

ORDINANCE #98-23:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO TEXT AMENDMENTS AS IT PERTAINS TO SECTIONS 10:1, HIGHWAY CORRIDOR DISTRICT; 11.1.3, REQUIRED YARDS; ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS; 13.1.3, SATELLITE DISH ANTENNAS; 13.1.7, PLAYGROUND EQUIPMENT; 13.1.15, STORAGE BUILDINGS; 13.1.16(b), DETACHED RESIDENTIAL GARAGES/CARPORTS AND 16.1.5(b)(2), THE USE OF NON-CONFORMING LOTS OF RECORD FOR RESIDENTIAL SINGLE FAMILY DWELLINGS.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 23rd day of October, 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 and Map 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 4:00 p.m. on October 26th, 1998, 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 zoning 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 the Pinehurst Development Ordinance, Sections 10:1, Highway Corridor District; 11.1.3, Required Yards; Allowable Encroachments into Required Yards; 13.1.3, Satellite Dish Antennas; 13.1.7, Playground Equipment; 13.1.15, Storage Buildings; 13.1.16(b), Detached Residential Garages/Carports and 16.1.5(b)(2), the Use of Non-conforming Lots of Record for Residential Single Family Dwellings; 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 and Map be further amended, making the amends 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 16th day of November 1998, 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 the text amendments attached hereto, and described in Exhibit A, and made a part hereof, the same as if included verbatim.

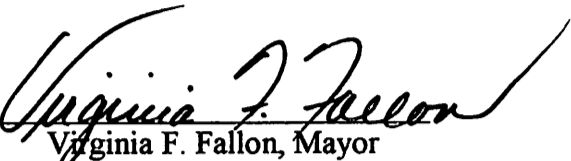
SECTION 2. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

SECTION 3. Adopted this 16th day of November 1998.

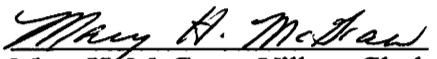
(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By:


Virginia F. Fallon, Mayor

Attest:


Mary H. McGraw, Village Clerk

Approved as to form:

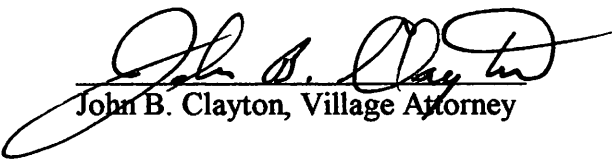

John B. Clayton, Village Attorney

EXHIBIT A

Proposed amendments are in bold. Proposed additions appear with underlining. Proposed deletions appear with a strike through.

CHAPTER 10. OVERLAY DISTRICT

PART 1. HIGHWAY CORRIDOR DISTRICT

10.1.1. Purpose and Intent

The primary purpose of this Part is to conserve and enhance the natural beauty adjacent to and along the Village's public highways in conjunction with the existing *zoning districts*. This *overlay district* is established to prevent unsightly conditions as a result of development which may destroy or detract from the natural character, beauty and conditions and to exercise such reasonable control over land within the *district* as may be necessary to accomplish the objective.

Secondly, this Part is intended to minimize, as much as possible, undue visual harshness and potential safety hazards that may exist along the roadways in the Village and to insure a view which is in keeping with the character of the natural ecosystems as well as the high quality of life.

10.1.2. Location of District

(a) The Highway Corridor Districts are hereby established as *districts* which *overlay zoning districts* established in Chapter 8. The boundary of the Highway Corridor Districts are shown on the *Official Map* of Zoning Districts. The Highway Corridor Overlay Districts shall be measured from the edge of the public right-of-way. The Highway Corridor Overlay Districts shall be four hundred feet from the right of way and run parallel to the right of way. However, only lots or tracts of land with frontage on the roads referenced in 10.1.2.e shall be subject to the requirements of the Highway Corridor District.

(b) The use and *development* of **non-residential** land or *structures* within the Highway Corridor Districts shall comply with regulations applicable to the underlying *zoning district(s)*, as well as the requirements of this section. Where the requirements of this Part are in conflict with any other section of this Ordinance, the stricter requirements shall apply.

(c) This Part establishes a set of dimensional standards. These standards are designed to achieve a natural or landscaped edge along the highway corridor. The standard dimensions in the following section provides a higher level of public safety on and along the highway corridors. They also provide protection of *property* values through balanced natural and infrastructure resources. These patterns are characteristic of the visual qualities along the highway corridors in the Village of Pinehurst.

(d) The following two Highway Corridor Districts are established:

- (1) Urban Transition Corridor Overlay Districts
- (2) Urban/Village Corridor Overlay Districts

(e) In addition to being shown on the Official Zoning Map the two Highway Corridor Overlay Districts shall be established along the following roads:

- (1) Urban Transition Corridor Overlay Districts:
 - (i) NC 5 from Monticello/Lake Hills Dr. south to municipal and/or extraterritorial jurisdiction boundary with the Town of Aberdeen, N.C.

- (ii) NC 211 western Village of Pinehurst extraterritorial jurisdiction boundary with Moore County east to the intersection of US 15-501 at the traffic circle except land within the HD zoning district.
 - (iii) US 15-501 from northern Village of Pinehurst extraterritorial jurisdiction boundary with Moore County south to Village of Pinehurst boundary with Southern Pines, N.C.
 - (iv) NC 2 from the traffic circle east to the Village of Pinehurst extraterritorial jurisdiction boundary with Southern Pines, N.C.
 - (v) SR 1843 (Airport Road) from intersection at NC 2 west to Village of Pinehurst extraterritorial jurisdiction boundary with Southern Pines, N.C.
- (2) Urban/Village Corridor Overlay Districts are shown on the Official Zoning Map as described below:
- (i) NC 5 from the intersection at NC 211 south to Monticello/Lake Hills Dr.
 - (ii) NC 2 from the traffic circle west to the intersection at NC 5.

10.1.3. Plan Approvals Required

All *development* within the Highway Corridor District shall require submission of a *site plan* or preliminary *subdivision plat* in accordance with Chapter 5 of this Ordinance, and approval of such plan or *plat* by the appropriate Village authority. **Any multifamily residential or nonresidential development in the Highway Corridor District, as part of the application for development, must submit a traffic impact analysis which includes the following:**

- **Existing traffic count data for existing roads adjoining the proposed development.**
- **An estimation of additional traffic generated by the proposed development with a projected directional distribution.**
- **Impact assessment of AM/PM peak hour (7:00 - 9:00 AM and 4:00 - 6:00 PM) for existing pre-development traffic conditions and post development traffic conditions.**
- **A written description of proposed improvements or a site plan which indicates the improvements proposed to existing roads or road systems which will safely and adequately accommodate the additional traffic loading expected from the proposed development.**

10.1.4. Urban Transition Highway Corridor District Requirements

(a) Purpose of the Urban Transition Highway Corridor Sub-District: The "Urban Transition Highway Corridors" are predominantly developed with a mix of residential, recreational, and commercial uses. These sections are best suited for providing a balance of naturalized and manmade factors. The visual quality of these sections depends highly on site planning, landscaping and preservation of natural features. The dimensional standards for the urban transition corridors ensure a gradual transition from rural to urban conditions and provide for compatible densities for residential areas.

◀ (b) Lot Dimensional Requirements

Minimum Lot Area	40,000 square feet
Minimum Lot Width	200 feet
Highway Yard : (Adjoins Highway)	
Building Setback	75 feet
Parking Area Setback	50 feet
Landscape Buffer	50 feet
Internal Yards:	

— From Residential Zones	50 feet
— From Non-Residential Zones	25 feet
Maximum Building Height	35 feet
Maximum Built Upon Surface	65%
Maximum Building Footprint	30%
Access Driveways:	
Maximum Driveway Width	36 feet
Maximum Driveways per Road referenced in Section 10.1.2.e Lot	1 per Road referenced in Section 10.1.2.e lot
Minimum Distance from Intersection	170 feet
Common Driveway Adjoining Lot	Recommended
Vehicular Area Location:	
— Highway Yard Maximum	40% of total
— Accessory to Adjoining Lots(s)	Recommended

~~Provided, however, that Yard/Buffer Dimensions may be reduced by 10% when the minimum number of parking spaces are used.~~

10.1.5. Urban / Village Highway Corridor District

(a) Purpose of the Urban / Village Highway Corridor Sub-District. The "Urban/Village Highway Corridors" contain higher levels of the manmade environment. ~~The predominant visual image is one of commercial development. These sections have developed under traditional commercial land use patterns.~~ Such patterns did not until recently require landscaping, buffers, unified site design or visual element controls. The following dimensional standards for this type of corridor will result in a more traditional town or village pattern in scale with modern highways use of automobiles.

b. Lot Dimensional Requirements

Minimum Lot Area	20,000 square feet
Minimum Lot Width	150 feet
Highway Yard : (Adjoins Highway)	
Building Setback	30 feet
Parking Area Setback	30 feet
Landscape Buffer	20 feet
Internal Yards:	
— From Residential Zones	25 feet
— From Non-Residential Zones	5 feet
Maximum Building Height	35 feet
Maximum Built Upon Surface	70%
Maximum Building Footprint	30%
Access Driveways:	
Maximum Driveway Width	25 feet
Maximum Driveways per Road referenced in 10.1.2.e Lot	1 per Road referenced in 10.1.2.e
Minimum Distance from Intersection	75 feet
Common Driveway Adjoining Lot	Recommended
Vehicular Area Location:	
— Highway Yard Maximum	20% of total
— Accessory to Adjoining Lots(s)	Recommended

~~— Provided, however, that Yard/Buffer Dimensions may be reduced by 10% when the minimum number of parking spaces are used.~~

10.1.6. Existing Nonconforming Structures

Where a *structure* existed within the Highway Corridor District at the time the *property* was classified into the District, and that *structure* does not conform to the requirements of this Part, any change or *addition* to that *structure* which would require *site plan* or *subdivision plat* approval under Chapter 5 of this Ordinance shall comply to the fullest extent of the underlying district and take measures to fulfill the intent of this Part. In all such cases the landscape buffer and parking setback shall be the primary objective. Such *structure* shall be governed in all other respects by Chapter 16 of this Ordinance.

Proposed amendments are in bold. Proposed additions appear with underlining. Proposed deletions appear with a strike through.

11.1.3. Required Setbacks Yards; Allowable Encroachments into Required Yards.

(a) A *building, structure*, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in Chapters 8 and 10 for the *zoning district* in which it is located, except as otherwise established in this Ordinance for particular uses. **For lots platted prior to August 20, 1990, the required setback from a golf course or a lake is 30 feet. For lots platted on or after August 20, 1990, the required setback from a golf course or a lake is 60 feet. These standards are summarized in Table 11.1.3. In the event of a conflict or inconsistency between Table 11.1.3 and the standards in Chapters 8 and 10, the standards in Chapters 8 and 10 shall control.**

(b) A *yard, court*, or other *open space* required by this Ordinance shall not be included as part of a *yard* or other *open space* required by this Ordinance for another *building* or *structure*.

(c) The principal *buildings* or *structures* on a *lot* shall not be located in whole or in part in a required **setback yard**, except as follows:

(1) Eaves or overhangs (including gutters) and *building* steps projecting from the principal *building* may encroach up to 3 feet into any required **setback yard or building restriction line shown on the subdivision plat for the property**;

(2) Condensing units of HVAC equipment may encroach a maximum of 5 feet **into a setback** and to be located in *side* and *rear yards* only.

(3) Sidewalks may encroach into any **setback yard** not abutting a golf course.

(4) Residential driveways may encroach into **front, and side, or rear setbacks yards only if the corresponding side or rear yard does not abut a golf course or a lake.**

(5) Canvas awnings may project a maximum of 6 feet.

(6) Other *accessory uses* and *buildings* may encroach, as listed in Chapter 13.

(7) Non-residential driveways, parking lots, loading areas and sidewalks may encroach into any **setback yard**.

13.1.3. Satellite Dish Antennas.

(a) **Purpose and intent.** To minimize any health and safety hazards created by **mounting satellite dish antennae** on **residential** buildings. To control the location and screening of *satellite dish antennae* to lessen any impact on surrounding *properties*. To preserve the Village's image and character.

(b) The maximum size of any *satellite dish* permitted in any non-residential *zoning district* shall be no more than sixty inches in diameter, provided that all of the following conditions are met:

- (1) A *building permit* is required when installing, moving, or substantially constructing or reconstructing a *dish antenna*.
- (2) A *dish antenna* must be installed in compliance with the manufacturer's specifications at a minimum.
- (3) The only permissible colors are earth tones. The paint must have dull non-glossy finish and no lettering or numerals shall be permitted on the dish surface.
- (4) No *dish antenna* may be installed in any public *right-of-way* or in any drainage or utility easement.
- (5) A *dish antenna* over eighteen inches in diameter may not be installed in a front yard, nor may an antenna be installed in a *rear yard* where the *rear yard* adjoins a *golf course* or lake.
- (6) *Antennas* shall be surrounded on all sides with any one or combination of evergreen vegetation, ~~topography~~, landscaped earth *berm*, or architectural features such as *fences* or *buildings* so that view of the lower two-thirds of the dish area is restricted from all public *streets* and 6 feet above ground level of surrounding residential *property*. If evergreen vegetation is used a species and size may be planted which can be expected to screen the required area within 2 years of normal growth. Any screening vegetation which dies must be replaced.
- (7) In all cases no *dish antenna* may be located within fifteen feet of any *street right-of-way*.
- ~~(8) No *dish antenna* may be located within 10 feet of the principal building.~~
- (9) There are no *setback* requirements between a *dish antenna* and any other accessory structure.

(c) The maximum size of any *satellite dish* permitted in any residential *zoning district* shall be no more than eighteen inches in diameter, provided that all of the following conditions are met:

- (1) A *building permit* is required when installing, moving, or substantially constructing or reconstructing a *dish antenna*.
- (2) A *dish antenna* must be installed in compliance with the manufacturer's specifications at a minimum.
- (3) The only permissible colors are earth tones. The paint must have dull non-glossy finish and no lettering or numerals shall be permitted on the dish surface.
- (4) No *dish antenna* may be installed in any public *right-of-way* or in any drainage or utility easement.
- (5) In all cases no *dish antenna* may be located within fifteen feet of any *street right-of-way*.
- (6) There are no *setback* requirements between a *dish antenna* and any other accessory structure.

(7) The maximum height of *dish antennas* shall be no higher than the height of the principal *building*.

13.1.7. Playground Equipment; Clothes Lines

(a) All swing sets and children's play ground equipment and clothes lines shall be located only in the rear or side yard a-backyard. A 5 foot *setback* from the rear and side property line is required in the R-5, R-8 and R-10 zoning districts. In all other zoning districts, the setback is equal to the principal building setback. Playground equipment and clothes lines must be entirely screened from all adjacent property lines.

13.1.15. Accessory Buildings Storage-Buildings.

A. Accessory Storage-building(s) shall be permitted in any *residential zoning district* provided that the following conditions are met:

(1) The accessory storage building is of permanent construction, architecturally compatible and of similar materials as the principal dwelling.;

(2) The accessory storage building is located in the building envelope in the rear yard principal-building-setback only;

(3) The total *gross floor area* of the accessory detached-storage building shall be no more than twenty-five percent of the principal dwelling. When there is more than one accessory building on the site, the sum of the building area of the accessory buildings may not exceed twenty five percent of the area of the principal dwelling. one hundred and twenty square feet in the R-MF, R-5 and R-8 zoning districts, one hundred and eighty square feet in the R-10 a zoning districts; and twenty percent of the existing principal-building-footprint in the R-210 zoning-district.

(4) ~~In the R-15, R-20 and R-30 zoning districts storage areas shall be an integral part of the principal dwelling or the garage; provided that the total size of the attached storage building shall be no more than twenty percent of the existing building footprint.~~

(5) ~~In the R-MF, R-5, R-8, R-10 and R-210 zoning districts storage areas may be an integral part of the principal dwelling or the garage; provided that the total size of the attached storage building shall be no more than twenty percent of the existing principal building footprint.~~

B. Accessory Storage Buildings shall be permitted in a non-residential zoning district provided that the following conditions are met:

1. The storage building may not exceed 20% of the principal structure.
2. The storage building is of a permanent construction, architecturally compatible and of similar materials as the principal building dwelling.
3. Must have landscaping on all sides seen from right-of-ways, or structures on adjacent properties.

~~13.1.16. Detached Residential Garages/Carports~~

~~Detached residential garages or carports shall be permitted in any residential zoning district provided that the following conditions are met:~~

Chapter 13. Accessory and Temporary Uses And Structures

Part 1. Accessory Uses and Structures

October 24, 1995

~~(a) The garage or car port is of permanent construction, architecturally compatible and of similar materials as the principal dwelling;~~

~~(b) The garage or car port is located in the rear principal *building* setback only.~~

~~(c) The total gross floor area of detached garage or carport shall be no more than thirty percent of the principal dwelling.~~

~~(d) If a garage or car port is provided, then no other accessory buildings is allowed on R-15, R-20, and R-30 zoning districts.~~

16.1.5. Nonconforming Lots of Record.

(a) Development prohibited. No use or *structure* shall be established on a *lot of record* which does not conform to the *lot area* and *lot width* requirements established in this Ordinance for the *zoning district* in which it is located, except as otherwise set forth in (b) and (c) below. See also section 16.1.6.

(b) Use for single-family dwelling. Notwithstanding the limitation in subsection (a) above, a *nonconforming lot* may be used for a *single-family dwelling*, provided that:

(1) The *lot* is located in a *district* in which *dwellings* are permitted;

(2) Development of the site will be in compliance with dimensional requirements of the applicable zoning districts with the exception of minimum lot size and minimum lot width. All other dimensional criteria must be met. The width and area of the lot are no more than 10% below the minimum specified in this Ordinance for the district in which the lot is located.