



NC Development Moratoria

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What is a Moratorium?

A temporary pause
on development
approvals

Applies to permits
and approvals

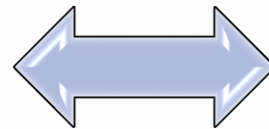
Can be used as a
planning tool

Time-limited

Does not stop all
development



The City may adopt a temporary development moratorium pursuant to N.C.G.S. § 160D-107(a).



A moratorium may apply to development approvals. "Development approval" is defined broadly in N.C.G.S. § 160D-102(10) and includes zoning permits, site plan approvals, special use permits, building permits, and other Chapter 160D approvals.

Define
scope and
purpose

Develop
required
findings

Draft
moratorium
ordinance

Evaluate
exemptions
pursuant to
N.C.G.S. §
160D-107(c)

Provide
notice and
hold public
hearing

Adopt
ordinance
and
implement

Take action
before
expiration

Required Ordinance Elements

N.C.G.S. § 160D-107(d) requires the moratorium ordinance to contain the following:

A clear statement of the problems or conditions and alternatives considered

A statement of the development approvals subject to the moratorium

A termination date and justification

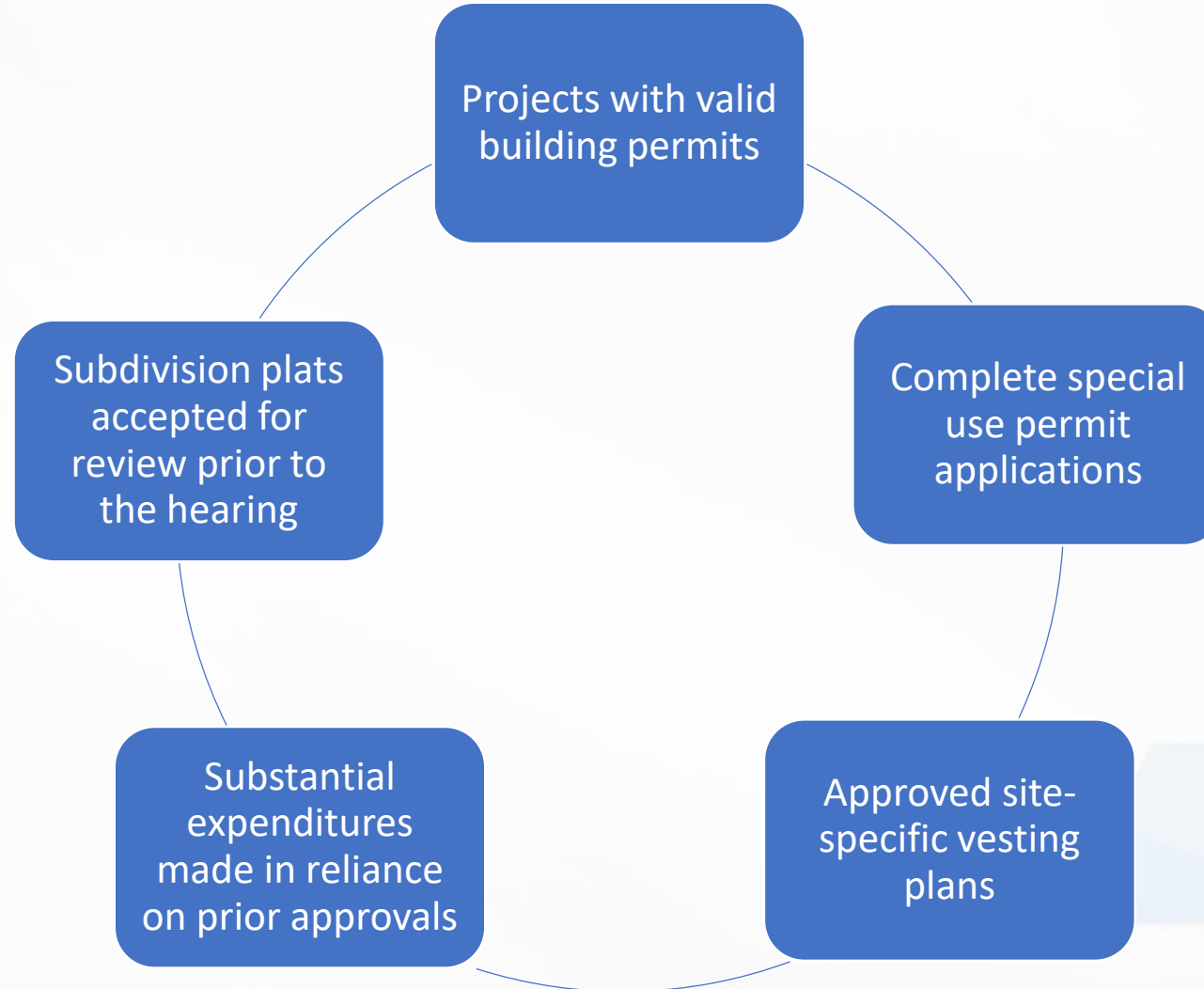
A statement of the actions to be taken during the moratorium and a schedule for those actions

Limit the moratorium by geography, by zoning district, or citywide

Adopt a moratorium following required notice and public hearing(s)

In the limited circumstance of an imminent threat to public health or safety, adopt the moratorium without notice or hearing

Statutory Exemptions (§ 160D-107(c))



Applies to complete applications submitted before a moratorium

Limits how a moratorium affects pending projects

Protection may be lost after prolonged inactivity (6+ months)

- Applicant may choose which regulations apply:
 - At time of application
 - Or at time of decision



Cannot function as a de facto down-zoning (§ 160D-601(d)).

State or federal law may limit local regulatory authority (preemption)

Application of a moratorium depends on project-specific facts and timing



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