

ORDINANCE #08-33:

**AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT
ORDINANCE AS IT PERTAINS TO CHAPTER 13 SPECIAL VILLAGE
ZONING DISTRICTS, SECTION 13.1.1 VILLAGE MIXED USE 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 September 23, 2008 in the Conference Room 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 Chapter 13 Special Village Zoning Districts, Section 13.1.1 Village Mixed Use District 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 special meeting assembled on the 21st day of October, 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 Chapter 13:

**CHAPTER 13. SPECIAL VILLAGE ZONING DISTRICTS; PURPOSE, INTENT,
AND REGULATIONS**

These Special Village Zoning Districts were developed specifically for land located within the area known as the NewCore, as defined in the NewCore Master Plan adopted by the Village Council on May 8, 2007 and any subsequent amendments thereto. The intent of these special districts is to help implement, and achieve the objectives, principles and guidelines of, the

NewCore Master Plan by ensuring that cohesive, high quality development occurs within the area known as NewCore and established as the Special Village Zoning Districts.

Section 13.1 Special Village Districts; Purpose and Intent

13.1.1 VMU Village Mixed Use

The VMU Village Mixed Use District is a district in which the primary use of land is a mix of residential and small scale commercial uses such as retail, office, service and entertainment establishments. A mix of the permitted uses is allowed within the same building or on the same lot. This development pattern is characterized by overlapping patterns of uses and activities, and clearly defined, human scale external spaces, where citizens can live, conduct business and meet freely with others. Development within the VMU District shall be in accordance with the standards set forth herein and with the principles and guidelines contained in the NewCore Master Plan. Only land located within the portion of the Village designated for mixed uses in the NewCore Master Plan may be zoned in this district.

13.1.1.1 Permitted Uses

The following uses may be established as permitted uses in the VMU District. Any use that is not listed in this section is expressly prohibited from being located within this district.

- a) Retail Stores (1)
- b) Parking Garage/Facilities (2)
- c) Florist Shops
- d) Restaurants (3)
- e) Single family residential
- f) Residential dwellings as part of a mixed use structure
- g) Town homes
- h) Multifamily dwellings
- i) Duplex family dwellings
- j) Cluster Housing
- k) Pedestrian and bicycle trails
- l) Open Space
- m) Government Buildings
- n) Museums, Libraries
- o) Parks
- p) Art galleries
- q) Personal Service Establishments
- r) Pharmacy **(1)**
- s) **Offices, not including medical offices or medical clinics**
- t) ~~Medical offices~~ **reserved**
- u) ~~Medical Clinics~~ **reserved**
- v) Bank, Financial Institutions
- w) Convenience Stores (4)
- x) Accessory uses

- (1) **No single R-retail establishments shall not exceed 15,000 7,500 square feet in area; provided, however, that one retail establishment in the VMU District may have a maximum of 25,000 square feet.**

(2) All parking shall be surface level parking; provided, however, that for residential and office occupants, structured parking shall be permitted as long as it is properly shielded from peripheral roads and is constructed with appropriate exterior treatment so as to minimize its visibility within the Village Mixed Use area. In any case, no more than 25 percent of the parking element in the VMU District shall be ~~elevated~~ **above or below grade.**

(3) No exterior play ground equipment and no drive thru or curb service are allowed.

(4) No convenience store shall contain fueling facilities.

13.1.1.3 Development Standards

All development shall comply with the following development standards:

Minimum Lot Area:	20,000 sq. ft. (2)
Minimum Lot Width at the Street Line:	50 ft. (2)
Minimum Street Yard Setback:	5 ft. from the public sidewalk (2)
Maximum Street Yard Setback:	10 ft. except where separated from the sidewalk by a public space.
Minimum Side Yard Setback:	0 ft. (2)
Minimum Rear Yard Setback:	5 ft. (2)
Maximum Building Height:	40 ft. (1)
Minimum amount of open space:	35 35 45 percent

13.1.1.6 Off Street Parking, Loading and Unloading areas

- a) All development shall provide off street parking in accordance with section 10.2.3 of this Ordinance. Credit will be given to count toward the minimum amount of parking required for each on street parking space located within 100 feet of the front door of each establishment or for each space provided in a public parking lot located within ~~500~~ **300** feet of the front door of the establishment. This measurement shall be as a pedestrian would walk. **In no case shall the on street parking and/or public parking be used to meet more than 25% of the required parking as indicated in section 10.2.3.**
- b) All off street parking shall be located to the rear of the buildings or be separated visually from the street and/or sidewalk by a solid wall as to screen the parking from public view.

13.1.1.12 Mixture of Uses Required

A development may contain any and all of the uses specified as permitted uses within the VMU District and approved as part of the major special use permit, provided that when fully developed, the development shall be ~~comprised of:~~ a minimum ~~35~~ **45** percent open space; **In addition, this district shall be comprised of** between 25 percent and 40 ~~35~~ **35** percent retail, restaurant, and entertainment uses; between 25 ~~35~~ **35** percent and 40 ~~45~~ **45** percent residential uses; and between ~~20~~ **25** percent and 35 percent other uses including office and professional. **For purposes of this section, uses such as museums and art galleries shall be considered retail and entertainment uses; and uses such as libraries shall be considered office and professional uses.** These use percentages shall be calculated based on the total building area of the development. **For development proposals in which at least one of the historic structures listed within the**

NewCore Plan is included to be rehabilitated or occupied, this mixture of uses is not required as long as the proposal does not include more than 50% additional square footage of building area than currently exists within the given historic structure(s). The intent of this exception is to encourage the adaptive reuse of these valued structures.

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 21st day of October, 2008.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

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

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

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