

ORDINANCE #10-28:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 3.6.3 (c) NONCONFORMING STRUCTURES.

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 May 25, 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 3.6.3 (c) 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 regular session assembled on the 25th day of May, 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 3.6.3 (c):

3.6.3 Nonconforming Structures

- (c) Damage or Destruction: If a nonconforming structure is destroyed by any means to an extent greater than 50 percent of its replacement cost at the time of destruction, then such structure shall not be restored, nor any use of the structure be reestablished in any way which does not conform to the requirements of this Ordinance. However, with respect to structures located within a multi-family

development, the 50 % shall be measured with reference to the development as a whole and not an individual multi-family dwelling.

Notwithstanding the aforesaid, existing legally constructed nonconforming duplex dwellings located within the Historic Preservation Overlay District may be rebuilt if they are destroyed by any means as long as the heated and unheated enclosed sq. footage of the structure is not increased. If the existing structure is also nonconforming in regard to setbacks it shall comply with the setback regulations at the time it is reconstructed. These duplexes shall also be allowed to construct additional outdoor living spaces, porches and decks so as to be afforded the same opportunity to improve the livability and appearance as single family homes in the Historic Preservation Overlay District.

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.

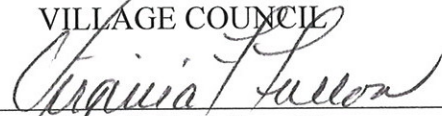
Adopted this 25th day of May, 2010.

(Municipal Seal)




VILLAGE OF PINEHURST
VILLAGE COUNCIL

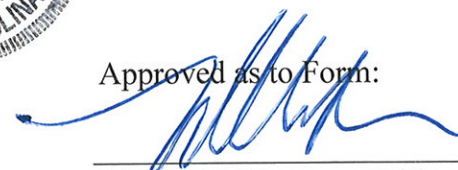
By:


Virginia F. Fallon, Mayor

Attest:


Linda S. Brown, Village Clerk

Approved as to Form:


Michael J. Newman, Village Attorney

**VILLAGE OF PINEHURST
CERTIFICATION OF DOCUMENTS**

I, Linda S. Brown, clerk for the Village of Pinehurst, do hereby certify that the attached is a true and original copy of Ordinance #10-28 entitled "An Ordinance Amending the Pinehurst Development Ordinance As It Pertains to Section 3.6.3 (c) Nonconforming Structures" which was unanimously adopted by the Council of the Village of Pinehurst at their meeting held on May 25, 2010.

IN WITNESS THEREOF, I have hereunto set my hand and have caused the official corporate seal of the Village of Pinehurst to be affixed this 25th day of May 2010.

Linda S. Brown

Linda S. Brown, CMC
Village Clerk



(municipal seal)