

ORDINANCE #08-39:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 3.6.2 NONCONFORMING USES AND SECTION 10.2.1 PERMITTED AND SPECIAL USES; SPECIAL REQUIREMENTS.

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 November 18, 2008 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 not recommended that the Village Council amend section 3.6.2 Nonconforming Uses and Section 10.2.1 Permitted and Special Uses 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 16th day of December, 2008, 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 3.6.2:

Section 3.6.2 Nonconforming Uses

- (e) Cessation of Use: If a nonconforming use is discontinued for 120 consecutive days or more, then the property shall thereafter be occupied

and used only for a conforming use. If a nonconforming use of property is discontinued, but reestablished within 120 days, then the nonconforming use may continue, provided that the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was discontinued. **Nonconforming Offices, Banks and Financial Institutions located within the VC (Village Commercial) Zoning District shall not be afforded the same 120 days but rather a 30 day cessation in use shall result in the discontinuation of that use and the space may only be reoccupied by a conforming use.**

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 10.2.1 TABLE OF PERMITTED AND SPECIAL USES

OFFICE, HOTEL, MEDICAL

USE TYPES	PC	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	RD	OP	H	HD	VC	NC	SR
Bank; Financial Institution											X			X	X	<u>11</u>

10.2.1.3 Special Requirements to the Table of Permitted and Special Uses

The Table of Permitted and Special Uses contains a column on the far right labeled “SR” for Special Requirements. In any case where a use listed in the Table has a number in the SR column opposite the use, that use must comply with the additional Special Requirements contained in this Section corresponding to the Special Requirements number. The Special Requirements may affect the development of the use in all zoning districts in which the use is allowed or only in certain districts, as may be set forth in this Section.

SR-11. Offices, Banks and Financial Institutions in the VC District

- (3) No office, **bank or financial institution** shall be located on the ground floor ~~unless the ground floor of the principal building is occupied by at least 50% retail uses in frontage and area.~~

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 16th day of December, 2008.



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