

ORDINANCE #13-20:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO DELETING SECTION 10.2.1.3

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 24th day of May, 2005, 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 1:00 p.m. on April 23, 2013 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 10.2.1.3 Special Requirement's to the Table of Permitted and Special Uses SR-25 (a) Temporary Uses; and delete the Temporary Use regulations from 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 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 session assembled on this 23rd day of April, 2013 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 amendment to delete subsection 10.2.1.3 SR-25 Temporary Uses and Structures in its entirety and reserve 10.2.1.3 25 (a)

~~SR-25. Temporary Uses and Structures~~

~~25(a) Temporary Uses Reserved~~

~~(1) The following uses may be established in any zoning district as temporary uses, subject to approval in accordance with the procedures established in this Subsection:~~

- ~~(a) Major civic and cultural events, grand openings, and ground breaking ceremonies that impact Village resources (i.e. police, fire, and public services);~~
 - ~~(b) Athletic events, including those which utilize Village property, public streets or rights-of-way;~~
 - ~~(c) Parades;~~
 - ~~(d) Other temporary events of community wide significance.~~
- ~~(1) Fairs may be established in any non residential zoning district as temporary uses, subject to approval in accordance with the procedures established in this Subsection including the filing deadlines established in the application form;~~
 - ~~(2) All applications for temporary use permits including the filing deadlines established in the application form; for uses described in (1) and (2) above shall include the following information:~~
 - ~~(a) The location of the property on which the proposed activity (hereafter "event") will take place. The event's starting date and time, the event's ending date and time, the date and time preparatory activities will commence on the property, and the date and time of completed cleanup of the property;~~
 - ~~(b) A description of the proposed event, including:

 - ~~(i) The type of event, and general nature of the program to be presented, if applicable;~~
 - ~~(ii) The number of persons expected to attend and, where applicable, the number of tickets to be placed on sale, or the number of invitations distributed;~~
 - ~~(iii) The planned use of sound amplification equipment.~~~~
 - ~~(c) A security plan, including information regarding each of the following:

 - ~~(i) The number of security guards to be provided, their duties and responsibilities;~~
 - ~~(ii) The agency providing security guards, its address and telephone number;~~
 - ~~(iii) The site supervisor designated by the security agency and contact telephone number;~~
 - ~~(iv) Public safety support requested from the Village of Pinehurst;~~~~

- ~~(v) — Proposed means of contact between safety and security guards and Village and other local emergency services during the course of the event, including cleanup;~~
- ~~(vi) — Location and description of any command center or supervisory office, and of any public safety, security, or first aid stations;~~
- ~~(d) — A parking plan, including information shown on the simplified site plan regarding each of the following:

 - ~~(i) — Locations of pedestrian, vehicular, and emergency ingress and egress over the entire property, including pedestrian access to streets, driveways, and parking areas, and obstructions of vehicular rights of way;~~
 - ~~(ii) — Locations and numbers of available off street parking spaces within 500 yards of the property available to individuals in attendance;~~
 - ~~(iii) — Locations and numbers of available on street parking spaces within 500 yards of the property available to individuals in attendance;~~
 - ~~(iv) — Locations, numbers, and proposed pedestrian access plan for parking spaces located beyond 500 yards of the property available to individuals in attendance;~~
 - ~~(v) — Locations of restricted parking zones within 500 yards of the property.~~~~
- ~~(4) — The Village shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the following requirements:

 - ~~(a) — If the property is undeveloped, it contains sufficient open space to support the temporary use;~~
 - ~~(b) — If the property is developed, it contains an area that is not actively used which would support the proposed temporary use without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability;~~
 - ~~(c) — Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property;~~
 - ~~(d) — Off street parking is adequate to accommodate the proposed temporary use;~~
 - ~~(e) — Where the temporary use will occupy an existing parking area, the number of parking spaces left available will be no less than the minimum required in this Ordinance for the principal, permanent use of the property;~~~~

- ~~(f) Restroom facilities are provided;~~
 - ~~(g) A plan for security and safety will be implemented on and around the site of the event, including sufficient staffing, provision for pedestrian safety and traffic routing;~~
 - ~~(h) A plan for public health and safety on, around, and outside the site of the event will be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the Village and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic;~~
 - ~~(i) All inspections and permits required by applicable construction codes have been made and approved by the Planning and Inspections Department;~~
 - ~~(j) The temporary use meets all other applicable requirements of this Ordinance.~~
- ~~(5) When a temporary telecommunication tower is proposed to be erected as part of a temporary use, such tower may not be erected more than two (2) days prior to the event and must be removed the day after the event.~~

SECTION 2. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby amendment to delete subsection 10.2.1.3 SR-25 Temporary Uses and Structures in its entirety and reserve 10.2.1.3 25 (a).

SECTION 3. 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 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.


Adopted this 23rd day of April, 2013.



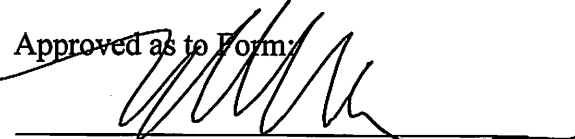
VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Rey Fiorillo
Nancy Rey Fiorillo, Mayor

Attest:


Lauren M. Craig, Village Clerk

Approved as to Form:


Michael J. Newman, Village Attorney