

ORDINANCE #07-27:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS AND CHAPTER 13 SPECIAL VILLAGE ZONING DISTRICTS.

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 July 24, 2007 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 and add Chapter 13 to 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 28th day of August, 2007, 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:

Art Gallery: A space for the exhibition or sale of art, usually visual art, including, but not limited to, paintings, photography, and sculpture.

Artisan Studio: A space where an artist works, including, but not limited to painters, photographers, and sculptors.

Boutique Shop: A small shop or store that sells specialized goods, including for example, gifts, fashionable clothes, accessories, or food.

Cluster Housing: A housing development technique that concentrates dwellings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Cottage Style: Type of architectural style resembling a small-scale, detached single-family dwelling.

Professional Office: A use or building maintained by a member of a recognized profession for the conduct of that profession. This includes, but is not limited to, the office of a physician or other licensed health care professional, lawyer, accountant, realtor, investment broker, engineer, or architect.

Public Space: An area that is open to the public use and is designed for public enjoyment. Usually in the form of outdoor seating areas or public plazas.

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 Chapter 13 to the Pinehurst Development Ordinance. The text will read as follows:

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. 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
- s) Offices
- t) Medical offices
- u) Medical Clinics
- v) Bank, Financial Institutions
- w) Convenience Stores
- x) Accessory uses

- (1) Retail establishments shall not exceed 15,000 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.
- (3) No exterior play ground equipment and no drive thru or curb service are allowed.

13.1.1.2 Procedure for Development Approval

All development shall require a major special use permit and shall follow the procedures established in Section 5.13 of this Ordinance for obtaining the major special use permit. All development shall require site plan approval pursuant to the procedures established in Section 10.2.15 of this Ordinance.

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 percent

(1) Buildings may have a maximum height of 45 feet if centrally located within a building site or area and separated from Magnolia Road, Community Road, Dundee Road, and McCaskill Road by one row or tier of buildings or at least 250 feet. In no case shall more than 15 percent of the buildings located within the VMU District exceed 40 feet.

(2) The setback, lot width and lot area requirements may be waived in the sole discretion of the Village Council upon a finding that the public health, safety and welfare will not be negatively impacted by such waiver and is consistent with the General Statutes and other laws of the State of North Carolina. If the Village Council waives any such requirements, the provisions of the major special use permit will govern development and will be considered to conform in all respects to this Ordinance. As a condition of waiver of the setback, lot width or lot area requirements, the Village Council may impose additional conditions as part of the major special use permit.

13.1.1.4 Signage

All signage shall be in accordance with the existing signage requirements for the VC Village Commercial Zoning District.

13.1.1.5 Watershed Regulations

All development, excluding single family development on lots existing prior to June 21, 1993, is automatically allocated Special Non-residential Intensity Allocations as part of

the development approval. This is for both residential and non-residential development. Therefore, a maximum of 70 percent of any development in the VMU District may consist of impervious surfaces.

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 feet of the front door of the establishment. This measurement shall be as a pedestrian would walk.
- 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.

13.1.1.7 Historic Preservation Overlay District.

If the proposed development is located within the Historic Preservation Overlay District it shall comply with all requirements of section 12.3 of this Ordinance.

13.1.1.8 Tree Preservation

The applicant for every development proposal shall submit a tree preservation plan to the Village Council for review as part of the major special use application process. This plan shall include all trees of the following sizes:

1. Hollies with a DBH of 8 inches or more;
2. Magnolia with a DBH of 10 inches or more;
3. Pines with a DBH of 12 inches or more; and
4. Oaks or other species with a DBH of 16 inches or more.

When developing a site plan, these trees shall be reviewed as part of the site analysis. All development shall take precautions to preserve these trees. In addition to the requirements set forth above, all tree and ecosystem protection standards set forth in Section 10.2.12 of this Ordinance shall apply for developments unless an exception is approved by the Village Council as part of the major special use permit.

13.1.1.9 Landscaping

All landscaping standards within Section 10.2.4 of this Ordinance shall apply for developments unless an exception is approved by the Village Council as part of the major special use permit.

13.1.1.10 Infrastructure

Sidewalks, roadways, water and sewer and storm water for all proposed developments shall be in accordance with the requirements and standards set forth in this Ordinance and the Village of Pinehurst Engineering and Standards Manual.

13.1.1.11 Outdoor Storage

No outdoor business activities, other than outdoor dining, no product display, or storage shall be permitted unless such use was approved as part of the major special use permit.

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 percent open space; between 25 percent and 40 percent retail, restaurant, and entertainment uses;

between 25 percent and 40 percent residential uses; and between 20 percent and 35 percent other uses including office and professional. These use percentages shall be calculated based on the total building area of the development.

13.1.1.13 Conflict with other regulations

Where there is a conflict between the provisions established for the VMU District and other portions of the Pinehurst Development Ordinance, the VMU District provisions shall control.

13.1.1.14 Village Mixed Use District Design Standards

The Village Mixed Use District shall be developed in a way that it is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. All development shall comply with the design standards set forth below. In addition, reference should be made to the design guidelines set forth in the NewCore Master Plan, as well as the Local Historic District Standards and Guidelines.

1. Façade materials shall consist of brick, shake, wood clapboard, or a similar synthetic material. No more than 15 percent of exterior materials, along a given block front shall be shake.
2. Upper and lower floors shall be distinguished through a change in material and/or color or the addition of balconies, bays, awnings, or other accent features.
3. Special attention shall be given to entrances; they may be set back from the primary façade as long as they are clearly visible from the street. Building entrances and exits shall be well lit to provide visibility and promote safety. Buildings that occur at the intersection of roadways shall angle the entrance toward the corner of the street whenever possible.
4. Windows are required, where they allow views to interior activity areas or displays. However, glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.
5. Exterior building colors shall be consistent with the Village Center.
6. When used, façade lighting shall provide a sense of safety without excessive light and glare.
7. All roof- and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
8. Architectural ornaments along the roof line, such as molding entablature or friezes, are required.
9. Sidewalks, streets, and plantings (streetscapes) shall be designed in accordance with the guidelines and principles of the NewCore Master Plan .
10. Mid-Block Pedestrian Pathways are required. Pathways must be brick and must clearly delineate the pathway separate from any driving surfaces. The pathways shall be highly visible with proper lighting. They shall be designed to link the sidewalk at the street side of the building to parking areas in the rear.
11. Public spaces and plazas shall be incorporated to create a pedestrian friendly environment.
12. Street furniture, outdoor eating areas, and sitting areas shall be incorporated at the ground floor.

13.1.2 VCP Village Cottage Professional District

The VCP Village Cottage Professional District is a district in which the primary use of land is a mix of cottage residential and small scale commercial uses of very low intensity including, but not limited to, professional offices, boutique shops, and art galleries. 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 this area shall be comprised of cottage style structures. Development within the VCP 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 cottage professional uses in the NewCore Master Plan may be zoned in this district.

13.1.2.1 Permitted Uses

The Following Uses may be established as permitted uses in the VCP District. Any use that is not listed in this section is expressly prohibited from being located within this district. Non-residential uses shall be limited to those that are small scale and very low intensity in nature.

- a) Single Family Dwellings
- b) Duplex Family Dwellings
- c) Multi Family Dwellings
- d) Town Homes
- e) Cluster Housing
- f) Residential dwelling as part of a mixed use structure
- g) Professional offices
- h) Boutique shops
- i) Art galleries
- j) Artisan Studios
- k) Personal service establishments
- l) Accessory Uses
- m) Parks
- n) Open Space
- o) Pedestrian and bicycle trails

13.1.2.2 Procedure for Development Approval

All development within the VCP District shall require a major special use permit and shall follow the procedure established in Section 5.13 of this Ordinance for obtaining the major special use permit. All development shall require site plan approval pursuant to the procedures established in Section 10.2.15 of this Ordinance.

13.1.2.3 Development Standards

All development within the VCP District shall comply with the following development standards:

Minimum Lot Area:	8,000 sq. ft. (1)
Minimum Lot Width at the Street Line:	50 ft. (1)
Minimum Street Yard Setback:	20 ft. from the public sidewalk or right of way (1)
Maximum Street Yard Setback:	None
Minimum Side Yard Setback:	5 ft. (1)
Minimum Rear Yard Setback:	20 ft. (1)
Maximum Building Height:	35 ft.
Minimum amount of open space:	35 percent
Maximum sq. ft. of any structure:	3,200 sq. ft. (2)

- (1) The lot area, lot width, and setback requirements established hereunder may be waived in the sole discretion of the Village Council upon a finding that the public health, safety and welfare will not be negatively impacted by such waiver and is consistent with the General Statutes

and other laws of the State of North Carolina. If the Village Council waives any such requirements, the provisions of the approved major special use permit will govern development and will be considered to conform in all respects to this Ordinance. As a condition of waiver of any such requirements, the Village Council may impose additional conditions as part of the major special use permit.

(2) Non-residential uses shall not exceed 1500 square feet.

13.1.2.4 Signage

All signage shall be in accordance with the existing signage requirements for the VC Village Commercial Zoning District.

13.1.2.5 Watershed Regulations

All development, excluding single family development on lots existing prior to June 21, 1993, is automatically allocated Special Nonresidential Intensity Allocations as part of the development approval. This is for both residential and non-residential development. Therefore a maximum of 70 percent of any development within the VCP District may consist of impervious surfaces.

13.1.2.6 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 feet of the front door of the establishment. This measurement shall be as a pedestrian would walk.
- 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.

13.1.2.7 Historic Preservation Overlay District.

If the proposed development is located within the Historic Preservation Overlay District, it shall comply with all requirements of Section 12.3 of this Ordinance.

13.1.2.8 Tree Preservation

The applicant for every development proposal shall submit a tree preservation plan to the Village Council for review as part of the major special use application process. This plan shall include all trees of the following sizes:

1. Hollies with a DBH of 8 inches or more;
2. Magnolia with a DBH of 10 inches or more;
3. Pines with a DBH of 12 inches or more; and
4. Oaks or other species with a DBH of 16 inches or more.

When developing a site plan, these trees shall be reviewed as part of the site analysis. All development shall take precautions to preserve these trees. In addition to the requirements set forth above, all tree and ecosystem protection standards set forth in Section 10.2.12 of this Ordinance shall apply for developments unless an exception is approved by the Village Council as part of the major special use permit.

13.1.2.9 Landscaping

All landscaping standards within Section 10.2.4 of this Ordinance shall apply for developments unless an exception is approved by the Village Council as part of the major special use permit.

13.1.2.10 Infrastructure

All sidewalks, roadways, water and sewer and storm water for proposed developments shall be in accordance with the requirements and standards set forth in this Ordinance and the Village of Pinehurst Engineering and Standards Manual.

13.1.2.11 Outdoor Storage

No outdoor business activities, other than outdoor dining, no product display, or storage shall be permitted unless such use was approved as part of the major special use permit.

13.1.2.12 Conflict with other regulations

Where there is a conflict between the provisions established for the VCP District and other portions of the Pinehurst Development Ordinance, the VCP District provisions shall control.

13.1.2.13 Village Cottage Professional District Design Standards

The Village Cottage Professional District shall be developed in a way that is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. All development shall comply with the design standards set forth below. In addition, reference should be made to the design guidelines set forth in the NewCore Land Use Plan, as well as the Local Historic District Standards and Guidelines.

1. New structures in the VCP District shall be built to resemble single family residences.
2. Front porches are encouraged when possible.
3. Exterior building colors shall be consistent with the Village Center and be found in the Village of Pinehurst color palette.
4. Rear and side load garages are encouraged.
5. Primary entrances shall be highly visible along the street front, distinguished with different materials or textures and lighting.
6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
7. Sidewalks, streets, and plantings (streetscapes) shall be designed in accordance with the guidelines and principles of the NewCore Master Plan .

13.1.3 VR Village Residential District

The VR Village Residential District is a district in which the primary use of land is cottage type residential, single family residential, cluster housing, town homes, and multi-family housing. Development within the VR 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 residential uses in the NewCore Master Plan may be zoned in this district.

13.1.3.1 Permitted Uses

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

- a) Single Family dwellings
- b) Duplex family dwellings
- c) Multi family dwellings

- d) Townhouses
- e) Cluster housing
- f) Open space
- g) Parks
- h) Bicycle and pedestrian paths
- i) Accessory uses (1)

(1) All accessory uses must comply with the requirements of Section 10.2.1.3 of this Ordinance.

13.1.3.2 Procedure for Development Approval

All development within the VR District shall require a major special use permit and shall follow the procedures established in Section 5.13 of this Ordinance for obtaining the major special use permit. All development shall require site plan approval pursuant to the procedures established in Section 10.2.15 of this Ordinance.

13.1.3.3 Development Standards

All development within the VR District shall comply with the following development standards:

Minimum Street Yard Setback:	10 ft. from the public sidewalk or right of way (1)
Maximum Street Yard Setback:	None
Minimum Side Yard Setback:	5 ft. (1)
Minimum Rear Yard Setback:	20 ft. (1)
Maximum Building Height:	35 ft.
Minimum Amount of Open Space:	35 percent
Maximum Dwelling Density:	5.25 Units per acre (1)

(1) The setback requirements established hereunder may be waived in the sole discretion of the Village Council upon a finding that the public health, safety and welfare will not be negatively impacted by such waiver and is consistent with the General Statutes and other laws of the State of North Carolina. If the Village Council waives any such requirements, the provisions of the approved major special use permit will govern development and will be considered to conform in all respects to this Ordinance. As a condition of waiver of any such requirements, the Village Council may impose additional conditions as part of the major special use permit.

13.1.3.4 Signage

One ground sign per street frontage is permitted for each development. The sign shall not exceed three feet in height and shall be no larger than 6 square feet.

13.1.3.5 Watershed Regulations

All development, excluding single family development on lots existing prior to June 21, 1993, within the VR District is automatically allocated Special Nonresidential Intensity Allocations as part of the development approval. This is for both residential and non-residential development. Therefore a maximum of 70 percent of any development may consist of impervious surfaces.

13.1.3.6 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.
- 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.

13.1.3.7 Historic Preservation Overlay District.

If the proposed development is located within the Historic Preservation Overlay District it shall comply with all requirements of Section 12.3 of this Ordinance.

13.1.3.8 Tree Preservation

The applicant for every development proposal shall submit a tree preservation plan to the Village Council for review as part of the major special use application process. This plan shall include all trees of the following sizes:

1. Hollies with a DBH of 8 inches or more;
2. Magnolia with a DBH of 10 inches or more;
3. Pines with a DBH of 12 inches or more; and
4. Oaks or other species with a DBH of 16 inches or more.

When developing a site plan, these trees shall be reviewed as part of the site analysis. All development shall take precautions to preserve these trees. In addition to the requirements set forth above, all tree and ecosystem protection standards set forth in Section 10.2.12 of this Ordinance shall apply for developments unless an exception is approved by the Village Council as part of the major special use permit.

13.1.3.9 Landscaping

All landscaping standards within section 10.2.4 shall apply for developments within the VR area unless an exception is approved by the Village Council as part of the major special use permit.

13.1.3.10 Infrastructure

All sidewalks, roadways, water and sewer and storm water for proposed developments shall be in accordance with the requirements and standards set forth in this Ordinance and the Village of Pinehurst Engineering and Standards Manual.

13.1.3.11 Outdoor Storage

No outdoor business activities, other than outdoor dining, no product display, or storage shall be permitted unless such use was approved as part of the major special use permit.

13.1.3.12 Conflict with other regulations

Where there is a conflict between the provisions established for the VR District and other portions of the Pinehurst Development Ordinance, the VR District provisions shall control.

13.1.3.13 Village Residential District Design Standards

The Village Residential District shall be developed in a high density residential fashion, providing pedestrian access to the Village Center and compatible in design to the residential development adjacent to the existing Village Center. All development shall comply with the design standards set forth below. In addition, reference should be made to the design guidelines set forth in the NewCore Land Use Plan, as well as the Local Historic District Standards and Guidelines.

1. Primary entrances shall be oriented toward the street.
2. Facades shall be varied to distinguish the buildings as separate modules, even in attached housing.
3. Brick sidewalks shall be provided and provide access along street fronts and to interior areas.

4. Gable roofs with roof pitch 3:12 and greater are required.
5. Facades shall consist of traditional architectural features, typical to the Historic Preservation Overlay District. Front porches, balconies, porticos, or dormers are required on all structures.
6. Exterior building colors shall be consistent with the Village Center and be found in the Village of Pinehurst color palette.
7. Garages shall either be accessed by rear alleys or side or rear loaded.
8. All roof- and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
9. Columns shall be a minimum of 6 inches, if used. Porch railing shall be traditionally sized.
10. Sidewalks, streets, and plantings (streetscapes) shall be designed in accordance with the guidelines and principles of the NewCore Master Plan.

There shall be no substantial changes to the existing topography of the lot so that new development and structures are incorporated into the existing landscape.

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 28th day of August, 2007.

(Municipal Seal)




VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: 
Steven J. Smith, Mayor

Attest:


Linda S. Brown, Village Clerk

Approved as to form:


Michael J. Newman, Village Attorney