

ORDINANCE #16-07:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 8.6, "SPECIAL REQUIREMENTS (SR) TO THE TABLE OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS" AND SECTION 10.2, "DEFINITIONS":

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on April 26, 2016, in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed text amendments; and

WHEREAS, the Planning and Zoning Board has recommended the Village Council amend Section 8.6 and Section 10.2 of the Pinehurst Development Ordinance; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments to the text of the Pinehurst Development Ordinance, have determined that it is considered reasonable and in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction and that it is consistent with the 2010 Comprehensive Plan that the Pinehurst Development Ordinance be further amended, making the amendments as requested.

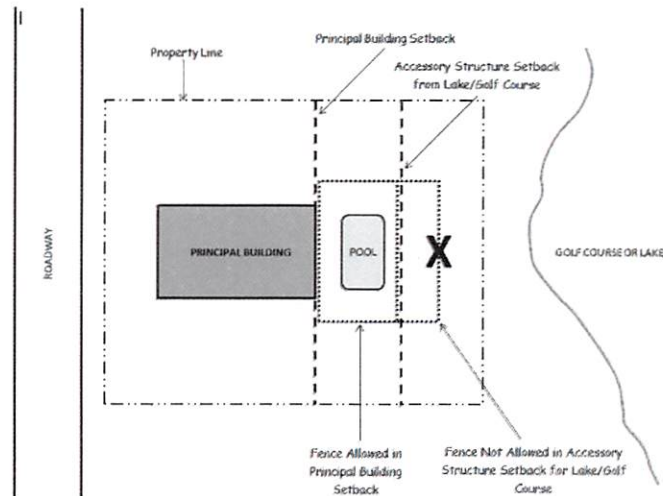
NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 26th day of April, 2016, as follows:

SECTION 1. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by adding the following text amendments to Section 8.6, "Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements" and Section 10.2, "Definitions":

Section 8.6, "Special Requirements (SR) to the Table of Permitted and Special Uses and Special Use Requirements

SR-105 Swimming Pools and Spas/Hot Tubs

- (1) Above ground swimming pools are prohibited **except for Seasonal Swimming Pools regulated in item (6) below.** ~~Above ground pools shall include any above ground pool device that uses or is designed to use a filtration system or have any linear dimension or diameter greater than 6 feet.~~
- (2) In residential zoning districts, all swimming pools **as defined in Section 10.2 of this Ordinance** shall be constructed only within the building envelope setbacks for accessory structures in the rear or side yard. Required fences for swimming pools located on golf courses or adjoining lakes may be located within the principal building setback but shall not be fenced in the accessory building or structure setback from lakefront or golf course indicated in Section 9.2a Table of Dimensional Requirements;



- (3) All building construction related to swimming pools (bath houses) shall be set back as provided in Subsection (2) above. Walks may extend no more than four (4) feet into building setbacks for accessory structures;
- (4) Hot tub/spas shall be setback as provided in Subsection 2 above.
- (5) Any pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of unsanitary conditions. Pools under construction or which are no longer being operated shall be

maintained in a manner so as to prevent the development of unsanitary conditions, potential injury, or possible drowning. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

(6) Seasonal Swimming Pools as defined in Section 10.2 of this document are permitted to be installed above ground with the following standards;

- (i) Structure shall only be erected from May 1 to September 30.**
- (ii) Structure shall only be allowed in the rear yard and maintain a 10 foot setback from all property lines.**
- (iii) From October 1 to April 30 the structure shall be removed and stored in a location not visible from a street or adjacent property.**
- (iv) Seasonal swimming pools containing greater than 24” of water shall meet all applicable requirements of the NC Building Code.**
- (v) A Development Permit is required each season that the structure is erected and a sketch plan shall be submitted along with the application showing the proposed location of the Seasonal Swimming Pool.**

Section 10.2, “Definitions”

Swimming Pool: Any structure intended for swimming or recreational bathing. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Seasonal Swimming Pool: Any structure intended for swimming or recreational bathing that contains water 48” deep or less. These are intended to be structures that are easy to erect and remove at the end of the swimming season and typically are not hard wired for electricity if needed or provided.

SECTION 2. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 26th day of April, 2016.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

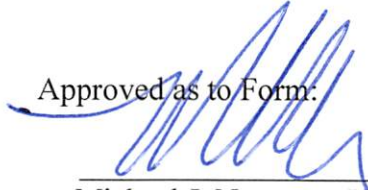
By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:



Lauren M. Craig, Village Clerk

Approved as to Form:



Michael J. Newman, Village Attorney