



## **ORDINANCE 2007-03**

## **TOWN OF BELVILLE**

Introduced by: Tracie Davis, Town Administrator

Date: March 26, 2007

### **ORDINANCE ADOPTING A TEMPORARY MORATORIUM ON DEVELOPMENT WITHIN THE CENTRAL BUSINESS, BUSINESS HIGHWAY AND INDUSTRIAL ZONING DISTRICTS**

#### **LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, the State of North Carolina has the authority to exercise its police powers to protect the public health, safety and welfare and has delegated these general police powers to the state's municipalities and counties;

WHEREAS, the Town of Belville ("Belville"), in exercising these general police powers, had previously developed and implemented a zoning ordinance and subdivision regulations;

WHEREAS, the Town does not have a comprehensive master plan which would promote the requisite consistency of its zoning and subdivision-related decisions;

WHEREAS, being located in one of the fastest growing real estate locations in the country and having limited land available for development, the Town has experienced a recent spate of proposed development approval applications which have raised legitimate and significant concerns regarding projected traffic conditions, density percentages, preservation of natural and heritage resources, retention and creation of open space, and a pressing need to develop and maintain standards which will promote a uniform sense of community character within the Town's Central Business District ("CBD"), Business Highway ("BH") and Industrial ("I") zoning districts;

WHEREAS, the Town's existing zoning ordinance and subdivision regulations do not effectively address these public health, safety and welfare concerns;

WHEREAS, in light of the rush to develop the limited number of properties remaining within the CBD, BH and I zoning districts, and the inability of the existing zoning ordinance and subdivision regulations to effectively address the aforementioned concerns, the Belville Board of Commissioners ("Board") has found that there is an urgent need to develop and implement an amended code of ordinances and a comprehensive master plan to effectively exercise its general police powers with respect to development and redevelopment occurring within the CBD, BH and I zoning districts;

WHEREAS, the priority of developing and implementing an effective code of ordinances and a comprehensive master plan were provided for in the Strategic Plan that the Board adopted in May 2006;

WHEREAS, the Town does not employ a Planning Director;

WHEREAS, the Town entered into a Contract For Planning Services (“Contract”) with The Lawrence Group Architects on North Carolina, Inc. (“Lawrence Group”) for the production of, *inter alia*, a streetscape design, a parking, transportation and circulation plan, a physical development/redevelopment plan and related control ordinance provisions/amendments in final form for adoption (collectively referred to herein as “Master Plan”) for the purpose of effectively controlling development and redevelopment within the CBD, BH and I zoning districts;

WHEREAS, the Lawrence Group, in working towards the development of a recommended Master Plan, prepared a preliminary market analysis of the Town and the surrounding localities by conducting a 4 day planning and design charrette during February 2007 whereby it obtained comments from various interested parties including the Town’s planning and governing bodies, local residents and property owners, potential developers and other local, regional and state governmental bodies and agencies;

WHEREAS, the Contract provides that the Lawrence Group shall deliver a recommended Master Plan to the Town within sixty (60) days after the completion of the charrette;

WHEREAS, the charrette was completed on or about February 22, 2007;

WHEREAS, the Lawrence Group recommended, at the conclusion of the charrette, that the Town establish a temporary moratorium on development and redevelopment within the CBD, BH and I zoning districts pending the production, public debate and implementation of the Master Plan;

WHEREAS, G.S. 160A-381(e) provides for the adoption of temporary development moratorium ordinances by municipalities in the State of North Carolina;

WHEREAS, the Town, after review and comment by the Belville Planning Board, previously amended the zoning ordinance to expressly provide that the Board is authorized to adopt temporary development moratorium ordinances;

WHEREAS, the Town has considered, as possible alternatives to the establishment of a temporary development moratorium, amending the text of its zoning ordinance to provide that development and redevelopment within the CBD, BH and I zoning districts shall be subject to either a conditional use permit process or to the specifications and standards of applicable overlay districts;

WHEREAS, The Town determined that the time required for developing, publicly debating and implementing such text amendments could result in possible development and redevelopment occurring within the CBD, BH and I zoning districts which would be inconsistent with the resulting Master Plan;

WHEREAS, the Town also found that any such text amendments might inefficiently and ineffectively duplicate, to some degree, the Master Plan which the Lawrence Group is developing; and

WHEREAS, the Board hereby finds that a temporary development moratorium having a duration of sixty (60) days is a reasonably necessary and cost-effective procedure to preserve the status quo within the CBD, BH and I zoning districts while the Master Plan is developed, publicly debated and implemented.

**THEREFORE, BE IT ORDAINED THAT:**

SECTION 1: A temporary moratorium is hereby established within the CBD, BH and I zoning districts on any development and redevelopment occurring therein which would be subject to the Town's approval under the procedures and requirements set forth in the Town's zoning ordinance and subdivision regulations.

SECTION 2: The development moratorium established under this ordinance shall have a duration of sixty (60) days.

SECTION 3: During the duration of the temporary development moratorium established under this ordinance, the Town will receive a recommended Master Plan from the Lawrence Group and will commence the required procedures for reviewing, publicly debating and implementing the same.

SECTION 4: Absent an imminent threat to public health or safety, the development moratorium adopted pursuant to this ordinance shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval or to preliminary or final subdivision plat applications which were accepted for review by the Town prior to the call for the public hearing to adopt the moratorium ordinance.

SECTION 5: Nothing in this ordinance shall be construed as limiting, prejudicing or adversely affecting the Town's authority and ability to concurrently or consecutively use any of the procedures available to it by ordinance, regulation or statute which the Town deems applicable to enforce its zoning ordinance and subdivision regulations including, but not being limited to, the Town's abatement of any public nuisances and violations through any of the procedures set forth in the zoning ordinance or subdivision regulations or in any other local, state or federal statute or regulation.

SECTION 6: That all ordinances, parts of ordinances, plans and policies which conflict with the provisions hereof are hereby repealed to the extent of such conflict.

SECTION 7: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 8: That this ordinance, and the moratorium imposed thereby, shall be effective immediately upon its adoption and shall remain continuously in effect up to and including May 24, 2007, after which date the moratorium shall terminate unless it is subsequently renewed or extended.

Adopted at a regular meeting  
on March 26, 2007.

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DAVID LONG, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Deputy Town Clerk

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Town Attorney