

ORDINANCE #05-32:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO CHAPTER 10, SECTION 10.2.14.26 PLANNED RESIDENTIAL DEVELOPMENT.

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 25, 2005 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 Chapter 10, Section 10.2.14.26 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 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 25th day of October, 2005, 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 amendments to Chapter 10:

The Following section will be added in its entirety:

Section 10.2.14.26 Planned Residential Development

Purpose

The purpose of a Planned Residential Development (“PRD”) is to allow for the placement of dwelling units and installation of private streets that are not otherwise permitted by this Ordinance. The intent is to develop less land area and to conserve land resources, thus preserving natural and scenic features through innovation in the design of the project. PRDs shall promote the efficient use of land resulting in infrastructure networks that maximize the allocation of fiscal and natural resources with a means of permanently protecting open space and important environmental resources.

- a) Elements a PRD shall include:
1. a minimum size of at least 100 contiguous acres zoned R-30;
 2. land under unified control to be planned and developed as a whole or in definitely phased series of development operations, including all lands and buildings;
 3. a Master Plan and Site Plan which includes streets, utilities, lots or building sites, and plans for other uses and improvements on the land as related to the buildings and total development;

4. a Site Plan which indicates the protection of surrounding areas from potential adverse influences within the development with regard to vehicular and pedestrian access and connectivity, and buffering as necessary;
 5. a chart identifying the reduction of each applicable lot and the amount being placed in open space is required with the submittal. For each lot reduced from 30,000 square feet the remainder shall be set aside for open space. All areas not included within designated building lots shall be dedicated as open space. Open space may be located throughout the entire development not just within the cluster areas.
- b) Specifications:
1. **Density**
The number of dwelling units per acre for the underlying zoning district will determine the density and maximum number of dwelling units of the PRD.
 2. **Private Open Space**
The applicant will provide a site analysis with the Master Plan that shall identify: flood plains, wetlands, woodlands, tree lines, open fields or meadows, watershed divides and drainage ways, existing structures, locations(s) of existing cemeteries, road ways, existing trails, wildlife habitat, farmland, historic, archaeological and cultural features listed on national, state or county registers or inventories.
 - c) **Uses of Private Open Space:**
The land conveyed as private open space shall not be disturbed, developed or improved with any structures or buildings, except for the limited purposes allowed below:
 1. Facilities for active recreation (equipment for such uses shall be indicated on the Site Plan provided by applicant)
 2. Private open space may include passive recreational and educational purposes including but not limited to walking, biking, picnicking, fishing, preservation of natural areas and scenic resources, parks, environmental education and wildlife habitat protection.
 3. All private open space shall be owned by an Owners Association.
 - d) **Setbacks:**
The minimum allowed lot size for PRD to reduce to for cluster purposes shall meet the minimum lot size, maximum building height and principal building setback requirements of the R-5 district found in Section 10.2.2.2. no other requirements of section 10.2.2.2 shall control. The minimum principal building size shall be 1,800 heated square feet. Principal structures shall have a minimum of twenty (20) feet of separation and be setback thirty (30) feet from any lake. The Applicant may propose that the applicable setback be reduced, which may be allowed if such reduction is for good cause and is consistent with the purpose of this Section. The reduction in setback shall be indicated on the Master Plan and Site Plan and may be approved in conjunction therewith. All non-cluster lots shall be 30,000 square feet in size as a minimum standard and meet the dimensional requirements of the R-30 zoning district found in Section 10.2.2.2. In all cases the minimum setback on the exterior lot shall meet Section 10.2.2.2.
 - e) **Streets**
It is recognized that a characteristic of a PRD is that the internal streets do not follow fixed linear geometric lines. Instead, roads shall be designed and built with regard to existing and proposed streets; the topography of the area to such; natural features such as streams and forested areas; the public convenience and safety; and to the proposed use of land to be served.
 - f) **Infrastructure**
All proposed developments with regard to sidewalks, roadway, water and sewer and stormwater shall be in accordance with the requirements and standards set forth in the PDO and the Village of Pinehurst Engineering and Standards Manual.

g) Residences within the PRD will be designed and scaled to meet the requirements of each Master Plan and Site Plan submitted. A PRD shall contain only detached single family residences. Residential units will be located on specific locations and identified on the Site Plan and Master Plan.

h) Accessory Structures

Within Cluster areas, accessory structures may be constructed to the property line and may be located within the front, side and rear yard. These structures must be located and approved as part of the site plan. Accessory structures are to be located only on the portion of the lot in proximity to the driveway.

i) PRD Approval

- 1) A PRD will follow the same review and approval process that conventional subdivision developments follow as required by this Ordinance and referenced in Section 10.2.14 with the following exceptions:
 - 2) The total acreage of the PRD may be developed in phases or sections. The Master Plan will indicate the area to be developed, including each phase and acreage with an approximate timetable of each development Phase. It is the responsibility of the applicant or owner to present Site plans in accordance with the approved Master Plan.
 - 3) When the ability to implement or strictly follow approved Master Plan conditions is problematic, the Planning Director shall have the authority to approve minor changes. Changes to original plans submitted shall be considered as either a major or a minor change. Examples of minor changes include the moving of a street due to topography or environmental concerns, or a change in the location of a sewer line. Major changes will require a new Site Plan to be submitted to the appropriate Board or Boards for approval. Examples of major changes include additions, subtractions or relocation of residences; addition or subtraction or relocations of streets. All proposed changes shall be submitted on the Village of Pinehurst Planning and Inspections Department Change Order Form.

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.

SECTION 4. Adopted this 25th day of October, 2005.


(Municipal Seal)



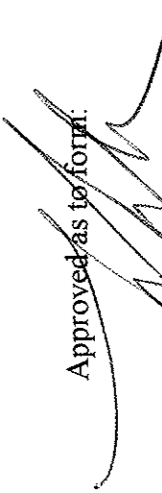
VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: 
Steven J. Smith, Mayor

Attest:


Linda S. Brown, Village Clerk

Approved as to form:


Michael J. Newman, Village Attorney