

Mayor
Jeff Holt

Mayor Pro-Tem
Greg Baker

Board of Commissioners
Jimmy Garner
Phil Pittman
Bill Radford



Town Clerk
Connie N. Capps

Police Chief
Ashley Woodard

Public Works Supt.
Ray Stuckey

Rec. Coordinator
Scottie Hayes

ORD-04-2021-004

**AN ORDINANCE ESTABLISHING A MORATORIUM
ON THE APPROVAL OF PLANNED UNIT DEVELOPMENTS IN THE
TOWN OF PINE LEVEL AND ITS EXTRATERRITORIAL JURISDICTION AREA**

**ARTICLE I
AUTHORITY**

This ordinance is adopted by the Town of Pine Level Board of Commissioners pursuant to the authority conferred in Section 160D-107 and 160D-110 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 planned unit developments in the Town of Pine Level and its extra-territorial area, as defined herein, for a period of two years while the Board of Commissioners completes efforts to further research planned unit developments and update the Town's zoning ordinances. 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 planned unit developments within the Town's jurisdiction during the period while the Commissioners are taking the necessary steps to review, correct, and study the zoning ordinances in order to prevent irreparable damage to the Town's infrastructure and resources.

This action is necessary because the Town of Pine Level is experiencing rapid growth in both its city limits and extraterritorial jurisdiction. This Moratorium will allow the Town's Planning Board to adequately research planned unit developments. Additionally, the Moratorium will provide the Town with sufficient time and resources to update its current zoning ordinances in compliance with NCGS § 160D.

ARTICLE III JURISDICTION

The provisions of this ordinance shall apply to the incorporated area of the Town of Pine Level and the extraterritorial zoning jurisdiction of the Town. No planned unit development shall be considered, approved or constructed within said the corporate limits and the extraterritorial zoning jurisdiction of the Town of Pine Level except in accordance with this ordinance.

ARTICLE IV
REGULATION OF PLANNED UNIT DEVELOPMENTS

For the purposes of this ordinance, any planned unit development proposed within the Town of Pine Level or within the extraterritorial zoning jurisdiction of the Town shall be considered to be subject hereto.

ARTICLE V
ACTIONS

The term of this moratorium is based on actions of the Town to affirmatively address the conditions leading to its imposition. The Town is researching expansion of its wastewater treatment plant and discharge into sites considered reasonable by the North Carolina Division of Water Quality. Without the existence of this ordinance, an unlimited number of planned unit developments could be approved and constructed without taking into account the ability of the Town to provide wastewater treatment for the new residential developments.

The Commissioners are aware of and sensitive to the need to direct and regulate the building of planned unit developments and to provide necessary utilities for those citizens who will occupy the planned unit developments.

ARTICLE VI
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 planned unit development in violation of the ordinance, or to the record owner of the real property whereon the planned unit development is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the planned unit development 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 planned unit 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 planned unit 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 Pine Level within twenty (20)

days of receipt thereof. Pending appeal, all work on said planned unit 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 planned unit development in question is being constructed, and on the developer of the planned unit development. In case of continuing violation, each twenty-four (24) hour period in which the violation exists shall constitute a separate violation.

ARTICLE VII EXISTING PLANNED UNIT 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 planned unit development on any parcel of real property within the jurisdiction of this ordinance during the time period specified in this ordinance. No application for a planned unit 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 Pine Level within the time period specified in this ordinance.

Any planned unit development 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 VIII 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.

Severability

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

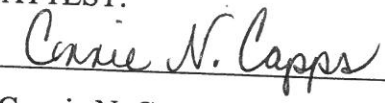
This ordinance shall take effect and be in force on and after the date of its adoption by the Board of Commissioners of the Town of Pine Level.

Adopted this 19th day of April, 2021.

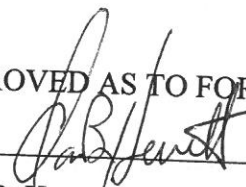
TOWN OF PINE LEVEL


Jeff Holt, Mayor

ATTEST:


Connie N. Capps, Town Clerk

APPROVED AS TO FORM


Alan B. Hewett, Town Attorney

