

ORDINANCE #12-10:

AN ORDINANCE AMENDING THE PINEHURST MUNICIPAL CODE AS IT PERTAINS TO CHAPTER 31 PLANNING & ZONING BOARD AND ZONING BOARD OF ADJUSTMENT; ADDING SECTIONS 31.42, 31.43 ZONING BOARD OF ADJUSTMENT AND SECTIONS 31.50 THROUGH 31.53 COMBINATION OF PLANNING AND ZONING BOARD AND ZONING BOARD OF ADJUSTMENT.

THAT, 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 adopted 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 of the Village of Pinehurst finds that combining the Zoning Board of Adjustment and the Planning and Zoning Board will be beneficial in assuring monthly access by the citizens of the Village to these boards for either legislative or judicial matters;

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in work session assembled this 13th day of March, 2012 as follows:

SECTION 1. That Chapter 31 of the Village of Pinehurst, North Carolina Municipal Code is hereby amended as follows:

PLANNING AND ZONING BOARD

§ 31.21 MEMBERS; APPOINTMENT.

(A) *Number of members.* The Planning and Zoning Board shall consist of nine members, eight of whom shall be ~~registered voters and~~ residents of the village for ~~at least two years~~ at the time of appointment; and **at least** one of whom shall be a resident ~~and registered voter~~ for ~~at least two years~~ of the extraterritorial zoning jurisdiction of the village.

(B) *Appointment of members.* The ~~eight~~ village members shall be appointed by the Village Council. The members shall be appointed for a term of ~~two~~ **three** years. Vacancies occurring for reasons other than expiration of terms shall be filled by the Village Council as they occur for the period of the unexpired term. Faithful attendance at all meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Members from the extraterritorial jurisdiction.* The ~~one~~ members of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. § 160A-362, by the County Board of Commissioners, upon the recommendation by the Village Council; and the term of ~~this member~~ shall be ~~two~~ three years, or until a successor is appointed and qualified. ~~This~~ These member(s) shall sit as a 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 ~~residing in the village~~ 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 ~~residing in the village~~.

§ 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. ~~The Board shall hold at least one meeting monthly and~~ All meetings shall comply with G.S. Chapter 143, Article 33C, having to do with open meetings.

ZONING BOARD OF ADJUSTMENT

§ 31.40 CREATED.

Pursuant to authority contained in G.S. § 160A-388, 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.

§ 31.41 MEMBERS; APPOINTMENT.

~~The Zoning Board of Adjustment shall consist of five members. Four members shall be appointed by the Village Council and shall reside within the corporate boundaries of the village. The other member shall be appointed by the Board of County Commissioners and shall reside outside of the village's boundaries but within the village's extraterritorial planning jurisdiction.~~

(A) Number of members. The Zoning Board of Adjustment shall consist of five members, at least one of whom shall be a resident of the extraterritorial zoning jurisdiction of the village.

(B) Appointment of members. The village members shall be appointed by the Village Council. The members shall be appointed for a term of three years. Vacancies occurring

for reasons other than expiration of terms shall be filled by the Village Council as they occur for the period of the unexpired term. Faithful attendance at all meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Members from the extraterritorial jurisdiction.* Member(s) of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. § 160A-362, by the County Board of Commissioners, upon the recommendation by the Village Council; and the term of this member shall be three years, or until a successor is appointed and qualified. Member(s) shall sit as voting member(s) 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.

SECTION 2. That Chapter 31 of the Village of Pinehurst, North Carolina Municipal Code is hereby amended by adding text to read as follows:

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.

31.43 COMPENSATION.

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

31.50 COMBINATION OF PLANNING AND ZONING BOARD AND ZONING BOARD OF ADJUSTMENT

31.51 CREATION

The Planning and Zoning Board and the Zoning Board of Adjustment may be combined into one board in regard to membership.

31.52 MEMBERS; APPOINTMENT

Members will be appointed as stated in Section 31.20 and 31.40 by Village Council. Of the total board members, only five members will serve on the Zoning Board of Adjustment. Zoning Board of Adjustment members serve in ex-officio capacity as Planning and Zoning Board members; members appointed to the Zoning Board of Adjustment shall also serve on the Planning and Zoning Board. All other members of the combined board will be named as alternates to the Zoning Board of Adjustment. At least one representative on each board must be a resident of Pinehurst's extraterritorial jurisdiction; this may be the same member for each board.

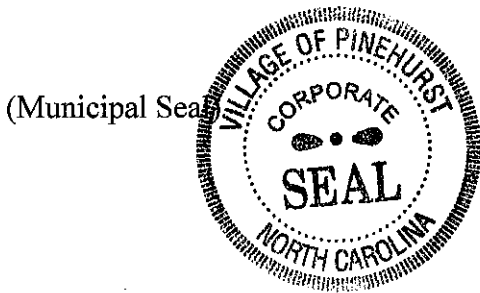
31.53 MEETINGS

Separate meetings shall be held for the Planning and Zoning Board and the Zoning Board of Adjustment.

SECTION 3. That all local ordinances in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 4. 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 13th day of March, 2012.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:

[Signature]
Michael J. Newman, Village Attorney