1895
VILLAGE OF
PINEHURST

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Maria Carpenter, Planner
CC: Alex Cameron, Planning Supervisor
Date: March 2, 2023
Subject: **Proposed Text Amendments to the Pinehurst Development Ordinance (PDO) to address addition of Recreational Vehicle Parks in PC Zoning District only**
The amendments are to the following sections:
Section 8.5 Table of Permitted and Special Uses and Special Requirements
Section 10.2 Definitions

Background on the Proposed Amendments

Village staff has received requests from the Pinehurst Driving & Training Club as well as other prospective clients at the Harness Track wanting to bring their recreation vehicle on site for the training season which is held from October 15th to May 1st annually. Recreation Vehicles have been allowed to stay at the facility with a 7-day maximum since at least 2002. There is a Council adopted fee for this use with the aforementioned 7-day maximum stay allowed. Staff is requesting an amendment to the PDO that would allow Recreation Vehicles to stay on the property and hook up to our facilities from October to May effective on October 15th, 2023. This would only be allowed for individuals leasing stalls for the training season or leasing stalls as part of an equestrian event that has rented the facility.

Proposed PDO Amendments

The proposed amendments would affect the following sections of the PDO:

- Section 8.5 Table of Permitted and Special Uses and Special Requirement
  - Amendments to this section would allow Recreational Vehicle Parks as a permitted use within the Public Conservation (PC) zoning district, with an

"X" added within Table 8.5.1a denoting that it would be "Permitted by Right" within this zoning district.

- Section 10.2 Definitions
  - This would amend the definition of "Recreational Vehicle Park" within the PDO and provide for regulating the land uses as part of Chapter 8 Zoning.

Proposed Amendments

- **Section 8.5 Table of Permitted and Special Uses and Special Requirements**
  - **8.5.1a Table of Permitted and Special Uses and Special Requirements**

LODGING	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Bed and Breakfast Homes			X,SR									X,SR			X,SR	X,SR	X,SR		7
Boarding or Rooming House																			
Dormitory																			
Hotel												X	X				X,SR	X,SR	8
Recreational Vehicle Park	X																		

Chapter 10 Village of Pinehurst Ordinance Definitions

- **Section 10.2 Definitions**

Staff is proposing a slight revision of the "Recreational Vehicle Park" land use definition(s) in Chapter 10.

Recreational Vehicle Park: ~~a commercial enterprise on any site or tract~~ the use of land, which includes ~~with~~ two (2) or more spaces (sites) which are provided for temporary rental only, upon which recreational vehicles are provided utility hook-ups and services. Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other permitted services are provided by the facility operator for the use and convenience of recreational vehicles.

Text Amendment Process

Pursuant to Section 6 of the Pinehurst Development Ordinance (PDO) and Article 6 of North Carolina General Statute Chapter 160D, zoning ordinances or development regulations may be adopted, amended or repealed. The purpose of initiating changes to the text of the zoning ordinances are to make adjustments to the text of the development regulations that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to

advance the general welfare of the Village and are in furtherance of Section 1.2 of the PDO (Statement and Intent of This Ordinance).

Prior to considering action on these items, the proposed amendments shall be referred to the local planning board (Planning and Zoning Board) for review, comment and to forward a recommendation on the proposal, which is an *advisory* recommendation only.
Legislative public hearings are held for each the planning board and governing board review and consideration of the proposed zoning ordinance. Both boards shall also consider the currently adopted Comprehensive Plan and comment on whether the proposed action is consistent with the plan.

An amendment to the text of the PDO may only be initiated by the Village Council, Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction.

Comprehensive Plan Consistency Statement
The 2019 Village of Pinehurst Comprehensive Plan, Guiding Principle 7, Parks and Recreation in Pinehurst (page 198) states "Preserve, conserve, and feature Pinehurst's natural resources with expanded parks, open spaces, and events that enhance the health and well-being of the community and the environment." Implementation Strategy 7.4 (page 202) recommends the Village "seek ways to enhance strategic partnerships with other public and private entities to expand and enhance recreation facilities and programs offered". Additionally, the Comprehensive Plan includes a subsection "Baseline Inventory and Assessment" which contains an overview of existing facilities and lists the Harness Track and Fair Barn as a winter training center for Standardbred horses.

Staff feels the proposed PDO amendments are consistent with the 2019 Comprehensive Plan.

Recommendation
Staff recommends that the Planning and Zoning Board recommend approval of the proposed amendments and adopt the statement of consistency with the Comprehensive Plan provided.

Planning and Zoning Board Action:
The Planning and Zoning Board shall consider each proposed amendment to the development ordinance and make a recommendation to Village Council on the proposed amendment. In considering an amendment, the Board shall conduct a legislative public hearing on the application. During the public hearing, the Board will take public comments on the proposal, review the proposed amendments, discuss and deliberate. The Board may decide to continue the hearing in order to give time or consideration to address concerns raised or receive more input or data. After conducting the public hearing, the Board will formulate a recommendation to Village Council and also make a statement on whether the proposed amendment is consistent with the

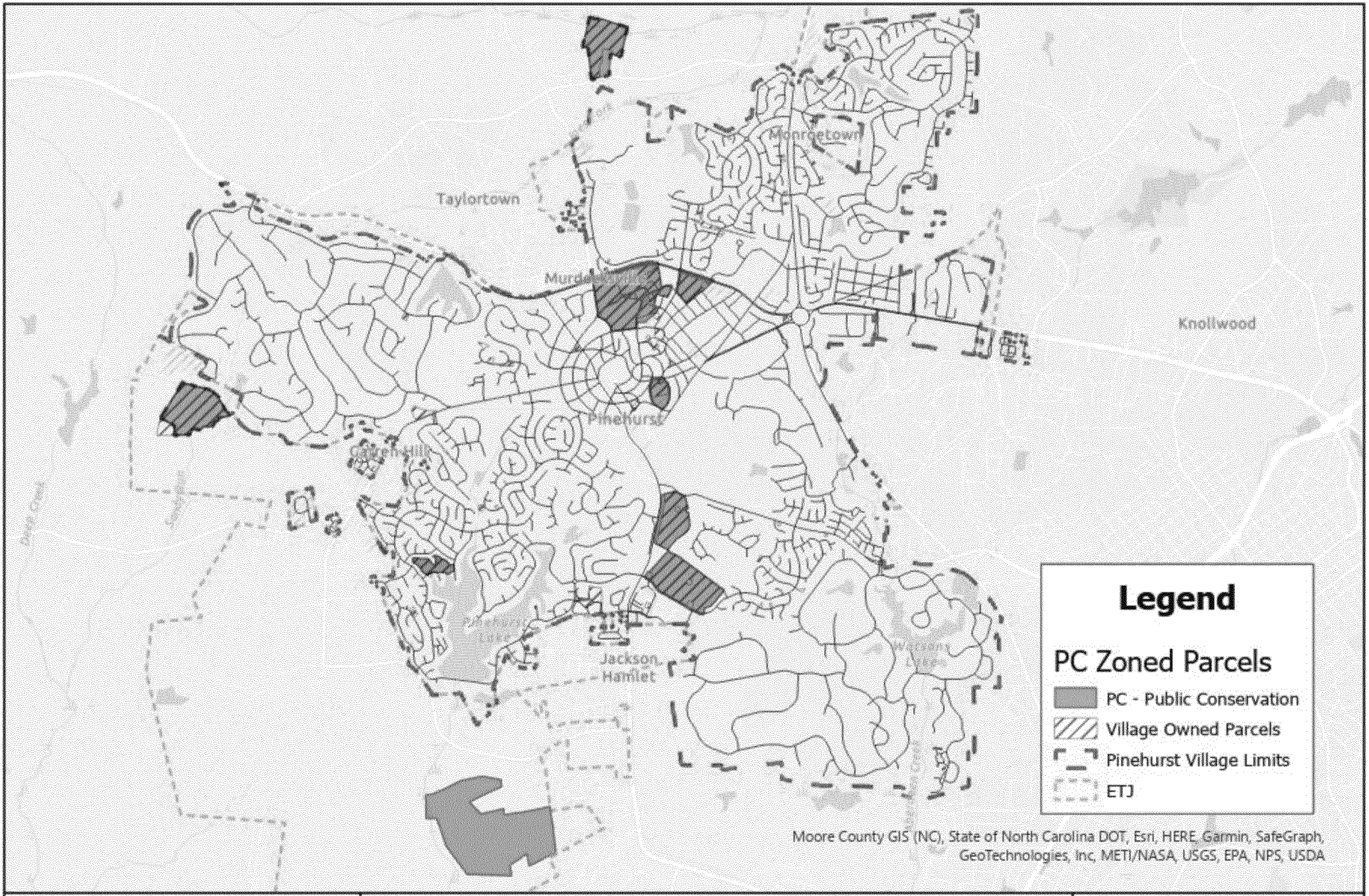
Comprehensive Plan. The Board should make a recommendation to Village Council within 30 days of the first scheduled public hearing. If no recommendation is made within the 30 day window, Village Council may take the up the proposal without a recommendation.

The Planning and Zoning Board has the following options:

1. Recommend adoption of the proposed amendments as drafted.
2. Recommend adoption of the proposed amendments with revisions (to any of the sections as presented).
3. Continue the public hearing to gather more input or comment on the proposal or continue deliberation and discussion.

Attachments

- Map of PC Zoned and VOP Owned Parcels
- Draft Consistency Statement



0 5,000 10,000 Feet

Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed.
The maps have been created from information provided by various government and private sources at various levels of accuracy.
The data is provided to you "as is" with no warranty, representation or guaranty
as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein.
It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner.
Any resale of the data is strictly prohibited in accordance with North Carolina General Statutes 132-10.
Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

2/23/2023

PC Zoned (Public Conservation) and Village Owned Properties

VILLAGE OF PINEHURST

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PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY
WITH THE LONG RANGE COMPREHENSIVE PLAN
MARCH 2, 2023 REGULAR MEETING

TEXT AMENDMENT TO THE
PINEHURST DEVELOPMENT ORDINANCE to
Allow Recreational Vehicle Parks in the PC (Public Conservation) Zoning District

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed text amendment **IS** consistent with *Envision the Village,* the adopted 2019 Comprehensive Plan which identifies 7 Guiding Principles for the Village. Guiding Principle 7 directs the Village to "Preserve, conserve, and feature Pinehurst's natural resources with expanded parks, open spaces, and events that enhance the health and well-being of the community and the environment." Included in the Implementation Strategies on page 202 is Strategy 7.4 in which the Village should "seek ways to enhance strategic partnerships with other public and private entities to expand and enhance recreation facilities and programs offered."

The proposed text amendment will allow the Village to expand the ability of those leasing stalls for the season or as part of an equestrian event that has rented the facility to stay on site during the training season. As the Harness Track and Fair Barn are listed as a winter training center for Standardbred horses in the Comprehensive Plan's "Baseline Inventory and Assessment", this will allow the Village to expand and enhance recreation facilities for those using the Harness Track.

This amendment is consistent with the Guiding Principle 7 outlined in the 2019 Comprehensive Plan. Achieving this goal is considered reasonable and in the best interest of the public.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the amendment to the Pinehurst Development Ordinance.

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This is the _____day of _____,2023.

_____

Chair of the Planning and Zoning Board

_____

Shannon Konstantinou
Clerk to the Planning and Zoning Board

Cc: A. Cameron

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PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, FEBRUARY 02ND, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM

Board Members Present:	**Board Members Absent:**	**Staff Present:**
Jeramy Hooper, Chair		Darryn Burich, Planning Director
Jack Farrell, 1st Vice-Chair		Alex Cameron, Planning Supervisor
Julia Latham, 2nd Vice-Chair		Alfred Cassidy, Senior Planner
Matt Jones		Maria Carpenter, Planner
David Alzamora		Shannon Konstantinou, Clerk to the Board
Bruce Hironimus		Josh Dockery, IT Technician
Sonja Rothstein		
Paul Roberts		
Louise Mercuro		

Approximately 10 member(s) of the public in attendance.

I. Call to Order

Mr. Hooper called the meeting to order at 04:00 PM, confirmed a quorum was present, and explained the purpose of this meeting. The Board introduced themselves and Mr. Hooper introduced Staff.

II. Approval of Minutes

A. 01-05-2023 Regular Meeting Minutes

Mr. Alzamora moved to approve the minutes of the January 05th, 2023 Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 8-0.

B. 01-19-2023 Special Meeting Minutes

Mr. Alzamora moved to approve the minutes of the January 19th, 2023 Special Meeting. Seconded by Mr. Jones. Approved by a vote of 8-0.

Mr. Hironimus moved to recess the Regular Meeting and enter into the Public Hearing. Seconded by Mr. Alzamora. Approved by a vote of 8-0.

III. Public Hearing

A. No. 1 – Pinehurst Resort Cottages at No. 8 (100 Centennial Blvd.)

The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 14.56 acres of Moore County PID# 20000655. This proposed map amendment would zone the property from R-30 – Medium Density Residential District

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to H-CD – Hotel Conditional District. The proposed rezoning and associated General Concept Plan would allow for development of five (5) four-bedroom and four (4) eight-bedroom lodging units at Pinehurst Resort Course No. 8.

Mr. Cameron reminded those wishing to speak of the signup sheet at the back of the room and of the speaking time limit. Mr. Cameron gave a PowerPoint presentation outlining the details of the proposed zoning map amendment and the process followed by Staff and the Board when considering a proposed zoning map amendment.

The Board and Mr. Cameron discussed rezoning to Hotel – Conditional District (H-CD) requiring development to adhere to the General Concept Plan and undergo further review and approval by Staff prior to construction even if the Board chose to approve the proposed rezoning request without applying any conditions; the rezoning process following the Boards potential approval of the proposal; what areas of the site will be designated as wetlands and left undeveloped; the 10 year pre and post stormwater management plan meeting the requirements of the General Concept Plan; the fact that, although roughly 14 acres is proposed for rezoning to H-CD and only roughly 7 of those acres are being used for development, the remaining acreage cannot be developed without approval from the Board and Village Council; having a higher intensity use next to a residential use and the importance of the landscape buffer in such areas; the proposed acreage eventually having its own parcel id assigned; any increase in intensity or change in use or addition of accessory structures (significant or discernible impact) requiring approval from the Board and Council; allowing a 20' landscape buffer consisting of existing vegetation in lieu of the Class 2 buffer requirement helping to prevent the felling of trees to plant shrubs in order to meet the Class 2 requirements; the elevation differences between the proposed development and existing residential properties; any change in the proposed development that would be a decrease not requiring additional approval but any change in the proposed development that would be an increase requiring additional approval; the only access point to the proposed development being via Centennial Blvd. and accessed off of Murdocksville Rd.; the depiction of water and sewer lines on the General Concept Plan; and any access point being required to meet emergency access standards.

Mr. Bob Koontz, of Koontz Jones, gave a PowerPoint presentation detailing the intentions behind seeking the proposed zoning map amendment, the existing site conditions, and proposed development to occur on the site.

The Board, Mr. Koontz, Mr. Tim Carpenter (of LKC Engineering), and Mr. Calvin Burkley (of the Resorts of Pinehurst) discussed the Applicants agreeing to the two conditions for approval (landscape buffer and height) recommended by Staff in the Staff Report; the development of the southern / lower portion of the parcel being unfeasible; the easement for and service of the pump station by Moore County Public Utilities; on site management or supervision of the proposed development being done by Staff located at the adjacent Clubhouse; water capacity to support the development being adequate and sourced from Moore County Public Utilities; design and layout of the proposed development units and how those units are intended to be rented and used;

the intended use for and management of the proposed outdoor pavilion; outside events not being permitted; occupancy limits; concerns over stormwater runoff to surrounding residential lots and how the topography of the area naturally directs stormwater runoff to the wetlands and pond; trip generation calculations being based on time share calculations due to the use of the proposed units being more similar to that of a time share than a traditional hotel use; the timeline between Phase 1 and Phase 2 of construction and the intent behind each step of the different phases; any increase in intensity from one phase to the next needing additional approval from the Board; and no additional signage being installed along Murdocksville Rd. (the existing signage will remain unchanged).

Mr. Hooper opened the Public Hearing to Public Comments.

Ms. Lynn Goldhammer stated her comments were relating to the next agenda item (Pinehurst South) and not Pinehurst No. 8 Cottages rezoning but did voice support of the proposed development plans.

Having no further audience members who wished to speak, Mr. Hooper asked for a motion to exit the Public Hearing.

Mr. Hironimus moved to adjourn the Public Hearing and re-enter the Regular Meeting. Seconded by Mr. Alzamora. Approved by a vote of 8-0.

The Board discussed the details of proposed development Phase 1 and Phase 2, the approval being conditional on retaining vegetation to meet the residential buffer requirements, the use of the timeshare trip generation calculations instead of hotel, the development location removing some of the concern over trip generation, the approval being conditional on the building height remaining at or below 35', lighting requirement differences between residential and non-residential areas, having to fell trees to meet landscape requirements without the buffer condition being added, approval being required should a new access point be proposed, wording of the condition regarding landscaping requirements / buffers, and clarification on how the proposed use differs from a Short-Term Rental use being helpful.

Consistency Statement: Mr. Alzamora moved the Planning and Zoning Board adopt the Statement of Consistency and authorize its Chair to execute the document as the proposed zoning map amendment is consistent with the Village of Pinehurst 2019 Comprehensive Long Range Plan, as described in the Staff Report prepared by Alfred Cassidy dated January 25th, 2023. Achieving goals in accordance with the Comprehensive Plan is considered reasonable and is in the best interest of the public. Seconded by Mr. Farrell. Approved by a vote of 8-0.

Council Recommendation: Mr. Jones moved the Planning and Zoning Board recommend approval with conditions to the Pinehurst Village Council of the conditional rezoning of approximately 14.56 acres of Parcel ID # 20000655 from R-30 (Residential District) to H-CD (Hotel-Conditional District). Conditions: In lieu of providing a Class 2 vegetative buffer, the Applicant shall retain existing vegetation along residential properties at a minimum width of

20' and the building height of the proposed cottages shall not exceed 35' in height. Seconded by Ms. Rothstein. Approved by a vote of 8-0.

The Board and Mr. Cameron discussed the enforcement of Condition #1 and potential difficulties this may pose.

Mr. Hooper recessed the Regular Meeting at 05:36 PM for a 5-minute break.

Mr. Hooper reconvened the Regular Meeting at 05:42 PM.

IV. General Business

Discuss Village Place and Pinehurst South Form Based Code

This item is work session format to discuss development of the Form Based Code for Village Place and Pinehurst South. Also included is an updated version of the Pinehurst South Small Area Plan based on Council approval.

No official action will be taken by the Board on this matter.

Mr. Hooper stated tonight's meeting is Mr. Burich's last meeting as the Planning and Inspections Director and thanked Mr. Burich. Mr. Burich thanked the Board.

Mr. Burich gave an overview of the documents provided to the Board at the meeting (which consisted of the Village Place and Pinehurst South Small Area Plans and the Village Place Form Based Code) and asked the Board to review these documents carefully as they will be the guiding documents for future development of these areas.

The Board and Staff reviewed and discussed the documents 2.2 Regulating Plan Pinehurst South Draft 01/23 and Pinehurst South Regulating Plan Use Table. Mr. Burich asked the Board to review these documents in detail prior to the next meeting so the Board may provide feedback and recommendations.

Staff outlined the next steps for the Board in relation to the adoption of the Village Place and Pinehurst South Form Based Code and how adoption of the Form Based Code documents will impact the Pinehurst Development Ordinance.

The Board and Staff discussed implementing a schedule of meetings with assigned tasks to accomplish at each meeting.

The Board and Staff discussed a timeline of development in the Pinehurst South area once the development moratorium is lifted.

Mr. Burich thanked the Board for their time and efforts and stated he will still be available to the Board and Staff.

V. Next Meeting Date

A. 03-02-2023 Regular Meeting

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Mr. Cameron discussed potential topics for the next Regular Meeting and asked Board members to let Staff know if they will not be in attendance as soon as they are able.

VI. Motion to Adjourn

Ms. Mercuro moved to adjourn the Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 8-0 at 06:10 PM.

Respectfully Submitted,

Shannon Konstantinou
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.
Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative, Teamwork, and Improvement.

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1895
VILLAGE OF
PINEHURST

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Alex Cameron, Planning Supervisor
CC: Maria Carpenter, Planner
Alfred Cassidy, Senior Planner
Kelly Brown, Planning and Zoning Specialist
Kim Stepnoski, Planning and Zoning Specialist
Date: February 22, 2023
Subject: **Proposed Text Amendments to the Pinehurst Development Ordinance (PDO) regulating retaining walls in section 9.13**

Background on the Proposed Amendments

Recently, Village staff has identified a few areas of the existing regulations for retaining walls where clarification can be made. Specifically, these areas are relative to the allowances for height and location (setbacks). These amendments will help staff better administer the regulations in the PDO and provide clarity to owners, designers, architects, engineers, contractors, etc. when determining what rules shall apply for retaining walls.

Proposed Amendments

CHAPTER 9. DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES
Section 9.13 Fences, Walls and Columns

(F) Retaining Walls
(1) ~~Retaining walls higher than thirty-six (36) inches shall not encroach the front setback for primary structures or the rear and side setbacks for accessory structures.~~ A development permit is required for a retaining wall eighteen (18) inches or taller in height.

(2) Retaining walls located in the front yard setback shall not exceed three and a half (3.5) feet in height.
(3) Retaining walls up to six (6) feet in height may project into the side and rear setbacks, excluding golf course/lake front and side street setbacks.
(4) Retaining walls located in the golf course or lakefront accessory building setback shall not exceed eighteen (18) inches in height.
~~(2)~~(5) ~~No r~~Retaining walls eighteen (18) inches or taller height shall not be closer than five (5) feet to a property line or right of way line.
~~(3)~~(6) Retaining wall height shall be measured from the lowest ground elevation to the top of the wall.
~~(4)~~(7) Retaining walls constructed in a series of two (2) or more shall provide a minimum of twelve (12) inches of horizontal separation planted in grass or other vegetation.
(8) Retaining walls shall be solid cement, masonry, or wood and constructed to the standards of the North Carolina State Building Code where required.
(9) A finished side of a retaining wall shall face outwards towards the street or adjacent property.

(G) Fences in Rights of Ways

No fences, ~~or~~ walls, columns or retaining walls shall be located within any public or private right-of-way unless approved by the Village and only for purposes of preserving specimen trees or desirable vegetation as determined by the Village Planner or when required for public purposes, i.e. retaining walls for sidewalk construction, storm water management, etc. In such cases, for structures proposed within the public right-of-way, the Village reserves the right to require submittal of an application for a Right-of-Way Encroachment permit by the applicant, and approval by the Village prior to the encroaching structure being constructed. All structures are limited to a maximum height of thirty (30) inches above grade. These structures do not require a development permit.

Text Amendment Process

Pursuant to Section 6 of the Pinehurst Development Ordinance (PDO) and Article 6 of North Carolina General Statute Chapter 160D, zoning ordinances or development regulations may be adopted, amended or repealed. The purpose of initiating changes to the text of the zoning ordinances are to make adjustments to the text of the development regulations that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village and are in furtherance of Section 1.2 of the PDO (Statement and Intent of This Ordinance).

Prior to considering action on these items, the proposed amendments shall be referred to the local planning board (Planning and Zoning Board) for review, comment and to forward a recommendation on the proposal, which is an *advisory* recommendation only. Legislative public hearings are held for each the planning board and governing board review and consideration of

the proposed zoning ordinance. Both boards shall also consider the currently adopted Comprehensive Plan and comment on whether the proposed action is consistent with the plan.

An amendment to the text of the PDO may only be initiated by the Village Council, Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction.

Comprehensive Plan Consistency Statement

The 2019 Village of Pinehurst Comprehensive Plan identifies 10 Strategic Opportunities that can positively influence the future of Pinehurst and help move the community forward. Strategic Opportunity 4 on page 26 states "Promote high quality development and design through an update to the Pinehurst Development Ordinance that includes character-based zoning concepts and the use of pattern books. Pinehurst's small-town charm and appeal is due in a large part to the scale and architectural design of its buildings as well as its lush landscaping throughout the community. Updating and modernizing the Pinehurst Development Ordinance could help ensure that future development is of the desired scale and character favored by Pinehurst residents."

Further, the intent of Section 9.13 Fences, Walls and Columns is to allow architecturally compatible fences and walls while still providing some flexibility.

Staff feels the proposed amendments are consistent with both the intent of Section 9.13 and the 2019 Comprehensive Plan.

Recommendation

Staff recommends that the Planning and Zoning Board recommend approval of the proposed amendments and adopt the statement of consistency with the Comprehensive Plan provided.

Planning and Zoning Board Action:

The Planning and Zoning Board shall consider each proposed amendment to the development ordinance and make a recommendation to Village Council on the proposed amendment. In considering an amendment, the Board shall conduct a legislative public hearing on the application. During the public hearing, the Board will take public comments on the proposal, review the proposed amendments, discuss and deliberate. The Board may decide to continue the hearing in order to give time or consideration to address concerns raised or receive more input or data. After conducting the public hearing, the Board will formulate a recommendation to Village Council and also make a statement on whether the proposed amendment is consistent with the Comprehensive Plan. The Board should make a recommendation to Village Council within 30

days of the first scheduled public hearing. If no recommendation is made within the 30 day window, Village Council may take the up the proposal without a recommendation.

The Planning and Zoning Board has the following options:

1. Recommend adoption of the proposed amendments as drafted.
2. Recommend adoption of the proposed amendments with revisions (to any of the sections as presented).
3. Continue the public hearing to gather more input or comment on the proposal or continue deliberation and discussion.

Attachments

- Draft Consistency Statement

PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY
WITH THE LONG RANGE COMPREHENSIVE PLAN
MARCH 2, 2023 REGULAR MEETING

TEXT AMENDMENT TO THE
PINEHURST DEVELOPMENT ORDINANCE
Regulating Retaining Walls

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed text amendment **IS** consistent with *Envision the Village,* the adopted 2019 Comprehensive Plan which identifies 10 Strategic Opportunities that can positively influence the future of Pinehurst and help move the community forward. Strategic Opportunity 4 on page 26 states "Promote high quality development and design through an update to the Pinehurst Development Ordinance that includes character-based zoning concepts and the use of pattern books. Pinehurst's small-town charm and appeal is due in a large part to the scale and architectural design of its buildings as well as its lush landscaping throughout the community. Updating and modernizing the Pinehurst Development Ordinance could help ensure that future development is of the desired scale and character favored by Pinehurst residents."

This amendment is consistent with Strategic Opportunity #4 outlined in the 2019 Comprehensive Plan. Achieving this goal is considered reasonable and in the best interest of the public.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the amendment to the Pinehurst Development Ordinance.

This is the _____day of _____,2023.

_____

Chair of the Planning and Zoning Board

_____

Shannon Konstantinou
Clerk to the Planning and Zoning Board

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(F) Retaining Walls

~~(1) Retaining walls higher than thirty-six (36) inches shall not encroach the front setback for primary structures or the rear and side setbacks for accessory structures.~~

1) A development permit is required for a retaining wall eighteen (18) inches or taller in height.
2) Retaining walls located in the front yard setback shall not exceed three and a half (3.5) feet in height.
3) Retaining walls up to six (6) feet in height may project into the side and rear setbacks, excluding golf course/lake front and side street setbacks.
~~1)~~4) ~~-~~Retaining walls located in the golf course or lakefront accessory building setback shall not exceed eighteen (18) inches in height.
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~~3)~~6) Retaining wall height shall be measured from the lowest ground elevation to the top of the wall.
7) Retaining walls constructed in a series of two (2) or more shall provide a minimum of twelve (12) inches of horizontal separation planted in grass or other vegetation.
8) Retaining walls shall be solid cement, masonry, or wood and constructed to the standards of the North Carolina State Building Code where required.
~~4)~~9) A finished side of a retaining wall shall face outwards towards the street or adjacent property.

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PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Alex Cameron, Planning Supervisor
Date: February 22, 2023
Subject: **Proposed Text Amendments to the Pinehurst Development Ordinance (PDO) to create a new land use, as well as other associated uses and definitions. The amendments are to the following sections:**

Section 8.5 Table of Permitted and Special Uses and Special Requirements

Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements

Section 10.2 Definitions

Text Amendment Process

Pursuant to Section 6 of the Pinehurst Development Ordinance (PDO) and Article 6 of North Carolina General Statute Chapter 160D, zoning ordinances or development regulations may be adopted, amended or repealed. The purpose of initiating changes to the text of the zoning ordinances are to make adjustments to the text of the development regulations that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village and are in furtherance of Section 1.2 of the PDO (Statement and Intent of This Ordinance).

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An amendment to the text of the PDO may only be initiated by the Village Council, Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance, or their agent, lessee, or any contract purchaser specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction

Background on the Proposed Amendments

For the past few months, staff has been working at Council's direction to draft amendments to the PDO relative to creating a new land use definition identified as "Planned Community Neighborhood" as well as other proposed definitions related to creating the Planned Community Neighborhood (PCN) land use. The development of these amendments builds off the discussions raised during the development of the recently adopted ordinance (#22-15) which addressed regulations for short-term rentals (STRs).

The designation of a PCN would allow for another new form of land use called a "Neighborhood Lodging Accommodation". A Neighborhood Lodging Accommodation (NLA) is a form of a STR but must be managed through a "Master Association", another newly proposed land use definition with these amendments.

The discussions during the debate over STRs brought forward this different type of lodging use which would be limited to the residential community which owners/residents of the community agree to various additional restrictions, and sometimes allowances, by purchasing the property. The residential community is managed by a governing board or body ("Masters Association") which provides management over the lodging/rental program.

The governance of a PCN is typically handled by the "Declaration's" which are recorded with the Register of Deeds and gives those wishing to purchase property within the PCN notice of the rules and organization of the various rules governing the PCN. The declarations may be amended but would require a super majority vote of (67%) of the members.

Therefore, any PCN must be established following precise steps, drafting declarations to govern such, and form an executive committee to carry out or enforce specific regulations and allowances. All property owners within a PCN are made aware of these specifics and any major changes would take a significant buy-in from the community. This allows for a form of self-governance from its peers and could not have some of the adverse effects on neighboring properties which have been attributed to other similar type lodging uses such as short-term rentals.

The creation of the PCN was based in part from North Carolina General Statute (NCGS) 47F Planned Community Act. The Planned Community Act governs the creation, operation and destruction of a planned communities in the state. Although the Planned Community Act applies to those established after 1999, staff has included draft language to also include those created prior to this effective date.

Proposed PDO Amendments

The proposed amendments would affect the following sections of the PDO:

- Section 8.5 Table of Permitted and Special Uses and Special Requirement
  - Amendments to this section would add "Neighborhood Lodging Accommodation" to the "Uses Type" column within the Table 8.5.1a. This would then allow for those uses to be designated with an "X" denoting that it would be "Permitted by Right" within the various general use zoning districts.
- Section 8.6 Special Requirement (SR) to the Table of Permitted and Special Uses and Special Requirements
  - An amendment to this section would create a new SR-10 that would apply to and establish standards for neighborhood lodging accommodations.
- Section 10.2 Definitions
  - This would define Planned Community Neighborhood, Declaration, Neighborhood Lodging Accommodation and Master Association which will provide for regulating the land uses as part of Chapter 8 Zoning.

Chapter 10 Village of Pinehurst Ordinance Definitions

- **Section 10.2 Definitions**

Staff is proposing additional land use definitions in Chapter 10 that will allow for regulation of the land uses similar to regulation of other land uses in the Village's jurisdiction. By creating the land use definition subsequent requirements for development approvals can be developed, regulations can be enforced, and approvals potentially be revoked. The definitions are similar to definitions found in the Planned Community Act (NCGS 47F).

Planned Community Neighborhood (PCN) is a contiguous area containing at least twenty (20) acres, or twenty (20) dwelling units as included within a platted subdivision or condominium development for which any person or corporation, by virtue of ownership of a lot or Dwelling Unit within the PCN, is by Declaration governed by a Master Association with powers to enforce and adopt and amend, the Declaration, bylaws, rules, and regulations and which property owners within the PCN are obligated to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or common area or other real estate described in the Declaration. This definition also applies to planned communities created prior to January 1, 1999, that elect to make NCGS Chapter 47F applicable to the planned community by an affirmative vote or written agreement signed by lot owners of lots, or unit owners of units, to which at least sixty-seven percent (67%) of the votes in the association are allocated.

Declaration: any instruments, however denominated, that create a Planned Community Neighborhood.

Neighborhood Lodging Accommodation (NLA): is the lodging use of a Dwelling Unit within a Planned Community Neighborhood where the Dwelling Unit is leased, offered or made available by short term lease or other financial consideration for a time period or lease term of less than 30 consecutive days which use is permitted through Declaration or other governing documents and is authorized and managed through the Master Association of the Planned Community Neighborhood.

Master Association: a nonprofit organization established pursuant to NCGS 47F-3- 101, or 47C-3-101, by Declaration, or its common law equivalent, or other nonprofit organization formed prior to the NC Planned Community Act and referenced in a Declaration with powers to enforce, adopt and amend the Declaration, bylaws, rules, and regulations pursuant to NCGS 47F-3-102 or 47C- 3-102, or and by Declaration, or other governing documents, is responsible to maintain or provide for maintenance of ALL common property AND management of ALL Neighborhood Housing Lodging Accommodations within the Planned Community Neighborhood.

Chapter 8 Zoning

- **Section 8.5 Table of Permitted and Special Uses and Special Requirements**
  - **8.5.1a Table of Permitted and Special Uses and Special Requirements**

Chapter 8 of the PDO establishes the various general use zoning districts (e.g. R-10, R-30, VMU, VC, etc.) and Table 8.5.1a identifies which types of uses are permitted by right in the district by general land use (e.g. Residential, Lodging, Office/Service, etc.). Once listed in the table with an "X" that would designate that use as "Permitted by Right" and a development permit may be obtained subject to meeting the requirements. The table below identifies the general use type (Lodging) that NLA is proposed to be included in as it is similar to the other lodging uses. The table also includes a SR (Special Requirement) that would pertain to the use. For NLA's, staff has proposed using SR-10, (the proposed SR-10 amendment would relocate the existing SR-10 to SR-23).

The proposed "Xs" as currently proposed, would allow for NLA only in residential type districts where such PCN can and may exist.

LODGING	**PC**	**RD**	**R-210**	**R-30**	**R-20**	**R-15**	**R-10**	**R-8**	**R-5**	**R-MF**	**NC**	**H**	**HD**	**OP**	**VCP**	**VR**	**VMU**	**VC**	**SR**
Bed and Breakfast Homes			X,SR									X,SR			X,SR	X,SR	X,SR		7
Boarding or Rooming House																			
Dormitory																			
Hotel												X	X				X,SR	X,SR	8
Recreational Vehicle Park																			
Short Term Rental										X					?		X	X	9
Neighborhood Housing Accommodation			X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR						X, SR			10*
OFFICE/SERVICE	**PC**	**RD**	**R-210**	**R-30**	**R-20**	**R-15**	**R-10**	**R-8**	**R-5**	**R-MF**	**NC**	**H**	**HD**	**OP**	**VCP**	**VR**	**VMU**	**VC**	**SR**
Dry Cleaning & Laundry Services										X				X	X, SR		X, SR	X, SR	~~10~~ 23

Adding SR 10 will require relocation of existing SR-10 which is proposed to relocate to SR-23

X Permitted by Right SU Special Use Permit SR Special Requirement

Chapter 8 Zoning

- **Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements.**
    - **SR-10 Neighborhood Lodging Accommodation (NLA)**

The PDO contains a list of special requirements that apply to various uses and generally include additional development standards. Staff is recommending SR-10 which would keep it proximate to the other Lodging uses such as Bed and Breakfast Homes (SR-7) and Hotel (SR-8) and the recently amended SR-9 for STRs. SR-10 establishes the various types of documentation that will be required to be submitted to staff to prove their status as a NLA to receive a development permit. Staff is also proposing to include that NLA also meet the standards in SR-9 for STRs.

SR-10 Neighborhood Lodging Accommodation (NLA)

1) After the effective date of this Ordinance, all Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's, whether lawful nonconforming uses or newly established after the effective date of this Ordinance, shall comply with following standards:
    a. Compliance with SR9 Standards 1) a-k.
    b. Submission of documentation and contact information that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in Section 10.2 of this Ordinance.
    c. Submission of documentation of Master Association rules and regulations pertaining to operation of NLA's.
    d. Submission of documentation that the Neighborhood Lodging Accommodation has been authorized by the Master Association.
    e. Installation of a Landscape Screen per Section 9.5.2.4 (A)(2) of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

SR-23 ~~Reserved~~ Drycleaning and Laundry Services

(1) Coin operated laundries are not allowed in VCP, VMU or VC districts.

Existing PDO Special Requirement (SR-9) for reference:

SR-9 Short Term Rental

(1) After the effective date of this Ordinance, all applicants seeking to establish any new short-term rentals shall be required to obtain a Development Permit from the Village. All nonconforming short term rental dwelling units operated prior to the effective date of this Ordinance are not required to obtain any Development Permit or any other type of permit or permission as a condition to rent and are not required to register their short-term rental with the Village but may request issuance of a Nonconforming Use Certificate as set forth in subsection 2.3.2 of this Ordinance. All short-term rentals, whether lawful nonconforming uses or

new short-term rentals established after the effective date of this Ordinance, shall comply with the following standards:

(a) A minimum of one (1) operable smoke detector shall be provided per bedroom (North Carolina State Building Code and 42-A-31(6) Vacation Rental Act);

(b) A minimum one (1) operable carbon monoxide detector shall be provided per level or floor of the dwelling unit. (42-A-31(6) Vacation Rental Act)

(c) Bedrooms and other habitable rooms shall meet the minimum light and ventilation requirements of Section 153.18 of the Pinehurst Municipal Code.

(d) Bedrooms shall meet the minimum size requirements of Section 153.19 of the Pinehurst Municipal Code.

(e) Ceiling Height. At least one-half of the floor area of every bedroom shall have a ceiling height of not less than seven feet and six inches (Section 153.19 (B) Pinehurst Municipal Code).

(f) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the applicable provisions of the North Carolina State Building Code.

(g) To lessen congestion in the streets and to prevent the overcrowding of land as authorized by G.S 160D-701. A minimum of one (1) parking space per bedroom shall be provided on code-approved surfaces and locations.

(h) Cooking facilities are not permitted in any bedroom. For the purposes of this regulation, cooking facilities include any refrigerator in excess of seven (7) cubic feet; any stovetop range that operates on 220-volt electric service, any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance which contains more than two cooking surfaces or burners. This regulation shall not apply to single dwelling unit room rentals with a sleeping area, living area, and kitchen/eating area consolidated into one room.

(i) To ensure that the owners of short-term rentals provide fit and habitable housing as required by G.S. 42A-17(b), and to prevent the overcrowding of land, the avoidance of undue concentrations of population, to lessen congestion in the streets, and to prevent overcrowding of the lodging premises, and as authorized by G.S. 160D-701, the maximum occupancy per unit shall be based on two (2) adult guests per bedroom.

(j) Accessory Dwelling Units may be permitted for short term rental where Accessory Dwelling Units and Short Term Rentals are both permitted by right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements.

(k) Rental rules, including the maximum number of guests per stay, trash disposal procedures and sanitation schedules, noise ordinance hours, parking, and other listed SR-9 requirements shall be conspicuously posted at the main entrance along with the owner or property manager and emergency contact information.

Comprehensive Plan Consistency Statement

The 2019 Village of Pinehurst Comprehensive Plan, Guiding Principle 3 Places to Live (page 118) recommends in part that the Village should "Protect and enhance the quality and character of existing residential neighborhoods." Additionally, the Comprehensive Plan includes a subsection titled "Address Short Term Rentals" (page 127) ending with Implementation Strategy 3.9 which states: "Continue to monitor the legislative authority of the Village to regulate short term rentals and evaluate options to address the impacts of short term rentals on single family neighborhoods."

Village Council adopted Ordinance #22-15 which addressed the use of short-term rentals within single-family neighborhoods. During those discussions, this topic of a different type of use, which is managed within the confines of a planned community and self-governed with a specific management program, was brought forward. Based on those discussions and presented facts, Council agreed this topic warranted further study.

Staff feels the proposed PDO amendments are consistent with the 2019 Comprehensive Plan by continuing to address the lodging type use of single-family homes within the community.

Recommendation

As previously discussed, the proposed PDO amendments are based on Council direction and Council/staff discussions. The Planning and Zoning Board and Council have also discussed this topic with staff in work sessions. Now, proposed amendments are before the Planning and Zoning Board to provide a recommendation to Village Council.

As discussed in this report, there are a few sections or aspects to the proposed amendments that the Board may recommend modifications to. Such modifications could be to include clarifying language in the definitions, application of SR-10 and/or the districts where NLAs would be "Permitted by Right" in Table 8.5.1a.

In making a recommendation on the proposed amendments, staff asks the Board to adopt a statement of consistency with 2019 Comprehensive Plan (draft provided and attached to this report).

Planning and Zoning Board Action:

The Planning and Zoning Board shall consider the proposed amendments and make a recommendation to Village Council. In considering an amendment, the Board shall conduct a legislative public hearing. During the public hearing, the Board will take public comments on the proposal, review the proposed amendments, discuss and deliberate. The Board may decide to continue the hearing in order to give time or consideration to address concerns raised or receive more input or data. After conducting the public hearing, the Board will formulate a recommendation to Village Council and also make a statement on whether the proposed amendment is consistent with the Comprehensive Plan. The Board should make a recommendation to Village Council within 30 days of the first scheduled public hearing. If no recommendation is made within the 30 day window, Village Council may take the up the proposal without a recommendation.

The Planning and Zoning Board has the following options:

1. Recommend adoption of the proposed amendments as drafted.
2. Recommend adoption of the proposed amendments with revisions (to any of the sections as presented).
3. Continue the public hearing to gather more input or comment on the proposal.
4. Recommend rejection of the proposed amendments.

Attachment:

- Draft Statement of Consistency with the 2019 Comprehensive Plan

PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY
WITH THE LONG RANGE COMPREHENSIVE PLAN
MARCH 2, 2023 REGULAR MEETING

TEXT AMENDMENTS TO THE
PINEHURST DEVELOPMENT ORDINANCE to
Create Planned Community Neighborhoods and
Neighborhood Lodging Accommodations

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed text amendments **ARE/ARE NOT** consistent with *Envision the Village,* the adopted 2019 Comprehensive Long Range Plan. Guiding Principle 3 Places to Live (page 118) recommends in part that the Village should "Protect and enhance the quality and character of existing residential neighborhoods." Additionally, the Comprehensive Plan includes a subsection titled "Address Short Term Rentals" (page 127) ending with Implementation Strategy 3.9 which states: "Continue to monitor the legislative authority of the Village to regulate short term rentals and evaluate options to address the impacts of short term rentals on single family neighborhoods."

These amendments **ARE/ARE** not consistent with Guiding Principle 3 and Implementation Strategy 3.9. Achieving this goal is considered reasonable and in the best interest of the public.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL/DENIAL** of the text amendmentS to the Pinehurst Development Ordinance.

This is the _____day of _____,2021.

_____

Chair of the Planning and Zoning Board

_____
Shannon Konstantinou
Clerk to the Planning and Zoning Board

DRAFT

Chapter 10 Village of Pinehurst Ordinance Definitions

Section 10.2 Definitions

Planned Community Neighborhood (PCN) is a contiguous area containing at least twenty (20) acres, or twenty (20) dwelling units as included within a platted subdivision or condominium development for which any person or corporation, by virtue of ownership of a lot or Dwelling Unit within the PCN, is by Declaration governed by a Master Association with powers to enforce and adopt and amend, the Declaration, bylaws, rules, and regulations and which property owners within the PCN are obligated to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or common area or other real estate described in the Declaration. This definition also applies to planned communities created prior to January 1, 1999, that elect to make NCGS Chapter 47F applicable to the planned community by an affirmative vote or written agreement signed by lot owners of lots, or unit owners of units, to which at least sixty-seven percent (67%) of the votes in the association are allocated.

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8.5.1a Table of Permitted and Special Uses and Special Requirements

LODGING	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Bed and Breakfast Homes			X, SR									X, SR			X, SR	X, SR	X, SR		7
Boarding or Rooming House																			
Dormitory																			
Hotel												X	X				X, SR	X, SR	8
Recreational Vehicle Park																			
Short Term Rental										X					?		X	X	9
Neighborhood Housing Accommodation			X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR						X, SR			10*
OFFICE/SERVICE	**PC**	**RD**	**R-210**	**R-30**	**R-20**	**R-15**	**R-10**	**R-8**	**R-5**	**R-MF**	**NC**	**H**	**HD**	**OP**	**VCP**	**VR**	**VMU**	**VC**	**SR**
Dry Cleaning & Laundry Services										X				X	X, SR		X, SR	X, SR	~~10~~ 23

Adding SR 10 will require relocation of existing SR-10 which is proposed to relocate to SR-23

X Permitted by Right SU Special Use Permit SR Special Requirement

Section 8.6 Special Requirements to the Table of Permitted and Special Uses and Special Requirements

The Table of Permitted and Special Uses and Special Requirements contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table has a number in the SR column opposite the use, that use must comply with the additional Special Requirements contained in this Section corresponding to the Special Requirements number. The Special Requirements may affect the development of the use in all zoning districts in which the use is allowed or only in certain districts, as may be set forth in this Section.

Principal Uses

SR-10 Neighborhood Lodging Accommodation (NLA)

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    d. Submission of documentation that the Neighborhood Lodging Accommodation has been authorized by the Master Association.
    e. Installation of a Landscape Screen per Section 9.5.2.4 (A)(2) of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

SR-23 ~~Reserved~~ Drycleaning and Laundry Services

(1) Coin operated laundries are not allowed in VCP, VMU or VC districts.