

**ORDINANCE #96-10:**

**AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE OF THE VILLAGE OF PINEHURST, NORTH CAROLINA AS IT PERTAINS TO DOCUMENT TEXT; CHAPTER 2, DEFINITIONS; CHAPTER 5, DEVELOPMENT REVIEW PROCEDURES; CHAPTER 8, GENERAL USE DISTRICTS; CHAPTER 10, PART(S) 2 & 3, OVERLAY DISTRICTS; CHAPTER 11, GENERAL DEVELOPMENT STANDARDS; CHAPTER 13, ACCESSORY AND TEMPORARY USES AND SIGNS; CHAPTER 14, COMMUNITY APPEARANCE AND PROTECTION STANDARDS.**

**THAT WHEREAS,** the Village Council 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 2:00 P.M. on April 15, 1996, in the Meeting 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 zoning 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 zoning changes;

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED,** by the Village Council of the Village of Pinehurst, North Carolina in Regular Session assembled on the 22nd day of April, 1996, as follows:

**SECTION 1.** That the amendments to the Pinehurst Development Ordinance as it pertains to the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is adopted as evidenced in a copy of which is attached and hereby incorporated by reference as a part of this ordinance, and denoted as Attachment #1.

**SECTION 2.** That the attached ordinance amendments shall be and remain in full force and effect from and after the date of its adoption.

**SECTION 3.** Adopted this 22nd day of April, 1996.

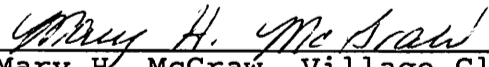
(Municipal Seal)

VILLAGE OF PINEHURST  
VILLAGE COUNCIL


Attest:

By:

  
Charles L. Mangers, Mayor

  
Mary H. McGraw, Village Clerk

Approved as to form:

  
John B. Clayton, Village Attorney

## APPENDIX A

| Current Section & Subject                                    | Proposed Section    | Page # | Current Text   | Proposed Text   |
|--|---------------------|--------|--|---|
| (1) 5.6.4(a) (3)<br>Prelim. Plat Appr.                       | same                | 5-27   | ...in Appendix 2, as ...   | ...in Appendix 3, as ...  |
| (2) 5.7.3 (b)<br>Appl. Requirements                          | same                | 5-39   | ...are found in Appendix 4...  | ...are found in Appendix 6...   |
| (3) 5.7.2<br>Appr. of Site Plan                              | same                | 5-39   | ...and approval of major special use...  | ...and approval of major and minor special uses...  |
| (4) 5.1.1 (d)<br>Required Permits and Approvals              | same                | 5-2    | ...Building Permits...and Certificates of Compliance...                        | ...Building Permits are an initial form to commence work and Certificates of Compliance are the final form of approval for occupancy... |
| (5) 5.4.1 (b) Chart<br>Flow Chart of<br>Major Special Use    | same                | 5-10   | ...Zoning Board, Recommendation forwarded to the Village Council ... (3rd Box) | ...Application reviewed by the Planning and Zoning Board. (3rd Box)   |
| (6) 5.4.5 (b)<br>Action on Major<br>Special Use              | same                | 5-12   | ...with Part 13 of this Chapter...   | ...with Part 14 of this Chapter...  |
| (7) 5.4.5 (f)<br>Action on Major<br>Special Use              | same                | 5-12   | ...in section 5.4.6 (e) below...   | ...in Section 5.4.6 (f)...  |
| (8) 5.5.4 (b)<br>Application for a<br>Planned Development    | same                | 5-19   |  | Add: Reference Chapter 10, Part 5, PD Overlay District  |
| (9) 5.5.7 (a)<br>Public Hearing and<br>Comments              | same                | 5-19   | ...with Part 13 of this...   | ...with Part 14 of this...  |
| (10) 5.5.1 Chart<br>Public Hearing and<br>Comments           | same                | 5-18   |  | Add: "Arrows" between box's 4 and 5 and 8 and 9.  |
| (11) 5.5.4 (b)<br>Application for a<br>Planned Development   | same                | 5-19   | ...Appendix 11...  | ...Appendix 2...  |
| (12) 5.6.3 Chart<br>Application for a<br>Planned Development | same                | 5-28   |  | Add: box between box(s) 4 and 5 to state 'Village Council may hold Public Hearing.'   |
| (13) 5.6.4 (g)<br>Review and Action by<br>the P & Z Board    | Change to 5.6.4 (b) | 5-38   |  |   |

| Current Section  | Proposed Section | Page # | Current Text                           | Proposed Text  |
|--|------------------|--------|--|--|
| (14) 5.6.4<br>Review and Action by<br>the P & Z Board                | 5.6.4 (h)        | 5-30   | Nothing                                | Add: a new (h) "Village Council<br>may hold a Public Hearing<br>following recommendation of<br>Planning/Zoning Board". |
| (15) 5.7.5 Chart<br>Major Site Plan                                  | same             | 5-43   |  | Add: a box between box(s) 6 and 7<br>to say "Village Council may<br>hold a Public Hearing".                            |
| (16) 5.7.5 (c)<br>Action by Village<br>Council on Major<br>Site Plan | 5.7.5 (d)        | 5-45   |  |  |
| (17) 5.7.5<br>Action by Village<br>Council on Major<br>Site Plan     | 5.7.5 (c)        | 5-45   | None                                   | Add: a new (c) "Village Council<br>will hold Public Hearing."  |
| (18) 8.4.5(a)<br>R-30<br>Development Standards                       | same             | 8-16   | ... (corner lot add 10...yard).        | delete this  |
| (19) 8.4.5 (b)<br>R-30<br>Impervious Surface                         | same             | 8-17   | ...Twenty percent...                   | (30) thirty percent...   |
| (20) 8.5.5 (a)<br>R-20<br>Development Standards                      | same             | 8-20   | ...15 feet (corner lot-add 10 feet...) | ...15 feet (corner lot-add 5 feet...   |
| (21) 8.6.5 (a)<br>R-15<br>Development Standards                      | same             | 8-22   | ...15 feet (corner lot-add 10 feet...) | ...15 feet (corner lot-add 5 feet...   |
| (22) 8.7.5 (a)<br>R-10<br>Development Standards                      | same             | 8-25   | ...15 feet (corner lot-add 10 feet...) | ...15 feet (corner lot-add 5 feet...   |
| (23) 8.7.5 (b)<br>R-10<br>Impervious Surface                         | same             | 8-25   | Thirty-five percent...                 | (40) Forty Percent...  |
| (24) Table 11.1.3<br>Yard Requirements                               | same             | 11-2   | Minimum Side Yard Setback*             | Minimum Side Yard Setback, delete *  |
| (25) 11.1.3 (c)<br>Increase by 10 feet<br>for Corner Side Yards      | same             | 11-3   | *Increase side yard...                 | delete   |
| (26) 13.1.4 (a)<br>Swimming Pools & Spa's                            | same             | 13-4   | Must                                   | Delete all "must" and replace with<br>"may"  |

| Current Section  | Proposed Section | Page # | Current Text                 | Proposed Text                         |
|--|------------------|--------|------------------------------|---------------------------------------|
| (27) 14.1.3 (a)<br>Landscape Screens                                       | same             | 14-5   | ...not for sale...           | ...either for sale or not for sale... |
| (28) 14.1.2 (a)<br>Planted Buffers   | same             | 14-1   | ...state or provided with... | ...state and provided with...         |
| (29) 14.1.2 (d)(1)<br>Planted Buffers Width                                | same             | 14-2   | ...and RV Parks...           | ...RV Parks, and Funeral Homes."      |
| (30) 16.1.2 (a)<br>Non Conforming Use                                      | same             | 16-1   | ...Section 16.1.5 below...   | ...Section 16.1.6 below...            |
| (31) 16.1.3 (a)<br>Non Conforming Uses                                     | same             | 16-2   | ...Section 16.1.5 below...   | ...Section 16.1.6 below...            |
| (32) 10.2.3 (e)(1)<br>Street and Alley<br>Design Criteria<br>and Standards | same             | 10-5   | ...shrub/tree bed:...        | ...shrub/tree bed pathway;...         |

## APPENDIX B

Zero Lot Lines - In multi-family districts, the option of a Townhouse or a common areas around a patio home were not addressed in the writing of the PDO.

Add to definitions in Chapter 2:

Zero Lot Line Where a building and its foundation area and/or a small yard or patio area, are conveyed, under the following conditions:

1. Minimum lot area and width are non-applicable
2. Must have open space on all sides not connected to a building.
3. Units within a patio home, duplex, or multi-family structure using the zero lot line, must be separated by an applicable fire rated wall(s).

Add to 8.10.6 (a) "Dimensional Requirements"

1. "\*" to first block
2. At bottom of chart, Add:  
\*\*In the case of zero lot line developments, no minimum lot area requirements are applicable. Building separation is controlled by Building Separation Standards in 8.10.6 (b), but cannot exceed 6 units per acre.

Watershed Overlay Districts, Section 10.3.1. State has just announced it's changes to the Watershed Regulations. The two (2) changes that are most warranted, are the built-upon area and the Special Non-Residential Intensity Allocation.

### Watershed Protection District

#### Current

#### proposed

10.3.5(b)(1) ...Shall not exceed twelve percent...on a project by project basis.

...shall not exceed twelve percent...of the total watershed...

10.2.5(b)(2) ...Allocations up to 5% of the balance...

...Allocations up to 10% of the balance of the watershed...

10.3.5(c)(1) ...shall not exceed twenty four...on a project by project basis...

...shall not exceed twenty four...of the total watershed...

10.3.5(c)(2) ...Allocations up to 5% of the balance...

...Allocation up to 10% of the balance of the watershed..

### Net Density

The method for calculating net density does not currently take into account the required recreation area on required open spaces. In some sections of the current ordinance other

requirements such as required buffers also must be calculated in order to arrive at a net density.

Add to the Definitions of Net Density, the following to the last sentence; ...Corp of Engineers, Buffers, and Recreational and Open Spaces.

Storage Buildings Add to Section 13.1.15 a Section (b);

13.1.15(b) 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 principle dwelling

3. Must have landscaping on all sides seen from right of ways, or structures on adjacent properties.

Signs Duplicate Table 13.2.8 "Dimensions of Wall Signs" to read as follows:

Table 13.2.8 (a): Dimensions of Ground Signs

| Distance from Edge of ROW to the Sign                 | Maximum Height of Letters in Inches |
|---|-------------------------------------|
| Less than 50 feet; VC zoning district                 | Six                                 |
| Less than 50 feet; OP, NC, HD, and H zoning districts | Twelve                              |
| Greater than 50, but less than 100                    | Twenty-four                         |
| Greater than 100                                      | Twenty-four                         |

Old Village Centre District. When there is precedence for historical significance allowed, exceeding the height limit should be permitted, with design criteria fitting the Village. The intent of this district was to (1) be able to redo the Village if something happened and (2) to carry on with historical design throughout the Village.

Add to 10.2.3(e)(5) A block at the bottom of the Building Design Standards, as follows:

|                     | Non-Residential                                    | Residential             |
|---------------------|--|-------------------------|
| Height of Buildings | With proven historical significance and precedence | Height shall not exceed |

\*

| buildings may exceed 35 | 35 feet.  
| feet not to exceed 55 feet. |  
|

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Add Sentence to 10.2.1 (b) Non Residential Buildings shall be designed to represent the style, scale and historical precedent consistent with the intent of the overlay district. Certain building features will be reviewed upon the extent in which they fulfilled the architectural intent of this part.

#### Policy Statement

In order for the Village staff to adhere to the timetables for Major and Minor special Uses, Planned Development Districts, Major Subdivisions, and Major Site Plans, applicants shall submit a complete application and application fee for the above permits no later than thirty (30) days prior to a regularly scheduled meeting of the Board.

Staff then has 7 working days to review such applications and return to applicant for any corrections, deficiencies, missing information, etc.

Cutoff for corrections and final submittals is the 15th of the month prior to a regularly scheduled meeting of the Board. This is the day that the agenda shall be set by the Village Planner.