

**ORDINANCE #06-31:**

**AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTIONS 2.2 AND 10.2.1.3 SR-25(h) and Table 10.2.1.**

**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 September 24, 2006 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 and 10.2.1.3 SR-25(H) and Table 10.2.1 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 24<sup>th</sup> day of October, 2006, 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 2.2 Definitions:

**Farmers' Market: An outdoor market open to a group of vendors, at which locally grown fruits and vegetables are sold on a retail basis.**

**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 Table 10.2.1:

Table 10.2.1  
TABLE OF PERMITTED AND SPECIAL USES

USE TYPES	MISCELLANEOUS USES											RD	OP	H	HD	VC	NC	SR
	PC	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF									
Accessory Uses and Structures, Fences	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	18		
Agriculture		X												X		<u>25</u>		
<u>Farmers' Market</u>																		
Greenhouses and Nurseries (with no outside sales)		X																
Horse Farm	SC	X	SC													19		
Horse Training Tracks	SC	SC																
Kennels		X																
Parking for a Permitted Use as Regulated by Chapter 10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Parking Garage, Common Wall													X		X	20		
Parking Garage, Freestanding													SZ	SZ		SZ 21		
Parking Lot, Principal Use	SC												X	X				
Radio and TV Studios													X					
Recreational Vehicle Park							SC									23		
Signs, as regulated By Chapter 10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Signs, resort and hospital signs part of a comprehensive sign plan which exceeds the size limitations of Chapter 10	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC 27		
Stables	X	X												SC				
Telecommunication Towers		SC														24		
Temporary Uses and Structures	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	25		
Yard Sales		X	X	X	X	X	X	X	X	X	X	X	X	X	X	26		
Accessory Uses and Structures, Fences	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	18		

X=Permitted Use  
 SC=Major Special Use (Village Council)  
 SZ=Minor Special Use (Zoning Board of Adjustment)  
 SR=Special Requirement (See Section 10.2.1.3)

**SECTION 3.** 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 Special Requirements to the Table of Permitted and Special Uses

SR-25. Temporary Uses and Structures

**25(h) Farmers' Market**

Farmers' Markets are an allowed accessory and temporary use in the HD District provided such use is not placed in any required yard or setback, provided all conditions set forth below are met:

- (1) Prior to establishing a farmers' market, the applicant must receive approval from the Village Planner;
- (2) Existing uses on the property shall not be affected in any way by the operation of the farmers' market;
- (3) Adequate facilities, such as parking and restrooms shall be provided for the farmers' market and all existing uses on the property;
- (4) No landscaped areas or buffer areas shall be encroached upon or occupied by the farmers' market;
- (5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected;
- (6) The actual hours of operation of the market shall be limited to one day a week for no more than 8 hours and in all instances shall cease by 9 pm;
- (7) A site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner.
- (8)

**SECTION 4.** That all ordinances or sections thereof in conflict herewith are hereby repeated and declared null and void from and after the date of adoption of this ordinance.

**SECTION 5.** That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

**SECTION 6.** Adopted this 24<sup>th</sup> day of October, 2006.

(Municipal Seal)

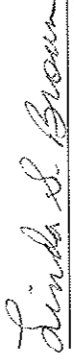


VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: 

Steven J. Smith, Mayor

Attest:

  
Linda S. Brown, Village Clerk

Approved as to form:

  
Michael J. Newman, Village Attorney