



SENATE BILL 549: Development Moratoria/Transportation Projects.

2023-2024 General Assembly

Committee:	House Local Government. If favorable, re- refer to Transportation. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 23, 2023
Introduced by:	Sen. Sawyer	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: *Senate Bill 549 would modify the information required to be in any local government ordinance to renew or extend a development moratoria adopted to address Department of Transportation (DOT) projects.*

CURRENT LAW: North Carolina local governments have authority under G.S. 160D-107 to adopt ordinances imposing temporary moratoria on development approvals except moratoria for the purpose of developing or amending residential development regulations. Moratoriums must be reasonable in duration and may not extend beyond the time needed to address the condition warranting its imposition. Except in cases of imminent threats to public safety, prior to adopting a development moratoria ordinance, local governments must conduct a legislative public hearing after first publishing a notice of hearing at least seven days prior to the hearing. Moratoriums 61 days or longer have additional public notice requirements. Absent an imminent threat to public health or safety, the following projects are exempt from moratoria when:

- A valid building permit has been issued.
- A special use permit application has been accepted as complete.
- A site-specific statutory right has vested.
- A common law development right has vested.
- A preliminary or final subdivision plats that have been accepted for review.

G.S. 160D-107(d) requires the development moratoria ordinance to include, at the time of adoption, each of the following statements:

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

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Once adopted, the development moratoria ordinance may not be renewed or extended unless (i) the local government has taken all reasonable steps to address the problems necessitating imposition of the moratorium and (ii) new facts and conditions warrant the extension. The ordinance renewing or extending the moratorium must include, at the time of adoption, the findings set forth in G.S. 160D-107(d)(1) through (d)(4) and must set forth the new facts or conditions warranting the extension.

BILL ANALYSIS: Senate Bill 549 would provide that where a local government renews or extends a development moratoria to address DOT projects, in lieu of the statement required by G.S. 160D-107(d)(4), describing the actions proposed by the local government to address the problems or conditions leading to the moratoria, the ordinance shall provide current information on the status of the DOT projects and include any available time line for completion.

EFFECTIVE DATE: This act is effective when it becomes law and applies to moratoria renewal and extension ordinances adopted on or after that date.