

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2010

SUBJECT: Public Hearing on a Moratorium on Building permits within the Subdivision known as The Settings, pursuant to NC General Statute §160A-381

AGENDA INFORMATION

Agenda Location: Public Hearing
Item Number: 5-A
Department: Planning and Development Services
Contact: Elizabeth Teague, Planning & Development Services Director
Ron Sneed, Town Attorney
Presenter: Ron Sneed, Town Attorney

BRIEF SUMMARY: The Town has been asked to consider a moratorium on new residential construction within The Settings. The purpose of this request is to avoid issuing building permits on roads that may be unsafe or where other infrastructure remains incomplete. Responsibility for completion and maintenance of all infrastructure in this private subdivision lies with the developer and homeowners association.

MOTIONS FOR CONSIDERATION:

1. To open the public hearing on a 60-day moratorium beginning December 14 on the issuance of new building permits within The Settings Subdivision.
2. To close the public hearing.
3. To adopt/not adopt the attached Resolution to assert a moratorium.

FUNDING SOURCE: N/A (There may be a short-term loss in projected revenue from unissued building permits during the moratorium period).

ATTACHMENTS: Draft Ordinance; Letters from property owners in the Settings opposing the imposition of a building moratorium

MANAGER'S COMMENTS AND RECOMMENDATIONS: If adopted, this moratorium will prohibit issuance of any new building permits within The Settings for the next 60 days. It should be noted that the paving of Guastavino Lane has been successfully completed through private (property-owner) initiative. Any moratorium may limit similar initiatives of the private property owners to move forward with other improvements and completion of infrastructure, in the near-term.