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# Memo

**To:** Pittsboro Planning Board  
**Cc:** Stuart Bass  
**From:** Paul S. Messick, Jr.  
**Date:** May 1, 2015  
**Re:** Amendments to Zoning Ordinance and Subdivision Regulations

The Town Board of Commissioners, on its own motion, has initiated proposed amendments to the Town's zoning and subdivision regulations. Copies of the proposed amendments are attached. A public hearing was held on all three on Monday, April 27, 2015.

The first amendment proposes to amend various sections of the zoning ordinance to create the Planned Development District. It is the same text that was considered by the Planning Board and approved by the Board of Commissioners in April 2013. The reason for the reconsideration is to eliminate possible irregularities in the public notice and consistency statements that were alleged in the current litigation between the Town and Pittsboro Matters and the other individual Plaintiffs. The town has alleged various defenses to the allegations of the Complaint, but this reconsideration will eliminate those objections.

The second proposed amendment is to the Town's subdivision regulations that was also adopted by the Town in April, 2013, and is intended for the same purpose.

The third proposed amendment proposed is to the zoning ordinance to make the language in the ordinance conform to the current requirements of state law.

Proposed written recommendations as to each amendment are also attached.

WRITTEN CONSISTENCY STATEMENT AND RECOMMENDATION  
OF  
THE TOWN OF PITTSBORO PLANNING BOARD  
TO  
THE TOWN OF PITTSBORO BOARD OF COMMISSIONERS  
AS TO PROPOSED AMENDMENT TO THE TOWN OF PITTSBORO ZONING  
ORDINANCE  
TO AMEND SECTION 10.4.3 B.  
(TOWN OF PITTSBORO FILE NO. ZTA-2015-01)

Having reviewed proposed amendment to Section 10.4.3 B. of the Town of Pittsboro (the “Town”) Zoning Ordinance to conform it to the wording in Section 160A-383 of the North Carolina General Statutes, having considered information from the Town’s planning staff, and having considered comments from the public with respect to the proposed amendment, pursuant to Section 160A-383 of the North Carolina General Statutes and Article X, Section 10.3.1 and Section 10.4.3 A. of the Town’s Zoning Ordinance the Town of Pittsboro Planning Board (the “Planning Board”), at its regularly scheduled meeting on May 4, 2015 hereby adopts one of the following motions (as marked), effective May 4, 2015:

- (A) \_\_\_\_\_ Motion to adopt the following resolution recommending adoption of the proposed amendment: RESOLVED, that the Planning Board hereby advises and comments to the Town of Pittsboro Board of Commissioners that the proposed amendment to the Town’s Zoning Ordinance is consistent with the Town’s comprehensive plan, including the Land Use Plan, and other applicable plans and policies adopted by the Town of Pittsboro. The Planning Board recommends that the Board of Commissioners adopt the proposed amendment, the Planning Board having considered the following reasons and other matters in making this recommendation: (i) the proposed amendment to Section 10.4.3 B will remove an inconsistency between the North Carolina General Statutes and the Town’s Zoning Ordinance with respect to the time of adoption by the Board of Commissioners of a statement describing whether its action in adopting or rejecting an amendment to the Town’s Zoning Ordinance is consistent with the Town’s adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest; (ii) the proposed amendment will advance the public health, safety or welfare of the Town of Pittsboro; and (iii) such other matters, if any, discussed at the May 4, 2015 regular meeting of the Planning Board, as contained in the recording of such meeting, which is incorporated herein by reference.
  
- (B) \_\_\_\_\_ Motion to adopt the following resolution recommending rejection of the proposed amendment: RESOLVED, that the Town of Pittsboro Planning Board hereby advises and comments to the Board of Commissioners that the proposed amendment is not consistent with the Town’s comprehensive plan, including the Land Use Plan, and other applicable plans, policies, and documents adopted by the Town, and recommends that the Board of Commissioners reject the proposed amendment.

This foregoing motion was adopted by a vote of \_\_\_\_\_ (for) to \_\_\_\_\_ (against).

Town of Pittsboro Planning Board

By:

\_\_\_\_\_  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

WRITTEN CONSISTENCY STATEMENT AND RECOMMENDATION  
OF  
THE TOWN OF PITTSBORO PLANNING BOARD  
TO  
THE TOWN OF PITTSBORO BOARD OF COMMISSIONERS  
AS TO PROPOSED AMENDMENT TO THE TOWN OF PITTSBORO ZONING  
ORDINANCE  
TO ADD A PLANNED DEVELOPMENT DISTRICT  
(TOWN OF PITTSBORO FILE NO. ZTA-2015-01)

Having reviewed the proposed amendment to the text of the Town of Pittsboro (the "Town") Zoning Ordinance to add a Planned Development District zoning classification, having considered information from the Town's planning staff, and having considered comments from the public with respect to the proposed amendment, pursuant to Section 160A-383 of the North Carolina General Statutes and Article X, Section 10.3.1 and Section 10.4.3 A. of the Town's Zoning Ordinance the Town of Pittsboro Planning Board (the "Planning Board"), at its regularly scheduled meeting on May 4, 2015 hereby adopts one of the following motions (as marked), effective May 4, 2015:

- (A) \_\_\_\_\_ Motion to adopt the following resolution recommending adoption of the proposed amendment: RESOLVED, that the Planning Board hereby advises and comments to the Town of Pittsboro Board of Commissioners that the proposed amendment to the Town's Zoning Ordinance is consistent with the Town's comprehensive plan, including the Land Use Plan, and other applicable plans and policies adopted by the Town. The Planning Board recommends that the Board of Commissioners adopt the proposed amendment, the Planning Board having considered the following reasons and other matters in making this recommendation: (i) the proposed amendment to add a Planned Development District zoning classification provides a means for coordinated planning and development of projects containing 100 acres or more, while at the same time providing flexibility to adapt to changing economic conditions and accommodate growth in the Town's population and infrastructure; (ii) the proposed amendment will advance the public health, safety or welfare of the Town of Pittsboro; and (iii) such other matters, if any, discussed at the May 4, 2015 regular meeting of the Planning Board, as contained in the recording of such meeting, which is incorporated herein by reference.
- (B) \_\_\_\_\_ Motion to adopt the following resolution recommending rejection of the proposed amendment: RESOLVED, that the Planning Board hereby advises and comments to the Town of Pittsboro Board of Commissioners that the proposed amendment is not consistent with the Town's comprehensive plan, including the Land Use Plan, and other applicable plans, policies, and documents adopted by the Town, and recommends that the Board of Commissioners reject the proposed amendment.

This foregoing motion was adopted by a vote of \_\_\_\_\_ (for) to \_\_\_\_\_ (against).

Town of Pittsboro Planning Board

By:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

PROPOSED AMENDMENT TO THE TOWN OF PITTSBORO SUBDIVISION  
REGULATIONS

*Add the following to the existing Subdivision Regulations:*

**SECTION 9. DESIGN STANDARDS FOR A PLANNED DEVELOPMENT  
DISTRICT**

Design standards set out in these subdivision regulations may be waived for Planned Development Districts (PDD) provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating the adequacy of the alternative design. An approved Master Plan for a Planned Development District shall constitute sufficient proof to substantiate the adequacy of the alternative design, and the development standards in the Master Plan shall be the development standards for that Planned Development District.

RECOMMENDATION  
OF  
THE TOWN OF PITTSBORO PLANNING BOARD  
TO  
THE TOWN OF PITTSBORO BOARD OF COMMISSIONERS  
AS TO PROPOSED AMENDMENT TO SECTION 9  
OF  
THE TOWN OF PITTSBORO SUBDIVISION REGULATIONS  
(TOWN OF PITTSBORO FILE NO. ZTA-2015-02)

Having reviewed and discussed the proposed amendment to Section 9 of the Town of Pittsboro (the "Town") Subdivision Regulations to accommodate a Planned Development District zoning, the Town of Pittsboro Planning Board (the "Planning Board"), at its regularly scheduled meeting on May 4, 2015 hereby adopts one of the following motions (as marked), effective May 4, 2015:

- (A) \_\_\_\_\_ Motion to adopt the following resolution recommending adoption of the proposed amendment: RESOLVED, that the Planning Board recommends that the Board of Commissioners adopt the proposed amendment, for the purpose of providing for the public health, safety and general welfare of the Town of Pittsboro.
- (B) \_\_\_\_\_ Motion to adopt the following resolution recommending rejection of the proposed amendment: RESOLVED, that the Planning Board recommends that the Board of Commissioners reject the proposed amendment.

This foregoing motion was adopted by a vote of \_\_\_\_\_ (for) to \_\_\_\_\_ (against).

Town of Pittsboro Planning Board

By:

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PROPOSED AMENDMENT TO ARTICLE X, SECTION 104.3 B.  
OF THE TOWN OF PITTSBORO ZONING ORDINANCE.

*Rewrite Section 10.4.3 B. to read as follows:*

10.4.3 Town Board Action

B. However, the Board of Commissioners need not await the recommendations of the Planning Board before taking action on a proposed amendment nor is the Board of Commissioners bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment. When adopting or rejecting any zoning amendment, the Board of Commissioners shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest.