

ORDINANCE #10-32:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.2.2(d) AND SECTION 10.2.1.3 SR-18(c) (1) ACCESSORY STRUCTURES SETBACKS AND SECTION 10.2.2.1(D) (3) ALLOWABLE ENCROACHMENT.

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 single family process changes which includes setbacks and encroachments; 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 work session assembled on the 8th day of June, 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 (d):

10.2.2.2 Table of Dimensional Requirements

(d) Accessory Buildings and Structures

Zoning District	Minimum Accessory Building Or Structure Setback from Property Line(s)	Minimum Accessory Building or Structure Setback from Lakefront or Golf Course	Minimum Accessory Building Or Structure Setback from Right(s) of Way (ROW)
PC Public Conservation	20 feet	60 feet	20 feet
R-210 Residential District	Side—20 feet Rear—30 feet	60 feet	No accessory buildings or Structures are permitted in the Front Yard or Corner Side Yard.
R-30 Residential District	Side—20 feet * Rear—30 feet*	60 feet	Same as R-210.
R-20 Residential District	Side—15 feet* Rear—30 feet*	30 feet	Same as R-210.
R-15 Residential District	Side—15 feet* Rear—30 feet*	30 feet	Same as R-210.
R-10 Residential District	Side—15 feet* Rear—25 feet*	30 feet	Same as R-210.
R-8 Residential District	Side—10 feet Rear—20 feet*	30 feet	Same as R-210.
R-5 Residential District	Side—10 feet Rear—20 feet*	30 feet	Same as R-210.

***Accessory structures may receive up to a five foot encroachment into only one side or rear setback of a given property if additional plantings exist or are placed between the encroaching structure and the adjacent property line for the length of the encroachment. These plantings shall be 4 feet apart on center or closer and shall have a continuous minimum height at maturity of at least 6 feet. This requirement shall not exclude any property from having to meet all other landscaping requirements separately. The landscaping shall be maintained by the property owner for the life of the encroachment.**

SECTION 2: 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 10.2.1.3 SR-18(c) (1):

10.2.1.3 Special Requirements to the Table of Permitted and Special Uses

SR-18(c) Swimming Pools and Spas

- (1) Above ground pools are prohibited. Above ground pools shall include any above ground pool device that uses or is designed to use a filtration system;

In residential zoning districts, all swimming pools shall be constructed only within the building envelope setbacks for accessory structures in the rear or side yard. Swimming pools located on golf courses or adjoining lakes shall be fenced in the building envelope

SECTION 3: 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 10.2.2.1 (d) (3):

10.2.2.1 General Standards

(d) Required Setbacks: Allowable Encroachments into Required Yards

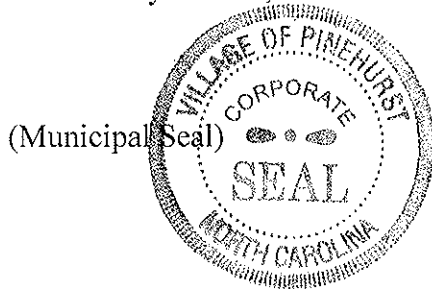
(3) The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

(ix) Patios (on-grade), decks and off grade patios attached to principal structures, arbors, trellises, and similar structures may receive up to a five foot encroachment into only one side or rear setback of a given property if additional plantings exist or are placed between the encroaching structure and the adjacent property line for the length of the encroachment. These plantings shall be 4 feet apart on center or closer and shall have a continuous minimum height at maturity of at least 6 feet. This requirement shall not exclude any property from having to meet all other landscaping requirements separately. The landscaping shall be maintained by the property owner for the life of the encroachment.

SECTION 4. 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.

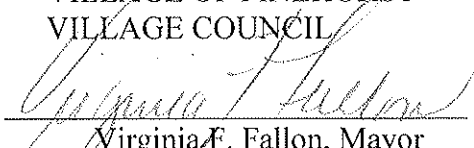
SECTION 5. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 8th day of June, 2010.

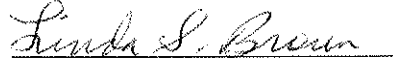


VILLAGE OF PINEHURST
VILLAGE COUNCIL

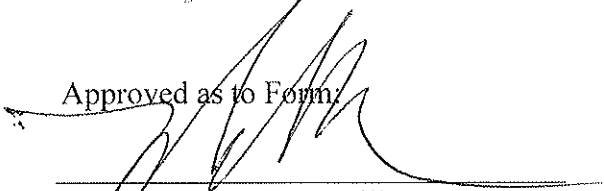
By:


Virginia F. Fallon, Mayor

Attest:


Linda S. Brown, Village Clerk

Approved as to Form:


Michael J. Newman, Village Attorney