

ORDINANCE #17-05:

AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED AT 105 EVERETTE ROAD, 110 EVERETTE ROAD, 125 EVERETTE ROAD AND 35 KELLY ROAD.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 8th day of October, 2014, 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 and Map 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 4:30 p.m. on April 25, 2017 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 rezoning of multiple parcels of land consisting of approximately 4.25 acres addressed as 105 Everette Road, 110 Everette Road, 125 Everette Road; and, 35 Kelly Road, further defined as being Moore County LRK #'s 24664, 24264, 29859, 17301; and, 9800236 from R-10 (Residential District) and R-20 (Residential District) to R-10 Residential Conditional District (R-10-CD) 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 rezoning; and

WHEREAS, the Planning and Zoning Board has recommended the zoning map be amended and General Concept Plan be approved; and

WHEREAS, the applicant has agreed upon the following condition(s):

- 1. To allow for an increase of impervious surface which would not exceed 56%.**
- 2. A waiver to SR-18 so as to not require the church to be located on 5 acres or on a major collector or thoroughfare street.**
- 3. All conditions of previously approved special use permits are waived including the requirement that 35 Kelly Road not be used for Church purposes and must remain a single-family residence.**
- 4. Edit Table of Permitted Uses and limit the uses of the property to include only the following:**
 - a. Dwelling, Single Family**
 - b. Religious Institution**
 - c. Accessory Uses:**
 - i. Beekeeping – Limited to 110 Everette Road and 35 Kelly Road**

- ii. Cemetery
 - iii. Child/Adult Day Care Home Occupation – Limited to 110 Everette Road and 35 Kelly Road
 - iv. Wireless Telecom
 - v. Home Occupation – Limited to 110 Everette Road and 35 Kelly Road
 - vi. Pet Houses and Pet Runs – Limited to 110 Everette Road and 35 Kelly Road
 - vii. Playgrounds
 - viii. Accessory Buildings
 - ix. Accessory Structures
- d. Temporary Uses – Retain all temporary uses as permitted by the PDO
5. Preschool will operate as an accessory use to the Church, thus child care, as a separately permitted use is not required or requested
 6. Conditional District Overlay will replace any previous Special Use Permits with all previous conditions to be removed and no additional requirements established.
 7. Trees to be removed shall be replaced at a minimum ratio of 1 to 1.
 8. No additional parking may be established in the Village right-of-way and all existing parking within the right-of-way must be removed based on the following schedule:
 - a. Completion of Parking Lot “A” will require the removal of the spaces along Everette Road and across from the existing sand lot (approx. 10 spaces)
 - b. Completion of Parking Lot “E” will require the removal of the spaces located at the near and along the corner of Everette Road and Kelly Road (approx. 6 spaces).
 - c. Completion of Parking Lot “F” will require the removal of the spaces located along the southern most portion of Kelly Road (approx. 12 spaces).
 - d. Completion of Parking Lot “G” will require the removal of the spaces located along the Kelly Road and in the vicinity of the crosswalk (approx. 11 spaces).
 - e. Completion of Parking Lot “H” will require the removal of the spaces located along the northern most portion of Kelly Road (approx. 7 spaces).
 9. The removal of parking in the right-of-way will be the responsibility of the Village. The Village will also prepare the former parking areas with topsoil or other material suitable for planting and landscaping. The Church will be responsible for the installation of planting and landscaping which will be approved by the Village to prohibit parking in the right-of-way.

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed rezoning, have determined that it is in the best

interests of the Village of Pinehurst and the extraterritorial jurisdiction that the Development Ordinance and Zoning Map be amended.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled on this 23rd day of May, 2017 as follows:

SECTION 1. That the Pinehurst Zoning Map of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by rezoning of approximately 4.25 acres addressed as 105 Everette Road, 110 Everette Road, 125 Everette Road; and, 35 Kelly Road, further defined as being Moore County LRK #'s 24664, 24264, 29859, 17301; and, 9800236 from R-10 (Residential District) and R-20 (Residential District) to R-10 Residential Conditional District (R-10-CD).

SECTION 2. The rezoning map and General Concept Plan is attached hereto as Exhibit A and made a part hereof, the same as if included verbatim.

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

Adopted this 23rd day of May, 2017.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *Nancy Roy Fiorillo*
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

[Signature]
Michael J. Newman, Village Attorney

EXHIBIT A

