

ORDINANCE #12-22:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 13.1.3.3 DEVELOPMENT STANDARDS.

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 June 26, 2012 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 Planning and Zoning Board has recommended that the Village Council amend Sections 13.1.3.3 of the Pinehurst Development Ordinance; 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 and that it is consistent with the 2010 Comprehensive Plan that the 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 24th day of July, 2012, 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 13.1.3.3:

13.1.3.3 Development Standards

All development within the VR District shall comply with the following development standards:

Minimum Street Yard Setback:	10 ft. from the public sidewalk or right of way (1)
Maximum Street Yard Setback:	None
Minimum Side Yard Setback:	5 ft. (1)
Minimum Rear Yard Setback:	20 ft. (1)
Maximum Building Height:	35 ft.
Minimum Amount of Open Space:	50 20 percent
Maximum Dwelling Density:	16 6 Units per acre (12)
<u>Minimum Unit Square Footage</u>	<u>50% of all units shall be a minimum of 1800 heated sq. ft. and in no case shall the minimum square footage of each unit be less than 1400 sq. ft. of heated floor area.</u>

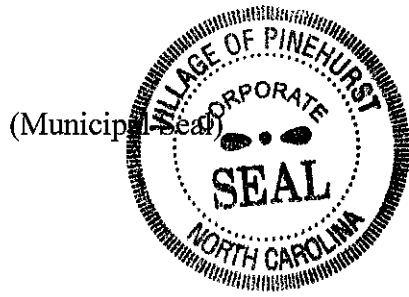
- (1) The setback requirements established hereunder may be waived in the sole discretion of the Village Council upon a finding that the public health, safety and welfare will not be negatively impacted by such waiver and is consistent with the General Statutes and other laws of the State of North Carolina. If the Village Council waives any such requirements, the provisions of the approved major special use permit will govern development and will be considered to conform in all respects to this Ordinance. As a condition of waiver of any such requirements, the Village Council may impose additional conditions as part of the major special use permit.
- (2) **A Development shall be permitted one additional dwelling unit per acre for each additional 5% of open space provided within the development above the minimum of 20%. However in no case shall the development be allowed greater than 8 units per acre. See the matrix below:**

Units per Acre	Open Space
6	20%
7	25%
8	30%

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 24th day of July, 2012.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:
Michael J. Newman
Michael J. Newman, Village Attorney