

ORDINANCE #10-22:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.2.2 (a) TABLE OF DIMENSIONAL REQUIREMENTS AND NOTE (10) AND SECTION 10.2.14.27 GREEN NEIGHBORHOOD REGULATIONS.

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 Section 10.2.2.2 (a) Table Of Dimensional Requirements Note (10) And Section 10.2.14.27 Green Neighborhood Regulations 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 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 6th day of July, 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 amendment to Section 10.2.2.2 (a) Table Of Dimensional Requirements Note (10) And Section 10.2.14.27 Green Neighborhood Regulations.

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 Lot Size	None	5 acres (2)	30,000 sq. ft. (9) (10)	20,000 sq. ft. (10)	15,000 sq. ft. (10)	10,000 sq. ft. (10)	8,000 sq. ft. (10)	5,000 sq. ft.
Minimum Lot Size for Non-Residential Buildings	--	5 Acres	30,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Minimum Lot Width at Setback Line	--	100 feet	100 feet (10)	80 feet (4) (10)	75 feet (4) (10)	75 feet (4) (10)	60 feet (4) (10)	40 feet (4)
Minimum Lot Width at Street Line	100 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Minimum Front Yard Setback	50 feet	100 feet	40 feet (10)	40 feet (10)	30 feet (10)	30 feet (10)	20 feet (10)	20 feet
Minimum Side Yard Setback	25 feet	50 feet	20 feet (10)	15 feet (5) (10)	15 feet (5) (10)	15 feet (5) (10)	10 feet (5) (10)	10 feet (5)
Minimum Rear Yard Setback	25 feet	40 feet	30 feet (10)	30 feet (10)	30 feet (10)	25 feet (10)	20 feet (10)	20 feet
Maximum Building Height	35 feet	35 feet (3)	35 feet (3)	35 feet (3)	35 feet (3)	35 feet (3)	35 feet (3)	35 feet (3)
Minimum Principal Building Size	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	--	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.
Lakefront/Golf Course Setback	60 feet	60 feet	60 feet	30 feet	30 feet	30 feet	30 feet	--
Maximum Lot Covered By Impervious Surface	12% (1) (6)	10% (1) (7)	30% (1) (10)	35% (1) (10)	37.5% (1) (10)	40% (1) (10)	42.5% (1) (10)	45% (1)
Maximum Lot Coverage by Buildings	--	--	20% (10)	20% (10)	30% (10)	28% (10)	25% (8) (10)	30%

Note (10): Lots that are created as part of a Green Neighborhood project shall meet the requirements of the dimensional table associated with this type development as indicated in section 10.2.14.27

10.2.14.27 Green Neighborhood Regulations

Purpose

The Purpose of the Green Neighborhood is to manage the subdivision of land for residential development in a manner that results in more effective conservation of the natural environment and the preservation of a Village’s community character. Green Neighborhoods are designed to function as a municipal land use management tool that will enable the conservation and protection of a site’s important features, including natural, historical and archaeological resources and community character, such as scenic vistas, view sheds, and greenway connections. At the same time, Green Neighborhoods enable a property to be developed for single family detached housing at the same gross density as is permitted under existing municipal zoning.

Requirements for Open Space subdivisions in the R210 zoning district can be found in Section 10.2.14.13 of this ordinance. All subdivisions of land in the following residential zoning districts shall comply with the following Green Neighborhood Regulations and all structures in the zoning districts shall comply with the following dimensional requirements, except as may be otherwise provided by this Ordinance:

(a) R-30, R-20, R-15, R-10, and R-8 Districts***

Requirements	Zoning District				
	R-30	R-20	R-15	R-10	R-8
Maximum Intensity of Total Site	1 d.u. per 30,000 sq. ft. (1)	1 d.u. per 20,000 sq. ft. (1)	1 d.u. per 15,000 sq. ft. (1)	1 d.u. per 10,000 sq. ft. (1)	1 d.u. per 8,000 sq. ft. (1)
Minimum Open Space Area	25%	20% (1)	20% (1)	15% (1)	15% (1)
Minimum Lot Size	20,000 sq. ft.	14,000 sq. ft.	10,000 sq. ft.	7,000 sq. ft.	6,000 sq. ft.
Minimum Lot Width At the Setback Line	75 ft. (4)	60 ft. (4)	55 ft. (4)	55 ft. (4)	50 ft. (4)
Minimum Lot Width at	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.

Street Line					
Maximum Building Height	35 ft. (3)	35 ft. (3)	35 ft. (3)	35 ft. (3)	35 ft. (3)
Minimum Front Yard Setbacks	30 ft.	30 ft.	25 ft.	25 ft.	20 ft.
Minimum Rear Yard Setbacks	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.
Minimum Side Yard Setbacks	15 ft. (5)	12 ft. (5)	12 ft. (5)	12 ft. (5)	8 ft. (5)
Maximum Lot Covered By Impervious Surfaces	37.5% (2)	42% (2)	45% (2)	46% (2)	49% (2)
Maximum Lot Covered By Buildings	25%	24%	36%	32%	29%

*** Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Green Neighborhood regulation of this Ordinance and to the future development of the lots created under these regulations.

Note (1): The maximum intensity and minimum open space figures shall be established after the land area for the rights of way, wetlands, and floodplain are taken out of the total acreage calculation. This figure shall be required of all neighborhoods created under the Green Neighborhood Development standards. For example, a 20 acre tract of land that includes a proposal of two acres of rights of way, one acre of floodplain, and one acre of wetlands would be left with 16 developable acres in which to divide the maximum number of dwelling units (d.u.) into. If that property was zoned R-30, you would divide 16 acres by 30,000 sq. ft. This results in a maximum of 23 dwelling units. The minimum percentage of open space would be four acres.

Note (2): Section 12.4 Watershed Protection Overlay District may require a lower impervious surface coverage.

Note (3): No single-family dwelling shall exceed the maximum height of thirty-five (35) feet as measured from the average grade plane. At the setback line, 25 feet is the maximum allowable height. To reach the maximum height of 35 feet an additional ten feet of setback will be required. This standard is intended for each foot back from the setback the structure may go up one foot until the maximum height of 35 feet is reached ten feet back from the required setback line.

Note (4): Corner lots are required to add ten (10) feet.

Note (5): Corner lots are required to add five (5) feet for the corner street side.

(b) Within the Zoning Districts listed in Section 10.2.14.27 (a) of this ordinance, any proposed major subdivision shall conform to the Green Neighborhood requirements as follows:

Prior to submitting a preliminary plat, the subdivider shall submit to the Village Planner three (3) copies of a sketch plan that shall include the following elements:

(1) Site Analysis: The subdivider shall prepare a site analysis identifying floodplains and wetlands along with other significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, existing structures, location(s) of existing cemeteries, road ways, existing trails, significant wildlife habitat, prime agricultural farmland, and historic, archaeological, and cultural features listed (or eligible to be listed) on national, state, county, or local registers or inventories;

(2) Percent of land to be in open space: After subtracting land in the proposed and existing rights of way, floodplains, and wetlands, the subdivision shall then provide for open space for the designated zoning district in accordance with the table located in Section 10.2.14.27 (a) of this ordinance by dedication to the Village upon approval of the Village Council, included as permanent open space in an Owner's Association, or placed as permanent open space to be managed by an entity acceptable to the Village Council;

(3) Open Space Allocation: Based upon the site analysis, the amount of land to be designated as flood plain and wetlands shall be determined. These lands are not to be counted in meeting the open space requirement of this section, nor shall any existing or proposed rights of way be counted. The remaining land shall be divided as developable lots and designated open space meeting the requirements of Section 10.2.14.27(a) of this ordinance. Priority for open space land shall be given to land with special environmental and cultural significance. At least twenty-five percent (25%) of the open space shall remain in its natural state. This open space shall be provided in one or more parcels, but consideration shall be given to connecting open space within a subdivision and to adjacent properties and subdivisions. A twenty (20) foot buffer is required around all bodies of water, including wetlands;

(4) Maximum Number of Lots: The maximum number of lots that may be developed shall be determined by utilizing the table located within Section 10.2.14.27 (a) of this ordinance.

(5) View sheds: To preserve the character of Pinehurst, Green Neighborhoods fronting on minor or major thoroughfares or rural roads should be sited with a visual buffer from the public realm, the road and road right of way.

(7) Preliminary Subdivision: Upon completion of this Section and creating a subdivision design that incorporates all of the principles and design elements of this section and upon receiving a general approval of the village planner that these elements have been met on the submitted sketch plan, the subdivider may proceed to prepare and submit a preliminary plat for the development that is consistent with the previous sketch plan process and complies with all applicable regulations for subdivision approval within the Village of Pinehurst.

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 6th day of July, 2010.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

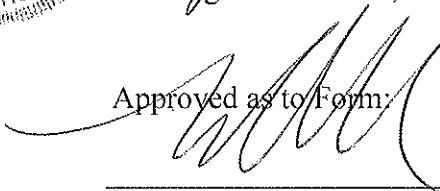
By:


Virginia F. Fallon, Mayor

Attest:


Linda S. Brown, Village Clerk

Approved as to Form:


Michael J. Newman, Village Attorney