

ORDINANCE #10-54:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS, SECTION 10.2.1 TABLE OF PERMITTED AND SPECIAL USES AND SECTION 10.2.1.3 SR-28.

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 Ordinances 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 October 27, 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 Sections 2.2, 10.2.1, and 10.2.1.3 SR-28 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 and that it is consistent with the 2010 Comprehensive Plan 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 special session assembled on the 27th day of October, 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:

County, Municipal and Regional Authority Utility – Any village, county, municipal, public authority owned water, waste water, waste disposal, gas, or electric system

that is constructed according to utility standards, sizes, specifications and conforms to the requirements of this Ordinance.

County, Municipal and Regional Authority Utility Facilities – A building or structure, other than a transportation facility, that houses or contains facilities for the operation of a village, county, municipal or regional authority water, waste water, waste disposal, gas, or electric services. This includes, but is not limited to: waste water collection lines, water distribution lines, water pumping stations and filtration plants, waste water and storm water treatment plants, gas transmission and distribution lines, electrical transformer stations, electric transmission and distribution lines, landfills, solid waste transfer stations, wells, well houses, and water towers.

~~PUBLIC UTILITIES: Any Village or other public entity approved water and/or sanitary sewer system, including collection and distribution lines that are **Public Utility – Any water, waste water, waste disposal, gas, disposal, electric or telecommunication land line system, other than a County, Municipal or Regional Authority Utility, that is constructed according to public utility standards, sizes, specifications, conform and conforms** to the requirements of this Ordinance, and have been dedicated to and accepted by the public for operation and maintenance.~~

~~PUBLIC UTILITY FACILITIES: **A Public Utility Facilities – Any facility, including a building or structure, other than a transportation facility that houses or contains facilities or equipment, for the operation of a Public Utility** publicly owned or publicly licensed water, waste water, waste disposal, electricity or communication gas, electric or telecommunication land line services. This includes **Public Utility Facilities include**, but is ~~are~~ not limited to: **waste water collection lines, water distribution lines,** water pumping stations and filtration plants, waste water and storm water treatment plants, **gas transmission and distribution lines,** electrical transformer stations, **electric transmission and distribution lines, telecommunications land lines and exchanges,** landfills, solid waste transfer stations, wells, well houses, and water towers. This does not include recycling and salvage operations, communication towers or public safety stations.~~

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 Table of Permitted and Special Uses:

**Table 10.2.1 TABLE OF PERMITTED AND SPECIAL USES
EDUCATIONAL, RECREATIONAL, INSTITUTIONAL**

<u>County, Municipal and Regional Authority</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>
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Utility Facilities																
Moore County Public Utility Facilities	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>28</u>
Public Utility Facilities	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	<u>28</u>
Village of Pinehurst Public Utility Facilities	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SR-28</u>

X=Permitted Use
 SC=Major Special Use (Village Council)
 SZ=Minor Special Use (Zoning Board of Adjustment)
 SR=Special Requirement (See Section 10.2.1.3)

SECTION 3. 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-28:

**Section 10.2.1.3
 SR-28. Public Utility Facilities**

- ~~(1) When replacing existing sewer lift stations and water pumping facilities, such facilities are exempt from the dimensional requirements established in section 10.2.2.2 of the PDO. This is only when replacing facilities constructed prior to May 25, 2005.~~
- ~~(2) If a fence associated with the public utility facility is approved as part of the minor special use process it may deviate from the fence standards of the PDO outlined in section 10.2.1.318 (j) of the PDO.~~
- ~~(3) All other public utility facilities shall comply with all parts of the PDO.~~

SR-28 Moore County Public and Village of Pinehurst Utility Facilities

- (1) These uses are permitted and exempt from site plan review and development standards. Therefore, no site plan approval is needed.**
- (2) These uses must comply with Historic District requirements and obtain all required approvals for such.**
- (3) These uses must comply with the Village of Pinehurst Flood Damage Prevention Ordinance and obtain all required approvals for such.**
- (4) Any time that Moore County contemplates a public utility project of any kind in the Pinehurst Zoning Area (excluding emergency repair work), before plans are drafted, the County must give thirty (30) days written notice to the Village Manager and Village Attorney describing the proposed project.**

(5) Moore County must provide thirty (30) days written notice to the Village Planner, Village Manager, and Village Attorney prior to applying to the Village for approval of a public utilities project within the Pinehurst Zoning Area.

SECTION 4. 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 5. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 27th day of October, 2010.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *Virginia F. Fallon*
Virginia F. Fallon, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:

[Signature]
Michael J. Newman, Village Attorney