

ORDINANCE #07-47:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.1 TABLE OF PERMITTED AND SPECIAL USES AND TO SECTION 10.2.1.3 SPECIAL REQUIREMENTS TO THE TABLE OF PERMITTED AND SPECIAL USES. (PUBLIC UTILITY FACILITIES)

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 27, 2007 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 10.2.1 and 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 18th day of December, 2007, 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 10.2.1:

*10.2.1 Table of Permitted and Special Uses
EDUCATIONAL, RECREATIONAL, INSTITUTIONAL*

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
Cemeteries		X														6
Churches	SZ	X	SC	SC	SC	SC					X				SC	7
Community Centers	X	SC	SZ	SZ	SZ	SZ	SZ		SZ							7
Country Clubs										X						
Emergency Vehicle Garage	SZ												X			
Fox Hunting Facility																
Golf Courses	X	SC								X						
Government Buildings	SZ	SZ									X			X	X	
Museums, Libraries	SZ										X			X	X	
Open Space Land	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Parks	X	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	X	SZ	SZ	SZ	SZ	SZ	

Public Greenways	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Public Safety Stations	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ
Public Utility Facilities	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	<u>28</u>
Recreation Area	X	X	SC	SC	SC	SC						X						7
Recreation Center	X											X						7
Recreational Facility, Indoor	SC	SZ	SC	SC	SC						SC							
Recreational Facility, Outdoor	SC	SZ	SC	SC	SC						SC							
Resource Conservation Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Schools	SZ	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	7

X=Permitted Use
 SC=Major Special Use (Village Council)
 SZ=Minor Special Use (Zoning Board of Adjustment)
 SR=Special Requirement (See Section 10.2.6.1)

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 10.2.1.3:

10.2.1.3

SR-28. Public Utility Facilities

- (1) When replacing existing sewer lift stations and water pumping facilities, such facilities are exempt from the dimensional requirements established in section 10.2.2.2 of the PDO. This is only when replacing facilities constructed prior to May 25, 2005.
- (2) If a fence associated with the public utility facility is approved as part of the minor special use process it may deviate from the fence standards of the PDO outlined in section 10.2.1.3 18 (f) of the PDO.
- (3) All other public utility facilities shall comply with all parts of the PDO.

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 18th day of December, 2007.

(Municipal Seal)



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