Any moratoria on commercial development currently imposed by
45 the Village of Pinehurst within its corporate limits or extraterritorial jurisdiction is void as of the
46 effective date of this act and no portion of the corporate limits or extraterritorial jurisdiction
47 included in the current moratorium may be included in any subsequent moratorium for a period
48 of five years from the effective date of this act.

49 **SECTION 2.(c)** This act is effective when it becomes law and applies to moratoria
50 imposed on or after that date.