

Notice of Adoption of Ordinance

Notice is hereby given that the Town Council of the Town of Southern Pines, in regular session assembled on the 12th day of January 1954, adopted a Zoning Ordinance for the Town of Southern Pines, as follows:

ZONING ORDINANCE OF THE TOWN OF SOUTHERN PINES

An ordinance to amend the existing zoning ordinance in order to regulate, restrict and limit, in the interest of the public health, safety, comfort, convenience, and general welfare, the uses and locations of buildings and other structures and premises to be used for trade, industry, residence, or other specified uses; the height, bulk, and location of buildings and other structures hereafter erected or altered, including the lot area per family, set back building lines, and the areas to be devoted to yards and open spaces; and for said purpose to divide the Town into zones or districts of such number, shape, and area as are deemed best suited to carry out said purposes; and to provide a method of administration; and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

SECTION I—DEFINITIONS

Unless it clearly appears from the context in any instance that a different meaning is intended for any of the following words or groups of words, the following definitions shall apply in this ordinance:

Lot: Any parcel of land of sufficient area to accommodate one main building and any permitted accessory buildings and to provide such open spaces as are required by this ordinance.

Accessory Building: A building subordinate to the main building on a lot for uses customarily incidental to those of the main building.

Front Yard: An open space extending for the entire width of a lot from the street line of the lot to the foremost part, other than steps, of the main building on the lot.

Rear Yard: A space, unoccupied other than by any permitted accessory building, extending for the entire width of a lot from the rear line of the lot to the rear most part, other than steps, of the main building on the lot.

Side Yards: An open unoccupied space between the side line of the lot and the main building thereon.

Height of Building: The vertical distance measured from the top of the basement, if any, otherwise from the ground level at the center of the front of the building, to the highest point of the roof beams adjacent to the front wall in the case of a flat roof; to the average height of the gables in the case of a pitched roof; and to the deck line in the case of a mansard roof.

Family: Any number of individuals living together as a single housekeeping unit.

One-Family Dwelling: A detached building designed for and to be used by only one (1) family.

Two-Family Dwelling: A building designed for and to be used by not more than two (2) families, one living independently of the other, and separated by walls and/or floors.

Multiple Dwelling: A building designed for and to be used by three (3) or more families, each living independently of the others in a separate housekeeping unit.

SECTION II—DISTRICTS

For the purpose of this ordinance the Town of Southern Pines is hereby divided into districts which are hereby given the following designations:

- Residence 1 Districts
- Residence 2 Districts
- Business District
- Industrial District

R1, R2, B and I are used here respectively as abbreviations for Residence 1, Residence 2, Business and Industrial.

No building or structure shall be erected or altered which does not comply with the building and area regulations of this ordinance for the district wherein located, nor shall any building or premises be used for any purpose other than as permitted by this ordinance in the district wherein located, except as permitted in Section VIII of this ordinance.

SECTION III—BOUNDARIES OF DISTRICTS

A. Residence I

(1) Beginning at a point 100 feet east of the east boundary of May Street at the south boundary of Rhode Island Avenue; thence southward 100 feet or the depth of the lot east of the East boundary of May Street to the southern corporate limit adjacent to Morganton Road; thence along the southern corporate limit line along Morganton Road and fol-

lowing the southern corporate limit line to its point of intersection with the eastern corporate limit line; thence in a northeasterly direction along the east corporate limit line to Connecticut Avenue; thence in a north westerly direction along Connecticut Avenue to the intersection of the corporate limit and the James Boyd forty-three acre tract, at a point opposite the intersection of Weymouth Road and Connecticut Avenue; thence in a northeasterly direction along the corporate limit line to the northeast corner of the Struthers Burt property; thence following the boundaries of the east side of Ridge Street; thence South along the east side of Ridge Street to the intersection of the south side of Rhode Island Avenue; thence west to the point of beginning.

(2) All the area bounded by Saylor Street, Crestview Road, Blue Hills Avenue and Rhode Island Avenue.

B. Residence II

(1) All of the area within the corporate limits of the Town of Southern Pines not included in R1, B, or I districts.

C. Business

(1) The boundaries of the business district shall remain unchanged by this ordinance.

D. Industrial

(1) The boundaries of the industrial districts shall remain unchanged by this ordinance.

SECTION IV—RESIDENCE I DISTRICTS

A. Uses Permitted:

- (1) One-family dwellings.
- (2) Churches and other places of worship.
- (3) Public and parochial schools and public libraries.
- (4) Buildings, play grounds and parks, any of which shall be owned and operated on a non-commercial basis for purposes of recreation by the Town of Southern Pines, by any religious institution or by any charitable organization.
- (5) Accessory uses and structures customarily incidental to the principal uses and structures, including the erection and use, only in the rear yard area, of living quarters for servants in the employ of the occupants of the main residence. Garage apartments for rent will not be permitted. Erection and use of trailers or temporary living quarters pending the construction of the main residence will not be permitted.

(6) Customary home occupations in the residence, provided that such occupations shall be carried on by resident occupants in the main building, and provided further that not more than twenty (20) per cent of the floor space of the residence is used in the conduct of such activities, only articles made on the premises are sold on the premises, and no articles for sale are displayed so as to be visible from the street.

(7) The maintenance of an office by a professional person in the bona fide residence of such person.

(8) A professional or announcement sign not exceeding one (1) square foot in area if wholly attached to the building; a sign pertaining only to the lease and/or sale of the premises upon which displayed, not exceeding six (6) square feet in area and displayed behind the front building line applicable to the lot; a sign or bulletin board not exceeding twelve (12) square feet in area upon the premises of a church or other institution for the purpose of displaying the name of the church or institution and the activities or services thereof.

(9) A professional or announcement sign not exceeding one (1) square foot in area if wholly attached to the building; a sign pertaining only to the lease and/or sale of the premises upon which displayed, not exceeding six (6) square feet in area and displayed behind the front building line applicable to the lot; a sign or bulletin board not exceeding twelve (12) square feet in area upon the premises of a church or other institution for the purpose of displaying the name of the church or institution and the activities or services thereof.

(10) A professional or announcement sign not exceeding one (1) square foot in area if wholly attached to the building; a sign pertaining only to the lease and/or sale of the premises upon which displayed, not exceeding six (6) square feet in area and displayed behind the front building line applicable to the lot; a sign or bulletin board not exceeding twelve (12) square feet in area upon the premises of a church or other institution for the purpose of displaying the name of the church or institution and the activities or services thereof.

(11) A professional or announcement sign not exceeding one (1) square foot in area if wholly attached to the building; a sign pertaining only to the lease and/or sale of the premises upon which displayed, not exceeding six (6) square feet in area and displayed behind the front building line applicable to the lot; a sign or bulletin board not exceeding twelve (12) square feet in area upon the premises of a church or other institution for the purpose of displaying the name of the church or institution and the activities or services thereof.

B. Building and Area Regulations:

(1) Height—The maximum height shall be thirty five (35) feet or two (2) stories for any building other than a church, school, college or other public building, any of which if set back from each lot line, in addition to all yard requirements, one (1) foot for each foot of height of the building, exclusive of steeples, in excess of thirty-five (35) feet may be built to any height the dimensions of the lot will allow.

(2) Area—There shall be a minimum of seven thousand five hundred (7,500) square feet of lot area for each dwelling, unless the size of a lot of less area has been fixed by recorded map or deed prior to the adoption of this ordinance.

(3) Front Yard—A front yard shall be required for every main building. The minimum depth of any front yard shall be twenty five (25) feet from the front property lot line, except where more than twenty per cent (20%) of the block frontage is already occupied by buildings; the average set back of these buildings may be taken as the building line for that block frontage.

(4) Rear Yard—A rear yard shall be required for every main building. The minimum depth of any rear yard shall be thirty (30) feet. Accessory buildings for uses permitted herein, may occupy in

the aggregate not over thirty per cent (30%) of the required rear yard.

(5) Side Yard—There shall be a side yard on each side of every main building. The minimum width of any part of any side yard shall be twelve (12) feet.

(6) Corner Lots—No part of any building or structure shall be within 25 feet of the front street line, or within 20 feet of the side street line. The front street line shall be the street upon which a majority of the lots in the block are fronted.

SECTION V—RESIDENCE II DISTRICTS

A. Uses Permitted:

(1) All uses permitted by Section IV in R1 Districts, the provisions of said Section IV relating to accessory uses and structures, garage apartments, temporary living quarters and customary home occupations in the residence to be applicable in R2 Districts.

(2) Two-family dwellings and multiple dwellings if provision is made on the lot on which any such dwelling is located for parking of at least one car for each housekeeping unit.

(3) Hospitals, sanitariums, nursing homes, clinics and buildings for offices of physicians, but no hospital, sanitarium or nursing home in R2 district shall be used primarily for the treatment of contagious diseases or the care and treatment of drug addicts or alcoholics.

(4) Private clubs not conducted for profit.

B. Building and Area Regulations:

(1) Height—The heights of dwellings and all other buildings shall be the same as prescribed by Section IV, subsection B1.

(2) Area—There shall be a minimum of five thousand (5,000) square feet of lot area for each dwelling designed for not more than two (2) families, and an additional two thousand (2,000) square feet of lot area for each dwelling unit in excess of two (2).

(3) Front Yard—The requirements shall be the same as in Section IV, subsection B3.

(4) Rear Yard—A rear yard shall be required for every main building. The minimum depth of any rear yard shall be twenty (20) feet, unless the average depth of the lot is less than one hundred thirty-three (133) feet, in which event the minimum depth shall be fifteen (15) per cent of the average depth of the lot.

(5) Side Yard—the requirements shall be the same as in Section IV, subsection B5.

SECTION VI—BUSINESS DISTRICTS

A. Uses Permitted:

The uses permitted for business purposes shall remain unchanged by this ordinance.

SECTION VII—INDUSTRIAL DISTRICTS

A. Uses Permitted:

The uses permitted for industrial purposes shall remain unchanged by this ordinance.

SECTION VIII—NONCONFORMING 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 nonconforming use of a building or premises may be changed to another nonconforming use of the same or higher classification, but may not at any time be changed to use of a lower classification.

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

Any nonconforming 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 IX—ADMINISTRATION

The Building Inspector is hereby authorized, and it shall be his duty, to administer the provisions of this ordinance. Appeal from the decision of the Building Inspector may be made to the Board of Adjustment as provided in Section X.

SECTION X—BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established which shall consist of five (5) members who shall be citizens of the Town of Southern Pines, North Carolina, and shall be appointed by the Town Council, one (1) to serve for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. The Town Council may appoint two (2) alternate members of said Board who shall be citizens of the Town of Southern Pines and shall be appointed for a term which shall expire at the next time when

the term of any regular member expires. Each appointment to fill a vacancy shall be for the unexpired term. Any alternate member may attend any regular or special meeting of said Board and serve thereon in the absence of any regular member and while so serving shall have and exercise all the powers and duties of such absent member. Said Board shall elect a Chairman and such other officials as shall be necessary.

An appeal from the decision of the Building Inspector may be taken to the Board by any person aggrieved or by any officer of the Town.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

All hearings of appeals shall be open to the public. Notice of the time and place of each hearing shall be given to the appellant, and to the owners of properties adjacent to, directly across the street from, and immediately in the rear of, the property involved in the hearing, and the decision of the Board on each appeal shall be made either at or within a reasonable time after the public hearing. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and the final disposition of each appeal shall be by recorded resolution indicating the reasons of the Board therefor, all of which shall be a public record.

The Board shall have the following powers:

1. To hear and decide an appeal when it is alleged by the appellant that there is error in any order, requirement, decision or determination made by the Building Inspector. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination made by the Building Inspector or to decide in favor of the appellant any question raised by the appeal.
2. To permit a temporary building for business or industry in a residential district, which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.
3. To permit a garage other than a private garage, but for storage purposes only, as an accessory building to a hotel, hospital or similar institution, in a residential district where it is deemed necessary for the public convenience or welfare and where it can be done without substantially derogating from the intent and purpose of this ordinance.
4. If recommended by the State Utilities Commission of North Carolina, to permit in appropriate cases, subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance, a building or premises to be erected or used by a public utility corporation or for public utility purposes in any location and for any purpose which is reasonably necessary for the public convenience and welfare.
5. To vary or modify upon appeal any of the regulations or provisions of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land, where in a specific case owing to special conditions a literal enforcement of the strict letter of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer of the Town of Southern Pines may within thirty (30) days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review by a proceeding in the nature of certiorari as provided by law.

SECTION XI—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.

SECTION XII—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 XIII—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 (3/4) vote of all the members of the Town Council.

SECTION XIV—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 or 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 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 or permits, or by such easements, covenants or agreements, the provisions of this ordinance shall control.

SECTION XV—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 XVI—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 XVII—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 XVIII—EFFECTIVE DATE

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

LLOYD CLARK
Mayor

Attest:
LOUIS SCHEPERS, JR.
Clerk

Legal Notices

NOTICE

Having this day qualified as Administratrix of the estate of Walter B. Whitman, deceased, this is to notify all persons having claims against the said estate to present them to the undersigned, duly verified, on or before December 25, 1954, or this notice will be pleaded in bar of their recovery. All persons indebted to the said estate will please make immediate payment.

Dated this 16th day of November, 1953.

WANDA WHITMAN, Administratrix of the Estate of Walter B. Whitman, deceased.
d25j29incl

NOTICE IN THE SUPERIOR COURT

North Carolina,
Moore County

EDITH STRICKLAND ROSS,
Plaintiff,

vs.

LUCIUS O. ROSS, Defendant.

The above named defendant will take notice that an action entitled as above has been commenced in the Superior Court of Moore County, North Carolina, to secure an absolute divorce; that the defendant will further take notice that he is required to appear before the Clerk of the Superior Court of said County in his office in the Court House in the Town of Carthage, North Carolina, within twenty days from the 12th day of February 1954, and answer the plaintiff's Complaint in said action or plaintiff will apply to the Court for the relief demanded in said Complaint.

Dated this 9th day of January, 1954.

C. C. KENNEDY,
Clerk of the Superior Court
j15,22,29,54c

NOTICE

The annual members meeting of The SOUTHERN PINES BUILDING AND LOAN ASSOCIATION OF SOUTHERN PINES, N. C. will be held at the Southern Pines Civic Club, Corner Ashe Street and Pennsylvania Avenue

NOTICE

Southern Pines, N. C.
January 15, 1954

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Dated this 9th day of January, 1954.

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Clerk of the Superior Court
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at 8:00 p. m. on FRIDAY, JANUARY 29th, 1954.

All members of the Association are urged to be present if possible to transact such business as may properly come before the members.

MARY McCALLUM,
Secretary

Hayes Book Shop

BOOKS

Office Supplies
School Supplies
Leather Goods
Party Goods
Newspapers
Stationery
Magazines
Records
Radios
Models
Gifts
Games
Toys



GREETINGS & GIFTS

are brought to you from
Friendly Neighbors
& Civic & Social Welfare
Leaders
through
WELCOME WAGON

On the occasion of:

The Birth of a Baby
Engagement Announcements
Change of residence
Arrivals of Newcomers to
SOUTHERN PINES
Phone 2-6531
(No cost or obligation)

Cream of Kentucky

Double-Rich Kentucky Whiskey

Blended and Bottled by SCHENLEY DISTILLERS, INC., FRANKFORT, KENTUCKY.

\$2.00 PINT

4/5 QT. \$3.20

KENTUCKY WHISKEY - A BLEND

66 PROOF. 70% GRAIN NEUTRAL SPIRITS. SCHENLEY DIST., INC., FRANKFORT, KY.