

**AN ORDINANCE ESTABLISHING A MORATORIUM  
ON THE APPROVAL OF MAJOR SUBDIVISIONS, PLANNED UNIT  
DEVELOPMENTS, AND NON-RESIDENTIAL DEVELOPMENT OF LAND IN THE  
TOWN OF PITTSBORO AND ITS EXTRATERRITORIAL JURISDICTION AREA**

ARTICLE I

AUTHORITY

This ordinance is adopted by the Town of Pittsboro Board of Commissioners pursuant to the authority conferred in Section 160A-4 and 160A-381 of the North Carolina General Statutes. The Board of Commissioners hereby ordains and enacts into law the following articles and sections.

ARTICLE II

PURPOSE

This ordinance is established to temporarily prohibit the approval of major subdivisions, planned unit developments, and non-residential development in the Town of Pittsboro and its extra-territorial area, as defined herein, for a period of two years while the Board of Commissioners completes efforts to expand the Town's wastewater capacity. The Board of Commissioners is committed to preserving the health and welfare of the citizens of the Town, and to preserving the scenic and aesthetic character of the Town and its environs in order to protect and promote the community and to protect the quality of life for local residents. The Commissioners declare that it is important to prohibit the approval and construction of major residential subdivisions, planned unit developments, and non-residential development within the Town's jurisdiction during the period while the Commissioners are taking the necessary steps to provide for additional capacity for the collection and treatment of wastewater and completing an update to the Comprehensive Plan.

This action is necessary because the current tributary flow and the permitted, but not yet tributary flow, and obligated capacity is at least ninety percent of the existing wastewater treatment plant's treatment capacity. Due to the impaired status of Robeson Creek the Town has eliminated the possibility of seeking an increase of the discharge into that creek. The Town has worked with the North Carolina Division of Water Quality on possible alternative discharge locations and submitted an Environmental Impact Statement (EIS) that is currently under review. Final approval of the EIS is expected before the end of 2009 after a period of public comment and a public hearing. The Town has considered connection to a nearby treatment facility but the annual costs were nearly double the cost of the expansion of the wastewater treatment plant and discharge into sites considered reasonable by the Division of Water Quality. Without the existence of this ordinance, an unlimited number of subdivisions, PUD's, and non-residential developments could be approved and constructed without taking into account the ability of the Town to provide wastewater treatment for the new residential and non-residential developments. The subdivisions, PUD's and non-residential developments constructed during the time the Commissioners are taking the necessary steps to provide for additional capacity for the collection and treatment of wastewater could pose a detrimental effect on the ability of the Town and the safety of the public, thus threatening the long term economic health of the town's population. The Commissioners are aware of and sensitive to the need to direct and regulate the building of major residential subdivisions, PUD's, and non-residential developments and to provide necessary utilities for those citizens who will occupy those said residential developments.

ARTICLE III  
JURISDICTION

The provisions of this ordinance shall apply to the incorporated area of the Town of Pittsboro and the extraterritorial zoning jurisdiction of the town. No major residential subdivision, planned unit development, multi-family residential development, or non-residential development shall be considered, approved or constructed within said the corporate limits and the extraterritorial zoning jurisdiction of the Town of Pittsboro except in accordance with this ordinance.

ARTICLE IV  
REGULATION OF RESIDENTIAL SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS  
and MULTIFAMILIY RESIDENTIAL DEVELOPMENTS

For the purposes of this ordinance, any major subdivision of land, planned unit development, or multi-family residential development proposed for the establishment of new residential units within the Town of Pittsboro and any major residential subdivision, planned unit development, or multi-family residential development requiring public water and wastewater utility services within the extraterritorial zoning jurisdiction of the Town shall be considered to be subject hereto.

ARTICLE V  
REGULATION OF NON-RESIDENTIAL DEVELOPMENT

For the purposes of this ordinance, any development proposed for the establishment of new non-residential use requiring more than 1,800 gallons per day of public water and wastewater utility services within the Town of Pittsboro or the extraterritorial zoning jurisdiction of the Town shall be considered to be subject hereto.

## ARTICLE VI

### ACTIONS

The term of this moratorium is based on actions of the Town to affirmatively address the conditions leading to its imposition. The Town has entered into contracts to obtain engineering consulting service for preparation and submission of the EIS and the National Pollutant Discharge Elimination System (NPDES) permit for a new 3.2 million gallon per day (mgd) wastewater treatment plant. The EIS approval process is expected to reach completion by December 2009 and the NPDES permitting process is expected to reach completion by December 2010. Concurrently with the NPDES permitting process, the Town will pursue a public-private partnership including the Town of Pittsboro, Chatham County, and private developers interested in participating in the funding of the design and construction of the new 3.2 mgd wastewater treatment plant. The Town's goal is to select a design firm and begin design work by July 2010 with a view toward completion of the design by July 2011. Preliminary plans and specifications will be sent to the North Carolina Division of Water Quality for review as soon as they are ready, probably in late 2010. The authorization to construct the new 3.2 mgd plant is anticipated to be issued in mid-year 2011, and construction should begin before the end of 2011. The plant should be completed by mid year of 2012. In the interim, the Town will also complete improvements to the existing wastewater treatment facility in order to improve its hydraulic capacity. These improvements will be funded by an American Reconstruction and Recovery Act Grant and a no interest loan. The contract for this improvement project will be awarded in October of 2009 and the project is expected to be completed by December 2010.

## ARTICLE VII

### ADMINISTRATION, ENFORCEMENT, APPEALS, PENALTIES

#### Administration

The Town Zoning Enforcement Officer is hereby empowered and directed to enforce the provisions of this ordinance. The Zoning Enforcement Officer shall have the following authority:

A. To issue a Violation Notice for any violation of the ordinance. A Violation Notice shall be delivered by certified mail, return receipt requested, or by such other method as allowed by law, to the developer of any residential or non-residential development in violation of the ordinance, or to the recorded owner of the real property whereon the residential or non-residential development is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the development in question and shall describe the nature of the violation, refer to the section of the ordinance violated, specify in detail what action must be taken to correct the violation, and specify a reasonable time limit of up to thirty (30) days within which the violation must be corrected.

B. To issue a Cease and Desist Order to the owner and developer of any development or any part thereof being constructed in violation of this ordinance.

C. To issue citations for any violation of this ordinance; said citations to be issued to the developer of the subdivision, PUD, or non-residential development or to the owner of record of the real property whereon the project is being constructed.

#### Appeals

Violation Notices and Cease and Desist Orders issued by the Zoning Enforcement Officer may be appealed to the Board of Commissioners of the Town of Pittsboro within twenty (20) days of receipt thereof. Pending appeal, all work on said development shall be suspended. If the Board

of Commissioners finds that the action of the Zoning Enforcement Officer has been taken for good cause and in accordance with the terms of this ordinance, it shall so find and enter an appropriate order in accordance with its findings. If the Board of Commissioners sustains the appeal of the petitioner, no further action will be taken by the Zoning Enforcement Officer.

#### Violations and Penalties

After due notice and order as provided above, if a project is being constructed in violation of the terms of this ordinance, the Zoning Enforcement Officer shall issue a citation imposing a penalty of one hundred dollars (\$100.00) on the owner of the land whereon the project in question is being constructed, and on the developer of the project. In case of continuing violation, each twenty-four (24) hour period in which the violation exists shall constitute a separate violation.

### ARTICLE VIII

#### EXISTING SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND THOSE NON-RESIDENTIAL DEVELOPMENTS FOR WHICH APPROVAL HAS BEEN REQUESTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE

After the effective date of this ordinance, it shall be unlawful for any person to construct any major residential subdivision, PUD, or new non-residential development on any parcel of real property within the jurisdiction of this ordinance during the time period specified in this ordinance. No application for major subdivision, PUD or non-residential development site plan approval subject hereto submitted after the call of the public hearing hereon shall be accepted, considered, or acted upon by the Town of Pittsboro within the time period specified in this ordinance.

Any development or subdivision applied for or which has received master plan, preliminary plat or site plan approval prior to the call of the public hearing hereon and which approval has not expired prior to the effective date of this ordinance shall be allowed to continue in accordance with the approved plan prior to its expiration, but not thereafter.

ARTICLE IX

LEGAL STATUS PROVISIONS

Conflict With Other Laws

Wherever the regulations of this ordinance impose more restrictive standards than are required in or under any other statutes, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Separability

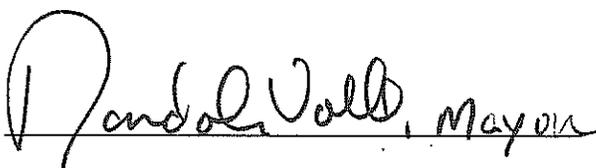
Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Effective Date

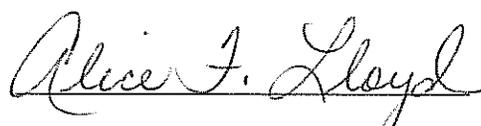
This ordinance shall take effect and be in force on and after the date of its adoption by the Board of Commissioners of the Town of Pittsboro.

Adopted this 12th day of October, 2009.

TOWN OF PITTSBORO

BY:   
Randolph Voller, Mayor

ATTEST:

  
Alice F. Lloyd, CMC, Town Clerk