

'The Rainmaker' To Be Seen At Pinehurst Friday

The world-famous Carolina Playmakers will appear Friday night, Dec. 2, at the Pinehurst High School, in their annual touring production, presenting N. Richard Nash's "The Rainmaker," a charming comedy about a plain girl who becomes beautiful by thinking she is.

"The Rainmaker," directed by Harvey Whetstone of the Playmakers' staff, includes in its cast five North Carolinians—James Heldman, of Durham, as Starbuck; James Sechrest, of Thomasville, as Jim Curry; Charles Barrett, of Hickory, as Noah Curry; William Casstevens, of Yadkinville, as H. C. Curry; and Carl Williams, of Charlotte, as the Sheriff. Others in the company of 12 actor-technicians are Louise Fletcher, of Birmingham, Ala., in the leading role of Lizzie Curry, and Ken Lowry, of Troy, Ohio, as File, the deputy.

"The Rainmaker," a success on Broadway and in several productions all around the country, promises to delight every member of the family. Curtain time is 8:30, and tickets are on sale at Broad Street Pharmacy and at the door of the High School Auditorium.

New Tractor To Be Displayed

Aberdeen Supply Co., Inc., of Aberdeen will place on display Saturday the new Model 420 John Deere tractor, which supersedes the John Deere Model 40.

Jere McKeithen of the Aberdeen firm states that the new series is 20 per cent more powerful than the 40 Series Tractor. According to the dealer, the new Model 420 Tractor with stepped-up power, is "a real giant in the two-three plow tractor size."

Aberdeen Supply Co., located at corner of Sycamore and Knight Sts., has mailed invitations to friends and is inviting the public to the store on Saturday to see this new model.



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NOTICE OF PUBLIC HEARING ON AMENDMENT TO ZONING ORDINANCE OF TOWN OF SOUTHERN PINES

Pursuant to authority contained in Chapter 160, North Carolina General Statutes entitled, "Municipal Corporations," Sections 175 and 176, and by authority and under direction of the Town Council of the Town of Southern Pines, notice is hereby given that a public hearing will be held at the Town Office at 8:00 o'clock P. M. on the 13th day of December, 1955, for the purpose of hearing any complaints of interested persons in connection with the proposed Amendment to the Zoning Ordinance of the Town of Southern Pines; in case of protest against such change signed by twenty per cent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the legislative body of such municipality.

The provisions of such proposed amendment are as follows:

AN ORDINANCE

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines at regular session assembled this _____ day of _____, 1955, that the Zoning Ordinance of the Town of Southern Pines adopted the 12th day of January, 1954, as amended, be and is hereby further amended as follows:

Section I. Section II - Districts. Include and add a Business I District, Business II District, and Business III District to be abbreviated respectively BI, BII, and BIII.

Section II. Section III - Boundaries of Districts.

D. Business I District - the boundaries of the Business I District shall be the business district of the Town of Southern Pines prior to the adoption of this amendment except the area included in BII District.

E. Business II District

1. All of the west side of Bennett Street between New York Avenue and Vermont Avenue to a distance of the depth of the deepest lot.

2. All of the east side of Bennett Street between Vermont and Connecticut Avenue to the depth of the deepest lot.

3. Southeast Broad Street from New York Avenue to Illinois Avenue to a distance of the depth of the deepest lot. All of that portion of Northeast Broad Street between Connecticut Avenue and Vermont Avenue not included in the BI Districts to the depth of the deepest lot.

4. All of the south side of W. New York Avenue between Broad Street and Bennett Street not included in the BI Districts to the depth of the deepest lot.

5. All of the east side of Bennett Street between New York and Pennsylvania Avenue not included in the BI Districts to the depth of the deepest lot.

F. Business III District

1. The area 500 feet both east and west of the highway right-of-way line on the U. S. No. 1 Thru-way bounded on the north by the south property line of West Vermont Avenue and West Vermont Avenue if extended and bounded on the south by the corporate limits of the Town of Southern Pines on the effective date of this Ordinance.

Section III. Section III - Boundaries of Districts. The present subsection "E" (Industrial) shall hereafter be designated subsection "G".

Section IV. Section VII - Business Districts

A. Business I Districts

1. Uses permitted

a. All of the uses permitted in Section V - Residence II Districts.

b. Hotel or lodging house for any number of guests, with restaurants, news stands, and any other incidental accessory uses or services therein.

c. Wholesale and jobbing establishments exclusive of manufacturing establishments.

d. Any store for the conduct of any legitimate retail business.

e. Any retail establishment which makes articles to be sold at retail on the premises.

2. Uses prohibited

a. No building or land shall be used in whole or part for any of the following uses: acid manufacture, acetylene gas manufacture, ammonia manufacture, asbestos manufacture, bag cleaning, bleaching powder or chlorine manufacture, boiler shop, structural steel fabrication shop, or metal working shop operating reciprocating hammers or chisels or other noise-producing machine-operated tools, brewing or distilling of liquors, brick, tile, or terra cotta manufacture, coal yard.

b. Any trade, business, industry or activity shall be prohibited which may become noxious or offensive by reason of the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter, or water-carried waste to such an extent as to be detrimental to public health, safety or general welfare.

c. Junk yards which may be used for the purpose of storing old automobiles or other vehicles, old iron, old glass, paper, cordage, or other waste or discarded material which has outlived its usefulness in its original form, and which may be commonly gathered up and sold to be converted into another product either of the same or of a different kind by some manufacturing process.

3. Building and Area Regulations

a. Height—No restrictions are imposed by this ordinance on the height of any building other than that which may be imposed by some other ordinance or ordinances of the Town of Southern Pines.

b. Front yard—A front yard for each building shall be provided in an amount no less than ten feet from the front property line of any street upon which the lot is fronted. If a building is erected for both dwelling and business uses, there shall be a side yard having a width of at least twelve feet on either side of the building for the first story thereof used in any part for dwelling purposes. If the second or third story is used in any part for dwelling purposes, there shall be a side yard requirement as though the second or third story were on the ground.

c. Provision shall be made for off-street loading in each and every building where the receipt or delivery of articles or merchandise is necessary for the conduct of the business.

d. Adequate off-street parking facilities shall be provided for each main building hereafter constructed. Said off-street parking shall consist of at least one space for each employee employed in the main building and an additional space shall be provided for the average number of customers expected to be in the building at any one time and in no event less than 2 additional spaces for each employee employed in the building. A parking space shall consist of at least two hundred square feet either within or without the building.

B. Business II Districts

1. Uses permitted

a. All the uses permitted in Section V - Residence II Districts.

b. Retail stores, shops, office buildings, hotels, lodging house or boarding house, or restaurant which primarily serves meals, studio, beauty parlor, retail greenhouse, florist shop, any other enterprise for profit, for the convenience and service of, and dealing directly with and immediately accessible to the ultimate consumer, and being an enterprise not mentioned as prohibited in a BI district by Section VII, Subsection A2, and not injurious to adjacent premises or occupants thereof, by reason of the emission of dust, fumes, smoke, odors, or noise.

2. Uses prohibited

a. Any uses prohibited in the Business I District.

b. All establishments selling beer, wine, malt, or vinous liquors for consumption on the premises.

c. Junk yards which may be used for the purpose of storing old automobiles or other vehicles, old iron, old glass, paper, cordage, or other waste or discarded material which has outlived its usefulness in its original form, and which may be commonly gathered up and sold to be converted into another product either of the same or of a different kind by some manufacturing process.

3. Building and Area Regulations

a. The building and area regulations of the Business II District shall be the same as the Business I District.

C. Business III Districts

1. Uses permitted

a. All of the uses permitted in Business II Districts.

b. Service stations confined to the retail sale of motor fuels and automobile accessories.

c. Motels and motor courts.

2. Uses prohibited

a. Any uses prohibited in BI and BII Districts except those under Section VII B2b.

b. Garages and automobile body shops whose primary purpose is the repair and maintenance of automotive vehicles.

c. Junk yards which may be used for the purpose of storing old automobiles or other vehicles, old iron, old glass, paper, cordage, or other waste or discarded material which has outlived its usefulness in its original form, and which may be commonly gathered up and sold to be converted into another product either of the same or of a different kind by some manufacturing process.

d. Any trade, business, or activity dealing in the wholesale or retail sale or purchase of new or used automobiles or other vehicles.

3. Building and area regulations

a. Height—No restrictions are imposed by this Ordinance on the height of any building other than that that may be imposed by some ordinance or ordinances of the Town of Southern Pines.

b. Front yard—A front yard for each and every building upon which there shall be installed no building, gasoline pumps, gasoline tanks, signs or structures of any kinds, except shrubbery and other landscaping improvements, shall be provided in an amount no less than 15 feet from the front property line of the highway or street upon which the lot is fronted.

c. Provisions shall be made for off-street loading in each and every building where the receipt or delivery of articles or merchandise is necessary for conduct of the business.

d. Adequate off-street parking facilities shall be provided for each main building hereafter constructed. Said off-street parking shall consist of at least one space for each employee employed in the main buildings; in the case of restaurants or other eating establishments, one additional space shall be provided for each table, booth, counter chair, etc., in the building; for each motel or lodge, one additional space shall be provided for each bedroom in the motel or lodge; and in all cases not otherwise covered one additional parking space shall be provided for each customer based on a reasonable determination of those customers which might be in the business at one time in the opinion of the Building Inspector. A parking space shall consist of at least 200 square feet either within or without the building and said space shall not include the front yard required in 3b above or normal driveways to and from the building.

e. All other building and area regulations required in Section BI and BII.

Section V. Non-Conforming Uses. The lawful use of any building or land existing at the time of the adoption of this ordinance may be continued, but not enlarged or extended although the use of such building or land does not conform to the regulations of the district in which such use is maintained. An existing non-conforming use of a building or premises may be changed to another non-conforming use of the same or higher classification, but may not at any time be changed to use of a lower classification.

No non-conforming use may be re-established in any building or on any premises where such non-conforming use has been discontinued for a period of one year.

Any non-conforming building or structure damaged by fire, explosion, flood, riot or act of God may be reconstructed and used as before any such calamity, provided such reconstruction takes place within one year of the calamity.

Section VI. Administration. The Building Inspector is hereby authorized, and it shall be his duty, to administer the provision of this ordinance. Appeal from the decision of the Building Inspector may be made to the Board of Adjustment as provided in Section XI of the existing zoning ordinance as amended.

Section VII. Certificate of Occupancy. After the effective date of this ordinance it shall be unlawful to change or commence the use of any building or land, except the use of land for agricultural purposes, until a certificate of occupancy shall have been issued by the Building Inspector stating that the proposed use complies with the provisions of this ordinance. No permit for the excavation for, or the erection of, any building or part of a building, or for repairs or alterations of a building or part of a building, shall be issued until after a statement of the intended use has been filed by the applicant, and no per-

mit shall be issued by the Building Inspector when it appears that such building or its intended use will violate the provisions of this ordinance. No building erected or structurally altered after the effective date of this ordinance shall be used or occupied until the Building Inspector shall have issued a certificate of occupancy stating that the building and the proposed use thereof complies with the provisions of this ordinance. A record of all such certificates shall be kept on file in the office of the Building Inspector and a copy shall be furnished upon request to any person having a proprietary or tenancy interest in the building.

Section VIII. Plats. Each application for a building permit shall be made prior to any construction work and shall be accompanied by a plat in duplicate drawn to scale showing accurate dimensions of the lot to be built upon, the width of the street or streets upon which the lot fronts or abuts, accurate dimensions of the building to be erected, its location on the lot, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats shall be kept in the office of the Building Inspector.

Section IX. Changes and Amendments. The Town Council may from time to time on its own motion or on petition, after public notice and hearing as provided by law, amend, supplement or change, modify or repeal the boundaries or regulations herein or subsequently established. In case, however, of a protest against such change duly signed by the owners of twenty (20) per cent or more of the frontage proposed to be changed or of the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed except by a three-fourths (¾) vote of all the members of the Town Council.

Section X. Application. In their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued in conformity with law relating to the use of buildings or premises, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations of permits, or by such easements, covenants or agreements, the provisions of this ordinance shall control.

Section XI. Validity. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section XII. Penalty. Any person, firm or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty (50) dollars or imprisoned not exceeding thirty (30) days. Each day that a violation continues to exist shall be considered a separate offense, provided the violation of this ordinance be not corrected within thirty (30) days after notice of said violation has been given.

Section XIII. Repealing Clause. This ordinance in part carries forward by re-enactment some of the provisions of the existing City Planning and Zoning Ordinances of the Town of Southern Pines as amended, and it is not the intention to repeal, but, to re-enact and continue in force without interruption such existing provisions, so that all rights and liabilities that have accrued thereunder are preserved and may be enforced.

Section XIV. Effective Date. This ordinance shall take effect and be in force from and after the date of its passage and publication.

LOUIS SCHEIPERS, Jr., Clerk.

n24-d1-8

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