



**VILLAGE COUNCIL
AGENDA FOR SPECIAL MEETING OF SEPTEMBER 24, 2014
395 MAGNOLIA ROAD
COUNCIL CONFERENCE ROOM
PINEHURST, NORTH CAROLINA**

5:00 P.M.

1. Call to Order.
2. Review of the draft Pinehurst Development Ordinance and consideration of adoption.
3. Adjournment.



History, Charm, & Southern Hospitality.

Vision

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions, enhanced by a unique combination of cultural arts and recreational activities.

Mission

Preserve and enhance the community's character and ambience by guiding growth, managing change, and providing services in a financially responsible manner.

Values

Competent
Courteous
Professional
Responsive



**REVIEW OF THE DRAFT PINEHURST DEVELOPMENT ORDINANCE AND
CONSIDERATION OF ADOPTION.
ADDITIONAL AGENDA DETAILS:**

FROM:

Bruce Gould, Principal Planner

CC:

Andy Wilkison, Village Manager and Kevin B. Reed, Director of Planning and Inspections

DATE OF MEMO:

9/19/2014

MEMO DETAILS:

The Village Council is asked to discuss the proposed Pinehurst Development Ordinance (PDO). You will recall that the Village Council and the Planning and Zoning (P&Z) Board conducted a joint public hearing on the New PDO on September 2, 2014. The P&Z Board discussed the New PDO at its September 4 meeting and staff has provided a summary of potential changes recommended by the P&Z Board. Staff is seeking direction from Council on each item suggested for change in order to compile a final development ordinance document. Should Council wish to consider an ordinance to adopt the new PDO at this meeting or a future meeting, staff has attached the drafted ordinance for that consideration.

ATTACHMENTS:

Description

- ☐ PDO Public Input Summary
- ☐ Ordinance 14-35 Adopting the New Pinehurst Development Ordinance



To: Mayor Fiorillo and Village Council
From: Bruce Gould, Principal Planner
Kevin Reed, Director of Planning and Inspections
Cc: Andy Wilkison, Village Manager
Lauren Craig, Village Clerk
Date: September 5, 2014
Subject: Discussion on the Pinehurst Development Ordinance (PDO) Rewrite Based on Public Input

In an attempt to document public input and move forward with the Pinehurst Development Ordinance (PDO) rewrite, this document will outline the issues that have been raised since the latest draft of the PDO was sent out for public review. This document is broken into three sections. The first being staff recommended changes; the second being items for further discussion and consensus building; and the third being issues identified by the Planning & Zoning (P&Z) Board at its September 4, 2014 meeting. The P&Z Board, following its discussion of the matter at its September 4 meeting, voted unanimously (5 to 0) to recommend to the Village Council that the PDO be adopted with the following changes.

Staff Recommended Changes

1. Change the parking requirement for Restaurants, Bars and Taverns back to 1 parking space per 3 seats from the prop 1 parking space per 200 sq. ft. of building. Table 9.4a (citizen)

It was the unanimous (5 to 0) consent of the Planning & Zoning (P&Z) Board that this change should be made to the PDO.

2. In the parking requirement for Country Club change to “meeting” space and “design” capacity. Table 9.4a (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

3. In section 2.3.4 (d) nonconforming signs strike “replacement” out of the first sentence. (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

In section 2.3.4 (f) nonconforming signs add “at any one time” to the end of the sentence. (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

4. Remove the term “major” from section 4.5.1 (b) Purpose and Applicability; Special Uses. (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

5. The term city should be changed to village in the third sentence of section 5.3.4 (h). (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

6. In section 8.5.1 (c) in the second to the last sentence the second “SR 200” should be changed to “SR 299”. (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

7. SR-17 (2) 1 & 2 the term “administrator” should be changed to “village planner”. (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

8. SR-27 the term “administrator” should be changed to “village planner”. (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

9. SR-28 (5) 1, 4 and 5 the term “administrator” should be changed to “village planner”. (citizen)

It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

10. SR-102 7 the term “administrator” should be changed to “village planner”. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
11. 9.7.1.7 A (7), B (6), C (6), D (6) E (3) G(6), I (4) the term “administrator” should be changed to “village planner”. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
12. In Section 9.10.1.2 (5) (i) the term “faxed” should be changed to “forwarded”. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
13. Remove the term “storage shed” from the definition of accessory building. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
14. In the definition of adult change “adult” to “a”. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
15. Redefine Bed and Breakfast Homes to the old definition. *A structure, occupied by the owner, in which rooms are rented for lodging of transient guests for compensation and where no meals other than breakfasts are served.* (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
16. Redefine Boarding House. The following definition is borrowed from Waynesville. *Short or long-term accommodations that serve a specific groups or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including, but not limited to housekeeping, meals, and laundry services.* (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO. The Board also noted the term should read as “Boarding and Rooming House”.
17. In the definition of Greenway “village” should be capitalized. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

18. Add “tanning salon” to the definition of personal services. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
19. Remove the “ “ marks from “start of construction” in the definition of substantial improvement. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
20. Section 9.7.1.4 C “section 11.6.1” should read “section 9.7.1.5. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
21. Section 9.7.1.4 C (section 11.6.1” should read “section 9.7.1. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
22. SR-114. Amend the title to reflect fifty (50) pounds or greater no 250. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.

Items for Further Discussion

1. Should the HDDC be removed from the ordinance and the process? (staff)
It was the unanimous (5 to 0) decision of the P&Z Board that the HDDC should remain in the PDO.
2. Should Short-term rental be defined in the ordinance? (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that the term should not be defined in the PDO.
3. Should the administrative modification section be removed from the ordinance? (citizen)
It was the decision (4 to 1) of the P&Z Board that the administrative modification should remain in the PDO.
4. Should the density requirement in the R-MF be increased from 6 to 8 units per acre? (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that the density requirement should be 6 units per acre.
5. Should the minimum required square footage for multi-family units be reduced from 1,800 sq. ft. to 1,500 sq. ft? (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that the minimum square footage of a multi-family unit should be 1,500 square feet.

6. Should the minimum lot size in the R-MF be reduced to 5,500 sq. ft.? (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that the minimum lot size should be 5,500 square feet.
7. In Section 8.3.2.4 (c) change the word “will” to “may”. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that this change should be made to the PDO.
8. Include in the sign section regulations dealing with umbrellas containing advertising. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that the PDO does not need to be revised to include specific regulations for advertising on umbrellas since current language in the PDO can be used to regulate the issue.
9. In the fence ordinance eliminate reference to split rail fences, at least on street facing fences or recommend that wooden street facing fences be painted white. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board to not revise the PDO in order to make these changes. The Board also noted that the Community Appearance Commission can provide guidance to the Council and Village staff on this matter in the future.
10. Yard Art should be defined and regulated. (citizen)
It was the unanimous (5 to 0) decision of the P&Z Board that the PDO should not be revised to include the regulation of “yard art”.

P&Z Board Recommended Changes

1. The P&Z Board had a question regarding Section 8.6, SR-105(2) regarding the wording of the last sentence. Staff indicated it would research the question and make any changes that are appropriate.
2. It was the unanimous (5 to 0) decision of the P&Z Board that the Definition section of the PDO should be revised to include a definition of the word “caliper”.
3. It was the unanimous (5 to 0) decision of the P&Z Board to restore the language in the PDO found in Section 9.16.1.8 (d), Section 9.17.1.21 and Section 9.17.1.22 that pertain to the dedication of open space and recreational land and the payment of fees in lieu of dedication.
4. It was the unanimous (5 to 0) decision of the P&Z Board to delete the last sentence found in Section 9.13.1.1(5) which reads, “The Village Council shall have the right to suspend the application of this subsection for major events as part of the issuance of a temporary use permit issued under section 94.14 of the Pinehurst Municipal Code.”

ORDINANCE #14-35:

AN ORDINANCE ADOPTING THE DEVELOPMENT ORDINANCE OF THE VILLAGE OF PINEHURST AND ITS EXTRATERRITORIAL ZONING JURISDICTION.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted an Ordinance on the 24th day of May, 2005 for the purpose of regulating planning and development in the Village of Pinehurst and its extraterritorial area over which it has jurisdiction; and

WHEREAS, the Village Council, in accordance with promoting the general welfare, health and safety, has deemed it necessary and in the best interests of the Village and its citizens to formulate, coordinate, revise and restate the ordinances and documents regulating growth and development in the Village and its extra-territorial jurisdiction; and

WHEREAS, the Village Council held Public Hearings on the Proposed Pinehurst Development Ordinance on October 22, 2013 at 1:00 p.m. and September 2, 2014 at 4:00 p.m. in the Assembly Hall of Village Hall after due notice in The Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst and its extraterritorial zoning jurisdiction, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial zoning jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed Pinehurst Development Ordinance; and

WHEREAS, the Village Council, after considering all of the relevant comments, facts and circumstances pertinent to this proposed Development Ordinance, has decided that it is in the best interest of the Village of Pinehurst, its citizens, residents, property owners and its extraterritorial zoning jurisdiction that the Pinehurst Development Ordinance be adopted;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a special meeting assembled on the 24th day of September, 2014, as follows:

SECTION 1. That the Pinehurst Village Council finds the proposed Pinehurst Development Ordinance is consistent with the 2010 Comprehensive Long-Range Village Plan. Achieving goals in accordance with the comprehensive plan is considered reasonable and in the best interest of the public.

SECTION 2. That the Village of Pinehurst Development Ordinance, dated August 8, 2014, with the attached materials in Addendum A incorporated, as it pertains to the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is adopted as evidenced in a copy of which is attached and hereby incorporated by reference as a part of this ordinance, and denoted as Attachment #1.

SECTION 3. That the jurisdiction and authority of the Pinehurst Village Council, for all purposes including adopting and enforcing zoning regulations, subdivision control regulations, and

the enforcement of the North Carolina State Building Code, are included in the adoption of this ordinance.

SECTION 4. That the Village Council does hereby rescind, repeal, and declare null and void all sections of all zoning and subdivision ordinances, which are in conflict with the provisions of the Pinehurst Development Ordinance.

SECTION 5. That the Pinehurst Development Ordinance shall be and remain in full force and effect from and after the 8th day of October, 2014.

SECTION 6. Adopted this 24th day of September, 2014.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren M. Craig, Village Clerk

Michael J. Newman, Village Attorney