

ORDINANCE #08-13:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS, SECTION 10.1.1 PC PUBLIC CONSERVATION DISTRICT, SECTION 10.2.2.2 (a) TABLE OF DIMENSIONAL REQUIREMENTS NOTE (6) AND TABLE 10.2.1 TABLE OF PERMITTED AND SPECIAL USES.

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 22, 2008 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 2.2 , Section 10.1.1, Section 10.2.2.2 (a) and Table 10.2.1 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 27th day of May, 2008, 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 2.2:

MUNICIPAL PUBLIC SERVICE FACILITY: Any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor equipment and material storage, under shed vehicle/equipment storage,

yard debris piles, fuel tanks & associated pumps, radio antennae, vehicle wash bays, recycling storage, heavy and light vehicle parking, police & fire training facilities, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst.

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 10.1.1:

10.1.1 PC Public Conservation District

The PC Public Conservation District is established as a district in which the primary use of the land is reserved for the general public for recreation, flood control, parks, natural or man-made bodies of water, forests and other similar open space uses, and other government uses that provide public services to the residents of Pinehurst. In promoting the general purposes of this Ordinance, the specific intent of this district is:

- (a) To encourage the preservation of and continued use of the land for conservation and community recreation purposes;
- (b) To prohibit residential, commercial and industrial use of the land, and to prohibit any other use which would substantially interfere with the preservation of this district;
- (c) To discourage the continuance of existing uses that would not be permitted as new uses in the district;
- (d) To preserve and enhance the character of the Village as a resort and residential community;
- (e) To limit light pollution, noise pollution and vehicular congestion.

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 10.2.2.2 (a) Note (6):

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)	20,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	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	80 feet (4)	75 feet (4)	75 feet (4)	60 feet (4)	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	40 feet	30 feet	30 feet	20 feet	20 feet
Minimum Side Yard Setback	25 feet	50 feet	20 feet	15 feet (5)	15 feet (5)	15 feet (5)	10 feet (5)	10 feet (5)
Minimum Rear Yard Setback	25 feet	40 feet	30 feet	30 feet	30 feet	25 feet	20 feet	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)	35% (1)	37.5% (1)	40% (1)	42.5% (1)	45% (1)
Maximum Lot Coverage by Buildings	--	--	20%	20%	30%	28%	25% (8)	30%

Note (6): Village of Pinehurst governmental buildings, including administrative offices, public safety stations, **municipal public service facilities** and similar buildings not intended for recreational purposes may cover up to seventy percent (70%) impervious surface.

SECTION 4. 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 Table 10.2.1:

Table 10.2.1 TABLE OF PERMITTED AND SPECIAL USES

EDUCATIONAL, RECREATIONAL, INSTITUTIONAL

USE TYPES	PC	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	RD	OP	H	HD	VC	NC	SR
Cemeteries		X														6
Churches	SZ	X	SC	SC	SC	SC					X				SC	7
Community Centers	X	SC	SZ	SZ	SZ	SZ	SZ		SZ							7
Country Clubs		SC								X						
Emergency Vehicle Garage	SZ												X			
Fox Hunting Facility		SC														
Golf Courses	X	SC								X						
Government Buildings	SZ	SZ									X			X	X	

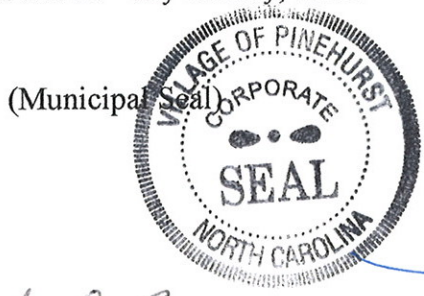
Museums, Libraries	SZ										X			X	X	
Municipal Public Service Facility	X															
Open Space Land	X	X	X	X	X	X	X	X	X	X	X	X	X		X	
Parks	X	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	X	SZ	SZ	SZ		SZ	
Public Greenways	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Safety Stations	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	
Public Utility Facilities	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ		SZ	
Recreation Area	X	X	SC	SC	SC	SC				X						
Recreation Center	X									X						7
Recreational Facility, Indoor	SC	SZ	SC	SC					SC		X					7
Recreational Facility, Outdoor	SC	SZ	SC	SC	SC				SC							
Resource Conservation Facility	X	X	X	X	X	X	X	X	X	X	X	X	X		X	
Schools		SZ	SC	SC	SC	SC			SC	SC		X				7

X=Permitted Use
 SC=Major Special Use (Village Council)
 SZ=Minor Special Use (Zoning Board of Adjustment)
 SR=Special Requirement (See Section 10.2.6.1)

SECTION 5. 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 6. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 27th day of May, 2008.



VILLAGE OF PINEHURST
 VILLAGE COUNCIL

By: *George P. Lane*
 George P. Lane, Mayor

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

Attest:
Linda S. Brown
 Linda S. Brown, Village Clerk