

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF PITTSBORO
Old Graham Road (Gaines Property)
REZ-2019-04**

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the application of Rexford Landing, LLC for Old Graham Road (REZ-2019-04) to amend the zoning map of the Town of Pittsboro to rezone the property described on Exhibit A attached hereto and incorporated herein by reference from R-A5 to R-A (CZ) pursuant to the provisions of NCGS 160A-385 and Article X of the Town of Pittsboro Zoning Ordinance; and

WHEREAS The Town Planning Board reviewed the application in detail and forwarded the request to the Town Board of Commissioners with a recommendation for denial; and

WHEREAS The Town Planning Board adopted a motion to advise that the proposed rezoning is not reasonable considering the size and location of the property subject to the proposed rezoning and the potential benefits to the development of the Town of Pittsboro and surrounding community; the adjoining lands are zoned Residential Agriculture (5 acres) and are used for residential uses; and the proposed rezoning does not advance the public health, safety or welfare of the Town of Pittsboro, and is not consistent with the Town of Pittsboro comprehensive plan, including the Land Use Plan, and other applicable plans, policies, and documents adopted by the Town of Pittsboro; and

WHEREAS a Public Hearing was held on January 27, 2020 to solicit comments and concerns which were duly considered and acknowledged; and

WHEREAS, the Town Board of Commissioners makes the following findings and conclusions:

1. The subject parcel is located along Old Graham Road, and is also known as Chatham County Tax Parcel ID #0006580;
2. That the Board has examined the application and associated public testimony to rezone the property described in Application REZ-2019-04 and incorporated herein by reference and finds that the amendment is reasonable considering the size and location of the property subject to the proposed rezoning and the potential benefits to the development of the Town of Pittsboro and surrounding community; the adjoining lands are zoned Residential Agriculture (5 acres) and are used for residential uses; and the proposed rezoning advances the public health, safety or welfare of the Town of Pittsboro as a response to managing the demand of residential growth, largely resulting from the influx of population in the eastern portion of Chatham County, but is not consistent with the Town of Pittsboro comprehensive plan, including the Land Use Plan, and other applicable plans, policies, and documents adopted by the Town of Pittsboro.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

1. That for the reasons hereinabove stated and subject to the Stipulations and Conditions attached hereto as Exhibit B, the property described on Exhibit A attached hereto and more particularly described in Application REZ-2019-04 by Rexford Landing, LLC for Old Graham Road as amended and modified herein, be rezoned from R-A5 to R-A (CZ).

2. That development of the property described on Exhibit A in accordance with the Stipulations and Conditions attached hereto and incorporated by reference be, and it hereby is, approved.

3. That the Schematic Plan (Exhibit Map) dated September 25, 2020, a copy of which is attached hereto as Exhibit C, is approved pursuant to Section 10.7.3 of the Town of Pittsboro Zoning Ordinance, but not as a site specific development plan granting vested rights to the applicant.

4. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

Adopted this day of Oct. 26 2020.

TOWN OF PITTSBORO

By: James Nass
James Nass, Mayor

ATTEST:

Cassandra M Bullock
Cassandra M Bullock, Town Clerk

Stipulations Specific to the Development.

1. Appeal. The Town shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the Town concerning this resolution, or any action to enforce the provisions hereof, the Applicant, its successors or assigns shall indemnify and hold the Town harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of, either known and unknown, resulting to or from this decision; provided, however, that the Town shall cooperate with the Applicant, its successors or assigns to coordinate efforts and minimize duplicative effort and unnecessary expense in the defense of or response to any and all such actions, causes of action, claims and demands.

2. Fees. Applicant shall pay to the Town all required fees and charges attributable to the development of its project in a timely manner in accordance with the Town's ordinances and regulations, including, but not limited to, utility, subdivision, zoning, recreation and system development fees established from time to time.

3. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

4. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

5. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the Town as to further development of the Applicant's property and this ordinance shall not give the Applicant any vested right to develop its property in any other manner than as set forth herein.

6. Ordinance Controls. Consistent with the objectives and purposes of conditional zoning ordinances as described in the Town's zoning ordinance, in the event of a conflict between the particular requirements of the Town's ordinances, rules, and regulations and these stipulations and conditions and schematic plan/exhibit map, the more restrictive requirements shall prevail.

7. Future Development. Future development of the property shall not be undertaken, nor a certificate of zoning compliance be issued, until such time as the applicant shall have complied with all applicable ordinances, regulations of the Town and any other governmental agency with jurisdiction. No vested rights are granted by this ordinance.