

# AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE (TC2600002: Development Moratoria Text Amendment)

WHEREAS, the Durham Board of County Commissioners wishes to amend certain provisions in the *Unified Development Ordinance* by making various technical and minor policy revisions; and

WHEREAS, it is the objective of the Durham Board of County Commissioners to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community; and

NOW, THEREFORE, be it ordained that **Article 3, *Applications and Permits***, is amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

## PART 1

---

### Article 3: Applications and Permits

[Amendments to **Section 3.19, Text Amendment**; sections omitted remain unchanged]

#### Sec. 3.19 Text Amendment

[Paragraphs omitted remain unchanged]

##### 3.19.6 Development Moratoria

###### A. Statutory Procedures

Development moratoria, if necessary, shall be considered and processed in accordance with the special notice provisions, required statements, and other requirements of NCGS §160D-107.

###### ~~B. Resolution~~

~~A public hearing to impose either a moratorium of 60 or fewer days (hereafter a “short-term moratorium”) or a lengthier moratorium of 61 days to a year may be initiated by a governing body for that body’s jurisdiction upon passage of a resolution, including appropriate supportive findings, that calls for a public hearing. Passage of such a resolution shall be considered a “call for public hearing” under the above cited statutes and shall allow the jurisdiction to stop acceptance, review, and approval of applications for development approvals described in the above-cited statutes or such other similar development approvals created under this Ordinance or other development ordinances.~~

###### ~~C. Notice and Hearing~~

~~If the call is for a short-term moratorium, Planning Commission review shall not be required, and one published notice not less than seven days prior to the hearing shall be given, as allowed under the above cited statutes, in lieu of other notices required by statute or this Ordinance. If the call is for a lengthier moratorium, the procedure followed shall be as set forth in the provisions for expedited hearings for text amendments above. The need for a moratorium shall be considered “an urgent matter~~

## TC2600002: Development Moratoria, Proposed Ordinance Language

~~of public health or safety” as required for approval of an expedited hearing. Emergency moratoria shall not require compliance with any procedures set forth in this Ordinance, other than an unadvertised public hearing, and an ordinance making the findings required below.~~

**~~D. Duration~~**

~~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. Any ordinance establishing a lengthier moratorium shall include a provision that allows for termination of the moratorium by resolution of the governing body prior to the express expiration date if the conditions requiring the moratorium have been adequately addressed so that the moratorium is no longer necessary.~~

**~~E. Required Statements~~**

~~An ordinance establishing a moratorium shall contain all the required findings set forth in NCGS §160D-107, including but not limited to the conditions that necessitate the moratorium, alternatives, development approvals subject to the moratorium, termination date, and reasonableness of the moratorium period.~~

**~~F. Extensions~~**

~~A moratorium shall only be extended upon compliance with NCGS §160D-107 and the existence of new facts and conditions warranting an extension.~~

**~~G. Emergency Moratorium~~**

~~In the event that there is an imminent and substantial threat to public health or safety, an ordinance imposing an emergency moratorium can be considered by a governing body without prior resolution or public notice of the hearing on such moratorium.~~

**PART 2**

---

That the *Unified Development Ordinance* shall be renumbered as necessary, including references, to accommodate these changes and clarifications.

**PART 3**

---

That this text amendment to the *Unified Development Ordinance* shall become effective upon adoption.