

ORDINANCE #20-09:

AN ORDINANCE REPEALING AN EXISTING ORDINANCE AND AMENDING CHAPTER 31, VILLAGE ORGANIZATIONS, OF THE PINEHURST MUNICIPAL CODE.

WHEREAS, the Village Council of the Village of Pinehurst adopted Ordinance 81-12, dated November 16, 1981, establishing a special commission to be known as the Community Appearance Commission; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the “Village of Pinehurst, North Carolina Municipal Code;” and

WHEREAS, on August 9, 2016 Village Council approved Resolution 16-23, to consolidate the Community Appearance Commission with the Beautification Committee and Conservation Commission to establish the Pinehurst Appearance Commission; and

WHEREAS, on September 12, 2017 Village Council approved Resolution 17-24, dissolving the Pinehurst Appearance Commission; and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled this 14th day of July, 2020 as follows:

SECTION 1. That Ordinance 81-12, which initially established the Community Appearance Commission, adopted November 16, 1981 is hereby repealed.

SECTION 2. That the following amendments be made to Chapter 31, Village Organizations, of the Pinehurst Municipal Code:

~~Community Appearance Commission~~

~~§ 31.01 CREATED:~~

~~There is hereby created, pursuant to G.S. § 160A-451, a special commission to be known as the Community Appearance Commission for the village.
(1986 Code, § 2-12.1) (Ord. passed 11-16-1981)~~

~~§ 31.02 MEMBERSHIP:~~

~~The Community Appearance Commission shall consist of up to 13 members to be appointed by the Village Council for terms of two years, and shall meet at least once in every calendar month unless proper notice is given for the cancellation of the regular~~

~~meeting. Fifty percent of the appointed members of the Commission shall constitute a quorum. 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, § 9 of the Constitution.~~

~~§ 31.03 POWERS AND DUTIES.~~

~~Pursuant to G.S. § 160A-452, the Community Appearance Commission, on 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; and~~

~~(F) To participate in any way deemed appropriate by the Village Council and specified in this subchapter, 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 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 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 municipality 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;~~

~~(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 studies and reports as will, in the opinion of the Commission, advance the cause of village appearance; and~~

~~-(8) Conduct public meetings and hearings, giving reasonable notice to the public thereof.~~

~~§ 31.04 DUTIES IN REGARD TO BUILDING PERMITS.~~

~~-(A) The Community Appearance Commission shall review plans for new, remodeled or additions to residential and nonresidential properties as submitted to assess the aesthetics of construction relative to adjacent and neighborhood properties particularly as it concerns:~~

~~(1) Exterior architectural features such as, but not limited to, colors, materials, elevations, sight lines, roofing, doors, windows and skylights, chimney, shutters and decks;~~

~~—(2) Foundation landscaping; and~~

~~—(3) Retention of trees and other natural growth on building site.~~

~~-(B) The Commission will also review site plans for fences, swimming pools and accessory buildings as they relate to adjacent and neighborhood properties. These reviews will consider zoning restrictions, with special emphasis on aesthetic compatibility to the village and the immediate neighborhood.~~

~~-(C) The Commission will publish the several documents necessary to carry out the review in an objective and professional manner. The documents will be available for review by interested parties at the Department of Planning and Inspections.~~

~~(D) If for any reason agreement is not reached in a reasonable time between the Commission and the contractor and/or home owner, it shall be the responsibility of the Commission to immediately advise the Village Planner. At that time, the established review procedure will be implemented.~~

~~§ 31.05 APPEALS:~~

~~Appeals of the recommendations of the Community Appearance Commission shall be made in accordance with the Pinehurst Development Ordinance.~~

~~§ 31.06 ANNUAL REPORT:~~

~~Pursuant to G.S. § 160A-454, the Community Appearance Commission shall, no later than April 15 of each year, submit to the village a written report of activities, a statement of expenditures, and budget request for the next fiscal year.~~

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

THIS ORDINANCE is passed and adopted this 14th day of July, 2020.




VILLAGE OF PINEHURST
VILLAGE COUNCIL

By 
John C. Strickland, Mayor

Attest:


Beth Dunn, Village Clerk

Approved as to Form:


Michael J. Newman, Village Attorney