

**AN ORDINANCE ESTABLISHING A MORATORIUM
ON THE APPROVAL OF MAJOR SUBDIVISIONS 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 Major Subdivisions 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 expand the Town's sewer capacity and improve infrastructure. 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 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 Subdivisions within the Town's jurisdiction during the period while the Commissioners are taking the necessary steps to review, correct, and expand sewer capacity 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. Without the existence of this ordinance, an unlimited number of Major Subdivisions could be approved and constructed without taking into

account the ability of the Town to provide wastewater treatment along with other utilities and services for the new residential developments.

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 Major Subdivision 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 MAJOR SUBDIVISIONS

For the purposes of this ordinance, any Major Subdivision 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 Major Subdivisions 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 Major Subdivisions and to provide necessary utilities for those citizens who will occupy the Major Subdivisions.

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 Major Subdivision in violation of the ordinance, or to the record owner of the real property whereon the Major Subdivision is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the Major Subdivision 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 Major Subdivision 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 Major Subdivision 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 Major Subdivision 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 Major Subdivision in question is being constructed, and on the developer of the Major Subdivision. In case of continuing violation, each twenty-four (24) hour period in which the violation exists shall constitute a separate violation.

ARTICLE VII EXISTING MAJOR SUBDIVISIONS 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 Subdivision on any parcel of real property within the jurisdiction of this ordinance during the time period specified in this ordinance. No application for a Major Subdivision 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 Major 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 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

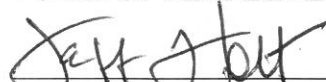
Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

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 11th day of October, 2021.

TOWN OF PINE LEVEL


Jeff Holt, Mayor

ATTEST:


Connie N. Capps, Town Clerk





**ORDINANCE EXTENDING MORATORIUM
PURSUANT TO N.C. GEN. STAT. § 160D-107
ORD# 09-23-24-003**

WHEREAS, prior to this Ordinance, the Pine Level Board of Commissioners determined it was in the best interest of the Town to adopt a moratorium ordinance limiting major subdivision development for a two-year period; and

WHEREAS, despite adopting the moratorium, the Town is still working to increase capacity limits on water and sewer infrastructure; and

WHEREAS, the moratorium on major subdivision within the municipal limits of Pine Level expires on October 11, 2023; and

WHEREAS, until the Town's water and sewer infrastructure is improved, the Pine Level Planning Board has made a recommendation to the Board of Commissioners to extend the current moratorium for 12 months; and

WHEREAS, to help secure increased sewer capacity, the Town has entered into an Agreement with Johnston County, but the plan of action has not been fully implemented and has a completion date near the fall of 2024; and

WHEREAS, pursuant to NCGS 160D-107, local governments may adopt temporary moratoria on any development approval required by laws, the duration of which shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions; and

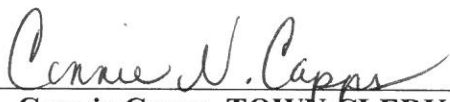
WHEREAS, absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section does not apply to any project for which a valid building permit issued pursuant to NCGS 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to NCGS 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, NCGS 160D-108(b) applies when permit processing resumes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Pine Level, North Carolina that a moratorium is hereby imposed upon the acceptance or consideration of any new Major Subdivision until **October 11, 2024**, to give reasonable time to complete efforts to expand the Town's water and sewer capacity. During the duration of the moratorium, the Board of Commissioners will monitor the progress being made by the Planning Board and will provide the necessary assistance to the Planning Board so the ordinance revision may be completed in a timely manner. The Board of Commissioners acknowledges the need to take such temporary measures and to impose a moratorium to promote the health, safety and general welfare of the Pine Level community, and the Board reserves the right to lift the moratorium at an earlier date if conditions warrant.

Duly adopted while in regular session by the Board of Commissioners of the Town of Pine Level, this the 11th day of September, 2023.



Jeff Holt, MAYOR

ATTEST: 

Connie Capps, TOWN CLERK

(SEAL)

