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Developers appeal ruling upholding APFO

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Developers have formally appealed a judge's ruling upholding Union County's adequate public facilities ordinance, or APFO.

The Union Landowners Association, which lost a court challenge to the legality of the county ordinance last month, mailed its appeal to the N.C. Court of Appeals Thursday.

The ordinance forces builders to wait until school capacity is available or pay a mitigation fee to construct a residential development in growth-choked Union County.

The builders' Raleigh attorney, Dan Higgins, promised the appeal three weeks ago, arguing the county does not have the legal authority to impose the APFO.

Superior Court Judge Chris Collier ruled last month that the APFO is "within the county's delegated authority and is constitutional."

The Landowners Association had 30 days to appeal after Collier filed his written notice of decision in late September.

"It will relate to the central question," Higgins said of the appeal. "Which is, 'Does the county have the legal authority to impose the APFO ordinance?'" No court date has been scheduled yet.

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