

ORDINANCE #05-36:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN A SPECIFIC AREA WITHIN THE VILLAGE OF PINEHURST.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an ordinance (#04-44) imposing a Moratorium on Real Estate Development Activity in a specific area within the Village of Pinehurst on December 14, 2004; and

WHEREAS, said ordinance specifies that the moratorium as detailed in the original ordinance may be extended twice for periods of 90 days duration; and

WHEREAS, said moratorium has been extended twice (#05-12 and #05-24), the last extension to expire on December 1, 2005; and

WHEREAS, the Village Council contracted with Raybould Associates, LLC to guide development of the NewCore area (“NewCore Master Plan”); and

WHEREAS, Raybould Associates, LLC will not have the final document known as the NewCore Master Plan completed by December 1, 2005; and

WHEREAS, adopting a new moratorium would aid in the accomplishment of the aims as detailed in the original ordinance;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This ordinance shall be applicable to all property within the boundaries of the area depicted on the map attached hereto, referred to as Exhibit A.

Section 2. Duration. This ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of six months from the date of adoption, expiring May 20, 2006, with one (1) period of extension of ninety (90) days, which shall be effective upon Council approval, or until earlier terminated by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this ordinance and continuing throughout its duration, no development shall occur in the small area depicted on the map identified as Exhibit A, unless the development is that conducted by a public utility or public agency and it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this ordinance, the term listed below shall have the following meaning:

DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to: buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance Village may enforce its terms by any means available pursuant to N.C.G.S. 160A-175.

Adopted this the 22nd day of November, 2005.

(Municipal Seal)

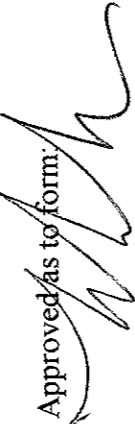


VILLAGE OF PINEHURST
VILLAGE COUNCIL

Attest:


Linda S. Brown, Village Clerk

Approved as to form:


Michael J. Newman, Village Attorney


By: _____
Steven J. Smith, Mayor

