

ORDINANCE #09-42:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTIONS 2.2; 10.2.5.3 (h) and (m); 10.2.5.9; and 10.2.5.9 (k) REGARDING BUSINESS SIGNS.

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 October 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 2.2; 10.2.5.3 (h) and (m); 10.2.5.9; and 10.2.5.9 (k) of the Pinehurst Development Ordinance; and

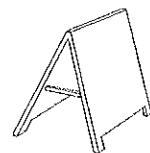
WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments in the text of the Pinehurst Development Ordinance, have determined that it is in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction that the Development 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 17th day of November, 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 Sections 2.2; 10.2.5.3 (h) and (m); 10.2.5.9; and 10.2.5.9 (k):

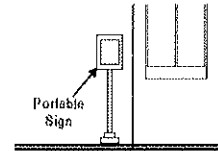
Section 2.2 Definitions

A-FRAME SIGN: A-Frame sign is defined as any upright, rigid supporting frame in the form of a triangle with steeply angled sides that is hinged at the top in the shape of the letter "A" or a triangle which conveys a message. This A-Frame sign does not include human directional signs

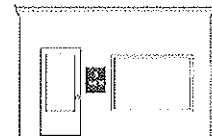


upon which a sandwich board sign is hung nor does it include signs which are attached to metal prongs similar to real estate signs.

PEDESTAL SIGNS: Sign not permanently affixed to the ground or building, constructed on a stand allowing it to be self-supporting and portable.



WALLBOARD SIGNS: Sign not permanently affixed to the wall intended to allow for changeable message, such as sales and menu items. Signs must be flush mounted to the wall surface when being displayed and not covering any window or doors.



10.2.5.3 Prohibited Signs

- (h) Portable signs, including any sign painted or displayed on vehicles or trailers if the vehicle or trailer is parked in a location for the primary purpose of displaying the sign, except for signs that are painted on, or attached to commercial vehicles which are not parked for the primary purpose of displaying the sign **(excludes A-Frame, wallboard, and pedestal signs located within the Historic Preservation District);**
- (m) Changeable copy signs except manually changeable signs as permitted in 10.2.5.5 (l) **and 10.2.5.9** below.

10.2.5.9 Temporary Signs

In addition to the permanent signs, the following temporary signs shall be allowed in each zoning district, in accordance with the standards set forth in this Section. All temporary signs may be two-sided, except in Sections 10.2.5.9(b), 10.2.5.9(f), and 10.2.5.9(h). Such signs shall be located on a property only with permission of the property owner or the owner's agent. No development permit is required **except when expressly stated that one is required.**

(k) Portable A-Frame, Wallboard, and Pedestal signs are permitted for businesses located within the Historic Preservation Overlay district provided that:

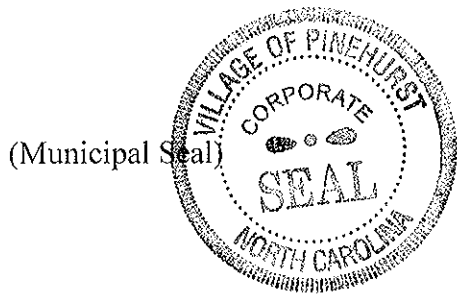
- (1) **Only one A-frame, wallboard or pedestal sign shall be allowed per business.**
- (2) **The sign placed by the occupant is located within twelve (12) feet of the main pedestrian entrance to the establishment;**

- (3) The sign does not interfere with vehicular or pedestrian traffic;
- (4) The sign's area is no greater than six square feet;
- (5) The sign is removed when the premises is not open for business, with the exception of wallboard signs;
- (6) If the sign is to contain changeable copy then it shall be changeable copy chalkboard or dry erase board only; slide-in letters are not allowed.
- (7) Pedestal and A-Frame signs shall be no greater than 4' in height.
- (8) Wallboard signs shall be no greater than 3 sq ft.
- (9) The occupant must obtain local historic district approval prior to erecting the sign.
- (10) The applicant shall obtain a development permit from the Planning and Inspections department.

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 17th day of November, 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