

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF APRIL 27, 2010
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. **Action:** Motion to Approve Consent Agenda.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

- A. Approval of Draft Minutes:
Special Meetings of March 4 and 17, 2010
Work Sessions of March 9 and 23, 2010
Regular Meeting of March 23, 2010
Closed Sessions of March 4, 9, 17, and 23, 2010
- B. Public Safety Reports:
Police Department
Fire Department
- C. Scheduling of Regular Meeting for Tuesday, May 25, 2010 at 1:00 p.m.

End of Consent Agenda.

4. **Action:** Motion to Receive Budget Amendments Report to Council for the Period March 15, 2010 to April 15, 2010.
5. **Action:** Motion to Recess Regular Meeting and Enter Into a Public Hearing.
6. **Public Hearing #1:** Official text amendments to the Pinehurst Development Ordinance. This series of amendments deals with Single Family Residential Development within the Village and is being proposed in an effort to modify the single family process and associated regulations. The applicant is the Village of Pinehurst. The sections to be amended are as follows:
 - **ITEM #1-** Section 10.2.1.3 SR-1 (6) and Section 10.2.1.3 SR-1 (7) Special Requirements to the Table of Permitted and Special Uses, "Dwelling, Accessory". The purpose of this amendment is to increase the square footage allowed for accessory dwellings from 25% to 30% of the heated floor area of the principal dwelling.
 - **ITEM #2-** Section 10.2.1.3 SR- 18 (m) (1) (c) Special Requirements to the Table of Permitted and Special Uses, "Accessory Buildings". The purpose of this amendment is to increase the percentage of square footage of accessory buildings from 25% to 30% of the heated square footage of the principal dwelling.
 - **ITEM #3-** Table 10.2.2.2 (d) Table of Dimensional Requirements, "Accessory Buildings and Structures". The purpose of this amendment is to reduce the side and rear setbacks for accessory structures in the R-30, R-20, R-15, and R-10, and to reduce only the rear setbacks in the R-8 and R-5 zoning districts.
 - **ITEM #4-** Section 10.2.2.1 (d) (3) General Standards, "Required Setbacks: Allowable Encroachments into Required Yards". The purpose of this amendment is to add subsection (ix) allowing on-grade patios, decks attached to principle structures, arbors, trellises, and similar structures to encroach up to five (5) feet into any side or rear setback.

- **ITEM #5-** Section 10.2.2.1 (d) (3) (iv) General Standards, “Required Setbacks: Allowable Encroachments into Required Yards”. The purpose of this amendment is to allow sidewalks to encroach into any setback, by deleting the exception of setbacks abutting golf courses. Also amend Section 2.2 Definitions of the PDO to define Single Family Sidewalk.
 - **ITEM #6-** Section 3.6.3 Nonconforming Structures. The purpose of this amendment is to add subsection (e) to allow legal non-conforming single family dwellings to make additions and alterations as long as the alterations do not further encroach into the setback and an associated illustration.
 - **ITEM #7-** Section 5.3, “Term of a Development Permit”. The purpose of this amendment is to increase the time period for development permits from 180 to 365 days, unless any local, state, or federal regulation has been changed that would affect the previous approval in which case the 180 days shall apply.
 - **ITEM #8-** Section 10.2.1.3 SR-18(e) Special Requirements to the Table of Permitted and Special Uses, “Playground Equipment” and Section 2.2 Definitions. The purpose of this amendment is remove current requirements for playground equipment and to state that they are allowed without a permit and must be located no closer than ten (10) feet from the property line and to define “playground equipment.”
 - **ITEM #9-** Section 10.2.1.3 SR-18(b) Special Requirements to the Table of Permitted and Special Uses, “Satellite Dish Antennas”. The purpose of this amendment is to delete the requirements for satellite dishes as these are regulated by the Federal Communications Commission (FCC).
 - **ITEM #10-** Section 10.2.6.4 (f) Exterior Building Materials and Colors and Section 2.2 Definitions. The purpose of this amendment is to allow solar panels on any roof surface; no longer disallow on street and golf course facing roofs on residential structures and to amend the definition of “solar panel” to be more encompassing of the various types and new technologies.
 - **ITEM #11-** Section 10.2.1.3 SR-18 Special Requirements to the Table of Permitted and Special Uses. The purpose of this amendment is to add subsection (o), “Arbors, Trellises, and Pergolas” and allow in the side or rear accessory setback. This amendment also allows arbors that are integrated into fences in the Historic Preservation Overlay district to encroach into setbacks as long as certain dimensional requirements are met and approval by the Historic Commission.
 - **ITEM # 12-** Section 10.2.1.3 SR-18(a) Special Requirements to the Table of Permitted and Special Uses, “Home Occupations”. The purpose of this amendment is to remove the requirement of notification to all adjacent property owners prior to a home occupation permit being approved; in-home day care centers will still require notification prior to permit approval.
 - **ITEM #13-** Section 10.2.2.2 (a) Tabled of Dimensional Requirements. The purpose of this amendment is to clarify that the minimum principal building size and the minimum building size on the first floor is the heated square footage.
7. **Public Hearing #2:** Official text amendment to the Pinehurst Development Ordinance Section 10.2.1.3 SR-25 (a)(1)(a) Special Requirements to the Table of Permitted and Special Uses, “Temporary Uses and Structures”. The purpose of this amendment is to revise the temporary use process section to not require approval for small events in which Village resources are not needed. The applicant is the Village of Pinehurst.
 8. **Public Hearing #3:** Official text amendment to the Pinehurst Development Ordinance Section 10.2.2.2 (a) Table of Dimensional Requirements. The purpose of this amendment is to add note (10) and apply it to the R-30, R-20, R-15, R-10 and R-8 zoning districts. Note (10) indicates that Green Neighborhood development standards shall be applied to subdivisions in these zoning districts. This proposed amendment also adds Section 10.2.14.27 Green Neighborhood Regulations. The purpose of this amendment is require major subdivisions in certain zoning districts to provide for a development pattern that incorporates open space and the preservation

of resources within the development. This section also includes the associated requirements and regulations for this new type of development. The applicant is the Village of Pinehurst.

9. **Public Hearing # 4:** Proposed Pinehurst 2010 Comprehensive Long Range Village Plan.
10. **Action:** Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
11. **Action:** Motion to Adopt Memo- Director of Planning and Inspections Andrea Correll- dated March 23, 2010- Ordinance #10-16 Is Consistent With the 2003 Comprehensive Long-Range Plan.
12. **Action:** Motion to Adopt Ordinance #10-16: An Ordinance Amending The Pinehurst Development Ordinance As It Pertains To Section 4.3 Planning and Zoning Board Review of Signage Applications.
13. Other Business.
14. Comments from Attendees.
15. **Action:** Motion to Adjourn.

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**ASSEMBLY HALL – VILLAGE HALL
395 MAGNOLIA ROAD
PINEHURST, N. C.
1:00 P.M.**

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, April 27, 2010, at 1:00 p.m. in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina with the following in attendance:

The Honorable Virginia F. Fallon, Mayor
The Honorable Joan M. Thurman, Mayor Pro-Tem
The Honorable Nancy Roy Fiorillo
The Honorable Douglas A. Lapins
The Honorable Mark W. Parson
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 30 persons in the audience.

1. CALL TO ORDER.

Mayor Virginia F. Fallon called the meeting to order.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

Village Manager Andy Wilkison led in an invocation followed by the Pledge of Allegiance to the American flag led by Mayor Fallon.

3. APPROVAL OF CONSENT AGENDA.

All items listed below were considered routine or had been discussed at length in previous meetings and were enacted by one motion. No separate discussion was held except on request by a member of the Village Council.

- A. Approval of Minutes of:
 - Special Meetings of March 4 and 17, 2010
 - Work Sessions of March 9 and 23, 2010
 - Regular Meeting of March 23, 2010
 - Closed Sessions of March 4, 9, 17, and 23, 2010
- B. Public Safety Reports- Police and Fire Departments.
- C. Scheduling of Regular Meeting for Tuesday, May 25, 2010 at 1:00 p.m.

End of Consent Agenda.

Councilmember Thurman moved to approve all the items listed and considered routine on the Consent Agenda. The motion was seconded by Councilmember Lapins and the Consent Agenda was unanimously approved.

4. BUDGET AMENDMENTS REPORT TO COUNCIL.

Councilmember Fiorillo moved to receive the Budget Amendments Report to Council for the period March 15, 2010 to April 15, 2010. The motion was seconded by Councilmember Parson and carried unanimously.

5. RECESS REGULAR MEETING AND ENTER INTO A PUBLIC HEARING.

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Councilmember Parson moved to recess the Regular Meeting and enter into a Public Hearing on Planning and Zoning and Other Matters. The motion was seconded by Councilmember Thurman and carried unanimously.

6. Public Hearing #1: Official text amendments to the Pinehurst Development Ordinance. This series of amendments deals with Single Family Residential Development within the Village and is being proposed in an effort to modify the single family process and associated regulations. The applicant is the Village of Pinehurst. The sections to be amended are as follows:

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- **ITEM #13-** Section 10.2.2.2 (a) Tabled of Dimensional Requirements. The purpose of this amendment is to clarify that the minimum principal building size and the minimum building size on the first floor is the heated square footage.

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated April 27, 2010 is in the Minute File.)

Village Planner Bruce Gould read into the record a hand delivered letter from Richard Fredrick who was not able to attend today's Public Hearing. (Copy of letter from Richard Fredrick dated April 27, 2010 is in the Minute File.)

7. **PUBLIC HEARING #2: Official text amendment to the Pinehurst Development Ordinance Section 10.2.1.3 SR-25 (a)(1)(a) Special Requirements to the Table of Permitted and Special Uses, "Temporary Uses and Structures". The purpose of this amendment is to revise the temporary use process section to not require approval for small events in which Village resources are not needed. The applicant is the Village of Pinehurst.**

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to add note (10) and apply it to the R-30, R-20, R-15, R-10 and R-8 zoning districts. Note (10) indicates that Green Neighborhood development standards shall be applied to subdivisions in these zoning districts. This proposed amendment also adds Section 10.2.14.27 Green Neighborhood Regulations. The purpose of this amendment is require major subdivisions in certain zoning districts to provide for a development pattern that incorporates open space and the preservation of resources within the development. This section also includes the associated requirements and regulations for this new type of development. The applicant is the Village of Pinehurst.

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated April 27, 2010 is in the Minute File.)

Mr. Tom Campbell, Pinehurst resident, noted that the Planning and Zoning Board initiated the idea of requiring open space in major subdivisions on lots zoned R-8, R-10, R-15, R-20 and R-30.

9. Public Hearing # 4: Proposed Pinehurst 2010 Comprehensive Long Range Village Plan.

Comments:

Mr. Glenn Chalder, Glenn Chalder, AICP, President of Planimetrics, LLP, delivered a PowerPoint presentation as an overview of the proposed 2010 Comprehensive Long-Range Village Plan. (Copy of the PowerPoint presentation is in the Minute File.)

10. MOTION TO ADJOURN PUBLIC HEARING AND RE-ENTER REGULAR MEETING.

There being no further discussion, Councilmember Lapins moved to adjourn the Public Hearing and re-enter the Regular Meeting. Councilmember Thurman seconded the motion and it carried unanimously.

11. MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- DATED MARCH 23, 2010- ORDINANCE #10-16 IS CONSISTENT WITH THE 2003 COMPREHENSIVE LONG-RANGE PLAN.

Councilmember Thurman moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated March 23, 2010 as the Council statement that draft ordinance 10-16 is consistent with the Village of Pinehurst's 2003 Comprehensive Long-Range Plan. Councilmember Lapins seconded the motion, which was unanimously approved by a vote of 5-0. (Copy of the memo is found in the Minute File.)

12. ORDINANCE #10-16: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 4.3 PLANNING AND ZONING BOARD REVIEW OF SIGNAGE APPLICATIONS.

The Manager explained the need for the Ordinance #10-16. Upon the motion of Councilmember Fiorillo, seconded by Councilmember Thurman, Ordinance #10-16 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

13. OTHER BUSINESS.

There was none.

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14. COMMENTS FROM ATTENDEES.

There were none.

15. ADJOURNMENT.

Councilmember Lapins moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Thurman and carried unanimously. The Regular Meeting adjourned at 1:35 p.m.

Respectfully Submitted,

Linda S. Brown

Linda S. Brown, CMC

Village Clerk