

ORDINANCE #98-10

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE OF THE VILLAGE OF PINEHURST, AS IT PERTAINS TO TEXT AMENDMENTS TO SECTION 2.1.3, SPECIFICALLY, THE DEFINITION OF MAJOR SUBDIVISION AND MINOR SUBDIVISION.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted the Pinehurst Development Ordinance on October 23, 1995, 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 has been amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, the Village Council of the Village of Pinehurst held a Public hearing at 9:30 a.m. on March 30, 1998 in the Conference Room 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 text amendments, 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 zoning change; and

WHEREAS, the Planning and Zoning Board has recommended that the Village Council amend the Development Ordinance of the Village of Pinehurst as described in Section 1 below; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed change, and the property involved, have determined that it is in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction that the Pinehurst Development Ordinance and Map be further amended, making the change as requested;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in special session assembled on the 30th day of March, 1998, as follows:

SECTION 1. That the Pinehurst Development Ordinance of the Village of Pinehurst, and its extraterritorial zoning jurisdiction be and the same is amended as follows:

That the text amendments to Section 2.1.3 of the Pinehurst Development Ordinance, as recommended by the Planning and Zoning Board, are hereby adopted, said amendments attached hereto as Exhibit A and made a part hereof, the same as if included verbatim.

SECTION 2. That this Ordinance Amendment shall be and remain in full force and effect from and after the date of its adoption.


SECTION 3. Adopted this 30th day of March, 1998.

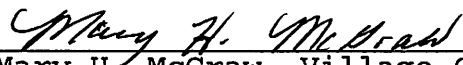
(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

Attest:

By:


Virginia F. Fallon, Mayor


Mary H. McGraw, Village Clerk

Approved as to form:

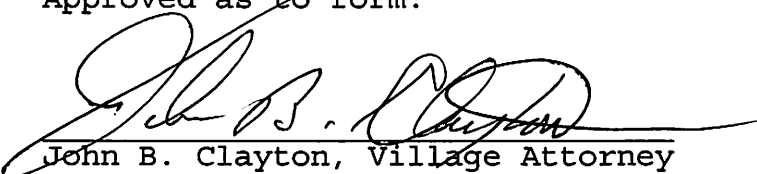

John B. Clayton, Village Attorney

EXHIBIT A

**ZT0897: PROPOSED AMENDMENTS TO SECTION 2.1.3 OF THE PINEHURST
DEVELOPMENT ORDINANCE (DEFINITION OF MAJOR AND MINOR SUBDIVISION)
REPORT TO THE VILLAGE COUNCIL
PUBLIC HEARING DATE: MARCH 30, 1998**

Prepared by the Pinehurst Planning and Zoning Department

Request

The request is to amend Section 2.1.3 of the Pinehurst Development Ordinance (PDO). In accordance with Section 7.1 of the PDO, the Village Council has the authority to amend the text. The Planning and Zoning Board makes recommendations to the Village Council on requests for text amendments.

Proposed Amendments

The proposed amendment would change the definitions of Major and Minor Subdivision. Existing definitions are contradictory and somewhat confusing. The proposed definition is meant to clarify the distinction between Minor and Major Subdivisions while ensuring that those subdivisions of land likely to have significant impact on the Village are considered Major and subject to Village Council approval.

The proposed text does not address ownership nor does it address who is subdividing the land. As the Village can not control ownership, it is inadvisable to incorporate ownership into development regulations. Additionally, a regulation to the effect that the creation of more than three lots within a ten year period by someone other than the original subdivider be considered Minor would also be inadvisable. Such a regulation is simple to circumvent through the creation of corporations. Essentially, Mr. X could subdivide land so as to yield three lots (Minor Subdivision). A year or so later, Corporation X, of which Mr. X is the sole principle, could then continue the subdivision of land, yielding yet three more lots for a total of six lots created in less than ten years.

Text proposed to be added is underlined. Text proposed to be deleted appears with a strikethrough.

MAJOR SUBDIVISION: Any subdivision other than a minor subdivision. ~~All divisions of tracts of land meeting the definition of subdivision that are either non-residential in nature or are residential and no less than 10 acres in size or do not meet the definition of Minor Subdivision.~~

MINOR SUBDIVISION: A subdivision that does not involve any of the following: (A) creation of more than three lots from any one tract of land (as the tract existed on October 23, 1995), whether such lots are created at one time or over a period of ten years thereafter; and (B) dedication or improvement of any new street other than widening approved existing streets; and (C) extension of a public water or sanitary sewage system other than laterals to individual lots; and (D) the installation of drainage improvements which would require easements through one or more lots to serve other lots. ~~—All divisions of tracts of land meeting the definition of subdivision that are residential and less than 10 acres in size or are non-residential and 10 acres or greater in size and divide a tract of land in single ownership into three or fewer lots, where no improvements to the standards set forth in this Ordinance are required.~~

Planning and Zoning Board Recommendation

At their meeting of March 17, 1998, the Planning and Zoning Board voted to recommend amending the Pinehurst Development Ordinance as proposed.