

ORDINANCE #09-39:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 12.2 PINEHURST SOUTH BUSINESS OVERLAY DISTRICT.

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 October 28, 2009 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 12.2 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 17th day of November, 2009, 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 12.2:

Section 12.2 Pinehurst South Business Overlay District

12.2.1 Purpose and Intent

The Pinehurst South Business Area is composed largely of office, retail, financial and service uses. This district has developed over the past several decades. The current underlying zoning districts in this area make many of the existing buildings non-conforming in regard to setbacks and impervious surfaces requirements.

The purpose of this overlay district is to preserve and enhance the small-scale commercial character while providing for low-impact business opportunities and to allow for some of the better development patterns found within the area to continue as the area is developed. This overlay district is established to prevent unsightly conditions as a result of development which may destroy or detract from the natural character, beauty and conditions and to exercise such reasonable control over land within the district as may be necessary to accomplish the objective.

It is to encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan.

12.2.2 Conflict with Other Code Sections

The definitions and regulations set forth in this article shall apply to the Pinehurst South Business Overlay District. Wherever there is a conflict or inconsistency between the Pinehurst South Business Overlay District regulations and other definitions and regulations of the Pinehurst Development Ordinance (PDO), those regulations set forth in this article shall govern development and redevelopment within Pinehurst South Business Overlay District.

12.2.3 Plan Approvals Required

All development within the Pinehurst South Business Overlay District shall require submission of a site plan or a preliminary subdivision plat in accordance with this Ordinance, and approval of such plan or plat by the appropriate Village authority.

12.2.4 Pinehurst South Business Overlay District Requirements

(a) Nonconforming buildings:

If a nonconforming building or structure located within the Pinehurst South Business Overlay District is destroyed by any means, it may be built back within its existing footprint as long as it complies with the NC State Building and Fire Code and other applicable regulations.

A structure that is nonconforming due to encroaching into a required setback may be added onto so long as the addition does not further encroach into the setback(s) of the existing structure and does not create a new encroachment into another setback or violate any other regulations of this ordinance.

(b) Ingress and Egress:

Wherever possible, ingress and egress between various properties shall be shared in an attempt to minimize curb cuts. The Village of Pinehurst encourages adjacent

landowners to enter into agreements providing access easements to accomplish this goal.

(c) Parking Location:

All parking within the Pinehurst South Business Overlay District shall be located to the side or rear of buildings or located on the street.

(d) On Street Parking:

Where on street parking is provided, that directly fronts a parcel that on street parking may be counted toward meeting the required number of parking spaces for the uses on that parcel.

(e) Shared Parking:

Shared parking. The use of shared parking shall comply with the following requirements:

1. Applicants shall be required to show shared parking is reasonably close to each use (see Walking Distance #4 below).
2. Shared Parking Agreement may exist between multiple businesses on a single property or multiple businesses on several properties in a district and shall require a contractual agreement between users. A shared parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots, or redesigning internal traffic circulation and pedestrian walkways.
3. The minimum amount of shared parking required shall be calculated according to the following formula (see Table 12.2.4):
 - a. Calculate the minimum amount of parking required for each land use as if it were a separate use (see Table 10.2.3.2);
 - b. To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in the table below for each of the six time periods;
 - c. Calculate the column total for each of the six time periods;
 - d. The column (time period) with the highest value shall be the minimum parking requirement.

Table 12.2.4: Shared Parking Calculations

Uses	Monday - Friday			Saturday and Sunday		
	8 am – 6 pm	6 pm - 12 am	12 am - 8 am	8 am – 6 pm	6 pm – 12 am	12 am – 8 am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	60%	5%	100%	60%	5%
Restaurant	70%	100%	10%	70%	100%	20%
Bar/Entertainment	70%	100%	100%	70%	100%	100%
Place of worship	20%	40%	5%	100%	50%	5%

4. Walking Distance:

- a. Less than 50 feet: people with disabilities
- b. Less than 100 feet: residents, professional services, and medical clinics.
- c. Less than 200 feet: retail, restaurant, and religious institutions.
- d. Less than 500 feet: employees and overflow parking.

Shared parking calculation example:

Mixed use development with:

- 3,000 square feet of retail
- 5,000 square feet of office
- 10 apartment dwellings

Use of shared parking reduces required spaces from 49 to 40. (See calculations below.)

Parking required for each use separately		
Use	Parking Required w/o Shared Parking	Spaces Required
10 apartment dwellings	2/DU	20
5,000 sf office	3.33/1,000 sf	16.65
3,000 sf retail	4/1,000 sf	12
49 total		

Parking Required Under Shared Parking Calculation						
Uses	Monday-Friday			Saturday and Sunday		
	8am-6pm	6pm-12am	12am-8am	8am-6pm	6pm-12am	12am-8am
Residential	0.6 <u>x 20</u> 12	1 <u>x 20</u> 20	1 <u>x 20</u> 20	0.8 <u>x 20</u> 16	1 <u>x 20</u> 20	1 <u>x 20</u> 20
Office	1 <u>x 16.65</u> 16.65	0.1 <u>x 16.65</u> 1.665	0.05 <u>x 16.65</u> 0.8325	0.05 <u>x 16.65</u> 0.8325	0.05 <u>x 16.65</u> 0.8325	0.05 <u>x 16.65</u> 0.8325
Commercial	0.9 <u>x 12.5</u> 11.3	0.6 <u>x 13.5</u> 8.1	0.05 <u>x 13.5</u> 0.68	1 <u>x 13.5</u> 13.5	0.6 <u>x 13.5</u> 8.1	0.05 <u>x 13.5</u> 0.68
Total Spaces	<u>39.95</u>	29.765	21.51	30.33	28.93	21.51

Rounding up to the next whole number, a minimum of 40 parking spaces is required in the shared parking example.

(f) Lot Dimensional Requirements:

All development shall comply with the following development standards:

- Minimum Lot Width at the Street Line: 50 ft.
- Minimum Street Yard Setback: 10 ft. from the public sidewalk
- Minimum Side Yard Setback: 10 ft.
- Minimum Rear Yard Setback: 10 ft.

All other dimensional requirements shall be determined by the underlying zoning district.

12.2.5 Pinehurst South Business Overlay District Permitted Uses

When determining if a use is permitted within the Pinehurst South Business Overlay District one shall refer to Table 10.2.1 and view the underlying NC Zoning District.

12.2.6 Compliance with all other regulations

All development within the Pinehurst South Business Overlay District shall comply with all applicable sections of the Pinehurst Development Ordinance and Engineering Standards including but not limited to just signage, landscaping, watershed regulations, street design, storm water.

SECTION 3. 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 4. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 17th day of November, 2009.

(Municipal Seal)



Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: George B. Lane

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney