

ORDINANCE #94-28:

**AN ORDINANCE OF THE VILLAGE OF PINEHURST
ADOPTING A MORATORIUM ON CERTAIN REAL ESTATE DEVELOPMENT ACTIVITY
WITHIN THE VILLAGE AND ITS EXTRA-TERRITORIAL ZONING JURISDICTION**

THAT WHEREAS, the Village of Pinehurst, North Carolina is a unique municipality which is experiencing significant real estate development and population growth; and

WHEREAS, the Village Council deems it necessary and in the best interests of the Village and its citizens to revise comprehensively the Village's current land-use plan and the ordinances related thereto; and

WHEREAS, such action will result in the formulation of a new land-use plan and the coordination, revision, and restatement of the ordinances and other documents regulating growth and development in the Village and its extra-territorial jurisdiction; and

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this ordinance is to serve as the initial phase of the enactment by the Village of a comprehensive land use plan now being developed, by maintaining the status quo of existing land use and to preserve the integrity of predominately residential communities and areas from the encroachment of commercial, industrial, and mobile home park development for the benefit of future generations in accordance with the comprehensive plan. It is the further purpose of this ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This ordinance shall be applicable to all property within the boundaries of the Village of Pinehurst, North Carolina, and within its extra-territorial jurisdiction as shown on the official zoning map of the Village of Pinehurst.

Section 2. Duration. This ordinance shall be effective October 24, 1994 and shall be enforceable from that date and

AN ORDINANCE OF THE VILLAGE OF PINELANDS
ADOPTING A MORTGAIN ON CERTAIN REAL ESTATE DEVELOPMENT ACTIVITY
WITHIN THE VILLAGE AND ITS EXTRA-TERRITORIAL ZONING JURISDICTION

THAT WHEREAS, the Village of Pinelands, North Carolina
and the surrounding area have a unique geographical situation that creates
development and opportunity along the coast; and

WHEREAS, the Village Council deems it necessary to issue
permits to encourage the Village and its citizens to receive
comprehensively the Village's intent along the coast and the
opportunities resulting therefrom; and

WHEREAS, such action will result in the formulation of a new
land-use plan and the coordination, revision, rescheduling of
the original plans and other documents relating to development and
development in the Village and its extra-territorial
jurisdiction; and

WHEREAS, this ordinance shall be known as the
Village of Pinelands Extra-Territorial Ordinance; and

WHEREAS, the purpose of this ordinance is to serve as the
initial basis of the Village's comprehensive planning and development
plan now being developed, by maintaining the status quo
of existing land uses and to prevent the undesirable
development of residential, industrial, and commercial areas from
encroaching on acreage in accordance with the
development for the benefit of future generations
with the comprehensive plan. It is the purpose
of this ordinance to promote the health, safety, and welfare
of the citizens of the Village of Pinelands, to lessen
confliction in the streets, to secure safety from fire, build, and
other dangers, to provide adequate facilities for transportation,
to avoid undue concentration of population, after,
to facilitate the safe and effective delivery of
sewage, schools, parks, and other public facilities
functioning consideration so that their orderly
expansion. and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the
Village Council of the Village of Pinelands, North Carolina as
follows:

Section 1. Area. This ordinance shall be applicable to the
territory within the boundaries of the Village of Pinelands. Notably
Gardens, and within the extra-territorial jurisdiction as shown
on the official map of the Village of Pinelands.

Section 2. Definitions. This ordinance shall be effective
October 34, 1964 and shall be supersede from date and

shall continue in full force and effect for an initial period of six months from the effective date with two (2) separate and consecutive periods of extension of ninety (90) days each, which shall be effective upon Council approval, or until earlier terminated by action of the Village Council.

Section 3. Moratorium. Except only as provided in Section 6 hereafter, from and after the effective date of this ordinance and continuing throughout its duration, no major or minor subdivision, detail development plan (and map), parallel conditional use district classification, or rezoning shall be approved by the Village of Pinehurst except in those cases where there exists a vested right pursuant to Ordinance No. 91-22 of the Pinehurst Village Code.

Section 4. Definitions. As used in this ordinance the terms:

Commercial and Industrial - shall refer to any building or structure which is not exclusively used for owner occupied residential purposes, or as an annexation to a residence such as a garage or storage facility for household use. The term "commercial" and "industrial" shall also not apply to bona fide farms, but any use of farm property for a non-farm purpose is subject to regulation by this ordinance.

Mobile Home Park - shall refer to any place, tract of land, or adjoining tracts of land maintained, offered or used for the location of two (2) or more mobile homes or trailer houses, used or intended to be used for living or sleeping quarters.

Section 5. Procedure. From and after the effective date of this ordinance and continuing throughout its duration, (i) no building permit may be issued for the construction of a commercial, industrial building or structure, or mobile home park and (ii) no conditional use permit of any nature shall be issued without the application for the building permit or conditional use permit first being submitted to the Village of Pinehurst for investigation and consideration. The Village Council shall conduct such inquiry as it deems necessary to determine whether or not in the opinion of the Village Council the respective permit should be issued. Such inquiry shall include the opportunity of the applicant and any other interested parties to be heard at a meeting of the Village Council after first having posted notice of the date, time and place of said meeting on the property no less than five (5) days before the meeting. The Village Council may, but is not compelled to, hold a special meeting of the Village Council for this purpose with due notice in accordance with law. In making its decision the Village Council shall consider the following criteria plus any other relevant information as it applies to the property for which a building or conditional use permit has been requested.

spatial configuration in which force and effect for as long as effective and six months from the effective date will be (2) separate and consequences berths of extension of twenty (20) days each, which spatially be effective upon Council approval. or until such time terminates by action of the Altilia Council.

Section 3. Mortgagor. Except only as provided in Section 6 hereafter, from and after the effective date of this ordinance and continuing throughout its duration, no master or minor subdivision, estate development plan (and map), building conditions use restrictive classification, or zoning land spatially approved by the Altilia Department except in those cases where there exists a valid right pursuant to Ordinance No. 91-25 of the Pinehurst Altilia Code.

Section 4. Definitions. As used in this ordinance the terms:

"commercial" and "industrial" - shall refer to any building or structure which is not exclusively used for owner occupancy residence or business, or as an annexation to a residence such as a garage or storage facility for household use. The term "commercial" and "industrial" shall also not apply to non-farm purposes, but such use of farm property for a non-farm purpose is subject to regulation by this ordinance.

"mobile Home Park" - shall refer to any place, tract of land, or subdivision tract of land maintained, offered or used for more mobile homes or trailer houses, used for intended to be used for living or sleeping purposes.

Section 5. Procedure. From and after the effective date of this ordinance and continuing throughout its duration, (i) no building may be issued for the construction of a commercial industrial plant or structure, or mobile home park and (ii) no subdivision may be issued for the purpose of any nature shall be issued without the condition use permit or zoning permit for future period contemplated to be Altilia Department for consideration and consideration. The Altilia Council spatially approves such industry as it deems necessary to determine whether or not in the opinion of the Altilia Council the building should be issued. Such industry shall undergo the permitting procedure of the Altilia Council after first having been offered at a meeting of the Altilia Council before the board of less than five (5) days before the meeting. The notice of the Altilia Council may, but is not compelled to, post a notice meeting of the Altilia Council for this purpose with the Altilia Council spatially as it applies to this purpose within time and place of said meeting on the date of the Altilia Council meeting. In making its decision the Altilia Council follows criteria based on the following factors: (1) the location of the proposed project; (2) the compatibility of the proposed project with the Altilia Council's general plan; (3) the impact of the proposed project on the environment; (4) the compatibility of the proposed project with the Altilia Council's zoning laws; (5) the compatibility of the proposed project with the Altilia Council's land use policies; (6) the compatibility of the proposed project with the Altilia Council's economic development goals; (7) the compatibility of the proposed project with the Altilia Council's social and cultural values; (8) the compatibility of the proposed project with the Altilia Council's environmental standards; (9) the compatibility of the proposed project with the Altilia Council's fiscal resources; and (10) the compatibility of the proposed project with the Altilia Council's overall vision for the community.

- a. The predominate existing character of the property and the surrounding area.
- b. The peculiar suitability of the property for particular uses.
- c. The conservation of the value of the buildings and the encouragement of the most appropriate use of land throughout the Village.
- d. The anticipated zoning of the area in accordance with the comprehensive land use plan.
- e. The promotion of the health, safety, morals, and general welfare of the citizens.
- f. The congestion of the streets.
- g. The safety from fire, panic, and other damages.
- h. The provision of adequate light and air.
- i. The overcrowding of land.
- j. The undue concentration of population.
- k. The facilitation of adequate provision for transportation, water, sewerage, schools, parks, and other public requirements.
- l. The environmental impact of the proposed building, structure or mobile home park.

Following its investigation, the Village Council shall make written findings of fact to support its decision as to whether or not a building or conditional use permit should be issued.

The Village Council shall place the consideration of the Village Council's decision on its agenda for a public hearing at the next regularly scheduled meeting available after publication of the Notice of the Public Hearing for once a week for two (2) successive calendar weeks prior to the hearing. The notice shall be published the first time not less than ten (10) days or more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included. At such hearing the Village Council shall hear any other persons who wish to speak to the issue. The Village Council, after hearing, shall make final the findings of fact of the Village Council, or may make contrary or additional findings of fact in writing, and decision based thereon. The Village Council shall then allow the issue, if the applicant is otherwise entitled, or deny issuance

a. The predominant cause of the robbery and
the surrounding area.

b. The heavier participation of the robbery for participation
uses.

c. The concentration of the robbery and the
encouragement of the most appropriate use of funds through
the Allies.

d. The anticipated sound of the area in accordance with
the comprehensive land use plan.

e. The promotion of the health, safety, welfare, and general
wellfare of the citizens.

f. The condensation of the streets.

g. The safety from fire, basic, and other dangers.

h. The provision of adequate light and air.

i. The overcrowding of land.

j. The undue concentration of population.

k. The classification of adequate standards for
transporation, water, sewage, schools, parks, and other
public requirements.

l. The environmental impact of the proposed plan.
structure or modify more back.

Following its investigation, the Allies Council shall make
written findings of its decision as to what to do with respect to
not a finding of conduct may be permitted.

The Allies Council shall bases the consideration of the Allies
Council's decision on its needs for a public hearing at the next
regularly scheduled meeting after publication of the
notice of the public hearing for one week for two (2)
successive calendar weeks prior to the hearing shall
be published the first time for ten (10) days or more
than twenty-five (25) days before the date fixed for the hearing.
In communication with the public, the day of publication is to be
included, but the day of the hearing shall be indicated.
Noticing the Allies Council shall notify any other persons who wish
to speak to the hearing. The Allies Council, after hearing,
make final its findings of fact of the Allies Council, or may
make contrary to findings of fact in writing, and
decision based thereon. The Allies Council shall open this
issue, if the applicant is otherwise entitled, or deny issuance

of the building or conditional use permit in accordance with its findings of fact. The decision of the Village Council is subject to review by the Superior Court as the procedures are set forth in N.C.G.S. 160A-381, which procedures are incorporated herein by reference.

Section 6. Exceptions. This ordinance shall have no applicability to (i) improvements proposed and constructed by or for any public utility and (ii) the approval of a detailed development plan (and map) submitted within twelve (12) months after the date on which a general concept plan (and map) were approved for the respective development. It is provided, however, that such general concept plan (and map) must have been approved prior to the enactment of this ordinance.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid or unconstitutional for any reason whatsoever, it is the declared intent of the Village of Pinehurst that the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

Section 8. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village may enforce its terms by any means available pursuant to N.C.G.S. 160A-175.

Adopted this the 19th day of September, 1994.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

Attest:

By:

Charles L. Mangers
Charles L. Mangers, Mayor

Mary H. McGraw
Mary H. McGraw, Village Clerk

Approved as to form:

John B. Clayton
John B. Clayton, Village Attorney

2

of the publication or communication use bearing in accordance with the
guidelines of each. The decision of the Village Council in respect
to review by the Subdivisional Court as the procedures are set forth
in N.C.G.S. 160A-381, which procedures are incorporated herein by
reference.

Section 6. **Exemption.** This ordinance shall have no
application to (i) improvements and constructions by or
applicable to a subdivision of (ii) the public utility and (iii) the
development by any corporation which (and who) were
prior to the date on which a general resolution was adopted,
abandoned for the respective development. If it is provided
however, that such general resolution contains (and who) was
approved prior to the enactment of this ordinance.

Section 7. **Suspension.** Should any section, part, or
sentence, clause or phrase of this ordinance be declared invalid
or unconstitutional for any reason whatsoever, if it is determined
by the court of the Village that such provision of the ordinance
ordinance shall not be affected thereby and shall remain in full
force and effect.

Section 8. **Enforcement.** It shall be the duty of all
ordinances or associations shall violate or assembly to enforce
any terms of this ordinance the Village may enact in the form of
any means available pursuant to N.C.G.S. 160A-172.

Adopted this day of September, 1964.

VILLAGE OF BINGHURST
VILLAGE COUNCIL

(Inaugural Seal)

By: Charles F. Masdeur, Mayor

Attest:

Maria H. Nagira, Village Clerk

Approved as to form:

John B. Cisaypon, Village Attorney