

ORDINANCE #10-20:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SINGLE FAMILY PROCESS CHANGES.

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 April 27, 2010 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 Pinehurst Development 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 7 items for single family process changes; 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 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 25th day of May, 2010, 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 amendments:

ITEM 1

Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses

SR-1 Dwelling, Accessory

(6) An accessory dwelling shall not exceed ~~25%~~ **30%** of the heated floor area of the principal dwelling;

(7) A detached accessory dwelling structure may be dwelling area only or may combine the dwelling with a garage, workshop, studio, or similar use, provided that the total floor area of the structure does not exceed the 25% 30% limitation for an accessory building as set forth in SR-18(m).

ITEM 2

10.2.1.3 Special Requirements to the Table of Permitted and Special Uses

SR-18(m) Accessory Buildings

(c) The total gross floor area of the accessory building shall be no more than 25 30 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 25 30 percent of the area of the principal dwelling.

ITEM 3 - RESERVED

ITEM 4 - RESERVED

ITEM 5

2.2 Definitions

SINGLE FAMILY SIDEWALK: An improved surface walkway up to 5 feet in continuous width located on private property associated with a single family residence not dedicated to the public.

10.2.2.1 General Standards

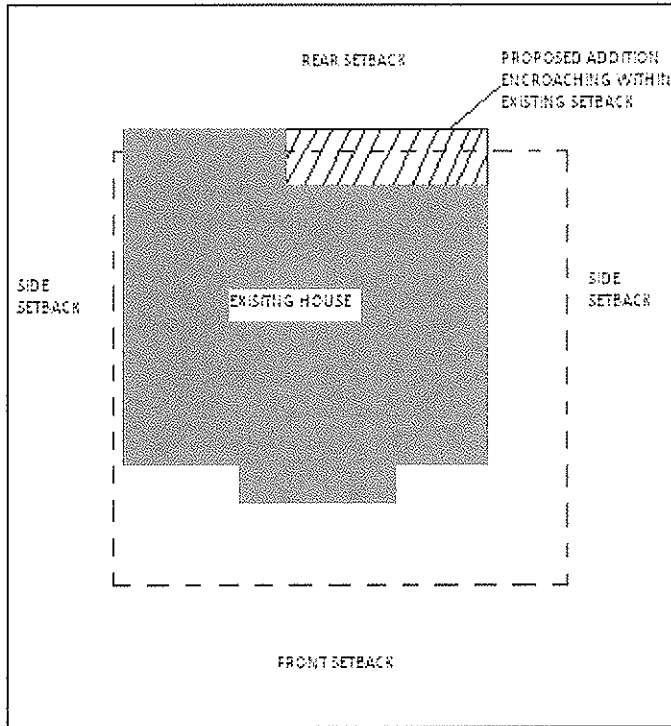
- (d) Required Setbacks: Allowable Encroachments into Required Yards
- (3) The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:
- (iv) Single Family Sidewalks may encroach into any setback ~~not abutting a~~ golf course;

ITEM 6

3.6.3 Nonconforming Structures

(e) Existing Single Family Dwellings: Single-family dwellings and accessory structures with setbacks made legal nonconformities by the adoption of this Ordinance are exempt from the requirements of this Section if the proposed addition or alteration will either meet the current setback requirements or will not further encroach into any required setback than the

existing structure. This shall not apply to enclosing existing nonconforming decks and patios if the deck or patio is the furthest projection into the setback. All requirements including impervious surface shall be met.



ITEM 7

Section 5.3 Term of a Development Permit

The issuance of a development permit shall confer with it the right to undertake and complete the development of property under the terms and conditions of such permit provided that such action as authorized by the permit is commenced within ~~one hundred eighty (180)~~ **three hundred and sixty- five (365)** days of issuance and provided that all other permits have been obtained, **unless any local, state or federal regulation has been changed that would affect the previous approval of the development, in which case the approval shall be for one hundred and eighty (180) days**. Otherwise the permit shall be void. Where a valid vested rights certificate has been issued, the term of a development permit for the area contained within the vested rights certificate shall be for the term of the vested rights certificate or 180 days, whichever is the longer term.

ITEM 8

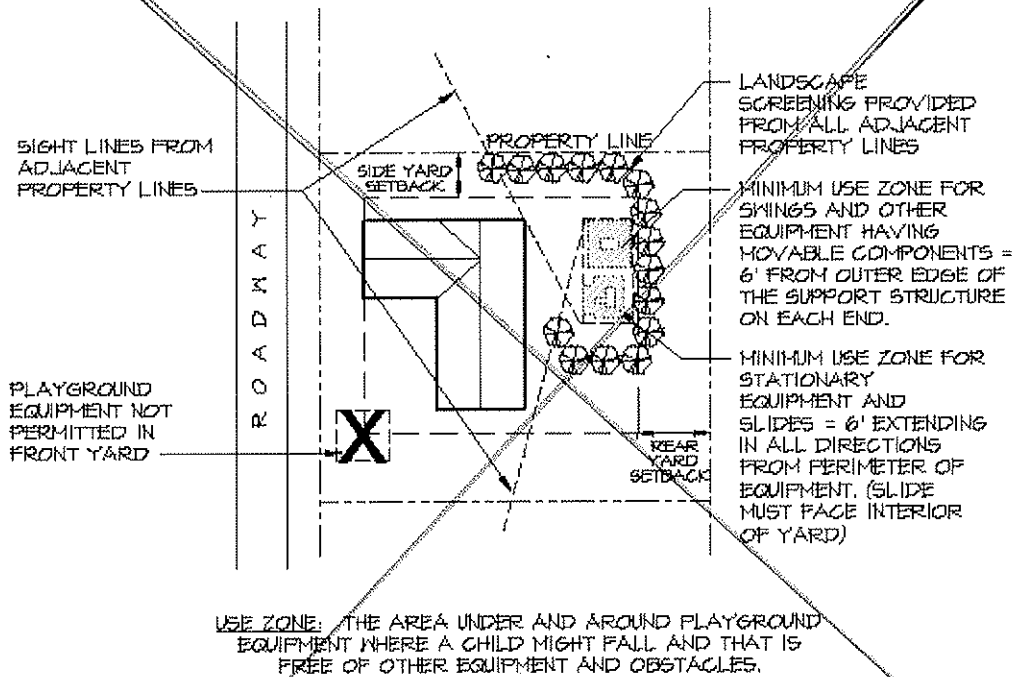
Section 2.2 Definitions

PLAYGROUND EQUIPMENT: Equipment or structures used in single family residential setting, including swing sets, sandboxes, jungle gyms, slides, and other similar items intended for permanent recreational use. Note: Substantially sized playhouses, that meet the NC State Building Code definition for accessory structure, are considered to be accessory structures.

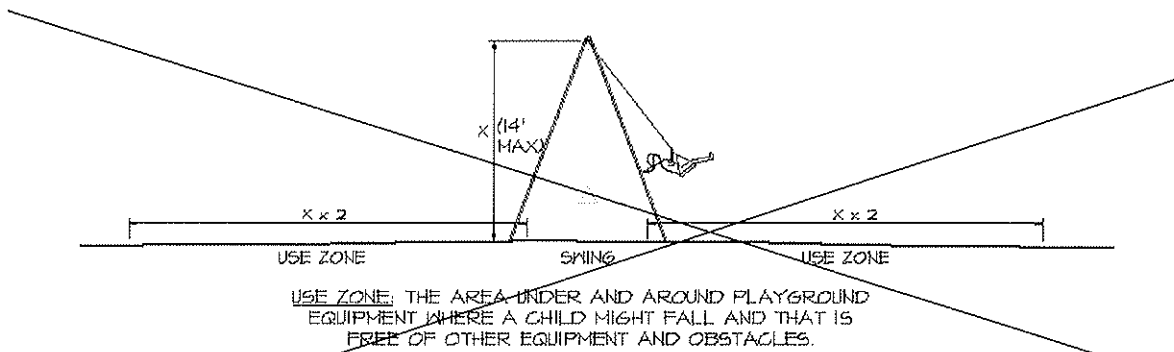
Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses

18(e) Playground Equipment

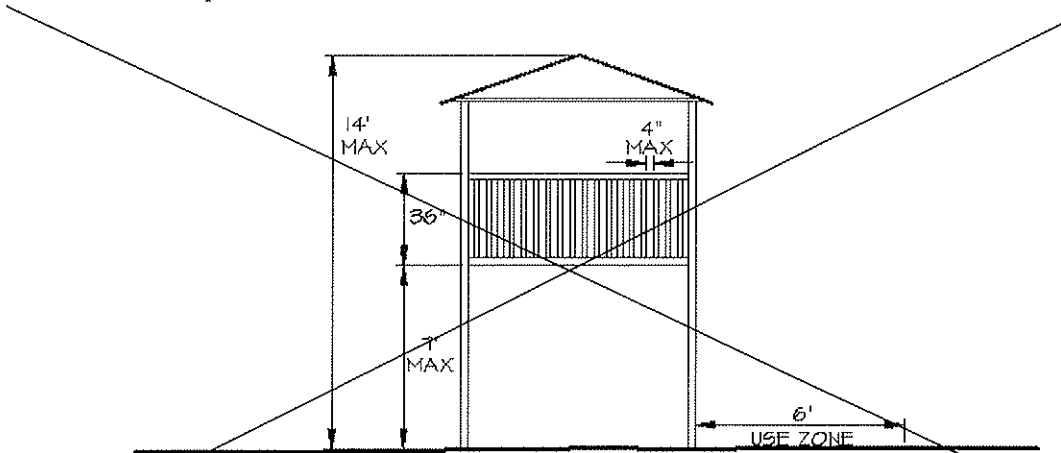
All swing sets and children’s playground equipment shall be located in the rear or side yard **and must be located no closer than ten (10) feet from the property line.** **No development permit is required.** Stationary equipment and slides shall have a use zone extending a minimum of 6 feet (not including the 5-foot setback except for golf course lots which will require the applicable setback as stated in this Ordinance) in all directions from the perimeter of the equipment.



Swings and other equipment having movable components shall have a use zone extending a minimum of 6 feet from the outer edge of the support structure on each end. The use zone in front and back of the swing(s) shall extend out a minimum distance of twice the height of the swing as measured from the ground to the top of the swing hangers on the support structure.



All slides whether they are part of the playground equipment or separate, shall be placed to face the interior of the yard. No component shall be higher than 14 feet from grade and no part of any structure designed to hold individuals shall be higher than 7 feet. Any platform shall have railings. Horizontal spacing between the vertical members in required railings shall be a maximum of (4) four inches at the nearest point between the members.



Playground equipment shall have appropriate screening as required by the Village Planner from all adjacent property lines and the color shall be muted.

ITEM 9

Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses

18(b) ~~Satellite Dish Antennas:-~~ (Reserved)

- (1) ~~No zoning permit is required for satellite dish antennas;~~
- (2) ~~The maximum size of any satellite dish permitted in any non-residential zoning district shall be no more than 60 inches in diameter. The maximum size of any satellite dish permitted in any residential zoning district shall be no more than 39 inches in diameter. In addition, all of the following conditions shall be met:~~
 - (a) ~~A dish antenna must be installed in compliance with the manufacturer's specifications at a minimum;~~

- ~~(b) The only permissible colors are muted tones. The paint must have dull non-glossy finish and no lettering or numerals shall be permitted on the dish surface;~~
- ~~(c) No dish antenna may be installed in any public right-of-way or in any drainage or utility easement;~~
- ~~(d) A dish antenna over 39 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;~~
- ~~(e) In all cases no dish antenna may be located within 15 feet of any street right-of-way;~~
- ~~(f) There are no setback requirements between a dish antenna and any other accessory structure.~~

ITEM 10

Section 2.2 Definitions

SOLAR PANEL - A flat solar thermal collector used to ~~heat water, air, or collect solar thermal~~ **convert energy contained within the sun's rays into energy.** 'Solar panel' may refer to a photovoltaic module which is an assembly of solar cells used to generate electricity.

10.2.6.4 Exterior Building Materials and Colors

- (f) Solar Panels are permitted on single family structures with the following standards being met:
 - (1) Exposed wire and piping are not permitted;
 - (2) Flush Mounted solar panels are permitted on any ~~non street side or non golf course facing roof~~ **surface with no limitation on area;**

ITEM 11

Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses

SR-18 (o) Arbors, Trellises, and Pergolas

- (1) Arbors associated with fences within the Historic Preservation Overlay district may encroach into setbacks, including the front yard, as long as the height of the arbor is no greater than 9 feet and no more than 50 square feet and the application is approved by the Historic Preservation Commission;

(2) Arbors, trellises, pergolas, and like structures may be located within any side or rear accessory structure setback.

ITEM 12

Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses

18(a) Home Occupations:

(12) Prior to establishing the home occupation, the operator shall receive the approval of the Village Planner, who shall approve the home occupation ~~after notifying all adjacent property owners and~~ upon finding that the proposed business complies with all of the above standards. The Village Planner shall notify all adjacent property owners prior to approving day care centers as a home occupation.

ITEM 13

10.2.2.2 Tables of Dimensional Requirements

All uses and structures in the general use zoning districts shall comply with the following dimensional requirements, except as may be otherwise provided by this Ordinance:

(a) PC, R-210, R-30, R-20, R-15, R-10, R-8 and R-5 Districts

| Dimension | District | | | | | | | |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------|
| | PC | R-210 | R-30 | R-20 | R-15 | R-10 | R-8 | R-5 |
| Minimum Principal Building Size (heated sq. ft.) | 2,000 sq. ft. | 2,000 sq. ft. | 2,000 sq. ft. | 2,000 sq. ft. | 1,800 sq. ft. | 1,800 sq. ft. | 1,500 sq. ft. | 600 sq. ft. |
| Minimum Building Size On First Floor (heated sq. ft.) | -- | 1,600 sq. ft. | 1,600 sq. ft. | 1,600 sq. ft. | 1,500 sq. ft. | 1,000 sq. ft. | 800 sq. ft. | 600 sq. ft. |

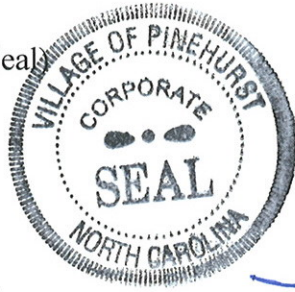
SECTION 2. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

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

Adopted this 25th day of May, 2010.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)



By:

Virginia F. Fallon
Virginia F. Fallon, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney