

ORDINANCE #10-66:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS AND SECTION 10.2.1.3 SPECIAL REQUIREMENTS TO THE TABLE OF PERMITTED USES.

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 December 14, 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 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 that the Village Council amend Section 2.2 and Section 10.2.1.3 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 14th day of December, 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

AGRICULTURE, LIVESTOCK: The use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as rabbits, bees, and fish and fur-bearing animals in

captivity. This definition is not to include horse farms, as they are listed as a separate use.

SECTION 2. That the Pinehurst Development Ordinance of the Village of Pinehurst be and the same hereby is amended by adding the following text amendment to Sections 10.2.1.3:

SR-18. Accessory Uses and Structures, Fences

SR-18(p) Beekeeping in R-30, R-20, R-15, R-10, R-8, R-5

- (1) **The Purpose of this section is to provide for the keeping of honey bees in the above zoned areas. It is intended to enable residents to keep bees on a non-commercial basis, using sound beekeeping practices designed to safely maintain honey bees within populated areas. It is not intended to prohibit, restrict, or regulate the keeping of bees within areas allowing agricultural uses.**

- (2) **Definitions. As used in this section, the following words and terms shall have the meaning ascribed unless the context of their usage clearly indicates another meaning:**
 - a. **“Apiary” means the assembly of one or more colonies of bees at a single location.**
 - b. **“Beekeeper” means a person who owns or has charge of one or more colonies of bees.**
 - c. **“Beekeeping Equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top boards, bottom boards and extractors,**
 - d. **“Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times, drones, including brood, combs, and honey.**
 - e. **“Hive” means the receptacle in which the colony is housed.**
 - f. **“Honey Bee” means all life stages of the common domestic honey bee, *Apis mellifera*.**
 - g. **“Non-commercial basis” means that products of the hive including honey, pollen, and wax, are not sold on a wholesale or retail basis**
 - h. **“Nucleus Colony” means a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.**
 - i. **“Tract” means a contiguous parcel of land under common ownership.**

- (3) **Qualification of Beekeeper. Persons keeping honey bees must have first completed a class or course of study in proper beekeeping practices from a qualified person or entity and have successfully completed, at a minimum, the Certified Level of the North Carolina Master Beekeeper Program administered by the North Carolina State University Department of Entomology/Apiculture or, in lieu of the above two requirements, have a minimum of three years experience in beekeeping.**

- (4) Hive Inspection and Regulatory Compliance. All honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. Each apiary shall be inspected at least once annually by an agent of the State of North Carolina Department of Agriculture & Consumer Services (NCDA&CS), Plant Industry Division, Plant Protection Section, Apiary Division, and a copy of such inspection maintained by the beekeeper. The beekeeper shall comply with all North Carolina honey bee regulations including, but not limited to, the North Carolina Honey Bee Act of 1977, and North Carolina Honey Bee Industry Regulations.
- (5) Restrictions. The keeping of bees shall not be allowed on any lot that abuts a public or private golf course or properties zoned H (Hotel District) HD (Hospital Development District) and VC (Village Commercial).
- (6) Setbacks from property lines. All colonies shall be kept a minimum of 15 feet from a public or private property line as measured from the nearest point on the hive to the property line.
- (7) Fencing of Flyways. In each instance in which any colony is situated within twenty feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, and the entrance of the hive is directly facing the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that bees are forced to fly at an elevation of a least six feet above ground level over the property lines in the vicinity of the apiary.
- (8) Water. Each beekeeper shall ensure that a source of water is available to the bees at all times during the year that the bees are active.
- (9) General Maintenance. Each beekeeper shall ensure that no bee comb or debris from the hive is left upon the grounds of the apiary. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (10) Enclosure of Apiary. All colonies shall be maintained within a fenced apiary with a latching gate. The area encompassing the apiary need not entail the entire property.
- (11) Colony Density. The keeping of honey bees on any lot is permitted in the following numbers: The lot must have a minimum of 10,000 square feet. Two hives may be located on such a lot. For lots of 18,000 square feet or greater, four hives are permitted. For each two colonies permitted under colony densities, there may be maintained upon the same tract, one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth ten-frame hive body as required from time to time for the management of the colonies. If a beekeeper is called upon to remove a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation of the portion of this ordinance limiting the number of colonies while temporarily housing the swarm(s) on the apiary lot for no more than thirty days from the date acquired.

- (12) Compliance. Any beekeeper found not to be in compliance with the requirements of this section shall be subject to the provisions of Chapter 8 of this ordinance.
- (13) Permitting. No person shall keep, maintain, or allow to be kept any colony of honey bees within the R-30, R-20, R-15, R-10, R-8, or R-5 areas of the Village of Pinehurst without a permit. Any person desiring a permit shall make application to the Village of Pinehurst and the permit shall be approved provided the applicant is in compliance with the requirements of this section.

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 14th day of December, 2010.

(Municipal Seal)



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:

Michael J. Newman
Michael J. Newman, Village Attorney