

ORDINANCE #23-04:

AN ORDINANCE AMENDING CHAPTER 31 OF THE PINEHURST MUNICIPAL CODE.

WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11- 25 which established the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the " Village of Pinehurst, North Carolina Municipal Code" and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to amend Chapter 31 in the Pinehurst Municipal Code in order to better promote and protect quality of life in Pinehurst's various commercial and residential neighborhoods as well as the extraterritorial jurisdiction; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled this 28th day of March 2023 as follows:

SECTION 1. That the following amendments be made to Chapter 31:

PLANNING AND ZONING BOARD

§ 31.20 CREATED.

Pursuant to authority contained in G.S. Chapter 160D, Art. 3, there is hereby created a Planning and Zoning Board for the village, with all of the powers and authority granted to the Board in Article 19.

(1986 Code, § 2-11.1) (Ord. passed 12-21-1981)

§ 31.21 MEMBERS; APPOINTMENT.

(A) *Number of members.* The Planning and Zoning Board shall consist of nine members, minus vacancies, eight of whom shall be full-time residents of the village for the duration of their service on the board; and one of whom shall be a full-time resident of the extraterritorial zoning jurisdiction of the village for the duration of their service on the board. A minimum of five Planning and Zoning Board Members must be present to vote in matters concerning Planning and Zoning Board business.

(B) *Appointment of members.* The village members shall be appointed by the Village Council. The members shall be appointed for terms in accordance with policy adopted by the Village Council. Faithful attendance at the majority of the meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Member from the extraterritorial jurisdiction.* Any member of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. § 160D-307, by the County Board of Commissioners, upon recommendation by the Village Council; and terms shall be in accordance with policy adopted by the Village Council, or until a successor is appointed and qualified. This member shall sit as voting members of the Board concerning all matters within the extraterritorial jurisdiction and the corporate limits of the village. A vacancy shall be filled by the County Board of Commissioners, upon the recommendation of the Village Council.

(D) *Election of Chairperson and other officers.* The Village Council shall designate a Chairperson from the membership of the Board to serve at the pleasure of the Village Council. Other officers as the Board deems necessary may be elected by the Board from its membership.

(1986 Code, § 2-11.2) (Ord. passed 12-21-1981; Ord. passed 04-05-1982; Ord. passed 03-21-1983; Ord. 86-20, passed 09-15-1986; Ord. 93-11, passed 04-19-1993; Ord. 93-49, passed 12-20-1993; Ord. 97-09, passed 06-16-1997; Ord. 97-21, passed 08-18-1997; Ord. 02-05, passed 02-26-2005; Ord. 12-10, passed 03-13-2012)

§ 31.22 MEETINGS.

The Village Clerk or other person as the Council may designate shall keep a record of the proceedings and attendance of members. All meetings shall comply with G.S. Chapter 143, Article 33C, having to do with open meetings.

(1986 Code, § 2-11.3) (Ord. passed 08-28-1980; Ord. 12-10, passed 03-13-2012)

§ 31.23 COMPENSATION.

All members of the Planning and Zoning Board shall serve without compensation.

(1986 Code, § 2-11.4) (Ord. passed 08-28-1980)

§ 31.24 DUTIES IN REGARD TO ZONING.

(A) The Board shall formulate and maintain a comprehensive zoning plan of the village and the area within the extraterritorial jurisdiction for the purpose of achieving a coordinated and orderly development of the municipality which would promote, in accordance with present and future needs, the public health, safety, morals, order, convenience, prosperity and general welfare of the residents, citizens and property owners.

(B) The Board shall prepare a zoning ordinance, including both the full text of the ordinance together with maps showing the proposed district boundaries. The Board may also hold public hearings in the course of preparing the ordinance and hearing proposed amendments pursuant to G.S. § 160D-601. The Board shall certify the ordinance to the Village Council.

(1986 Code, § 2-11.5) (Ord. passed 08-28-1980)

§ 31.25 DUTY IN REGARD TO SUBDIVISION REGULATIONS.

The Planning and Zoning Board may prepare subdivision regulations governing the subdivision of land within the village and its environs to be submitted to the Village Council for review and approval.

(1986 Code, § 2-11.6) (Ord. passed 08-28-1980)

ZONING BOARD OF ADJUSTMENT

§ 31.40 CREATED.

Pursuant to authority contained in G.S. § 160D-302, there is hereby created a Zoning Board of Adjustment for the village with all the powers and authority granted to the Board in Section 3.3.1 of the Pinehurst Development Ordinance, as may be amended from time to time.

(1986 Code, § 2-10.1) (Ord. 98-02, passed 01-26-1998; Ord. 12-10, passed 03-13-2012)

§ 31.41 MEMBERS; APPOINTMENT.

(A) *Number of members.* The Zoning Board of Adjustment shall consist of nine members, one of whom shall be a resident of the extraterritorial zoning jurisdiction of the village. Five members of the Zoning Board of Adjustment must be present to consider and vote on Zoning Board of Adjustment cases.

(B) *Appointment of members.* Each member appointed to the Village of Pinehurst Planning and Zoning Board shall be simultaneously appointed to the Zoning Board of Adjustment. Five of the nine members will be designated as primary members by vote of the full Zoning Board of Adjustment. The remaining four will serve as alternate members.

(C) *Member from the extraterritorial jurisdiction.* Any member of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. § 160D-307, by the County Board of Commissioners, upon the recommendation by the Village Council simultaneous to their appointment to the Planning and Zoning Board. The member shall sit as voting member of the Board concerning all matters within the extraterritorial jurisdiction and the corporate limits of the village. A vacancy shall be filled by the County Board of Commissioners, upon the recommendation of the Village Council.

(D) *Election of Chairperson and other officers.* The Village Council shall designate a Chairperson from the membership of the Board to serve at the pleasure of the Village Council. Other officers as the Board deems necessary may be elected by the Board from its membership.

(1986 Code, § 2-10.2) (Ord. 98-02, passed 01-26-1998; Ord. 12-10, passed 03-13-2012)

§ 31.42 MEETINGS.

The Village Clerk or other person as the Council may designate shall keep a record of the proceedings and attendance of members. All meetings shall comply with G.S. Chapter 143, Article 33C, having to do with open meetings, and Zoning Board of Adjustment meetings shall be held separately from Planning and Zoning Board meetings.

(Ord. 12-10, passed 03-13-2012)

§ 31.43 COMPENSATION.

All members of the Zoning Board of Adjustment shall serve without compensation.

(Ord. 12-10, passed 03-13-2012)

VOLUNTEER FIRE DEPARTMENT

§ 31.55 VILLAGE COUNCIL DISASSOCIATES FROM VOLUNTEER FIRE DEPARTMENT.

The Village Council, pursuant to authority contained in G.S. § 160A-291, does hereby completely disassociate the village from the Pinehurst Volunteer Fire Department, its by-laws and any other aspect of that organization.

(1986 Code, § 2-6) (Ord. passed 12-17-1984)

HISTORIC PRESERVATION COMMISSION

§ 31.70 CREATED.

Pursuant to authority contained in G.S. Article 3, Chapter 160D, there is hereby created an Historic Preservation Commission for the Village of Pinehurst, with all the powers and authority granted to the commission in Article 3.

(Ord. 14-17, passed 04-22-2014)

§ 31.71 MEMBERS; APPOINTMENT.

(A) *Number of members.* The Village of Pinehurst Historic Preservation Commission shall consist of 7 members, minus vacancies, all of whom shall be full time residents of the village or the extraterritorial jurisdiction beyond the corporate limits of the village for the duration of their service on the Historic Preservation Commission. A minimum of four voting members must be present to vote on Historic Preservation Commission business.

(B) *Appointment of members.* Members shall be appointed by the Village Council with terms in accordance with Village Council Policy. Faithful attendance at the majority of the meetings of the Commission is considered a prerequisite for the maintenance of membership.

(C) *Appointment of Chairperson and other officers.* The Chairman of this Commission shall be appointed by the Village Council. Other officers as the Commission deems necessary may be elected by the Commission from its membership.

(Ord. 14-17, passed 04-22-2014; Ord. 14-37, passed 10-14-2014)

§ 31.72 MEETINGS.

The Village Clerk or other person as the Council may designate shall keep a record of the proceedings and attendance of members. The Commission shall hold at least one (1) meeting monthly, and all meetings shall comply with G. S. Chapter 143, Article 33C, having to do with open meetings.

(Ord. 14-17, passed 04-22-2014)

§ 31.73 COMPENSATION.

All members of the Historic Preservation Commission shall serve without compensation.
(Ord. 14-17, passed 04-22-2014)

§ 31.74 DUTIES IN REGARD TO HISTORIC PRESERVATION.

The Historic Preservation Commission shall have the powers and duties listed in [Chapter 4](#), Section [4.6](#) of the Pinehurst Development Ordinance adopted May 24, 2005 as amended and the powers conveyed by G.S. § 160D-942 (1) thru 160D-942 (2) and 160D-942 (5) through 160D-942 (10). All votes of the Commission shall carry with a simple majority.

(Ord. 14-17, passed 04-22-2014)

SECTION 5. That these Ordinance amendments shall be and remain in full force and effect from March 28, 2023.

THIS ORDINANCE is passed and adopted this 28th day of March 2023.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *John C. Strickland*
John C. Strickland, Mayor

Attest:

Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form:

[Signature]
Michael J. Newman, Village Attorney