

ORDINANCE #10-07:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS AND SECTION 10.2.1.3 SR-14 NEIGHBORHOOD CENTER AND SR-16 RETAIL STORE.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance 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 January 26, 2010 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 Pinehurst Development Ordinance text changes, 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 that the Village Council amend Section 2.2 and Section 10.2.1.3 SR-14 and SR-16 of the Pinehurst Development Ordinance; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments in 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 that the 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 work session assembled on the 23rd day of February 2010, 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 Section 2.2:

SECTION 2.2 Definitions

NEIGHBORHOOD CENTER: A development containing ~~three (3)~~ **(2)** or more retail stores, restaurants, service establishments, and/or other similar permitted uses that are planned, organized, and managed to function as a whole **and exceeds a gross floor area of 24,000 sq. ft. for the entire development.** A neighborhood center has common parking, pedestrian movement,

architectural elements, ingress and egress, signage, and landscaping. A neighborhood center is used or is intended to be used for the sale of goods and services to the public.

RETAIL STORE: A single building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to: antiques, clothing stores, appliance stores, bakeries, coffee shop, wine shop, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments. Unless included in a Neighborhood Center, a single retail store shall not exceed 12,000 square feet in gross floor area and shall be located as a single freestanding building on its own lot. Multiple retail establishments may be located within one building or development as long as the gross floor area of the development does not exceed 24,000 sq ft. If the gross floor area of the development does exceed 24,000 sq. ft. it shall be considered a neighborhood center.

SECTION 2. 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 Section 10.2.1.3 SR-14 and SR-16:

**Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses
SR-14. Neighborhood Center**

- (1) The Center shall be located on a parcel consisting of at least ten (10) contiguous acres that has been platted and properly recorded with the Moore County Register of Deeds as of the date of the adoption of this Ordinance;
- (2) The center shall contain ~~three (3)~~ **(2) two** or more retail stores, restaurants, service establishments, and/or other similar permitted uses that are planned, organized, and managed to function as a whole;
- (3) The center shall have common parking, pedestrian movement, architectural elements ingress and egress, signage, and landscaping;
- (4) No single retail use in the Neighborhood Center shall exceed 12,000 square feet in gross floor area, however, a single retail use in the Neighborhood Center may contain additional square footage if:
 - (a) The applicant sets forth the proposed use of that space and the nature of its operations;
 - (b) The Village Council finds that the size, appearance, design, and overall quality and impact of the development is consistent with, and in furtherance of, the PDO's Statement of Intent and the "Purpose of Intent" of the Neighborhood Commercial District.

SR-16. Retail Store


- (1) Retail store includes, but is not limited to: antiques, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores;

- (2) Retail store does not include restaurants, personal service establishments, convenience stores, or amusement establishments;
- (3) Unless included in a Neighborhood Center, a single retail store shall not exceed 12,000 square feet in gross floor area and ~~shall, unless it is included in a neighborhood center, be located as a single, freestanding building on its own lot.~~

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

Adopted this 23rd day of February, 2010.

(Municipal Seal)  VILLAGE OF PINEHURST
VILLAGE COUNCIL
By: Virginia F. Fallon
Virginia F. Fallon, Mayor Pro-Tem

Attest:
Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:
Michael J. Newman
Michael J. Newman, Village Attorney