

**ORDINANCE #09-28:**

**AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 3.6.4 NONCONFORMING SIGNS**

**THAT WHEREAS,** the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 24<sup>th</sup> 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 July 28, 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 Sections 3.6.4 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 25<sup>th</sup> day of August, 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 3.6.4:

**3.6.4 Nonconforming Signs**

- (b) Enlargement or Alteration: A nonconforming sign, including its permanent message or its structure, shall not be extended, enlarged, moved, or otherwise altered unless the sign is made to conform to the applicable requirements of this Ordinance, **except as outlined in (e) below:**

- (e) Residential Neighborhood Development Signs located at the entrance to the development made nonconforming by their placement within Village of Pinehurst Public Rights of Way may be replaced if they were legally placed at the time of their original construction. These replacement signs shall conform to all other regulations including size and height and shall be constructed to meet NCDOTs and Village of Pinehurst requirements for vehicular safety. No sign shall be replaced under this provision without the approval of the Pinehurst Village Council. The Village Council may dictate a location that deviates from the original location if in their opinion this would be in the best interest of the public. The individual or entity desiring to construct the new signage shall also be required to obtain a Right of Way Encroachment

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 25<sup>th</sup> day of August, 2009.



VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: \_\_\_\_\_

*George P. Lane*  
George P. Lane, Mayor

Attest:

*Linda S. Brown*  
Linda S. Brown, Village Clerk

Approved as to Form: \_\_\_\_\_

*Michael J. Newman*  
Michael J. Newman, Village Attorney