

ORDINANCE #09-12:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 7.3 PROTEST PETITIONS.

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 March 24, 2009 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 7.3 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 28th day of April, 2009, 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 7.3:

Section 7.3 Protests

- (a) In the event that the Village Council receives a written petition protesting any rezoning of property signed by the owners ~~of the property being rezoned or the owners of 20 percent or more of either:~~

- (1) ~~The area of the lots included in such proposed amendment;~~ **Twenty percent (20%) or more of the area included in the proposed change**
or;

- (2) ~~Those lots immediately adjacent thereto either in the rear thereof, or on either side thereof, extending 100 feet there from; Five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.~~
- (3) ~~Those directly opposite thereto extending 100 feet from the street frontage of the opposite lots.~~

Then the amendment shall become effective only upon the affirmative vote of the three-fourths of the members of the Village Council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority, which is three-fourths of the members of the Village Council.

- (b) To be effective, such petition shall be submitted to the Village Clerk by the close of business at least two (2) normal working days excluding Saturdays, Sundays and legal holidays prior to the date established for the Village Council's public hearing on the proposed amendment.
- (d) (2) (iv) Does not reduce the size of any approved buffers of r screening.

SECTION 2. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 28th day of April, 2009.



Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: George P. Lane

George P. Lane, Mayor

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney