

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE OF THE VILLAGE OF PINEHURST AS IT PERTAINS TO TEXT AMENDMENTS TO CHAPTER 3: DECISION MAKING AND ADMINISTRATIVE BODIES.

THAT WHEREAS, the Village Council of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 23rd day of October, 1995, 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 4:00 P.M. on August 18, 1997, in the Meeting Room 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 zoning 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 changes; and

WHEREAS, the Planning and Zoning Board has recommended that the Village Council amend the Pinehurst Development Ordinance, Chapter 3: DECISION MAKING AND ADMINISTRATIVE BODIES, identified as Exhibit A, and hereby incorporated by reference as a part of this 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 and Map 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 15th day of September, 1997, 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 the text amendments attached hereto described in (Exhibit A) and made a part hereof, the same as if included verbatim.

SECTION 2. That this ordinance shall be and remain in full force and effect from and after the date of its adoption.

SECTION 3. Adopted this 15th day of September, 1997.

(Municipal Seal)


VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By:   
Charles L. Mengers, Mayor

Attest:

  
Mary H. McGraw, Village Clerk

Approved as to form:

  
John B. Clayton, Village Attorney

IN COMPLIANCE WITH THE PROVISIONS OF THE ACT...

THE BOARD OF DIRECTORS OF THE...

AND THE BOARD OF DIRECTORS...

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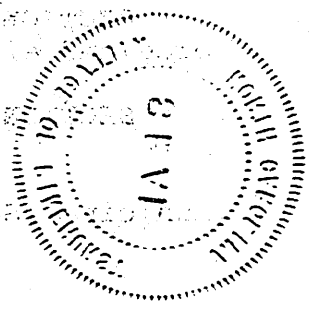
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## EXHIBIT A

**ZT0397: PROPOSED AMENDMENTS TO CHAPTER 3 OF THE PINEHURST DEVELOPMENT  
ORDINANCE  
REPORT TO THE VILLAGE COUNCIL  
PUBLIC HEARING DATE: AUGUST 18, 1997**

**Prepared by the Pinehurst Planning and Zoning Department**

### Request

The request is to amend Chapter 3: DECISION MAKING AND ADMINISTRATIVE BODIES of the Pinehurst Development Ordinance (PDO). In accordance with Section 7.1 of the PDO, the Village Council has the authority to amend the text. The Planning and Zoning Board makes recommendations to the Village Council on requests for text amendments.

### Proposed Amendments

Proposed text is attached. Wording proposed for deletion appears with a strike through. Wording proposed to be added is underlined. Overall, the proposed amendments do not substantially change the Ordinance. Proposed amendments are meant to eliminate inconsistencies between Village Code and the PDO, inconsistencies between North Carolina General Statutes and the PDO, and inconsistencies between actual administrative practice and the PDO. Proposed amendments will also eliminate incorrect references. Explanations for the proposed amendments are outlined below.

#### 3.1.1.e

This section describes the Village Council's role in approving or denying a zoning map amendment for a Conditional Use District. As this function is described in 3.1.1.b, there is no reason to repeat it. Therefore, Section 3.1.1.e is proposed to be deleted.

#### 3.1.1.i

This section describes the Village Council's role in granting variance, or, in effect, acting as a Board of Adjustment. A recent change in State law requires that the Board of Adjustment composition be proportional to the planning jurisdiction composition with respect to ETJ membership. This State law applies to the Village Council when they act as a Board of Adjustment. As the Village Council has no ETJ representation, they fail to meet the proportionality requirement when acting as a Board of Adjustment. (Note: The Village Council has not acted as a Board of Adjustment since the change in the State law.) Therefore, the Village Council should not be involved in the issuance of variances. The proposed amendment would remove the issuance of variances as a responsibility assigned to the Village Council.

A second Section of 3.1.1.i describes the Village Council's role in recommending that the Environmental Management Commission, a State Commission, approve variances within the Watershed. Although the proposed amendment will result in the Village Council continuing to have this role, the wording is changed to indication that the Village Council will recommend action. Recommended action may be to approve or may be to deny.

Additionally, this section references Chapter 10, Part 6. Chapter 10, Part 6 does not exist. The incorrect reference is proposed to be deleted. This section also refers to the Overlay District as the "Reservoir Watershed Protection Overlay District." In Chapter 10, where this district is established, it is called a "Watershed Protection District." Therefore, the word "Reservoir" is proposed to be deleted.

### 3.2.2 and 3.2.3

These sections restates the Village Code with respect to the Membership, Terms, Vacancies, and Compensation of Planning and Zoning Board members and with respect to Planning and Zoning Board meetings. On June 16, 1997, the Village Council amended the Village Code with respect to Planning and Zoning Board membership and terms. Therefore, the Village Code and the PDO are now inconsistent. To correct this inconsistency, and to prevent future inconsistencies, wording which restates Village Code is proposed to be deleted. In its place will be a reference to the section of Village Code where this information can be found.

### 3.2.4

This section indicates the Village Clerk keeps the minutes of the Planning and Zoning Board. In practice, this does not occur. Therefore, wording is proposed to be added indicating that another such person as the Council may designate shall keep the minutes of the Planning and Zoning Board meeting.

### 3.3.2.b

This section indicates that the Board of Adjustment serves a two year term. This is inconsistent with North Carolina General Statutes which states that Board of Adjustment members shall serve a three year term. The proposed amendment will eliminate the inconsistency by making Board of Adjustment terms three year terms.

### 3.3.3.c

This section indicates that the Board of Adjustment may approve a Special Use Permit. This is not true. The Planning and Zoning Board is authorized to issue Minor Special Use Permits and the Village Council is authorized to issue Major Special Use Permits. Therefore, the mention of a special use in this section is proposed to be deleted.

### 3.4.1.f.3

This section makes references to the Zoning Ordinance and Subdivision Regulations. These documents do not exist in Pinehurst. The land development regulations of the Village of Pinehurst are housed in the Pinehurst Development Ordinance. Therefore, references to the Zoning Ordinance and the Subdivision Regulations are proposed to be deleted and replaced with the term Pinehurst Development Ordinance.

### 3.4.2

This section restates the Village Code with respect to the Membership, Terms, Vacancies, and Compensation of Community Appearance Commission. On June 16, 1997, the Village Council amended the Village Code with respect to the Community Appearance Commission's terms. Therefore, the Village Code and the PDO are now inconsistent. To correct this inconsistency, and to prevent future inconsistencies, wording which restates Village Code is proposed to be deleted. In its place will be a reference to the section of Village Code where this information can be found.

### 3.5.1

As structured, there are two different sections referenced by 3.5.1.a, b, c, d. This could prove confusing. The proposed amendment restructures this section having the duties of the Village Planner noted as subsection A, and the duties of the Watershed Administration noted as subsection B.

### 3.5.1.d

This section references the Inspections and Zoning Department. The department is called the Planning and Inspections Department. The proposed amendment makes this correction.

3.5.1.f

This section includes a reference to Chapter 18. Chapter 18 does not exist. Therefore, the reference is proposed to be deleted.

3.5.1.b

This section restates the watershed regulations that are outlined in Chapter 10. However, in April 1996, the watershed regulations in Chapter 10 were amended, but the restatement in Chapter 3 was not amended. Therefore, there is an inconsistency. To eliminate this inconsistency and future inconsistencies, the restatement is proposed to be deleted and replaced with a statement indicating that the records will be kept in compliance with local watershed regulations.

3.5.2

This section references the Inspections and Zoning Department. The department is called the Planning and Inspections Department. The proposed amendment makes this correction.

This section also indicates that this department operates under the direction and supervision of the Chief Building Inspector. This is incorrect. The department operates under the direction and supervision of the Village Planner. The proposed amendment makes this correction.

The structure of this section is inconsistent. Subsections are identified by letter from (a) - (k) and then switches to numbers. The proposed amendment will result in using the lettering system, thus promoting consistency.

3.5.2.g

This section has a reference to Chapter 14, Part 2 for information on flood hazards. Chapter 14, Part 2 addresses Trees and Ecosystems, not flood hazards. Therefore, the reference to Chapter 14, Part 2 is proposed to be deleted.

3.5.2.g.8

This section has references to Chapter 5, Part 6 and Chapter 14, Part 2 for information on flood hazard areas and flood damage prevention. Chapter 5, Part 6 outlines the approval process for a subdivision and Chapter 14, Part 2 addresses Trees and Ecosystems. Therefore, both of these references are incorrect and proposed to be deleted.

3.5.2.g.9

This section references Chapter 10, Part 6 to determine what records are required. Chapter 10, Part 6 does not exist. Therefore, the reference is proposed to be deleted and replaced with the words "required records."

3.5.2.h

This section refers to the "Reservoir Watershed Protection Overlay District." In Chapter 10, where this district is established, it is called a "Watershed Protection District." Therefore, the word "Reservoir" is proposed to be deleted.

3.5.2.10

This section references Section 14.3.2 for required data. A list of required data does not appear in this specific section. The reference should be to Section 14.3 of the PDO. The proposed amendment corrects the reference.

Planning and Zoning Board Review and Recommendation

The Planning and Zoning Board reviewed the proposed amendments at their meeting of July 17, 1997. At their meeting of July 24, 1997, the Planning and Zoning Board voted to recommend approval of the proposed amendments to Chapter 3 of the PDO.

**CHAPTER 3. DECISION-MAKING AND ADMINISTRATIVE BODIES**

**PART 1. VILLAGE COUNCIL**

**3.1.1. Powers and Duties.**

Without limiting any authority granted to the *Village Council* by State law or by other ordinances of the Village, the *Village Council* shall have the following powers and duties with respect to this Ordinance, to be carried out in accordance with the terms of this Ordinance:

- (a) To adopt amendments to the text of this Ordinance;
- (b) To adopt amendments to the *Official Map of Zoning Districts*, such as to zone or rezone *property* into a general use *district*, conditional use *district*, or *overlay district*;
- (c) To adopt amendments to the *Comprehensive Land Use Plan*;
- (d) To approve or deny requests for approval of *master land use plans* for *planned developments*;
- ~~(e) To approve or deny requests for the rezoning of *property* into a conditional use *district*;~~
- (f) To approve or deny requests for approval of *subdivision plats*;
- (g) To approve or deny requests for approval of *major special uses*;
- (h) To approve or deny requests for approval of *major site plans*; and
- (i) To ~~approve or deny *variances* within its' statutory authority or to recommend that the Environmental Management Commission approve~~ take particular action on *variances* within its' statutory authority to the standards of Chapter 10, Part 6, the Reservoir Watershed Protection Overlay District; and
- (j) Such additional powers and duties as may be set forth for the *Village Council* elsewhere in this Ordinance.

## PART 2. PLANNING AND ZONING BOARD

### 3.2.1. Powers and Duties.

The Planning and Zoning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(a) To review all proposed amendments to this Ordinance, all proposed rezoning of *property* under this Ordinance, all proposed *master land use plans* for *planned developments*, all *major special uses*, all proposed preliminary *plats of subdivision*, and all proposed *major site plans*, and to make recommendations to the *Village Council* for final action thereon;

(b) To perform studies and surveys of the present conditions and probable future development of the *Village* and its environs, including, but not limited to, studies and surveys of land uses, population, economic base, school needs, *park* and recreation needs, traffic, *parking*, and redevelopment needs;

(c) To formulate and recommend to the *Village Council* the adoption or amendment of a *Comprehensive Land Use Plan* and other plans for the *Village* and its environs for the purpose of achieving the coordinated and harmonious *development* of the *Village*, in accordance with present and future needs, in order to promote and ensure (1) efficiency and economy in the *development* process, (2) safe and convenient movement of traffic, (3) safety from fire and other dangers, (4) adequate light and air, (5) healthful and convenient distribution of population, (6) adequate *open spaces*, (7) good *Village* design and arrangement of *buildings*, (8) wise and efficient expenditures of public funds, (9) adequate provision for *public utilities*, and (10) other matters pertaining to the safety, morals, order, convenience, prosperity, and general welfare of the *Village's* citizens;

(d) To review the terms of this Ordinance from time to time, as it deems appropriate, and to recommend to the *Village Council* any changes that the Board considers necessary to properly regulate the *development* and use of land, *buildings*, and *structures*;

(e) To prepare zoning and *subdivision* regulations for the *Village*;

(f) To review and rule on Minor Special Uses.

(g) Such additional powers and duties as may be set forth for the Planning and Zoning Board elsewhere in this Ordinance and other ordinances of the *Village*.

### 3.2.2. Membership; Terms; Vacancies; Compensation.

The rules governing the membership, terms, vacancies, removal and compensation of the Planning and Zoning Board are found at §§ 2-11.2 and 2-11.4 of The Code of the Village of Pinehurst as may be amended from time to time and are re-stated here as the following:

~~\_\_\_\_\_ The Village Planning and Zoning Board shall consist of 7 members, 6 of whom shall be registered voters and have been residents of the Village for at least 2 years at the time of appointment, and 1 of whom shall be a resident and registered voter for at least 2 years of the extraterritorial zoning jurisdiction of the Village.~~

~~\_\_\_\_\_ The 6 Village members shall be appointed by the Village Council. The members shall be appointed for a term of 2 years.~~



~~Member from the Extraterritorial Jurisdiction. The 1 member of the Board from the extraterritorial jurisdiction shall be appointed by the Moore County Board of Commissioners, upon the recommendation by the Village Council; and the term of this member shall be 2 years.~~

~~The Village Council shall designate a Chairman from the membership of the Board residing in the Village of Pinehurst to serve at the pleasure of the Village Council.~~

~~All members of the Planning and Zoning Board shall serve without compensation.~~

### **3.2.3. Meetings.**

The rules governing the meetings of the Planning and Zoning Board are found at § 2-12.3-11.3 of The Code of the Village of Pinehurst as may be amended from time to time.

~~The Village Clerk or such other person as the Council may designate shall keep a record of the proceedings and attendance. The Board shall hold at least one (1) meeting monthly and all meetings shall comply with Chapter 143, Section 318 of the General Statutes of North Carolina having to do with open meetings.~~

### **3.2.4. Rules and Records.**

The Planning and Zoning Board shall formulate and adopt the rules of procedure under which it will operate. The Village Clerk or other such person as the Council may designate shall keep minutes of its proceedings and discussions, showing the vote of each member upon every question, or member's absence or failure to vote, and shall keep records of its resolutions, findings, recommendations, and other official actions.

### **3.2.5. Cooperation with Other Agencies.**

The Planning and Zoning Board shall cooperate in all respects with the appropriate Village boards, commissions, offices, and employees, including, but not limited to, the *Village Council*, the Zoning Board of Adjustment, the Community Appearance Commission, the *Village Manager*, the *Village Planner*, and other agencies of the Village.

## **PART 3. ZONING BOARD OF ADJUSTMENT**

### **3.3.1. Powers and Duties.**

The Zoning Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(a) To hear and decide applications for approval of *variances* from the terms of this Ordinance, in accordance with the procedures and standards set forth in Chapter 6, Part 1 of this Ordinance, except where this Ordinance places responsibility for hearing or considering such a *variance* with another body;

(b) To hear and decide appeals from any order, requirement, permit, decision, or determination issued or made by an administrative officer of the Village in enforcing any provision of this Ordinance, in accordance with the procedures and standards set forth in Chapter 6, Part 2 of this Ordinance;

(c) Such additional powers and duties as may be set forth for the Zoning Board of Adjustment elsewhere in this Ordinance and other ordinances of the Village.

### **3.3.2. Membership; Terms; Vacancies; Compensation.**

(a) The Zoning Board of Adjustment shall consist of five members. Four members shall be appointed by the *Village Council* and shall reside within the corporate boundaries of the Village. The other member shall be appointed by the Board of County Commissioners of Moore County and shall reside outside the Village's boundaries but within the Village's extraterritorial planning jurisdiction. All members shall have equal rights, privileges, and duties regardless of whether the matter at issue arises within or outside of the Village's corporate boundaries.

(b) All members shall serve ~~two~~ three year staggered terms, or until their successors are appointed and qualified.

(c) The *Village Council* shall appoint one member to serve as chairperson of the Zoning Board of Adjustment at the pleasure of the *Village Council*. The Zoning Board of Adjustment shall appoint such other officers as it may deem necessary and appropriate.

(d) Vacancies occurring for reasons other than the expiration of terms shall be filled by the appointing authority as they occur, for the period of the unexpired term.

(e) The chairperson and members of the Zoning Board of Adjustment shall not be compensated for their services as members of said Board.

(f) The *Village Council* may, in its discretion, appoint alternate members to serve on the Board in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. The *Village Council* may appoint as alternate members two persons residing within the corporate limits of the Village and, with the approval of the Moore County Board of Commissioners, one full time resident of the extraterritorial zoning jurisdiction. Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

### **3.3.3. Meetings and Voting.**

(a) Meetings and hearings of the Zoning Board of Adjustment shall be held at such times as the Board deems necessary to conduct the business before it. All meetings and hearings of the Board shall be open to the public.

(b) The chairperson, or his or her designee, may administer oaths and compel the attendance of witnesses at hearings conducted by the Zoning Board of Adjustment.

(c) The concurring vote of four-fifths of the members of the Board shall be required in order to approve a ~~special use or variance~~, or to reverse or modify any order, requirement, permit, decision, or determination made by an administrative officer in carrying out or enforcing the terms of this Ordinance.

### **3.3.4. Rules and Records.**

The Zoning Board of Adjustment shall formulate and adopt the rules of procedure under which it will operate. The Board shall keep minutes of its proceedings and discussions, showing the vote of each member upon every question, a member's absence or failure to vote, and shall keep records of its resolutions, findings, recommendations, and other official actions.

### **3.3.5. Cooperation with Other Agencies.**

The Zoning Board of Adjustment shall cooperate in all respects with the appropriate Village boards, commissions, offices and employees, including, but not limited to, the *Village Council*, the Planning and Zoning Board, the Community Appearance Commission, the *Village Manager*, the *Village Planner*, and other agencies of the Village.

## PART 4. COMMUNITY APPEARANCE COMMISSION

### 3.4.1. Powers and Duties.

Pursuant to North Carolina General Statute 160A-452, the Commission, upon its appointment, shall make careful study of the visual problems and needs of the Village within its area of zoning jurisdiction and shall make any plans and carry out any programs that will in accordance with the power herein granted, enhance and improve the visual quality and aesthetic characteristics of the Village. To this end, the Commission will have the following powers and duties:

- (a) To initiate, promote, and assist in the implementation of programs of general community beautification in the Village.
- (b) To seek to coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities and programs bear upon the appearance of the Village.
- (c) To provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations and agencies.
- (d) To make studies of the visual characteristics and problems of the Village including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken.
- (e) To prepare both general and specific plans for the improved appearance of the Village. These plans may include the entire area or any part thereof, and may include private as well as public *property*. The plans shall set forth desirable standards and goals for the aesthetic enhancement of the Village or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, *open spaces*, and public and private *buildings* and projects.
- (f) To participate in any way deemed appropriate by the *Village Council* and specified in this Section, in the implementation of its plans. To this end, the Commission may:
  - (1) Request, from the proper officials of any public agency or body, including agencies of the State and its political subdivisions, its plans for public *buildings*, facilities, or projects, to be located within the Village or its area of planning and zoning jurisdiction.
  - (2) Review such plans and make recommendations regarding their aesthetic suitability to the Planning and Zoning Board of the Village, or to the *Village Council*. All plans shall be reviewed by the Commission in a prompt and expeditious manner and all recommendations with regard to any public project shall be made in writing. Copies of the recommendations shall be transmitted to the Planning and Zoning Board, the *Village Council* or other appropriate agency.
  - (3) Formulate and recommend to the Planning and Zoning Board, the *Village Council* or other appropriate agency, the adoption or amendment of ordinances (including the ~~Pinehurst Development Ordinance~~ ~~Zoning Ordinance~~, ~~Subdivision Regulations~~, and other local ordinances regulating the use of *property*) that will, in the opinion of the Commission, serve to enhance the appearance of the Village and its surrounding areas.

- (4) Direct the attention of the Village Officials to needed enforcement of any ordinance that may in any way affect the appearance of the Village.
  - (5) Seek voluntary adherence to the standards and policies of its plans.
  - (6) Enter, in the performance of its official duties and at reasonable times, upon private lands and make examinations or surveys with the permission of the property owner.
  - (7) Promote public interest in and an understanding of its recommendations, studies, and plans, and to that end, prepare, publish and distribute to the public such studies, and reports as will, in the opinion of the Commission, advance the cause of Village appearance.
  - (8) Conduct public meetings and hearings, giving reasonable notice to the public thereof.
- (g) Such additional powers and duties as may be set forth for the Community Appearance Commission elsewhere in this Ordinance and in § 2-12.3 of The Code of the Village of Pinehurst.

### 3.4.2. Membership; Terms; Vacancies; Compensation.

The rules governing the actions of the Community Appearance Commission are found at § 2-12.2 of The Code of the Village of Pinehurst as may be amended from time to time, and are ~~restated here as follows: The Commission shall consist of 10 members to be appointed by the Village Council for terms of no more than 2 consecutive full terms and shall meet at least once in every calendar month. A term is an appointment for 2 years. 5 members of the Commission shall constitute a quorum. All members shall be residents for at least 2 years of the Planning and Zoning jurisdiction of the Village at the time of appointment and where possible, a majority of the members shall have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning or a closely related field. Members of the Commission may be reimbursed for actual expenses incidental to the performance of their duties, but shall serve without compensation. Membership on the Commission is declared to be an office that may be held concurrently with any other elected or appointed office, pursuant to Article VI, Section 9 of the N.C. Constitution.~~

### 3.4.3. Meetings.

Meetings and hearings of the Community Appearance Commission shall be held at such times as the Commission deems necessary to conduct the business before it. All meetings and hearings of the Commission shall be open to the public.

### 3.4.4. Rules and Records.

The Community Appearance Commission shall formulate and adopt the rules of procedure under which it will operate. The Commission shall keep minutes of its proceedings and discussions, showing the vote of each member upon every question, or his or her absence or failure to vote, and shall keep records of its resolutions, findings, recommendations, and other official actions.

#### **3.4.5. Cooperation with Other Agencies.**

The Community Appearance Commission shall cooperate in all respects with the appropriate Village boards, commissions, offices and employees, including, but not limited to, the *Village Council*, the Planning and Zoning Board, the Zoning Board of Adjustment, the *Village Manager*, the *Village Planner*, and other agencies of the Village.

#### **3.4.6. Receipt and Expenditure of Funds; Annual Report.**

(a) The Community Appearance Commission may receive contributions from private agencies, foundations, organizations, individuals, the State or Federal government, or any other source, in addition to any sums appropriated for its use by the *Village Council*. The Commission may accept and disburse these funds for any purpose within the scope of its authority as specified in this Part.

(b) The Community Appearance Commission will award and monitor Village of Pinehurst Beautification grants as provided for in § 2-12.6 of The Code of the Village of Pinehurst.

## PART 5. STAFF AGENCIES

### 3.5.1. Village Planner.

A. The *Village Planner*, and any other employees or other staff members under the direction and supervision of the *Village Planner*, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(1a) To review all applications for *development* approval for compliance with the terms of this Ordinance;

(2b) To review and comment on all applications for *development* approval which are submitted to the Village;

(3e) To provide the *Village Council*, the Planning and Zoning Board, the Zoning Board of Adjustment, and the Community Appearance Commission, with reports and recommendations regarding matters before those bodies, either as required by this Ordinance or upon the request of the body;

(4d) To determine and enforce compliance with any conditions attached by the *Village Council*, Planning and Zoning Board or the Zoning Board of Adjustment to its approval of a *special use, variance, subdivision plat, or site plan*;

(5e) To advise the Planning and Inspections and Zoning Department in its inspections of *buildings, structures, and the use and development* of land;

(6f) To enforce compliance with the terms of this Ordinance, ~~in accordance with Chapter 18 of this Ordinance;~~

(7g) Such additional powers and duties as may be set forth for the *Village Planner* elsewhere in this Ordinance and other ordinances of the Village .

B. The *Village Planner* shall also serve as *Watershed Administrator*, for the purposes of Chapter 5, Part 9 and Chapter 10, Part 3. It shall be the duty of the *Village Planner* to administer and enforce the provisions of this watershed protection ordinances as follows:

(1a) The *Village Planner* shall keep records of all amendments to the water supply watershed protection ordinances and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.

(2b) The *Village Planner* shall keep records of the jurisdiction's compliance with local watershed regulations. ~~utilization of the provision that a maximum of 5% of the non-critical area of WSII and WS-III watersheds may be developed with non-residential development to a maximum of seventy percent built upon surface area. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous materials as applicable.~~

(3e) The *Village Planner* is granted the authority to administer and enforce the provisions of this ordinance, exercising in the fulfillment of his responsibility the full police power of the Village. The *Village Planner*, or his duly authorized representative,

may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.

(4d) The *Village Planner* shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on or before January 1 of each year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

### 3.5.2. Planning and Inspection and Zoning Department.

The Planning and Inspection and Zoning Department, under the direction and supervision of the Village Planner Chief Building Inspector, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (a) To review and comment on all applications for *development* approval which are submitted to the Department;
- (b) To issue and revoke *building permits* and *certificates of compliance*, in accordance with Chapter 5, Parts 10 and 11 of this Ordinance, and to make and maintain records thereof;
- (c) To conduct inspections of *buildings, structures*, and the use and *development* of land;
- (d) To review, inspect, and approve Village acceptance of *subdivision* and *site plan* improvements;
- (e) To calculate the amounts of required guarantees for the installation of improvements, and to determine the sufficiency of improvement guarantee funds;
- (f) To review applications for grading permits and *erosion* control plans, and to issue grading permits and certificates of erosion control compliance, in accordance with Chapter 5, Part 9 of this Ordinance;
- (g) To appoint a storm water management *engineer* whose duties shall include but are not limited to the following: review all applications for permits and other forms of development approval for compliance with the provisions in Chapter 14, Part 2 of this Ordinance regarding *flood* hazards, and to determine whether all necessary permits and approvals have been obtained from those federal, state or other local governmental agencies from which prior approval is required;
  - (1) To review all applications for permits and other forms of *development* approval for compliance with the provisions in Chapter 14, Part 3 of this Ordinance regarding *flood* hazards, and to determine whether all necessary permits and approvals have been obtained from those federal, state or other local government agencies from which prior approval is required;
  - (2) To notify adjacent communities, the Federal Emergency Management Agency and the N.C. Department of Health, Natural Resources and Community Development prior to any alteration or relocation of a watercourse, and to assure that the altered watercourse is maintained so that the flood carrying capacity of the watercourse is not diminished;



- (3) To verify and record the actual elevation (in relation to *mean sea level* ) of both the *lowest floor* and any *flood* proofing of all new or substantially improved structures;
- (4) To obtain certification from a registered professional *engineer* or *architect* when a structure is *flood* proofed;
- (5) To interpret the exact location of the boundaries of special *flood* hazard areas;
- (6) To obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source where *base flood* elevation data has not been provided in accordance with Section 14.2.2 in order to administer the provisions of Chapter 14, Part 2. *Flood* Damage Prevention;
- (7) To provide the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National *Flood* Insurance Program with 2 copies of the maps delineating new corporate limits within six months from the date of annexation or change in corporate limits;
- (8) To maintain all records pertaining to the provisions of ~~Chapter 5, Part 6. Developments in Flood Hazard Areas and Chapter 14, Part 2. Flood Damage Prevention~~ and to hold them open for public inspection;
- (9) To review all applications for *development* and all *variances* to the required standards and to maintain all of the required records, ~~required by Chapter 10, Part 6.~~
- (h) To review all applications for approval of *development* within the Reservoir Watershed Protection District for compliance with the provisions in Chapter 10, Part 3 of this Ordinance regarding *watershed* protection;
- (i) To determine and enforce compliance with the terms of this Ordinance and other applicable ordinances and construction codes of the Village and the State;
- (j) To determine and enforce compliance with any conditions attached by the Village Council, Planning and Zoning Board, or the Zoning Board of Adjustment to its approval of a *special use, variance, subdivision plat, or site plan*;
- (k) Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances (Chapter IX, The Code of the Village of Pinehurst) and construction codes of the Village and the State.
- (40) When *base flood* elevation data or *floodway* data has not been provided in accordance with section 14.3.2, obtain, review and reasonably utilize any *base flood* elevation and/or *floodway* data available from a Federal, State or other source, including data developed pursuant to Section 14.3.5, in order to administer the provisions of this Ordinance.
- (44m) When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site, the property owner may apply for a Letter of Map Amendment issued by the Federal Emergency Management Agency.

A copy of the Letter of Map Amendment issued by the Federal Emergency Management Agency will be maintained by the local administrator in the permit file.

### **3.5.3. Village Engineer.**

The *Village Engineer*, and any other employees or other staff members under the direction and supervision of the *Village Engineer*, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (a) To review and comment on all applications for *development* approval which are submitted to the *Engineer*;
- (b) To prepare and maintain standard engineering design specifications for streets, soil *erosion* and *sedimentation* control devices, *storm drainage facilities*, and other improvements;
- (c) To review and approve the design specifications for *subdivision* and *site plan* improvements;
- (d) To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed *development* on the Town's transportation and utility systems;
- (e) To serve as or to appoint and monitor the Erosion Control Officer.
- (f) Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the Village.

### **3.5.4. Fire Department.**

The Fire Department, under the direction and supervision of the Fire Chief, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (a) To review and comment on all applications for *development* approval which are submitted to the Department;
- (b) To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed *development* on fire safety;
- (c) Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the Village .

### **3.5.5. Police Department.**

The Police Department, under the direction and supervision of the Police Chief, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (a) Upon request of the *Village Council*, the Planning and Zoning Board, or the Development Review Committee, to review and comment on applications for approval of rezonings and *master land use plans* for *planned developments*;

(b) To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed *development* on crime prevention and public safety;

(c) Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the Village (See Chapters III, IV, V, and VII of the Code of the Village of Pinehurst).