

ORDINANCE #13-08:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 12.4 WATERSHED PROTECTION OVERLAY DISTRICT (SPECIAL INTENSITY ALLOCATION TO MULTI-FAMILY).

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 24th day of May, 2005, 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 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 1:00 p.m. on February 26, 2013 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 amendments to the Pinehurst Development Ordinance, 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 Village Council, after considering all of the facts and circumstances surrounding the proposed amendments to 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 and that it is consistent with the 2010 Comprehensive Plan that the Pinehurst Development Ordinance be further amended, making the amendments 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 12th day of March, 2013, 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 adding the following text amendment to Section 12.4:

Section 12.4 Watershed Protection Overlay District

- (b) WS-II Watershed Protection District (Drowning Creek—Lumber River WS-II BW):
 - (1) Single Family Residential development shall not exceed one dwelling unit per acre or 12 percent (12%) built-upon area on a project-by-project basis. Multi-family Residential development

shall not exceed one dwelling unit per acre or 12 percent (12%) built-upon area on a project-by-project basis except as provided in (2) below. Non-residential development shall not exceed twelve percent (12%) built-upon area on a project-by-project basis except as provided in (2) below;

- (2) Special ~~non-residential~~ intensity allocation up to ten percent (10%) of the balance of the watershed may be developed for non-residential **and multi-family** uses to 70 percent (70%) built-upon area on a project-by-project basis, provided that the following conditions are met:
 - (i) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed;
 - (ii) The Village Council must approve the Special ~~Non-Residential~~ Intensity Allocation **in accordance with any adopted policies it has related to the distribution of the Special Intensity Allocation;**
 - (iii) Projects must minimize built-upon surface area and incorporate Best Management Practices to minimize water quality impacts.

(c) WS-III Watershed Protection District (Nicks Creek—Cape Fear River; Little River—Intake #2; and Little River—Vass WS-III BW):

- (1) **Single Family** Residential development shall not exceed two (2) dwelling units per acre or twenty-four percent (24%) built-upon area on a project-by-project basis. **Multi-family Residential development shall not exceed two (2) dwelling units per acre or twenty-four percent (24%) built-upon area on a project-by-project basis except as provided in (2) below.** Non-residential development shall not exceed twenty-four percent (24%) built upon area on a project-by-project basis except as provided in (2) below;
- (2) Special ~~non-residential~~ intensity allocation up to ten percent (10%) of the balance of the watershed may be developed for non-residential **and multi-family** uses to 70 percent (70%) built-upon area on a project-by-project basis, provided that the following conditions are met:
 - (i) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed;
 - (ii) The Village Council must approve the Special ~~Non-Residential~~ Intensity Allocation **in accordance with any**

adopted policies it has related to the distribution of the Special Intensity Allocation;

- (iii) Projects must minimize built-upon surface area and incorporate Best Management Practices to minimize water quality impacts.

SECTION 2. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 12th day of March, 2013.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Andrew M. Wilkison
Andrew M. Wilkison, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney