

# VILLAGE OF PINEHURST, NORTH CAROLINA

## MUNICIPAL CODE

2014 S-4 S-5 Supplement contains:

~~Local legislation current through Ord. 14-24, passed 5-27-2014; and~~  
~~Local legislation current through Ord. 14-33, passed 9-9-2014; and~~  
~~Local legislation current through Ord. 14-37, passed 10-14-2014; and~~  
~~Local legislation current through Ord. 14-38, passed 10-28-2014; and~~  
~~Local legislation current through Ord. 15-01, passed 1-27-2015; and~~  
~~Local legislation current through Ord. 15-03, passed 2-10-2015; and~~  
~~Local legislation current through Ord. 15-10, passed 5-26-2015; and~~  
~~Local legislation current through Ord. 15-20, passed 11-17-2015; and~~  
~~Local legislation current through Ord. 15-23, passed 12-8-2015; and~~  
~~Local legislation current through Ord. 16-14, passed 9-27-2016; and~~  
Local legislation current through Ord. 16-17, passed 10-25-2016; and  
State legislation current through North Carolina Legislative Service,  
2013 Regular Session Laws, Pamphlet No. 6

## CHAPTER 152: PINEHURST DEVELOPMENT ORDINANCE

### Section

152.01 Pinehurst Development Ordinance ~~adopted~~

### § 152.01 PINEHURST DEVELOPMENT ORDINANCE ~~ADOPTED~~.

The Pinehurst Development Ordinance is hereby adopted by reference and incorporated herein as if set forth in full. ~~A copy of the Pinehurst Development Ordinance can be found in the office of the Village Clerk. The Pinehurst Development Ordinance is set forth in full as Appendix A to this chapter.~~



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## **PINEHURST DEVELOPMENT ORDINANCE**

### **DIVISION I: ADMINISTRATIVE PROVISIONS**

#### **CHAPTER 1. GENERAL PROVISIONS**

##### **Section 1.1 Titles; Effective Date**

This Ordinance shall be known as the Development Ordinance of the Village of Pinehurst, North Carolina and may be known as the "Pinehurst Development Ordinance" (PDO). This Ordinance shall become effective on October 8, 2014.

(Ord. 14-35, passed 09-24-2014)

##### **Section 1.2 Statement of Intent of This Ordinance**

The following Statement of Intent shall apply to and guide the implementation and enforcement of the entire Ordinance. All following sections of this Ordinance shall be interpreted as being in furtherance of and consistent with this Statement of Intent.

The Village of Pinehurst is a residential and resort community, the major industries of which are recreation, tourism, and a regional medical center along with the land uses that provide the needed goods and services for the convenience of the community. It shall be the primary goal of this Ordinance to preserve the Village's unique visual content. In all decisions affecting land use, it shall be Village policy to encourage adherence to this goal by protecting its Village Center with its shops and homes and by encouraging any further development of the Village of Pinehurst as a residential, and resort community. To this purpose, those activities and land uses not compatible with a residential and resort area, such as intense industrial uses, extensive commercial districts, structures and signs that are not in context with the Village, shall be prohibited. Managed growth is desirable but protection of the desirable qualities of the Village is paramount to continue meeting the primary goals as defined in this Section. The continued conservation of the environmental and aesthetic character of Pinehurst as it grows and develops will be controlled and accomplished by land use regulations made with reasonable consideration given to, among other things, the character of the various areas of the Village and its environs and the unique suitability of these areas for particular uses, conservation and enhancement of property values, and encouraging the use of land in a manner which is most appropriate in view of this Statement of Intent.

The regulations contained in this Ordinance have been adopted in accordance with the Existing Comprehensive Long Range Plan for the Village of Pinehurst, North Carolina, and all other adopted village plans and policies, in order to accomplish the following goals:

(A) Preserve and enhance the unique historic character and ambience of the community, especially the historic Village Center.

(B) Guide development in an appropriate and sustainable way that will protect natural resources, reduce waste and climate impacts, and promote overall environmental health.

(C) Support fiscally sustainable development patterns that generate new jobs and tax revenues with lower economic and social costs.

(D) Provide adequate provision of transportation, water, sewage, schools, parks and other public infrastructure.

(E) Ensure that the transportation system supports community structure, enhances community character and operates effectively.

(F) Preserve and enhance Pinehurst's residential neighborhoods while addressing the housing needs of current and future residents.

(G) Establish meaningful open space and trails system that supports pedestrian and bicycle connectivity throughout the community and allows residents to become active participants in the public realm.

(H) Promote the health, wellness, and safety of Pinehurst's residents.  
(Ord. 14-35, passed 09-24-2014)

### **Section 1.3 General Purposes and Authority**

This Ordinance is adopted pursuant to authority granted to the Village of Pinehurst by the General Assembly of the State of North Carolina, and especially the Village Charter; NCGS Chapter 160A, Article 19 (Planning and Regulation of Development); NCGS Chapter 143, Art. 21, Part 6 (Floodway Regulation); NCGS Chapter 160A, Part 3C (Historic Districts and Landmarks); and NCGS Chapter 143, Article 21 (Watershed Protection Rules). This Ordinance, which has been formulated in accordance with the Village of Pinehurst Comprehensive Long Range Plan for the future of the community, is adopted for the following purposes:

(A) To promote the public health and general welfare;

(B) To secure safety from fire, flood, panic, and other dangers;

(C) To maintain and enhance the character of various districts within the Village, in light of their peculiar suitability for particular uses, and encourage the most appropriate use of land throughout the community;

(D) To conserve and protect the value of buildings and land;  
(Ord. 14-35, passed 09-24-2014)

### **Section 1.4 Official Map of Zoning Districts and Extraterritorial Jurisdiction Line**

The Official Map of Zoning Districts and extraterritorial jurisdiction boundary, also known as the Official Zoning Map, along with all notations, references, and other information shown thereon, is hereby incorporated into and made part of this Ordinance. As part of this Ordinance, the Official Zoning Map shall be amended only in accordance with the procedures set forth in Chapter 6 of this Ordinance.  
(Ord. 14-35, passed 09-24-2014)

### **Section 1.5 Jurisdiction and Applicability**

(A) The provisions of this Ordinance shall apply to all land, buildings, structures, or uses thereof located within the corporate limits of the Village of Pinehurst and within the Village's extraterritorial jurisdiction, as identified on the Official Zoning Map, sometimes herein referred to as the "Pinehurst Zoning Area;"

(B) Except as otherwise provided by this Ordinance, all development which occurs within the Village or its extraterritorial jurisdiction shall comply with the applicable terms and requirements of this Ordinance;

(C) No lot of record which did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, which does not conform to the applicable requirements of this Ordinance;

(D) No use which did not exist on the effective date of this Ordinance shall be established which does not conform to the applicable requirements of this Ordinance;

(E) The terms, conditions, provisions, and prohibitions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare of the Village of Pinehurst, North Carolina;

(F) Graphics and images may be used to illustrate certain provisions of this Ordinance.  
(Ord. 14-35, passed 09-24-2014)

#### **Section 1.6 Conflict or Inconsistency with Other Laws, Covenants, or Deed Restrictions**

(A) This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance, or regulation, the provisions which are more restrictive or which impose higher standards or requirements shall govern. For example, wherever the provisions of this Ordinance require a greater width or size of setbacks or buffers, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied, or impose other standards which are higher than those set forth in another statute, ordinance, or regulation, then the provisions of this Ordinance shall govern. By further example, wherever the provisions of any other statute, ordinance, or regulation require a greater width or size of setbacks or buffers, a lower height of building, a lesser number of stories, or a greater percentage of the lot to be left unoccupied, or impose other standards which are higher than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation shall govern;

(B) This Ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance.  
(Ord. 14-35, passed 09-24-2014)

#### **Section 1.7 The Comprehensive Long Range Plan**

The Comprehensive Long Range Plan for the Village of Pinehurst, as adopted by the Village Council and amended from time to time, shall serve as the basic policy guide for the administration of this Ordinance. It therefore is the intent of the Village to administer this Ordinance in accordance with the Comprehensive Long Range Plan. The goals and policies of the Comprehensive Long Range Plan

may be amended from time to time to meet the changing requirements of the Village and its extraterritorial jurisdiction.

### **1.7.1 Legal Effect of the Comprehensive Long Range Plan**

Except as provided in Section 2.1 hereof, all development within the Village and its extraterritorial jurisdiction shall be in accordance with the applicable provisions of the Comprehensive Long Range Plan, as adopted or amended by the Village Council. Amendments to the text of this Ordinance and/or rezoning of property under the provisions of Chapter 6 of this Ordinance may be required in order to ensure compliance with this Section.

### **1.7.2 Periodic Review**

The Village Planner should review the Comprehensive Long Range Plan annually and submit a report to the Village Council for their consideration.  
(Ord. 14-35, passed 09-24-2014)

### **Section 1.8 Engineering Standards and Specifications Manual**

The Village of Pinehurst Engineering Standards and Specifications Manual, along with all notations, references, and other information contained therein, shall be the basis of establishing minimum design standards for site and development infrastructure not otherwise contained in this Ordinance.  
(Ord. 14-35, passed 09-24-2014)

### **Section 1.9 Severability**

(A) Nothing contained herein shall repeal, modify, or amend any federal or state law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the Village of Pinehurst; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the Village of Pinehurst at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions;

(B) If any court of competent jurisdiction invalidates any section or provision of this Ordinance or declares any section to be unconstitutional, the declaration shall not affect the validity of this Ordinance as a whole, or any part thereof, that is not specifically declared to be invalid or unconstitutional;

(C) The Village Council hereby declares that it has lawfully adopted this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, or phrases be declared invalid by a court of competent jurisdiction.  
(Ord. 14-35, passed 09-24-2014)

### **Section 1.10 Pending Application**

Any pending, complete applications submitted in good faith may proceed under the regulations in place at the time of submittal, provided the application is approved within one (1) year.  
(Ord. 14-35, passed 09-24-2014)

## **CHAPTER 2. ADMINISTRATIVE RULES; NONCOMFORMITIES**

### **Section 2.1 Transitional Rules**

(A) Existing Unlawful Uses and Structures: If a structure or use conforms with the requirements of this Ordinance, then upon adoption of this Ordinance any noncompliance with or violation of the predecessor ordinance is deemed to be of no effect;

(B) Uses Rendered Non-Conforming: When a lot is used for a purpose which was a lawful use before the effective date of this Ordinance, and this Ordinance or any amendment thereto no longer classifies such use as either a permitted use or special use in the zoning district in which it is located, such use is hereby deemed a nonconforming use and shall be controlled by the provisions of Section 2.3 of this Chapter;

(C) Buildings, Structures and Lots Rendered Non-Conforming: Where any building, structure, or lot which existed on the effective date of this Ordinance does not meet all standards set forth in this Ordinance or any amendment thereto, such building, structure, or lot is hereby deemed nonconforming and shall be controlled by the provisions of Section 2.3 of this Chapter;

(D) Non-Conforming Uses Generally: In order to qualify as a non-conforming use, the way in which the use was actually conducted as well as the purpose of the use must be lawful.  
(Ord. 14-35, passed 09-24-2014)

### **Section 2.2 General Rules for Interpreting Words, Terms, and Illustrations**

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance:

(A) In their application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this Ordinance is adopted;

(B) In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Ordinance applying to an individual use or structure, the more restrictive provision shall apply. However, the regulations for overlay zoning districts which are set forth in Chapter 8 shall control in the event of any conflict between those regulations and the regulations which are set forth in Chapter 8 for the general zoning district, regardless of whether they are more strict or less strict than the regulations for the general use district;

(C) In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, table, image or map contained herein, the text shall control;

(D) The words shall, must, and will, are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive in nature. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. When the term "in writing" is used, it shall also constitute electronic mail, unless State law or this ordinance prohibits. Words used in the masculine gender include the feminine gender, and vice versa-;

(E) Any act authorized by this Ordinance to be carried out by a specific official of the Village is impliedly authorized to be carried out by a designee of such official;

(F) Notwithstanding Subsection (e-E) above, elected and appointed officials are agents of the Village within the scope defined in Chapter 3 of this Ordinance and The Code of the Village of Pinehurst. Such officials include, but are not limited to: the Village Council, the Planning and Zoning Board, the Zoning Board of Adjustment, and the Historic Preservation Commission.  
(Ord. 14-35, passed 09-24-2014)

## **Section 2.3 Nonconformities**

### **2.3.1 Purpose and Scope**

The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Ordinance that do not conform to the requirements of this Ordinance. Many nonconformities may continue, but the provisions of this Section are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement or elimination in order to preserve the integrity of this Ordinance and the character of the Village and its extraterritorial jurisdiction. Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Ordinance and which remains nonconforming, and any use, structure, or lot which has become nonconforming as a result of the adoption of this Ordinance or any subsequent rezoning or amendment to the text of this Ordinance, may be continued or maintained only in accordance with the terms of this Section.

### **2.3.2 Nonconforming Uses**

(A) Extension of Use: A nonconforming use of land shall not be enlarged, extended, or intensified in any way except as provided below;

(B) Continuation, Maintenance and Minor Repair: The continuation of a nonconforming use of land and the maintenance or minor repair of a structure containing a nonconforming use are permitted, provided that the continuation, maintenance, or minor repair does not extend, expand, or increase the intensity of the nonconforming use. For the purposes of this Section, maintenance or minor repair shall mean:

(1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior and exterior appearance of a building or structure without expanding or altering the building or structure;

(2) Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;

(3) The addition of landscaping that increases the visual attractiveness of the property;

(4) Repairs which are required to remedy unsafe conditions which cause a threat to public safety; and

(C) Damage or Destruction: If a nonconforming use of land or a structure containing a nonconforming use is destroyed by any means other than Acts of God, to an extent greater than fifty percent (50%) of its replacement cost at the time of destruction, then such use shall not be reestablished



in any way that does not conform to the requirements of this Ordinance. However, if the destruction is a result of acts of God the use and or structure can be re-established/reestablished to the previous extent;

(D) Change of Use: Any nonconforming use of land may be changed to a conforming use by securing all approvals and permits that this Ordinance requires for the intended or resulting use, building, structure, or lot. No nonconforming use may be changed to another nonconforming use unless the Village Council determines, after a public hearing is held, it is a change in use of a nonconforming use to a different, less intensive nonconforming use or a use more compatible with the Village Comprehensive Long Range Plan and Section 1.2, Statement of Intent of this Ordinance;

(E) Cessation of Use: If a nonconforming use is discontinued for one hundred twenty (120) consecutive days or more, then the property shall thereafter be occupied and used only for a conforming use. If a nonconforming use of property is discontinued, but reestablished within one hundred twenty (120) days, then the nonconforming use may continue, provided that the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was discontinued. Nonconforming Banks, Credit Unions, Financial Services and Professional Services located within the VC (Village Commercial) Zoning District shall not be afforded the same one hundred twenty (120) days but rather a thirty (30) day cessation in use shall result in the discontinuation of that use and the space may only be re-occupied by a conforming use.

(F) Signs for Nonconforming Uses: Wall signs shall not be erected on any nonconforming use in any residential district. Nonconforming uses may repair and maintain their existing signage in accordance with Section 2.3.4 and construct new signage in accordance with Section 9.7.

### 2.3.3 Nonconforming Structures

(A) Expansion or Enlargement: A nonconforming structure shall not be enlarged, extended or intensified in any way so as to increase the existing nonconformity or nonconformities, except as provided below;

(B) Maintenance or Minor Repair: The maintenance or minor repair of a nonconforming structure is permitted, provided that it does not extend or expand the nonconforming structure nor increase its size or intensity. For the purposes of this Section, maintenance or minor repair shall mean:

(1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior and exterior appearance of a building or structure without expanding or altering the building structure;

(2) Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;

(3) The addition of landscaping that increases the visual attractiveness of the property;

(4) Repairs which are required to remedy unsafe conditions which cause a threat to public safety;

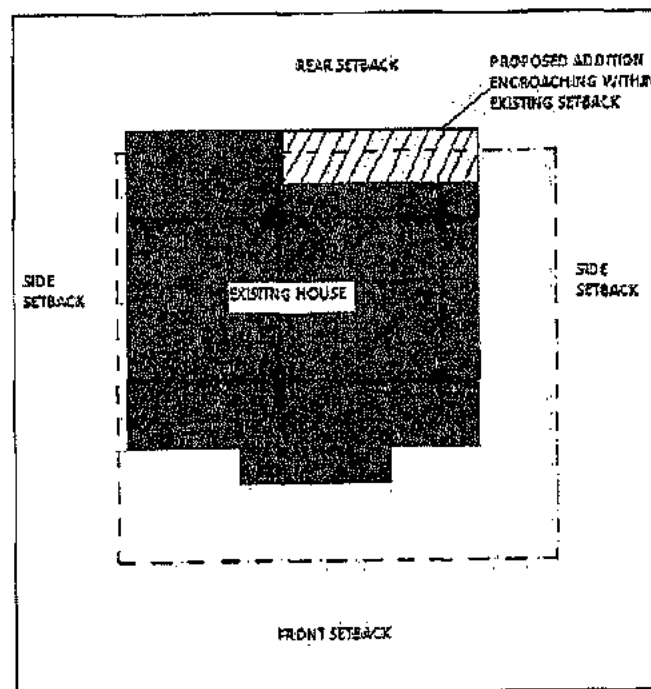
(C) Damage or Destruction: If a nonconforming structure is destroyed by any means other than acts of God to an extent greater than fifty percent (50%) of its replacement cost at the time of destruction, then such structure shall not be restored, nor any use of the structure be reestablished in any way which does not conform to the requirements of this Ordinance. However, if the destruction is a result of acts

of God the use and or structure can be re-established to the previous extent. However, with respect to structures located within a multi-family development, the fifty percent (50%) shall be measured with reference to the development as a whole and not an individual multi-family dwelling.

Notwithstanding the aforesaid, existing legally constructed nonconforming single family and duplex dwellings located within the Historic Preservation Overlay District may be rebuilt if they are destroyed by any means as long as the heated and unheated enclosed square footage of the structure is not increased. If the existing structure is also nonconforming in regard to setbacks it shall comply with the setback regulations at the time it is reconstructed. These dwellings shall also be allowed to construct additional outdoor living spaces, porches and decks so as to be afforded the same opportunity to improve the livability and appearance as conforming single family homes in the Historic Preservation Overlay District.

(D) Section Not Applicable to Nonconforming Signs: This Section shall not apply to nonconforming signs, the continuation, replacement, removal, expansion, maintenance, and repair of which are governed by Section 2.3.4.

(E) Existing Single Family Dwellings: Single-family dwellings and their accessory structures with setbacks made legal nonconformities by the adoption of this Ordinance are exempt from the requirements of this Section if the proposed addition or alteration will either meet the current setback requirements or will not further encroach into any required setback than the existing structure. This shall not apply to enclosing existing nonconforming decks and patios not under roof if the deck or patio is the furthest projection into the setback. All other requirements including impervious surface shall be met.



### 2.3.4 Nonconforming Signs

(A) Continuation: Except as set forth in Section 9.7 of this Ordinance, requiring removal of a sign when the establishment it serves is discontinued, nonconforming signs may be continued subject to the

limitations set forth in this Section;

(B) Enlargement or Alteration: A nonconforming sign, including its permanent message or its structure, shall not be extended, enlarged, moved, or otherwise altered unless the sign is made to conform to the applicable requirements of this Ordinance, except as outlined in (e-E) and (f-F) below;

(C) Damage or Destruction: When a nonconforming sign is demolished or damaged to the extent that more than fifty percent (50%) of its surface area requires replacement, the sign shall be removed or made to conform to the applicable requirements of this Ordinance;

(D) Cost of Repair or Maintenance: When the repair or maintenance cost of a nonconforming sign exceeds fifty percent (50%) of the replacement cost, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

(E) Legal Nonconforming Residential Neighborhood Development: Signs located at the entrance to the development made nonconforming by their placement within Village of Pinehurst Public Rights of Way may be replaced. These replacement signs shall conform to all other regulations including size and height and shall be constructed to meet NCDOTs and Village of Pinehurst requirements for vehicular safety. No sign shall be replaced under this provision without the approval of the Pinehurst Village Council. The Village Council may dictate a location that deviates from the original location if in their opinion this would be in the best interest of the public. The individual or entity desiring to construct the new signage shall also be required to obtain a Right of Way Encroachment.

(F) Non-Conforming signs serving multi-tenant developments may change out tenant names if no more than one-third (1/3) of the message is changing.

### 2.3.5 Nonconforming Lots of Record

(A) Development Prohibited: No use or structure shall be established on a lot of record which does not conform to the lot area and lot width requirements established in this Ordinance for the zoning district in which it is located, except as otherwise set forth in (b-B) below.

(B) Residential Use: Notwithstanding the limitation in Subsection (a-A) above, a nonconforming lot may be used provided that:

(1) The lot is located in a district for which the use is permitted;

(2) Development of the lot will be in compliance with dimensional requirements of the applicable zoning districts with the exception of minimum lot size and minimum lot width. All other dimensional criteria must be met.

(C) Non-residential uses: Notwithstanding the limitation in Subsection (a-A) above, a nonconforming lot may be used for non-residential purposes, provided that:

(1) The lot is located in a district in which the use is permitted;

(2) Development of the site will be in compliance with dimensional requirements of the applicable zoning districts with the exception of minimum lot size and minimum lot width. All other dimensional criteria must be met;

(3) A special use permit is obtained for the proposed development and/or use.  
(Ord. 14-35, passed 09-24-2014)

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

### **Section 3.1 Village Council**

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 Zoning Map, such as to zone or rezone property into a general use district, conditional district, or overlay district;

(C) To adopt amendments to the Comprehensive Long Range Plan and other plans of the Village;

(D) To adopt design guidelines for the Historic Preservation Overlay District or other districts;

(E) To approve or deny requests for major subdivision preliminary plats, special uses, vested rights certificates, and general concept plans associated with major site plans; and

(F) Such additional powers and duties as may be set forth for the Village Council elsewhere in this Ordinance.

(Ord. 14-35, passed 09-24-2014)

### **Section 3.2 Planning and Zoning Board**

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 General Concept Plans associated with a Major Site Plan and preliminary plats for a Major Subdivision 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) As requested by the Village Council, to formulate and recommend the adoption or amendment of plans and policies for the purpose of achieving the coordinated and harmonious development of the Village, in accordance with the purposes contained in Section 1.3;

(D) To review the terms of this Ordinance periodically and at other times 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 recommended zoning and subdivision regulations for the Village;

(F) 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.  
(Ord. 14-35, passed 09-24-2014)

### **Section 3.3 Zoning Board of Adjustment**

The Zoning Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160A, Article 19:

(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 5 of this Ordinance.

(B) To hear and decide appeals from any order, requirement, permit, decision, or determination issued or made by an administrative officer or other entity of the Village in enforcing any provision of this Ordinance, in accordance with the procedures and standards set forth in Chapter 5 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.  
(Ord. 14-35, passed 09-24-2014)

### **Section 3.4 ~~Community Appearance Commission Reserved~~**

~~Pursuant to North Carolina NCGS § 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 be 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. The Commission shall review all plans 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 Pinchurst Development Ordinance 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.~~
- ~~(Ord. 14-35, passed 09-24-2014)~~

### **Section 3.5 Historic Preservation Commission**

The Historic Preservation Commission shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160A, Article 19:

- (A) Undertake an inventory of properties of historical, architectural, and/or cultural significance;
- (B) Recommend to the Village Council areas to be designated by ordinance as "Historic Districts"; and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks";
- (C) Acquire by any lawful means the fee or any other lesser included interest, including options to purchase, to properties within established districts or any other such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate right of public access and promote the preservation of the property;

(D) Restore, preserve and operate historic properties;

(E) Conduct an educational program with respect to historic properties and districts within the jurisdiction of this Ordinance;

(F) Cooperate with State, federal, and local governments in pursuance of the purposes of this Section. The Village Council or the commission when authorized by the Council may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with the State or Federal law;

(G) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;

(H) Prepare and recommend the official adoption of a preservation element as part of the Village Comprehensive Long Range Plan;

(I) Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Section;

(J) Such additional powers and duties as may be set forth for the Historic Preservation Commission elsewhere in this ordinance and other ordinances of the Village; and

(K) Recommend design guidelines to the Village Council.  
(Ord. 14-35, passed 09-24-2014)

### **Section 3.6 Reserved**

### **Section 3.7 Village Staff and Departments**

#### **3.7.1 Village Planner**

(A) The Village Planner, or his or her designee, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(1) To review and comment on all applications for development approval for compliance with the terms of this Ordinance;

(2) The Village Planner is granted the authority to interpret, 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;

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

(4) To determine and enforce compliance with any conditions attached by the Village Council, Planning and Zoning Board, Historic Preservation Commission or the Zoning Board of Adjustment to

its approval of a special use, variance, subdivision plat, site plan, conditional district rezoning or certificate of appropriateness;

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

(6) To interpret, administer, and enforce compliance with the terms of this Ordinance;

(7) 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) It shall be the duty of the Village Planner to administer and enforce the provisions of Section 8.3.3 Watershed Protection Overlay Districts as follows:

(1) 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;

(2) The Village Planner shall keep records of the jurisdiction's compliance with local watershed regulations;

(3) Reserved;

(4) The Village Planner shall keep a record of variances to Section 8.3.3 Watershed Protection Overlay District in accordance with Section 8.3.3.6 Modifications by Variance. 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 1st of each year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

### **3.7.2 Planning and Inspections Department**

The Planning and Inspections Department, 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:

(A) To review and comment on all applications for development approval which are submitted to the Department;

(B) To issue and revoke development permits, building permits, and certificates of occupancy, in accordance with Chapter 4 of this Ordinance and to make and maintain records thereof;

(C) To conduct inspections of buildings, structures, and the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances and codes of the Village and the State, including all conditions of approval related to development;

(D) To review, inspect, and approve Village acceptance of subdivision and site plan improvements;

(E) To consult with the Village Engineer in regard to the calculated amounts of required guarantees for the installation of improvements, and to determine the sufficiency of improvement guarantee funds;



(F) To consult with the Village Engineer in regards to National Flood Insurance Program;

(G) To review all applications for approval of development within the Watershed Protection District for compliance with the provisions in Section 8.3.3 of this Ordinance regarding watershed protection;

(H) Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances and construction codes of the Village and the State.

### **3.7.3 Village Engineer**

The Village Engineer, or consultant serving as such, and any other professionally qualified 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, storm drainage facilities, water and sewer, sidewalks, and other improvements;

(C) To conduct inspections of the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances and codes of the Village and the state, including all conditions of approval related to development;

(D) To review and approve the design specifications for subdivision and site plan improvements;

(E) To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed development on the Village's transportation and utility systems;

(F) To obtain certification from a registered professional engineer or architect when a structure is flood proofed;

(G) To maintain all records pertaining to the provisions of Developments in Flood Hazard Areas and Flood Damage Prevention and to hold them open for public inspection;

(H) To prepare and maintain the Engineering Standards and Specifications Manual;

(I) Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the Village.

(J) Deviations from the Engineering Standards can be allowed by the Village Engineer provided the intent and purpose of the standards are not compromised.

### **3.7.4 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) Upon request of the Village Council, the Planning and Zoning Board, or the Technical Review Committee, to review and comment on applications for rezonings and proposed plans for development;

(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.

### **3.7.5 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 Technical Review Committee, to review and comment on applications for rezonings and proposed plans for 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.

### **3.7.6 Technical Review Committee (TRC)**

The TRC shall serve as a review and recommending group, assisting the Village Manager, Village Planner, and Village Council where appropriate, with the review of applications for a development permit. The TRC will provide advice and recommendations on planning, environmental, fiscal, engineering, transportation, utilities, and other technical aspects and evaluate the comments and reports from other local, regional or state agencies and from the applicant or other qualified parties.

(A) The TRC shall meet at the request of the Village Planner.

(B) The applicant will be invited to attend meetings of the TRC.

(C) The TRC's recommendations shall be provided as conditions of approval or denial of the application.

(D) TRC members shall include, but not be limited to, the Village Planner, representatives from fire, police, public services, Village Engineer, Building Official and Moore County Utilities.  
(Ord. 14-35, passed 09-24-2014)

## **CHAPTER 4. PUBLIC HEARINGS, PERMITS AND APPROVALS**

### **Section 4.1 Notices and Public Hearings**

#### **4.1.1 Notice Requirements**

(A) All notices for any action for which this Ordinance requires a public hearing shall be made in accordance with the provisions of NCGS, Chapter 160A, Article 19. In addition, any public hearing required by this Ordinance for rezoning property, for approval of a special use, vested rights certificate, variance, or for an administrative appeal pursuant to Chapter 5 of this Ordinance, the Village Planner

shall cause a notice of such hearing to be posted on the property for at least ten (10) days before the scheduled date of the hearing;

(B) Notice of all public hearings before the Historic Preservation Commission will be mailed to adjacent property owners of the affected property and a notice will be posted on said property at least ten (10) days before the scheduled date of the hearing.

#### **4.1.2 Public Hearing Procedures**

The procedures and requirements set forth in this Section shall apply to all public hearings regarding the rezoning of property to a conditional district, general use zoning district, overlay zoning district the approval of a special use or variance, the approval of a vested rights certificate, other development processes requiring public hearing by this ordinance, an administrative appeal, pursuant to Chapter 5 of this Ordinance, or for Certificate of Appropriateness;

(A) When the Village Planner has determined that an application is complete and that a public hearing is required by this Ordinance, the Village Planner shall schedule a date, time, and place for the required hearing, and shall ensure that all notices are provided pursuant to Section 4.1.1 above;

(B) Any person may appear at the public hearing to speak in explanation or rebuttal, either individually or as a representative of an organization, upon receiving proper recognition from the chairperson of the body conducting the hearing;

(C) Each person who appears at a public hearing shall identify himself or herself and his or her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization. Anyone representing an organization shall present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration, unless the chairperson waives this requirement;

(D) All testimony and evidence given in a public hearing in front of the Historic Preservation Commission on a Certificate of Appropriateness, or the Village Council on a special use permit shall be given under oath or by affirmation to the body conducting the hearing;

(E) Any person participating in a hearing in front of the Zoning Board of Adjustment or a special use permit held by the Village Council may, upon receiving proper recognition from the chairperson of the body conducting the hearing, question other persons appearing as witnesses who present adverse evidence or testimony;

(F) The body conducting the hearing shall exclude any testimony, evidence, or questioning that it determines to be incompetent, irrelevant, immaterial, or unduly repetitious;

(G) At any time upon reasonable request, any person may examine the application and materials submitted in support of, or in opposition to, an application for approval under this Chapter. The Village Planner shall make copies of such materials available at cost as per the Village adopted fee schedule. (Ord. 14-35, passed 09-24-2014)

#### **Section 4.2 Permits and Approvals**

The procedures for obtaining the following types of permits and approvals are set forth in this Section.

- (A) Development Permit
- (B) Vested Rights Certificate
- (C) Temporary Use Permit
- (D) Special Use Permit
- (E) Building Permit
- (F) Certificate of Occupancy

#### **4.2.1 Development Permit Required**

A development permit is the controlling form of approval for the use of land and development within the jurisdiction of this Ordinance and is a prerequisite for receiving a building permit. A development permit may be issued for development involving multiple activities on a property or for a single purpose such as change of use, or to place a single sign. Issuance of a development permit shall be contingent upon the applicant having received all other permits and approvals related to the land development activities proposed to take place on the property, excepting the building permit. A list of typical permits and approvals that may be required prior to the issuance of a development permit are set forth in Section 4.2.6.

No development or use shall take place or be established within the jurisdiction of this Ordinance unless a development permit has been issued by the Village Planner stating that the proposed development or use complies with all provisions of this Ordinance.

#### **4.2.2 Development Permit Application**

Each application for a development permit shall be accompanied by the number of copies of a plan as set forth by this Ordinance and/or the appropriate application. The plan shall be drawn in accordance to the required plan type as outlined in Appendix A thru E of this Ordinance:

#### **4.2.3 Term of a Development Permit**

The issuance of a development permit shall confer with it the right to undertake and complete the development of property under the terms and conditions of such permit provided that such action as authorized by the permit is commenced within three hundred and sixty-five (365) days of issuance and provided that all other permits have been obtained, otherwise applicant can apply for renewal or shall be void. Where a valid vested rights certificate has been issued, the term of a development permit for the area contained within the vested rights certificate shall be for the term of the vested rights certificate.

#### **4.2.4 Previously Issued Building Permits**

(A) Any development for which a building permit has been issued prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development non-conforming, may be carried out in accordance with that building permit and shall be deemed lawfully existing under the terms of this Ordinance, provided that:

- (1) The permit was validly issued;
- (2) The permit has not expired;
- (3) The permit has not been revoked.

(B) This Section shall not apply where the property owner consents to making the development conform to the requirements of this Ordinance, or any amendment thereto, which would make the development non-conforming.

#### **4.2.5 Appeal of Development Permit Denial**

If the development permit is denied, the applicant may appeal the action of the Village Planner to the Zoning Board of Adjustment as provided for in Chapter 5.

#### **4.2.6 Prerequisite Permits, Approvals, and Reviews for a Development Permit**

The following typical permits, approvals, and reviews are required in order to receive a development permit, depending upon the type of the development:

(A) From the Village:

- (1) Variance/Administrative Appeal (Chapter 5)
- (2) Text Amendment/Rezoning (Chapter 6)
- (3) Signage Plan (Chapter 9)
- (4) ~~Well-Field Protection Plan (Chapter 9)~~ (Reserved)
- (5) Landscaping Plan (Chapter 9)
- (6) Exterior Lighting Plan (Chapter 9)
- (7) Subdivision Approval (Chapter 9)
- (8) Site Plan Approval (Chapter 9)
- (9) Special Use Permit (Section 4.5)
- (10) Historic District Certificate of Appropriateness (Chapter 8)
- (11) Driveway Permit, Village Maintained Streets or NCDOT streets
- (12) Right-of-way Encroachment
- (13) Other applicable permits as required

(B) From other agencies:

- (1) Erosion Control Plan (State of North Carolina)
- (2) Septic Tank/Well Permit (Moore County)
- (3) Airport Zone Permit (Moore County)
- (4) Driveway Permit, State Maintained Streets (NCDOT)
- (5) Right-of-way Encroachment
- (6) U.S. Fish and Wildlife Approval
- (7) Other applicable permits as required

(C) Compliance with the Engineering Standards and all other applicable conditions contained in this Ordinance.

#### **4.2.7 Simultaneous Processing of Applications for Different Permits and Approvals for the Same Development**

(A) It is the intent of the Village to accommodate the simultaneous processing of applications for different permits and approvals, which may be required for the same development project, in order to make the review process as reasonable as possible for a development project. Even though this Section establishes an intent to accommodate the simultaneous processing of different types of applications, the applicant should note that each of the permits and approvals set forth in this Ordinance has its own timing and review sequence and should take this into consideration in planning the development;

(B) Notwithstanding (A) above, no application for the rezoning of property shall be accepted or processed while an application for a development permit is pending for the same property, nor shall an application for a development permit be accepted or processed while an application for rezoning is pending for the same property.

#### **4.2.8 Simultaneous Processing of Voluntary Annexation Petitions**

(A) Where the Property is Located Within the Extraterritorial Jurisdiction: Where the owner or developer of a property located in the extraterritorial jurisdiction, but not within the Village limits, wishes the Village to annex the property into the Village's corporate boundaries, as well as to approve proposed development on the property, then a voluntary annexation petition shall be submitted at the same time as an application for all development permits and must be submitted prior to the Village Council's approval of the site plan or preliminary subdivision plat;

(B) Where a Property is Located Outside of the Jurisdiction of the Village: Where the owner or developer of a property located outside of the jurisdiction of this Ordinance, wishes the Village to annex the property into the Village's corporate boundaries, then a voluntary annexation petition shall be submitted at the same time as an application for rezoning and/or a development permit. Final action by the Village Council must be taken on the annexation petition prior to any final action being taken on the initial zoning or development.

#### **4.2.9 Processing Fees**

Requests for approval of the different permits and approvals required by this Ordinance are subject to the payment of the appropriate application processing fee(s) as specified in the most recent Village of Pinehurst Fee Schedule.

#### **4.2.10 Property Owned by Applicant**

An application for approval of any permit required by this Ordinance may be filed only by the owner of the property on which the use is to be located, an agent of the owner, or contract purchaser specifically authorized by the owner to file such application, or any unit of government which is not the owner of the property but proposes to acquire the property by purchase, gift, or condemnation. Where an agent, lessee, or contract purchaser files the application, the agent, lessee, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.

#### **4.2.11 Village Planner to Determine the Completeness of All Initial Applications**

(A) All applications made under this Chapter shall be filed with the Village Planner, unless otherwise noted, on a form prescribed by the Village Planner.

(B) The Village Planner shall determine whether any initial application required under any Section of this Chapter is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Village Planner shall schedule the application for consideration before the appropriate body and/or schedule a public hearing, if required.

(Ord. 14-35, passed 09-24-2014)

### **Section 4.3 Vested Rights Certificate**

#### **4.3.1 Purpose and Authority**

The purpose of this Section is to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land-use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning in recognition that Village approval of land-use development typically follows significant landowner investment in site evaluation, land cost, planning, development costs, consultant fees, and related expenses.

#### **4.3.2 Establishment of Vested Right**

A vested right shall be deemed established with respect to any property upon the approval of a site-specific development plan, or by following the vested rights process outlined in 4.3.3 thru 4.3.9 below. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan. "Site specific development plan" means a plan that has been submitted to the Village by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such a plan may be in the form of any of the following plans or approvals: a Major or Minor Site Plan, a Special Use Permit, a Conditional District Zoning, or Major or Minor Subdivision Plan. Such plans shall include the required content for a given use or type of development as outlined in Appendix A thru E.

### **4.3.3 Procedure**

#### **(A) Action by the Village Council:**

(1) Notice and Public Hearing: The Village Council shall not approve any vested rights certificate until after public notice and hearing in accordance with the provisions of this Ordinance. The request for a vested rights certificate shall be held in conjunction with the hearing on the application for a Special Use Permit, Major Site Plan, Conditional District Zoning, or Major Subdivision.

(2) After holding a public hearing, the Village Council may take action on the application by:

(a) Approving the application;

(b) Denying the application;

(c) Approving the application with additional conditions, which the Council may attach.

### **4.3.4 Two-Year Vested Rights Period**

Except as provided in Section 4.3.6 through 4.3.7 below, any development for which the Village has approved a site specific development plan prior to the effective date of or any subsequent amendment to this Ordinance which renders the development nonconforming, may be carried out in accordance with the approved plan and shall be deemed lawfully existing under the terms of this Ordinance, provided that the development conforms to all terms and conditions of the approved site specific development plan. This right to carry out the development in accordance with the approved plan shall attach to and run with the land, rather than being personal to the recipient of plan approval. This right shall terminate, however, two years after the effective date of approval of the site-specific development plan with respect to all buildings and uses for which the developer has not, by that time, filed a valid building permit application in accordance with Section 4.6.

### **4.3.5 Vested Rights Certificate Required**

In order to be entitled to the vested rights period set forth in Section 4.3.4 above, the owner or developer of the property must apply for and receive a vested rights certificate from the Village. In approving the vested rights certificate, the Village Council may extend the two (2) year vested rights period provided in Section 4.3.4 to a period of up to five (5) years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions. This determination shall be at the discretion of the Village Council.

### **4.3.6 Exceptions**

The provisions of Section 4.3.5 shall not apply in the following instances:

(A) Where the property owner consents, in writing, to making the development conform to the requirements of this Ordinance, or any amendment thereto;

(B) Where the Village Council finds, after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed in accordance with the approved site specific development plan;



(C) Where the Village Council finds, after notice and a public hearing, that the landowner or his or her representative, intentionally supplied inaccurate information or made material misrepresentations which made a difference in the Village's approval of the site specific development plan;

(D) Where the State or Federal government has enacted or promulgated a law or regulation which precludes developing the property in accordance with the approved plan, in which case the Village Council may, by ordinance, modify the affected provisions of the approved plan upon finding, after notice and a public hearing, that the change in State or Federal law has a fundamental effect on the approved site specific development plan;

(E) Where the Village has compensated the property owner for all costs, expenses, and other losses, not including any diminution in the value of the property, which the owner has incurred after approval of the site specific development plan by the Village, together with interest thereon at the legal rate until paid.

#### **4.3.7 Effect of Changes to Approved Plan and Vested Rights**

This Ordinance provides for situations in which the property owner or developer may obtain Village approval for particular changes to a site-specific development plan that the Village has already approved. The effect of such changes is as follows:

(A) Where the change is one that requires the approval of the Village Council under the terms of this Ordinance, such as a major change to a site plan, then the property owner or developer must submit an application for a new vested rights certificate, along with the application for approval of the plan change, in order to extend or renew the vested rights period. In no case shall the total period of vesting for any piece of property be longer than five (5) years, no matter how many major changes are made to the property. The new vested rights certificate may be issued only in accordance with the requirements of Section 4.3.5 above;

(B) Where the change is one that requires a variance from the Zoning Board of Adjustment, pursuant to Chapter 5 of this Ordinance, then the vested rights period set forth in Section 4.3.4 shall terminate immediately upon the Zoning Board of Adjustment's approval of the variance.

#### **4.3.8 Provisions To Which Vesting Does Not Apply**

The provisions of Section 4.3.5 shall not preclude the Village from applying zoning regulations, which do not affect the allowable type or intensity of use, regulations governing nonconformities, which appear in Chapter 2 of this Ordinance, or regulations, which are general in nature and apply to all property within the Village's jurisdiction. All other regulations shall become effective with respect to the property upon the expiration or termination of the vested rights period set forth in Section 4.3.4.

#### **4.3.9 Voluntary Annexation**

A petition for annexation filed with the Village under NCGS § 160A-31 or NCGS § 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under NCGS § 160A-385.1 or NCGS § 153A-344.1. A statement that declares that no zoning vested right has been established or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

(Ord. 14-35, passed 09-24-2014)

## **Section 4.4 Temporary Uses Permit**

### **4.4.1 Development Permit for Temporary Uses Required**

No use that is classified as a temporary use in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary use development permit from the Village Planner.

### **4.4.2 Required Permit**

No tent, trailer, or other temporary structure governed by the State Building Code shall be occupied or used in conjunction with a temporary use until and unless the applicant has received a temporary use development permit and then received a building permit for each separate structure or building from the Planning and Inspections Department.

(Ord. 14-35, passed 09-24-2014)

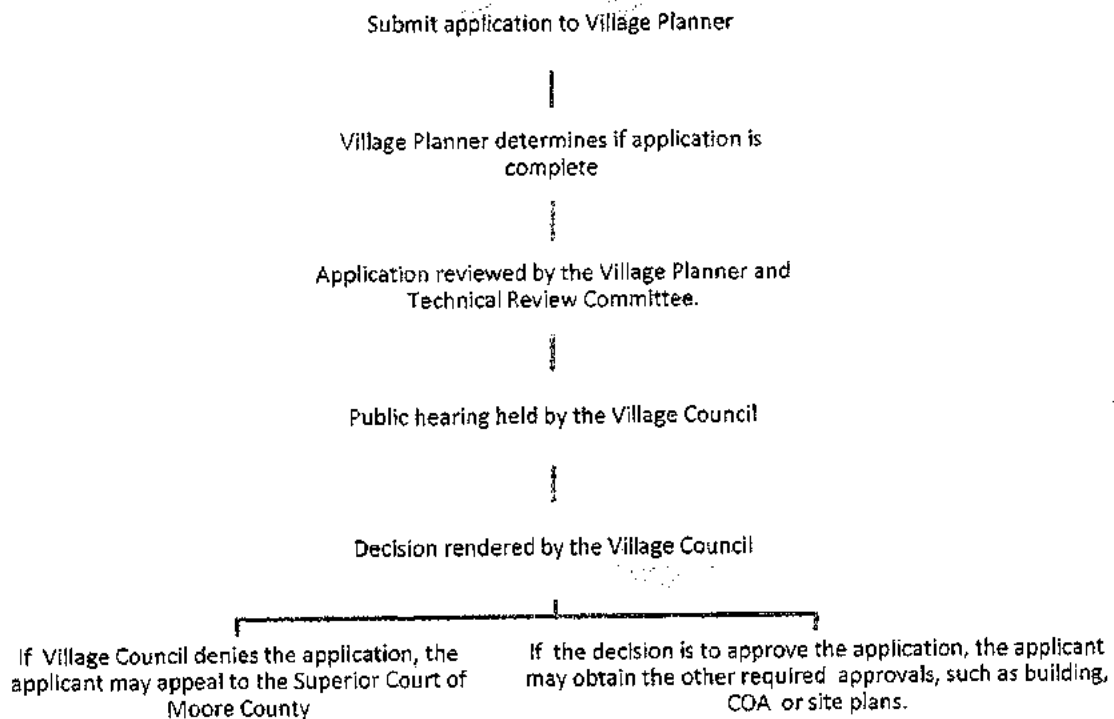
## **Section 4.5 Special Uses Permit**

### **4.5.1 Purpose and Applicability; Special Uses**

(A) The classification of special uses is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Village as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location;

(B) Accordingly, any use designated as a special use in an individual zoning district as shown on use table in Chapter 8 shall not be established without the approval of the Village Council in accordance with the procedures and requirements set forth in this Section. Final approval of special use permits shall be the responsibility of the Village Council

(C) Process for Special Use Permits.



#### 4.5.2 Special Uses Requiring Variances

If the proposed special use involves one or more structures or elements which do not conform to the regulations of the district in which the special use is to be located, then no special use approval shall be granted unless the applicant has corrected such nonconforming elements or the Zoning Board of Adjustment has first granted variances with respect to such nonconforming features pursuant to Chapter 5 of this Ordinance.

#### 4.5.3 Application Requirements; Determination of Completeness

(A) The application shall contain or be accompanied by such information and plans as required on the application form. Where the proposed special use will require site plan approval pursuant to Section 9.16, the application shall also be accompanied by a General Concept Plan (See Appendix C);

(B) After determining that the application is complete, the Village Planner and the Technical Review Committee shall review the general concept plan. Once the Technical Review Committee has deemed the application complete and found to be in general conformance with all applicable regulations it will be sent forward to the Village Council for consideration.

(C) Required information to be included on the general concept plan is outlined in Appendix C.

#### 4.5.4 Lapse of Special Use Approval for Failure to Obtain Site Plan Approval

Approvals of special uses shall be automatically conditioned on the subsequent approval of the site plan when required under Section 9.16 of this Ordinance. Accordingly, the approval of any special use shall lapse and become null and void where the applicant has failed to receive final site plan approval

within twelve (12) months of the date of approval of the special use. At the request of the applicant the Village Council may grant an additional six (6) months.

#### **4.5.5 Action on Special Uses**

(A) Review by the Village Council: The Village Council shall review the application and conduct a public hearing. Notice of public hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance. The Village Council shall review the application materials and General Concept Plan if required, the general purpose and standards set forth in this Section for the approval of special uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received by the Village Council at the public hearing;

(B) Action by the Village Council: At the conclusion of the public hearing, the Village Council shall approve, approve with conditions, deny or take any other action consistent with its usual rules of procedure on the Special Use Permit Application. Any approval or denial of the application shall state the findings of fact that establish whether the proposed use meets or does not meet each of the standards set forth in Section 4.5.6 below and all other requirements set forth by this Chapter for the proposed special use. The decision on the application shall be by a simple majority vote of the members of the Village Council. The Council is required to take action within sixty (60) days from the date of the public hearing;

(C) Conditions Attached to Approval: In approving ~~the major~~ the special use, the Village Council may attach such conditions to the approval as it deems necessary to have the proposed use meet the standards set forth for the proposed special use in Section 4.5.6 below and elsewhere in this Ordinance, and to protect the public health, safety, and general welfare. All such conditions shall be stated on the form for approving the application;

(D) Nature of Conditions: Such conditions may be stricter than any requirement or limitation stated elsewhere in this Ordinance for the proposed use. Such conditions may include, but are not limited to, the following:

- (1) Limitations on the size, bulk and location of structures;
- (2) Requirements for landscaping, signs and outdoor lighting;
- (3) The provision of adequate site ingress and egress;
- (4) Dedication of rights-of-way for streets or utilities;
- (5) Provision of open space and/or active recreational space and facilities;
- (6) Limitations on the duration of the approval and the time period within which the use will be developed;
- (7) Limitations on hours of operation;
- (8) The mitigation of environmental impacts;
- (9) Other conditions deemed reasonable.

(E) Appeals to Courts: Appeal from the decision of the Village Council in regard to special use permits shall be by petition for certiorari to the Moore County Superior Court. Any such petition to the Superior Court shall be filed with the court clerk no later than thirty (30) days after the date the decision of the Village Council is filed with the Village Planner, or after the date a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Village Council at the public hearing, whichever is later. The copy of the decision shall be delivered to the aggrieved party either by personal service or registered or certified mail, return receipt requested.

#### **4.5.6 Standards of Review**

The Village Council shall not approve the special use unless and until it makes the following findings, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

(A) The proposed special use meets all required conditions and specifications.

(B) The proposed special use is in harmony with the area, or compatible with the neighborhood.

(C) The proposed special use will not materially endanger public health or safety.

(D) The proposed special use will not substantially injure the value of adjoining property or be a public necessity.

(E) The proposed special use will be in general conformity with the Comprehensive Long Range Plan.

#### **4.5.7 Effect of Approval or Denial**

(A) Subsequent Permits and Approvals: Approval of the application for a special use by the Village Council constitutes approval of the special use and authorizes the applicant to apply for site plan approval, if required, and such other permits or approvals which the Village may require for the proposed development. The Village Planner shall review applications for these permits for compliance with the terms of the special use approval granted by the Village Council. A development permit, certificate of appropriateness, or other approval shall be issued or valid only for work that complies with the terms of the special use approval;

(B) Transferability of Approval: A special use approval is not transferable from one (1) property to another, but may be transferred to a successor-in-interest to the property;

(C) Resubmission of Denied Applications: No application for approval of a special use shall be filed with, or accepted by, the Village Planner, which is identical or substantially similar to an application, which has been denied by the Village Council within the previous three hundred sixty-five (365) days. This waiting period requirement may be waived in an individual case, for good cause shown, by the affirmative vote of a simple majority of the members of the Village Council.

#### **4.5.8 Changes to Terms and Conditions of Approval**

Any changes to the terms or conditions of approval of the special use shall require separate review by the Village and approval of a new special use permit by the Village Council if the changes are considered to be major. Any application for approval of such a change shall be filed, processed,

reviewed, and approved or denied in the manner set forth in this Section.

(A) **Approval of Phasing:** Proposed phases of development shall be shown on the General Concept Plan. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable Special Use General Concept Plan. Each completed phase shall comply with the minimum standards of this ordinance where practical and any conditions attached to the special use permit.

(B) **Major Changes:** Any major change to an approved General Concept Plan as noted below shall be reviewed and approved or denied by the Village Council as an amended Special Use Permit. The following changes to a Special Use General Concept Plan are considered major, and shall require approval by the Village Council:

(1) When land area being added or removed from the Special Use Permit.

(2) When modification of special performance criteria, design standards, or other requirements specified by the special use permit are being made.

(3) When a change in land use or development type beyond that permitted by the approved special use permit is being made.

(4) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

(5) When there is an increase in the total number of residential dwelling units originally authorized by the approved General Concept Plan.

(6) When the total floor area of a commercial or industrial classification is increased by more than ten percent (10%) beyond the total floor area last approved by Village Council.

(7) When the total height of a structure is increased more than ten percent (10%) beyond the total height last approved by the Village Council.

(8) When perimeter buffers and shown perimeter landscape areas are modified in any way except for replacements of like materials, like planting stock or increasing the buffer widths.

(9) When open space is decreased or impervious area is increased by more than five percent (5%).

(10) When, in the opinion of the Village Planner, the proposed change has a discernible impact on neighboring properties, the general public, or those intended to occupy or sue the proposed development.

(C) **Additional Changes:** All other changes to a Special Use General Concept Plan shall receive approval by the Technical Review Committee and the Village Planner. However, if in the judgment of the Village Planner, the requested changes alter the basic development concept of the Special Use Permit, the Village Planner may require concurrent approval by the Village Council following the same process as the original Special Use approval.

(Ord. 14-35, passed 09-24-2014)

## **Section 4.6 Building Permits**

### **4.6.1 Permit required**

Upon receiving a development permit, application shall be made to the Planning and Inspections Department for a building permit in situations where the North Carolina Building Code requires a building permit. No building permit will be issued except in conformance with a valid development permit.

### **4.6.2 Conflict with Pinehurst Municipal Code/North Carolina Building Code**

Where any provision of this Section is found to be in conflict with any provision of the North Carolina Building Code or Village of Pinehurst Municipal Code, the adopted Building Codes and Municipal Code shall control.

(Ord. 14-35, passed 09-24-2014)

## **Section 4.7 Certificates of Occupancy**

### **4.7.1 Certificate of Occupancy Required**

(A) No building or structure will be occupied prior to the completion of all required inspections, including compliance with the development permit and all conditions of approval;

(B) A building or structure will not be occupied or a change made in the use or nature of a building or part of a building until the Building Inspector has issued a Certificate of Occupancy.

### **4.7.2 Temporary Certificate of Occupancy**

The Building Inspector may issue a Temporary Certificate of Occupancy, which shall be valid only for the period of time stated in the certificate, for a specified portion or portions of a building, which may safely be occupied prior to final completion of the entire building and/or site. Conditions that are attached to the temporary Certificate of Occupancy must be completed prior to the expiration of the certificate. When such conditions have not been completed prior to the expiration date of the conditional certificate, the Certificate of Occupancy shall immediately expire. Upon receipt of a written application to the Building Inspector stating satisfactory reasons for the failure to complete work within the given time period, the Inspector may renew the certificate for a specified period of time, not to exceed ninety (90) days.

### **4.7.3 Approval Procedure**

At the conclusion of all work done under a permit, the appropriate inspectors shall make the final inspections, and if an inspector finds that the completed work complies with all applicable laws and with the terms of the permit, the Building Inspector shall cause a Certificate of Occupancy to be issued.

(Ord. 14-35, passed 09-24-2014)

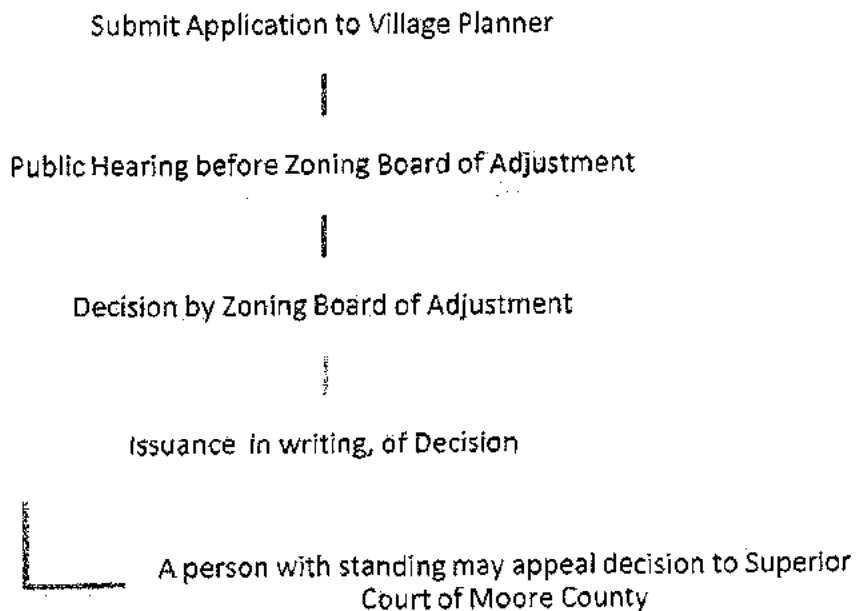
## **CHAPTER 5. VARIANCES AND ADMINISTRATIVE APPEALS**

### **Section 5.1 Variances**

### 5.1.1 Purpose and Scope

The variance process administered by the Zoning Board of Adjustment is intended to provide relief from the zoning requirements of this Ordinance in those cases where strict application of a particular zoning requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the zoning requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the zoning requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself, or some other factor unique to the property for which the variance is requested.

#### (A) Process for Variances:



### 5.1.2 Provisions Which May Not be Varied by the Zoning Board of Adjustment

In no event shall the Zoning Board of Adjustment grant a variance:

(A) That would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected property;

(B) From any written conditions attached by the Village Council to its approval of a special use, subdivision plat, site plan, and conditional district or from the stated terms of an approved master land use plan for a planned development.

### 5.1.3 Application Requirements; Determination of Completeness

(A) An application for a variance may be filed only by the owner of the land affected by the variance; an agent or contract purchaser specifically authorized by the owner to file such application; or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase,



gift, or condemnation. Where an agent, or contact purchaser files the application, the agent, or contract purchaser shall provide the Village with written documentation the owner of the property has authorized the filing of the application;

(B) An application for a variance shall be filed with the Village Planner on a variance application form along with the associated fee.

(C) The application shall contain, or be accompanied by, such information and general concept plans (Appendix C) (may be modified by Village Planner as appropriate) as required on the application form;

(D) The Village Planner shall determine whether the application for a variance is complete. If the Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the application for consideration at a public hearing before the Zoning Board of Adjustment;

(E) After determining that the application is complete, the Village Planner shall transmit to the Zoning Board of Adjustment, prior to the hearing on the application, the application pertaining to such variance.

#### **5.1.4 Action by the Zoning Board of Adjustment**

(A) Upon receiving the application materials from the Village Planner, the Zoning Board of Adjustment shall hold a public hearing on the proposed variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance;

(B) In considering the application, the Zoning Board of Adjustment shall review the application materials, the general purpose and standards set forth in this Section for the granting of variances, and all testimony and evidence received by the Zoning Board of Adjustment at the public hearing;

(C) After conducting the public hearing, the Zoning Board of Adjustment may:

- (1) Have the authority to subpoena witnesses and may request additional information;
- (2) Continue the public hearing on the requested variance;
- (3) Conduct an additional public hearing on the requested variance;
- (4) Grant the requested variance;
- (5) Deny the requested variance;

(6) Grant the requested variance with conditions. In granting any variance, the Zoning Board of Adjustment may attach appropriate conditions, provided that the conditions are reasonably related to the purpose and objectives of this ordinance. The board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this ordinance.

(D) Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the standards set forth in Section 5.1.5. below,

stating the reasons for such findings. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective;

(E) The Zoning Board of Adjustment shall not grant any variance unless there is a concurring vote of at least four (4) of its five (5) members;

#### **5.1.5 Standards of Review**

When unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

(A) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

(C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;

(D) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

#### **5.1.6 Previously Granted Variances**

(A) Any development for which a variance has been granted prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development nonconforming, may be carried out in accordance with the granted variance and shall be deemed lawfully existing under the terms of this Ordinance, provided that:

(1) A building permit has been validly issued for the development prior to the effective date of this Ordinance, or the amendment thereto which renders the development non-conforming, and has not expired or been revoked;

(2) All features of the development that are not the specific subject of the variance shall conform to all applicable requirements of this Ordinance.

(B) If the requirements of (A) above have not been met, then the previously granted variance shall become null and void. Development of the property therefore must meet all applicable requirements of this Ordinance, except where the person has applied for and received a new variance pursuant to the procedures and standards set forth in Chapter 5 of this Ordinance.

#### **5.1.7 Effect of Approval or Denial**

(A) After the Zoning Board of Adjustment approves a variance, the applicant shall follow the procedures set forth in Chapter 4 and Chapter 9 for the approval of all permits, certificates, and other approvals required in order to proceed with development of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance granted to the applicant by the Zoning Board of Adjustment;

(B) The Zoning Board of Adjustment shall refuse to hear a variance request that has previously been denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

### **5.1.8 Appeals**

Appeals from the decision of the Zoning Board of Adjustment in variance decisions shall be to the Superior Court of Moore County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed with the court clerk no later than thirty (30) days after the date the decision of the Zoning Board of Adjustment is filed in the Village Planner's office or after the date a written copy of the decision is delivered to every party who has filed a written request for such copy with the Zoning Board of Adjustment at the public hearing, whichever is later. The copy of the decision shall be delivered to the party by registered or certified mail, return receipt requested.  
(Ord. 14-35, passed 09-24-2014)

## **Section 5.2 Administrative Modification of Dimensional Standards**

In keeping with the purpose of these regulations to accomplish coordinated, balanced, and harmonious development in a manner which will best promote the health, safety, and general welfare while avoiding undue and unnecessary hardships, the Village Planner is authorized to approve certain requests for deviation from dimensional standards.

(A) Required Application Information: General Concept Plan (Appendix C) (*may be modified by Village Planner as appropriate*) and any other relevant information to demonstrate undue and unnecessary hardship.

(B) Conditions for Modification of Setbacks: Requests for deviation from required setbacks set forth in this ordinance by up to ten percent (10%) of the required setbacks or twenty-four (24) inches, whichever is less, may be considered upon determination that one (1) or more of the following conditions exists:

(1) There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing, legally established wall or walls of a principal structure already within the minimum setback area.

(2) Any part of the proposed structure that would encroach into the minimum setback area is less than fifty percent (50%) of the width of the affected building facade(s).

(3) The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.

(4) The proposed structure will allow the preservation of significant existing vegetation.

(5) A good faith error was made in the location of a building foundation not exceeding one (1) foot due to either field construction or survey error.

(C) **Limitation on Administrative Discretion:** The Village Planner has no discretion to modify any requirements found in PDO Chapter 8 Supplemental Requirements.

(D) **All Decisions to be in Writing:** Prior to rendering a decision, the Village Planner shall notify the Village Manager in writing of any minor deviation for approval.

(E) **Administrative Authority is Permissive Only:** The authority given to the Village Planner to grant such modification shall be construed to be permissive and not mandatory and the Village Planner may decline to make such modification. Nothing in this section shall be construed as limiting the Village Planner's duties and rights under this chapter, or an applicant's right to appeal the decision of the Village Planner to the Board of Adjustment.

(F) **Public Notification:** None required

(G) **Appeals:** In the event that the Village Planner declines to make a modification to the dimensional standards, the applicant shall have the right to submit an application to the Board of Adjustment to grant a variance to these requirements or to submit an application to appeal the Village Planner's ruling in accordance with Chapter 5.

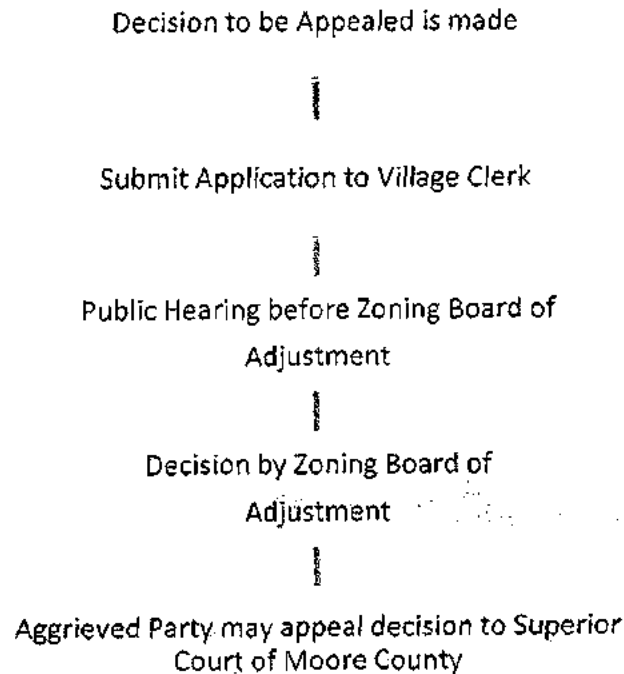
(Ord. 14-35, passed 09-24-2014)

### **Section 5.3 Appeals of Administrative Decisions**

#### **5.3.1 Purpose and Scope**

Appeals to the Zoning Board of Adjustment from the decisions of the Village's administrative staff on actions and/or decisions pursuant to this ordinance or other ordinances that regulate land use or development are allowed under this Ordinance in order to ensure that any enforcement action taken by such an administrative office pursuant to duties assigned by this Ordinance, is consistent with the terms and purposes of this Ordinance and any related policies or ordinances adopted by the Village. It is the intention of this Section that all questions arising in connection with the enforcement of the zoning provisions of this Ordinance shall be presented first to the Village Planner, that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decisions of those departments, and that recourse from the decision of the Zoning Board of Adjustment shall be to the courts. It is further the intention of this Section that the duties of the Village Council in connection with this Ordinance shall not include the hearing or passing upon disputed questions that may arise in connection with the enforcement thereof.

(A) **Process for Administrative Appeals:**



### **5.3.2 Decisions Which May Be Appealed**

Any order, requirement, permit, decision, determination, or refusal made by any administrative officer in enforcing the provisions of this Ordinance may be appealed to the Zoning Board of Adjustment. The official who made the decision shall give written notice to the owner of the property.

### **5.3.3 Persons Who May File An Appeal**

An appeal to the Zoning Board of Adjustment may be brought by any person of standing under North Carolina General Statute § 160A-393 (d) or the Village of Pinehurst.

### **5.3.4 Filing of Appeal**

(A) An application for an appeal shall be filed with the Village Clerk on an appeal form along with the associated fee as prescribed on the most recent Village of Pinehurst fee schedule;

(B) The application shall be filed no later than thirty (30) days after the date of the contested action has been provided in writing. Any other person with standing to appeal shall have thirty (30) days from the receipt from any source of actual or constructive notice of the decision in which to file;

(C) The application shall contain or be accompanied by the information required on the application form and shall state the grounds for the appeal;

(D) The Village Planner shall determine whether the appeal application is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the appeal for consideration at a public hearing before the Zoning Board of Adjustment;

(E) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner;

(F) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed;

(G) Subject to the provisions of subdivision (f) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time;

(H) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Village would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision;

(I) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

### **5.3.5 Action by the Zoning Board of Adjustment**

(A) Upon receiving the application materials from the Village Planner, the Zoning Board of Adjustment shall hold a public hearing on the appeal. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance;

(B) Either at the public hearing or a subsequent meeting, the Zoning Board of Adjustment shall adopt a resolution reversing, affirming, or modifying the contested action;

(C) In reversing, affirming, or modifying the contested action, the Zoning Board of Adjustment shall have all relevant powers of the administrative officer from whom the appeal was taken;

(D) The Zoning Board of Adjustment shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the terms of this Ordinance or related policies adopted by the Village;

(E) The Zoning Board of Adjustment shall not reverse or modify the contested action unless there is a concurring vote of a majority of the members.

### **5.3.6 Effect of Reversal or Modification**

In the event that the Zoning Board of Adjustment reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the Zoning Board of Adjustment.

### **5.3.7 Appeal from the Zoning Board of Adjustment**

Any appeal from the decision of the Zoning Board of Adjustment in regard to administrative review shall be to the Superior Court of Moore County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed no later than thirty (30) days after the date the decision of the Zoning Board of Adjustment is filed in the Village Planner's office. The copy of the decision shall be delivered either by personal delivery, electronic mail or first class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

(Ord. 14-35, passed 09-24-2014)

## **CHAPTER 6. TEXT AMENDMENTS AND REZONINGS**

### **Section 6.1 General Provisions**

#### **6.1.1 Purpose and Scope**

The Village Council, in accordance with the procedures set forth in this Chapter, may amend the text of this Ordinance and rezone property (that is, amend the classifications of property appearing on the Official Zoning Map). The purpose of this Chapter is to provide the procedures for doing so. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Zoning Map 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 this Ordinance.

Under no circumstances shall the Village Council adopt such amendments, supplements or changes that would cause this Ordinance to violate any state or federal laws. All amendments related to such state and federal laws must be filed with the appropriate government agencies when required.

#### **(A) Process for Text Amendments and Rezoning**

Submit Application to Village Planner



Staff Review and Report



Review and Recommendation by Planning and Zoning Board. As part of their review, the Planning Board shall conduct a Public Hearing.



Public Hearing before Village Council



Decision by Village Council

### 6.1.2 Initiation of Amendments

An amendment to the text of this Ordinance or a rezoning may 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 of this ordinance. An application for rezoning to a conditional district may only be initiated by the owner(s) of all of the property included or upon their written authorization.

### 6.1.3 Filing and Content of Applications

(A) An application requesting the amendment shall be filed with the Village Planner on an Application provided by the Village.

(B) Each application shall contain, or be accompanied by the information on the application form provided by the Village;

(C) The Village Planner will not accept an application for an amendment to rezone a property or properties that would include an increase in density or intensity of uses unless:

(1) All adjacent property owners have been contacted by the applicant and have been given an opportunity to meet with the applicant at a reasonable time and place;

(2) The applicant submits a summary report indicating the results of the meeting;

(3) No member of the Planning and Zoning Board or Village Council may participate in a neighborhood meeting in an official capacity. The applicant may conduct additional neighborhood meetings during the amendment process at the applicant's discretion.



(D) The Village Planner shall determine whether the application is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the application for consideration at a public meeting before the Planning and Zoning Board and public hearing before the Village Council;

(E) An application for rezoning to a general use district shall not be converted into an application for rezoning to a conditional district at any point in the application review process, nor shall an application for rezoning to a conditional district be converted into an application for rezoning to a general use district. Rather, the applicant must submit a new application for rezoning to the other district in accordance with the requirements of this Chapter.

#### **6.1.4 Staff Review**

Prior to the public meeting, the Village Planner and other appropriate Village Staff shall prepare a report to the Planning and Zoning Board and the Village Council. This report shall include a discussion of all plans and policies that have been adopted by the Village and are relevant to the proposed amendment, a summary of any neighborhood meetings (if required), along with a recommendation by the Village Planner regarding whether to approve or deny the proposed amendment.

#### **6.1.5 Review by Planning and Zoning Board**

The Planning and Zoning Board shall consider each proposed amendment and map amendment and shall make recommendations to the Village Council regarding whether to approve or deny each proposed amendment. In considering each proposed amendment, the Planning and Zoning Board shall conduct a meeting Public Hearing on the application. After review, the Planning and Zoning Board will formulate a recommendation and forward it to the Village Council for consideration. At the time of recommendation the Planning and Zoning Board shall make a statement on if the proposed amendment is consistent with the Comprehensive Long Range Plan.

#### **6.1.6 Review and Action by the Village Council**

(A) A text amendment or rezoning may be adopted only after the Village Council has conducted a public hearing on the proposed amendment, at which parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance and as required by this Ordinance;

(B) Before acting on any proposed amendment, the Village Council shall consider the recommendation of the Planning and Zoning Board, the report and recommendation submitted by the Village Planner and the comments made at the public hearing;

(C) Upon reviewing such information, the Village Council may:

(1) Adopt the proposed amendment by Ordinance;

(2) Reject the proposed amendment;

(3) Refer the proposed amendment back to the Planning and Zoning Board or a committee of the Village Council for further consideration.

(D) At the time of any action to either approve or deny the Village Council shall make a statement on if the proposed amendment is consistent with the Comprehensive Long Range Plan.

### **6.1.7 Waiting Period for Subsequent Applications**

(A) When a rezoning application has been denied by the Village Council, or withdrawn, after notice has been given of the public hearing on the application, no rezoning application covering the same property for the same district shall be accepted or considered within twelve (12) months after the date of the denial or withdrawal;

(B) The waiting period required by this Section may be waived in an individual case, for good cause shown, by the affirmative majority vote of the members of the Village Council.  
(Ord. 14-35, passed 09-24-2014)

## **Section 6.2 Special Provisions for Conditional Districts**

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Conditional District rezonings are provided as a voluntary alternative method of petitioning the Village Council for a zoning map amendment. In accordance with NCGS § 160A-382, the owner or their authorized agent is authorized to submit a rezoning application that proposes conditions and/or use limitations that are more restrictive than would otherwise be allowed in the corresponding general use zoning district. Requests for the rezoning of property to a Conditional District shall be considered and treated the same as any other rezoning in accordance with the procedures set forth in Section 6.1, except as modified by this section.

### **6.2.1 Application Procedures**

(A) Applicant and Property: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included.

(B) Minimum Standards: All requirements of the corresponding general use district shall be met as minimum standards for any Conditional District except as specified in Section 6.2.4(b-B).

(C) Uses Allowed: Within an approved Conditional District, no use shall be permitted except those allowed in the corresponding general use district as permitted uses, uses permitted with special requirements, or uses permitted with a Special Use Permit as indicated in Section 8.5.1a, Table of Permitted Special Uses and Special Requirements. Where an intended use is a special use, the authorization of a Conditional District pursuant to this section shall preclude any requirement for obtaining a Special Use Permit in a separate procedure. The intended special uses shall be made part of the application.

(D) Content of Application: A Conditional District application shall consist of a General Concept Plan (Appendix C); as well as any other plans, drawings, renderings, elevations, maps and documents specifically included by the applicant as development documents for approval by the Village Council. The General Concept Plan, as a site-specific conditional zoning plan, is itself a condition of the Conditional District rezoning. The provisions of the Conditional District General Concept Plan shall replace all conflicting development regulations set forth in this ordinance which would otherwise apply to the development site.

### **6.2.2 Formal Review**

(A) Procedure: The procedure for approval, including review procedures, required public notification, ~~effect of valid protest petitions, and~~ and appeals, shall follow the procedure outlined in Section 6.1, except as otherwise indicated below.

**(B) Changes to Conditional District Application**

(1) After required public notice for a public hearing has been given, no changes shall be made to the conditions associated with the Conditional District General Concept Plan and the application which are less restrictive than those stipulated in the application. However, more restrictive conditions may be added to the General Concept Plan and the application during the public hearing upon the mutual agreement of the applicant and the body conducting the public hearing or meeting.

(2) An application for rezoning to a Conditional District shall not be converted into an application for rezoning to a general use district at any point in the application review process, nor shall an application for rezoning to a general use district be converted into an application for rezoning to a Conditional District. Rather, the applicant must submit a new application for rezoning to the other district in accordance with the requirements of this chapter.

(C) Fair and Reasonable Conditions: In approving a Conditional District rezoning, the Village Council may impose such additional reasonable and appropriate safeguards upon the Conditional District General Concept Plan and application as it may deem necessary in order that the purpose and intent of this ordinance are served. Such conditions may include, but are not limited to, the location, nature, hours of operation, and extent of the proposed use(s). The applicant will have a reasonable opportunity to consider, respond and agree to any conditions and site-specific standards proposed by the Village Council prior to final action.

**6.2.3 Effect of Approval/Changes**

The applicant may proceed with development only after approval of the Conditional District General Concept Plan by Village Council, followed by approval of any necessary Site Plans or Subdivision Plats, except that all subsequent approvals shall be completed by the Village Planner. The development and use of all land within the Conditional District shall be in keeping with the approved General Concept Plan and all applicable provisions therein.

(A) Approval of Phasing: Proposed phases of development shall be shown on the General Concept Plan. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable Conditional District General Concept Plan. Each completed phase shall comply with the minimum standards of this ordinance where practical.

(B) Substantial Changes: Any substantial change to an approved General Concept Plan as noted below shall be reviewed by the Planning and Zoning Board and approved or denied by the Village Council as an amended Conditional District. The following changes to a CD General Concept Plan shall require approval by the Village Council:

(1) Land area being added or removed from the Conditional District.

(2) Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.

(3) A change in land use or development type beyond that permitted by the approved General Concept Plan.

(4) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

(5) When there is an increase in the total number of residential dwelling units originally authorized by the approved General Concept Plan.

(6) When the total floor area of a commercial or industrial classification is increased more than ten percent (10%) beyond the total floor area last approved by Village Council.

(7) When the total height of a structure is increased more than ten percent (10%) beyond the total height last approved by the Village Council.

(8) When perimeter buffers and shown perimeter landscape areas are modified in any way except for like replacements of materials or planting stock.

(9) When open space is decreased or impervious area is increased.

(10) When the proposed change has a discernible impact on neighboring properties, the general public, or those intended to occupy or sue the proposed development.

(C) Additional Changes: All other changes to a CD General Concept Plan shall receive approval by the Village Planner. However, if in the judgment of the ~~Planning and Zoning Board~~ Village Planner, the requested changes alter the basic development concept of the CD, the Village Planner may require concurrent approval by the Village Council following the same process as the original Conditional District approval.

#### (D) Revocation of Conditional Districts

(1) The Applicant shall secure a valid building or development permit(s) within two (2) years from date of approval of the Conditional District unless otherwise specified. If such project is not complete or a valid building or development permit is not in place at the end of the two (2) year period, the Village Planner shall notify the applicant of either such finding. Within sixty (60) calendar days of notification, the Village Planner shall make a recommendation concerning the revocation of the Conditional District to the Village Council. The Village Council may then revoke the Conditional District, or extend the life of the Conditional District for a specified period of time. The revocation of a Conditional District shall follow the same procedure as was needed for approval as outlined in Chapter 6. Upon revocation the subject property zoning shall revert back to its previous zoning classification.

(2) If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to comply with any condition, the project shall be remanded back to the Village Council for a new proceeding.

#### 6.2.4 Standards for Conditional Districts (CD)

(A) Standards: Within a Conditional District (CD), petitioners may place additional requirements or standards onto themselves and their property or ask that certain use allowances identified in the specific zoning category or provisions in Chapters 2-12 be decreased. If no specific request is made by

the petitioner to the change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

(B) Exception to Modifications: The applicant may request variations in the specific provisions detailed in Chapters 8 & 9 as part of a Conditional District application except as stipulated in the following table:

CH	Title	Limitations to modifications:
8	Zoning	Uses permitted may not be added unless the use proposed is not currently defined or contemplated by the PDO. Permitted uses may be removed from the petition.
8.6	Special Requirements	
<del>9.1 -8.6SR-2</del>	<del>General Standards- Open Space</del>	<del>Amount required may not be reduced.</del>
8.6SR-2 9.1 & 9.17.1.11	General Standards Open Space	Amount required may not be reduced.
& 9.17.1.11		
9.4	Parking	
9.5	Landscaping Requirements	No modifications permitted. See Alternate Methods of Compliance.
9.7	Signs	Signage may exceed the permitted amount by no more than 50%.
9.8	Lighting	
9.9	Water & Sewer Requirements	No modifications
<del>9.10</del>	<del>Well Field Protection</del>	<del>No modifications</del>
9.13	Fences	
9.14	Design Standards for SF Dwellings	
9.16	Site Plan Development Standards	
9.17	Subdivision Standards	

(C) Approval Inclusions: With Conditional District Approval, Special Non Residential Intensity Allocation shall be granted in accordance with adopted Village Policies. If development approvals are not obtained or expired the issuance of the Special Non Residential Intensity Allocation shall be rescinded.

(Ord. 14-35, passed 09-24-2014)

### Section 6.3 ~~Protest Petitions Reserved~~

~~(a) In the event that the Village Council receives a written petition protesting any rezoning of property signed by the owners of either:~~

~~(1) Twenty percent (20%) or more of the area included in the proposed map amendment or;~~

~~(2) Five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as the street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Village may rely on the county tax listing to determine the "owners" of potentially qualifying areas.~~

~~Then the amendment shall become effective only upon the affirmative vote of the three-fourths of the members of the Village Council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority, which is three-fourths of the members of the Village Council.~~

~~(b) Such a protest petition shall be valid, effective and accepted for purposes of this Section only if it is submitted on a form, or a letter in writing containing the following information prescribed and furnished by the Village, and such form shall contain all of the information set forth below. The form shall require that the following information and signatures be provided:~~

~~(1) Identification of the proposed rezoning amendment;~~

~~(2) The statement that the signers protest the proposed zoning change or amendment;~~

~~(3) A statement of the reason(s) for the protest petition;~~

~~(4) The name, address and signature of each protesting property owner. (The name and address of each signer shall be typed or printed or otherwise reproduced legibly). If a property whose owner is signing the protest petition has more than one owner, then all owners of the property must sign the petition in order for that property to be counted toward the requirements of (a) above. Additionally, the property address for all property that is to be counted toward the requirements of (a) above must be shown, and such other reasonable information necessary to permit the Village to determine the sufficiency and accuracy of the protest petition.~~

~~To be effective, such petition shall be submitted to the Village Clerk by the close of business at least two (2) normal working days excluding Saturdays, Sundays, and legal holidays prior to the date established for the Village Council's public hearing on the proposed amendment.~~

~~(c) Such a protest petition shall be rendered invalid and ineffective where one or more of the original signatories have withdrawn their signatures as prescribed by (b) above, by such writing as prescribed in (b) above, and submitted to the Village Clerk prior to the Village Council's vote on the proposed amendment, such that the remaining signatures on the protest petition do not meet the requirements of (a) and (b) above;~~

~~(d) A protest petition shall not apply to any amendment that:~~

- ~~(1) Initially zones property that has been newly added to the Village's jurisdiction by annexation or otherwise;~~
  - ~~(2) Amends an adopted conditional use district if the amendment:
    - ~~(i) Does not change the types of uses permitted in the district;~~
    - ~~(ii) Does not increase the approved residential density;~~
    - ~~(iii) Does not increase the total approved size for non-residential development;~~
    - ~~(iv) Does not reduce the size of any approved buffers or screening.~~~~
- (Ord. 14-35, passed 09-24-2014)

#### **Section 6.4 Appeals**

An appeal from the decision of the Village Council regarding a text amendment or rezoning may be made by an aggrieved party to the Superior Court of Moore County in the nature of certiorari. Any such petition to the Superior Court shall be filed with the court no later than thirty (30) days after the decision of the Village Council.  
(Ord. 14-35, passed 09-24-2014)

### **CHAPTER 7. ENFORCEMENT AGAINST VIOLATIONS**

#### **Section 7.1 Duties of Administrative Officers, Zoning Board of Adjustment, Courts, and Village Council Regarding Enforcement of this Ordinance**

(A) The Planning and Inspections Department is hereby authorized to enforce the provisions of this Ordinance. Appeal from any such enforcement decision of the Department shall be made to the Zoning Board of Adjustment;

(B) It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Department or staff person responsible for enforcement of the relevant provisions of this Ordinance and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Department or staff person. From the decision of the Zoning Board of Adjustment, recourse shall be had to the courts as provided by law. It is further the intention of this Ordinance that the duties of the Village Council regarding this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof; rather, the procedure for determining such questions shall be as set forth in this Chapter. The duties of the Village Council regarding this Chapter shall be only to consider and pass upon proposed amendments to or repeal of this Ordinance or parts thereof.  
(Ord. 14-35, passed 09-24-2014)

#### **Section 7.2 Penalties for Violations**

(A) Liabilities for Violations: Any person who erects, constructs, reconstructs, demolishes, alters, repairs, converts, or maintains any building or structure in violation of this Ordinance, and any person who uses any building, structure, or land in violation of the Ordinance, shall be subject to civil and criminal penalties in accordance with this Section.

(1) Civil Penalties: Violation of this Ordinance through the acts listed in Subsection (a-A) above shall subject the offender to a civil penalty in the amount of five hundred dollars (\$500) per day for each day the violation continues, to be recovered by the Village in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been cited for violation;

(2) Criminal Penalties: In addition to, or in lieu of, such civil penalties or other remedies listed above, violation of this Ordinance shall constitute a misdemeanor, pursuant to North Carolina NCGS § 160A-175 and North Carolina NCGS § 14-4, as amended, punishable for each day the violation continues by a fine of up to five hundred (\$500) dollars and/or incarceration for up to thirty (30) days.

(B) Each Day A Separate Violation: Each day that a violation continues shall constitute a separate and distinct violation or offense;

(C) Stop Work Orders For Any Plan Violations: In addition to the civil and criminal penalties listed above, the Planning and Inspections Department has the authority to issue a stop work order for any construction, reconstruction, demolition, grading, alteration, or repair to a building, structure, plant or landscaping in violation of this Ordinance.

(Ord. 14-35, passed 09-24-2014)

### **Section 7.3 Notice of Violation and Citation Procedure**

(A) Notice Required Before Penalty: No penalty shall be assessed pursuant to Section 7.2 above unless and until the person or property owner alleged to be in violation has been notified of the violation in accordance with this Section;

(B) Notice of Violation and Opportunity to Cure: Whenever the Planning and Inspections Department or Village Planner has reasonable cause to believe that a person is violating or a property is in violation of any of the provisions of this Ordinance or any plan, order, or condition which has been approved, issued, or imposed pursuant to this Ordinance, the Department shall promptly notify that person or property owner of the violation. If the property appears to be occupied by someone other than the owner notice shall also be sent to the physical address of the property and addressed to "current resident", however the property owner is still the responsible entity for compliance and legal action. Such notice of violation shall be in writing and shall be served by certified or registered mail, return receipt requested or by posting notice on the property in a conspicuous place on the property. The notice of violation shall describe the violation, shall identify the provision or provisions of this Ordinance which are being violated, shall specify what actions must be taken to correct the violation (including an order to stop any and all work which violates this Ordinance), shall direct the person to correct the violation within a specified reasonable time period (beginning on the date such notice is received), and shall warn that more severe measures (such as a civil penalty or criminal prosecution) may be assessed or brought against the person if he or she fails to take appropriate action to cure or correct the violation. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. If the violation is cured or corrected within the time period specified in the notice of violation, then the Village shall take no further action against the person;

(C) Extension of Time to Cure: Upon receipt of a written or verbal request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the Village Planner or Planning and Zoning Department may grant a single extension of time, not to exceed a period of thirty (30) days, in which the alleged violator may cure or correct the violation before the Village issues a citation pursuant to Subsection (D) below. Such extension of time shall not be granted unless the



alleged violator or the property owner can demonstrate to the Department that the violation cannot be cured or corrected within the time period specified in the notice of violation because the labor or materials needed to take appropriate action are unavailable due to circumstances beyond the control of the alleged violator or the property owner;

(D) Citation for Violation: Any person who, after being given a notice of violation pursuant to Subsection (B) above, does not comply with this Ordinance within the time period set forth in the notice of violation, and who continues such violation, shall be subject to the civil and/or criminal penalties set forth in Section 7.2 above. The Village shall serve a written citation on the alleged violator by certified or registered mail, return receipt requested or by posting notice on the property in a conspicuous place on the property. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. The citation shall again describe the nature of the violation and any actions that the alleged violator must take to cure or correct the violation, and shall specify the amount of any civil penalty that shall be levied against the alleged violator. The civil penalty shall be paid, or the violation shall be cured or corrected, within seventy-two (72) hours of receipt of the citation by the alleged violator, or such other time period, not to exceed thirty (30) days, as the citation may specify;

(E) Action for Recovery of Penalty and for Corrective Action: If payment is not made, or the violation is not cured or corrected, within that time, then the matter shall be referred to the Village Attorney for institution of a civil action in the name of the Village, in a court of competent jurisdiction, for recovery of the penalty, for an order of abatement, and for initiation of a criminal prosecution. Any sums recovered in such actions shall be used to carry out the purposes and requirements of this Ordinance. When a violation occurs and an order of abatement is obtained, if the violator fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Village may execute the order of abatement. The Village shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien as provided for by N.C. NCGS § 160A-175;

(F) Summary Removal of Dangerous Signs: In the case of a sign or sign structure which the Planning and Inspections Department or the Village Planner reasonably deems to be in danger of falling or otherwise creating an immediate safety hazard, the Department or Planner is hereby authorized to promptly cause the removal of such sign or sign structure at the expense of the property owner.  
(Ord. 14-35, passed 09-24-2014)

#### **Section 7.4 Injunctive Relief and Other Remedies**

(A) This Ordinance also may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In any event where a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of the Ordinance, the Village Engineer, the Planning and Inspections Department, the Village Planner or any other appropriate agency of the Village in addition to other remedies, may institute an injunction action, court order, or other appropriate proceeding to prevent the completion or occupation of such building, structure, or land and/or to stop and correct any development, situation, or other activity that violates this Ordinance.

(B) Upon determining that an alleged violation is occurring or is threatened, the court may enter such orders and/or judgments as are necessary to abate or prevent the violation;

(C) The institution of an action for injunctive or other relief under this Section shall not relieve any

party to such proceeding from any civil or criminal penalty prescribed by this Chapter for violations of this Ordinance.

(Ord. 14-35, passed 09-24-2014)

### **Section 7.5 Violations of Approved Plans**

(A) A stop work order may be issued by any appropriate authority for violations of approved plans and the owner of the property may be subject to any other penalties described in this Chapter, until compliance is met. Violations include, but are not limited to:

(1) Failure to install or maintain protection measures;

(2) Disturbance of existing grade beyond the proposed limits of grading as indicated on the approved landscaping and appearance plans so as to disturb the root zone of any significant vegetation indicated for preservation;

(3) Initiating or continuing a land disturbing activity for which an erosion control plan is required either in violation of the erosion control plan or by failure to obtain a valid erosion control plan;

(4) Exposure of plants to severe hydrologic changes, damaging fumes or chemicals, or excessive temperatures, such as from fire;

(5) Cutting or wounding of plants;

(6) Damaging and/or destroying significant vegetation, buffers or tree save areas;

(7) Any development not in accordance with the approved site plan.

(B) Conditional or Temporary Violations of Certificates of Occupancy: If a conditional or temporary Certificate of Occupancy expires, or if the required work is not completed within the allowed time, then the conditional or temporary permit is void and any continued operation shall be in violation of this Ordinance;

(C) Violations after Development: If a final Certificate of Occupancy is issued and the required work is later found to be out of compliance by the Village, then the owner will be subject to all of the penalties of this Ordinance.

(Ord. 14-35, passed 09-24-2014)

## **DIVISION II: REGULATORY PROVISIONS**

### **CHAPTER 8. ZONING**

#### **Section 8.1 Rules Governing the Interpretation of Zoning District Boundaries**

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

(A) Where district boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries;

(B) Where district boundaries are indicated, as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Village of Pinehurst as evidence that one or more properties along these boundaries do not lay within a specific zoning district;

(C) Where the zoning district boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of district boundaries shall be determined by use of a scale appearing on the Zoning Map;

(D) Where the zoning district boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of zoning district boundaries shall be construed to be the lot line;

(E) Where other uncertainty exists, the Village Planner shall interpret the Official Zoning Map as to the location of such boundaries. This decision may be appealed to the Zoning Board of Adjustment. (Ord. 14-35, passed 09-24-2014)

#### **Section 8.2 General Use Zoning Districts**

General Use Zoning Districts are created to provide comprehensive land use regulations throughout the jurisdiction of this Ordinance. There are nineteen (19) General Use Zoning Districts that provide for a variety of uses that are appropriate to the character of the individual districts throughout the jurisdiction of this Ordinance.

##### **8.2.1 (PC) Public Conservation District**

(A) The Public Conservation District is established as a district in which the primary use of the land is reserved for the general public for recreation, parks, natural or man-made bodies of water, forests and other similar open space uses, and other government uses that provide public services to the residents of Pinehurst. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or properties otherwise restricted for public recreational use.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards Chapter 9

##### **8.2.2 (RD) Recreation Development District**

(A) The Recreational Development District is established as a district in which the primary use of the land is predominantly reserved for privately owned recreation, clubhouses and support structures, natural or man-made bodies of water, resort complexes and other similar uses. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or properties otherwise restricted for private recreational use.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards - Chapter 9

### **8.2.3 (R-210) Residential District**

(A) The R-210 Residential District is established as a district in which the principal uses of the land are for low-density residential and light agricultural purposes. Development in this district is restricted due to lack of available utilities, watershed protection restrictions and for the protection of agricultural lands.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards - Chapter 9

### **8.2.4 Medium Density Residential Districts**

**Residential District (R-30)**

**Residential District (R-20)**

**Residential District (R-15)**

(A) The R-15, R-20, and R-30 Residential District is established as a district in which the principal use of land is for medium-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately medium-density residential nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards - Chapter 9

### **8.2.5 High Density Residential Districts**

**Residential District (R-10)**

**Residential District (R-8)**

**Residential District (R-5)**

(A) The R-5, R-8 and R-10 Residential District is established as a district in which the principal use of land is for high-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

#### **8.2.6 (R-MF) Residential Multi-Family District**

(A) The Residential Multi-Family District is established as a district in which the principal use of land is for multi-family and/or single-family dwellings. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

#### **8.2.7 (NC) Neighborhood Commercial District**

(A) The Neighborhood Commercial District is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts. This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

#### **8.2.8 Reserved**

#### **8.2.9 (H) Hotel**

(A) The Hotel District is established as a district in which the principal use of land is for hotels and their associated villas or cottages. This district is intended to provide lodging facilities for visitors while minimizing any adverse impact on neighboring residential areas.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

#### **8.2.10 (HD) Hospital Development District**

(A) The Hospital Development District is established as a district in which the principal use of land is for hospitals, surgical centers or other health professional services and their supporting uses. This

district is further intended to encourage the development of regional and community-wide providers of health care services while minimizing any adverse impacts on neighboring residential and historic areas.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

#### **8.2.11 (OP) Office Professional Development District**

(A) The Office Professional District is intended to provide for limited office and retail development as a spatial development between business districts and residential land uses.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

#### **8.2.12 (VCP) Village Cottage Professional District**

(A) The Village Cottage Professional District is intended to provide for limited office and retail development and a wide variety of housing types in pedestrian-scaled, residential-style structures.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

#### **8.2.13 (VR) Village Residential**

(A) The Village Residential District is established as a district in which the principal use of land is for multi-family and single-family dwellings in close proximity to the Village Center or other commercial nodes.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

#### **8.2.14 (VMU) Village Mixed Use District**

(A) The Village Mixed-Use District is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

### **8.2.15 (VC) Village Commercial District**

(A) The Village Commercial District accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9  
(Ord. 14-35, passed 09-24-2014)

## **Section 8.3 Overlay Zoning Districts**

Overlay Zoning Districts are created to provide additional development standards for identified areas. Certain Overlay Zoning Districts are also available to allow flexibility in design for certain types of developments. Overlay Zoning Districts combine with the regulatory provisions of the underlying General or Conditional Zoning Districts to provide additional or different standards.

### **8.3.1 Pinehurst South Overlay Districts**

#### **8.3.1.1 Purpose and Intent**

The Pinehurst South Business Area is composed largely of office, retail, financial and service uses. This district has developed over the past several decades. The current underlying zoning districts in this area make many of the existing buildings non-conforming in regard to setbacks and impervious surfaces requirements.

The purpose of this overlay district is to preserve and enhance the small-scale commercial character while providing for low-impact business opportunities and to allow for some of the better development patterns found within the area to continue as the area is developed. This overlay district is established to prevent unsightly conditions as a result of development which may destroy or detract from the natural character, beauty and conditions and to exercise such reasonable control over land within the district as may be necessary to accomplish the objective.

It is to encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan.

#### **8.3.1.2 Conflict with Other Code Sections**

The definitions and regulations set forth in this section shall apply to the Pinehurst South Business

Overlay District. Wherever there is a conflict or inconsistency between the Pinehurst South Business Overlay District regulations and other definitions and regulations of the Pinehurst Development Ordinance (PDO), those regulations set forth in this article shall govern development and redevelopment within Pinehurst South Business Overlay District.

### **8.3.1.3 Plan Approvals Required**

All development within the Pinehurst South Business Overlay District shall require submission of a site plan or a preliminary subdivision plat in accordance with this Ordinance, and approval of such plan or plat by the appropriate Village authority.

### **8.3.1.4 Pinehurst South Business Overlay District Requirements**

#### **(A) Nonconforming buildings:**

If a nonconforming building or structure located within the Pinehurst South Business Overlay District is destroyed by any means, it may be built back within its existing footprint as long as it complies with the NC State Building and Fire Code and other applicable regulations.

A structure that is nonconforming due to encroaching into a required setback may be added onto so long as the addition does not further encroach into the setback(s) of the existing structure and does not create a new encroachment into another setback or violate any other regulations of this Ordinance.

#### **(B) Ingress and Egress:**

Wherever possible, ingress and egress between various properties shall be shared in an attempt to minimize curb cuts. The Village of Pinehurst encourages adjacent landowners to enter into agreements providing access easements to accomplish this goal.

#### **(C) Parking Location:**

All parking within the Pinehurst South Business Overlay District shall be located to the side or rear of buildings or located on the street.

#### **(D) On Street Parking:**

Where on street parking is provided that directly fronts a parcel, that on street parking may be counted toward meeting the required number of parking spaces for the uses on that parcel.

#### **(E) Shared Parking:**

~~Shared parking:~~ The use of shared parking shall comply with the requirements in Section 9.4.1.3.

#### **(F) Lot Dimensional Requirements:**

All development shall comply with the following development standards:

Minimum Lot Width at the Street Line:	50 ft.
Minimum Street Yard Setback:	10 ft. from the public sidewalk



Minimum Side Yard Setback:	10 ft.
Minimum Rear Yard Setback:	10 ft.

All other dimensional requirements shall be determined by the underlying zoning district.

### **8.3.1.5 Pinehurst South Business Overlay District Permitted Uses**

When determining if a use is permitted within the Pinehurst South Business Overlay District one shall refer to Table 9.2a and the General Use Zoning District requirements.

### **8.3.1.6 Compliance with all other regulations**

All development within the Pinehurst South Business Overlay District shall comply with all applicable sections of the Pinehurst Development Ordinance and Engineering Standards including but not limited to signage, landscaping, watershed regulations, street design, stormwater.

## **8.3.2 Historic Preservation Overlay District**

### **8.3.2.1 Purpose and Intent**

Historic areas are some of the most valued and important assets of the Village of Pinehurst, having local, state, and national importance. The establishment of Historic Preservation Districts is for the purpose of preserving the Village's heritage; safeguarding its character by preserving the district as a whole and any property therein that embodies important elements of its social, economic, cultural, political, or architectural history. The establishment of the Historic Preservation district is also for the purpose of promoting the conservation of such districts for the education, pleasure, and enrichment of residents of the district, the Village, and others; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the district as a whole, thus contributing to the improvement of the general health and welfare of the Village and the residents of the district.

### **8.3.2.2 Historic Districts Established**

Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, material, feeling, and/or association. No district shall be designated, amended, or repealed until the following has been carried out:

(A) An investigation and report initiated by the Historic Preservation Commission describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared;

(B) The Department of Cultural Resources, acting through the State Historical Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Village Council within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Village Council of any responsibility for awaiting such analysis, and the Village Council may at any time thereafter take any necessary action to adopt or amend this Zoning Ordinance with respect to Historic Districts;

(C) The Village Council shall also refer the report and the proposed boundaries to the Planning and Zoning Board for its recommendations prior to taking action to amend the Zoning Ordinance;

(D) With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by this Section shall be prepared by the Historic Preservation Commission and shall be referred to the Planning and Zoning Board for its review and comment according to the procedures set forth herein. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of this Section;

(E) Upon receipt of these reports and recommendation, the Village Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Zoning Ordinance provision.

### 8.3.2.3 Certificate of Appropriateness Required

(A) From and after the designation of a historic district and the adoption of Review Criteria and Design Guidelines by the Historic Preservation Commission and approved by the Village Council, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), no above-ground utility structure, nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. Such a certificate shall be issued by the Commission and/or Village Planner prior to the issuance of a development permit. Such certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Section. A Certificate of Appropriateness shall be required whether or not a building permit is required;

~~(b) Publication dispensers shall be required to comply with the *Local Historic District Standards and Guidelines*, and a Certificate of Appropriateness must be obtained prior to display. All publication dispensers in existence as of the effective date of this provision (September 23, 2008) must, within one year thereafter: (1) come into compliance with the requirements of the *Local Historic District Standards and Guidelines* and (2) have been issued a Certificate of Appropriateness. Existing publication dispensers which do not meet the requirements of subparts (1) and (2) above within the required one year period will be in violation of this Ordinance.~~

(B) Publication dispensers shall be required to comply with the *Local Historic District Standards and Guidelines*, and a Certificate of Appropriateness must be obtained prior to display.

### 8.3.2.4 Certificate of Appropriateness Procedure

(A) An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Village Planner. Applications for Certificate of Appropriateness for major work shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content.

(B) The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data has been submitted. Nothing shall prevent the applicant from filing, along with the application, additional relevant information bearing on the

application;

(C) Applications that are categorized or fall within the category description of normal maintenance or minor work within the *Local Historic District Standards and Guidelines*, will be approved or denied on a staff level. If staff does not approve the application or if the work is questionable as to whether it is consistent with the Standards and Guidelines, then the application will be heard at the next PHPC meeting as a regular agenda item.

(D) Prior to issuance or denial of a Certificate of Appropriateness for a major work project, the Commission shall conduct a public hearing in accordance with this Ordinance. The Village Planner shall be responsible for notifying the affected parties in accordance with Section 4.1 of this Ordinance;

(E) The Commission shall take action on the application and in doing so, shall apply the Review Criteria contained in this section and within the *Local Historic District Standards and Guidelines*;

(F) The Commission's action on the application shall be approval, approval with modifications and/or conditions, delay of demolition, or denial;

(G) Prior to the final action on an application, the Commission, using the Review Criteria, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district;

(H) The Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications and/or conditions, delay of demolition, or denial;

(I) If the Commission fails to take final action upon any application within one hundred eighty (180) days after the complete application is submitted to the Village Planner for historic approval, the application shall be deemed to be approved unless the applicant consents to extend this period of time;

(J) If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed construction, reconstruction, alteration, restoration or moving.

#### **8.3.2.5 Review Criteria**

(A) Intent:

(1) It is the intention of these regulations to insure, that construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district shall be congruous with the special character of the district. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of the same or to impose architectural styles from particular historical periods. In considering new construction, the Commission and/or the Village Planner shall encourage design that is harmonious with the character of the district;

(2) In granting a Certificate of Appropriateness, the Commission and/or the Village Planner shall take into account the historical or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity;

(3) The Commission or Village Planner shall take no action under this Ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features that would be incongruous with the special character of the historic district or landmark.

(B) Exterior Form and Appearance:

(1) The following criteria shall be considered, when relevant, by the Commission or Village Planner reviewing applications for a Certificate of Appropriateness. All applications for Certificate of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared by the Commission and approved by Village Council:

- (a) Lot coverage, defined as the percentage of the lot area covered by primary structures;
- (b) Setback, defined as the distance from the lot lines to the building(s);
- (c) Building height;
- (d) Spacing of buildings, defined as the distance between adjacent buildings;
- (e) Exterior building materials;
- (f) Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- (g) Surface textures;
- (h) Roof shapes, forms and materials;
- (i) Use of local or regional architectural traditions;
- (j) General form and proportions of buildings and structure, and relationship of any additions to the main structure;
- (k) Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- (l) Orientation of the building to the street;
- (m) Scale, determined by the size of the units of construction and architectural detail in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
- (n) Proportion of width to height of the total building façade;
- (o) Archaeological sites and resources associated with standing structures;
- (p) Appurtenant fixtures and other features such as lighting;
- (q) Structural condition and soundness;

(r) Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape mass, building façades, or combinations of these;

(s) Ground cover or paving;

(t) Maintenance of pedestrian scale and orientation, as well as provision for safe pedestrian movement;

(u) Color (new construction, additions, alterations, and repainting only and not for existing residences);

(v) Effect of trees and other landscape elements.

(2) The Secretary of the Interior's "Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness;

(3) Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

#### **8.3.2.6 Certain Changes Not Prohibited**

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district that does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature that the Building Inspector, Zoning Enforcement Officer or similar official shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration, of any existing, aboveground utility structure without approval by the Commission.

#### **8.3.2.7 Delay in Demolition**

(A) An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The Commission shall reduce the period of delay if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal;

(B) In the case of demolition action by the Village, the application for such a certificate will first be reviewed by the Commission and secondly by the Village Council for final order of demolition or removal;

(C) If the Commission has voted to recommend the designation of an area as a historic district and the final designation has not been made by the Village Council, the demolition or destruction of any

building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to one hundred eighty (180) days or until the Village Council takes final action on the designation, whichever occurs first.

#### **8.3.2.8 Application Review by Commission**

As part of its review procedure, the Commission may view the premises and seek the advice of the Department of Cultural Resources or such other expert advice as it may deem appropriate.

#### **8.3.2.9 Appeal of Decision**

(A) In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Zoning Board of Adjustment;

(B) Written notice of the intent to appeal must be sent to the Commission, postmarked within thirty (30) days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Zoning Board of Adjustment shall be heard by the Superior Court of Moore County;

(C) The State of North Carolina shall, for property of the State or its agencies, have a right of appeal to the North Carolina Historical Commission, thirty (30) days from the date of the decision. The decision of the State Historical Commission shall be final and binding upon both the State and the Commission.

#### **8.3.2.10 Compliance**

(A) Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Village Planner. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of one (1) year shall be considered as a failure to comply with a Certificate of Appropriateness and may require new application and approval;

(B) Nothing contained in the Ordinance shall prohibit, impair, or limit in any way the power of the Village Council to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of any provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

#### **8.3.2.11 State Recommendations**

The districts shall not be established or the authority and powers of a Historic Preservation Commission be implemented until the Department of Cultural Resources shall have been given opportunity, in accordance with the provision of the North Carolina NCGSs to make recommendations with respect to the establishment of the districts.

### **8.3.3 Watershed Protection Overlay District**

#### **8.3.3.1 Purpose and Intent**

The legislature of the State of North Carolina has, in Chapter 143, Article 21, Watershed Protection Rules, and in 15A North Carolina Administrative Code 2B.0100 and 15A NCAC 2B.0200, delegated

the responsibility or directed local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The intent of the Watershed Protection Overlay District is to ensure the availability of public water supplies at a safe and acceptable level of water quality for present and future residents of the Village and the surrounding region. Watershed protection measures allowed by this Section of the Ordinance include:

- (A) Impervious area limitations;
- (B) Stream and reservoir buffers;
- (C) Restriction of land uses and density allowed within water supply basins by the use of zoning.

### **8.3.3.2 Applicability**

(A) The Watershed Protection District is an overlay district to be applied to designated watersheds on the Official Map of Zoning Districts with regulations superimposed on all lands lying within the watershed of a public water supply. The boundaries of the Watershed Protection District(s) shall be shown on the Official Map of Zoning Districts and Extraterritorial Jurisdiction Line. The Watershed Protection District consists of four (4) sub-areas:

- (1) Drowning Creek–Lumber River WS-II, Balance of Watershed;
- (2) Nicks Creek–Cape Fear River WS-III, Balance of Watershed;
- (3) Little River–Intake #2 WS III, Balance of Watershed;
- (4) Little River–Vass WS-III, Balance of Watershed.

The uses prohibited and the limitations on impervious surface coverage in the Watershed Protection Districts are listed in Sections 8.3.3.4 and 8.3.3.5.

(B) Sedimentation and erosion control. Responsible control of erosion and sediment is crucial to the protection of storm water quality and the continued proper function of the measures required in this Section. Requirements pertaining to sedimentation and erosion are addressed in Section 9.12 of this Ordinance.

### **8.3.3.3 Procedures for Development Approval**

(A) Protection Measures: All development within the Watershed Protection Overlay District shall demonstrate compliance with the requirements of this Section at the time of development permit approval, except as set forth in (b-B) below;

(B) Exception for Existing Development: Development existing as of June 21, 1993 is not subject to the requirements of this Section. Expansions to existing development must meet the requirements of this Section; however, the impervious surface area of the existing development is not required to be included in the density calculations. A pre-existing lot owned by an individual or assignee prior to the effective date of June 21, 1993, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Section.

#### **8.3.3.4 Prohibited Uses**

(A) The following uses are prohibited in the Watershed Protection Overlay Districts:

(1) Uses producing and/or storing toxic and/or hazardous materials not meeting the following performance standards:

(a) Any container or tank used to store hazardous materials shall be equipped with leak detection devices and shall be double walled or have other secondary containment devices;

(b) Points of storage or use of hazardous materials shall be protected by a corrosion resistant lined dike, sized to handle without infiltration into the subsurface the maximum amount of hazardous material to be stored or used;

(c) All floor drains that could collect hazardous materials shall be connected to a corrosion resistant tank or catch basin sized to handle the maximum amount of hazardous materials to be stored or used; these floor drains shall not be open to a natural drainage system;

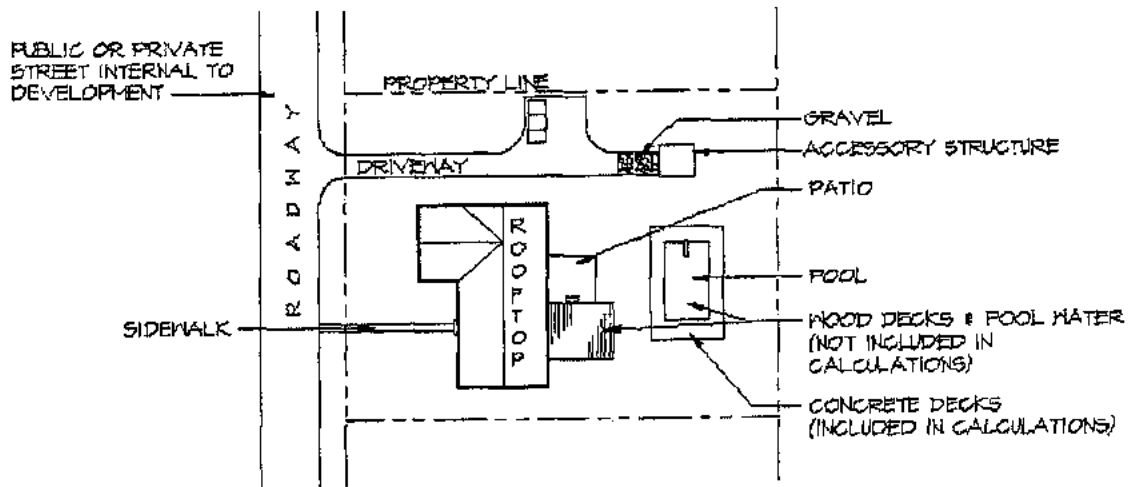
(d) Prior to site plan approval, an Emergency Contingency Plan shall be prepared and submitted through the Village Planner to the Fire Chief, the Public Utilities Department, and Village Engineer for review and approval; the Emergency Contingency Plan shall be prepared in accordance with the requirements of SARA Title III and shall be updated annually. In addition, the Emergency Contingency Plan shall include a plan for the site showing buildings and the locations of points of storage and use of hazardous materials.

(2) Any use discharging sewage, industrial waste and/or non-process industrial waste not meeting the pre-treatment requirements of the Pinehurst Public Utilities Department or the provisions of the NC Administrative Code 2B.0201(d)(1)(B)(iv), (v) and (vii) and 2B.0203.

#### **8.3.3.5 Limitations on Impervious Area**

(A) Calculation of Impervious Surface Area: Calculation of impervious surface area shall include the pavement area of all existing and proposed internal public and private streets, driveways, rooftops, parking lots, patios, and all other impervious surfaces on a project-by-project basis, but shall not include pathways that are a part of the Village of Pinehurst official greenway system. For purposes of calculating the percentage of impervious area coverage, the total project area shall be regarded as the actual area of the property plus the area within the rights-of-way of the internal streets.





TYPICAL RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT IN WATERSHED PROTECTION DISTRICT WS-II

(B) WS-II Watershed Protection District (Drowning Creek–Lumber River WS-II BW):

(1) Single Family Residential development shall not exceed one dwelling unit per acre or twelve percent (12%) built-upon area on a project-by-project basis. Multi-family Residential development shall not exceed one dwelling unit per acre or twelve percent (12%) built-upon area on a project-by-project basis except as provided in (2) below. Non-residential development shall not exceed twelve percent (12%) built-upon area on a project-by-project basis except as provided in (2) below;

(2) Special intensity allocation up to ten percent (10%) of the balance of the watershed may be developed for non-residential and multi-family uses to seventy percent (70%) built-upon area on a project-by-project basis, provided that the following conditions are met:

(a) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed;

(b) The Village Council must approve the Special Intensity Allocation in accordance with any adopted policies it has related to the distribution of the Special Intensity Allocation;

(c) Projects must minimize built-upon surface area and incorporate Best Management Practices to minimize water quality impacts.

(C) WS-III Watershed Protection District (Nicks Creek–Cape Fear River; Little River–Intake #2; and Little River–Vass WS-III BW):

(1) Single Family Residential development shall not exceed two (2) dwelling units per acre or twenty-four percent (24%) built-upon area on a project-by-project basis. Multi-family Residential development shall not exceed two (2) dwelling units per acre or twenty-four percent (24%) built-upon area on a project-by-project basis except as provided in (2) below. Non-residential development shall not exceed twenty-four percent (24%) built upon area on a project-by-project basis except as provided in (2) below;

(2) Special intensity allocation up to ten percent (10%) of the balance of the watershed may be

developed for non-residential and multi-family uses to seventy percent (70%) built-upon area on a project-by-project basis, provided that the following conditions are met:

(a) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed;

(b) The Village Council must approve the Special Intensity Allocation in accordance with any adopted policies it has related to the distribution of the Special Intensity Allocation;

(c) Projects must minimize built-upon surface area and incorporate Best Management Practices to minimize water quality impacts.

### **8.3.3.6 Modifications by Variance**

(A) Variations Generally: All requests for relief from the requirements of this Section shall be decided by the Zoning Board of Adjustment in accordance with the requirements of Chapter 6, except for those variances that can be granted only by the North Carolina Environmental Management Commission;

(B) Variations to be Granted by the North Carolina Environmental Management Commission: The following provisions of this Section may be varied only by the North Carolina Environmental Management Commission:

(1) The complete waiver of any requirement of this Section;

(2) The increase by ten percent (10%) or more of any numerical requirement of this Section. (For example: raising an impervious surface limit for a development from twenty-four percent (24%) to twenty-six and four-tenths percent (26.4%) or more.)

(C) Recommendation by Zoning Board of Adjustment to the Environmental Management Commission: If an application calls for the granting of a variance as listed in (b-B) above, the Zoning Board of Adjustment shall reach a recommendation on the variance in accord with the requirements of Chapter 5. If the Zoning Board of Adjustment decides in favor of granting the variance, the Zoning Board of Adjustment shall prepare a preliminary record of the hearing as soon as possible and forward it to the Environmental Management Commission. The preliminary record of the hearing shall include:

(1) The variance application;

(2) The hearing notices;

(3) The evidence presented;

(4) Motions, offers of proof, objections to evidence, and rulings on them;

(5) Proposed findings and exceptions;

(6) The proposed decision including all conditions proposed to be added to the permit.

If the Zoning Board of Adjustment denies the variance, the variance is denied and may only be appealed to the Moore County Superior Court as provided for in Chapter 6 of this Ordinance.

**(D) Decision by the Environmental Management Commission:**

(1) Approval: If the Commission approves the variance as proposed or with additional conditions, the Commission shall prepare a decision and send it to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall prepare a final decision in accordance with the Commission's decision;

(2) Disapproval: If the Commission denies the variance as proposed, the Commission will prepare a decision and send it to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall prepare a final decision in accordance with the Commission's decision.

**8.3.3.7 Stream Buffers**

(A) In all developments under this Section, a stream buffer of minimum width of one hundred (100) feet is hereby established along all perennial waters indicated on the most recent versions of U.S. Geologic Survey 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies located within the Watershed Protection Districts. The width of each stream buffer, measured perpendicular to the banks of the stream, shall be equal to one hundred (100) feet on each side of the stream;

(B) No land-disturbing activities shall take place within any stream buffer, except for required streets and associated facilities, utility mains and easements, greenways and pedestrian paths. Where no practicable alternative exists, roads and golf courses may cross a buffer, provided that they do not cross at a horizontal angle of less than 60 degrees. Nothing in this Section shall be construed to prevent desirable artificial stream banks shoreline stabilization;

(C) Stream buffers shall be shown on all site plans and subdivision plats approved within the Watershed Protection District.

**8.3.3.8 Street Construction**

(A) All streets shall be designed in accordance with the Village of Pinhurst Engineering Standards and Specifications Manual;

(B) Notwithstanding any other requirements set forth elsewhere in this Ordinance, street construction projects located in the Watershed Protection District shall be constructed with curb and gutter according to Village of Pinhurst Engineering Standards and Specifications Manual; provided that such projects shall, to the maximum extent practicable, minimize built-upon surface area, direct storm water away from surface waters and incorporate Best Management Practices to minimize water quality impacts by:

(1) Installing outlets to convey all storm water to grass swales or vegetated areas meeting NCDENR design standards for Best Management Practices prior to the runoff discharging to waters;

(2) Obtaining from the Village Engineer approval for any site-specific proposal to minimize the impact of the proposed street on water quality in any site-specific area where option 1 cannot be practicably implemented. Any site-specific proposal to be employed in a water supply watershed area as part of this standard shall be accompanied by adequate computations and documentation to demonstrate that the proposal will provide at least eighty-five percent (85%) TSS removal in accordance with the design standards of the NCDWQ "BMP Design Manual".

(Ord. 14-35, passed 09-24-2014)

## **Section 8.4 Conditional Zoning Districts**

### **8.4.1 Purpose and Intent**

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional District is a means by which such special conditions can be imposed in the furtherance of the purposes of this Ordinance. The Conditional District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional District Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification.

### **8.4.2 Conditional Districts**

For each General District establish in Section 8.2, there is also established a corresponding Conditional District as follows:

- (A) PC-CD - Public Conservation Conditional District;
- (B) R-210 CD - Residential Conditional District;
- (C) R-15 CD - Residential Conditional District;
- (D) R-20 CD - Residential Conditional District;
- (E) R-30 CD - Residential Conditional District;
- (F) R-5 CD - Residential Conditional District;
- (G) R-8 CD - Residential Conditional District;
- (H) R-10 CD - Residential Conditional District;
- (I) R-MF-CD - Residential Multi-Family Conditional District;
- (J) VR-CD - Village Residential Conditional District;
- (K) RD-CD - Recreation Development Conditional District
- (L) OP-CD - Office and Professional Development Conditional District;
- (M) H-CD - Hotel Conditional District;
- (N) HD-CD - Hospital Development Conditional District;
- (O) VC-CD - Village Commercial Conditional District;

(P) VCP-CD - Village Cottage Professional Conditional District

(Q) VMU-CD-Village Mixed Use Conditional District

(R) NC-CD - Neighborhood Commercial Conditional District.

(Ord. 14-35, passed 09-24-2014)

## **Section 8.5 Table of Permitted and Special Uses and Special Requirements**

The Table of Permitted and Special Uses and Special Requirements which follows contains a listing of uses which may be permitted in one (1) or more of the various General Use Zoning Districts established by this Ordinance.

### **8.5.1 Symbols Used on Table of Uses**

An "X" or "SU" or "SR" opposite the listed use in the District column(s) indicates the District or Districts in which a particular listed use may be permitted. The meanings of the entries in the Table are as follows:

(A) "X" indicates the use is permitted by right and a Development Permit may be obtained, subject to meeting all the requirements of this Ordinance for a Development Permit;

(B) SU indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of Section 4.5 before obtaining a Development Permit;

(C) The column on the far right, labeled "SR" (Special Requirements) means that there are additional special requirements for the development or use for compliance. These requirements are contained in Section 8.6, "Special Requirements to the Table of Permitted and Special Uses." For any use subject to a Special Use Permit, the Special Requirement along with the requirements of this Ordinance shall represent the minimum conditions for issuance of a Special Use Permit; when "SR" appears for use within a zoning district, special requirements shall apply. The Special Requirements (SR's) are numbered by the Table of Uses categories. Numbers SR-1 through SR-99 are Principal Uses, numbers SR-100 through SR 199 are Accessory Uses; and numbers SR 200 through SR 299 are Temporary Uses. The "SR" will also appear in the column of the general use district in which the special requirements apply.

(D) The listing of a use in the Table of Permitted and Special Uses and Special Requirements in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use;

(E) Any use not explicitly allowed in the Table of Permitted and Special Uses and Requirements is prohibited. The enumeration of expressly prohibited uses shall not be deemed exclusive or all inclusive.



OFFICE/SERVICE	PC	RD	R-210	R-30	R-210	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCF	VR	VMU	VC	SR
Banks, Credit Unions, Financial Services											X			X	X		X	X,SR	9
Business Support Services											X			X	X		X	X	
Crematoria																			
Dry Cleaning & Laundry Services											X			X	X,SR		X,SR	X,SR	10
Funeral Home											X			X					
Medical Clinic											X		X	X					
Personal Services											X			X	X		X	X	
Personal Services, Restricted																			
Post Office											X						X	X	
Professional Services											X			X	X		X	X,SR	9
Radio/TV Studio											X			X	X		X		
Small Equipment Repair/Rental											X								
Small Engine Repair / Sales											X								
Veterinary Services / Indoor Kennels											X,SR			X,SR					11

COMMERCIAL/ ENTERTAINMENT	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
Sexually Oriented Business											SU, SR								12
Alcoholic Beverage Sales Store											SU						X	X	
Amusements, Indoor											X								
Amusement, Outdoor																			
Billiard/Pool Hall											X						X	X	
Bar/Tavern/Night Club											X								
Garden Center											X								
General Retail											X,SR				X,SR		X,SR X,SR	X,SR	13
Golf Course		X	SU	SU	SU	SU				SU									
Internet Sweepstakes Facilities																			
Outside Sales											X,SR				X,SR		X,SR	X,SR	14
Pawnshops																			
Racetrack																			
Restaurant											X,SR			SU, SR	SU, SR		X,SR	X,SR	15
Shooting Range																			
Theater, Indoor (Movie or Live Performance)											X						SU	SU	



CIVIC	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
Civic/Cultural Facilities	X										X				X		X	X	
Community Shared Facilities			X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR						X,SR	X,SR	X,SR		16
Community Shared Facilities			X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR						X,SR	X,SR	X,SR		16
Conference/Convention Center																			
Country Club		X													X		X		
Municipal Public Service Facility	X														X				
Private Clubs											X						X	X	
Public Safety Station	X, X, SR	X, SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X, SR	X,SR	X,SR	X, SR	X, SR	X,SR	X,SR	X,SR	X,SR	16
Recreation Facilities, Indoor	X										X		X				X		
Recreation Facilities, Outdoor		X, SR	X,SR								X,SR								17
Religious Institution	X		X		SU, SR		SU,SR		X		X			X					18
Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
EDUCATION/ INSTITUTE	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
Residential Care Facilities (More than 6 Residents)									SU		X			X			SU		
Child/Adult Day Care Center											X		X	X			X		
Community Support Facility														X,SR					19
Hospital													X						
Schools - Elementary & Secondary		SU, SR					SU,SR							SU					18
Schools- Vocational/Technical														X					
Studio - art, dance, martial arts, music											X			X	X		X	X	



AGRICULTURE	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
Farming/Animal Production			X,SR																25
Horse Farm & Training Track	X,SR		X,SR																26
Nurseries			X																
Gardens (Community and Private)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Kennels, Outdoor																			
Swine Farms																			
INFRASTRUCTURE	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
Parking Structure												X,SR	X,SR	X,SR		X,SR	X,SR	X,SR	27
Parking Lot - Principal Use	X											X	X				X	X	
Telecommunications Facilities			SU,SR																28
Utilities - Moore County and VOP	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	29
Utilities - Moore County and VOP	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	29
Utilities - All Other	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU					





TEMPORARY USE	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
Boat Storage	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	201
Temporary Expansion of School Facilities	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	202
Temporary Real Estate Offices			X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	203
Model Homes			X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	204
Yard Sales	X, SR		X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	205
Temporary Uses Other	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	206

X Permitted by Right  
 SU Special Use Permit  
 SR Special Requirement

(Ord. 14-35, passed 09-24-2014; Ord. 15-10, passed 05-26-2015)

## **Section 8.6 Special Requirements (SR) 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-1 Dwelling, Single Family-Two Family**

(1) In VCP and VMU Districts between any single-family residential use and non-residential use, a minimum of a Class 1 buffer shall be placed between uses by the non-residential user on the non-residential property.

#### **SR-2 Dwelling, Townhouse/Clustered Dwellings**

(1) The common open space provided with the townhouse unit development shall be no less than twenty-five percent (25%) of the gross land area.

(2) The minimum setbacks required around the perimeter of the development tract shall be as required by the Table of Dimensional Requirements 9.2 a.

(3) The front wall on any unit or group of contiguous units shall not be set back beyond the rear wall of any adjacent unit or group of contiguous units where both face the same street or vehicle accommodation area;

(4) A townhouse unit lot frontage may be on open space properly restricted through a responsible entity to ensure adequate access. The minimum size for a townhouse or cluster dwelling unit is one thousand five hundred (1,500) square feet.

(5) The minimum lot width for a townhouse unit is twenty (20) feet.

#### **SR-3 Dwelling, Multi-Family**

(1) The minimum size for a multi-family dwelling is one thousand five hundred (1,500) square feet.

#### **SR-4 Family Care Home (6 or fewer residents)**

(1) Shall be a single-family dwelling;

(2) No family care home shall be located within one-half mile radius of an existing family care home measured from property line to property line.

(3) The following steps must be followed in order to obtain approval from the Village to operate a Family Care Home:

(a) Applicant submits a letter of intent.

(b) Applicant asks for a Zoning Verification Letter prior to receiving a State license. Fees in accordance with the adopted fee schedule apply.

(c) Obtain Development Permit after receiving a State license.

(4) In the event a development permit is issued for a family care home which invalidates another applicant's zoning verification letter, that applicant shall be notified.

### **SR-5 Dwelling, Mixed Use**

(1) The dwelling units shall be located within the principal building, except in the VCP, VMU, or VC Districts where they may also be located in an accessory structure in the rear yard.

(2) The dwelling units shall not be located on the ground floor of the principal building.

### **SR-6 Manufactured Housing**

(1) A continuous, permanent masonry underpinning such as brick, stone, stucco, split-face block (but not common concrete block), not pierced except for required ventilation and access, shall be installed under the mobile home;

(2) The tongue, axles, transport lights, and removable towing apparatus shall be removed subsequent to final placement.

### **SR-7 Bed and Breakfast Homes**

(1) The use shall be located in a structure that was constructed as a single-family dwelling, and contains a minimum of three (3) and a maximum of nine (9) adult guest rooms. If the structure was not originally constructed as single-family dwelling a special use permit is required.

(2) A floor plan illustrating the entire facility shall be provided, showing ingress and egress from each room. Each room must have access to a hall or exterior door;

(3) No more than two (2) adult guests per room will be permitted at any one (1) time. No more than eight (8) total guestrooms will be permitted. The owner must be a permanently domiciled resident of the Bed and Breakfast;

(4) Meals served on the premises for paying guests shall be limited to breakfast;

(5) No alcoholic beverages shall be sold on the premises;

(6) Only one (1) unlighted sign will be permitted, which shall have maximum dimensions of two (2) feet high by three (3) feet wide, and not more than three and one-half (3½) feet tall at its highest point above ground level;

(7) Any interior modification shall be described in the application;

(8) Off street parking shall be provided in conformance with this Ordinance;



(9) Special events for guests such as wedding receptions, parties, etc., shall not be permitted;

(10) There shall be no less than one (1) bathroom consisting of a bath or shower, toilet, and sink for each guestroom.

#### **SR-8 Hotel**

(1) At least fifty percent (50%) of the level of the primary entrance shall not be used for guest rooms based on area square footage of that level.

#### **SR-9 Banks, Credit Unions, Financial Services, Professional Services**

(1) Such uses shall not be permitted on the ground floor of the principal building.

#### **SR-10 Drycleaning and Laundry Services**

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

#### **SR-11 Veterinary Services/Indoor Kennels**

(1) All indoor kennels shall be within a completely enclosed building with no outside facilities (except as provided for in item #3 below) or accessory structures for animals, unless otherwise permitted in the district in which it is located.

(2) Veterinary clinics shall be designed so that sound emitted through the exterior walls, roofs, and enclosed areas where animals are treated or kept shall not exceed forty-five (45) decibels as measured at the property line.

(3) Veterinary clinics and/or indoor kennels which include outdoor spaces, runs, or other facilities shall require a special use permit.

#### **SR-12 Sexually Oriented Business**

(1) No business shall locate within two thousand (2,000) feet of any other sexually orientated business, as measured in a straight line from property line to property line;

(2) No sexually orientated business shall be located within: one thousand (1,000) feet of a church or any establishment with an on-premise ABC license; five thousand (5,000) feet of a public or private elementary school or secondary school, child day care or nursery school; seven hundred (700) feet of a public park, residence and/or residentially zoned property; or two thousand (2,000) feet from a nursing home. These distances shall be measured on a straight line from property line to property line, with no consideration as to intervening structures, roads, or landforms;

(3) There shall not be more than one sexually orientated business on the same property or in the same building, structure, or portion thereof;

(4) No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any sexually orientated business;

(5) Except for the signs permitted by this Ordinance, no other advertisements, displays, signs

or other promotional materials shall be visible to the public from pedestrian sidewalks, walkways, or vehicular use areas.

### **SR-13 General Retail**

(1) No single retail use shall exceed twelve thousand (12,000) square feet in gross floor area unless a special use permit is obtained.

(2) In the VCP District, no single retail use shall exceed one thousand six hundred (1,600) square feet in gross floor area.

### **SR-14 Outside Sales**

#### **(1) General Standards**

(a) Outside sales must be clearly secondary to the primary use within the associated permanent structure.

(b) Outside sales shall not occupy required parking areas and shall not take up an area greater than twenty-five percent (25%) of the total building area of the primary use within the associated permanent structure.

(2) Displays on Public Sidewalks: Merchandise for sale may be placed on the public sidewalk in front of the business where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of five (5) feet). Such displays shall be removed from the sidewalk when the business is not open. Such sales may also be subject to other village ordinances.

(3) Outside sales in the VC, VMU and VCP zoning districts shall require a special use permit.

(4) Display of merchandise for outside sales in the front yard shall not exceed a maximum of twelve (12) feet from the front face of the building.

(5) Nurseries, and garden centers are not subject to 1, 2, and 4 requirements listed above.

### **SR-15 Restaurants**

(1) Drive-through windows and curbside service are prohibited;

(2) No exterior playground or play equipment intended for children shall be permitted.

(3) Restaurants in the VCP District shall be limited to a maximum of one thousand six hundred (1,600) square feet.

### **SR-16 Community Shared Facilities, Public Safety Station**

(1) Community Shared Facilities and Public Safety Stations shall have a minimum lot size of twenty thousand (20,000) square feet.

### **SR-17 Recreation Facilities, Outdoor [RD, R-210, NC, HC]**

(1) Screening:

(a) Athletic fields, common area recreation facilities and similar facilities shall be screened from adjoining residential properties in accordance with Section 9.5.

(2) Operational Standards:

(a) Lights and loudspeaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m. unless special permission is received from the Village Planner.

(b) Facility usage is limited to indoor activities before 6:00 a.m. or after 10:00 p.m. unless special permission is received from the Village Planner.

(c) No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within two hundred (200) feet of any residentially zoned property except as needed for routine maintenance of the grounds or facility playfield.

(4) All exterior lighting shall be shielded such that light is not directed toward adjacent residential property.

**SR-18 Religious Institutions and Schools**

(1) Such facilities shall be located on sites of five (5) acres or greater and shall have direct primary access to a major collector or thoroughfare street.

**SR-19 Community Support Facility (OP)**

(1) These uses may be principal or accessory uses.

(2) No such use may be located within a quarter mile (1320 feet) of another such use measured as a straight line as measured from property lines.

**SR-20 Fueling Stations**

(1) The store shall contain less than three thousand five hundred (3,500) square feet of gross floor area;

(a) Gas pumps, auto wash facilities and dumpsters shall not be located between the building and a public street or in any required building setback.

(b) Gas pump canopies shall not exceed the height of the roof of the primary building it serves. The gas pump canopy, auto wash structure and facility, dumpster enclosure and other accessory structures shall be similar in architectural style and color as the principal building.

(c) Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.

**SR-21 Reserved**

## **SR-22 Landfill/Waste Recovery Facilities (PC)**

(1) **No New Facilities Shall be Established:** No new Landfill/Waste Recovery Facilities shall be established after the effective date of this Ordinance, but the existing Moore County Landfill shall be permitted to operate according to State law and the provisions below.

(2) **Screening:** Modifications to the existing Moore County Landfill shall comply with all appropriate dimensional and landscape requirements.

## **SR-23 Reserved**

## **SR-24 Reserved**

## **SR-25 Farming/Animal Production (R-210)**

(1) **Livestock in the Village Limits:** the keeping of livestock shall conform to the Village of Pinehurst Municipal Code in addition to applicable County, State and Federal regulations.

(2) **Structures for Livestock:**

(a) Structures for livestock must meet the yard and setback requirements of the district for a principal structure. Said structures may be located in the front, side, or rear yard.

(b) Best management practices shall be applied in using and maintaining structures for livestock, including stables, so as to eliminate or minimize nuisances and adverse impacts to the maximum extent possible.

(3) This category shall preclude commercial hog and chicken production.

## **SR-26 Horse Farm and Training Track**

(1) **Structures for Horses:**

(a) Structures for horses must meet the yard and setback requirements of the district for a principal structure. Said structures may be located in the front, side, or rear yard.

(b) Best management practices shall be applied in using and maintaining structures for horses, including stables, so as to eliminate or minimize nuisances and adverse impacts to the maximum extent possible.

## **SR-27 Parking Structure**

(1) **Building Design in VC and VMU Districts:** When an above-ground parking structure fronts a public street, where feasible, parking structures should be wrapped on their exterior with other uses to conceal the parking structure and create an active streetscape, such as retail, restaurants, etc. If concealing the structure is not feasible due to lot size, required or needed deck size, topography, or other conditions as determined by the Village Planner, then the building wall or walls facing the public street shall be designed so as to resemble a building in (active) use with elements such as window indentions, brick patterns and articulated surfaces.

(2) **Height Limit for Structures:** Parking structures shall be limited to two (2) levels, except in the Hospital District in which parking structures shall be limited to three (3) levels.

## **SR-28 Telecommunications Facilities**

### (1) Exterior Appearance Height and Setback

(a) The exterior appearance of all non-tower buildings shall have the appearance of a residential dwelling, including but not limited to, pitched roof(s) and frame or brick veneer construction. Towers shall be required to be of the latest technology and utilize "stealth" technology to blend into the surrounding environment. For example, a tower located in a wooded area should be designed to have the appearance of a pine tree.

(b) The lighting on the proposed tower shall be no more than is required by applicable Federal and State regulations.

(c) All proposed telecommunication towers shall be no more than one hundred twenty-five (125) feet in height.

(d) Tower shall be a minimum of three hundred (300) feet from any property line, and two hundred (200) feet minimum from any occupied structure.

### (2) Electromagnetic Exposure and Radio Interference

(a) Output power levels from the tower and/or associated antennae shall not exceed the current federally approved levels for exposure to electromagnetic radiation.

(b) There shall be no leakage or interference that will affect surrounding properties. Radio, television or other electro-magnetic transmission(s) or reception on other properties will not be disturbed or diminished;

### (3) Use of Facilities

(a) Associated buildings locations in any residential district may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(b) No advertising sign or logo is permitted on any tower or antenna;

(c) Upon cessation of use, the permit holder shall take down the tower and all associated equipment within sixty (60) days.

### (4) Co-Location Requirements

(a) All towers shall be designed structurally, electrically, mechanically and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be designed to allow co-location of public safety service equipment at usual and customary commercial rates, and these spaces shall be in addition to the antenna sites required for additional users as mentioned in this section. The exact

design of public safety service equipment will be determined upon receipt of an application after consultation with the Police Chief and Fire Chief;

(b) A Development Permit shall not be granted unless it is found that the proposed equipment cannot be accommodated on existing or approved towers or alternative structures with a one-half (1/2) mile radius of the proposed location due to one (1) or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved towers, building or other structures, as documented by a qualified and licensed NC professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;

3. Existing or approved towers, buildings, or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed NC professional engineer;

4. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building, or other structure.

#### (5) General Requirements

(a) FCC License Required: The applicant must demonstrate that it is licensed by the FCC to provide fixed or mobile wireless communication services or, if the applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one or more FCC licensees to utilize the proposed wireless telecommunication facility. Written evidence of licensing by the FCC is required to be submitted to the Village Planner annually. Failure to provide such evidence shall cause the Certificate of PDO Compliance to be revoked.

(b) Insurance Required: Prior to issuance of a Certificate of PDO Compliance, the applicant shall be required to provide certificate of insurance demonstrating it has a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the telecommunication tower. The applicant shall be required to maintain such coverage in full force and effect until such time as all aboveground portions of the tower (not including any part of the foundation) have been removed.

(c) Wireless Service Provider Agreement Required: The applicant must supply a letter of intent agreeing to make all of its telecommunication facilities available to providers of functionally equivalent services at usual and customary commercial rates or the duration of time that the facility is in operation. Verification shall be provided demonstrating that the applicant has an executed lease for the property that allows that landowner and/or the applicant to enter into leases or subleased with other wireless service providers.

(d) Annual Report Required: An annual report must be submitted to the Village Planner that includes, but is not limited to, documentation of current FCC licensing, the names of users of the tower, and how many additional users can be accommodated on the tower.

(e) Additional Engineering Review May Be Required

1. The siting of Telecommunications Facilities may involve complex technical issues that require review and input by outside experts. The Village Planner may require the applicant to pay the reasonable costs of a third-party technical study of a proposed Telecommunications Facility requiring a variance to the provisions set forth in this section. Selection of expert(s) to review the proposal shall be at the sole discretion of the Village Planner.

2. If an applicant for a Telecommunications Facility claims that one or more standards of this Ordinance are inconsistent with federal law as applied to a particular property, or would prohibit the effective provision of wireless communications within the relevant market area, the Village Planner may require that the application be reviewed by a qualified engineer and a report prepared and presented on the matter to the Village Council. Any costs shall be charged to the applicant.

**SR-29 Utilities - Moore County and Village of Pinehurst**

(A) These uses are permitted and exempt from site plan review and development standards. Therefore, no site plan approval is needed.

(B) These uses must comply with the Historic Preservation Overlay District requirements and obtain all required approvals for such.

(C) These uses must comply with the Village of Pinehurst Flood Damage Prevention Ordinance and obtain all required approvals for such.

(D) Any time that Moore County contemplates a public utility projects of any kind in the Pinehurst Zoning Area (excluding emergency repair work), before plans are drafted, the County must give thirty (30) days written notice to the Village Manager and Village Attorney describing the proposed project.

(E) Moore County must provide thirty (30) days written notice to the Village Planner, Village Manager, and Village Attorney prior to applying to the Village for approval of a public utilities project within the Pinehurst Zoning Area.

(Ord. 14-35, passed 09-24-2014)

**Section 8.7 Accessory Uses**

**~~SR-100 Beekeeping (R-210, R-30, R-20, R-15, R-10)~~**

~~\_\_\_\_\_ A. Purpose: The purpose of this section is to provide for the keeping of honey bees in the above zoned areas. It is intended to enable residents to keep honey bees on a non-commercial basis, and to safely maintain them within populated areas. It is not intended to prohibit, restrict, or regulate the keeping of animals within areas allowing agricultural uses.~~

~~\_\_\_\_\_ B. Standards for Beekeeping~~

~~\_\_\_\_\_ 1. Permit Required: No person shall keep, maintain, or allow to be kept any colony of honey bees within the Village of Pinehurst without a permit. Any person desiring a permit shall make application to the Village of Pinehurst and the permit shall be approved provided the applicant is in compliance with the requirements~~

of this section:

- ~~2. Qualification of Beekeeper: Persons keeping honey bees must have first completed the requirements of the North Carolina Master Beekeeper Program administered by the North Carolina State Beekeepers Association at a Certified Beekeeper level, or have a minimum of 3 years of experience in beekeeping.~~
- ~~3. Hive Inspection and Regulatory Compliance: All honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. Each apiary shall be inspected at least once annually by an agent of the State of North Carolina Department of Agriculture & Consumer Services (NCDA&CS), Plant Industry Division, Plant Protection Section, Apiary Division, and a copy of such inspection maintained by the beekeeper. The beekeeper shall comply with all North Carolina honey bee regulations including, but not limited to, the North Carolina Honey Bee Act of 1977, and North Carolina Honey Bee Industry Regulations.~~
- ~~4. Restrictions: The keeping of bees shall not be allowed on any lot that abuts a public or private golf course or properties zoned H (Hotel District) or HD (Hospital Development District).~~
- ~~5. Setbacks from Property Lines: All colonies shall be kept a minimum of 25 feet from a public or private property line as measured from the nearest point on the hive to the property line.~~
- ~~6. Water: Each beekeeper shall ensure that a source of water is available to the bees at all times during the year that the bees are active.~~
- ~~7. General Maintenance: Each beekeeper shall ensure that no bee comb or debris from the hive is left upon the grounds of the apiary. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.~~
- ~~8. Enclosure of Apiary: All colonies shall be maintained within a fenced apiary with a latching gate. The area encompassing the apiary need not entail the entire property.~~
- ~~9. Colony Density: The keeping of honey bees on any lot is permitted in the following numbers: The lot must have a minimum of 10,000 square feet. Two hives may be located on such a lot. For lots of 18,000 square feet or greater, 4 hives are permitted. For each 2 colonies permitted under colony densities, there may be maintained upon the same tract, 1 nucleus colony in a hive structure not exceeding one standard 9.625-inch depth 10-frame hive body as required from time to time for the management of the colonies. If a beekeeper is called upon to remove a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation of the portion of this Ordinance limiting the number of colonies while temporarily housing the swarm(s) on the apiary lot for no more than 30 days from the date acquired.~~
- ~~10. Compliance: Any beekeeper found not to be in compliance with the requirements~~



of this section shall be subject to the provisions of Chapter 7 of this Ordinance.

### **SR-100 Beekeeping**

(A) Purpose: The purpose of this section is to provide for the keeping of honey bees in the zoned areas. It is intended to enable property owners to keep honey bees, and to safely maintain them within populated areas. It is not intended to prohibit, restrict, or regulate the keeping of animals within areas allowing agricultural uses.

#### **(B) Standards for Beekeeping**

(1) Permit Required: No person shall keep, maintain, or allow to be kept any colony of honey bees within the Village of Pinehurst without a permit. Any person desiring a permit shall make application to the Village of Pinehurst and the permit shall be approved provided the applicant is in compliance with the requirements of this section.

(2) Number of Hives: No more than five (5) ~~(five (5))~~ hives may be located on a single parcel).

(3) Ground Location: All hives shall be placed at ground level.

(4) Location: All hives shall be located in the rear yard only.

(5) Setbacks from Property Lines: All hives shall be kept a minimum of twenty (20) feet from a property line.

(6) General Maintenance: Hives shall be removed if the owner no longer maintains the hive or if removal is necessary to protect the health, safety and welfare of the public.

### **SR-101 Cemetery**

(1) Must be Associated with a Church: All such uses must be located on the same tract of land as a religious institution, or an immediately adjacent parcel to a religious institution under the same ownership.

#### **(2) Minimum Yard Requirements**

(a) The minimum yard required for all in ground burial plots and any other structures is thirty (30) feet from any exterior property line or the required district principal building setback, whichever is greater. Gatehouses at cemetery entrance shall be excluded from any minimum yard requirement provided they meet the sight triangle requirement for driveways in Section 9.1 (g-G).

(b) Above ground internment facilities shall conform to principal building setbacks.

(3) Religious institutions in PC District are limited to columbaria only.

### **SR-102 Farmers Market (PC, HD, VC)**

(A) General Standards: Farmer's Markets are an allowed accessory use according to the following provisions:

(1) Such uses shall not be placed in any required yard or setback.

(2) Existing uses on the property shall not be negatively affected in any way by the operation of the farmers' market;

(3) Adequate facilities, such as parking and restrooms shall be provided for the farmers' market and all existing uses on the property.

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the farmers' market.

(5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.

(6) The actual hours of operation of the market shall be limited to two (2) days a week for no more than eight (8) hours and in all instances shall cease by 9 p.m.

(7) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

### **SR-103 Concealed Wireless Telecommunications Facility (All Districts)**

(1) Concealed Wireless Telecommunications Facilities shall be permitted in all zoning districts as an accessory use provided the following conditions are met:

(a) In order to be considered an accessory use, a Concealed Wireless Telecommunications Facility must be clearly incidental and subordinate to the main use of a structure.

(b) Antennas associated with a Concealed Wireless Telecommunications Facility shall be concealed from exterior view.

(c) The addition of antenna, support or other equipment shall not add more than ten (10) feet in height to the attached structure unless a variance is obtained from the Zoning Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this Ordinance unless appropriate approvals are obtained.

(d) Electronic equipment associated with Concealed Wireless Telecommunication Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.

(e) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunications facilities shall be colored or concealed in a manner as to render them unobtrusive.

(f) Antennas associated with a Concealed Wireless Telecommunications Facility may not be co-located on a tower or other support structure used by an amateur radio operator.

(g) Antennas associated with a Concealed Wireless Telecommunications Facility shall not

be located upon a Single Family Dwelling or Multi-Family Dwelling.

(h) Should the existing support structure require to be replaced and/or rebuilt it shall comply with all applicable codes including but not limited to these provisions.

(i) Any modifications to an existing structure associated with the installation of a Concealed Wireless Telecommunications Facility shall comply with all limitations, requirements, and standards contained in other provisions of this Ordinance including, but not limited to, the receipt of approvals that may be required by Section 8.3.2 of this Ordinance should the Concealed Wireless Telecommunications Facility be located within a Historic Preservation District. All other applicable local, state, and federal approvals and permits shall also be obtained.

(j) A structural analysis shall be performed by a licensed professional engineer in the State of North Carolina in accordance with the current revision to ANSI EIA/TIA-222 certifying that the structure is capable of supporting the proposed loading.

(k) Prior to installation of a Concealed Wireless Telecommunications Facility, a copy of the operators FCC license shall be submitted to the Village Planner. If the party installing the Concealed Wireless Telecommunications Facility is not an FCC licensee, the party must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Concealed Wireless Telecommunications Facility and must submit a copy of each wireless service provider's FCC license.

#### **SR-104 Home Occupations:**

A home occupation shall be permitted as an accessory use to any dwelling unit, provided that:

(1) The principal person or persons providing the business or service resides in the dwelling on the premises;

(2) The area used for the business or service does not exceed thirty percent (30%) of the combined floor area of the principal dwelling unit.

(3) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building;

(4) The property contains no outdoor display or storage of goods or services which are associated with the home occupation;

(5) The home occupation causes no change in the external appearance of the existing buildings and structures on the property;

(6) No additional parking areas other than driveways are allowed;

(7) Wholesale or retail transactions of goods do not occur on the premises;

(8) Home occupations may only employ those who reside on the premises and one additional employee who does not reside on the premises.

(9) The home occupation does not create any disturbing noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the

premises, including visual or audible interference with radio or television reception;

(10) Shipping deliveries and pick-ups (excluding US Postal Service) are limited to ten (10) per week.

(11) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood;

(12) Child/Adult Daycare Home Occupations shall be permitted as accessory to any dwelling unit, provided that the following additional conditions are met, as well as the other conditions to this Section:

(a) If an outdoor play area is provided, it is fenced with a privacy type fence that is a minimum height of four (4) feet;

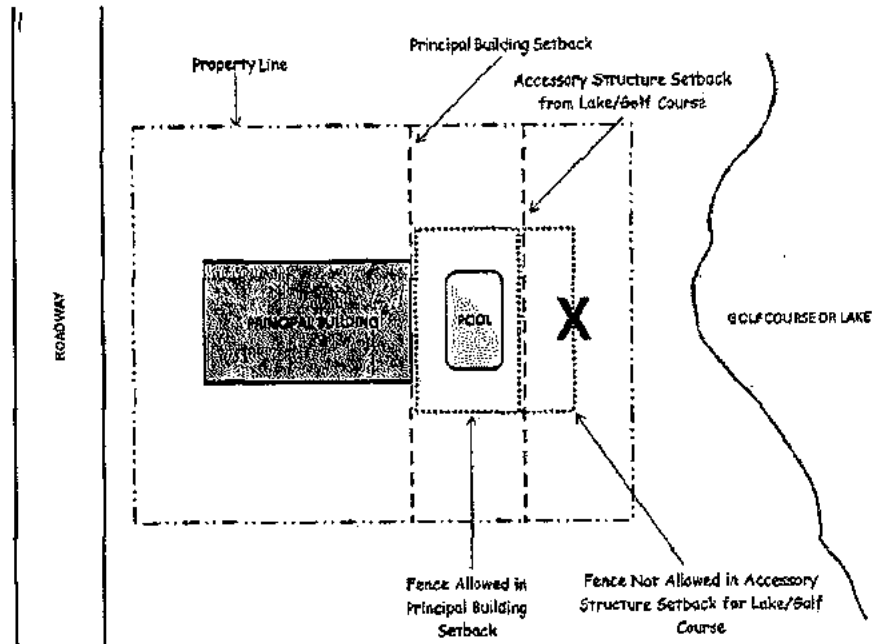
(b) No more than five (5) children shall be present at any given time.

(13) Prior to establishing the home occupation, the operator shall receive the approval of the Village Planner, who shall approve the home occupation upon finding that the proposed business complies with all of the above standards. The Village Planner shall notify all adjacent property owners prior to approving day care centers as a home occupation.

#### **SR-105 Swimming Pools and Spas/Hot Tubs**

(1) Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (6) below. ~~Above ground pools shall include any above ground pool device that uses or is designed to use a filtration system or have any linear dimension or diameter greater than 6 feet.~~

(2) In residential zoning districts, all swimming pools as defined in Section 10.2 of this Ordinance shall be constructed only within the building envelope setbacks for accessory structures in the rear or side yard. Required fences for swimming pools located on golf courses or adjoining lakes may be located within the principal building setback but shall not be fenced in the accessory building or structure setback from lakefront or golf course indicated in Section 9.2a Table of Dimensional Requirements;



(3) All building construction related to swimming pools (bath houses) shall be set back as provided in Subsection (2) above. Walks may extend no more than four (4) feet into building setbacks for accessory structures;

(4) Hot tub/spas shall be setback as provided in Subsection 2 above.

(5) Any pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of unsanitary conditions. Pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of unsanitary conditions, potential injury, or possible drowning. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

(6) Seasonal Swimming Pools as defined in Section 10.2 of this document are permitted to be installed above ground with the following standards:

(a) Structure shall only be erected from May 1 to September 30.

(b) Structure shall only be allowed in the rear yard and maintain a ten (10) foot setback from all property lines.

(c) From October 1 to April 30 the structure shall be removed and stored in a location not visible from a street or adjacent property.

(d) Seasonal swimming pools containing greater than twenty-four (24) inches of water shall meet all applicable requirements of the NC Building Code.

(e) A Development Permit is required each season that the structure is erected and a sketch plan shall be submitted along with the application showing the proposed location of the Seasonal

Swimming Pool.

### **SR-106 Pet Houses, Pet Runs**

Pet houses and pet runs are permitted in the side and rear yards in any residential zoning district. Pet houses shall meet the accessory structures setback requirements of the zoning district in which they are located.

### **SR-107 Playground Equipment**

All swing sets and children's playground equipment shall be located in the rear or side yard and must be located no closer than ten (10) feet from the property line. No development permit is required.

### **SR-108 Accessory Building**

(1) Accessory building(s) shall be permitted in all districts provided that the following conditions are met:

(a) The accessory building is of a permanent construction, architecturally compatible and of similar materials as the principal building;

(b) The accessory building is located within the building envelope setbacks for accessory structures (table 9.2a) in the rear or side yard only, except in R-210;

(c) The total gross floor area of the accessory building shall be no more than thirty percent (30%) of the principal dwelling. When there is more than one (1) accessory building on the site, the sum of the building area of the accessory buildings may not exceed thirty percent (30%) of the area of the principal dwelling.

### **SR-109 Accessory Dwelling**

(1) An accessory dwelling may be within, attached, or separate from the principal building;

(2) The principal use of the lot shall be a detached dwelling, built to the standards of the North Carolina State Building Code;

(3) No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit;

(4) The accessory dwelling shall be owned by the same person as the principal dwelling;

(5) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling, except where access is available from another public way and where impacts on adjacent properties are minimized.

(6) An accessory dwelling shall not exceed thirty percent (30%) of the heated floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater.

(7) A detached accessory dwelling structure may be dwelling area only or may combine the dwelling with a garage, workshop, studio, or similar use, provided that the total floor area of the

structure does not exceed the thirty percent (30%) limitation for an accessory building as set forth in SR-108;

(8) A detached accessory dwelling shall be located in the established side or rear yard and meet the standards for accessory building setbacks.

(9) In the Historic District accessory dwellings shall not require a special use permit; however, all special requirements shall apply.

### **SR-110 Accessory Structure**

(1) Arbors, Trellises, Pergolas and Gazebos

(a) Arbors associated with fences may encroach into setbacks, including the front yard, as long as the height of the arbor is no greater than twelve (12) feet and no more than fifty (50) square feet in size.

(b) Arbors, trellises, pergolas, gazebos and like structures shall be located in the side or rear yard and may be located within any side rear or lake accessory structure setback.

(2) Storage Shed (No dimension greater than twelve (12) feet) in R-210, R-30, R-20, R-15, R-10, R-8, R-5, R-MF, VCP, VR, VMU

(a) Storage sheds are only allowed in the rear yard.

(b) Such sheds shall be located no closer than five (5) feet from any property line unless adjacent to a golf course or lake in which case the accessory building or structure setback from lakes and golf courses shall apply.

(c) Such sheds are limited to a maximum of one (1) per property.

(d) Such sheds shall be compatible in style and color with the principal structure.

(3) Accessory buildings and structures are allowed in the front yard in the R-210 district, but must meet the front yard setback requirement.

### **SR-111 Bulkheads on Lakes**

(1) Bulkheads may be constructed subject to a development permit;

(2) The height of the bulkheads shall be no more than three (3) feet above the design elevation of any lake. (For example, the design elevation at the top of the spillway on Lake Pinehurst is four hundred ten (410) feet above sea level; therefore, a bulkhead may be constructed on Lake Pinehurst that is no more than four hundred thirteen (413) feet above sea level);

(3) Bulkheads must be located in such a way as to accommodate the cover of below-surface utilities;

(4) Bulkheads to be constructed adjacent to another bulkhead shall be similar in height and located so as to avoid the accumulation of debris and shall be designed to transition into the existing

bulkhead both vertically and horizontally. The bulkhead material shall be pressure treated wood, stone, brick, concrete with decorative veneer, or similar material;

(5) Bulkheads and/or docks may be constructed on lakeside properties on which no principal structure exists.

#### **SR-112 Docks on Lakes**

(1) Docks may be constructed along the boundary of a lake only after the issuance of a Development Permit and building permit by the Planning and Inspections Department;

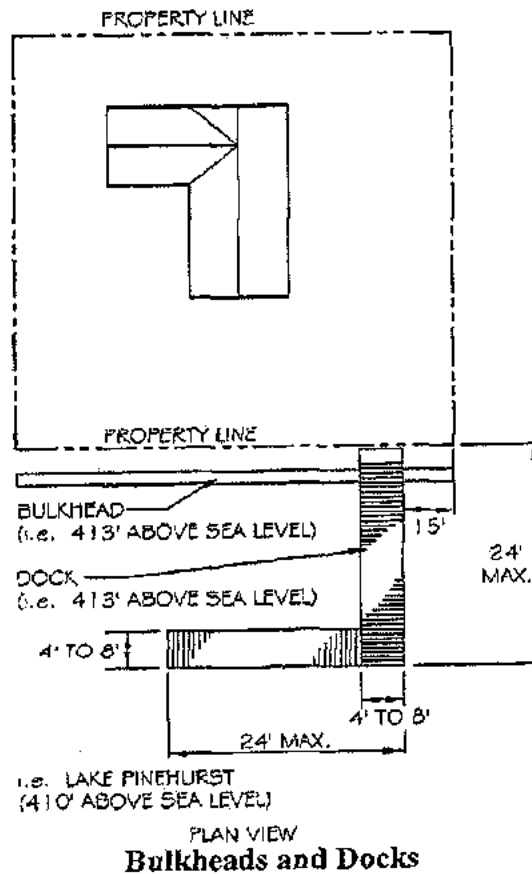
(2) Docks and construction added to docks are not to exceed a height of six (6) feet from the dock to the top of the construction. The dock surface shall be built at a height not to exceed the height of the bulkhead to which they are attached;

(3) No part of the dock shall extend more than twenty-four (24) feet out into the lake from the shoreline from which it extends, nor shall it extend more than twenty-four (24) feet out into the lake from the property line. Docks may make a ninety (90) degree turn and run a maximum of twenty-four (24) feet in a parallel direction to the shoreline.

(4) Docks shall be no wider than eight (8) feet and no narrower than four (4) feet, with the exception of the corner in which the dock makes a turn, and shall be positioned so as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake;



(5) Bulkheads and docks may be constructed on lakeside properties on which no principal structures exist;



(6) Docks shall be of a permanent, all weather material connected to the shore of the property they serve, and be secured to the bottom.

### SR-113 Floats/ Rafts, and Mooring Buoy

A property owner may place one (1) float/raft and/or one (1) mooring buoy of a permanent or inflatable construction in their privately owned lake bed, in such a manner that the three hundred sixty (360) degree swing from anchor of the object (and boats attached, thereto) remain within the area of their privately owned lake bed, and it shall be so positioned as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake. No zoning permit is required.

### SR-114 Fuel and Propane Tanks (of capacity greater than fifty (50) pounds)

(1) Propane tanks greater than fifty (50)-pound capacity in residential zoned property shall be placed underground and must be at least ten (10) feet from the property lines. The exposed "cap" on the underground tank shall be painted in dark brown or forest green;

(2) Permanent propane tanks are not permitted on vacant lots;

(3) All above ground propane or fuel tanks shall be placed in the side or rear yard and shall

be screened from adjacent properties and streets rights of way with opaque fencing or vegetation. (Ord. 14-35, passed 09-24-2014; Ord. 16-07, passed 04-26-2016)

## **Section 8.8 Temporary Uses (All Districts)**

### **8.8.1 Permit Required**

Unless otherwise provided, all permitted temporary uses listed in this section shall require a temporary use permit that shall be reviewed and issued by the Village Planner subject to the procedures outlined in Section 8.8. The following uses may be established in any zoning district (unless otherwise specified) as temporary uses, subject to approval by the Village Planner in accordance with the requirements below, the filing deadlines established in the application form, and the land development standards established for the district in which the temporary use is proposed.

### **8.8.2 Temporary Uses Not Listed**

If a temporary use permit is sought for a use other than a specific use listed above, the Village Planner shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use in the proposed district and is not otherwise prohibited by law, the Village Planner shall determine whether a materially similar use exists in this section. Should the Village Planner determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Village Planner's decision shall be recorded in writing. Should the Village Planner determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question through the text amendment process established in Chapter 6.

### **SR-200 Boat Storage (No Zoning Permit Required)**

(1) In all zoning districts except R-210, all boats out of water shall be stored in a totally enclosed garage or other building except that temporary parking of a boat out of water is allowed for seven (7) days in any month on private property with the consent of the property owner. Parking for any period of time in a twenty-four (24)-hour period shall count as one (1) day;

(2) In all non-residential zoning districts and in the R-210 district, all boats out of water shall either be stored in an enclosed building or be stored in a rear or side yard. If stored in a yard, the vehicles shall be screened from view at any property line;

(3) Owners of lake shore property may store boats out of water along the lake shore provided that all of the following conditions are met:

- (a) The boat(s) are owned by the resident of the property;
- (b) The boat(s) are stored no closer than fifteen (15) feet from any property line;
- (c) The boat(s) are stored in the yard abutting the lake shore;
- (d) The boat(s) are not stored on a trailer;
- (e) The boat(s) are in good repair and usable condition;

(f) The boat(s) do not exceed an overall hull length of fourteen (14) feet.

(4) Where the Village Code provides other regulations for such vehicles, the most restrictive provision shall apply.

### **SR 201 Temporary Facilities During Replacement of Existing Facilities or Until Permanent Establishment of New Facilities**

(1) Purpose and Scope: Temporary buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

(a) Temporary offices for construction and security personnel during the construction of a development for which the Village has issued a development or building permit. Each general contractor and major subcontractor is allowed one (1) 10 x 40 ft. maximum size temporary office building and two (2) additional 10 x 40 ft. maximum size storage buildings. The security personnel are allowed one (1) 10 x 40 ft. maximum size temporary building;

(b) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within one (1) year after approval of the temporary building. The Village Planner may approve a written request for an extension of an additional ninety (90) days for good cause shown, provided that substantial progress has been made toward constructing permanent replacement facilities. Failure to obtain a building permit within the time frame allowed will revoke approval for the temporary building.

(2) Standards and requirements for approval: In addition to the above limitations, all such temporary buildings shall meet the following standards and requirements:

(a) In addition to any other off-street parking required on the site, off-street parking shall be provided for the temporary building in accordance with the requirements set forth in this Ordinance, as determined by the use and size of the temporary building;

(b) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Planning and Inspections Department prior to installation of the temporary building;

(c) A simplified site plan, containing sufficient information to show compliance with the above standards shall be submitted to, and approved by the Village Planner, prior to installation of the temporary building.

(3) Duration: Such temporary buildings may remain on the site for no more than twelve (12) months or until construction is complete, whichever comes first. This period may be renewed for another twelve (12)-month period, for good cause shown, upon approval of a written request submitted to the Village thirty (30) days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the Village issues the last Certificate of Occupancy for the development.

### **SR 202 Temporary Expansion of School Facilities**

(1) Purpose and Scope: Temporary buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as expansion space for existing schools.

(2) Standards and Requirements for Approval: In addition to the above limitations, under-skirting shall be installed around the entire temporary building. All temporary buildings shall be underpinned and tied down;

(3) Duration: Such temporary buildings may remain on the site for no more than twelve (12) months. This period may be renewed for additional twelve (12) month periods, for good cause shown, upon approval of a written request for such an extension by the Village Planner submitted at least thirty (30) days prior to the expiration of the permit.

### **SR 203 Temporary Real Estate Sales Offices**

(1) Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Village Planner as a temporary use, provided that:

(a) The real estate sales office is located on a lot that was approved by the Village as part of the subdivision or development;

(b) The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located;

(c) There is no more than one temporary real estate sales office in the development;

(d) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance;

(e) Landscaping shall be provided in accordance to the requirements set forth for office development in Section 9.5 of this Ordinance;

(f) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of the sales office.

(2) Such a temporary office may remain until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the temporary office fails to comply with the provisions of this Section, the Village Planner may revoke approval of the temporary office;

(3) The use as a temporary real estate sales office shall be terminated upon expiration of the subdivision site plan for the development.

### **SR 204 Model Homes**

(1) Model home(s) shall be allowed within a new residential development, subject to approval by the Village as a temporary use, provided that:

(a) The model home(s) is located on a lot that was approved by the Village as part of the

subdivision or development;

(b) The home will be converted to residential use after it is used as a model home(s);

(c) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance;

(d) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of a model home as a real estate sales office.

(2) Model home(s) are permitted in any subdivision or site-planned development to show different styles and sizes. Model home(s) may be used for real estate sales purposes until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the model home(s) fails to comply with the provisions of this Section, the Village staff may revoke approval of the model home(s).

#### **SR-205 Yard Sales**

(1) No more than two (2) sales shall be held on the same premises during any calendar year;

(2) No yard sale shall commence prior to 7:00 am or extend beyond 6:00 pm;

(3) No yard sale shall have a duration greater than two (2) consecutive days. Any yard sale event shall be considered as one (1) yard sale for the purposes of the number of annual sales;

(4) Signage shall be in accordance with Section 9.7.1.7 (G) of this Ordinance.

#### **SR-206 Temporary Uses Other**

(A) General Standards:

(1) Such uses shall not be placed in any required yard or setback.

(2) Existing uses on the property shall not be negatively affected in any way by the operation of the temporary use;

(3) Adequate facilities, such as parking and restrooms, shall be provided for the temporary use and all existing uses on the property.

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the temporary use.

(5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.

(6) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

(7) Such uses shall have a maximum duration of two weeks. Longer duration may be allowed

with the approval of the Village Manager if the use is deemed of community wide significance.  
(Ord. 14-35, passed 09-24-2014; Ord. 16-07, passed 04-26-2016)

## **CHAPTER 9. DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES**

### **General Regulations**

#### **Section 9.1 General Standards**

The design and development standards in this chapter are intended to be minimum for the development of all buildings, sites and infrastructure.

The following general standards shall apply:

##### **(A) Exterior Building Materials**

For all non-residential development, all building elevations, including foundations, that are visible from the street or adjoining property shall be covered with one or more of the following materials: utility brick, standard brick, stucco, colored split faced block, stone, wood, cementitious siding, vinyl materials, or other similar materials. Corrugated metal, plywood, particleboard, untreated wood, and similar material are not permitted. This provision shall not apply to existing franchise businesses established prior to December 13, 2011 and located within the Historic Preservation Overlay District if a Certificate of Appropriateness is obtained from the Historic Commission;

##### **(B) Solar Panels**

Within the PC, NC, OP VCP, VMU, VR, HD and RMF zoning districts solar panels are permitted with the following conditions (for solar panels in residential districts refer to section 9.14.5):

- (1) When a structure has a flat roof raised panels are permitted if visibly screened or concealed by other roof or wall structures;
- (2) Ground mounted solar panels are permitted if located within the building setback and screened from adjacent road ways and properties;
- (3) Integral solar panels are permitted on any roof surface with no limitation on the area in which they may cover.
- (4) Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface.
- (5) Flush mounted solar panels are required to be encased in trim that closely matches the roof color.
- (6) All solar panels being located within the Historic Preservation Overlay District shall comply with the guidelines and standards for that district and must get appropriate approvals.

##### **(C) Number of Principal/Accessory Buildings per Lot**

For uses that require a site plan approval pursuant to Section 9.16 of this Ordinance, the number

of principal buildings on an individual lot shall be controlled by setbacks, buffers, parking, and other applicable sections of this Ordinance. For single family development there shall be no more than one (1) principal building per lot;

(D) Street Frontage

Any lot that is to be created or any existing lot on which a structure (or structures) is to be erected or a use is to be established shall abut one (1) of the following:

(1) An improved public street maintained by the Village of Pinehurst or NCDOT;

(2) An existing improved private street shown on the latest Village of Pinehurst Powell Bill Map;

(3) An improved and recognized private street located within the Village of Pinehurst ETJ as shown on a map approved by the Village Council.

(E) Required Setbacks: Allowable Encroachments into Required Yards

(1) A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Section and the Zoning District in which it is located, except as otherwise established in this Ordinance for particular uses;

(2) The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

(a) Eaves and overhangs may project from the principal building up to three (3) feet. Building steps may project up to three (3) feet into any required setback;

(b) Condensing units of HVAC equipment, generators and other similar mechanical equipment may encroach a maximum of five (5) feet into side and rear yard setbacks only;

(c) Sidewalks/walkways may encroach into any setback;

(d) Residential driveways may encroach into any setback that does not abut a golf course or a lake;

(e) Canvas awnings may project a maximum of six (6) feet;

(f) Other accessory uses and buildings may encroach, as set forth in other applicable sections of this Ordinance;

(g) Non-residential driveways, parking lots, loading areas, and sidewalks may encroach into any setback.

(h) Patios (on-grade), decks and off grade patios attached to principal structures, similar structures may encroach up to five (5) feet into the side and rear setback of a given property. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

(i) On grade patios, on grade decks and similar structures may be located within ten (10) feet of any lakeshore property line but must meet the side setbacks for the proposed structure. See Section 8.7, SR 110.

(F) Exceptions to the Height Limits

The following are not to be included in the calculation of building height:

- (1) Basements;
- (2) Spires;
- (3) Steeples;
- (4) Chimneys;
- (5) Antennae attached to buildings;
- (6) Communication towers;
- (7) Water tanks;
- (8) Elevator Shafts;
- (9) Flyways;
- (10) Cupolas;
- (11) Other similar appurtenance as approved by the Village Planner

Flagpoles and other structures not specifically listed here are subject to the height restriction for the Zoning District or as otherwise noted in the Ordinance, whichever is more restrictive (section 9.7.1.6 (B)).

(G) Sight Triangles

All development shall maintain unobstructed sight triangles at all street and driveway intersections in accordance with the current regulations of the North Carolina Department of Transportation and the Village of Pinehurst Engineering Standards and Specifications Manual.

(H) Franchise or Corporate Architecture

Buildings or structures, other than allowable signs, shall not be designed in an attempt to use the building or structure itself as advertising. Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-commercialization. Building designs shall reflect local, unique, and traditional designs rather than chain or franchise designs. This provision shall not apply to existing franchise businesses established prior to December 13, 2011 and located within the historic district if a Certificate of Appropriateness is obtained from the Historic



Commission.

(I) Standard for Dimensional Calculations

Numbers used to establish dimensional requirements shall be rounded to the nearest whole number.

(J) Colors

Except where law dictates a different color or where a specific color is otherwise required by this Ordinance, all colors used in development regulated within the jurisdiction of this Ordinance shall conform to the following standards:

(1) Colors used in development shall be consistent with the currently adopted Village of Pinhurst Color Palette on file at the Planning and Inspections Department for reference, unless documented that said color has historically been used on the structure;

(2) Existing colors that are not consistent with this Section shall only be replaced (including repainting) with colors that are consistent with this Section.

(3) This section shall not apply to homes built under the one (1) and two (2) family building code.

**9.1.1 Reserved**

(Ord. 14-35, passed 09-24-2014)

**Section 9.2 Tables of Dimensional Requirement**

All uses and structures in the general use zoning districts shall comply with the dimensional requirements listed in Table 9.2 a, except as may be otherwise provided by this Ordinance. Minimum lot sizes listed in the Table below are subject to modification based on open space requirements, subdivision requirements, or alternate design provisions within this Ordinance. Watershed protection overlay districts may require lower impervious coverage.







## Table of Dimensional Requirements Abbreviations:

1. Setback requirements shall apply to the perimeter of the parent tract or tracts prior to development.
2. All development shall be treated as multi-family (apartments or condo) or townhouse development (detached or attached).
3. See Section 9.17.1.11a for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10 or R-8 Districts meeting the Required Open Space regulations of this Ordinance.
4. Corner lots are required to add five (5) feet to the minimum lot width at setback line; and are required to add five (5) feet for the corner street side setback
5. 0' (15' minimum if detached)
6. 0' (5' minimum if detached)
7. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.
8. The maximum lot covered by impervious surface in the R-8 Zoning District shall not prevent a newly constructed single story home from having up to 2,400 sq. ft. under roof. In order to minimize impervious surface when this provision is used, the only other impervious surface that may be placed on the property is a driveway not exceeding 18' in width, a sidewalk going directly from the driveway to the front door and a patio not to exceed 64 sq. ft. Additionally, a front load garage shall be placed at the front setback. This provision shall not apply to the expansion of an existing single story home. All other regulations still apply.  
(Ord. 14-35, passed 09-24-2014; Ord. 15-13, passed 07-14-2015; Ord. 16-17, passed 10-25-2016)

## Section 9.3 Village Districts Design Standards

### 9.3.1 Village Mixed Use District Design Standards

The Village Mixed Use District shall be developed in a way that it is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. All development shall comply with the design standards set forth below. In addition, reference should be made to the design guidelines and content found in the NewCore Master Plan, as well as the Local Historic District Standards and Guidelines.

(A) Façade materials shall consist of brick, shake, wood clapboard, or a similar synthetic material. No more than fifteen percent (15%) of exterior materials along a given block front shall be shake.

(B) Upper and lower floors shall be distinguished through a change in material and/or color or the addition of balconies, bays, awnings, or other accent features.

(C) Special attention shall be given to entrances; they may be set back from the primary façade as long as they are clearly visible from the street. Building entrances and exits shall be well lit to provide visibility and promote safety. Buildings that occur at the intersection of roadways should angle the

entrance toward the corner of the street whenever possible.

(D) Windows are required, where they allow views to interior activity areas or displays. However, glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.

(E) Exterior building colors shall be consistent with the Village Center.

(F) When used, façade lighting shall provide a sense of safety without excessive light and glare.

(G) All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.

(H) Architectural ornaments along the roof line, such as molding entablature or friezes, are required.

(I) Sidewalks, streets, and plantings (streetscapes) shall be designed in accordance with the guidelines and principles of the NewCore Master Plan.

(J) Mid-Block Pedestrian Pathways are required. Pathways should be brick and must clearly delineate the pathway separate from any driving surfaces. The pathways shall be highly visible with proper lighting. They shall be designed to link the sidewalk at the street side of the building to parking areas in the rear.

(K) Public spaces and plazas shall be incorporated to create a pedestrian friendly environment.

(L) Street furniture, outdoor eating areas, and sitting areas shall be incorporated at the ground floor.

### **9.3.2 Village Cottage Professional District Design Standards**

The Village Cottage Professional District shall be developed in a way that is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. All development shall comply with the design standards set forth below. In addition, reference should be made to the design guidelines and content found in the NewCore Master Plan, as well as the Local Historic District Standards and Guidelines.

(A) New structures in the VCP District shall be built to resemble single family residences.

(B) Front porches are encouraged when possible.

(C) Exterior building colors shall be consistent with the Village Center and be found in the Village of Pinehurst color palette.

(D) Rear and side load garages are encouraged.

(E) Primary entrances shall be highly visible along the street front, distinguished with different materials or textures and lighting.

(F) All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences,

dense evergreen foliage, or by other suitable means.

(G) Sidewalks, streets, and plantings (streetscapes) shall be designed in accordance with the guidelines and principles of the NewCore Master Plan.

### **9.3.3 Village Residential District Design Standards**

The Village Residential District shall be developed in a high density residential fashion, providing pedestrian access to the Village Center and compatible in design to the residential development adjacent to the existing Village Center. All development shall comply with the design standards set forth below. In addition, reference should be made to the design guidelines and content found in the NewCore Master Plan, as well as the Local Historic District Standards and Guidelines.

(A) Primary entrances shall be oriented toward the street.

(B) Facades shall be varied to distinguish the buildings as separate modules, even in attached housing.

(C) Brick sidewalks should be provided and provide access along street fronts and to interior areas.

(D) Gable roofs with roof pitch 4:12 and greater are required.

(E) Facades shall consist of traditional architectural features, typical to the Historic Preservation Overlay District. Front porches, balconies, porticos, or dormers are required on all structures.

(F) Exterior building colors shall be consistent with the Village Center and be found in the Village of Pinehurst color palette.

(G) Garages shall either be accessed by rear alleys or side or rear loaded.

(H) All roof- and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.

(I) Columns shall be a minimum of six (6) inches, if used. Porch railing shall be traditionally sized.

(J) Sidewalks, streets, and plantings (streetscapes) shall be designed in accordance with the guidelines and principles of the NewCore Master Plan.

(Ord. 14-35, passed 09-24-2014)

## **Section 9.4 Off-Street Parking Requirements**

### **9.4.1 Purpose and Scope**

In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the jurisdiction of the Village, off-street parking for each land use shall be provided in accordance with the standards established in this Chapter. The provision of off-street parking shall not be required in the VC, and PC District; however, if parking is proposed in the VC or PC Districts it

shall comply with this Section.

#### 9.4.1.1 Off-Street Parking Space Requirements

(A) Parking Spaces Required: Permanent off-street parking spaces shall be provided as specified by this Section: (1) at the time a building is erected; (2) at the time any principal building is enlarged or increased in capacity, such as by adding dwelling units, guest rooms, seats, floor area, or other units of measurement used in Table of Required Parking 9.4 or; (3) before conversion from one type of use or occupancy to another if the new use requires additional parking space. Such parking spaces may be provided in a parking garage or in an improved open area, shared parking may be permitted in accordance with section 9.4.1.3. In the VMU District credit will be given to count toward the minimum amount of parking required for each on street parking space located within one hundred (100) feet of the front door of each establishment or for each space provided in a public parking lot located within five hundred (500) feet of the front door of the establishment. This measurement shall be as a pedestrian would walk;

(B) Certification: Each site plan that is submitted shall include information as to the number, location, and dimensions of all off-street parking and loading spaces and the means of ingress and egress to such spaces. This information shall be in sufficient detail to indicate whether or not the requirements of this Section are met;

(C) Minimum Number of Required Spaces: Each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in Table 9.4a;

(D) The Required Number of Parking Spaces Shall Be Calculated on the Use(s) of the Site: The number of parking spaces on a given piece of property shall be based on all of the principal and accessory uses of that property. If a property is used for several uses, all uses shall be taken into account. The required parking shall be calculated separately for each use and then added to determine the total required parking; See Section 9.4.1.3 for shared parking provisions.

(E) Timing of Construction: All parking areas required under this Section shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses which they serve;

(F) Accessible Parking Space: Parking spaces for persons with disabilities shall be provided in conformance with the State of North Carolina Accessibility Code.

(G) Table of Required Parking 9.4a

#### 9.4a Table of Required Parking

USE TYPES	MINIMUM REQUIRED PARKING
<b>RESIDENTIAL</b>	
Dwelling-Single Family	2 per Dwelling Unit
Dwelling-Two Family	2 per Dwelling unit
Dwelling-Multifamily	
0-1 bedrooms	1 space per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors
2-3 bedrooms	2 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors



4 or more bedrooms	2.5 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors
Dwelling-Townhouse/Clustered Dwellings	2 per Dwelling Unit
Family Care Home (6 or fewer residents)	1 per bedroom
Dwelling-Mixed Use	1 per bedroom (or provided as shared parking)
Manufactured Housing	2 per Dwelling Unit
<b>LODGING</b>	
Bed and Breakfast Homes	2 spaces plus 1 per sleeping room
Hotel	1 per sleeping room plus 1 per 4 seats in meeting or assembly rooms (based on design capacity), plus additional spaces (in accordance with other sections of this table) for restaurants or other facilities.
<b>OFFICE/SERVICE</b>	
Banks, Credit Unions, Financial Services	1 per 300 square feet of gross floor area
Business Support Services	1 per 300 square feet of gross floor area
Dry Cleaning & Laundry Services	1 per 200 square feet of gross floor area
Funeral Home	1 per 300 square feet of gross floor area
Medical Clinic	1 per 200 square feet of gross floor area
Personal Services	1 per 300 square feet of gross floor area
Post Office	1 per 200 square feet of gross floor area
Professional Services	1 per 300 square feet of gross floor area
Radio/TV Studio	1 per 500 square feet of gross floor area
Small Equipment Repair/Rental	1 per 400 square feet of gross floor area
Small Engine Repair/Sales	1 per 400 square feet of gross floor area
Veterinary Services/Indoor Kennels	1 per 300 square feet of gross floor area

USE TYPES	MINIMUM REQUIRED PARKING
<b>COMMERCIAL/ ENTERTAINMENT</b>	
Sexually Oriented Business	1 per 400 square feet of gross floor area of retail and one per three seats for entertainment areas
Alcoholic Beverage Sales Store	1 per 200 square feet of gross floor area
Amusements, Indoor	1 per 300 square feet of gross floor area
Bar/Tavern/Night Club	1 per 3 seats
Garden Center	1 per 400 square feet of gross floor area plus 1 per 5000 square feet of outdoor display area
General Retail	1 per 300 square feet of gross floor area
Golf Course	4 per green plus 1 per staff person largest shift plus one per tee (including driving range). This requirement may be reduced up to fifty percent for private golf courses with supporting information to account for reduction in parking.
Outside Sales	1 per 300 square feet of enclosed floor area plus 1 per 5000 square feet of outdoor display area
Restaurant	1 per 3 seats

Theater, Indoor (Movie or Live Performance)	1 per 3 seats based on design capacity
<b>CIVIC</b>	
Civic/Cultural Facilities	1 per 300 square feet gross floor area
Community Shared Facilities	1 per 300 square feet gross floor area
Country Club	1 per 3 seats of meeting space based on design capacity
Private Clubs	1 per 3 seats of meeting space based on design capacity
Public Safety Station	1 per employee of largest shift plus one per parked work vehicle/equipment plus one per 1000 square feet gross floor area.
Recreation Facilities, Indoor	1 per 200 square feet of gross floor area plus 1 per employee of largest shift.
Recreation Facilities, Outdoor	
swimming pool	1 per 75 square feet of water area
tennis or racquet court	3 per court
golf driving range	1.5 per tee
marina	1 per every 2 slips plus one space per staff person on the largest shift
other active outdoor areas	25 per field/recreation area or 2 per participation station
other passive outdoor areas	5 per acre
Park	no requirement
<b>EDUCATIONAL/INSTITUTIONAL</b>	
Residential Care Facilities (More than 6 Residents)	1 per 4 residents plus 1 per staff person largest shift
Child/Adult Day Care Center	1 per 400 square feet of gross floor area
Community Support Facility	1 per 300 square feet of gross floor area plus 1 per staff person largest shift
Hospital	1.5 per bed plus 1.5 per each volunteer and staff person largest shift
Religious Institution	1 per 3 seats in main assembly area based on design capacity
Schools-Elementary & Secondary	2 per classroom except for high schools which shall have 1 per 3 students
Schools- Vocational/Technical	1 per 100 square feet of gross floor area
Studio - art, dance, martial arts, music-dance, martial arts, music	1 per 300 square feet of gross floor area
<b>AUTOMOTIVE</b>	
Fueling Station	1 per fuel pump

<b>INDUSTRY/WHOLESALE/STORAGE</b>	
Artisan Workshops	1 per staff person largest shift
Landfill/Waste Recovery Facilities	±1 per staff person largest shift
Recycling Collection Stations Municipal	1 per staff person largest shift
<b>AGRICULTURE</b>	
Farming/Animal Production	no requirement
Horse Farm & Training Track	no requirement
Nurseries	1 per staff person largest shift
Gardens (Community and Private)	2 minimum plus 1 per staff person

<b>INFRASTRUCTURE</b>	
Parking Structure	no requirement
Parking Lot - Principal Use	no requirement
Telecommunications Facilities	Minimum one per facility
Utilities - Moore County and VOP	Minimum one per facility
Utilities - All Other	Minimum one per facility
<b>ACCESSORY USES</b>	
ATM	2 per non-bank location
Beekkeeping	no requirement
Cemetery	no requirement
Child/Adult Day Care Home Occupations	no requirement
Farmer's Markets	1 per 1000 square feet of area used for storage, sales, or display: may be fulfilled with approved shared parking
Concealed Wireless Telecommunication facility	no requirement
Home Occupation	no requirement
Outdoor Swimming Pools and Spas	Excluding dwelling-single family, 1 per 75 square feet of water area
Pet Houses and Pet Runs	no requirement
Playground Equipment	no requirement
Accessory Buildings	no requirement
Dwelling - Accessory	1 per unit
Accessory Structure	no requirement
<b>TEMPORARY USES</b>	
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	shall be as listed for principal uses above
Temporary Expansion of School Facilities	shall be as listed for principal uses above
Temporary Real Estate Offices	1 per 300 square feet of gross floor area
Model Homes	2 per model home
Yard Sales	no requirement

#### 9.4.1.2 Location and Design of Parking Areas/Stacking Lanes

(A) All parking areas shall be located and designed so as to avoid undue interference with the use of public streets and alleys;

(B) A minimum of seventy-five percent (75%) of all parking areas shall be paved. Twenty-five percent (25%) of parking areas may be graded gravel. All parking areas shall be in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual. Parking areas serving public park facilities as defined in the Village of Pinehurst Comprehensive Parks and Recreation Master Plan may consist of one hundred percent (100%) graded gravel.

(C) Each parking area shall meet all applicable landscaping, screening, and buffering requirements set forth in this Ordinance;

(D) All parking areas shall be separated at least ten (10) feet from buildings and all associated driveways and aisles shall be separated at least five (5) feet from buildings in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area;

(E) Each parking space shall be provided with curbing, a tire stop, or, in the case of unpaved spaces, railroad ties or similar material as set forth in the Village of Pinehurst Engineering Standards and Specifications Manual;

(F) The parking area may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling, or servicing of vehicles except as otherwise may be permitted by this Ordinance;

(G) All entrances, exits, and drainage plans shall be reviewed and approved by the Village Engineer in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual and shall be constructed before issuance of a Certificate of Occupancy;

(H) All parking spaces, aisles between parking spaces, and parking space modules, shall meet the minimum dimensional requirements and geometric design standards set forth in the Village of Pinehurst Engineering Standards and Specifications Manual.

(I) Parking associated with Village of Pinehurst passive recreation facilities may be provided as on-street parking. This on-street parking must be approved by the Village Council.

(J) Where drive-thrus or drive up facilities are provided, appropriate space shall be provided to accommodate not less than three (3) cars per stacking lane.

(K) Up to twenty percent (20%) of the total number of parking spaces required may be provided by compact or alternative transportation spaces. Compact parking spaces shall be not less than eight (8) feet in width.

(L) Alternate paving systems for parking areas may be allowed based on site conditions, performance factors and emergency access requirements.

#### **9.4.1.3 Shared Parking**

(A) One parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to any other use.

(B) The Village Planner may approve the joint use of parking spaces for uses generating parking demands at different times subject to the Applicant's demonstration that the available parking will be sufficient for both uses and the provision of a shared parking agreement pursuant to paragraph (D) of this Section. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent (90%) vacant on weekends, another development that operated only on weekends could be credited with ninety percent (90%) of the spaces on the lot. Or if a church parking lot is generally occupied only to fifty percent (50%) of capacity on days other than Sunday, another development could make use of fifty percent (50%) of the church lot's spaces on those other days. To qualify as shared parking for an establishment, spaces must be within five hundred (500) feet of the main entrance as one would walk.

(C) Shared parking is permitted by agreement only. The agreement must:

- (1) Be in writing and executed by all owners of the properties affected;
- (2) Specify the parking being shared and the hours of operation by the uses involved.
- (3) Be enforceable by the Village and approved by the Village Planner and the Village Attorney.
- (4) Be recorded in the office of the Register of Deeds for Moore County by the owner(s) of the property affected and a recorded copy furnished to the Village Planner.

(D) An affidavit stating that the shared parking agreement is valid shall be submitted to the Village Planner if any change in use or hours of operation of the affected properties has occurred or at the request of the Village Planner to the Village Planner.

(E) A violation shall occur if a use is operated at a time other than during the hours of operation specified in the shared parking agreement. The Village Planner may revoke the Certificate of Use or Occupancy for any use operated in violation of a shared parking agreement.  
(Ord. 14-35, passed 09-24-2014; Ord. 14-42, passed 12-09-2014)

## **Section 9.5 Landscaping Requirements**

### **9.5.1. Purpose and Scope**

The natural landscape conditions within the Village of Pinehurst and its extraterritorial jurisdiction typifies the North Carolina Sandhills and Longleaf Pine Ecosystems. These natural conditions (topography, vegetation, and wildlife) are unique within North Carolina and are the strongest visual aspects defining the character of the Village. The purpose of the landscaping standards in this Section shall be to create an appearance in which manmade development is situated within a forest or naturalized setting in all zoning districts. All size standards in this section shall conform to the *American Standards for Nursery Stock*.

#### **9.5.1.1 Landscape Plan Required**

A landscape plan shall be submitted to the Village Planner and its approval is a prerequisite for the issuance of a development permit where required.

#### **9.5.1.2 Planted Buffers**

(A) Permitted Uses Within Planted Buffer Areas: Planted Buffers should be left in an undisturbed natural vegetative state and provided with supplemental plantings. Selective thinning of vegetation and removal of dead vegetation may be permitted as long as the intent of the planted buffer requirement is maintained. Driveways and utilities may cross a planted buffer at or as near a perpendicular angle as practical. Paths and walkways may pass through the planted buffer and pedestrian walkways (greenways) may be installed within the buffer area. Grading in the designated planted buffer may be allowed with site plan approval, if the re-vegetation plan is determined to meet the intent of this Section;

(B) Location of Planted Buffers: Required planted buffers shall be provided along the perimeter of development unless alternate locations are approved. Planted buffers shall be designated and dimensioned on all site plans and subdivisions plans, where applicable;

(C) Public Pedestrian Easement Required: The full width of all buffer areas shall be designated as a public pedestrian easement and shown on a recorded plat;

(D) Application:

(1) These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments and uses located within the VC, VMU, VCP and VR Zoning Districts when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner. When nonresidential and multi-family uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the nonresidential or multi-family property. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates a nonresidential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.

(2) The required planted buffer width is based on the classification shown on Table 9.5.1.2;

(3) If said project is adjacent to property that is zoned non-residential or multi-family but is used for single family purposes, half the required planted buffer width along the perimeter of the property adjoining that property shall be required;

(4) A class 3 planted buffer shall be installed along and adjacent to NC 2, Midland Road east of the Traffic Circle to the zoning jurisdictional boundary of Pinehurst, on the west side of Hwy. 15/501 from the northern extent of the zoning jurisdictional boundary of Pinehurst southward to the western extent of the traffic circle and the intersection with Hwy. 211, Hwy. 211 from the intersection of Mckenzie Rd. to the western extent of the zoning jurisdictional boundary of Pinehurst, Murdocksville Rd. from the intersection of Hwy. 211 to the northern extent of the zoning jurisdictional boundary of Pinehurst and on the west side of Hwy 5 from the intersection of Lake Hills Rd. south to the intersection with Trotter Hills for all non-single family residential uses.

(5) If the adjacent property is zoned for residential use but is vacant at the time of the proposed development, the full required planted buffer width shall be provided;

(6) If the proposed development is non-residential and the adjacent property is zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, but not less than ten (10) feet;

(7) If the proposed development is for multi-family dwellings adjacent to property zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, whether the property is occupied or not.

(E) Planted Buffer Classifications and Width:

(1) Planted buffer width is based on uses in the following classifications:

(a) Class 1 - 10 feet: Cemeteries, golf courses, passive recreational areas, and;

(b) Class 2 - 20 feet: Offices, churches, schools, public facilities including playgrounds, ball fields, community swimming pools, and similar facilities, day care facilities, multi-family, residential, hotels;

(c) Class 3 - 30 feet: Neighborhood commercial and service activities including, but not limited to, retail operations, funeral homes, restaurants, banks, convenience stores;

(d) Class 4 - 50 feet: Commercial activities with higher vehicle activities including, but not limited to, vehicle repair, theatres, outdoor recreation centers, and outdoor storage

Table 9.5.1.2

REQUIRED PLANTED BUFFER WIDTH IN FEET BASED ON BUFFER CLASSIFICATION AND ADJACENT PROPERTY USE AND ZONE				
ADJACENT PROPERTY USE AND ZONE				
Planted Buffer Class	Developed Residential Zone	Principal Residential Use In Nonresidential Zone	Developed Multi-Family Zone	Vacant Multi-Family Zone
Class 1	10 feet	10 feet	10 feet	10 feet
Class 2	20 feet	20 feet	10 feet	10 feet
Class 3	30 feet	30 feet	15 feet	15 feet
Class 4	50 feet	50 feet	25 feet	25 feet

(2) The required setbacks may be used to meet landscape planted buffer width requirements in all districts. When planted buffers are required for residential uses, the planted buffer requirements shall be designated open space, or common area;

(3) Planted buffer widths and required plantings may be reduced by thirty percent (30%) if the site plan indicates berming, alternate landscaping, walls, opaque fencing in combination with landscaping or topographic features which will, in the opinion of the Village Planner, achieve the intent of this Section as outlined in Section 9.5.1 and result in equal or better performance. In no case shall a buffer width be less than ten (10) feet. Berms may not have a slope steeper than two (2) horizontal to one (1) vertical and must have a crown width of at least two (2) feet and a minimum height of two (2) feet;

(F) Requirements for Planted Buffer Areas:

(1) Existing Vegetation. Existing vegetation, regardless of species, shall be used to meet all or part of the requirements of this Section wherever possible, if it provides the same level of obscurity as the planted buffer required below. Vegetation to be saved shall be identified on site plans, along with protection measures to be used during grading and construction. (See Section 9.5.1.7 for protection measures and calculation of credits for existing trees);

(2) Planting requirements: Planting requirements for planted buffers include both trees (large and small) and shrubs as described below. (See Appendix F for a listing of native/water conserving trees and shrubs.) In calculating buffer planting requirements, areas of driveways are excluded;

(a) Tree Standards: This requirement may be satisfied as follows:

1. One longleaf pine tree with a minimum size of three (3) inch caliper at planting are required per two hundred (200) square feet of buffer area.

2. Two Understory trees a minimum of two inch caliper are required per five hundred (500) square feet of buffer area, one of which is to be an evergreen species that is not a pine tree.

3. Trees shall be distributed along the entire length and width of the planted buffer. Due to unique characteristics of a site, or design objectives, alternative plant mixes and spacing may be approved by the Village Planner.

(b) Shrub Standards: Shrubs, a minimum of twenty-four (24) inches in height, of a variety that can be expected to reach four (4) to five (5) feet in height and three (3) feet in width within three (3) years of planting, shall be provided. Shrubs shall not be planted closer than six (6) feet to newly planted trees, nor within the drip line of existing hardwood trees. Shrubs shall be distributed along the entire length and width of the planted buffer, preferably in naturalistic groupings so as not to create a hedgelike condition. Shrubs shall be provided at one per seventy-five (75) square feet of buffer area.

### 9.5.1.3 Landscape Screens

(A) The purpose of a screen is to use plants and/or other landscape or architectural elements to obscure views from all corridors or adjacent properties.

Structures such as loading docks, mini-warehouses, service courts, dumpster areas, mechanical equipment, and outside storage of material stocks or equipment, either for sale or not for sale on the premises, such as, but not limited to, motor vehicles, equipment, or construction equipment shall be screened from unobstructed off-site views. Uses requiring screening as noted in this Ordinance shall be screened according to the requirements of this Section. This screening requirement does not pertain to outdoor display of merchandise located within the Historic Preservation Overlay District that complies with the regulations and design guidelines of that district.

(1) Landscape Screen Standards: Features and uses specified above and/or others requiring screens shall provide a visual obstruction from all corridor and adjacent properties in conformance with the following standards: The screen may be composed of view-obscuring vegetation, wall, fence, or berm. The items may be used individually or in combination. The minimum result shall be a semi-opaque seventy-five percent (75%) screen that obscures views from the ground to a height of the object being screened. Evergreen screening plants shall be at least five (5) feet tall at the time of installation and reach the desired height within three (3) years of planting. Additionally, screen areas shall be sufficient size to allow for the mature growth of plant materials when used.

### 9.5.1.4 Parking Area Landscaping

(A) Purpose: In order to reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards apply;

(B) Required Perimeter Landscape Plants:

(1) Large trees (unless subject to overhead power lines): Longleaf pines shall be planted at the rate of one three (3) inch caliper tree per twenty (20) linear feet of property line abutting a street and/or adjoining property, less driveways and sight distance triangles. Trees must be a minimum of five (5) feet and a maximum of twenty (20) feet from the parking lot edge to meet this requirement.



Credit given for existing, healthy, protected trees, regardless of species, shall be according to 9.5.1.7 of this Section;

(2) Evergreen shrubs at the rate of one (1) 24 inch height minimum shrub per three (3) linear feet of parking lot edge abutting streets and adjoining property, less driveways, of a species expected to reach a minimum height of 36 inches and a minimum spread of thirty (30) inches within three (3) years of planting. This rate may be varied based upon size of installed plant materials. Shrubs must be a minimum of five (5) feet and a maximum of ten (10) feet from the parking lot edge to meet this requirement.

Shrubs shall be planted such that no less than seventy-five percent (75%) of the length of the parking lot edge, to a height of thirty-six (36) inches, is obscured from view after three (3) years of growth. Shrubs planted within sight distance triangles shall be of a type with a maximum mature height of eighteen (18) inches.

Additionally, shrubs shall not be planted within six (6) feet of the trunk of a tree;

(3) A brick or stone wall, or fence, at least thirty-six (36) inches tall and of a material compatible with the building, may be substituted for the requirements of shrubs.

(4) Berms may be installed within the highway (front) or interior (side or rear) yards with a minimum two (2) foot height, two (2) foot minimum crown width, and side slopes of not steeper than two horizontal to one vertical. Berms shall be planted with live vegetation, and may be used with smaller plants to meet the required screening area, provided that the combination of the berm and the shrubs obscures no less than seventy-five percent (75%) of the length of the parking area, to a minimum height of thirty-six (36) inches after three (3) years of growth;

(5) Areas used for vehicle sales and/or service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive-up service, shall be considered parking areas and shall comply with the requirements of this Section.

(C) Landscaping Within Parking Areas:

(1) Location: Parking areas shall provide and maintain landscaped areas based upon the parking area. Areas under canopies, loading and service areas, and portions of drives with no parking on either side for a distance longer than twenty-five (25) feet and/or used exclusively as access to loading or service areas, are exempt from this requirement. The landscaping within parking areas shall be provided in addition to planted buffer requirements of this Ordinance.

Areas used for landscaping shall be provided in the amount equivalent to at least ten (10) percent of the parking area, and shall be used for planting either trees and/or shrubs according to the requirements below. Tree planting areas shall be located such that no parking space is farther than seventy-five (75) feet from a tree trunk;

(2) Required Landscape Plants: Trees shall be used at the following rates, either in combinations of small and large trees, or with large trees only, to add up to the required landscape area:

(a) One three (3) inch caliper, large hardwood or pine tree per two hundred fifty (250) square feet of required landscaped area. Each large tree shall be located within a minimum growing area of two hundred fifty (250) square feet un-encroached upon by shrubs or impervious pavement, with a

minimum dimension of ten (10) feet;

(b) One understory tree less than three (3) inch caliper at the rate of one eight (8) foot tall tree per one hundred twenty-five (125) square feet of required landscaped area. Understory and evergreen trees shall be located within a minimum growing area of one hundred twenty-five (125) square feet, with a minimum dimension of seven and one half (7½) feet, un-encroached upon by shrubs or impervious pavement. Understory trees may be used to fulfill up to one third (1/3) of the required trees.

(3) Islands and Medians:

(a) Minimum curb radii of five (5) feet are required on the corners of all tree islands and medians to allow for free movement of motor vehicles around planting materials. (See the Village of Pinhurst Engineering Standards and Specifications Manual). All islands shall have raised curbing around them meeting the Village of Pinhurst Engineering Standards and Specifications Manual to further protect plants from being run over by motor vehicles. Medians without curbing shall include devices to stop vehicles from driving into the planted areas;

(b) No more than one tree may be provided per island, unless there is at least the minimum growing area per tree as required above. Large trees shall not normally be planted less than eighteen (18) feet apart, and small trees/large shrubs shall not normally be planted less than twelve (12) feet apart.

(4) Existing Trees:

(a) Credit given for existing, healthy, protected trees shall be according to 9.5.1.7 of this Section. Trees used to meet other requirements of this Ordinance may not be used to meet the requirements of this Section.

(5) Sight Distances: Trees and shrubs shall be either pruned or located to facilitate safe sight distances within parking lots.

(D) Parking Area Landscaped Yards: Any new or expanded off-street parking areas shall provide landscaped areas meeting the requirements below:

(1) New or expanded parking areas shall provide a landscaped area, adjacent to and outside of the street right-of-way, and/or adjacent residential property line edge, less driveways, of a minimum of ten (10) feet in width and adjacent non-residential property line edge, less driveways, of a minimum of five (5) feet. Proposed locations of plants and parking spaces shall be arranged to protect plants from vehicles;

(2) Planted buffers and/or screens provided adjacent to right-of-way, as required under Sections 9.5.1.2 and/or 9.5.1.3 of this Section, and located between parking lots and streets and/or adjoining residential property may be considered in fulfilling these requirements.

(E) Street Trees Required

(1) For all non single-family developments one three (3) inch caliper, large hardwood or pine tree per forty (40) lineal feet of street frontage minus driveways shall be planted in the road right of way. These street trees shall be approved by the Village Engineer as being acceptable street trees. These trees shall be planted outside of site triangles and not conflict with any utilities. Alternate type and size trees may be approved by the village engineer based on existing site conditions and constraints.

### **9.5.1.5 Maintenance Responsibility**

Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of all required plant material and continued compliance with this Section.

### **9.5.1.6 Request for Extension of Compliance**

(A) A letter of request for extension of compliance with landscaping requirements may be filed with the Village Planner that states the reasons why the request is being made. If the Village Planner finds that there are unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not longer than ninety (90) days. The letter shall also acknowledge that the property owner is aware of all landscaping and screening requirements, and will comply with those requirements within ninety (90) days, or discontinue use of the property;

(B) If an extension is allowed by the Village Planner, the applicant shall provide to the village a financial guarantee as set forth in Section ~~9.17.1.24~~ 9.17.1.26 sufficient to cover one hundred twenty-five percent (125%) of the installed landscaping costs;

(C) If the initial letter of request for extension of compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the applicant may request one (1) additional extension of up to ninety (90) days. Failure to comply with the provisions of this Section within the time noted in the letter of request for the extension of compliance with landscaping requirements shall be deemed a violation of this Ordinance. In addition, failure to perform in accordance with this Section shall result in default and the forfeiture of the financial guarantee as set forth in Section ~~9.17.1.24~~ 9.17.1.26.

### **9.5.1.7 Existing Vegetation Credits**

(A) Existing healthy trees and shrubs shall be retained when possible and may be credited toward landscape requirements. Vegetation to be saved shall be identified on submitted plans. Protection measures shall be installed to maintain tree health and such protective measures shall be shown on the submitted plan.

(B) Credit given for existing, healthy, protected trees shall be on a tree-for-tree basis, for planted buffer areas, and on the basis of fulfilling the requirements for parking areas. Existing trees will not be allowed to be counted towards landscape screen requirements. Trees so credited must be at least three (3) inch caliper.

### **9.5.1.8 Specimen Trees**

(A) Specimen trees include all of the following:

A specimen tree is any healthy living tree that:

- (1) Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;
- (2) A trunk DBH of twelve (12) inches or more in the case of the following species:
  - (a) Ilex species (holly);

- (b) Magnolia species;
- (c) Longleaf Pine species;

(3) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;

(4) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or

(5) Has been cited by the Village Council as being historically significant.

#### **9.5.1.9 Preservation and Removal on Private Property**

##### **(A) Specimen Trees On Private Land:**

(1) Specimen trees shall be shown on all preliminary commercial and residential site plans submittals and located by survey on final site or Landscape Protection Plans. The Village Planner may visit the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a development site where soil disturbance or construction activity is proposed;

(2) Proposed development shall be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities shall be pursued in order to save them;

(3) Notwithstanding any provision of this Ordinance to the contrary, saving of a specimen tree shall constitute evidence that the requirements for a case have been met for a variance application;

(4) No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during the review of the site and/or Landscape Protection Plan it is determined there is no reasonable way the property can be developed without such disturbance.

##### **(B) Voluntary Protection Of Specimen Trees On Existing Residential Lots:**

(1) Specimen trees which are located on individual lots with single homes shall be protected if voluntarily registered by the property owner;

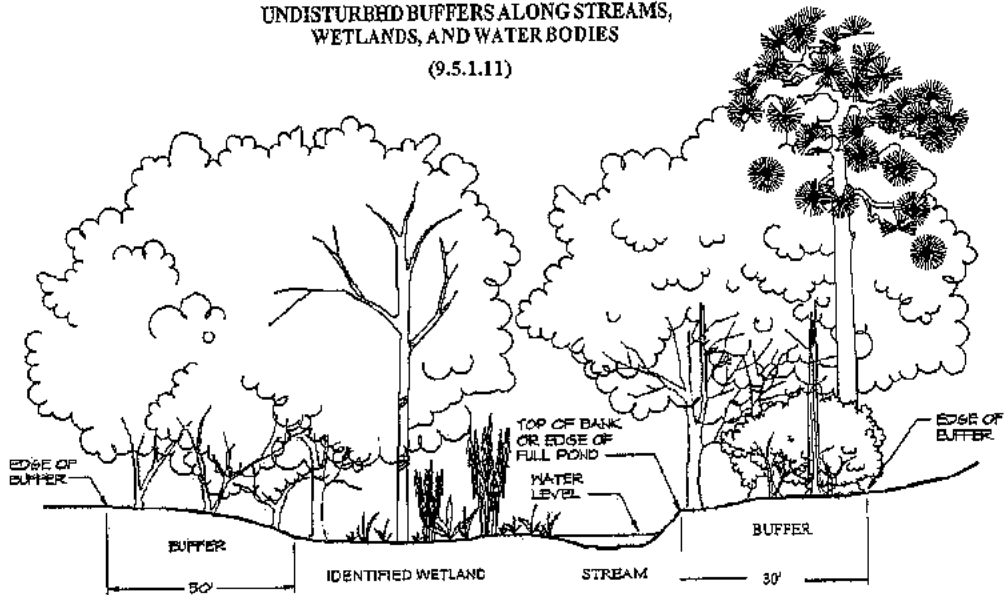
(2) Registration of such trees shall render the owner of the lot the following privileges: If a permitted accessory structure or addition to a house is being planned, notwithstanding any provision of the Ordinance to the contrary, saving of a specimen tree may constitute evidence that requirements for a case have been met for a variance application.

#### **9.5.1.10 Undisturbed Buffers Along Streams, Wetlands, and Water Bodies**

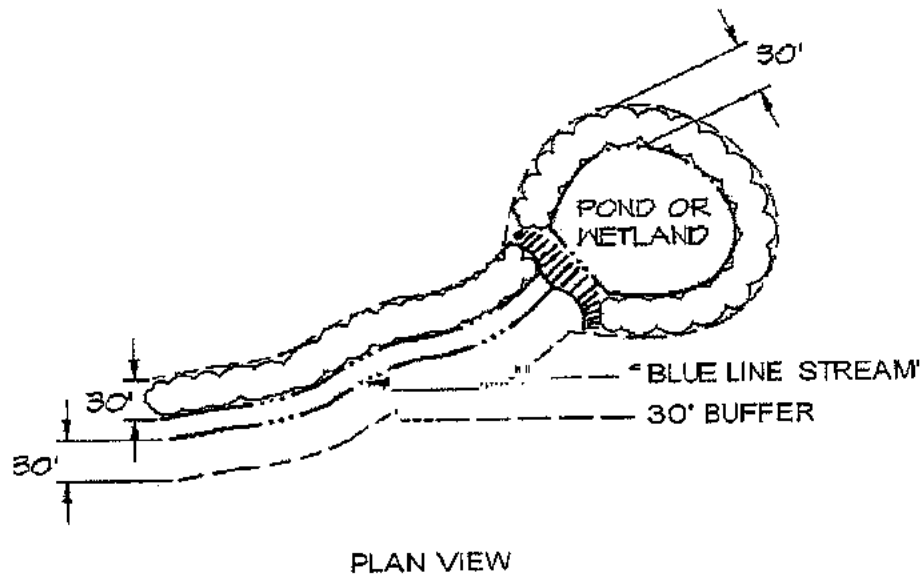
(A) Notwithstanding any other provisions of this Ordinance regarding buffers, landscaping or setbacks, all development, other than development of existing single family lots shall maintain a thirty (30) foot undisturbed buffer measured from the top of the bank along all streams that are shown as "blue lines" on the most recent versions of U.S. Geologic Survey 1:24,000 scale topographical maps; along

the edge of identified wetlands as established by the North Carolina Department of Environmental Resources as defined by N.C.G.S. § 143.212(6); and along the edge of the full pond of any water body that is fed by or connected to a "blue-line" stream, other setbacks such as wetland and watershed (Section 8.3.3) may also apply;

UNDISTURBED BUFFERS ALONG STREAMS,  
WETLANDS, AND WATER BODIES  
(9.5.1.11)



GROSS SECTION



(B) The Village Council may permit as a special exception water dependent structures, pedestrian facilities and other similar structures where the Council finds that only minimal disturbance will result. In permitting such facilities, the Council may attach such reasonable conditions as the Council deems appropriate.

(Ord. 14-35, passed 09-24-2014)

**Section 9.6 Reserved**

**Section 9.7 Sign Regulations**

**9.7.1 General Purpose and Intent**

The purpose of this section and the other sign standards contained in this chapter, is to support and complement the various land uses allowed in the Village of Pinhurst by the adoption of standards concerning the placement of signs. These standards are adopted under the zoning authority of the Village to achieve the following:

(A) To encourage the effective use of signs as a means of communication in the Village while preserving the rights of free speech under the First Amendment to the United States Constitution.

(B) To maintain and enhance the aesthetic environment and the Village's ability to attract sources of economic development and growth.

(C) To improve pedestrian and traffic safety.

(D) To minimize the possible adverse effect of signs on nearby public and private property.

**9.7.1.1 Applicability**

(A) Permits Required

(1) Except as otherwise stated in this section, signs which are allowed under this section shall not be erected until and unless the person erecting the sign or the property owner has obtained a development permit pursuant to this Ordinance and, where required by the State Building Code, a building permit from the Planning and Inspections Department. All signs requiring a development permit shall be reviewed and approved by the Village Planner prior to the issuance of a development permit, with the exception of proposed signage located within the Historic Preservation Overlay district, which also shall be reviewed and approved by the Historic Preservation Commission or designated staff (COA required).

(2) Where the land use which the sign serves requires site plan approval or subdivision plat approval, a temporary or permanent sign denoting the name of the development shall not be permitted or erected on any tract or parcel of land until and unless the site plan or subdivision has received approval from the village in accordance with the procedures set forth in this Ordinance.

#### **(B) Alteration of Sign Face**

Repainting of a sign, if in conformance with the applicable standards of this chapter, shall be considered maintenance or repair and shall not require a permit. The changing of tenant name panels on multiple-tenant development signage shall not require a permit.

#### **(C) Compliance Required**

Existing nonconforming signs shall be brought into full compliance subject to the requirements of Section 2.3.

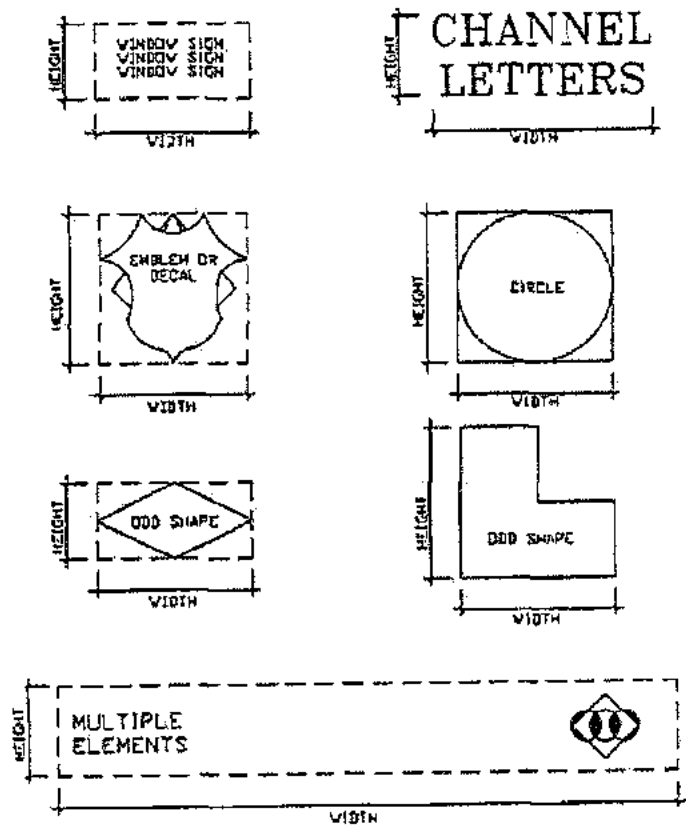
### **9.7.1.2 Computation of Signage Area**

#### **(A) Computation of Height**

The height of a sign shall be measured from the highest point of a sign or its support whichever is greater, to the base of the sign at the highest adjacent grade. If said sign is placed in raised planter box or on a berm exceeding a 3/1 slope the base of the planter box or berm shall be used to determine height.

#### **(B) Computation of Sign Face**

(1) The area of a sign face shall be deemed to be the entire rectangular area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can be reasonably calculated. (See diagram below.)



(2) Individual channel letters or free-floating elements shall be measured as individual elements. The area shall also include any material or color forming an integral part of the background of the display is used to differentiate the sign from the backdrop or structure against which it is placed.

(3) Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.

(4) Signs attached to walls or fences shall be treated as monument signs and allowed only where monument signs are permitted. Only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

(C) Computation of Setback

Unless specifically stated otherwise, setbacks are measured from the nearest point on the sign to the nearest point on a property line, right-of-way, easement, zoning boundary, use, or structure, as appropriate.

9.7.1.3 General Provisions

(A) General Permanent Sign Regulations

All signs shall comply with the following:

- (1) All signs on property within the Historic Preservation Overlay District shall be additionally



reviewed by the Village Planner and/or Historic Preservation Commission and shall comply with the *Local Historic District Standards and Guidelines*.

(2) Color: Sign colors shall be uniform between the ground sign and wall sign. Colors shall be muted.

(3) Electrical Wiring: Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be erected or installed until and unless an electrical permit has been obtained from the Planning and Inspections Department. All such wiring shall be installed underground.

(4) Maintenance Responsibilities: To ensure that signs are erected and maintained in a safe and attractive condition, the following maintenance requirements shall apply to all signs visible from any public or private street or right-of-way or adjacent property:

(a) Disfigured, cracked, ripped, or peeling paint, poster paper, or other material shall not be permitted for a period of more than thirty (30) successive days.

(b) A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen (15) degrees from vertical for a period of more than five (5) successive days.

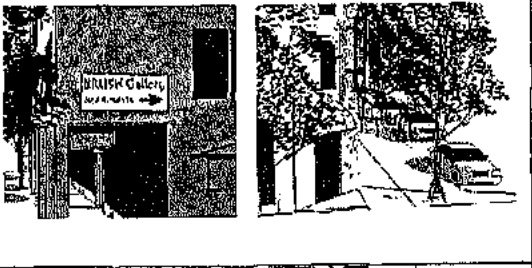
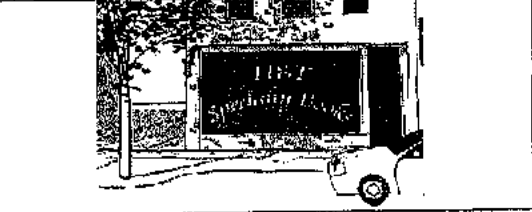
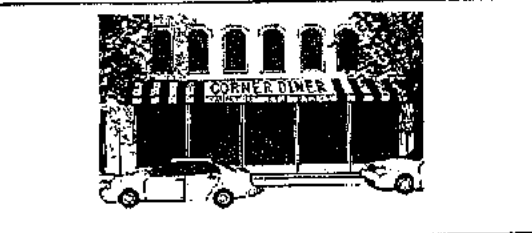

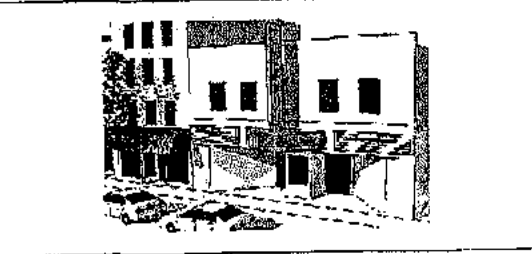

(c) A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign message from the street or right-of-way from which it is to be viewed, for a period of more than thirty (30) successive days unless such vegetation is incorporated as a landscape element.

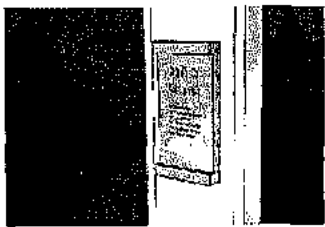
(d) An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than seven (7) successive days.

(5) Noncommercial Messages: Any sign, display or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message.


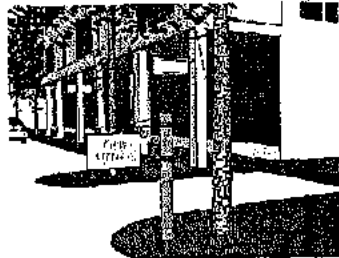

#### **9.7.1.4 Permitted Signage by Category**

(A) Permitted Signage Types - Attached Signs

<p>(1) Wall Signs: Flat signs, channel lettering or three-dimensional signs which are painted or attached (parallel or perpendicular) to the wall of a building or structure.</p>	
<p>(2) Window/Door Signs: Flat signs or lettering which are painted or attached to the window of a building or structure.</p>	
<p>(3) Awning/Canopy Signs: Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.</p>	
<p>(4) Roof Signs: A building-mounted sign erected on or over any portion of a roof or building.</p>	
<p>(5) Theatre Marquee Signs: Three-dimensional signs projecting from the side of a building which may extend above the roof line and/or incorporate changeable type.</p>	
<p>(6) Projecting/Suspended Signs: Pedestrian-scaled signs on the first floor of a building mounted to the side of the building or underside of a balcony or arcade which can be read from both sides.</p>	

<p>(7) Address/Tenant Identification Signs: Incidental signs that list tenants, unit numbers, address contact information, hours of operation, and similar non-commercial characteristics. in a multi-tenant building with common entry.</p>	
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(B) Permitted Signage Types - Freestanding Signs

<p>(1) Ground: Signs erected independent of a building, with an integral support structure</p>	
<p>(2) Post &amp; Arm Signs: Minor or secondary signs which are used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.</p>	
<p>(3) Portable/A-Frame Signs: Pedestrian scaled non-permanent signs which are used to display menus, daily specials, sale announcements, and similar messages.</p>	

(C) Attached Sign Standards

Signage shall be permitted subject to the standards in the tables below. Additional standards for specific signage types are outlined in Section 9.7.1.5.

	Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number
Wall Signs	VC, VCP, VMX	6 sq ft	Shall not extend above roofline of building	<p>Signs shall only contain name and nature of business</p> <p>Signs shall be professionally etched, or printed</p> <p>When 6 inch maximum protrusion, bottom of sign shall be no less than 8 ft above grade</p> <p>Additional standards and allowances apply for multi-tenant developments according to provisions of Section 9.7.1.5</p>	1 sign per street frontage per tenant
	HD, NC, OP	12 sq ft 225 sq. ft. In the HD on Buildings 3 stories or taller			
	H, PC, RD	24 sq ft			
	HC	22 sq ft			
Window / Door Signs	PC, RD, NC, HC, H, HD, VCP, OP, VC, VMX	20% of the gross glass area, excluding window signs in Section 11.7.3 Sections 9.7.1.6 and 9.7.1.7	n/a	<p>Signs shall only contain name and nature of business</p> <p>Signs permitted on windows of minimum size of 30 sq ft</p> <p>Signs shall be professionally etched, painted, or printed</p> <p>Additional standards and allowances apply for multi-tenant developments according to provisions of Section 9.7.1.5</p>	1 per street frontage
Awning / Canopy Signs	PC, RD, NC, HC, H, HD, VCP, OP, VC, VMX	50% of the awning area	n/a	Shall be limited to business identification only	1 per awning
Roof Signs	Not permitted	n/a	n/a		
Theatre Marquee Signs	Theatres only	200 sq ft	n/a	Such signs must be perpendicular to the façade of the building, or at a 45 degree angle from the corner of the building	1 per theatre
Projecting, Suspended Signs	All Districts	4 sq ft per side	No sign shall extend above roofline	All lettering and graphics shall be permanent and shall provide clear pedestrian path up to 8 feet.	1 per tenant
Address / Tenant Identification Signs	All Districts	1.5 sq ft per tenant, owner, location or business  1 sq ft per tenant, owner, location or business in Historic Overlay District	10 ft	<p>Signs on mailboxes and newspaper tubes may be located in the right-of-way as per applicable postal regulations.</p> <p>Street numbers (only) may be painted on the curb.</p> <p>Shall have contrasting color to background material</p> <p>Additional standards and allowances apply for multi-tenant developments according to provisions of Section 9.7.1.5</p>	1 per tenant

Wall Directory Signs	PC, RD, NC, HE, H, HD, VCP, OP, VMU, VC	2 sq ft	n/a	<p>All tenants shall be served by a wall sign</p> <p>Border and molding shall not exceed 3 inches and shall be included in total area calculation</p> <p>Flush mounted wall sign shall not project more than 6 in from wall</p> <p>Bottom of projecting wall sign shall be 8 ft above grade</p> <p>Signs shall contain only name and/or nature of the business and shall be professionally etched, painted, or printed</p> <p>Comprehensive Sign Plan required per Section 9.7.1.5</p>	1 per building entrance
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**(D) Freestanding Sign standards**

	Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number
Ground Signs	R5 - R210, RMF	16 sq ft total area (including border and molding)	4 ft	<p>May not be used in conjunction with other permanent subdivision signage</p> <p>Border or molding shall not exceed 6 inch width</p> <p>Signs with border shall be at least 2 ft in either horizontal or vertical direction</p>	1 or 2 sides of major entrance
	VR	6 sq ft total area (including border and molding)	3 ft	<p>Mulched, turfed, or grassed area of 50 sq ft required at base of all signs without obscuring the sign message</p> <p>Additional standards and allowances apply to the residential care facilities and religious institutions (see Section 9.7.1.5)</p>	
	PC, RD, NC, HE, H, HD, VCP, OP, VMX, VC	16 sq ft 12 sq ft - single-tenant commercial	5 ft In H, VC districts and in single-tenant commercial development - 4 ft	<p>Border or molding shall not exceed 3 inch width</p> <p>Sign may be double sided. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 9.7.1.5</p>	<p>1 per street frontage, but no more than 2 per lot. (The Village Council may allow for additional ground signs per lot in the VC zoning district.)</p> <p>In the HD District up to 2 ground signs may be placed at each vehicular entrance.</p>
Post & Arm Signs	All Districts	4 sq ft per side	4 ft	<p>5 ft minimum front setback and 10 ft minimum side setback</p> <p>No sign shall be located in any required screen yard or within 20 ft from any right-of-way intersection.</p>	1 per tenant

Portable / A-Frame / Wallboard/ Pedestal Signs/ Barber Pole Sign	Historic Preservation Overlay District	6 sq ft	4 ft (A-Frame and Pedestal Sign)  3 ft (Wallboard Sign)	Sign shall not interfere with pedestrian or vehicular traffic, shall be placed within 12 ft of business main entrance, and shall be removed when business is closed (except for wallboard sign and barber pole)  Changeable sign shall only be chalkboard or dry erase board  Occupant shall obtain historic district approval and development permit from the Village Planner	1 per business
Ground Directory Signs	PC, RD, NC, HC-H, HD, VCP, OP, VMU, VC	15 sq ft max per side, except 6 sq ft max in VC District  1½ sq ft per tenant	5 ft, except 4 ft in VC and H Districts	All tenants shall be served by a ground sign  Border and molding shall not exceed 3 inches and shall be included in total area calculation  Signs shall contain only name and/or nature of the business and shall be professionally etched, painted, or printed  Comprehensive Sign Plan required per Section 9.7.1.5	1 per building entrance

### 9.7.1.5 Other Permitted Signage Standards

#### (A) Signs Associated with Residential Care Facility and Religious Institutions

(1) Applicability: This subsection shall apply to Residential Care Facility and Religious Institution.

(2) Ground Sign: 1 ground sign shall be permitted per street front, not to exceed 2 total, identifying the name of the Residential Care Facility or Religious Institution, subject to the following standards:

(a) Maximum Area: 15 square feet (including molding, which shall not exceed 6 inches in width)

(b) Maximum Height: 4 feet.

(c) Maximum Length: 12 feet.

(d) Illumination: Sign may be externally or internally illuminated by white light. External lighting shall be shielded.

(e) Landscaping: Sign shall have at least a 2 foot perimeter of landscaped area at the base of the sign.

(3) Wall Sign: 1 wall sign shall be permitted, subject to the following standards:

(a) Maximum Area: 32 square feet. If the sign contains only a religious symbol and no text or other marking, the sign may total 70 square feet.

(b) Illumination: Sign may be externally or internally illuminated by white light. External lighting shall be shielded.

(B) Multi-tenant signs in all non-residential districts

	Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number
A. Ground Signs	PC, RD, NC, MC, H, HD, VCP, OP, VMX, VC	16 sq ft per side	4 ft	All tenants shall be served by a ground sign  Border and molding shall not exceed 3 inches and shall be included in total area calculation  Flush mounted wall sign shall not project more than 6 in from wall  Bottom of projecting wall sign shall be 8 ft above grade  Signs shall contain only name and/or nature of the business and shall be professionally etched, painted, or printed  Comprehensive Sign Plan required per Section 9.7.1.5	1 per street frontage, not more 2 signs (The Village Council may allow for additional ground signs per lot in the VC Zoning District)
B. Ground Directory Signs		15 sq ft per side, except 6 sq ft in VC District  1 1/2 sq ft per tenant	5 ft, except 4 ft in VC and H Districts		1 per building entrance
C. Wall Directory Signs		2 sq ft	n/a		1 per building entrance
D. Wall Signs		6 sq ft	Shall not extend above roofline of building		1 street frontage
E. Window Signs		No more than 20% of window area (excluding window signs in Section 11.7.3 Sections 9.7.1.6 and 9.7.1.7)	n/a		1 per window greater than 30 sq ft

(C) Gas/fueling Station Signs

(1) Ground Sign: Establishments that sell gasoline in non-residential districts shall have the following ground signs allowed under this section:

- (a) Maximum Number: 1 sign per street frontage.
- (b) Maximum Area: 12 square feet per side.
- (c) Maximum Height: 4 feet.
- (d) Border and Molding: 3 inches and shall be included in total area calculation of a sign.

(2) Price/Directional Signs: Gasoline prices and/or location of self-service areas may be located at and secured to each pump island, and shall have:

- (a) Maximum Area: 6 square feet per side
- (b) Maximum Height: 4 feet.
- (c) Maximum Length: 6 feet.
- (d) Other requirements: Sign shall meet all other requirements of this section.

(3) Inspection Station: Where the establishment provides inspection services, an official State of North Carolina inspections sign may be erected on the property.

(4) Canopies: Signs on gas station canopies are considered to be wall signs and shall be no larger than six (6) square feet.

#### (D) Comprehensive Sign Plans

(1) A comprehensive sign plan including all proposed phases of development is required for all residential subdivisions, multi-family and townhouse developments, resorts, hospitals, commercial or non-residential developments having more than one (1) tenant (cross reference Section 9.7.1.5 (B)), before any signs for such development may be erected. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved comprehensive sign plan.

(2) The comprehensive sign plan shall consist of five (5) elements, which shall govern all signs within the development: location, materials, size, letter style, and color. The comprehensive sign plan shall include details, specifications, dimensions, and plans showing the proposed locations of signs and how such locations conform to the requirements of this section.

(3) The comprehensive sign plan shall be subject to approval by the Historic Preservation Commission if located within the Historic Preservation Overlay district and is a prerequisite for the issuance of a development permit.

(4) A comprehensive sign plan shall not be approved unless:

(a) The plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, color scheme, and material construction.

(b) The plan provides for signs that meet the size limitations, location requirements, and other applicable requirements of this section.

(5) Resort and hospital comprehensive sign plans may be allowed to place signs off premises when such signs provide direction or other public safety information.

(6) Resort and Hospital signs as part of a Comprehensive Sign Plan

A sign may be increased in size and height by one-third the maximum dimensional regulations applicable in the zoning district within which it is to be located with the granting of a Special Use Permit. Example: A ground sign in a non-residential district has a maximum allowable square footage of twelve (12) feet and maximum height of four feet. A Special Use Permit, if allowed, in this district would permit a maximum of sixteen (16) sq. feet of sign area and 5.33 feet of height.



(7) Once a comprehensive sign plan has been approved and a development permit issued, the plan and permit shall remain in effect as long as additional signage is consistent with the plan and permit.

#### **9.7.1.6 Signs Not Requiring a Permit**

The following signs are allowed in all zoning districts, without a development permit except where stated, subject to the standards set forth in this section and elsewhere in this Ordinance:

##### **(A) Governmental Signs**

(1) Signs posted by the village, county, state, and federal agencies in the performance of their duties such as regulatory signs, development/wayfinding signs, welcome signs and traffic signs. Such signs are exempt from these conditions.

(2) Signs installed under governmental authority which note the donation of buildings, structures or streetscape materials (such as, but not limited to benches, park facilities, etc.).

##### **(B) Flags, Etc.**

Any flag, badge or insignia customarily displayed by any government, governmental agency, or charitable, civic, fraternal, patriotic, religious or similar organization provided such flag, badge or insignia does not exceed a total size of twenty-five (25) square feet and provided that flags in residential zoning districts are not flown at a height greater than twenty (20) feet and flags in non-residential zoning districts are not flown at a height greater than thirty-five (35) feet.

##### **(C) Window Displays**

(1) Window signs in non-residential or commercial buildings denoting hours of operation, emergency telephone numbers, credit card acceptance information, or non- neon-like, (including LED lights) "Open" signs shall be no larger than one (1) square feet in total. No window sign type shall be duplicated.

(2) Merchandise, pictures or models of products or services that are incorporated as an integral part of a window display.

##### **(D) Building Marker Signs**

A sign cut or etched into masonry, bronze or similar material on a building.

##### **(E) Historical marker signs**

(1) Historical markers, monuments, or signs approved by the Village Council.

(2) Historical signs that have been designated as having historic significance by the Historic Preservation Commission. These signs may also be given special non-forming status allowing them to be repaired, replaced in like kind, etc.

(3) Signs, corner stones, plaques, and/or similar signs that identify the name, date, or historical information about the structure no larger than one and one-half (1½) square feet.

(F) Legal and Warning Signs

(1) Standard Signs denoting the location of underground utilities.

(2) Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.

(3) Signs posted in association with municipal, county, state or federal authorities for crime prevention and public safety and health.

(4) Signs that are posted upon property to identify private parking areas, or to warn the public against trespassing or danger from animals, or to warn of a private security system provided that no such sign shall exceed 8 inches by 10 inches surface area per side and provided that the color shall be dark (i.e. forest) green and white. No advertising may be affixed to such a sign.

(G) Occupant/Street Number Signs

Signs that give the name or address of the occupant of a building, mailboxes, newspaper tubes, and similar uses customarily associated with residential and non-residential structures. No development permit is required, provided that the sign complies with the following standards:

(1) All dwellings and non-residential buildings shall have address numbers that are easily readable from the fronting road by a person with normal vision (corrected if necessary) and are conspicuously located as to provide good visibility from the road on which the building fronts.

(2) All such signs are of contrasting color to their background material.

(3) All buildings in the Local Historic District Overlay may have a one (1) square foot sign identifying the name of the structure in letters not larger than four (4) inches in height.

(H) Vending Machine/Automatic Teller and Gasoline Pump Signs

Signs attached to and made an integral part of a vending machine, automatic teller machine or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.

(I) Development Identification signs

Development identification signs containing the name and/or logo of a subdivision, multi-family development, or planned development, provided such signs meet the standards of Section 9.7.1.4. A development permit is required.

(J) Directional Signs

(1) Parking Lot Signs

Only one (1) sign identifying the entrance and exit to a parking lot, with a surface area no greater than two (2) square feet, and only one (1) non-illuminated sign prescribing parking regulations, with a surface area no greater than four (4) square feet may be erected at each entrance or exit to the parking lot. No other signs shall be erected in conjunction with the parking lot except for handicapped

signs, parking time limits, and reserved spaces.

(2) Civic Activities Signs

One (1) ground sign identifying direction to the schedule, rules, and regulations for municipal, school, churches, recreational, and club-sponsored activities, provided that:

(a) The surface area of the sign is no more than six (6) square feet per side.

(b) The sign is located at least five (5) feet from any public or private street right-of-way. Such sign may use manually changeable copy.

(c) A development permit is required. May be separate or incorporated into a ground sign.

(3) All Other Directional Signs

(a) No more than two (2) signs per entrance or exit shall be permitted.

(b) Directional signs must be located on the premises to which directions are indicated.

(c) Such signs may not exceed three (3) feet in height if freestanding.

(d) Directional signs may not exceed four (4) square feet per face.

(e) Such signs may contain no copy (i.e., company name or logo) other than directional information.

(f) Illumination of such signs shall be as permitted for on-premises signs in the land development district where the sign is located.

(K) Incidental Signs

(1) Signs containing information necessary or convenient for persons coming on premises shall be located on the premises to which the information pertains.

(2) No advertising may be affixed to such a sign.

(3) Such signs must be single-faced only and wholly attached to a building (may be located on windows or doors).

**9.7.1.7 Temporary signs**

In addition to the permanent signs, the following temporary signs shall be allowed in each zoning district, in accordance with the standards set forth in this section. All temporary signs may be two (2)-sided, except for construction signs, special event signs, and window signs. Such signs shall be located on a property only with permission of the property owner or the owner's agent. No development permit is required except when expressly stated that one is required.

(A) Real Estate Signs

In all zoning districts, signs advertising the sale, rental or lease of the property on which the sign is located are permitted, provided that:

(1) Maximum Number: 1 sign for lots of less than 5 acres in area and 2 signs for lots of more than 5 acres with street frontage exceeding 400 feet.

(2) Maximum Area: 12 x 18 inches.

(3) Color: Exclusively dark (forest green and white).

(4) Maximum Height: 3 feet.

(5) Illumination: Not permitted.

(6) Time Duration: Such signs shall be removed within 3 days following the sale, rental, or lease.

(7) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.) Any attachment to the sign such as information tubes or boxes shall count toward the square feet recommended.

(B) Construction signs for subdivisions, multi-family and non-residential developments

In all zoning districts, temporary construction site identification signs shall be permitted as follows:

(1) Maximum Number: 1 sign per development entrance not to exceed 2 entrances.

(2) Maximum Area: 16 square feet.

(3) Color: Exclusively dark (forest green and white).

(4) Maximum Height: 6 feet.

(5) Time Duration: Such signs shall not be erected prior to the issuance of a building permit, special use permit, ~~submission~~ subdivision approval, general concept plan or a site plan approved and shall be removed within 3 days after 80% of the subdivision or all structures within the multi-family or non-residential development has received a final Certificate of Occupancy permit.

(6) Setback from Edge of Pavement: 10 feet (a modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs).

(C) Construction Signs for Single-Family Structures

Temporary construction site identification signs connected with the construction or alteration of single-family residential structures on individual lots are permitted, provided that:

(1) Maximum Number: 1 sign for lots of less than 5 acres in area and 2 signs for lots of more than 5 acres with street frontage exceeding 400 feet.

(2) Maximum Area: 12 x 18 inches. Address identification sign, not exceeding 8 x 10 inches, may be attached or separate to such construction sign.

(3) Color: Exclusively dark (forest green and white).

(4) Maximum Height: 3 feet.

(5) Time Duration: Such signs shall not be erected prior to the issuance of a building permit and grading is begun and shall be removed within 3 days after the issuance of a final Certificate of Occupancy.

(6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

#### (D) Political Signs

Signs for political candidates, parties, or groups supporting the candidacy of any individual for office or encouraging public support of or opposition to any public issues to be voted upon are permitted provided that:

(1) Maximum Area: 6 square feet.

(2) Maximum Height: 4 feet.

(3) Illumination: Not permitted.

(4) Support: Where not attached to a building or other structure, such signs shall be self-supporting.

(5) Time Duration: Political signs may be displayed during a period beginning thirty (30) days prior to the beginning date of "one-stop" early voting under G.S. § 163-227.2 and concluding ten (10) days after the election.

(6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.) Political signs located along State highways may be exempt from portions of this section and are in such cases regulated by G.S. § 136-32.

#### (E) Holiday Decorations

Signs, lighting, and displays that are part of customary holiday decorations or annual civic events are permitted provided that:

(1) Duration: Such signs, lighting, or displays shall be on display for no more than sixty (60) successive days.

(2) Such signs, lighting, and displays shall not flash or produce running patterns.

(3) Setback from Edge of Pavement: 10 feet of the edge of pavement (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

#### (F) Special Event Signs

Signs and banners advertising the place and date of auctions, carnivals, church events, fairs, golf tournaments, horse shows, tennis tournaments, and similar events are permitted provided that:

(1) There shall be no more than one (1) such sign or one (1) such banner that shall be located on the event property;

(2) The on-site sign, including support, shall be no larger than six (6) square feet in surface area and no taller than four (4) feet in height from grade. The banner shall be no larger than thirty-two (32) square feet and such signage may be displayed for no more than thirty (30) days prior to the event. Signs and banners shall be removed within one (1) day after the end of the event by the person who erected the sign;

(3) Off-site signs shall not exceed a surface area of four (4) square feet. Such signs shall remain in place for no longer than three (3) days prior to the event and the signs shall be removed within one (1) day after the end of the event by the person who erected the sign;

(4) Up to four (4) off-site signs are permitted for all events held in Pinehurst. For events deemed by the Village Manager to be of community-wide significance, signage requirements may be waived following the review and approval of the sign plan.

(5) Such sign shall not be located within ten (10) feet of the edge of the pavement. A modification as to use of the ten (10) foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the ten (10) foot setback, for example, by existing plantings such as shrubs;

(6) Any lighting that is erected or utilized to illuminate signs shall only be used during event hours.

#### (G) Yard Sale/Estate Sales Signs

Signs are permitted provided that:

(1) Maximum Number: 1 sign on lot where sale is located and 4 signs off-site.

(2) Maximum Area: 4 square feet.

(3) Maximum Height: 4 feet.

(4) Illumination: Not permitted.

(5) Time Duration: The signs shall remain in place for no longer than 3 days and in any event must be removed within 1 day of completion of the event.

(6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

#### (H) Window Signs

In non-residential zoning districts only, signs may be placed on the interior of window glass which is greater than thirty (30) square feet in area, provided that they denote only special events on the premises or special sales and the sign covers no more than 4 square feet of the gross glass area on any window. Not by way of limitation, but an example of such event or sale would be a golf tournament or a temporary sale of merchandise. These signs shall have a thirty (30) day limitation and shall be removed within twenty-four (24) hours of the conclusion of such event.

#### (I) Open House Signs

Signs advertising an "open house" for the purpose of selling a dwelling are permitted provided that:

(1) Maximum Number: 1 on-site and 4 off-site.

(2) Maximum Area: 12 x 18 inches.

(3) Time Duration: The signs shall be placed the day of the "open house" and must be removed by the end of the first regular work day after completion of the event. In the case of a model home, signs shall be removed when the model home is not occupied.

(4) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

#### (J) Temporary/New business Signs - Wall and/or Window Signs

New Businesses in non-residential zoning districts only, may obtain a temporary signage permit provided that:

(1) Maximum Number: 1 wall sign or 1 window sign. Signs permitted by ~~Section 11.7.1-11~~ Sections 9.7.1.6 and 9.7.1.7 shall not count towards this total.

(2) Maximum Area: 6 square feet.

(3) Color: Sign shall be muted in color.

(4) Content: Sign shall contain only the name of the business and/or the nature of the business

and may contain a phone number.

(5) The sign shall be professionally etched, painted or is a professionally printed decal.

(6) Time Duration: The applicant shall obtain development permit from the Village Planner. The development permit will expire ninety (90) days after issuance, and the sign shall be removed. In addition, upon installation of permanent signage, temporary sign shall be removed.

**(K) Temporary/New business Signs - Ground Signs**

New Businesses in non-residential zoning districts only may obtain a temporary signage permit provided that:

(1) Maximum Number: 1 ground sign.

(2) Maximum Size: 6 square feet.

(3) Maximum Height: 4 feet.

(4) Color: Sign shall be muted in color.

(5) Content: Sign shall contain only the name of the business and/or the nature of the business and may contain a phone number.

(6) The sign shall be professionally etched, painted or is a professionally printed decal.

(7) Time Duration: The applicant shall obtain development permit from the Village Planner. The development permit will expire ninety (90) days after issuance, and the sign shall be removed. In addition, upon installation of permanent signage, temporary sign shall be removed.

**(L) Official Notices**

Official notices or advertisements that are posted or displayed by or under the direction of any court official in the performance of official or directed duties, or by trustees under deeds of trust or other similar instruments are permitted and not regulated. Such signs shall be temporary in nature.

**9.7.1.8 Prohibited Signs**

**(A) Prohibited Signs in all Zoning Districts**

(1) Any private or unofficial sign or sign structure that is erected, constructed, or maintained in a public or private street right-of-way, except otherwise provided in this Ordinance.

(2) Any sign that is located within or obstructs a sight triangle at a street or driveway intersection.

(3) Any sign that is located in any manner or place so as to constitute a hazard to traffic.

(4) Any moving sign, windblown sign, or device to attract attention, whether or not any such device carries a written message, all or part of which is set in motion by wind, mechanical, electrical,



or any other means except for barber pole signs used in connection with an active barber shop. This shall include, but not be limited to, propellers, balloons, or discs.

(5) Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity. Any searchlight or similar device.

(6) Any illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, or the edges of walls, except for perimeter down-lighting which is shielded to illuminate open sales areas but no land outside those areas.

(7) Any sign that obstructs or substantially interferes with passage through any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building.

(8) Portable signs, including any sign painted or displayed on vehicles or trailers if the vehicle or trailer is parked in a location for the primary purpose of displaying the sign, except for signs that are painted on, or attached to commercial vehicles which are not parked for the primary purpose of displaying the sign (excludes A-Frame, wallboard, and pedestal signs located within the Historic Preservation District (Section 9.7.1.4(D))).

(9) Any sign that copies or imitates an official sign, or that purports to have official status. Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located, except those specifically permitted by Section 9.7.1.7 to be located off-premises. This shall not include traffic, directional or regulatory signs or notices erected by a federal, state, county, or municipal government agency. This provision shall not apply to Commercial Developments located within the Pinehurst South Overlay District in which they may have up to three (3) off premise signs if the location that the signs are to be placed have common ownership interest with the development being signed and said signs are located within four hundred (400) feet of the development being signed;

(10) Any sign erected and constructed wholly on, over, or as a part of the roof of a building.

(11) Wall or window signs in all residential zoning districts, except for house numbers, historical names, and those signs permitted by Section 9.7.1.5.

(12) Changeable copy signs except manually changeable signs as permitted in Sections 9.7.1.6(J)(2) and 9.7.1.4(D).

(13) No lighting shall be erected or utilized for temporary signs, with the exception of signs described in Section 9.7.1.7(F) and (E).

(14) Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches and refuse containers, etc. are prohibited unless specifically allowed elsewhere in this chapter.

(15) Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited.

(16) Sign structures on which no sign is erected are prohibited.

(17) Abandoned signs or sign structures must be removed within sixty (60) days of becoming

an abandoned sign or sign structure.

(18) Signs containing or consisting of pennants, ribbons, streamers, balloons, or spinners are prohibited.

**9.7.1.9 Sign Illumination**

**(A) Permitted Signage Illumination by Location**

	None Permitted	External Illumination	Internal Illumination
R5 - R210, RMF, VR		**	
Residential Care Facilities/Churches		•	
RD, H, VCP, VC, VMU, PC		•	
HC, NC, OP, HD		•	***

\* Only ground signs may be illuminated

\*\* Awning / Canopy signs may not be illuminated internally

**(B) Generally**

(1) All permitted illumination shall be white light only.

(2) If externally illuminated, any lighting directed toward the sign is shielded so as to illuminate only the face of the sign.

**(C) Awning illumination**

No awning shall be lighted so as to cause the awning to be illuminated. Back lighting of a sign message shall not be allowed. Surface lighting of signage on awnings is allowed provided that the primary function of the lighting is to light the sign message.

(Ord. 14-35, passed 09-24-2014; Ord. 16-02, passed 02-09-2016)

**Section 9.8 Exterior Lighting Standards**

**9.8.1 Purpose and Scope**

The purpose of this Section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. This part is not intended to apply to public street lighting. Approval of an exterior lighting plan shall be a prerequisite to the issuance of a development permit.

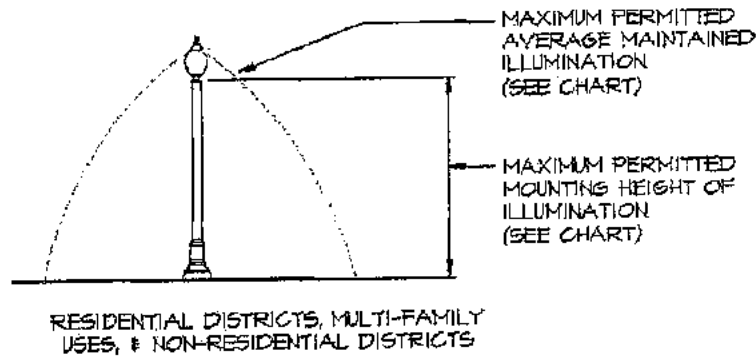
**9.8.1.2 Standards**

(A) These standards apply to all non-cutoff, and ninety (90)-degree cutoff fixtures. The following standards are required of all exterior lighting except outdoor recreational uses operated by the Village of Pinehurst or Moore County and those located in RD Districts, except for golf driving ranges and golf courses. The maximum height light post permitted is dependent on amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties;

(B) Exterior lighting shall meet one of the following standards:

(1) When light source or luminaire has no cutoff:

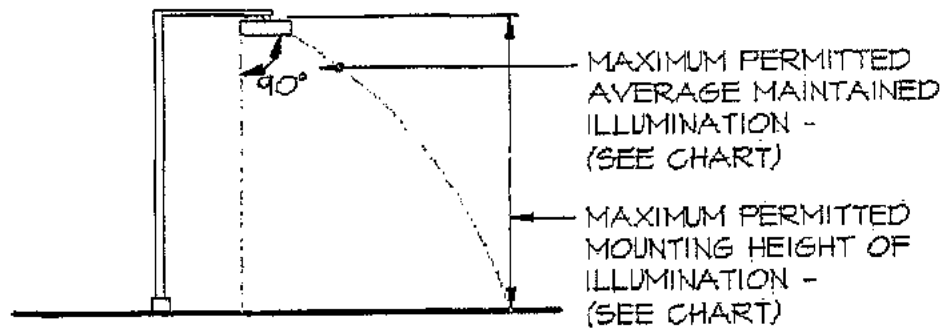
Standard	Maximum Permitted Average Maintained Illumination	Maximum Permitted Mounting Height of Illumination
Residential Districts, Except Multi-Family Uses	0.20 foot-candles/lumens per foot	16 ft.
Non-Residential Districts and Multi-Family Uses	0.20 foot-candles/lumens per foot	16 ft.
	0.30 foot-candles/lumens per foot	20 ft.



WHEN LIGHT SOURCE OR LUMINAIRE HAS NO CUTOFF

(2) When a luminaire has total cutoff of an angle of ninety (90) degrees, the maximum illumination and the maximum permitted luminaire height shall be:

Standard	Maximum Permitted Average Maintained Illumination	Maximum Permitted Mounting Height of Illumination
Residential Districts, Except Multi-Family Uses	0.50 foot-candles/lumens per foot	16 ft.
	1.00 foot-candles/lumens per foot	25 ft.
Non-Residential Districts and Multi-Family Uses	2.00 foot-candles/lumens per foot	30 ft.
	3.00 foot-candles/lumens per foot	40 ft.



WHEN LIGHT SOURCE OR LUMINAIRE HAS TOTAL CUTOFF OF AN ANGLE OF 90 DEGREES

### 9.8.1.3 Additional Regulations

Notwithstanding any other provision of this Section to the contrary:

(A) No flickering or flashing lights shall be permitted;

(B) Light sources or luminaries shall not be located within buffer areas except on pedestrian walkways.

(Ord. 14-35, passed 09-24-2014)

### Section 9.9 Water and Sewer Requirements

(A) General: All subdivisions and all developments (including single-family dwellings) shall be designed for and connected to Public water or sewer or meet applicable Health Department requirements for on-site systems where Public water or sewer is not required to be provided. The developer shall be responsible for obtaining all necessary permits and approvals for any water or sewer system extensions;

(B) Oversized Water and Sewer Facilities: The Village, Moore County Utilities or other public utility provider may, in order to serve future development, require the developer to install certain oversized water and sewer improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the developer. In such cases, the Village, Moore County Utilities or other public utility provider shall enter into an agreement to reimburse the developer for the over-sizing and/or extension based upon rates as agreed to by the Village, Moore County Utilities or other public utility provider;

(C) Water Requirements: Any subdivision or development that has Public water system lines available shall be required to extend the Public water system throughout the development or the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps, related utility appurtenances and capped service to the property line of each lot as required by the Village Engineering Standards and Specifications Manual and/or other public utility provider. Such systems shall be designed and installed to allow for future extension to adjoining property as determined by the Village Engineer in consultation with the Pinhurst Fire Department.

The term "available" shall mean that there is an existing public water line of adequate size and water flow and/or pressure within three hundred (300) feet of the outside boundary line of the

subdivision or development; or the Village, Moore County Utilities or other public utility provider, at its option, indicates its commitment to extend such a water line within three hundred (300) feet of the property line of the subdivision or development at no cost to the developer and there are no legal or topographic problems that prevent the developer from connecting onto and extending the existing system to the subdivision or development. In the event there are phases to the subdivision or development, or the subdivision or development is a part of a larger tract of land owned or under the control of the developer, then in that case Public water service shall be deemed to be available if an existing or proposed Public water system line extends or will be extended within three hundred (300) feet to the larger tract of land.

In the event the Village, Moore County Utilities or other public utility provider elects not to extend a water line of sufficient size, flow, and/or pressure within three hundred (300) feet of the subdivision or development boundary because of topographic features, legal obstacles, or financial reasons, then the developer shall not be required to extend Public water lines to each lot nor provide Public water service to the subdivision or development;

(D) Sewer Requirements: Any subdivision or development that has Public sewer system lines available shall be required to extend the Public sewer system throughout the subdivision or development to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift stations, pumps, clean outs, taps, other related appurtenances and service to the property line of each lot as required by the Village Engineering Standards and Specifications Manual and/or other public utility provider.

The term "available" shall mean that there is an existing public sewer line of adequate size and sufficient capacity within three hundred (300) feet of the outside boundary line of the subdivision or development or the Village, Moore County Utilities or other public utility provider, at its option, indicates its commitment to extend such a sewer line within three hundred (300) feet of the property line of the subdivision or development at no cost to the developer and there are no legal or topographic problems that prevent the developer from connecting onto and extending the existing system to the subdivision or development. In the event there are phases to the subdivision or development, or the subdivision or development is a part of a larger tract of land owned or under the control of the developer, then in that case Public sewer service shall be deemed to be available if an existing or proposed Public sewer system line extends or will be extended within three hundred (300) feet to the larger tract of land.

In the event the Village, Moore County Utilities or other public utility provider elects not to extend a sewer line of sufficient size and capacity within three hundred (300) feet of the subdivision or development boundary because of topographic features, legal obstacles, or financial reasons, then the developer shall not be required to extend Public sewer lines to each lot nor provide Public sewer service to the subdivision or development.

(Ord. 14-35, passed 09-24-2014)

## **Section 9.10 ~~Well Field Protection Reserved~~**

### **~~9.10.1 Purpose and Scope; Well Field Map Established~~**

~~The main source of safe drinking water for the Village is the Pinchurst Well Field that consists of municipal wells that tap the Middendorf Aquifer that lies beneath the Village. The Middendorf Aquifer is the only available aquifer in the area to supply safe drinking water for the Village. The Pinchurst Well Field is shown on a map on file in the Department of Planning and Inspection and that may be redrawn~~

~~from time to time by the addition of new municipal wells. The Pinchurst Well Field is established by drawing a circle with a 2,000-foot radius from the center point of each public drinking supply well as now or hereafter established and including any area created as an enclave within the exterior boundaries of such circles. The Pinchurst Well Field map as now or hereafter drawn is hereby adopted and made a part of this Ordinance.~~

~~— Lots and parcels that are shown on the Well Field Map as being partially within and partially outside the designated well field area may be permitted to construct an irrigation well as a special exception within the part of the lot or parcel within the well field protection area provided that the Zoning Board of Adjustment finds based on factual evidence presented, that no reasonable alternative exists for the construction of an irrigation well on the portion of the lot or parcel that lies outside of the well field area. In approving the construction of an irrigation well within the well field area, the Zoning Board of Adjustment may place such reasonable conditions and safeguards as the Board may deem appropriate to protect the public health, safety and general welfare.~~

### ~~9.10.1.2 — Well Field Development Regulations~~

~~— Within the Pinchurst Well Field the following regulations shall apply, and no development permit shall be issued without the permits and approvals required herein having been obtained:~~

#### ~~— (a) Public Utility Wells~~

~~— Public utility wells owned and/or operated by the public utility are exempt from this Section;~~

#### ~~— (b) Irrigation Wells~~

- ~~— (1) Irrigation wells for the purpose of this Ordinance are defined as wells constructed for irrigation only and not for human consumption;~~
- ~~— (2) All irrigation wells require a development permit issued to the property owner or well driller. The development permit must be issued before well drilling operations may commence. To receive a development permit, the well must be constructed to meet or exceed State Specifications;~~
- ~~— (3) No development permits for irrigation wells will be issued for new irrigation wells within the boundaries of The Pinchurst Well Field as now or hereafter fixed except as provided for in 9.10.1 above;~~
- ~~— (4) Irrigation wells outside the Pinchurst Well Field shall meet the set back requirements listed below:
  - ~~— (i) Two thousand (2,000) feet from a suspected contaminant plume;~~
  - ~~— (ii) Twenty-five (25) feet from a sewer line;~~
  - ~~— (iii) Twenty-five (25) feet from a building foundation;~~
  - ~~— (iv) Fifty (50) feet from an above ground chemical or petroleum tank, above ground or underground storage tank, or other similar known source of potential pollution;~~~~

~~(v) Ten (10) feet from external property lines and ten (10) feet from the full pond of any adjoining lake.~~

~~(5) Irrigation well permits will be issued for requests outside of The Pinchurst Well Field according to following procedures:~~

~~The Permit and Approval Process will be a four-part procedure:~~

~~(i) The permit will be issued by the Village to the owner and forwarded to Moore County Utility (MCPU) the same day the permit is issued, and the permit will be valid for six (6) months;~~

~~(ii) The driller must notify the MCPU by phone of desired commencement date for the well. A MCPU Inspector will meet driller on location for site inspection and approval to commence drilling;~~

~~(iii) The driller will notify MCPU to inspect well when the driller reaches "Total Depth" and will provide a MCPU Inspector, an accurate Driller's Log and Well Record along with a Well Construction Plan. At that time, the Inspector will make a decision to determine if the well and proposed Construction Plan are in compliance with the Irrigation Well Ordinance;~~

~~The Well Construction Plan will show the depth of the well, size of the casing, position of the screen or screens, top of the gravel pack and the depth of grouting. The Inspector may require additional grouting to the top of the gravel pack. Grouting will be pumped not poured;~~

~~(iv) If the Well and Construction Plan are in compliance, the Inspector may give the Driller approval on site, to proceed with Construction of the Well and upon return to the MCPU office the Inspector will fax the Planning and Inspections Department. The Inspector will also fax or forward the Driller's Log and Well Record to the Pinchurst Planning and Inspections Department.~~

~~If the Well Construction Plan and accurate Driller's Log are not in compliance with the Ordinance, the Inspector will advise the Drilling Contractor on the required steps to become compliant and will withhold approval for well construction to proceed until the Drilling Contractor has satisfied the requirements.~~

~~(6) Irrigation wells outside the Pinchurst Well Field shall meet the construction standard requirements listed below:~~

~~(i) Casings shall be grouted to a minimum depth of fifty (50) feet below the land surface.~~

~~(c) Potable Wells~~

~~(1) Potable wells for the purposes of this Ordinance are defined as private drinking water wells;~~

~~(2) Permits for new potable wells will be issued only if no public water supply is available for the location within 300 feet;~~

~~(3) Permit requirements will be the same as for irrigation wells outside the Pinchurst Well Field;~~

~~(4) The permit will require that all potable wells will be drilled by a drilling contractor licensed by the State of North Carolina and the permit will further require that the well will be constructed to meet or exceed minimum State Specifications.~~

~~(d) Injection Wells~~

~~(1) Injection wells for the purposes of this Ordinance are defined as any excavation that is cored, bored, drilled, jetted dug or otherwise constructed, whose depth is greater than its largest surface dimension and which is used or intended to be used for the injection of fluids or solids into the subsurface or groundwater.~~

~~(2) An injection well may be drilled and used for the installation of vertical geothermal closed loop ground systems utilizing re-circulating fluids in accordance with Chapter 12 of the North Carolina State Mechanical Code.~~

~~(3) The permitting process will be the same as for irrigation wells outside the Pinchurst Well Field;~~

~~(4) All injection wells shall be drilled by a drilling contractor licensed by the State of North Carolina and the permit will further require that the well be constructed to meet or exceed minimum State Specifications.~~

~~(e) Septic Tanks~~

~~(1) Septic systems for the purposes of this Ordinance are defined as private wastewater disposal systems for private home use;~~

~~(2) Permits for new Septic Systems may be issued only if no public sewerage system is available for the location within 300 feet;~~

~~(3) A permit will be issued in these cases with the requirement that when the public sewer system is available within 300 feet of the location, the septic system will be properly abandoned and pumped out and the owner will be required to connect to the public sewer system within a period of one year at the owner's expense.~~

~~(f) Under Ground Storage Tanks~~

~~(1) Permits for new Under Ground Storage Tanks containing home heating oil, gasoline; pesticides or other hazardous materials will not be issued for properties within the boundaries of the Pinchurst Well Field;~~

~~(2) Permits for new Under Ground Storage Tanks containing butane and propane gas will be issued as long as they meet permitting requirements of this Ordinance.~~

~~(g) Above Ground Storage Tanks~~

~~(1) Permits for new Above Ground Storage Tanks containing hazardous materials will be~~



~~issued only if the Above Ground Storage Tank is equipped with a containment structure capable of containing the total capacity of the tank in order to prevent leaks from spilling on to the ground.~~

~~(h) Fertilizer/Pesticide Mixing and Storage Areas and Animal Waste Piles~~

~~(1) Fertilizer and pesticide mixing and storage areas and animal waste piles must be equipped with a containment structure capable of containing the total capacity of the product being handled to prevent leaching and leaks from infiltrating the ground;~~

~~(2) The containment structures mentioned above as they apply to storage of material must have a ground barrier and a cover or cap to prevent leaching into the soil.~~

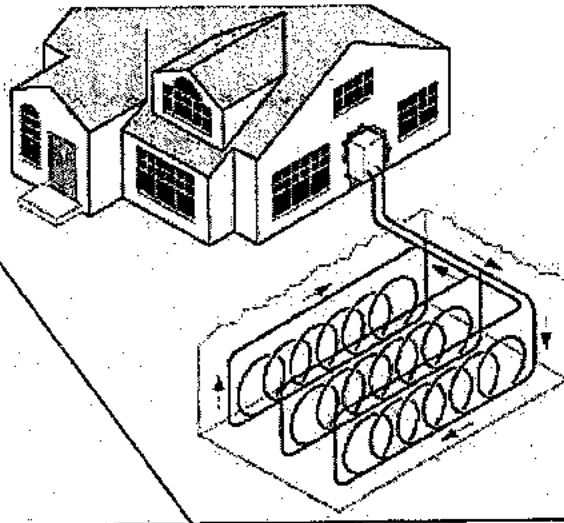
~~(i) Geothermal Heating and Cooling Closed Loop System~~

~~Geothermal Heating and Cooling Closed Loop Systems are permitted both inside and outside of the Pinhurst Well Field Protection Area. To be approved, applications for geothermal systems must be made to the following specifications:~~

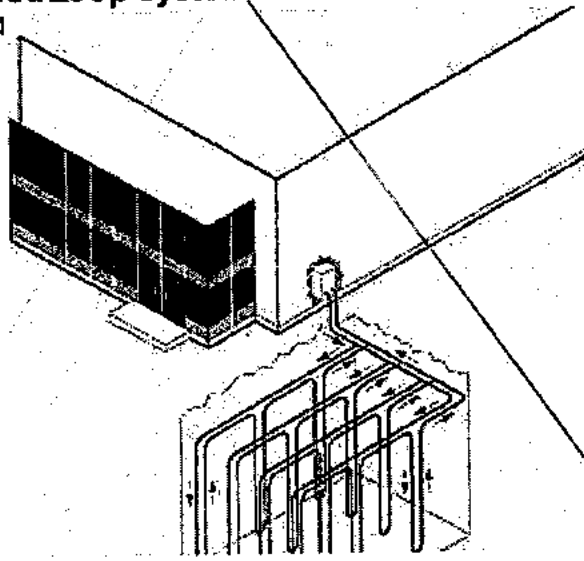
~~(1) A geothermal system employing drilled well(s) as the earth loop is a permitted application. The application must provide a site plan specifying the location of the well(s) and comply with all applicable Village of Pinhurst and Moore County ordinances and requirements for wells;~~

~~(2) A geothermal system employing horizontal closed loops is a permitted application. The applicant shall provide a site plan depicting the layout of the horizontal or vertical closed loop within the property boundaries and its relation to the existing and proposed structures of the site.~~

**Closed Loop Systems**  
Horizontal



**Closed Loop Systems**  
Vertical



(Ord. 14-35, passed 09-24-2014)

## **Section 9.11 Flood Damage Prevention Standards**

### **9.11.1 Applicability**

All development within the jurisdiction of the ordinance shall comply with the Village of Pinehurst's Flood Damage Prevention Ordinance.  
(Ord. 14-35, passed 09-24-2014)

## **Section 9.12 Soil Erosion and Sedimentation Control**

(A) All development shall be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS, Chapter 113A, Article 4 (Sedimentation Pollution Control);

(B) No development permit shall be issued for development that involves land-disturbing activity if more than one (1) acre is to be uncovered, unless an erosion control plan has been approved by the State of North Carolina and a copy of the approved plan is submitted as part of the development permit application;

(C) No development permit shall be issued for development that involves land-disturbing activity if less than one (1) acre is to be uncovered, unless the person to whom the permit is to be issued affirms on the permit application that the land-disturbing activity will be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS, Chapter 113A, Article 4;

(D) Failure of the permit holder to perform land-disturbing activity in accordance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS Chapter 113A, Article 4 shall result in the permit holder being in violation of the terms of this Ordinance and may result in the revocation of the development permit.  
(Ord. 14-35, passed 09-24-2014)

## **Section 9.13 Fences, Walls and Columns**

(A) The purpose of this Subsection is to allow fences within districts which are architecturally compatible with each other, while preserving the flexibility of fences in the rural areas;

(B) Fences and Walls in Residential Zoning Districts and/or on Residential Properties:

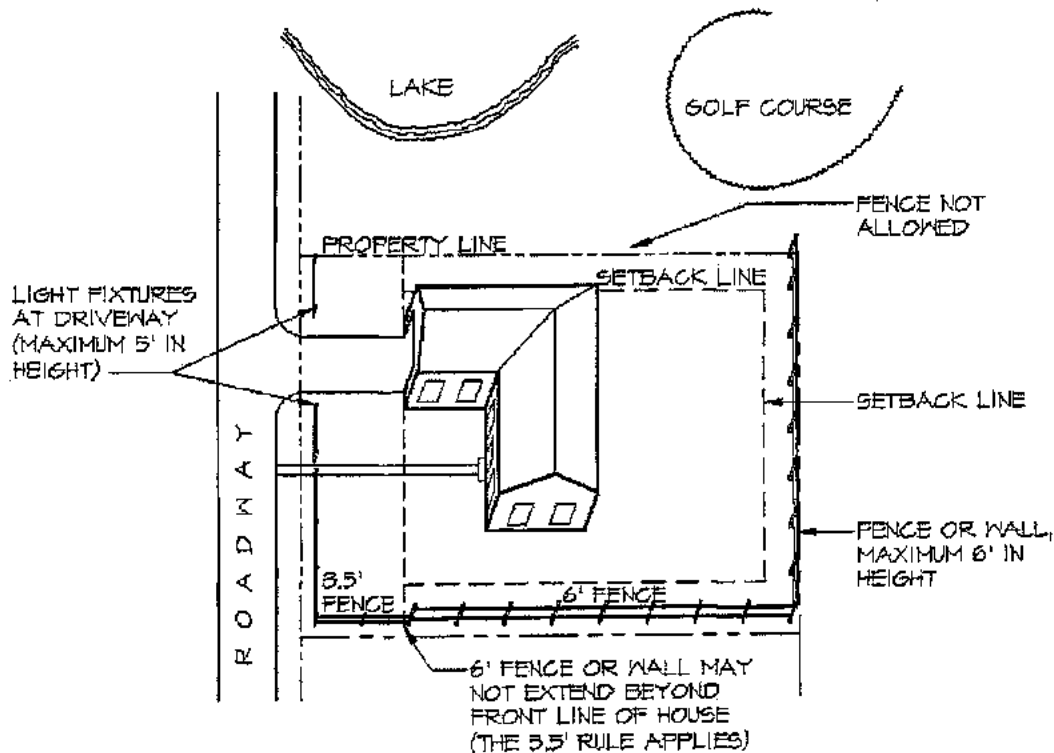
(1) Fences, walls, and similar structures not over six (6) feet in height may project into the rear or side setback provided the lot does not abut a golf course or a lake. Fences, walls, and similar structures are prohibited in the rear setback if the lot abuts a golf course or a lake. If the side yard does not abut a golf course or a lake, fences, walls, and similar structures may be erected to a maximum height of six (6) feet. Such fence or wall shall not be built in or through a required buffer unless the fence or wall has been designed as an integral part of the buffer and approved as such;

(2) Swimming pool fences shall be constructed in accordance with the North Carolina State Building Code and also conform to the fence type, style and location requirements of the PDO. Pools built prior to 2002 that have not been enclosed with fencing shall be allowed to be fenced and the fencing may encroach up to twenty percent (20%) into the required golf course and lake setback. When using this encroachment only picket or wrought iron fence types may be used;

9.13.01

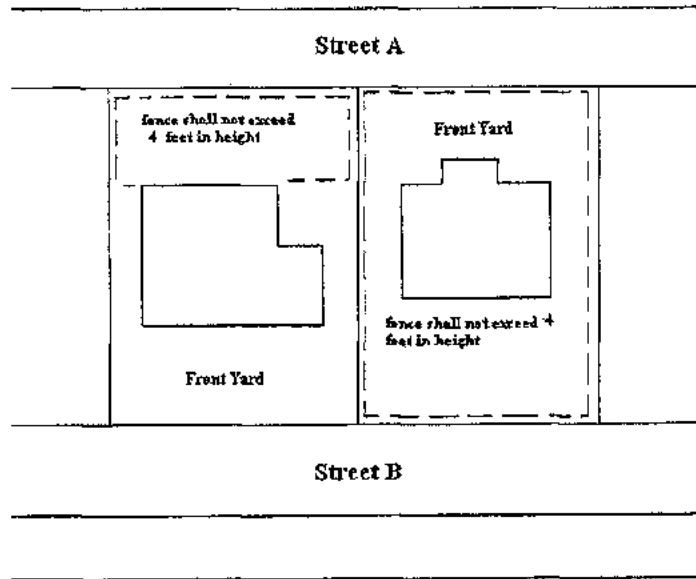
(3) If a property owner's rear lot line borders on the side lot line of another property owner, the side yard height limitation of six (6) feet applies to any fence erected on such property line for the length contiguous to said side yard;

(4) Fences, walls, and similar structures not over three and one-half (3.5) feet in height may project into or enclose any front setback. The three and one-half (3.5) foot limitation shall apply to driveway entrance columns, but the total height of columns with light fixtures shall be a maximum of five (5) feet in height.



(5) The existing ground elevation shall not be modified or elevated in any manner so as to construct a fence on an elevated berm, so as to increase the maximum allowable height of the fence unless the berm is proposed as part of a required buffer.

(6) Fences, walls, and similar structures shall not exceed four (4) feet in height when abutting a defined front yard of an adjacent property.



(7) Fences located within the R-210 zoning district may construct a split rail type fence not to exceed five (5) feet in height in the front yard. If an adjacent property is zoned as a more dense residential zoning district (R-30, R-20, R-15, R-10, R-8, R-5 or R-MF), a thirty (30) foot setback shall be required for the fence in the front yard if the fence exceeds three and a half (3 1/2) feet in height unless separated by a public or private street right-of-way.

(8) On corner lots a ten foot setback from the side street property line is required for fences located in the side and rear yard when those fences are greater than four (4) feet in height.

(C) Fences and Walls in Non-Residential Zoning Districts and/or on Non-Residential Properties: Except in the RD zoning district, fences and walls or similar structures not over six (6) feet in height may project into any required setback. Such fence or wall shall not be built in or through a required buffer unless the fence or wall has been designed as an integral part of the buffer and approved as such. Fence, walls, and similar structures are prohibited in the RD zoning district except that a chain link fence that conforms with SR-18(j)(4)(f) may be installed on the property lines of a lot in the RD district if the classification of such a lot as RD is because of the existence of a lake or other body of water on or abutting the lot and such lake or other body of water is available for use in connection with a semi-public recreation area;

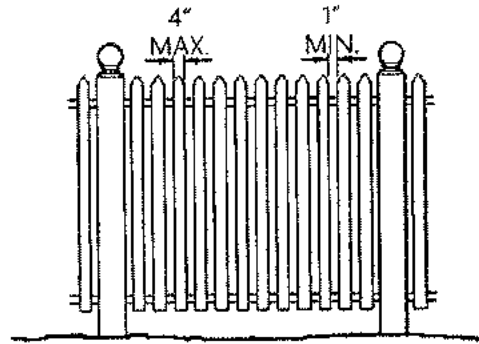
(D) Residential and Non-Residential Fences: Those fences or similar structures not authorized or approved as provided in this Section are prohibited. The finished side of a fence or wall shall always face out towards the street or adjacent property. For the purpose of this Section, the following types of fences are allowed, depending upon the specific zoning district in which they are located. Material substitution may be permitted by the Village Planner where the appearance and material would result in equal or better performance. Allowable fence types include:

(1) Picket, provided that:

(a) ~~The width of the pickets shall not be less than two (2) inches nominal nor wider than four (4) inches nominal, with a minimum of two (2) inches and a maximum of four (4) inches between pickets. The fence shall be constructed of wood, vinyl or composite material and may be painted, stained~~

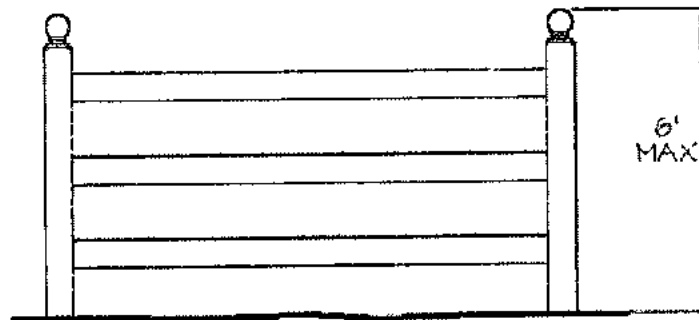
or unfinished; width of the pickets shall not be wider than four (4) inches nominal, with a minimum of one (1) inch between pickets.

- (b) Maximum height is four (4) feet;



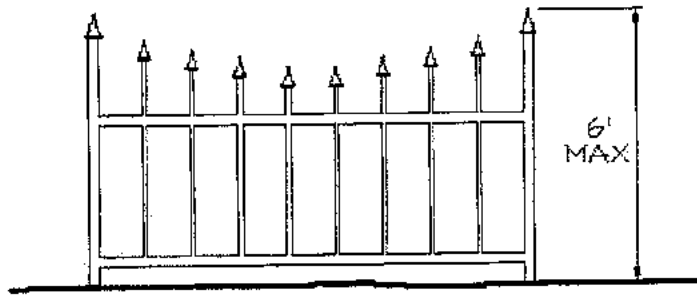
(a) PICKET FENCE

- (c) Minimum number of horizontal rails is two (2).
- (2) Post and rail (or split rail), provided that:
- (a) ~~The wire between horizontal or vertical strands in a grid pattern not less than three (3) inches by two (2) inches;~~
  - ~~(ii) The wire is located on the inside of the fence;~~
  - (iii-b) The wire is muted in color, (black, green, or brown);
  - (iv-c) The use of wire is optional.



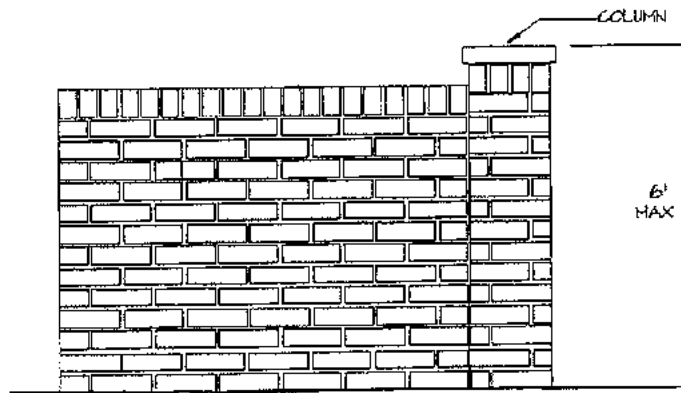
(b) POST AND RAIL FENCE

- (3) Wrought iron;

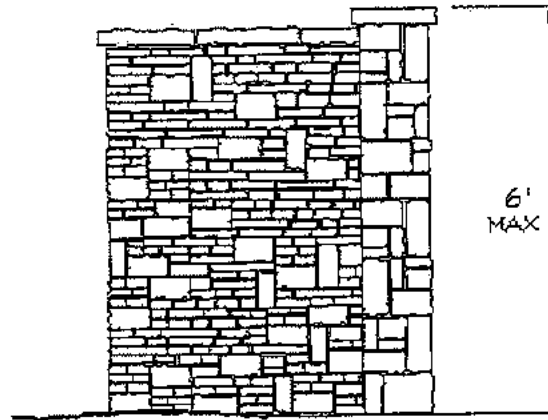


(c) METAL FENCE

(4) Brick;



(5) Stone;



(e) STONE WALL

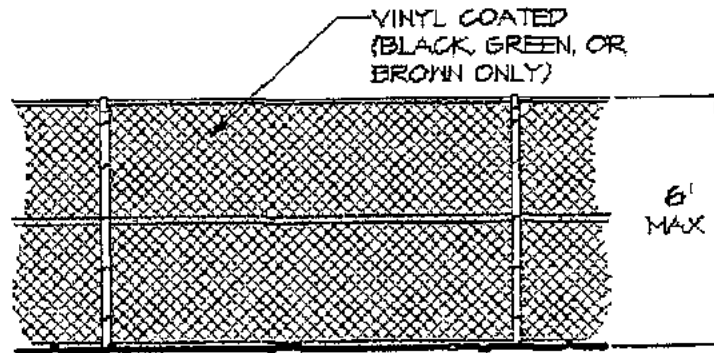
(6) Chain link, provided that:

(a) The fencing material is vinyl coated (black, green, or brown only);

(b) If the fence is on or near a property line and a buffer is not otherwise required, a five (5) foot setback from the property line is provided.



(c) Chain link fences may only be used for non-residential uses.



(F) CHAIN LINK FENCE

~~(g) Shadow box, provided that:~~

~~(i) Board width is not less than four (4) inches nominal and not more than ten (10) inches nominal, with a maximum overlap of one (1) inch;~~

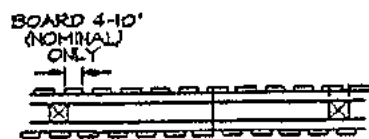
~~(ii) Post size is not less than four by four (4 x 4) inch nominal posts and not more than six by six (6 x 6) nominal inches.~~

(7) Vinyl and ~~Wood Board/shadow box/solid~~ Wood Board/Shadow Box/Solid, provided that:

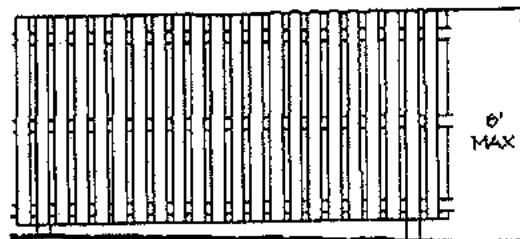
(a) Board width (vertical members) is not less than four (4) inches nominal and not more than ten (10) inches nominal. Vinyl fences shall have the appearance of meeting this requirement;

(b) Wood fences greater than four (4) feet in height are required to have a minimum of three (3) horizontal rails (does not apply to vinyl fences);

(c) Solid fences may also be constructed of vinyl or composite material.

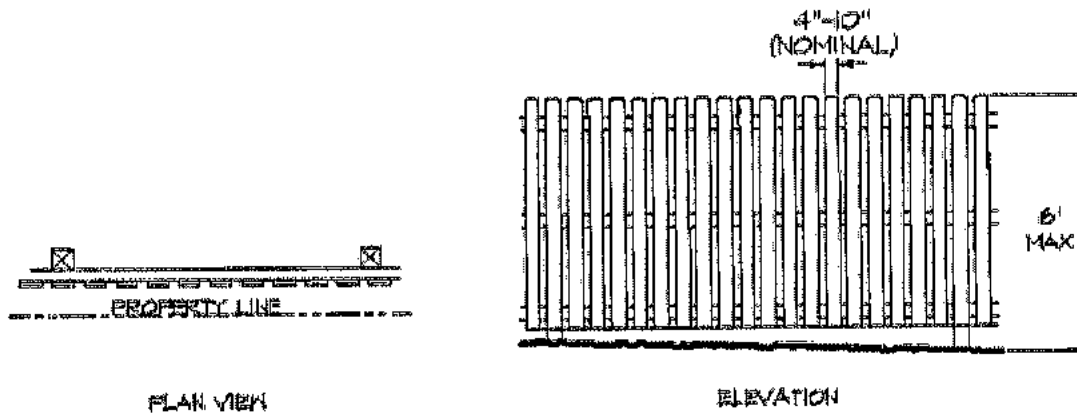


PLAN VIEW



ELEVATION

(g) SHADOW BOX FENCE



(h) BOARD FENCE

(E) Fencing for a Temporary Use: Fencing for a Temporary Use is allowed when such fencing is necessary to secure a site provided that such fencing is not erected more than two (2) weeks prior to commencement of the event and is removed within seven (7) days following the completion of the event. However, the Village Planner is authorized to allow fencing to be erected earlier than two (2) weeks prior to the commencement of the event or removed later than seven (7) days following the completion of the event provided: 1) such fencing does not abut a residence, and 2) the applicant has provided in writing clear evidence that additional time is needed. Such fencing shall not exceed a height of six (6) feet unless such fencing is used to screen a "work area," such as a catering facility, from abutting properties or rights-of-way. In cases where the fencing is used to screen a "work area," such fencing shall not exceed a height of eight (8) feet. If eight (8) foot tall chain link fencing is used, such fencing shall have a green mesh cover to further screen the "work area." If chain link fencing is used and such fencing abuts a residence, residentially zoned land, or a right-of-way, such fencing must have a green or brown vinyl coating. At the discretion of the Village Planner, the fence may be required to be setback from the property line, particularly if the fencing abuts a residence or residentially zoned land. At no point shall a setback encroach beyond the golf course out-of-bounds lines. If the fence is erected prior to an allowed date or not removed by the specified date, the Village reserves the right to enter onto the premises and remove the fence at the expense of the property owner. Temporary fencing may be erected only upon receiving a temporary fence permit from the Village Planner. The Village Planner shall issue such a permit only after the Police and Fire Chiefs have reviewed the application and found that the proposal has adequate provisions for emergency access and egress so as to ensure health, welfare, and safety for the general public. A Temporary Use Permit must be issued for all temporary fencing. The Village Council, after conducting a public hearing, shall have the right to suspend or modify the application of this subsection for major events as part of the issuance of a temporary use permit issued under section 94.14 of the Pinehurst Municipal Code.

(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.

(2) No retaining wall shall be closer than five (5) feet to a property line or right of way line.

(3) Retaining wall height shall be measured from the lowest ground elevation to the top of the

wall.

(4) 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.

#### (G) Fences in Rights of Ways

No fences or 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.

#### ~~— (8) Exception to Fence Height and Design Type~~

~~————— The Village Council after conducting a public hearing in accordance with section 4.1.1 (a) of this ordinance may allow for exceptions to the height and the design type of fencing if it is determined to be in accordance with the Comprehensive Long Range Plan and Section 1.2 of this ordinance. In granting an exception they may place conditions. Such conditions may include, but are not limited to the location of the fence, alternate materials and additional landscaping.~~

(Ord. 14-35, passed 09-24-2014; Ord. 15-08, passed 04-28-2015; Ord. 16-15, passed 09-27-2016)

### **Section 9.14 Design Standards for Single Family Dwellings**

#### **9.14.1 Purpose**

The intent of this Section is to assure that single family residential development is compatible with existing development and consistent with its site and surroundings and the Statement of Intent of this Ordinance.

#### **9.14.2 Design Criteria and Review Procedures**

(A) Appendix B of this Ordinance contains the checklist to be used by the applicant as well as the staff in the review and permit authorization process;

(B) A foundation survey is required prior to construction above the foundation if it is shown on the submitted plan that the structure is within five (5) feet of the required setback and the structure has a permanent foundation or is a swimming pool.

(C) Revisions and changes will be considered and approved or disapproved by the Village Planner. ~~Examples of changes are changes in color scheme, including roof color, which are consistent with the approved color palette, the number, style and placement of doors and windows, modifications from the site plan or landscape plan.~~ Examples of changes are site plan, landscape plan, change of height or the addition of elements not previously shown. All proposed changes shall be submitted on the Village of Pinehurst Planning and Inspections Department Change Order Form. The staff will evaluate the proposed changes and provide a response to the applicant. For all changes, redrawing of plans shall be

required.

### 9.14.3 Design Standards Reserved

#### 9.14.3.1 Repetition of Same or Similar Structures

- ~~— (a) Homes located within 500 feet measured along curb line including around corners and street intersections or within 500 feet across open golf course property or a body of water shall not share similar exterior designs. This provision shall not apply to homes being constructed within planned single family residential subdivisions in which the intent of the development and the development approval was to construct homes of similar exterior design, including color. In these developments, homes shall be required to be constructed according to the requirements of the development approval by the Village;~~
- ~~— (b) The following features are considered in determining exterior design similarity. A combination of any three or more of these four features constitutes design similarity;~~
  - ~~— (1) Footprint;~~
  - ~~— (2) Building Elevation;~~
  - ~~— (3) Window and door placement and/or styles;~~
  - ~~— (4) Roof design and dormers;~~

#### 9.14.4 Residential Structure Standards Reserved

~~— All construction of single family residences in all residential zoning districts shall be subject to the standards of this section:~~

- ~~— (a) General Design Standards:~~
  - ~~— (1) Front facades shall not exceed two (2) stories, this shall not preclude the addition of dormers.~~
  - ~~— (2) On the front elevation, square columns shall not be less than six (6) nominal inches on any side and round columns shall not be smaller than eight (8) nominal inches in diameter from the bottom of the column.~~
  - ~~— (3) Garage doors shall be muted in color or match the house trim color. Garage door height shall not exceed eight (8') feet.~~
  - ~~— (4) Flat and mansard roofs are not permitted. The predominant roof pitch (slope) on all structures shall be 4/12 or greater.~~

#### 9.14.5 Exterior Building Materials and Colors

(A) Homes found in the Local Historic District Overlay are subject to the guidelines and requirements of that district and other applicable standards of this Ordinance;

- ~~— (b) The following materials shall not be used for exterior walls: log (real or imitation), exposed concrete block, corrugated metal or fiberglass sheeting, building materials with reflective~~

finishes;

~~(c) "The Village of Pinhurst Color Palette" provides a color chart deemed compatible with the Statement of Intent of this Ordinance;~~

~~(1) Muted colors and pastels are the required tint for exterior colors. "The Village of Pinhurst Color Palette Reference" shall be used in selecting compatible colors. It is available for review at the Planning and Inspections Department;~~

~~(2) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall harmonize with the roof color. Clean out drains must be earth tone and shall be no higher than one foot above grade. Irrigation heads exceeding one foot above grade shall be muted colors, black, or brown.~~

(d-B) Accessory buildings and structures shall be of similar design, materials and colors as the principal building.

(e-C) Solar panels are permitted on single family structures with the following standards being met:

(1) Exposed wire and piping are not permitted;

(2) Flush mounted solar panels are permitted on any roof surface with no limitation on area;

(3) Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface;

(4) Flush mounted solar panels are required to be encased in trim that closely matches the roof color;

(5) Integral solar panels are permitted on any roof surface;

(6) Ground mounted solar panels are permitted within the R-210 Zoning district on lots greater than two (2) acres if screened from adjacent roadways and properties and located within the building envelop;

(7) All solar panels being located within the Historic Preservation Overlay District shall comply with the guidelines and standards for that district and must get appropriate approvals.

~~(f) Exterior Materials and Finishes:~~

~~Foundation finish materials shall be:~~

~~(a) brick~~

~~(b) stone or synthetic stone~~

~~(c) stucco or synthetic stucco~~

~~(d) cement parging~~

~~Siding and wall finish materials shall be:~~

- ~~\_\_\_\_\_ (a) brick~~
- ~~\_\_\_\_\_ (b) stone or synthetic stone~~
- ~~\_\_\_\_\_ (c) stucco or synthetic stucco~~
- ~~\_\_\_\_\_ (d) clapboard and wood shingles~~
- ~~\_\_\_\_\_ (e) Concrete siding similar to Hardi<sup>®</sup> siding products~~
- ~~\_\_\_\_\_ (f) vinyl~~

~~\_\_\_\_\_ Window materials shall be:~~

- ~~\_\_\_\_\_ (a) wood~~
- ~~\_\_\_\_\_ (b) aluminum-clad~~
- ~~\_\_\_\_\_ (c) vinyl or vinyl-clad~~

~~\_\_\_\_\_ Door materials shall be:~~

- ~~\_\_\_\_\_ (a) wood~~
- ~~\_\_\_\_\_ (b) aluminum-clad~~
- ~~\_\_\_\_\_ (c) steel~~
- ~~\_\_\_\_\_ (d) fiberglass~~
- ~~\_\_\_\_\_ (e) vinyl or vinyl-clad~~

~~\_\_\_\_\_ Roofing materials which are approved for use include:~~

- ~~\_\_\_\_\_ (a) wood shake or shingle~~
- ~~\_\_\_\_\_ (b) slate or synthetic slate~~
- ~~\_\_\_\_\_ (c) concrete shingles~~
- ~~\_\_\_\_\_ (d) fiberglass architectural shingles~~
- ~~\_\_\_\_\_ (e) standing seam copper or terneplate~~
- ~~\_\_\_\_\_ (f) composite shakes~~

#### **9.14.6 Tree Conservation and Newly Installed Trees and Plants**

(A) The conservation of existing trees that do not conflict with the placement of buildings, drives, walks, patios, or other site amenities is encouraged. Qualifying trees shall be healthy trees three (3) inches in diameter four and one-half (4½) feet above the ground or larger. A minimum of four (4) qualifying trees for a single family dwelling in zoning districts R-5, R-8, R-10 sites, eight (8) qualifying trees for R-15, R-20, R-30 sites, and sixteen (16) trees for R-210 sites shall be saved and protected during construction. If the site does not have enough qualifying trees to meet this standard, then one (1) three inch (3") caliper tree shall be installed for each tree the site does not contain.

(B) As part of the required single family site plan the approximate location, size and type of trees to be used to meet this standard shall be shown.

(C) All trees used to meet the intent of this section shall be healthy and well protected during construction. See Appendix F for a listing of trees which are known to be adaptive and naturalized in the Sandhills of North Carolina. Any of these trees can be used in meeting the tree conservation standards of this section.

(D) HVAC units, pool equipment, well houses, and other structures on the property shall be screened with landscaping material or fencing so as to be seventy-five percent (75%) opaque.

(E) Foundation Plantings Required: Foundation plantings shall be provided for all principal and accessory buildings and structures, including storage sheds. The number of plants or plant groupings shall be provided based on the linear footage of foundation along the front and sides of the each structure minus doorways, and steps at a rate of one (1) shrub or plant grouping per six (6) linear foot of foundation. A minimum of fifty percent (50%) of the required plantings shall be five (5) gallon or larger at the time of planting, the remainder shall be a minimum of three (3) gallon in size. Said plantings are not required to be placed in a uniform, linear arrangement when installed and plant groupings or ground cover beds may be used to meet the intent of this section.

(F) The site shall be designed to minimize the removal of mature specimen trees, for example, Pines, Dogwoods, Holly and Magnolias;

#### **Section 9.14.7 Single-Family Dwelling Development Review Process**

(A) Builder/Developer submits application and plans with appropriate application fee;

(B) Staff reviews all applications for completeness and compliance in accordance with the Pinehurst Development Ordinance. Staff has ten (10) working days to determine compliance or provide written comments on the application stating the deficiencies;

(C) When staff determines that the application is complete and in compliance with the Pinehurst Development Ordinance, a development permit shall be issued;

(D) Applicant may then apply for a building permit (at the discretion of the applicant, building permits may be applied for prior to the issuance of the development permit, but a building permit shall not be issued prior to a development permit);

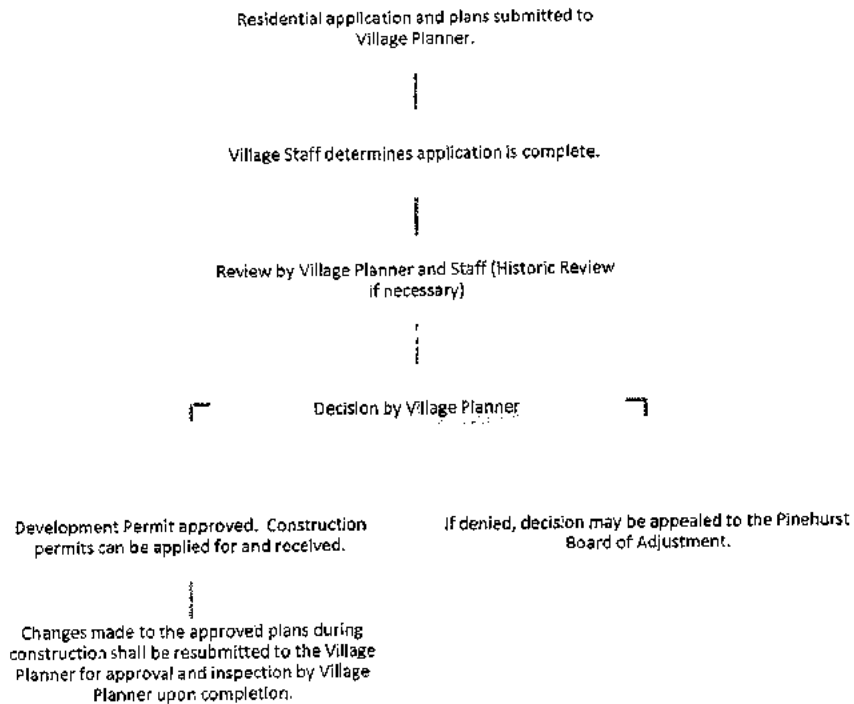
(E) Throughout construction, exterior changes may occur. All changes must be resubmitted to the Planning and Inspections Department and be reviewed for compliance;

(F) If the structure has a permanent foundation (or is a swimming pool) and is shown to be within five (5) feet of the setback on the approved plans a final survey in addition to the foundations survey shall be provided showing compliance.

(G) Upon the completion of the project the Village Planner will conduct a compliance inspection and sign off on a certificate of occupancy if required.

(H) Flow Chart for Path on Single Family Residential Plans





**9.14.8 A Certificate of Occupancy will only be issued upon:**

- (A) Receipt of a Final Survey demonstrating compliance with all setbacks if required.
- (B) Final Inspection and recommended approval by the Village Planner or designee;
- (C) Final Inspection and approval by the Building Inspector and Fire Marshal.
- (D) Final Inspection of Driveway by Public Works Department if required.

(Ord. 14-35, passed 09-24-2014)

**Section 9.15 Reserved**

**Section 9.16 Site Plan Development Standards**

**9.16.1 Site Plan Approval Required; Minor Site Plans and Major Site Plans**

(A) A site plan showing the proposed development of the property must be approved by the Village Council or Village Planner in accordance with the procedures and requirements of this Section before a development permit may be issued:

(1) Uses Requiring Site Plan Approval Before Development: Any use or development of property except for:

- (a) Temporary uses that are regulated by this Ordinance;
- (b) A change in use which does not:

1. Require any physical changes to the building exterior or property;
2. Cause any change in utility infrastructure;
3. Require street or sidewalk construction.

(B) Three Types of Site Plans Required-Single Family Dwelling, Minor and Major:

(1) Single Family Dwelling: Single family site plan for the development of property for single family residential purposes including accessory uses to the principal use of the single family dwelling, approval of which shall be the responsibility of the Village Planner as outlined in Section 9.14.

(2) Minor Site Plans: Site plans for any non-residential development or multi-family development with a land disturbing activity not exceeding two (2) acres shall be deemed minor site plans, approval of which shall be the responsibility of the Village Planner upon recommendation of the Technical Review Committee as outlined in Section 9.16.1.4;

(3) Major Site Plans: All other site plans shall be deemed major site plans, approval of which shall be the responsibility of the Village Council in accordance with the requirements of Section 9.16.1.5 below. Major Site Plans that are in accordance with an approved General Concept Plan shall be reviewed as Minor Site Plans.

#### **9.16.1.2 Coordination of Site Plan Approval With Other Review Processes**

It is the intention of this Section to provide processes for reviewing and approving site plans along with other required reviews at the same time to the maximum extent possible. Therefore, an application for the approval of a site plan may be submitted at the same time as an application for the approval of other development permit requirements for the same development. The review and processing of the applications shall be coordinated and consolidated as much as possible. However, the Village Planner and the Planning and Zoning Board shall render separate reports and recommendations.

The Village Council may render a separate decision on each individual application, recognizing the applications as distinct and subject to different standards for approval.

#### **9.16.1.3 Application Requirements for Both Minor and Major Site Plans**

(A) The applicant shall submit a major site plan application in order to obtain approval for a major site plan. The requirements for a major site plan application are found in Appendix D (See Section 9.16.1.5 for General Concept Plan submittal). The applicant shall submit a minor site plan application in order to obtain approval for a minor site plan. The requirements for a minor site plan application are found in Appendix D;

(B) During the review of the site plan, the Village Planner, the Planning and Zoning Board, or the Village Council, may require such additional information as may be necessary to review the submitted site plan.

#### **9.16.1.4 Consideration of Minor Site Plans**

(A) Village Planner Review:

(1) The application and site plan shall be reviewed by the Village Planner and the Technical Review Committee for compliance with the standards and requirements set forth in this Ordinance. The developer at their discretion may submit a sketch plan for initial review and comment. The comments of the Village Planner and the TRC shall be provided to the applicant by the Village Planner;

(2) The applicant may resubmit the site plan along with a written response to these comments for further review by the Village Planner and the Technical Review Committee. The Village Planner and other Village Staff shall review the resubmitted site plan, and then submit its comments about the resubmitted site plan to the applicant;

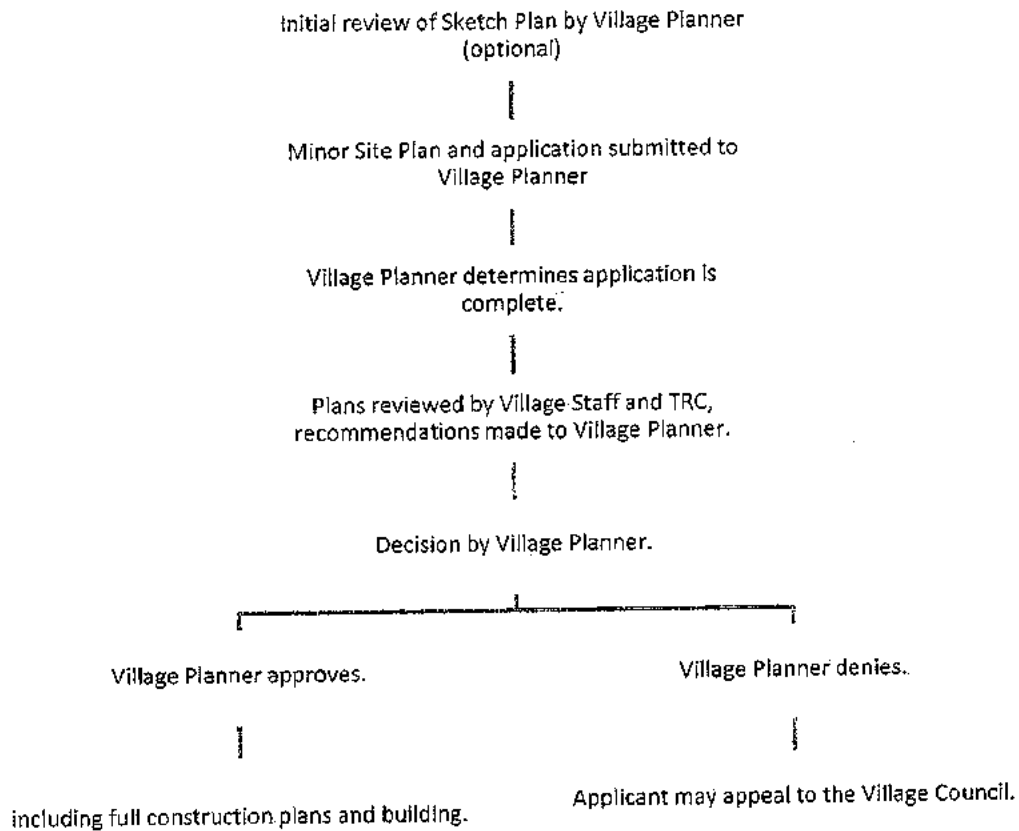
(3) The process continues until the site plan is determined to be approved or denied. If the Village Planner denies approval of the site plan, the reasons shall be stated in writing.

**(B) Action by the Village Planner on Minor Site Plans:**

(1) Failure of the Village Planner to act or provide comments on a minor site plan within forty-five (45) days of receiving the site plan and recommendations from the Technical Review Committee shall be deemed approval of the site plan, authorizing the applicant to proceed with development of the property in accordance with the site plan submitted to the Village Planner. This time limit shall not apply where the delay in site plan approval is caused by the applicant's failure to obtain any special use approval required for the proposed development. Resubmission of a minor site plan restarts the forty-five (45) day period for the Village Planner to act;

(2) In the event the Village Planner disapproves a minor site plan, an appeal may be filed with the Village Council within ten days of disapproval. If an appeal is filed, the Planning and Zoning Board shall render an opinion on the merits of the appeal at its next regularly scheduled meeting. The Planning and Zoning Board's opinion shall be forwarded to the Village Council, which shall be reviewed in accordance with the procedural provisions for major site plans. The Village Council shall affirm, reverse, or modify the Village Planner's disapproval at the Council's next regularly scheduled meeting.

**(C) Flow Chart for Path for Minor Site Plan Approval**



### 9.16.1.5 Consideration of Major Site Plans

#### (A) Review by Staff and the Planning and Zoning Board on Major Site Plans:

(1) The application and General Concept Plan shall be reviewed by the Village Planner and the Technical Review Committee for general compliance with the standards and requirements set forth in this Ordinance. The developer at their discretion may submit a sketch plan for initial review and comment. The comments of the Village Planner and the TRC shall then be provided to the applicant;

(2) The applicant may resubmit the General Concept Plan along with a written response to these comments for further review by the Village Planner and Technical Review Committee. The Village Planner shall review the resubmitted plan and then submit its comments about the resubmitted site plan to the applicant;

(3) The process continues until the General Concept Plan is ready to be presented to the Planning and Zoning Board for review;

(4) The Village Planner shall transmit the General Concept Plan materials to the Planning and Zoning Board, along with the recommendations of the Village Planner and the Technical Review Committee from the completion of staff review prior to a regularly scheduled meeting of the Board;

(5) The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.1 (A) of this ordinance and review the General Concept Plan, the recommendations of the Village Planner and the Technical Review Committee, and the requirements of this Ordinance, and formulate

a recommendation to the Village Council for appropriate action on the site plan. Failure of the Planning and Zoning Board to make a recommendation to the Village Council within ninety (90) days of the first public meeting in which the item is on the agenda for consideration by the Board shall be considered a favorable recommendation.

(B) Action by Village Council on Major Site Plans: The application, the General Concept Plan, the recommendation of the Planning and Zoning Board, along with the staff report of recommendation of the Village Planner and other pertinent materials shall then be forwarded to the Village Council for action after a public hearing is held by the Village Council in accordance with section 4.1.1 (A) of this ordinance. The Village Council shall review this information and either approve, approve with conditions, or reject the site plan:

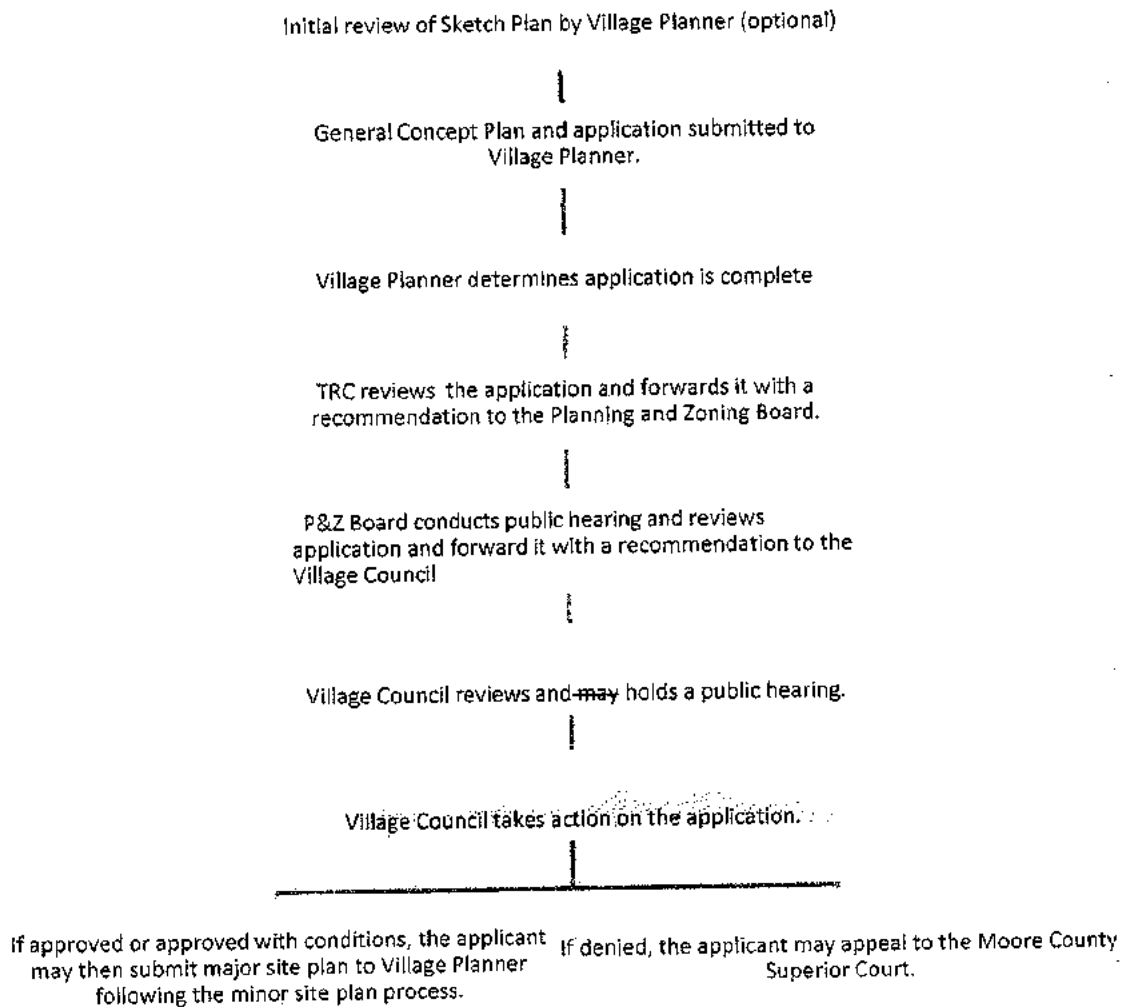
(1) The Village Council may approve a General Concept Plan only if it meets the standards and requirements set forth in this Ordinance and provides for the dedications and improvements, or payments and guarantees in lieu thereof, required by this Section;

(2) If the Village Council rejects a General Concept Plan, then the reasons therefor shall be stated in the record of action on the General Concept Plan;

(3) Failure of the Village Council to act on the General Concept Plan within ninety (90) days of being placed on an agenda for consideration, the General Concept Plan and recommendations from the Planning and Zoning Board shall be deemed approval of the General Concept Plan, authorizing the applicant to proceed with preparing full site plan (Appendix D) drawings of the property in accordance with the General Concept Plan submitted to the Village Council. This time limit shall not apply where the delay in General Concept Plan approval is caused by the applicant's failure to obtain any special use approval required for the proposed development or where the applicant consents to such a delay.

(4) Upon approval of the General Concept Plan by the Village Council, the applicant shall prepare and submit site plans in accordance with Appendix D. Said site plans shall be reviewed using the minor site plan process. Upon Village Planner approval of the site plan, the major site plan shall be deemed approved.

(C) Flow Chart for Path for Major Site Plan Approval



### 9.16.1.6 Effect and Duration of Major and Minor Site Plan Approval

(A) Approval of the site plan and final construction drawings shall authorize the applicant to proceed with any applications for permits and approvals required in order to develop the property in conformity with the approved site plan. A permit, certificate, or other approval may be issued by the Village only if it conforms to the approved site plan and final construction drawings;

(B) A development permit and building permit may be issued for any building or structure on the property, and a building or structure on the property may be occupied, only where the applicant has complied with the approved site plan and final construction drawings, and made all dedications and improvements required by this Ordinance. A Certificate of Occupancy shall be issued only upon completion of the terms of the development permit and the building permit;

(C) An approved site plan shall become null and void if the applicant has failed to make substantial progress on the site within two (2) years after the date of approval by the Village Planner or Village Council. Substantial progress means at least one-half of the gross floor area of the site-planned development must be completed within the first two (2) years. The entire site must be completed within five (5) years of the first approval date of the site plan. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the site plan unless the approving body finds that all of the following have been met:

(1) A written request for extension has been made to the approving authority at least thirty (30) days before the expiration of the approved site plan;

(2) Unconstructed portions of the site plan conform to all Ordinances, Policies and Plans of the Village in effect at the time of the requested extension.

The approving body may grant a single, one (1)-year extension of this time limit, provided that the conditions above have been met.

#### **9.16.1.7 General Design Standards for Major and Minor Site Plans**

All site plan development shall meet the following standards before they may be approved by the Village Planner or Village Council:

(A) The proposed development shall comply with all general development standards for the zoning district in which it is located, as set forth in this Ordinance;

(B) Traffic circulation and control patterns within the site shall be adequate to provide access to adjoining properties where appropriate and streets and shared driveways shall be provided for adjoining developments where possible;

(C) Walkways shall be located so that pedestrians may walk from store to store or building to building on the site and on adjacent properties;

(D) Where on-site travel lanes and/or driveways connect to adjacent properties and allow traffic movement between adjacent properties, such lanes and driveways shall be constructed in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual and in this Ordinance;

(E) Parking shall not be allowed along the travel lanes and driveways covered by subsection (D) above and adequate no-parking signs shall be installed along all such travel lanes and driveways;

(F) Water supplies, fire protection facilities and sanitary sewer facilities shall be adequate to serve the type and amount of the total planned development in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual;

(G) Drainage systems shall be adequate for the disposition of storm water in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

#### **9.16.1.8 Required Improvements for Major and Minor Site Plans**

(A) Required Features: In addition to meeting the standards set forth in Section 9.16.1.7 above, the developer or applicant shall be required to do the following:

(1) To dedicate any additional right-of-way necessary to achieve the width required by the Village's Thoroughfare Plan for all streets adjoining the property;

(2) To reserve but not dedicate right-of-way for highways to which the development is prohibited from having access;

(3) To improve all rights-of-way adjoining the property in accordance with the requirements

set out in the Village's Standards and the Village's Thoroughfare Plan;

(4) To install sidewalks along the frontage of existing streets ~~or make payment in lieu of per Section 9.1 in accordance with the requirements set out in the Village Standards~~. This requirement does not have to be met when it is documented by the applicant that the property is prohibited from having a vehicular driveway from the exiting street due to access control or other requirements;

(5) To install street signs in accordance with (B) below;

(6) To install street lighting in accordance with (C) below;

(7) To provide public water and sewer service in accordance with Village Standards and public utility providers;

(8) ~~For residential developments, to provide open space and recreational fees in accordance with (d) below. To provide required open space.~~

(B) Street Signs: Street name signs that comply with the Village Standards or NCDOT shall be placed at all street intersections. The developer shall install the signs or pay the actual cost for Village installation at the discretion of the Village or NCDOT. The developer shall be required to replace or repair any street sign which is damaged during construction;

(C) Street Lighting: Street lighting shall be installed by the developer with underground wiring but only at the following road junctions and crossroads that:

- (1) Experience high volumes of periodic traffic after darkness (e.g. hospital shift changes);
- (2) Are part of an intersection with a primary State Highway;
- (3) Will facilitate pedestrian traffic in the Village Commercial District.

#### **9.16.1.9 Recording of Plat for Dedications**

The applicant shall record with the Moore County Register of Deeds an as-built plat containing a metes and bounds description of any and all lands and rights-of-way dedicated as part of the approved site plan. Such plats shall be recorded within thirty (30) days after the date the as-built plan is approved by the Village Planner and Village Engineer. Failure to satisfy this requirement shall render approval of the site plan null and void.

#### **9.16.1.10 Timing and Inspection of Required Improvements**

(A) Level Required for Certificates of Occupancy: The Planning and Inspections Department shall issue no final Certificate of Occupancy for the development until and unless the developer has installed all improvements, landscaping and other elements in accordance with the requirements of this Ordinance and the approved site plan;

(B) Inspection: Prior to approval of any certificates of occupancy, the Village Engineer and Village Planner shall inspect all improvements for conformance with the requirements of this Ordinance and the approved site plan. The Village Engineer and Village Planner shall have fifteen (15) days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in



accordance with such requirements or to provide the applicant with a list specifying all defects, deficiencies, and required repairs;

(C) Correction of Defects and Deficiencies: Any such list of defects, deficiencies, and required repairs shall be delivered to the applicant in person or by first class mail, and shall require that the defects and deficiencies stated therein shall be satisfactorily corrected within sixty (60) days of the date the list was mailed. If the applicant fails to correct all defects and deficiencies and to make all required repairs within this sixty (60) day period, then the necessary improvements and repairs may be completed by the Village at the expense of the applicant, using funds from any guarantees provided by the applicant;

(D) Completion of Work: Upon completion of the required improvements, the applicant may apply to the Village Planner for a Certificate of Occupancy. If the Village Planner finds that the improvements conform to the requirements of this Ordinance and the approved site plan, then the Planning and Inspections Department shall issue such certificate. The Village reserves the right to withhold development permits, building permits, or certificates of compliance until all improvements have been completed and accepted.

#### **9.16.1.11 Acceptance of Improvements for Village Maintenance**

(A) Inspection by the Village Engineer and Village Planner: The installation of improvements shall in no case bind the Village to accept any such improvements for public maintenance or operation thereof, until the Village Engineer and Village Planner, in accordance with this Section and the Village of Pinehurst Engineering Standards and Specifications Manual, has inspected and approved the improvements as meeting all applicable requirements.  
(Ord. 14-35, passed 09-24-2014)

### **Section 9.17 Subdivision Standards**

#### **9.17.1.1 Plat Approval Required; Major Subdivisions and Minor Subdivisions**

(A) A development permit shall be issued for any development which is a constituent of a major or minor subdivision, and a plat for a major subdivision, or minor subdivision may be recorded with the Moore County Register of Deeds, only after a plat for such subdivision or phase of such subdivision has been approved, all required dedications of land have been made, all required improvements have been installed and inspected, or financial guarantees put in place and a warranty on improvements in accordance with Sections 9.17.1.24, Section 9.17.1.25 and the Village Engineer Standards and Specification Manual has been provided to the Village by the developer. All improvements shall be made in accordance with the procedures and requirements of this Section;

(B) The Village shall not accept and maintain any street, water or sewer line, nor shall the Village extend or connect any street lighting, right-of-way dedication, easement, drainage improvement to any subdivision of land or erect a street sign until and unless a plat for such subdivision has been approved and recorded in accordance with the requirements set forth in this Section and the requirements of the Village of Pinehurst Engineering Standards and Specifications Manual are met;

(C) There are three (3) procedures for the approval of subdivisions, depending on whether the subdivision is an exempt subdivision, minor subdivision or a major subdivision:

(1) Exempt Subdivision: Shall include the following;

(a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

(b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

(c) The public acquisition or purchase of strips of land for the widening or opening of streets;

(d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

(e) The division of a tract into plots or lots used as a cemetery.

Nothing in this Section or elsewhere in this Ordinance shall be interpreted to allow the consecutive subdivision of land into not more than three (3) lots in order to avoid making dedications and improvements for streets and other facilities otherwise required by the Village for subdivisions; no such subdivisions shall be approved or permitted by the Village Council or the Village Manager.

In addition, no plat shall be recorded for any division of land exempt from this Ordinance unless an exempt subdivision plat is prepared with the appropriate Certificate of Exemption, as shown in Appendix E, is signed by the Village Manager and the fee for such exempt subdivision plat is paid.

Exempt subdivision applications shall be reviewed by the Village Planner and approved by the Village Manager;

(2) **Minor Subdivision:** a subdivision that does not involve any of the following: (a) creation of more than three (3) lots from any one (1) tract of land (as the tract existed on October 23, 1995) whether such lots are created at one time or over a period of ten (10) years, thereafter; and (b) dedication or improvement of any new street other than widening approved existing streets.

Minor subdivision applications shall be reviewed by the Village Planner and approved by the Village Manager;

(3) **Major subdivision:** any subdivision other than an exempt or minor subdivision.

Major subdivision applications shall be reviewed by the Planning and Zoning Board after staff has completed its review. The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.1 (A) and formulate a recommendation and forward the plat to the Village Council. The Village Council shall conduct a public hearing in accordance with section 4.1.1 (A) and may approve or deny the plat or return it to the Planning and Zoning Board for further consideration. The Village Council and the Planning and Zoning Board shall evaluate the plat application in accordance with Section 9.17.1.3 through Section 9.17.1.6 below.

### **9.17.1.2 Summary of Approval of Minor Subdivisions**

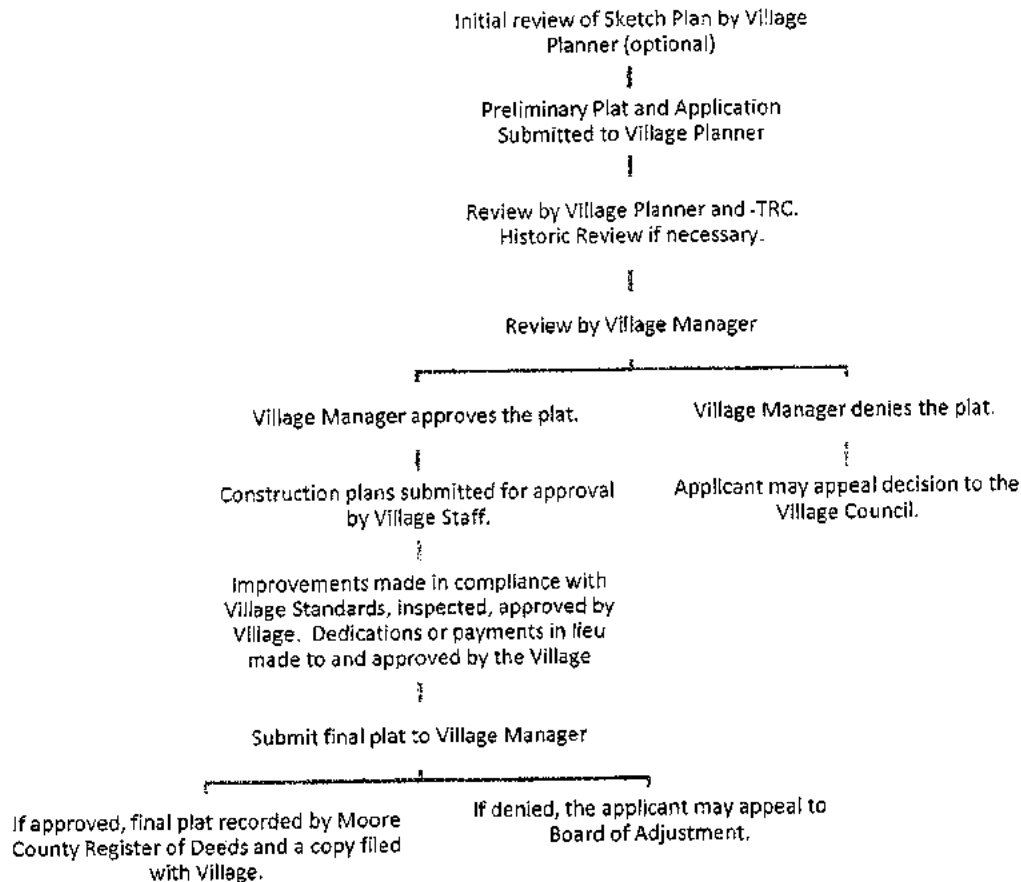
(A) **Approval Required:** All plats for minor subdivisions shall be reviewed and approved pursuant to the procedures and requirements set forth in Sections 9.17.1.2 through 9.17.1.6 below;

(B) Summary of Procedure: The approval of plats for minor subdivisions is a multi-step process. A proposed preliminary plat (Appendix E) is first submitted to the Village Planner. The Village Planner reviews with the TRC the application for completeness and errors and provides written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. Approval of a Preliminary Plat may be given by the Village Manager provided the requirements of Section 9.17.1.5 are met. Prior to the submittal of the preliminary plat to the Village Planner, the subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

After the Village Manager approves the preliminary plat and the Village Engineer approves construction plans for all proposed public improvements, the applicant may then proceed to install improvements on the property in accordance with the approved preliminary plat and construction plans. If no improvements are required or proposed construction plans are not required.

Upon carrying out the improvements if any, the applicant shall submit a final plat (Appendix E) for approval by the Village Manager. The Final Plat is approved when the applicant has properly made all dedications or any necessary payments of money in lieu of land dedication or other fees due and properly installed all improvements, or a financial guarantee put in place per Section 9.17.1.26 and 9.17.1.27 which are required by this Ordinance and the approved preliminary plat and construction plans;

(C) Flow Chart for Approval Path of Minor Subdivision



### 9.17.1.3 Summary of Approval of Major Subdivisions

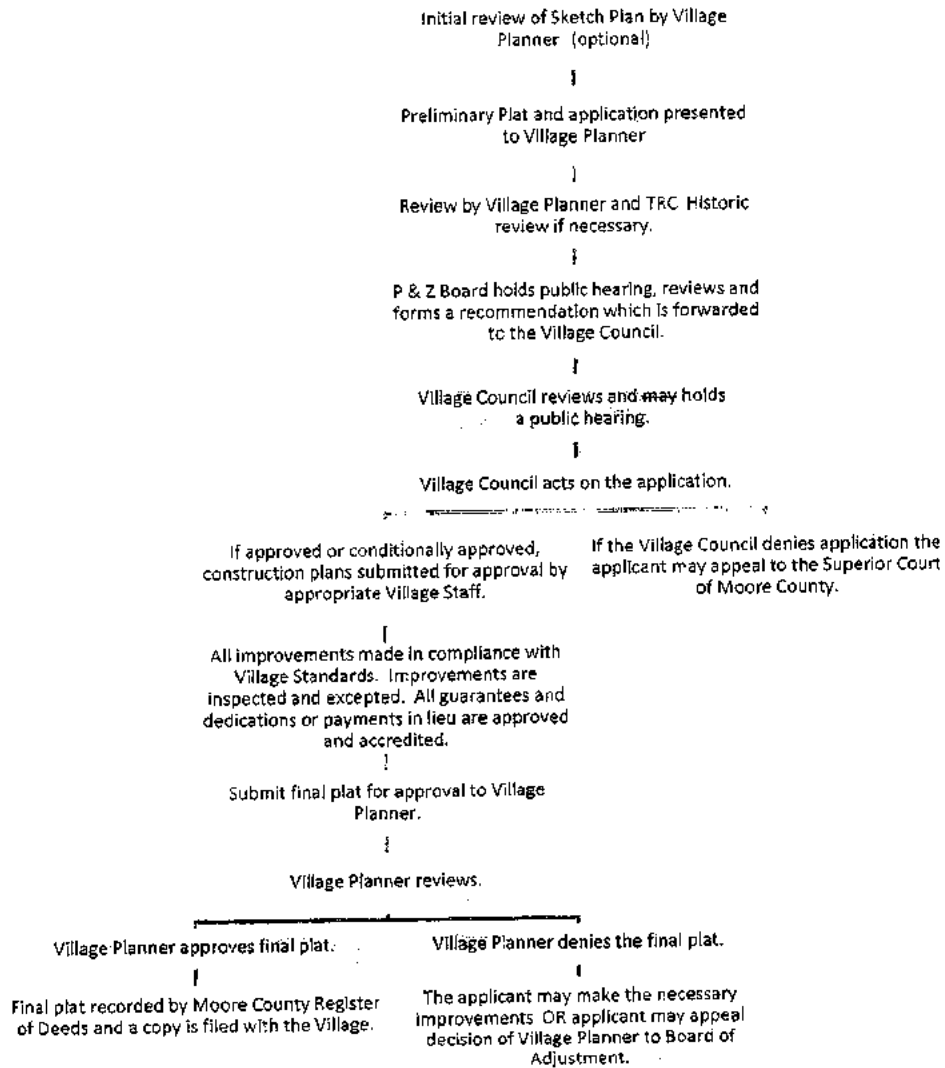
(A) Approval Required: All plats for major subdivisions shall be reviewed and approved pursuant to the procedures and requirements set forth in Sections 9.17.1.3 through 9.17.1.6 below. A major subdivision is any subdivision that does not qualify as an exempt or minor subdivision as defined herein;

(B) Summary of Procedures: The approval of plats for major subdivisions is a multi-step process. A proposed preliminary plat (Appendix E) is first submitted to the Village Planner. The Village Planner and TRC reviews the application for completeness and errors and provides written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.1 (A) of this ordinance and then review the preliminary plat along with the comments and recommendations of the Village Planner. This process continues until compliance is determined. The Planning and Zoning Board then submit its recommendations regarding the preliminary plat to the Village Council. Once the Planning and Zoning Board has submitted its recommendation on a proposed subdivision to the Village Council, the Village Council shall conduct a public hearing in accordance with section 4.1.1 (A) of this ordinance and then review the preliminary plat and the Planning and Zoning Board's recommendations, and approves, conditionally approves, or rejects the preliminary plat; Prior to the submittal of the preliminary plat to the Village Planner, the subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

(C) After the Village Council approves the preliminary plat and the Village Engineer approves construction plans for all proposed public improvements, the applicant then proceeds to make land

dedications and install improvements on the property in accordance with the approved preliminary plat. Upon carrying out the improvements, the applicant submits a final plat for approval by the Village Planner. The final plat is approved when the applicant has properly made all dedications and properly installed all improvements that are required by this Ordinance and the approved preliminary plat and construction plans.

**(D) Flow Chart for Approval of a Major Subdivision**

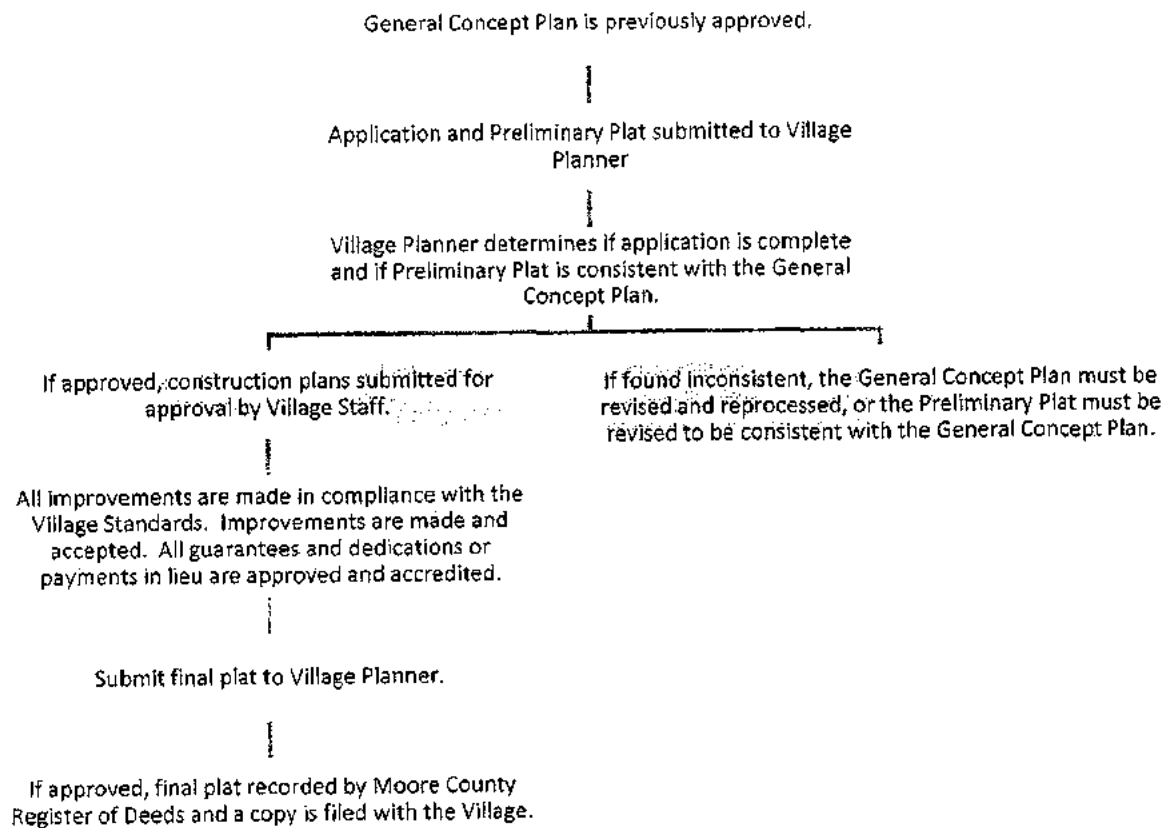


**9.17.1.4 Summary of Approval of Subdivisions Associated With a General Concept Plan**

**(A) Application Requirements:**

(1) When a property has been rezoned following the procedures of this Ordinance with an associated General Concept Plan the process and approval of the Preliminary Plat shall be administered by the Village Planner.

**(B) Flow Chart for Path on Subdivision associated with a General Concept Plan**



### 9.17.1.5 Preliminary Plat Approval

#### (A) Application Requirements:

(1) An application shall include the information listed in Appendix E, as it may be amended from time to time by the Village Council. Incomplete or incorrect information shall result in rejection or refusal to act on the application by the Village Planner;

#### (B) Village Planner's Review:

(1) The Village Planner and other applicable agencies shall review the preliminary plat for compliance with the development standards set forth in this Ordinance. The comments of the Village Planner which may include necessary or suggested revisions to the submitted plat, shall then be provided to the applicant by the Village Planner;

(2) The applicant shall review these comments, may adjust the plat accordingly, and then resubmit the preliminary plat along with a written response to the comments of the Village Planner;

(3) As part of the above review, the Village Planner shall transmit the proposed preliminary plat for review to the Technical Review Committee.

(C) Minor Subdivisions: Review and Action by the Village Manager: Upon receipt of the application and preliminary plat for minor subdivisions, the Village Manager shall review the plat, the

comments of the Village Staff Technical Review Committee, and shall approve or disapprove the preliminary plat;

(D) Minor Subdivisions: Appeal of Disapproval to Village Council: In the event the Village Manager disapproves a minor subdivision, an appeal may be filed with the Village Council within ten (10) days of disapproval. If an appeal is filed, the Village Council shall review the minor subdivision in accordance with the procedural provisions for major subdivisions, and may affirm, reverse or modify the Manager's disapproval;

(E) Major Subdivisions: Review and Action by the Planning and Zoning Board:

(1) The Village Planner shall forward the application and preliminary plat to the Planning and Zoning Board along with the recommendations of the Technical Review Committee after the Village Planner has deemed compliance.

(2) The Planning and Zoning Board shall review the preliminary plat, the recommendations of the Technical Review Committee, and the requirements of this Ordinance and shall formulate a recommendation to the Village Council for appropriate action on the preliminary plat. The recommendation of the Planning and Zoning Board shall be in writing,

(3) The Planning and Zoning Board may request the applicant to revise the preliminary plat before it is submitted to the Village Council for approval.

(F) Action by Village Council:

(1) The recommendations of the Planning and Zoning Board and the Technical Review Committee shall then be forwarded to the Village Council for action. Along with the application for preliminary plat the Village Council shall review this information and either approve, conditionally approve, or reject the preliminary plat;

(2) Approval of the preliminary plat shall authorize the applicant to proceed with obtaining construction plan approval from the Village Engineer and obtaining construction permits for the necessary improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 9.17.1.6 below;

(3) If the Village Council approves a plat with conditions, the following requirements shall apply:

(a) All conditions, and the reasons for requiring the conditions, shall be stated in the record of approval of the preliminary plat. Such conditions may include, but are not limited to, the following matters:

1. The configuration of lots and streets;
2. The arrangement of utility networks on the property;
3. The location of dedicated land and rights-of-way;
4. The payment of fees in lieu of such dedications;

5. The location of required improvements.

(b) Upon obtaining construction plan approval from the Village Engineer and any necessary construction permits, the applicant is authorized to proceed with construction of the improvements indicated on the preliminary plat, but approval of the final plat is also contingent on satisfying the conditions imposed by the Village Council.

(4) If the Village Council rejects the preliminary plat, then the reasons therefor shall be stated in the record of action on the preliminary plat, along with recommendations for ways to revise the preliminary plat so that it could be approved;

(5) Failure of the Village Council to act on the preliminary plat within ninety (90) days of the first Village Council meeting in which the application is made an agenda item, the plat and recommendations from the Planning and Zoning Board, shall be deemed approval of the preliminary plat, authorizing the applicant to proceed with the approval of the construction plans of the improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 9.17.1.6.

**9.17.1.6 Final Plat Approval**

(A) Applicable Requirements: Within the time limit stated in subsection (c) below, the applicant shall file an application for final plat approval, for that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, with the Village Planner on a form prescribed by the Village, along with the prescribed fee, and shall include the information shown on the preliminary plat and the information listed in Appendix E, as it may be amended from time to time by the Village Council;

(B) Forms for Final Certification: The appropriate certificates and notes shown in Appendix E shall be placed on this final plat;

(C) Failure to Apply for Final Plat Approval - Time Limit: Failure to file an application for final plat approval within the time period shall render the preliminary plat null and void. At least one-half (1/2) of the lots must be provided with all of the required infrastructure within the first two (2) years. The entire subdivision plat must be completed within five (5) years of the first approval date of the subdivision plat. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the subdivision plat unless the approving body finds that all of the following have been met:

(1) A written request for extension has been made to the Village Planner for General Concept Plans, the Village Manager for Minor Subdivisions, or the Village Council for Major Subdivisions at least thirty (30) days before the expiration of the approved site plan;

(2) Unconstructed portions of the subdivision conform to all ordinances, policies and plans of the Village in effect at the time of the requested extension.

(D) Application Requirement: The application shall contain or be accompanied by such information, final plat, other plans, and final certifications as required on the application form;

(E) Required Dedications and Improvements: Prior to approval of the final plat, all improvements shall be installed on the property or financial guarantees put in place per Sections 9.17.1.26, 9.17.1.27



and all dedications or payment in lieu thereof shall be completed;

**(F) Village Planner Review and Approval of Final Plat:**

(1) Approval of the final plat shall be the responsibility of the Village Planner. The final plat shall be approved if it is in substantial conformity with the preliminary plat and the applicant has carried out the improvements shown on the preliminary plat, or provided financial guarantees per Section 9.17.1.26, 9.17.1.27 and made all dedications or payments in lieu thereof, as indicated in the approved preliminary plat. The Technical Review Board-Committee shall review the final plat for compliance with these requirements;

(2) If all conditions and requirements for approval of the final plat have been met, the Village Planner shall mark approval on all copies of the final plat, and then the Village Clerk shall sign the plat for recording. The Village Planner shall return the approved and signed copies to the applicant, two (2) of which the applicant shall file with the Moore County Register of Deeds, one (1) for the Village and the other for the Register's records;

**9.17.1.7 Effect of Approval of Final Plat**

(A) After obtaining approval of the final plat, the approved plat shall be recorded within thirty (30) days or the plat shall become null and void;

(B) The recording of the approved plat with the Register of Deeds shall authorize the subdivider, or any subsequent developer of the property, to proceed with applications for a development permit on the individual parcels.

**9.17.1.8 Actions by Moore County Register of Deeds**

The Village shall file a copy of this Ordinance with the Moore County Register of Deeds. The Review Officer shall not authorize and the Register of Deeds shall not thereafter file or record a plat of subdivision located within the corporate limits or extraterritorial jurisdiction of the Village without the approval of the Village as required in this Section. The landowner shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the corporate limits or extraterritorial jurisdiction of the Village. The filing or recording of a plat of a subdivision without the approval of the Village as required by this section, shall be null and void. The Clerk of the Superior Court of Moore County shall not order or direct the recording of a plat where such recording would conflict with this Section.

**9.17.1.9 Restriction on Sale or Transfer of Subdivided Land Without an Approved Final Plat**

Any person who transfers or sells any land located within the corporate limits or extraterritorial jurisdiction of the Village by reference to a plat which has not been approved by the Village and recorded with the Moore County Register of Deeds, shall be guilty of a misdemeanor even if the instrument of transfer contains a metes and bounds description. The Village also may enjoin such transfer or sale by filing an action for an injunction.

**9.17.1.10 Revisions to Approved Plats**

Any amendment or revision to a recorded final major or minor subdivision plat or portion thereof, shall be accomplished in the same manner as for original approval of a plat as required by the sections

above, except for the following minor amendments:

(A) Allowable Changes: Upon the request of the applicant, the Village Planner may approve the following minor changes to an approved subdivision plat without further review by the Planning and Zoning Board, or Village Council:

(1) Combination or recombination of existing platted lots so that the total number of lots is not increased and the amended plat represents the same general lot relationships as shown in the plat prior to amendment provided, however, that:

(a) No lot or tract of land shall be created or sold which is smaller than the size shown on the approved plan, except when such lot or tract is re-subdivided to provide additional acreage to immediately contiguous lots or tracts, which will remain in single ownership;

(b) The location, function and size of drainage, easements or rights-of-way shall not be changed in any substantive way so as to impair their function as designed;

(c) Street alignment and block sizes shall not be changed;

(d) The property line between the back of the lots shall not be changed;

(e) The rear portion of the lots shall not be subdivided from the front part.

(f) Open space perimeter shall not be modified to change conditions to abutting platted lots.

(2) Minor field alterations to accommodate physical site conditions involving interior features of the site design, including relocation of easements, utilities and infrastructure, which represents the same general lot and easement relationships, topography, landscaping, and minimum utility standards;

(3) Where a subdivision is required to have a perimeter buffer and where the approved plant materials are unavailable, substitution of the approved plant materials for alternate plant materials, which will accomplish the intent of this Ordinance and the approved preliminary and final plat.

(4) Changes to the phasing of development.

(B) Revised Subdivision Plats Required: New subdivision plats are required to show the proposed changes as allowed in (a) above;

(C) Review by Village Planner: The Village Planner shall submit all such requests to the Technical Review Committee in order to determine the potential impact of the requested change in any requirement or code administered by other agencies of the Village;

(D) Standards of Review: Before approving any such change, the Village Planner shall make the following findings:

(1) That all changes conform to the minimum required standards for the zoning district in which the property is located;

(2) That all additions, alternations, and expansions shall be compatible with the existing or

approved lots, easements and infrastructure, open space and common areas;

(3) That any additional required landscaping shall be comparable to the approved subdivision plat and shall follow Village specifications and guidelines;

(4) That the effect of the landscaping, buffers, or screening on the site, or on the approved subdivision plat is not diminished;

(5) That the number of access points to streets is neither increased, decreased, nor substantially relocated;

(6) That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;

(7) That the change will result in better or equal performance of the overall objectives of the approved subdivision plat and specific zoning district classification;

(8) That the changes do not otherwise violate any provision of this Ordinance, the Village Code, or other applicable laws;

(9) That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

(E) Appeal: The applicant shall have the right to appeal to the Village Council the decision of the Village Planner regarding any such change. Before the Village Council makes a decision, the Planning and Zoning Board shall render its opinion on the merits of the appeal to the Village Council.

#### 9.17.1.11 Required Open Space

##### Purpose

The Purpose of the Required Open Space is to manage the subdivision of land for residential development in a manner that results in more effective conservation of the natural environment and the preservation of a Village's community character. Required Open Spaces are designed to function as a municipal land use management tool that will enable the conservation and protection of a site's important features, including natural, historical and archaeological resources and community character, such as scenic vistas, view sheds, and greenway connections. At the same time, required open spaces enable a property to be developed for single family detached housing at the same gross density as is permitted under existing underlying zoning. All major subdivisions of land in the following residential zoning districts shall comply with the following required open space regulations and all structures in the zoning districts shall comply with the following dimensional requirements, except as may be otherwise provided by this Ordinance:

#### 9.17.1.11a Table of Required Open Space Dimensional Requirements

Requirements	Zoning District					
	R-210	R-30	R-20	R-15	R-10	R-8

Minimum Amount of Required Open Space	25 %	15%	15%	15%	15%	15%
Minimum Lot Size	3.5 acres	24,000 sq. ft	16,000 sq. ft.	12,000 sq. ft.	8000 sq. ft.	6400 sq. ft.
Minimum Lot Width At the Setback Line	100 feet	80 feet	65 feet	60 feet	60 feet	50 feet
Minimum Front Yard Setbacks	100 feet	32 feet	32 feet	24 feet	24 feet	16 feet
Minimum Side Yard Setbacks	40 feet	16 feet	12 feet	12 feet	12 feet	8 feet
Side Street Setbacks	50 feet	16 feet	16 feet	16 feet	16 feet	12 feet
Minimum Rear Yard Setbacks	50 feet	24 feet	24 feet	24 feet	20 feet	16 feet
Maximum Lot Covered By Impervious Surface	30%	36%	42%	45%	48%	50%

\*\*\* Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Required Open Space regulation of this Ordinance and to the future development of the lots created under these regulations. All unmodified applicable dimensional requirements presented in the Table of Dimensional Requirements, Section 9.2a, shall apply.

(B) Within the Zoning Districts listed in Section 9.17.1.11a Table of Required Open Space Dimensional Requirements of this Ordinance, any proposed major subdivision shall conform to the requirements as follows:

Prior to submitting a preliminary plat, the subdivider shall submit to the Village Planner three (3) copies of a sketch plan that shall include the following elements:

(1) Site Analysis: The subdivider shall prepare a site analysis identifying floodplains and wetlands along with other significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, existing structures, location(s) of existing cemeteries, road ways, existing trails, significant wildlife habitat, prime agricultural farmland, and historic, archaeological, and cultural features listed (or eligible to be listed) on national, state, county, or local registers or inventories;

(2) Open Space Allocation shall be determined as required in the Table of Required Open Space Dimensional Requirements. At least twenty-five percent (25%) of the open space shall remain in its natural state. This open space shall be provided in one or more parcels with the objective of maintaining natural systems and wildlife corridors, but consideration shall be given to connecting open space within a subdivision and to adjacent properties and subdivisions. A thirty (30) foot buffer is required around all bodies of water, including wetlands;

(3) View sheds: To preserve the character of Pinehurst, developments fronting on minor or major thoroughfares or rural roads should be given consideration for a visual buffer from the public realm, the road and road right of way.

(4) Preliminary Subdivision: Upon completion of this Section and creating a subdivision design that incorporates all of the principles and design elements of this section and upon receiving a general approval of the Village Planner that these elements have been met on the submitted sketch plan, the subdivider may proceed to prepare and submit a preliminary plat for the development that is consistent with the previous sketch plan process and complies with all applicable regulations for subdivision approval within the Village of Pinehurst.

### **9.17.1.12 Required Dedications, Improvements and Design Standards in General**

(A) The requirements of this Section refer to all subdivisions, both residential and non-residential, unless otherwise noted;

(B) The following dedications and improvements shall be installed in accordance with the appropriate standards where required prior to the approval of the final plat of a subdivision or the phase of a subdivision:

- (1) Land, easements:
- (2) Required or provided open space and common areas.
- (3) Monuments and markers;
- (4) Streets;
- (5) Curbs and gutters;
- (6) Storm drainage;
- (7) Sidewalks and greenways ~~or payment in lieu of Section 9.1.1.~~
- (8) Utilities;
- (9) Street signs;
- (10) Street lights;
- (11) Street yards, street trees and landscaped buffers around the perimeter of the subdivision.
- (12) Financial guarantees and warranties.

(C) A Building Permit shall not be issued, and a building or structure shall not be occupied, until and unless all dedications, or payment in lieu thereof, and improvements required by this Section have been installed in a satisfactory manner and approved by the appropriate Village staff for the final plat;

(D) A subdivision may be approved and in phases provided that no phase is smaller than twenty percent (20%) of the entire area of the subdivision, or two (2) lots, whichever is larger and provided that the Village Planner finds that the infrastructure for the phase can support the phase as an independent unit;

(E) The subdivision development and design standards of this Section may be modified by exceptions contained in the provisions of certain overlay districts in which case the overlay district provisions shall take precedence.

### **9.17.1.13 Blocks**

(A) Blocks shall be laid out with due regard to the type of use to be established within the subdivision;

(B) Block lengths shall not exceed one thousand (1,000) feet, and shall be no less than three hundred (300) feet except where said block adjoins a golf course or lake or other natural features. Block formations shall avoid long sections of straight lines;

(C) Residential blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through-traffic: except where said block adjoins a golf course, lake, or other natural feature; and except where the block adjoins a different land use;

(D) Pedestrian ways or crosswalks, no less than five (5) feet in width, shall be provided near the center and entirely across any residential block which is five hundred (500) feet or more in length where necessary to provide adequate pedestrian circulation or access to schools, churches, retail stores, personal service establishments, or transportation facilities.

#### **9.17.1.14 Lots**

(A) The size, shape, and location of lots shall be established with due regard to topographic conditions, contemplated uses, and the character of the surrounding area;

(B) Side lot lines shall be substantially at right angles or radial to street lines;

(C) Property lines at street intersections may be required to be rounded, with a radius of at least twenty (20) feet; a greater radius may be required as part of the approval of the preliminary plat;

(D) The minimum width of the lot at the street right-of-way line shall meet the requirements of Table of Dimensional Requirements and be large enough to accommodate all driveways, drainage facilities, and utilities in accordance with the Village's design standards and policies;

(E) All principal residential buildings shall be oriented toward the front yard. For corner lots and through lots, the proposed direction of the building shall be shown on the plats.

(F) Flag lots shall be limited to one (1) lot per subdivision or two percent (2%) of the total number of lots whichever is greater.

#### **9.17.1.15 Streets**

(A) All streets within a subdivision shall be designed and built in accordance with the standards of this Section and in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual. These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles to accommodate for thoroughfare plans and the Village of Pinehurst Engineering Standards and Specifications Manual;

(B) Streets shall be designed and located with regard to existing and proposed streets, to the topography of the area, to such natural features as streams and forested areas, to public convenience and safety and to the proposed use of land to be served by such streets. The proposed street layout shall be consistent with good land planning practices for the type of development proposed, and shall be coordinated with the street system of surrounding areas. All streets shall provide for the continuation or extension of the principal streets in surrounding areas and shall provide reasonable means of ingress and egress for surrounding properties. Street design shall avoid long sections of straight street lines.

Roundabouts shall be provided where traffic conditions would warrant in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual;

(C) The names of the streets and the addresses of the individual lots in the subdivision shall be reviewed and approved as part of the preliminary plat. The names of new streets shall not duplicate or be similar to the names of existing streets anywhere in Moore County. Where a new street extends or continues an existing street, the name of the existing street shall be used for the new street;

(D) Thoroughfares shall be constructed and dedicated to the Village when the tract to be subdivided embraces any part of a thoroughfare designated on the official Map of Thoroughfare Plan to which the subdivision shall have right of access. Right-of-way to which the subdivision would not have right of access shall be reserved;

(E) If the adjacent property is undeveloped and the street must be a dead end street temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided for all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutters whenever the street is continued;

(F) Street Trees Required: For all new one three (3) inch caliper, large hardwood or pine tree per forty (40) lineal feet of street frontage minus driveways shall be planted in the road right of way on both sides of the road. These street trees shall be approved by the Village Engineer as being acceptable street trees. These trees shall be planted outside of site triangles and not conflict with any utilities. Alternate type and size trees may be approved by the village engineer based on existing site conditions and constraints.

#### **9.17.1.16 Monuments and Markers**

The subdivider shall install such subdivision and property monuments and markers as are required by NCGSs and the standards of practice for land surveying in North Carolina.

#### **9.17.1.17 Street Lighting**

Street lighting shall be installed by the developer with underground wiring, but only at the following road junctions and crossroads that:

- (A) Periodically experience high volumes of traffic after darkness (e.g. hospital shift changes);
- (B) Are part of an intersection with a primary State Highway;
- (C) Will facilitate pedestrian traffic in the Village Commercial District.

#### **9.17.1.18 Storm Drainage**

(A) The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Village Engineer in accordance with Village of Pinehurst Engineering Standards and Specifications Manual.

(B) No surface water shall be channeled or directed into a sanitary sewer;

(C) Where feasible, the subdivider shall connect to an existing storm drainage system. In the

absence of an existing storm drainage system, the developer shall be required to channel all storm water drainage to an existing watercourse where practicable;

(D) Lakes, ponds, creeks and similar areas will be accepted for maintenance by the Village only if the Village Council determines that sufficient land to be dedicated for a public use not limited to the development which it lies.

(E) The Village shall accept no responsibility to maintain any storm drainage structures or easements, except for those lying within a Village right-of-way or traversing Village-owned property;

(F) Where a subdivision is traversed by a stream, lake, pond, water course or drainage way, an easement shall be provided conforming with the lines of such streams and of sufficient width as will be adequate for the purposes of maintenance as determined by the Village Engineer.

(G) Before installation, a complete set of construction plans for the proposed storm drainage system prepared by a registered professional engineer shall be submitted for approval by the Village Engineer.

#### **9.17.1.19 Sidewalks**

Sidewalks are required on one (1) side of all new streets in all residential developments when they serve eight (8) or more dwelling units and on both sides of all new streets in non-residential developments and subdivisions in accordance with the construction requirements set forth in the Village's Standards. Sidewalks are also required on existing street frontage of all non-residential subdivision developments.

Along private gated streets that are being added to an existing neighborhood as a subsequent phase, this requirement may be waived by the Village Council prior to preliminary plat approval if it is determined that it is in the best interest of the public to allow for the continuation of the development pattern within the existing sections of the development. In doing such the developer or property owner shall apply for such waiver on a form provided by the village. This matter shall be heard by Village Council at the next available meeting of the Village Council as determined by the Village Council. Prior to making any decision of the matter the Village Council shall receive a report from Village Planner on the individual waiver. Village Council may place such conditions on a granted waiver as it sees fit as long as they are determined to be fair and reasonable and acceptable to both the Village Council and the applicant at the time of approval.

Before installation, a complete set of construction plans for the proposed sidewalk system prepared by a registered design professional shall be submitted for approval by the Village Planner.

#### **9.17.1.20 Utilities**

(A) The application for a preliminary subdivision plat must be accompanied by satisfactory evidence as to the adequacy of the proposed method and system of water supply and sanitary sewage collection and disposal and by a certificate of approval thereof by the Health Department or public utility provider. Public water and sewer shall be required where available in accordance with Section 9.9;

(B) In addition to the requirements of the Moore County Health Department and any State agencies regarding water and sewerage systems, all water and sewer mains shall be installed with the connections for individual service lines included, running from the mains to the property line of the property to be served, where said connections will run under the pavement and paved areas, they shall be installed prior



to paving;

(C) Water mains and sanitary sewers shall be installed in accordance with State of North Carolina Standards and Village of Pinehurst Engineering Standards and Specifications Manual and public utility provider for each lot in the tract of land to be subdivided in whole or in part;

(D) Before installation, a complete set of construction plans for the proposed water and/or sewerage system prepared by a registered professional engineer shall be submitted for approval by the Village Engineer or public utility provider.

(E) The Village or public utility provider may require installation of oversized facilities when it is in the interest of future development of property not owned by the subdivider. The Village or public utility provider shall pay for that portion of the improvement that exceeds the typical Village or public utility provider standards if the oversized facilities are required for use of development of property other than that of the subdivider. Any payment by the Village or public utility provider shall be based upon costs pre-approved by the Village or public utility provider;

(F) All electrical, cable antennae, natural gas, telephone, and other service lines shall be installed underground in accordance with offsets and depth specified by the Village or public utility provider.

#### **9.17.1.21 Reserved**

#### **9.17.1.22 Reserved**

#### **9.17.1.23 Name of Subdivision**

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Moore County unless it is an extension of that subdivision and may be adopted only with the approval of the Village Planner, Village Manager and Village Council.

#### **9.17.1.24 Historic Properties and Natural Assets**

(A) In any subdivision, actions will be taken to safeguard the heritage of the Village by preserving any archaeological site or any property therein, or located on adjacent property thereto, that embodies important elements of its cultural, social, economic, political or architectural history and likewise all due consideration should be given to promoting the use and conservation of such property for the education, pleasure and enrichment of all the residents of the State of North Carolina;

(B) The name and location of all historic properties, located within the proposed subdivision or within any contiguous property, shall be clearly identified on both the preliminary and final plats. If any such historic property is listed on the U.S. Department of Interior's National Register of Historic Places, or has been designated by local Ordinance as an "Historic Property" pursuant to NCGS Chapter 160A, Article 19, Part 3A, the Village Council may provide that the North Carolina Department of Cultural Resources, Division of Archives and History shall be given an opportunity to make recommendations concerning an individual subdivision plan before the plan is approved;

(C) In all subdivisions, actions shall be taken to preserve natural features such as trees, ponds, streams, rivers and lakes and areas of environmental concern.

#### **9.17.1.25 Timing and Inspection of Improvements**

(A) Level Required for Final Plat Approval: The final plat shall not be approved until and unless the subdivider has installed all improvements in accordance with the requirements of this Ordinance and the approved preliminary plat;

(B) Inspection: Prior to approval of the final plat or the issuance of any certificates of occupancy, the Village Engineer and Village Planner shall inspect all improvements for conformance with the requirements of this Ordinance and the approved plats. The Village Engineer and Village Planner shall have fifteen (15) business days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in accordance with the requirements of this Ordinance and the approved plats, or to provide the applicant with a list specifying all defects, deficiencies, and required repairs.

(C) Building Permit: The Planning and Inspections Department shall issue no Building Permit for development within the subdivision until and unless the subdivider has installed all improvements in accordance with the requirements of this Section and the approved preliminary plat, and all such improvements are functional and the final plat has been recorded for the lot to be built upon.

#### 9.17.1.26 Improvement Guarantees

(A) ~~Performance Guarantee~~: Performance Guarantee: In lieu of prior construction of the improvements required by this Ordinance, the sub-divider shall guarantee that such improvements will be carried out according to Village specifications at his/her expense. Additionally, the sub-divider shall submit a schedule for the completion of the remaining infrastructure improvements.

(B) ~~Types of Guarantees~~: Types of Guarantees: Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina or certified check drawn in favor of the Village, or cash deposited with the Village, or a letter of credit from a local bank. Such guarantees shall be in an amount of not less than one hundred ~~fifty (150)~~ twenty-five (125) percent of the cost of the construction of the required improvements as estimated by the Village Engineer.

(C) ~~Local Bank defined~~: Local Bank defined: Any bank, savings and loan association, or trust company with a physical branch located in the State of North Carolina and within a one hundred (100) miles radius of the Village of Pinehurst.

(D) ~~Time Limit~~: Time Limit: Improvements must be completed by the developer within five (5) years of the approval of the performance guarantee. The applicable guarantee shall be renewed at least fifteen (15) days prior to expiration or be self-renewing. Failure to renew the performance guarantee fifteen (15) days prior to the expiration shall be considered defaulting by the developer. Any renewal of the performance guarantee shall be done in the same fashion as the original performance guarantee.

#### (E) Default by Developer

(1) Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, the Village may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Village.

(2) Upon payment, the Village, in its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.

~~(F) Release of Guarantee.~~ Release of Guarantee: The Village Manager may release a portion of any security posted as the improvements are completed and recommended for approval by the Village Engineer. Such funds shall be released within thirty (30) days after approval of all improvements by the Village Engineer.

~~(G) As-built drawings required.~~ As-built drawings required. As a condition of release of any Guarantee, as-built drawings and plans of all water system, sewer system, streets, sidewalks and storm drainage system facilities shall be prepared by the subdivider and submitted to the Village Engineer and Moore County Utilities at the time of request for Final Plat approval or release of any surety for required improvements, whichever comes later. These plans should show all easements and/or rights-of-way to demonstrate that the required improvements and facilities are properly placed. These drawings need not be placed on the final plat. Electronic copies of Final Plats, AutoCAD compatible, shall be submitted with all as-built plans if so required by this Ordinance, the Engineering Standards Manual or Moore County Utilities.

~~(H) Village Attorney Review.~~ Village Attorney Review. All instruments for performance guarantees shall be reviewed by the Village Attorney and a recommendation regarding their sufficiency made to the Village Manager.

~~(I) Note on plat.~~ Note on plat. There shall be language placed on the final plat that states that all of the required improvements have not been installed for the development and that the lots being platted may not be buildable until such times as all required improvements have been made. The total amount of the performance guarantee shall also be placed on the plat.

#### **9.17.1.27 Substitute Performance Guarantees**

This Ordinance applies only where all of the following requirements are met:

(A) A subdivision of land achieved final plat approval based on the posting of financial guarantees in lieu of completing required public infrastructure; and

(B) A financial guarantee was issued by a financial institution that has failed and been closed and the FDIC, as receiver, has disaffirmed and repudiated such financial guarantee(s); and

(C) The developer has failed or refused to provide a replacement financial guarantee(s) or to complete such required public infrastructure; and

(D) The developer sold and conveyed lots to third parties prior to the date on which the Village was notified by the FDIC that the financial guarantees were disaffirmed and repudiated ('Notification Date'); and

(E) Sufficient infrastructure has been installed by the developer in such phase or phases such that acceptable access is provided and adequate utilities are installed for fire protection, potable water and sewer service. This shall be determined by the village engineer and the fire marshal.

If all of the requirements set forth above are met, then, in such developments or phases thereof, lot owners who purchased lots before the notification date wishing to build new heated square footage or additions of heated square footage may provide a substitute financial guarantee (SFG) on a per lot basis. The SFG shall be determined by Council based on the amount of the repudiated letters of credit issued for phase of development and the number of undeveloped lots in that phase.

Once the SFG is determined, the Village may issue a building permit upon receipt of the SFG. Certificates of occupancy shall not be withheld by the Village based on incomplete public infrastructure or the failure to provide or maintain a financial guarantee if a SFG was provided for such lot, although other PDO requirements will continue to apply.

Half of the SFG will be collected at or prior to issuance of a building permit and half will be collected prior to the issuance of a certificate of occupancy. Such SFG shall be maintained by the Village and shall be used by the Village to complete the infrastructure in that particular phase of the subdivision. In the event the infrastructure in that phase of the development is completed by the developer or their successor without cost to the Village, or in the event the Village completes the infrastructure and discovers that it does not need all of the SFG funds provided for, the Village shall refund a proportionate share of such SFG's not needed to the persons who provided them.

This regulation shall not obligate the Village to complete public infrastructure for which SFG's have been provided until such time as adequate funds exist to complete the public infrastructure, although the Village, in its sole discretion, may undertake such completion at any time.

The Village reserves the right to transfer these funds to a third party to ensure completion and acceptance by the Village.  
(Ord. 14-35, passed 09-24-2014)

## **CHAPTER 10. VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE DEFINITIONS**

### **Section 10.1 Use and Meaning of Words**

Words contained in this chapter are those having an applied meaning and relative to the purposes of this Ordinance. Words not listed in this chapter shall be defined by reference to:

1. The latest edition of the State of North Carolina Building Code or, if not defined therein;
2. The latest edition of Webster's New International Dictionary, unabridged, which documents are hereby incorporated by reference as if set forth in their entirety herein.

(Ord. 14-35, passed 09-24-2014)

### **Section 10.2 Definitions**

**Accessory Building:** buildings that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of common accessory structures include, but are not limited to: garages, carports. Pole barns and hay sheds qualify as accessory structures where associated with bonafide farms, and may or may not be located on the same parcel as the principal structure.

**Accessory Structure:** arbors, trellises, pergolas, and storage sheds located on the same parcel as the principal structure and the use of which is incidental to the principal structure.

**Accessory Dwelling:** a dwelling unit either added within an existing single family detached dwelling or in a separate accessory structure on the same lot as the principal dwelling, or within a commercial building for use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation and sleeping.

**Accessory Use:** a use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.

**Act of God:** an extraordinary interruption by a natural cause (as a flood or earthquake) of the usual course of events that experience and/or care cannot reasonably foresee or prevent.

**Addition (to an existing building):** an extension or increase in the floor area or height of a building or structure, including porches, and other additions that change the volume/area or building footprint. Additions to existing buildings shall comply with the requirements for new construction.

**Adult:** a person who has attained the legal age of majority; or eighteen (18) years.

**Adult Establishment:** any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS § 14.210.10 (or any successor thereto).

**A-frame Sign:** a sign with any upright, rigid supporting frame in the form of a triangle with steeply angled sides that is hinged or joined at its top in the shape of the letter "a" forming a triangle which conveys a message. Such a-frame signs do not include human directional signs upon which a sandwich board sign is hung nor does it include signs which are attached to metal prongs similar to real estate signs.

**Agriculture, Livestock:** the use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as rabbits and fish and fur-bearing animals in captivity. This definition is not to include horse farms, as they are listed as a separate use.

**Agriculture, Non-Livestock:** the use of land for the production of grains, field crops, vegetables, fruits, and nuts, and for horticulture and floriculture.

**Alcoholic Beverage Sales Store:** the retail sales of liquor, spirits and/or other alcoholic beverages for off-premise consumption as a primary use and owned or operated by the State of North Carolina Alcoholic Beverage Commission.

**Alley:** a public or private service road which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**Amusements, Indoor:** establishments that provide commercial entertainment activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys.

**Amusements, Outdoor:** establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water parks.

**Animal Hospital:** a public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals that are admitted for overnight stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.

**Annexation Petition:** also known as a voluntary annexation petition. The extension of the Village

boundaries by the petition of the owners of real property following the form of petition specified by NCGS § 160A-31.

**Antenna:** a transmitting and/or receiving device used in telecommunications that radiates or captures radio and/or television signals.

**Antenna, Directional:** an antenna or array of antennas designed to concentrate a radio signal in a particular area.

**Antenna, Microwave:** a dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

**Antenna, Omnidirectional:** an antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.

**Antenna, Whip:** an antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional. Their size varies based upon the frequency and gain for which they are designed.

**Apiary:** the assembly of one (1) or more colonies of bees at a single location.

**Approved:** certified as correct or otherwise meeting the requirements of this Ordinance by a Village official or other authority having jurisdiction.

**Aquifer:** a water bearing stratum of permeable rock, sand or gravel.

**Architect:** a professional architect registered by the State of North Carolina.

**Area of Shallow Flooding:** a designated zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard:** the land in the one hundred (100)-year flood plain, as designated by the Federal Emergency Management Agency (FEMA), subject to a one (1) percent or greater chance of flooding in any given year.

**Art Gallery:** a space for the exhibition or sale of art, usually visual art, including, but not limited to, paintings, photography, and sculpture.

**Artisan Workshops:** the assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building. These typically involve the work of artisans or craftsmen.

**ATM:** self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

**Attached Dwelling:** a building which contains two or more dwelling units which share one (1) or more common walls for fifty (50) percent or more of their length, with each dwelling unit located on a separate lot.

**Automotive Repair:** the automotive repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**Awnings:** an architectural projection that provides weather protection, identity and/or decoration, and is wholly supported by the building to which it is attached, and is comprised of a lightweight, rigid, or retractable skeleton over which an approved cover is attached.

**Backyard Pens / Coops:** the long-term keeping of fowl, rabbits, and other similar small creatures in backyards as accessory uses to existing residential structures.

**Banks, Credit Unions, Financial Services:** establishments that engage in financial transactions that create, liquidate, or change ownership of financial instruments. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers; security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

**Bar/Tavern/Night Club:** a business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

**Base Flood Elevation (BFE):** a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "special flood hazard area," it may be obtained from engineering studies available from federal or state or other source using FEMA approved engineering methodologies.

**Base Flood:** the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Basement:** that portion of a building that is partly or completely below grade.

**Bed and Breakfast Homes:** A structure constructed as a single family dwelling, occupied by the owner, in which rooms are rented for lodging of transient guests for compensation and where no meals other than breakfasts are served.

**Beekeeping:** the rearing and breeding of honey bees.

**Berm:** any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

**Best Management Practices (BMP):** structural or non-structural measures or techniques used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

**Billiard/Pool Hall:** any place where the primary use is one (1) or more billiard or pool tables, operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit. This shall not exclude other permitted uses from having no more than two (2) billiard or pool tables as an accessory use.

**Block:** a tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the Village of Pinehurst or its extraterritorial zoning jurisdiction or any combination of the above.

**Boarding or Rooming House:** Short or long-term accommodations that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including but not limited to housekeeping, meals, and laundry services.

**Boutique Shop:** a small shop or store that sells specialized goods, including for example, gifts, fashionable clothes, accessories, or food.

**Broadcasting Studio:** a programming origination studio of a television station, radio station or cable television provider.

**Building:** any structure built for support, shelter or enclosure for any occupancy or storage.

**Building Envelope:** an area of land upon which a principal and/or an accessory building may be erected as defined by the building setbacks on a lot of record.

**Building Floor Area:** the gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.

**Building Footprint:** the portion of a lot's area, which is enclosed by the foundations of buildings, plus any cantilevered upper floors.

**Building Height:** the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

**Building Inspector:** an officer or other designated authority charged with the administration of the State Building Code and other duties described within this Ordinance.

**Building Permit:** a permit that allows the commencement of construction of a structure or building, after being issued by the Planning and Inspections Department pursuant to Chapter 4 of this Ordinance and the State Building Code.

**Building Setback Line(s):** lines parallel to and inside of the lot lines, at the setback distances prescribed by this Ordinance.

**Building Setback:** the minimum distance from the property line to the farthest projection of the exterior face of buildings, walls or any other form of construction (i.e. decks, landings, terraces, porches and patios on grade).

**Built-Upon Area (BUA):** that portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon Area" does not include a wooden slatted deck or the water area of a swimming pool.

**Bulkhead:** a vertical wall structure designed to retain shoreline material.



**Business Support Services:** establishments that provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, tax preparation, legal services and office product sales.

**Caliper Measurement:** Caliper measurement of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four (4) inches, the caliper should be measured at twelve (12) inches above the ground.

**Canopy Tree:** large trees whose total height and spread at maturity is greater than thirty (30) feet.

**Canopy:** an architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and by at least one support at the outer end.

**Cemetery:** land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including mausoleums and columbariums, located on the site where a church is the principal use.

**Certificate of Occupancy:** that document issued by the Village of Pinehurst at the conclusion of all work done under all permits following inspection(s) by the appropriate inspector, showing that all completed work complies with the applicable state and local laws and the terms of all permits. No new building or part thereof may be occupied, and no existing building that has been altered or moved may be occupied until the Planning and Inspections Department has issued a valid Certificate of Occupancy.

**Child/Adult Day Care:** an individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate children or adults based on state regulations; not an accessory to residential use.

**Civic/Cultural Facilities:** facilities designed to serve the community by promoting cultural advancement. Such facilities may include live theater, dance, or music establishments; art galleries, studios and museums; museums, exhibition, or similar facilities; libraries, auditoriums, conference facilities, and convention centers.

**Clinic:** any building or portion thereof, the principal use of which is for offices of one (1) or more licensed physicians, ophthalmologists, dentists, physical or occupational therapists, psychologists, or the like for the examination and treatment of persons on an out-patient basis only and ambulatory/outpatient care facilities. See also medical laboratory and medical office.

**Clubs and Lodges, Civic or Fraternal:** private not-for-profit social or civil associations, corporations, or other entities consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state, regional and national officials of that organization.

**Clustered Dwelling:** a housing development technique that concentrates dwellings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of

environmentally sensitive areas.

**Columbarium:** A structure of vaults for the placement of cremation urns.

**Column:** A rigid, relatively slender, upright support, composed of relatively few pieces, a decorative pillar, most often composed of stone and typically having a cylindrical or polygonal shaft with a capital and usually a base.

**Commercial Vehicles:** vehicles for hire or used for business, or designed to transport goods or equipment, whether or not displaying advertising indicia.

**Community Center:** structures and/or facilities which accommodate gatherings, indoor/outdoor cooking, picnicking, recreation, and administration of homeowner associations, neighborhood groups, or other persons having permission to use such facilities.

**Community Park:** a relatively large park owned by the Village of Pinehurst or Moore County providing a wide variety of active and passive uses to the entire Village.

**Community Shared Facilities:** facilities designed to serve as amenities for residential neighborhoods. Such facilities are typically operated by homeowner's associations or similar groups and provide recreational space within the context of that residential neighborhood.

**Community Support Facility:** a non-profit or government facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

**Comprehensive Long Range Plan:** policies and documents adopted and revised from time to time by the Village of Pinehurst to guide future development.

**Concealed Wireless Telecommunications Facility:** a structure that is fabricated in a manner that aesthetically masks its appearance as a communications facility that is installed within or on an existing structure. Examples include church steeples, bell towers, light standards, signs, utility poles, flag poles, building facades, water tanks, silos, and other structures which conceal telecommunications antennas and equipment from visibility. A communications tower shall not be considered a concealed wireless telecommunications facility.

**Conditional Zoning District:** an area on which special conditions are placed upon the request of the property owner as part of a rezoning of the property.

**Condominium:** an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such property. (see also the North Carolina Unit Ownership Act (NCGS Chapter 47A) and/or the North Carolina Condominium Act (NCGS Chapter 47C).

**Conference/Convention Center:** a commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

**Contiguous:** abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a railroad or public utility right-of-way.

**Corner Lot:** a corner lot is either a zoning lot bound entirely by streets, or a zoning lot that adjoins the point of intersection of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the directions they take at their intersections with lot lines other than street lines forms an angle of one hundred and thirty-five (135) degrees or less.

**Country Club:** land area and buildings containing golf courses, recreational facilities, a clubhouse and customary accessory uses; open only to members and their guests for common purposes of a social and athletic nature.

**Covered Entry:** a covered platform, covered with eave overhang, pediment, or roof over the main entrance.

**Crematoria:** establishments for the preparation of the dead through cremation in a furnace. This definition includes crematoria for the interment of animal remains.

**Critical Root Zone:** a circular area surrounding a tree, of which the center is the center of the tree trunk and the radius is the distance from the outside of the trunk to any point twelve (12) times the diameter at breast height (DBH), which points constitute the circumference of the critical root zone. The critical root zone shall extend to a depth of five (5) feet below surface ground level.

**Cul-de-sac:** a street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround.

**Cutoff Type Luminaire:** a luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at cutoff angle that is less than ninety (90) degrees.

**Cutoff Angle:** formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cutoff Light:** an artificial outdoor lighting fixture designed to ensure that no light is directly omitted above a horizontal line parallel to the ground.

**DBH - Diameter at Breast Height:** the total cross-sectional diameter of the trunk or trunks of a tree measured four and one half (4½) feet from the ground at the center of the tree.

**Deck:** an exterior floor supported on at least two opposing sides by an adjacent structure and/or posts, piers or other independent supports.

**Dedication:** a transfer by the owner of his property to the Village. Such dedication shall be made by written instrument and is deemed complete only with acceptance by the Village Council plus the recording of each written acceptance by the Village Council plus the recording of each with the Moore County Register of Deeds.

**Demolition:** the razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the façade or any significant exterior architectural features which are integral to the character of the resource, for whatever purpose, including new construction or reconstruction.

**Detached Townhome:** a dwelling unit or units conforming to the townhome development standards as

stated in this Ordinance, but physically located on separate lots.

**Development:** any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Development Floor Area:** the total building floor area of any construction projects simultaneously developed by a single developer.

**Development Permit:** a permit issued by the Planning and Inspections Department that authorizes the commencement of development provided all of the other necessary permits have been obtained.

**Discharge Point:** that point at which runoff leaves a tract of land.

**Disposal:** as defined in NCGS § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**District:** a mapped area, (otherwise known as a "zoning district"), to which a uniform set of regulations applies as established by this Ordinance.

**Dock:** a platform constructed beyond the shoreline to which boats may be secured.

**Dormitory:** a building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, hospital or other similar public, semi-public use.

**Drainageway:** a natural or artificial stream, closed conduit, or depression that carries surface water.

**Drive-Thru/Drive-In Facility:** a primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: automated teller machines (ATM'S), gas stations or other vehicle services, which are separately defined.

**Driveway:** a private roadway located on a parcel or lot used for vehicle access.

**Dry Cleaning & Laundry Services:** coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

**Dwelling or Dwelling Unit:** a building or structure or part of a building or structure providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and meeting the habitability requirements of the Village of Pinehurst Minimum Housing Code and the State of North Carolina Building Code.

**Dwelling:** a building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

**Dwelling, Accessory:** a dwelling unit either detached or attached, such as a garage apartment or cottage located on a lot with an existing single-family dwelling.

**Dwelling, Mixed-Use:** A dwelling within a mixed-use development and/or structure.

**Dwelling, Multifamily:** a building or portion thereof containing three (3) or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule.

**Dwelling, Single Family:** a free standing building designed for and/or occupied for living purposes. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with North Carolina State Building Code.

**Dwelling, Two Family:** a two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.

**Easement:** a grant by a property owner to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines, streets or greenway trails. Such grant shall be recorded with the Moore County Register of Deeds by an appropriate instrument.

**Eave:** lower edge of a roof extending beyond the exterior wall.

**Effective Radiated Power (ERP):** the product of the antenna power input and the numerically equal antenna power gain.

**Elevated Building:** a non-basement building (a) built, in the case of a building in flood zones a1-30, ae, a, a99, ao, ah, b, c, or x to have the top of the elevated floor, above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water, and (b) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of flood zones a1-30, ae, a, a99, ao, ah, b, c, and x, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the movement of flood waters.

**Emergency Services Facilities:** any building or group of buildings housing a police department, fire department, emergency medical services (EMS) or rescue squad.

**Engineer:** a professional engineer registered by the State of North Carolina.

**Engineering Standards:** the standards and specifications contained in the Village of Pinehurst Engineering Standards and Specifications Manual.

**Erosion:** the wearing away of a surface by the action of wind, water, or any combination thereof.

**Exempt Subdivision:** all divisions of a tract or parcel which conform to either of the following criteria.

(A) the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

(B) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

(C) the public acquisition or purchase of strips of land for the widening or opening of streets;

(D) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

(E) the division of a tract into plots or lots used as a cemetery.

**Existing Building:** any building or structure erected prior to the adoption of this Ordinance, or one for which a valid building permit has been issued.

**Existing Development:** includes those projects meeting at least one (1) of the following criteria for the purposes of the Watershed Protection Overlay Zoning District only:

(A) having a current building permit used by the Village; or

(B) having an approved site-specific development plan issued by the Village as authorized by NCGS § 160A-385.1.

(C) conforming single-family lots of record, which received final plat approval before July 1, 1993. (the date of mandatory compliance with the NCGS).

**Extraterritorial Jurisdiction (ETJ):** the unincorporated territory surrounding Pinehurst in which the provisions of this Ordinance apply and described on the Village's Zoning Map.

**Façade:** exterior elevation of a building.

**Family Care Home (6 or fewer residents):** a home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six (6) resident handicapped persons and is certified by the State of North Carolina. (NCGS Ch. 168, Article 3)

**Farm:** a plot of land used for the raising of crops, livestock, or other plants and animals, including orchards, vineyards and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities.

**Farmers' Markets:** a temporary sales establishment operated primarily in the open air, for the distribution of agricultural products including, but not limited to: vegetables, fruits, meats, eggs, dairy products, grains, and prepared foods.

**Farming, Animal Production:** a property used primarily for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, and all other forms of agriculture, excluding commercial poultry and swine production. Industries in the animal production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total

confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

**Fascia:** a flat, horizontal board below roof eave.

**Fence:** a structure eighteen (18) inches or taller used to delineate a boundary or as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

**Flood Boundary and Floodway Map (FBFM):** an official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated.

**Flood Fringe:** that part of an area of special flood hazard that is not located in the floodway.

**Flood Hazard Boundary Map (FHBM):** an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as zone a.

**Flood Insurance Rate Map (FIRM):** an official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

**Flood Insurance Study (FIS):** an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes Flood Insurance Rate Maps (FIRMS) and Flood Boundary and Floodway Maps (FBFMS/ FBFBMs), if published.

**Flood Insurance:** the insurance coverage provided under the national flood insurance program.

**Flood or Flooding:** a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Zone:** a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**Floodplain Management Regulations:** Ordinances (including this Ordinance), building codes, health regulations, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Floodplain Management:** the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain or Flood Prone Area:** any land area susceptible to being inundated by water from any source.

**Floodproofing:** any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**Floodway:** the channel of a river, stream, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot.

**Floor Area Ratio:** the numerical value obtained by dividing the gross floor area on a lot by the area or size of such lot.

**Floor Area:** the gross total horizontal area of: 1.) All floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings; 2.) The centerlines of a party wall separating such buildings or portions thereof; 3.) Within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls. However, this definition excludes the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

**Floor:** the level base of a room; the lower inside surface of a building; the horizontal structure dividing a building into stories.

**Florist:** a retail business, which sells flowers and ornamental plants, other decorative items, and plant materials for temporary or interior uses.

**Flush Mounted Solar Panel:** a solar panel that is attached to the roof of a structure on the same plane as the roof and not projecting more than six and one-half (6.5) inches from the roof plane.

**Footcandle:** a unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**Franchise Architecture:** is a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

**Freeboard:** the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The base flood elevation plus the freeboard establishes the regulatory flood protection elevation.

**Front Yard:** a yard across the full width of the lot, extending from the farthest projection of the structure including but not limited to steps, eaves, porches, terraces or patios (excluding, however, steps and overhangs permitted to project into the yard) to the front property and/or right-of-way line.

**Frontage:** all of the real property abutting a street line measured along the street line.

**Fueling Station:** establishment that primarily retails automotive fuels. These establishments shall not further provide services such as automotive maintenance repair. Fueling stations include structures that are specialized for selling fuel with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the fueling station.



**Funeral Homes:** Establishments for preparing the dead for burial or interment, including cremation, and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead and selling caskets and related merchandise).

**Gable roof:** a double sloping roof with a ridge and gables at each end.

**Gambrel roof:** a double sloped barn-like roof.

**Garden (Community and Private):** an outdoor area for the small-scale production of vegetables and flowering plants for personal or communal use. This definition does not include crop production and nurseries.

**Garden Center:** a retail outlet primarily engaged in the sale of crops, plants, vines, or trees and their seeds, but not including the production of such plants on site. Such uses may be a part of larger general commercial uses or may stand alone as individual facilities.

**Geothermal Heating and Cooling Closed Loop System:** a closed loop system is a system that circulates a water-based solution through a "loop" of small diameter, underground pipes. The system consists of an indoor unit and a buried earth loop. In the winter, fluid circulating through the system's earth loop absorbs stored heat and carries it indoors. The indoor unit compresses the heat to a higher temperature and distributes it throughout the building. In the summer, the system reverses, pulling heat from the building, carrying it through the earth loop and depositing it in the cooler earth.

**Glare:** the effect of brightness in the field of view that causes annoyance or discomfort or interference with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

**Golf Course:** a course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges, which are not accessory to a golf course.

**Golf Driving Range:** a facility for driving golf balls not otherwise associated with a golf course.

**Government:** any agency, office bureau or corporation licensed by any duly authorized authority of the United States, the State of North Carolina, Moore County, any regional government, or the Village of Pinehurst.

**Grade Plane:** a reference plane representing the average of the finished ground level adjoining the building at exterior walls.

**Greenway:** a linear open space, either privately-owned or owned by the Village or another unit of government, which may contain a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.

**Gross Density:** the number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, taking into account the entire area of that tract or parcel.

**Groundcover:** any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

**Halfway Homes:** a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

**Handicapped Person:** a person with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS § 122C-3(11)b.

**Hazardous Material:** any substance listed as such in: SARA section 302, extremely hazardous substances, CERCLA hazardous substances, or section 311 of CWA (oil and hazardous substances).

**Hazardous Waste Facility:** as defined in NCGS Chapter 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

**Heavy Equipment/Manufactured Home Rental/Sales:** establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

**Highest Adjacent Grade (HAG):** the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**Hip Roof:** a roof with slopes in the direction of each elevation, commonly with roof slopes in four (4) directions.

**Historic Structure:** any structure that is: (a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district; (c) individually listed on the North Carolina Inventory of Historic Places; (d) individually listed on a Moore County, Pinehurst or other local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior; or (2) directly by the Secretary of Interior in states without approved programs.

**Holiday Decorations:** displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature and which contain no advertising material.

**Home Occupation:** an occupation or profession conducted within a dwelling unit or accessory structure by a resident that is incidental to the primary use of the dwelling as a residence. For the purposes of this Ordinance telecommuting or working from home on an irregular basis shall not constitute the establishment of a home occupation.

**Horse Farm & Training Track:** a property used for the breeding, training, and stabling and care of horses. Such facilities provide services such as riding lessons, dressage instruction, hiring of horses for riding, stud services, and temporary or permanent boarding of horses. Other than horses, these facilities do not produce or sell any agricultural products.

**Hospice Care Campus:** a freestanding licensed hospice facility or facilities which provide palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of terminally ill patients and their families in a group residential or inpatient setting. Said facility or facilities will be under the supervision of an identifiable hospice administration as defined by

the NCGSS. To include associated buildings directly providing support to the campus and hospice services by a hospice team or interdisciplinary team, as well as temporary residential accommodations for the hospice patients' families.

**Hospice Patient:** a patient diagnosed as terminally ill by a physician licensed to practice medicine in North Carolina, who the physician anticipates to have a life expectancy of weeks or months, generally not to exceed six months, and who alone, or in conjunction with designated family members, has voluntarily requested and been accepted into a licensed hospice program.

**Hospice Patient's Family:** the hospice patient's immediate kin, including a spouse, brother, sister, child, or parent. Other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement among the hospice patient, the relation or individual and the hospice team.

**Hospice Services:** the provision of palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

**Hospital:** a health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. The facility must be licensed by the North Carolina Division of Facility Services (DFS) as a hospital (general or psychiatric).

**Hotel:** establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are also included in this category. This definition also includes "inns."

**Hot Tub/Spa:** a structure usually large enough to accommodate several persons that is filled with hot aerated water used for recreation or physical therapy and is often placed out of doors such as on a porch or deck.

**Ice Vending:** a free standing structure designed for the sale and production of ice.

**Illegal Sign:** any sign erected, maintained altered, removed, or replaced in violation of this Ordinance, or any amendments hereto.

**Impervious Surface:** impervious surface includes any material which reduces and prevents absorption of storm water into previously undeveloped land. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc. Items not considered to be "impervious" include the water area of a swimming pool and wooden slatted decks.

**Industry, Heavy:** any non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge, any facility which manages or disposes hazardous or nonhazardous solid waste, or any use that involves the use or storage of any hazardous materials or substances used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated twenty-four (24) hours a day, seven (7) days a week).

**Industry:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials, such as lubricating oils, plastics, resins or liquors. This includes medical and testing laboratories, facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

**Injection Wells:** any excavation that is cored, bored, drilled, jetted dug or otherwise constructed, whose depth is greater than its largest surface dimension and which is used or intended to be used, for the injection of fluids or solids into the subsurface or groundwater.

**Integral Solar Panel:** a form of roofing in which solar cells are integrated into the roofing material.

**Interior Lot:** an interior lot is any zoning lot that is neither a corner lot nor a through lot.

**Internet Sweepstakes Facilities:** any business enterprise where persons utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

**Irrigation Wells:** wells constructed for irrigation only and not for human consumption.

**Kennels, Indoor:** a use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. In which the animals are kept predominately indoors.

**Kennels, Outdoor:** a use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. In which the animals are kept predominately outdoors.

**Land-Disturbing Activity:** any use of the land by any person for residential, industrial, educational, institutional, or commercial development, or for highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

**Landfill / Waste Recovery Facilities:** a disposal or salvage facility for hazardous or nonhazardous solid waste, scrap metal, vehicles and other scrap materials. This includes recycling and resource recovery facilities that separate and sort recyclable material from waste streams and/or sort commingled recyclable materials, such as paper, plastics, used beverage cans, and metals into distinct categories. This definition is not intended to be inclusive of outdoor storage yards, beneficial fill activities or landfills classified as land clearing and inert debris (LCID) facilities operated in association with an active building permit on the same or adjacent parcel.

**Landscape Architect:** a professional landscape architect registered by the State of North Carolina.

**Landscape Protection Plan:** a plan identifying existing landscape elements, proposed changes, and protection measures to be used to aid the survival of such landscape elements as set forth in this Ordinance.

**Landscape Screen:** A method of visually obscuring one abutting structure or use from another by fencing, walls, berms, or densely planted vegetation.

**Landscaped Area:** a portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns and plantings.

**Large Trees:** deciduous or evergreen trees with a mature height and spread of thirty (30) feet or greater.

**Live-Work Units:** an attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted). Live-work units exist as variations of either the detached house building type or the townhome building type and shall be subject to their applicable requirements.

**Local Bank:** any bank, savings and loan association, or trust company with a physical branch located in the State of North Carolina and within a one hundred (100) miles radius of the Village of Pinehurst.

**Lodging Unit:** a furnished room of a minimum two hundred (200) square feet that includes sanitary facilities, and that may include limited kitchen facilities.

**Lot Coverage:** determined by dividing that area of the lot that is occupied or covered by the total horizontally projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

**Lot Depth:** the depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

**Lot Front:** in the case of an interior or corner lot, the house frontage lot line along the street right-of-way.

**Lot Lines:** the lines bounding a lot. Where a lot of record includes a right(s)-of-way, the lot lines shall not extend into the right(s)-of-way.

**Lot of Record (existing lot):** a lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance, a plat of which has been recorded by the owner in the office of the Moore County Register of Deeds or a lot described by metes and bounds, the description of which has been recorded by the owner in the office of the Moore County Register of Deeds.

**Lot Width:** the straight-line distance between the points where the building setback line intersects the two (2) side lot lines.

**Lot:** a parcel of land in undivided ownership occupied or intended for occupancy by a building together with its accessory buildings including the open space required under this Ordinance.

**Lowest Adjacent Grade (LAG):** the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**Lowest Floor:** the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**Lumen:** A unit of measure of the quantity of light that falls on an area of one (1) square foot, every point of which is one foot from the source of one (1) candela.

**Luminaire:** a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Major Site Plan:** a site plan which is submitted to the Village Council for approval pursuant to this Ordinance and meets the requirements of this Ordinance in which two (2) or more acres of land is disturbed.

**Major Subdivision:** any subdivision other than an exempt or minor subdivision.

**Mansard Roof:** a four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

**Manufactured Home Park:** the location of two (2) or more manufactured or mobile homes on a parcel of land shall constitute a manufactured home park.

**Manufactured Home:** a structure that: (a) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (c) is over forty (40) feet long and over ten (10) feet wide; and, (d) is originally designed for human occupancy and provides complete, independent living facilities for one (1) family when connected to required utilities.

**Mean Sea Level:** the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

**Medical Clinic:** facilities that provide outpatient ambulatory or outpatient healthcare such as emergency medical clinics, ambulatory surgical centers, dialysis centers, outpatient family planning services, community health centers and clinics and blood and organ banks; and shall include general practice medicine, dental offices and medical specialists.

**Medical Dormitory:** facilities with a primary purpose to temporarily provide rooms for medical students in training, medical staff, or visitors of patients at an acute care hospital, and outpatients under treatment.

**Medical Laboratory:** a facility (not associated with another institution or business) to receive and process blood, body fluids and tissue samples for the purpose of providing test results primarily for medical offices and hospitals.

**Medical Office:** a use or building where medical treatment, consultation and/or analysis is conducted and which does not primarily involve the sale or transfer of goods by the medical business to the customer at that location. This includes, but is not limited to: dental offices, mental health offices, and medical offices.

**Metes and Bounds:** a means of describing the location of land by defining boundaries in terms of directions (courses) and distances from one (1) or more specified points of reference.

**Minor Site Plan:** a site plan that is submitted to the Village Planner for approval pursuant to this Ordinance and that meets the requirements of this Ordinance.

**Minor Subdivision:** A subdivision of land not meeting the Exempt Subdivision requirements which does not involve any of the following:

(A) Creation of more than three (3) lots from any one tract of land (as the tract existed on October 23, 1995) whether such lots are created at one (1) time or over a period of ten (10) years, thereafter;

(B) Dedication or improvement of any new street other than widening approved existing streets.

**Minor Watershed Variance:** for the purposes of the watershed protection overlay district only, a minor variance is any variance that does not qualify as a major variance.

**Mixed Use Development:** The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact physical form.

**Model Sales Home:** a permanent building which is typical of the dwellings in the residential development in which it is located and which is temporarily used for the purpose of display and sales associated with that residential property, but intended for ultimate use as a residential dwelling unit.

**Modular Structure:** a factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection. Such structure must meet all requirements of the North Carolina Uniform Residential Building Code and must have attached a North Carolina validating stamp.

**Mooring Buoy:** a floating object anchored to the lakebed to which boats or floats/rafts may be secured.

**Multi-Family Development:** one (1) or more buildings containing multi-family dwellings located on a single property.

**Multi-Family Dwelling:** a dwelling, or combination of dwellings, or portion of a building on a single lot used for the purpose of providing three (3) or more dwelling units that may share means of ingress and egress.

**Municipal Public Service Facility:** ~~any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor equipment and material storage, under shed vehicle/equipment storage, yard debris piles, fuel tanks & associated pumps, radio antennae, vehicle~~

~~wash bays, recycling storage, heavy and light vehicle parking, police & fire training facilities, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst. any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor equipment and material storage, under shed vehicle/equipment storage, yard debris piles, fuel tanks & associated pumps, radio antennae, vehicle wash bays, recycling storage, heavy and light vehicle parking, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst.~~

**Municipal Recycling Collection Stations:** a Village of Pinehurst operated center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

**Muted Color:** a color that has tinted, subdued shades or hues that are not bright or reflective.

**National Geodetic Vertical Datum (NGVD):** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**Natural Erosion:** the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

**Natural Watercourse:** any stream, river, swamp, canal, or other waterway in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

**Net Density:** the number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, not taking into account the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include, but are not limited to: street rights-of-way, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers, buffers and recreational and open spaces.

**New Construction:** any construction of a new structure, building or dwelling unit other than "substantial improvement" or an addition, repair or renovation to an existing structure or building.

**Nonconforming Lot:** a lot that met all legal requirements when it was platted or otherwise recorded, but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

**Nonconforming Sign:** any sign that met all legal requirements when constructed but that does not comply with this Ordinance or a subsequent amendment hereto. An illegal sign is not a non-conforming sign.

**Nonconforming Structure:** a building or structure that met all legal requirements when constructed but which does not comply with this Ordinance or a subsequent amendment hereto.

**Nonconforming Use:** any legally existing use that met all legal requirements when it was first established, which fails to comply with the provisions of this Ordinance or a subsequent amendment hereto.

**Nonconformity:** any use, building, structure, or lot which was lawful at the time it was constructed or



established but which fails to comply with one (1) or more of the applicable regulations or standards of this Ordinance or a subsequent amendment hereto.

**Non-Cutoff Light:** an artificial outdoor lighting fixture designed to allow light to be directly emitted in all directions.

**Non-Residential:** used or intended for purposes other than as a dwelling unit.

**Nursery:** a retail or wholesale enterprise, which grows trees, shrubs, vines and other plants for sale or distribution.

**Nursing Home Dwelling Unit:** a room or other portion of a nursing home intended for no more than two (2) persons.

**Nursing Home:** a facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated, who, however, are not sick enough to require general hospital care. Nursing care is the primary need, but they will require continuing medical supervision. (NCGS § 131E-101(6)). They include the following:

(A) Adult Care Home: an assisted living residence in which the housing management provides twenty-four (24)-hour scheduled and unscheduled personal care services to two (2) or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Designated, trained staff may administer medication in an adult care home. Adult care homes that provide care to two (2) to six (6) unrelated residents are commonly called family care homes. (NCGS § 131D-2 (a) (1b), 8/30/04);

(B) Assisted Living Residence: any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agencies. The department may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS § 131E-102. Effective October 1, 1995, there are two (2) types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services. (NCGS § 131D-2 (a)(1d), 8/30/04);

(C) Continuing Care Retirement Community: a building or group of buildings which provides to individuals lodging together with nursing services, medical services, or other health related services, pursuant to an agreement effective for the life of the individual(s), or for a period in excess of one (1) year. Care must be provided by persons who are not related by blood, marriage, or adoption of the individuals who are residents/patients;

(D) Hospice: any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. A Hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families that are experienced during the final stages of terminal illness and during dying and bereavement;

(E) Hospice Inpatient Facility: a freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill;

(F) Hospice Residential Care Facility: a freestanding licensed hospice facility which provides palliative and supportive medical and other services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting;

(G) Intermediate Care Facility for the Mentally Retarded: facilities licensed pursuant to Article 2 of Chapter 122C of NCGS for the purpose of providing health and rehabilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions;

(H) Multi-Unit Independent Housing with Services: an assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement that makes personal care services accessible and available through at least one (1) licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of twenty-four (24)-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the division of facility services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

- (1) Emergency response system;
- (2) Charges for services offered;
- (3) Limitations of tenancy;
- (4) Limitations of services;
- (5) Resident responsibilities;
- (6) Financial/legal relationship between housing management and home care or hospice agencies;
- (7) A listing of all home care or hospice agencies and other community services in the area;
- (8) An appeals process; and

(9) Procedures for required initial and annual resident screening and referrals for services. Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the NCGS, are exempt from the regulatory requirements for multi-unit assisted housing with services programs. (NCGS § 131D-2(a)(7a) 8/30/04);

(10) Respite care, institutional: provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time. The insured receives care for the respite period in an institutional setting, such as a nursing home, family care home, rest home, or other appropriate setting;

(11) Respite care, non-institutional: provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time in the home of the insured or other appropriate community location.

**Office:** a use or building where business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This includes, but is not limited to: general business offices, government offices, insurance offices, law offices, and real estate sales and management offices.

**Official Maps or Ordinances:** any maps or ordinances officially adopted by the Village Council as a guide to or for required standards of development.

**Off-Site Sign:** any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional, or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

**Off-Street Parking Space:** a space which is designed for the parking or temporary storage of one (1) automobile, and is located outside of a dedicated street right-of-way.

**Open Space:** any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, greenways and tennis courts. This term includes land under an obligation to keep such land free from development except for recreational facilities for a stated period of time. Such land may be conveyed to a homeowners association with responsibility for maintenance, or be publicly owned. Areas used primarily for stormwater retention/detention shall not be considered open space.

**Outside Sales:** the retail sale of goods and products outside of a permanent structure that are clearly secondary to the function contained in that structure. This includes, but is not limited to: landscape materials, lawn and garden supplies, and produce. This definition is not intended to include the specific use category of automobile sales or nurseries and garden centers.

**Overlay District:** a district which applies supplementary or replacement regulations to land which is classified into a General Use District or Conditional Use District.

**Owner:** any person, agent, firm, partnership or corporation having a legal or equitable interest in property.

**Park:** land owned by the Village of Pinehurst, which is used or intended to be used for public

recreation, including both active or passive recreation.

**Parking Area:** a designated area operated as the principal use of a property either as a commercial use or an accessory use for an adjacent property.

**Parking Lot, Principal Use:** a stand-alone parking lot that is available for public or private use, but that is not accessory to another use.

**Parking Structure:** an above ground or subsurface parking deck or garage.

**Patio Dwelling:** a multiple of not more than six (6) single-family dwellings connected on not more than two (2) sides by common walls.

**Pawnshops:** premises operated by a pawnbroker (established by NCGS) who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

**Pedestal Signs:** sign not permanently affixed to the ground or building, constructed on a stand allowing it to be self-supporting and portable.

**Pedestrian Path:** a cleared way for pedestrians or bicycles that may or may not be paved or otherwise improved.

**Pennant:** any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind.

**Permit:** an official document or certificate issued by the village or an official thereof, authorizing performance of a specified activity or granting a particular right, use or duty.

**Permitted Use:** a land use as a permitted use in the zoning district in which it is located, and which is subject to the approval procedures.

**Person:** any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

**Personal Services:** cosmetic services such as hair and nail salons, tanning salon, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services.

**Personal Services, Restricted:** a personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

**Pet House:** A small structure providing shelter for a pet while it is outside of a home.

**Pet Run:** An outdoor fenced enclosure for the sole purpose of allowing a pet to be outdoors in a controlled area without being tethered.

**Pitch of Roof:** the angle of the roof slope, expressed in ratio of vertical to horizontal.

**Plat:** a map or plan of a parcel of land which is to be or has been subdivided, containing sufficient data in order that a determination may be readily made as to the location, bearing and length of every street and alley line, lot line, easement boundary line and other boundary line and meeting the required standards of this Ordinance.

**Playground Equipment:** equipment or structures including swing sets, sandboxes, jungle gyms, slides, and other similar items intended for permanent recreational use. Note: substantially sized playhouses that meet the North Carolina State Building Code definition for accessory structure are considered to be accessory structures.

**Political Sign:** a sign attracting attention to political candidates or political issues.

**Pond:** a permanent, natural, or artificial inland body of water either controlled by natural barriers or by dams and of relatively constant surface level, in which sediment may be moved or carried in suspension and which could be damaged by the accumulation of sediment.

**Portable Sign:** any sign that is not permanently affixed to a building, structure, or the ground, or that is not designed to be permanently affixed to a building, structure, or the ground.

**Portico:** a porch or walkway, open to the outside air that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building. A covered porch attached to the main facade of a building, supported by columns.

**Post Office:** establishments conducting operations of the United States postal service including permanent, contract, and lease stations.

**Potable Wells:** private drinking water wells.

**Primary Level:** the level of a building containing the primary living areas such as the kitchen, den and living room. This term may also include bedrooms. A basement is not considered to be a primary level.

**Principal Building:** the main structure on a lot in which the principal use of that lot is conducted.

**Private Clubs:** facilities designed to provide meeting and event space for non-profit membership organizations. Such organizations include alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members.

**Private Garage:** any building or space used as an accessory to or a part of the main buildings permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

**Private Road or Street:** any road or street which is not publicly owned and/or maintained and is used for access by the occupants of the development and their guests.

**Professional Office:** a use or building maintained by a member of a recognized profession for the conduct of that profession. This includes, but is not limited to, the office of a physician or other licensed health care professional, lawyer, accountant, realtor, investment broker, engineer, or architect.

**Professional Services:** services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, landscape architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

**Property:** all real property subject to the provisions of this Ordinance.

**Public Safety Station:** facilities for federal, state and local law enforcement, fire protection agencies and emergency medical services, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

**Public Water Supply:** a system for the supply of potable water to two (2) or more dwellings or business units, or any combination thereof.

**Racetrack:** a commercial outdoor course prepared for the competitive activities of animals, automobiles, other vehicles, bicycles or skate boards.

**Radio/TV Studio or Station:** a broadcasting facility of a television, radio, cable television provider, or other programming provider, which shall not include transmitting towers or antennae on site.

**Real Estate Sales Office:** a building or structure, which is located on the site of a development or subdivision and temporarily used for the purpose of selling or leasing properties located within that development or subdivision.

**Rear Yard:** a yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. Eaves, steps, uncovered porches, terraces and patios are considered part of the main building.

**Recreation Area:** an area of common open space developed to provide recreational facilities for the use of the residents of the community and/or the general public. Such recreational facilities may include, but are not limited to: golf courses, parks, playgrounds and athletic areas, swimming pools, tennis courts, picnic areas, riding trails, and appropriate service facilities.

**Recreation Facility, Indoor:** a facility providing recreational activities enclosed within buildings, including indoor swimming pools and tennis courts, gymnasiums, exercise facilities and associated activities.

**Recreation Facilities, Outdoor:** privately owned active or passive recreation area such as ball fields, batting cages, skateboard parks, playgrounds, driving ranges, miniature golf courses, greenway trails, tennis courts, riding stables, campgrounds, theatres, and performance areas and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, picnic shelters.

**Recreational Center:** a building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums.

**Recreational Vehicle Park:** a commercial enterprise on any site or tract of land 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.

**Recreational Vehicle:** a vehicle that is:

(A) built on a single chassis or capable of being placed in or on a vehicle;

(B) four hundred (400) square feet or less when measured at the largest horizontal projection;

(C) designed to be self-propelled or towable by a motor vehicle;

(D) designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

**Record Drawing:** a reproducible drawing showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines and connections, and other features or improvements which have been installed on or off the property pursuant to a development plan approved under this Ordinance, to be used to determine compliance with the requirements of this Ordinance.

**Reference Level:** the bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all special flood hazard areas.

**Regulatory Flood Protection Elevation:** the base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations (BFES-BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

**Rehabilitation Facility:** an indoor facility including uses such as exercise equipment, specialized rehabilitation equipment, game courts, swimming pools, locker rooms where patients and members receive physical therapy or other medical treatment.

**Religious Institution:** any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary accessory uses including space for religious education, kitchens, activity rooms, staff housing (rectory, parsonage) and offices.

**Required Setback:** the minimum distance between the property line and the building required by the zoning district and measured from the property line.

**Residential Care Facilities (more than 6 residents):** A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than six (6) individuals. Residential care facilities include group homes (NCGS § 131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS § 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages, their associated uses and structures including, but not limited to: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks, barber/beauty shops for residents, and other similar services that are available exclusively to the residents and staff of the facility. This term excludes family care homes and halfway houses.

**Residential Development:** buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc.

**Resource Conservation Facilities:** fishponds, nature preserves, botanical and zoological gardens, water reservoirs, lakes, ponds, engineered storm water control devices and dams.

**Restaurant:** any retail establishment whose principal business is the preparation and service of food and beverages as a ready-to-eat meal.

**Retail Store:** a single building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to: antiques, clothing stores, appliance stores, bakeries, coffee shop, wine shop, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.

**Right-of-Way:** an area owned or maintained by the Village, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

**Satellite Dish Antenna:** any antenna of any size, including DSS antennae and any supporting structure, designed to receive signals from orbiting satellites or similar sources.

**Schools, Elementary & Secondary:** a public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education. This institution may include remedial after school activities.

**Schools, Vocational/Technical:** a public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

**Sediment:** solid particulate matter, both mineral and organic, that has been, or is being transported by water, air, gravity, or ice from its site of origin.

**Semi-Detached Dwelling:** two (2) single-family dwellings connected on one (1) side by a common dividing wall. Each single-family dwelling is to be situated on its own lot with a zero lot line between units.

**Septic System /Tank:** private wastewater disposal systems for private home use.

**Service Court:** enclosed area attached to, or on the same lot as, a principal building which contains HVAC equipment, trash containers, service doors, docks, and other similar facilities.

**Setback:** (see building setback).

**Sexually Oriented Business:** any place defined as an "adult establishment" as defined by NCGS § 14-202.10 as such statute may be amended from time to time, including adult cabarets, and except the



definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Sexually oriented business specifically includes, however, any massage business where "massages" are rendered by any person exhibiting "specified anatomical areas" and/or where "massages" are performed on any client's "specified anatomical areas." "specified anatomical areas" are those defined by NCGS § 14-202.10 as such statute may be amended from time to time.

**Shooting Range:** a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, archery, air guns, black powder or any other similar sport shooting in an outdoor environment and/or outdoor facility.

**Shoreline:** the line made by the natural intersection of the water on the shore.

**Shutter:** a decorative cover for a window, fit to actual height of window.

**Side Yard:** an open space on the same lot with a building (steps, caves, and uncovered porches, terraces or patios are considered part of the main building), and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required.

**Sight Triangle:** (or horizontal sight distance): the horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

**Sign:** any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This does not include seasonal or holiday displays, flags denoting a school or sport, or garden art.

**Single Family Residential:** any development where:

- (A) no building contains more than one (1) dwelling unit;
- (B) every dwelling unit is on a separate lot; and
- (C) where no lot contains more than one (1) dwelling unit.

**Single-Family Dwelling:** a detached dwelling or condominium unit consisting of a single dwelling unit only.

**Single-Family Site Plan:** A site plan prepared for single family residential development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and/or accessory buildings.

**Site Plan:** a plan depicting the proposed development of a property, in terms of the location, scale, and configuration of buildings and other features.

**Small Equipment Repair/Rental:** the repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van, but excluding small gasoline or other combustion

engines.

**Small Engine Repair/Sales:** the repair, servicing, alteration or restoration of lawn mowers, leaf blowers, and other small gasoline or combustion engines as a primary use, including the incidental wholesale and retail sale of parts and supplies as an accessory use.

**Small Trees/Large Shrubs:** deciduous or evergreen trees or shrubs with a mature height or spread of ten (10) to thirty (30) feet.

**Solar Panel:** a solar thermal collector used to convert energy contained within the sun's rays into energy. 'Solar panel' may refer to a photovoltaic module which is an assembly of solar cells used to generate electricity.

**Solid Waste Disposal Facility:** as defined in NCGS § 130A-290(a)(35), any facility involved in the disposal of solid waste.

**Solid Waste Disposal Site:** as defined in NCGS § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

**Special Event:** any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales (pursuant to Article 17 of Chapter 66 of the General Statutes), and fund raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

**Special Flood Hazard Area (SFHA):** the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM).

**Special Flood Hazard:** any area designated on a Flood Hazard Boundary Map or Flood Insurance Rate Map panel designated as a zone a.

**Special Use:** a land use listed in Chapter 8 of this Ordinance as a special use in the zoning district in which it is located, and which is subject to the approval procedures set forth in Section 4.5 of this Ordinance.

**Stable:** a building in which horses are sheltered and fed; such a building having stalls or compartments on a lot not less than three (3) acres in size.

**Storage, Self-Service:** a building for the indoor keeping of materials; containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

**Storage, Outside Storage Yard:** the keeping of any material for a period greater than forty-eight (48) hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property. Storage of construction materials on an active job site may not be defined as outside storage.

**Storage, Warehouse, Indoor Storage:** facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used

for wholesaling and distribution; or terminal facilities for handling freight.

**Storm Drainage Facilities:** the system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.

**Storm Water Runoff:** the direct runoff of water resulting from precipitation in any form, which cannot percolate into the surface or be accommodated satisfactorily by the existing drainage system and which therefore travels overland to the nearest channel.

**Story:** that portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof next above. It is measured as the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**Stream:** a perennial or intermittent stream shall be deemed present if the feature is shown on either the most recent version of the soil survey map prepared by the natural resources conservation service of the United States Department of Agriculture (USDA) or the most recent complete version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). [Universal Stormwater Model Ordinance for North Carolina]

**Stream Buffer (Lake Buffer):** the area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**Street:** a right-of-way for vehicular traffic abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

**Structure:** for floodplain management purposes only, a walled and roofed building, a manufactured home, including a gas or liquid storage tank(s), or other man-made facilities or infrastructure that are principally above ground. For all other purposes of this Ordinance means that which is built or constructed.

**Studio, Art, Dance, Martial Arts, Music:** facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

**Subdivider:** any person, firm, or corporation who divides or develops any land in a subdivision.

**Subdivision:** all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of new streets or a change in existing streets.

**Substantial Damage:** damage of any origin sustained by a structure during any one (1)-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

**Substantial Improvement:** any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1)-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed but does not include:

(A) any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

(B) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Surveyor:** a person whose occupation is surveying land, and is a registered professional in the State of North Carolina as a land surveyor.

**Swale:** a gentle man-made or natural depression in grade for drainage of surface water.

**Swimming Pool:** ~~A permanently constructed water-filled enclosure that uses or is designed to use a filtration system; or which has any dimension greater than 6 feet, either length, width, depth or diameter.~~ Any structure intended for swimming or recreational bathing. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**Seasonal Swimming Pool:** Any structure intended for swimming or recreational bathing that contains water forty-eight (48) inches deep or less. These are intended to be structures that are easy to erect and remove at the end of the swimming season and typically are not hard wired for electricity if needed or provided.

**Technical Review Committee (TRC):** a staff committee appointed by the Village Manager and chaired by the Village Planner for the purpose of providing the Village Planner with technical advice on subdivision and development plan matters.

**Telecommunications Facility:** a structure whose primary purpose is to support communications equipment. This definition includes tower/antenna combinations (not tower/antenna/building combinations) and the height measurement applies to those combinations. The foregoing notwithstanding, this definition shall not include wire-supporting electric power transmission and telephone poles. The setback, security, and screening provisions of this Ordinance apply to telecommunication facilities as herein defined, only.

**Temporary Certificate of Occupancy:** a Certificate of Occupancy issued under the terms on the North Carolina Building Code which expires under its own terms after a limited time.

**Temporary Portable Building:** a building intended for nonresidential use for a limited time period, consisting of one (1) or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.

**Temporary Sign:** a sign that can be used only for a designated period of time.

**Temporary Use:** a land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all

zoning requirements, but which is necessary in special situations.

**Theater, Indoor (movie or live performance):** a specialized facility for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and complex structures with no more than two (2) theaters.

**Through Lot:** a through lot is any zoning lot, not a corner lot, that adjoins two (2) street lines opposite to each other and parallel or within forty-five (45) degrees of being parallel to each other. Any portion of a through lot that is not or could not be bounded by two (2) such opposite street lines, and two (2) straight lines intersecting such street lines, shall be subject to the regulation for an interior lot.

**Tower, Lattice:** a guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

**Tower, Monopole:** a structure composed of a single spire used to support communications equipment.

**Tower:** see communication tower.

**Townhome:** a building with two (2) or more residential units that are located side by side where each unit has a separate entrance from the outside. Townhomes typically have one (1) primary yard (rear) and a small front setback to provide some landscaping.

**Townhouse Unit Development:** a type of subdivision utilizing a development design technique, which enables substantial modification of lot size standards and setback regulations without increasing the allowable density for the zoning district in which the development is located. The common open space is substantially increased for the benefit of all occupants of the townhouse development.

**Tract:** contiguous parcel(s) of land being disturbed or to be disturbed as a unit, regardless of ownership.

**Traffic Sign:** a sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.

**Transitional Shelter:** an area within a principal church structure that is used for temporary housing for no more than twelve (12) consecutive months. The building or structure shall meet all requirements of the Pinehurst Municipal Code, section 150.01 (North Carolina Building Code).

**Understory Tree:** trees whose total height at maturity is less than thirty (30) feet.

**Use Zone:** the area under and around playground equipment where a child might fall and that is free of other equipment and obstacles.

**Utilities-Moore County and VOP:** facilities or systems for the distribution of steam or water, the collection, treatment and disposal of sewage or refuse; of similar functions necessary for the provision of public services. Radio transmission facilities less than one hundred eighty (180) feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities.

Utilities are divided into three (3) classes:

Class 1 - distribution, transmission and collection lines (above and below ground) including waste water

collection, and water distribution lines; pumping stations, and lift stations;

Class 2 - elevated water storage tanks; package treatment plants; or other similar facilities in connection with steam and water facilities, not including cellular communication towers.

Class 3 - generation, production, or treatment facilities such as water and sewage plants.

**Utilities-All Other:** any facility not owned by Moore County or the Village of Pinehurst, including a building or structure that houses or contains facilities or equipment, for the operation of a public utility water, waste water, waste disposal, gas, electric or telecommunication land line services. Public utility facilities include, but are not limited to, waste water collection lines, water distribution lines, water pumping stations and filtration plants, waste water and storm water treatment plants, gas transmission and distribution lines, electrical transformer stations, electric transmission and distribution lines, telecommunications land lines and exchanges, wells, well houses, and water towers.

**Variance:** the permission to depart from the literal requirements of this Ordinance, granted by the zoning board of adjustment to a property owner where the enforcement of the literal requirements of this Ordinance will result in undue hardship.

**Vehicle Rental/Leasing/Sales:** establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or golf carts.

**Vehicle Services - Maintenance, Repair/Body Work:** the repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping. This may be an accessory use to an establishment that provides vehicle rental/leasing/sales.

**Vested Right:** the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan as defined in NCGS § 160A-385.1.

**Veterinary Services / Indoor Kennels:** establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming, where outdoor activities are incidental.

**Village Planner:** the planning director or his or her designee.

**Violation:** an infringement or breach of a duty or right granted under this Ordinance, or a failure to comply with one (1) or more of the provisions of this Ordinance.

**Wall, Parapet:** that portion of a building wall that extends above the level of the roofline.

**Wall, Party:** a firewall on an interior lot line used or adapted for separation or joint service between two (2) buildings.

**Wall, Retaining:** a wall designed to prevent the lateral displacement or movement of soil or other material.

**Wall:** an erection of stone, brick, wood, metal or other material intended to delineate a boundary or serve as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

**Wallboard Signs:** sign not permanently affixed to the wall intended to allow for changeable message, such as sales and menu items. Signs must be flush mounted to the wall surface when being displayed and not covering any window or doors.

**Waste Disposal System:** any public or private sewage system or public or private septic system.

**Water Surface Elevation (WSE):** the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watercourse:** a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Watershed Administrator:** an official or designated person of the Village responsible for administration and enforcement of this Ordinance.

**Watershed Management Area:** that land area of a water supply watershed that is defined on maps on file in the Village Hall, provided that more precise boundaries may be established by topographic data from actual site surveys.

**Watershed:** the entire land area contributing surface drainage to a specific point (e.g. The water supply intake).

**Welcome Center:** a building or portion thereof, providing visitors a location with information on the area's attractions, lodging, maps, and other items relevant to tourism and the area. Often, these centers are operated by the local government or chamber of commerce.

**Wetlands:** those areas that are defined as wetlands by the United States Army Corps of Engineers. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wholesaling and Distribution:** establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The intent of these establishments is not to sell to the general public.

**Woodlands:** land that is undeveloped except for roads and utilities, and contains stands of indigenous trees.

**Yard Sale:** any sale open to the public conducted from or on a residential premise or in any residential zone for the purpose of disposing of personal property or other property, including but not limited to all sales entitled "estate", "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea," "rummage," and similar names.

**Yard:** an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or driveways or as otherwise provided herein.

**Zero Lot Line:** where a building and its foundation area, and/or a small yard or patio area, are conveyed, under the following conditions:

(A) minimum lot area and width are non-applicable;

(B) must have open space on all sides not connected to a building;

(C) units within a patio home, duplex or multifamily structure using the zero lot line must be separated by an applicable fire rated wall(s).

**Zoning District:** a use district established in Chapter 8 of this Ordinance.

**Zoning Lot:** a zoning lot is either:

(A) a lot of record existing on the effective date of the zoning ordinance or any applicable subsequent amendment thereto; or

(B) a tract of land, either not subdivided or consisting of two (2) or more abutting lots of record located within a single block in single ownership.

(Ord. 14-35, passed 09-24-2014; Ord. 15-10, passed 05-26-2015; Ord. 16-07, passed 04-26-2016; Ord. 16-15, passed 09-27-2016)



## **Appendix A of the Pinehurst Development Ordinance**

### **Plot/Sketch Plan Information**

#### **Plot/Sketch Plan**

This plan submittal type should be used for developments in which no permanent foundations are being constructed or for minor work such as patios, decks, fences in both single family, multifamily and non-residential development. This is the most basic of plan types allowed for development.

1. Required information to be included on the plot/sketch plan:
  - a. Property lines.
  - b. Existing structures to scale.
  - c. New structures to scale.
  - d. Setbacks.
  - e. Estimated impervious surfaces.
  - f. Any other information the Village Planner identifies as necessary.
  - g. All plans and drawing sheets shall be drawn to a scale that is easily legible.

Note: No foundation or final surveys are required.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance.

(Ord. 14-35, passed 09-24-2014)

## **Appendix B of the Pinehurst Development Ordinance**

### **Single-Family Dwelling Development Review Process**

#### **Checklist for Single-Family Development Review Applications**

##### ***BUILDING PACKET:***

Required to submit one of each of the following:

- Application
- Site Plan
- Elevation Drawings
- Floor Plans
- Roof Framing Plan
- 2 sets of Truss System if applicable

##### ***PLANNING PACKET:***

Required to submit one of each of the following:

- Application
- Site Plan
- Landscape Plan
- Elevation Drawings
- Floor Plans
- Exterior Material Form
- Exterior Material(s) Sample(s) - if deemed necessary by the Village Planner in order to ensure that the material and color meets requirements

##### ***PUBLIC WORKS PACKET:***

Required to submit the following if applicable:

- 2 Driveway Application forms
- 1 Site Plan with driveway connection

**\*\*\*IF APPROVAL BY THE PINEHURST HISTORIC PRESERVATION COMMISSION IS REQUIRED, AN ADDITIONAL 10 COMPLETE PLANNING PACKET SETS ARE REQUIRED.\*\*\***

#### **Site Plan Requirements for Single Family Site Plan**

This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

#### **Required information to be included on the Single Family Site Plan:**

1. Indicate existing and proposed topographic elevations and finished floor elevation on site plan. Contour lines shall be indicated with no larger than two foot intervals for existing and proposed (LIDAR data may be utilized);

2. Show scale and North arrow;
3. All plans and drawings shall be drawn to a scale that is easily legible. Site plans shall be prepared by a licensed surveyor or engineer.
4. Vicinity Map - must be legible and lot easily located;
5. Title block with site name and location;
6. Indicate zoning classification of property on plan;
7. Show total acreage including area and dimensions of the entire tract;
8. Provide developer/builder name, address and telephone number on plans;
9. Provide designer's name, address and telephone number on plans;
10. Indicate adjoining lot lines, lot number and subdivision name on plans;
11. Indicate by note, minimum dwelling size proposed for each floor;
12. Show front, side and rear building setbacks;
13. Show road frontage at the right-of-way and lot width at the building line;
14. Show all easements.
15. Clearly show the location of any additions/alterations (to scale);
16. Location of all proposed and existing accessory structures to include pet runs, fences, LPG tank(s), irrigation well, etc.;
17. Driveway and sidewalk locations;
18. Building elevation (front, rear, and sides) shown with finished grade, to scale;
19. Show location of silt fence;
20. Existing and proposed impervious areas including the calculations on new construction and additions/alterations;
21. Landscaping plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks;
22. Floodplain and wetland delineation if applicable;
23. Location of septic, and/or existing drainage structures;
24. Floor plan;

25. Foundation plan;
26. Roof framing plan for stick-built only;
27. Framing plan for all floors;
28. Wall elevation including typical wall section.
29. Any other information the Village Planner identifies as necessary.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance. The Village Planner may allow for a plot/sketch plan to be submitted rather than the single family plan type based on the individual proposal and what is needed to determine compliance.

#### **Single-Family Final Approval Process for Issuance of Certificate of Occupancy**

1. No building hereafter erected, or structurally altered, or changed in use shall be used or occupied until approved by the Village Planner. Prior to issuance of a Certificate of Occupancy by the Village Planner the following shall be done:
  - a. All plans and applications shall be modified to reflect what is built.
  - b. A final driveway inspection shall be made by public services and approved.
  - c. A final survey prepared by a licensed surveyor or engineer shall be submitted if required.
  - d. Fire Marshal shall conduct an inspection and approve.
  - e. The Certificate of Occupancy shall be issued upon final building inspection.
2. Changes to original plans shall be reviewed and approved by the Village Planner or his/her designee. All changes shall be communicated in writing to the Village Planner to ensure a successful final review of the project.

(Ord. 14-35, passed 09-24-2014)

## Appendix C of the Pinehurst Development Ordinance

### General Concept Plan Information

#### General Concept Plan

1. Required information to be included on the general concept plan:
  - a. The present zoning classification(s) of the tract;
  - b. Adjoining property lines;
  - c. The height, size and location of existing and proposed structure(s);
  - d. Proposed use of land and structures;
  - e. Building elevation drawings;
  - f. Proposed planting areas including walls and fences and the treatment of any existing natural features;
  - g. The owner names, addresses, LRK #, zoning and deed references of adjoining property;
  - h. All existing and proposed easements, reservations, rights-of-way and all setbacks required for the zoning district;
  - i. General location and size of existing utilities both on-site and to the site, proposed tie-in location to existing public utilities (including water, sewer, drainage, etc.) and proposed location of utilities to serve the site;
  - j. General location and type of existing and proposed stormwater facilities;
  - k. Delineation of the 100-year flood plain;
  - l. Development Intensity:
    - i. For residential uses this shall include number of units and outline of area within which structures will be located.
    - ii. For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
  - m. Parking and circulation plan, showing location, arrangement and number of existing and proposed parking spaces. Parking calculations shall also be shown;
  - n. Ingress and egress to adjacent areas;
  - o. Proposed dimension and number of signs and their locations;

- p. Proposed phasing and approximate completion time of the project;
- q. Survey base map that provides legal metes and bounds including location of regulated (e.g., US Fish and Wildlife designated red-cockaded woodpecker trees) and specimen trees.
- r. Trip generation based on ITE standards and the Village's Engineering Standards and Specifications Manual for the proposed uses.
- s. Roadway/signal improvements for the development proposal.
- t. Proposed pedestrian improvements including sidewalks, greenways, etc.
- u. ISO computations based on the approximate/proposed square footages for each type of use.
- v. Current and proposed topography. Use of LIDAR data is acceptable for conceptual plans, however, actual surveyed topography shall be required for formal site plan submittal.
- w. Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.

(Ord. 14-35, passed 09-24-2014)

## Appendix D of the Pinchurst Development Ordinance

### Site Plan Information

#### Major and Minor Site Plans

##### Information required for major and minor site plans:

- A. Include the following on sheet(s) of 24 by 36 inches with a scale no less than one (1) inch equals fifty (50) feet for all major and minor site plans (an index plan shall be used if multiple sheets are needed):
1. A title block showing the name, address, telephone, email and fax numbers of the developer and designer, North arrow and scale of drawings;
  2. A map of the entire tract, including the boundary of the entire tract by metes and bounds tied to North Carolina grid and the location and dimension of all onsite and adjacent offsite easements, including but not limited to drainage, utility, public access, aerial utility, and permanent and temporary construction easements;
  3. The location and dimension(s) of all existing and proposed building(s) on the site. Show the finished floor elevations for the existing building(s) and the proposed floor grades, including basement, for each floor of the proposed building(s), if applicable;
  4. The location and dimension(s) of all proposed or existing impervious surfaces on the site, including but not limited to driveways, sidewalks, parking lots, loading and other vehicle use areas, and curb and median cuts;
  5. Indicate front, side, and rear setbacks for all existing and proposed structures;
  6. Provide a Development Data Block or Chart listing of the following data:
    - a. Owner of the tract;
    - b. Zoning of the tract;
    - c. Area of the tract;
    - d. Existing and proposed gross square footage of buildings;
    - e. Amount of square footage utilized in parking and loading areas (see landscape standards section 9.5);
    - f. Number of parking spaces proposed and required;
    - g. Number of handicapped parking spaces proposed and required;
    - h. Required and proposed minimum landscape area square footages;

- i. Residential uses: indicate maximum density allowed and the proposed density;
  - j. Indicate the amount of impervious area existing and proposed;
  - k. Indicate the proposed linear footage of roads;
  - l. The conditional zoning and special use conditions, if applicable;
7. Indicate the owner, address, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets);
  8. Show locations, size and configuration of common open space for residential development, if applicable.
  9. Location of permanent dumpsters and service areas.
  10. Indicate location and method of screening of all existing and proposed propane tanks, HVAC, mechanical systems, dumpsters and any other structures or facilities that require screening as per section 9.5;
  11. Vicinity map showing location of tract at scale of not less than one (1) inch equals five hundred (500) feet;
  12. Proposed location of all stormwater facilities and appropriate calculations in accordance with the Engineering Standards and Specification Manual by a qualified design professional;
  13. Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories, and grade of each story, including basement, height and location;
  14. Provide a topographic survey of the site certified by a registered land surveyor showing existing site features, existing contour lines at a minimum interval of two (2) feet that are field verified, and all proposed contours. All proposed contours shall be tied to North Carolina grid.
  15. Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title;
  16. Plan of each floor of parking garage, if applicable;
  17. Utility plan showing the sizes, composition and location of all existing and proposed underground and overhead utilities such as water, sanitary sewer, gas, electric, and telephone cables, fire protection infrastructure, etc. both within the property and in adjacent streets, where practical;
  18. Show all road improvements required in conformance with thoroughfare plan, including any right-of-way dedications and traffic control devices;
  19. Submit a plan showing the location and specifications for all outdoor lighting with calculations showing compliance with section 9.8.



20. Submit a plan showing the location and design of all landscaping improvements and landscaped areas, include data relative to credits for existing trees and required and supplemental planting;
21. Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the property, including a foraging study for the Red-cockaded Woodpecker, wetlands, floodplains, and also showing specimen trees as defined in Section 9.5.1.8.
22. Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadways/signal improvements for the development proposal.
23. Approved street names and property numbers;
24. A statement on whether the site is in a watershed and, if so, which watershed.
25. Delineate area and boundary of floodplains, floodways, wetlands, and watershed areas.
26. ISO calculations based on the approximate square footage of each type of use.
27. Proposed fire hydrant and fire lane locations.
28. Documentation from public utility provider concerning ability to serve the proposed development with water and sanitary sewer.
29. Plan approval signature block on all pages of submittal sheets.
30. Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.
31. Any other information the Village Planner may deem necessary to determine compliance with this Ordinance.

B. Number and type of plans to be submitted:

1. Minor site plans:
  - a. For initial review by Village Planner - 3 prints (sketch plan)
  - b. For review by Village Planner and Technical Review Committee - 7 prints (minor site plan)
  - c. For Village File after approval - 5 prints (minor site plan)
2. Major site plans:
  - a. For initial review by Village Planner - 3 prints (sketch plan)
  - b. For review by Village Planner and Technical Review Committee - 7 prints (general concept plan)
  - c. For review by the Planning and Zoning Board - 14 prints (general concept plan)

d. For review by the Village Council - 10 prints(general concept plan)

e. For Village File after approval - 1 copy and a computer disc in AutoCAD 2000 or later format.

(Ord. 14-35, passed 09-24-2014)

## Appendix E of the Pinhurst Development Ordinance

### Subdivision Plan Information

#### Subdivision Plans

Information to be submitted with applications for major and minor preliminary and final subdivision approval and for subdivision construction plans.

#### A. General Rules for Mapping and Graphics:

1. All maps shall be drawn to scale and the scale shall be not less than 1" = 200'. An index plan shall be used where the subdivision is shown on more than one sheet;
2. Prints may be blue-line or black-line, and map size shall be 24"x36", except that final plats shall conform to the dimensional requirements of the Moore County Review Officer and Register of Deeds;
3. All preliminary and final plats shall be prepared by a registered land surveyor of the State of North Carolina or a licensed Engineer of the State of North Carolina in accordance with North Carolina General Statutes § 47-30.

#### B. Information Required for Major and Minor Preliminary Subdivisions:

1. Title block containing the name of the subdivision. Include previous names for approved subdivisions (if any), date and revision date(s);
2. Name and owner of the tract, surveyor, engineer and/or land planner, their addresses, business telephone, and fax numbers, and professional registration numbers (if any);
3. North arrow and scale
4. Zoning of the tract;
5. Acreage of tract;
6. Acreage of dedicated open space;
7. The total number of lots proposed;
8. Smallest lot;
9. Total linear feet in streets as measured along the center line;
10. Setbacks: Provide a table of minimum building setbacks, including:
  - a. Front yard setback;
  - b. Side yard setbacks;

- c. Any required landscaped or watershed buffers and other required setbacks or buffers;
  - d. Rear yard setback;
  - e. Corner yard setback;
11. The location on the property of all existing and proposed property lines, easements, political boundary lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and properties of historic or cultural significance;
  12. Buildable area per lot, in square feet;
  13. Area to be covered by impervious surface for the project;
  14. Provide on plans, a listing of all approved conditions of the conditional zoning district, if applicable;
  15. Indicate the names of adjoining property owners or subdivisions;
  16. Indicate the zoning and existing land use of all adjoining properties;
  17. Indicate the location of all property lines, lot numbers, and lot dimensions. Indicate the location of the existing property boundaries and the location of intersecting lines of adjoining properties by metes and bounds;
  18. Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the subdivision, including a foraging study for the Red-Cockaded Woodpecker, wetlands, and floodplains and showing specimen trees as defined in the landscape section 9.5.1.8;
  19. Indicate the location of proposed parks, school sites, or other open space, if any. Indicate if the property is private or public. If public, indicate if it is proposed to be dedicated to the Village.
  20. Where required, indicate proposed streets, sidewalks, traffic control devices, street names, rights-of-way, roadway widths and approximate grades. Indicate if the streets are to be public or private. Show typical cross sections. Street names are to be coordinated with 911 for duplication of names;
  21. Provide a grading plan delineating existing ground contours at two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan. A full topographic survey and grid of the site is not required;
  22. Submit a sketch vicinity map showing the proposed subdivisions in relationship to surrounding property and streets;
  23. Provide a plan showing the location, general type, and number of plantings required in the perimeter buffer, streetscape, and other required landscaping areas;

24. Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadway/signal improvements for the development proposal.
25. Indicate driveway locations on adjacent properties along and across adjacent rights-of-way.
26. Any other information the Village Planner may deem reasonable and necessary to determine compliance with this Ordinance.

C. Number and Type of Maps to be Submitted for Major and Minor Preliminary Subdivisions:

1. Minor Preliminary Subdivisions

- a. Initial review by the Village Planner: 3 prints (sketch plan)
- b. Review by the Village Planner and the Technical Review Committee: 7 prints (preliminary plat)
- c. Review by the Village Manager: 3 prints (preliminary plat, revised if necessary)
- d. Village file as approved: 5 prints

2. Major Preliminary Subdivisions

- a. Initial review by the Village Planner: 3 prints (sketch plan)
- b. Review by the Village Planner and the Technical Review Committee: 7 prints (preliminary plat)
- c. Review by the Planning and Zoning Board: 14 prints (preliminary plat)
- d. Review by the Village Council: 10 prints (preliminary plat)
- e. Village file as approved: 5 prints

D. Information Required for Major and Minor Final Plats:

1. Title block containing subdivision names; vicinity map; legal description including township, county and state; the date of any revisions to the plat; a North arrow and deflection; scale in feet per inch and a bar graph; the name and address of the owner(s); and the name, address, registration number and seal of the engineer and/or surveyor;
2. Exact boundary lines of tract in heavy line, full dimensions of lengths and bearings, and intersecting boundaries of adjoining lands;
3. Street names, rights-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;
4. Accurate descriptions and locations of all monuments, markers, and control points;

5. Location, purpose, and dimensions of areas to be used for other than residential purposes;
6. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;
7. Boundaries of floodways and one hundred-year flood plains, wetlands and water supply watershed designation;
8. Lots numbered consecutively throughout the subdivision;
9. The names of owners of adjoining properties;
10. Building setbacks (both on plat and in table format);
11. Site calculations, including:
  - a. Total acreage;
  - b. Total number of lots;
  - c. Acreage in lots;
  - d. Acreage in street rights-of-way;
  - e. Linear feet of each individual street.

E. Number and Type of Map to be Submitted for Major and Minor Final Subdivisions.

1. Major and Minor Final Subdivisions:
  - a. Initial review by the Village Planner: 3 prints (final plat);
  - b. Village file as approved: 1 original signed copy, and a computer disc in AutoCAD 2000 or later format.

F. Certificates to be Shown on Preliminary Subdivision Plats as Appropriate:

1. Minor Preliminary Subdivisions:  
Minor Preliminary Plat Approved

\_\_\_\_\_  
Village Manager  
Village of Pinehurst

\_\_\_\_\_  
Date

2. Major Preliminary Subdivision Plat Recommended for Approval

I hereby certify that this major preliminary subdivision was approved by the Pinehurst Village Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Village Manager

3. Major Preliminary Subdivision Plat associated with an approved General Concept Plan.

I hereby certify that this Major Preliminary Subdivision Plat is in accordance with the approved General Concept Plan and therefore deemed approved.

\_\_\_\_\_  
Village Manager

\_\_\_\_\_  
Date

4. Certifications to be shown on Major and Minor Final Plats and Exempt Plats (use the appropriate certificates):

**Certificate of Approval**

Approved for recording by the Village Planner of the Village of Pinehurst, North Carolina on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ pursuant to the Pinehurst Development Ordinance. Must be recorded within thirty (30) days of this date.

\_\_\_\_\_  
Village Planner  
Village of Pinehurst

**Certificate of Survey and Accuracy**

I, \_\_\_\_\_, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_, Page \_\_\_\_\_; that the ratio of precision as calculated is 1:\_\_\_\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Seal or Stamp

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Registration #

**Certificate of Ownership and Dedication**

I (We) hereby certify that I am (we are) owner(s) of the property shown and described herein, that

the property is within the Subdivision Jurisdiction of the Village of Pinehurst and that I (we) hereby adopt this plan of subdivision with my (our) free consent and hereby establish all lots and dedicate all streets, alleys, walks, parks and other open space to public or private use as noted.

\_\_\_\_\_  
\_\_\_\_\_  
Owner(s)

**NCDOT Construction Standards Certification**  
(for NCDOT Streets)

Department of Transportation  
Division of Highways  
Proposed Subdivision Road  
Construction Standards Certificate

Approved: \_\_\_\_\_  
District Engineer

Date: \_\_\_\_\_

**Onsite Water and/or Sewer Note**  
(where appropriate)

Note: (ALL the LOTS) or (LOTS # \_\_\_\_\_) as shown on this Plat are proposed to be served with onsite water and/or sewer systems. The lots as shown meet the minimum size prescribed by the Moore County Health Department for such system(s). However, the recording of this Plat does not guarantee that any such lots will meet the requirements for the approval by the Health Department for such onsite system(s).

\_\_\_\_\_  
Engineer/Surveyor License or Registration #

**Special Flood Hazard Area Note**  
(word to represent actual situation)

Note: (Part of) this property (does)(does not) lie in a Special Flood Hazard Area

Reference: Flood Panel # \_\_\_\_\_  
Date: \_\_\_\_\_ (of Panel)

(If part of the property is in a Special Flood Hazard Area, it shall be shown graphically on the plat.)



**Review Officer Certificate**

State of North Carolina  
County of Moore

I, \_\_\_\_\_, Review Officer of Moore County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer

\_\_\_\_\_  
Date

**Register of Deeds Certificate**

State of North Carolina, \_\_\_\_\_ Moore \_\_\_\_\_ County

This instrument was presented for registration and recorded in Map Book \_\_\_\_\_, Page \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ (a.m.)(p.m.).

\_\_\_\_\_  
Register of Deeds

**Certificate of Exemption**

I hereby certify that this plat is exempt from the development ordinance under the definitions of subdivision contained in N.C.G.S. 160A-376 and Section 10 of the Village of Pinehurst Development Ordinance for one of the following reasons:

- a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this Ordinance;
- b. The division of land into parcels larger than ten (10) acres where no street right-of-way dedication;
- c. The public purchase of strips of land for the widening or opening of streets; or
- d. The division of a tract of land in single ownership whose entire area is no greater than two (2) acres in three (3) or fewer lots where no street right-of- way dedication is involved and where the resulting lots are equal to or exceed the standards set forth in this Ordinance.

\_\_\_\_\_  
Village Manager

\_\_\_\_\_  
Surveyor

G. Information Required for Subdivision Construction Plans and "As Built" Plans:

1. Construction plans and "as built" plans shall meet the requirements of the Village Engineering Standards and Specifications Manual.

(Ord. 14-35, passed 09-24-2014)

## Appendix F of the Pinchurst Development Ordinance

### Reference of Plant Species Native to the Sandhills and/or Included in Water Conserving Requirements

Listed on the following pages are plant species specifically native to the Sandhills of North Carolina, their soil moisture and light requirements, their benefit to wildlife, and example of leaf foliage. Many of these plant species can be found on lots previous to clearing and can be transplanted by the owner if their location is threatened by development. Otherwise, check with a local nursery for their availability.

Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
<b>Tall Trees (&gt; 30') (Canopy)</b>			
<i>Acer floridanum</i>	Southern Sugar Maple	M/F-S	S
<i>Acer rubrum</i>	Red Maple	W-D/F-P	S
<i>Betula nigra</i>	River Birch	W-D/F	S,L
<i>Carya glabra</i>	Pignut Hickory	D/F-S	S,L
<i>Carya ovata</i>	Shagbark Hickory	M-D/F-S	S
<i>Carya tomentosa or C. alba</i>	Mockernut Hickory	D/F-S	S,L
<i>Celtis laevigata</i>	Sugarberry	M/F-S	F,L
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar	W-M/F-P	C,L
<i>Diospyros virginiana</i>	Persimmon	M-D/F-P	F,
<i>Fagus grandifolia</i>	American Beech*	M/P-S	S
<i>Ilex opaca</i>	American Holly*	W-D/F-S	C,F,N,L
<i>Juniperus virginiana</i>	Eastern Redcedar*	D/F	C,F,L
<i>Liquidambar styraciflua</i>	Sweetgum	W-M/F-P	S
<i>Liriodendron tulipifera</i>	Yellow Poplar	M/F-P	S,H,N,L
<i>Magnolia grandiflora</i>	Southern Magnolia	M/P-S	C,S
<i>Magnolia virginiana</i>	Sweetbay	W-M/F-P	S,L
<i>Nyssa sylvatica</i>	Blackgum	D/F-P	F
<i>Oxydendrum arboreum</i>	Sourwood	D/F-S	N
<i>Pinus echinata</i>	Shortleaf Pine	D/F-P	C,S,L
<i>Pinus palustris</i>	Longleaf Pine	M-D/F	C,S
<i>Pinus serotina</i>	Pond Pine	W-M/P	C,S
<i>Pinus taeda</i>	Loblolly Pine	W-D/F	C,S,L
<i>Platanus occidentalis</i>	Sycamore	W-M/F-P	S
<i>Quercus alba</i>	White Oak	M-D/F-P	S,L
<i>Quercus coccinea</i>	Scarlet Oak	D/F-P	S,L
<i>Quercus falcate</i>	Southern Red Oak	M-D/F-P	S,L
<i>Quercus michauxii</i>	Swamp Chestnut Oak	M/F-P	S,L

<i>Quercus nigra</i>	Water Oak	M-D/F-P	S,L
<i>Quercus phellos</i>	Willow Oak	W-M/F-P	S,L
<i>Quercus rubra</i>	Red Oak	M/F-P	S,L
<i>Quercus velutina</i>	Black Oak	M-D/F-P	S,L
<i>Tilia Americana</i>	Basswood	M/F-S	S,N,L

<b>Small Trees/Shrubs (10-30 ft) (Understory)</b>			
<i>Aesculus pavia</i>	Red Buckeye*	M/P	H
<i>Aesculus sylvatica</i>	Painted Buckeye*	M/P	H
<i>Alnus serrulata</i>	Alder	W-M/F-P	S,L
<i>Amelanchier arborea</i>	Serviceberry	M-D/F-S	F,N,L
<i>Amelanchier canadensis</i>	Juneberry	W-D/F-P	F,N,L
<i>Aralia spinosa</i>	Devil's Walking Stick*	M/F-P	F,N
<i>Asimina triloba</i>	Pawpaw*	M/F-S	F,L
<i>Carpinus caroliniana</i>	Ironwood	W-M/P-S	S,L
<i>Castanea pumila</i>	Chinquapin	D/F-P	S
<i>Celtis laevigata</i>	Hackberry	D/F-P	F,L
<i>Cercis canadensis</i>	Eastern redbud	M-D/F-P	S,N
<i>Cornus florida</i>	Flowering Dogwood	M-D/F-P	F,N,L
<i>Cyrilla racemiflora</i>	Titi	W-M/F-S	C,N
<i>Halesia carolina</i>	Carolina Silverbell	M/P-S	N
<i>Hamamelis virginiana</i>	Witch-hazel	M/F-S	S
<i>Ilex deciduas</i>	Possumhaw*	W-D/F-P	F,N,L
<i>Ilex verticillata</i>	Winterberry*	W-M/F-S	F,N,L
<i>Ilex vomitoria</i>	Yaupon*	W-D/F-S	C,F,N,L
<i>Morus rubra</i>	Red Mulberry*	M-D/F-S	F,L
<i>Myrica cerifera</i>	Wax Myrtle	W-D/F-P	C,F,L
<i>Ostrya virginiana</i>	Hophornbeam	M-D/F-S	F,L
<i>Prunus angustifolia</i>	Chickasaw Plum*	D/F	F,N,L
<i>Prunus caroliniana</i>	Carolina Laurel Cherry*	M-D/F-P	C,F,N
<i>Rhus copallina</i>	Winged Sumac	M-D/F-P	F,N,L
<i>Sambucus canadensis</i>	Elderberry*	W-M/F-P	F
<i>Sassafras albidum</i>	Sassafras	M-D/F-P	F,L
<i>Symplocos tinctoria</i>	Sweetleaf	M-D/F-S	S,N,L

<i>Viburnum rufidulum</i>	Rusty Blackhaw	D/F-S	F,L
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<b>Vines</b>			
<i>Ampelopsis arborea</i>	Peppervine*	W-M/F-P	F
<i>Bignonia capreolata</i>	Crossvine	M-D/F-P	H
<i>Campsis radicans</i>	Trumpet creeper*	M-D/F-P	H
<i>Centrosema virginianum</i>	Spurred Butterfly Pea	D/F-P	S,N,L
<i>Clitoria marina</i>	Butterfly Pea	D-F-P	S,N,L
<i>Desmodium nudiflorum</i>	Naked Tick-trefoil	D/F-P	S,N,L
<i>Desmodium strictum</i>	Pine Barren Tick-trefoil	D/F-P	S,N,L
<i>Desmodium tortuosum</i>	Tick-trefoil	D/F-P	S,N,L
<i>Gelsemium sempervirens</i>	Carolina Jessamine*	M/F-P	H,N
<i>Lonicera sempervirens</i>	Coral Honeysuckle	M/F-P	H
<i>Parthenocissus quinquefolia</i>	Virginia Creeper*	M-D/F-S	F
<i>Passiflora incarnata</i>	Passionflower	M-D/F-P	H,N,L
<i>Smilax spp.</i>	Greenbrier	W-D/F-P	C,F
<i>Vitis spp.</i>	Grape	W-D/F-P	F
<b>Ferns</b>			
<i>Polystichum acrostichoides</i>	Christmas Fern	M/S-P	C
<i>Osmunda cinnamomea</i>	Cinnamon Fern	W-M/S-P	C,L
<b>Herbs and Wildflowers</b>			
<i>Apocynum cannabinum</i>	Hemp Dogbane*	M-D/F-P	N
<i>Aquilegia canadensis</i>	Columbine	M-D/P-S	S,H,N
<i>Arisaema triphyllum</i>	Jack-in-the-Pulpit*	W-M/P-S	F
<i>Asclepias amplexicaulis</i>	Clasping Milkweed	D/F-P	N,L
<i>Asclepias incarnata</i>	Swamp Milkweed*	W-M/F-P	N,L
<i>Asclepias tomentosa</i>	Sandhills Milkweed	D/F-P	N,L
<i>Asclepias tuberosa</i>	Butterfly Weed*	D/F-P	N,L
<i>Asclepias variegata</i>	White Milkweed*	M-D/F-P	N,L
<i>Baptisia tinctoria</i>	Yellow Wild Indigo*	D/F-P	L
<i>Carpheophorus bellidifolius</i>	Sandy-woods Chaffhead	D/F-P	N,L
<i>Ceanothus americanus</i>	New Jersey Tea	M-D/F-P	S,N,L
<i>Chamaecrista fasciculata</i>	Partridge Pea*	M-D/F	S,L
<i>Cirsium horridulum</i>	Yellow Thistle	M-D/F	S,H,N,L
<i>Cirsium repandum</i>	Sandhills Thistle	M-D/F-P	S,H,N,L
<i>Coreopsis angustifolia</i>	Narrow-leaved Coreopsis	M/F-P	S,N

<i>Coreopsis auriculata</i>	Eared Coreopsis	M/F-P	S,N
<i>Coreopsis lanceolata</i>	Lance-leaved Coreopsis	D/F	S,N
<i>Coreopsis verticillata</i>	Threadleaf Coreopsis	D/F-P	S,N
<i>Desmodium spp.</i>	Beggarlice	M-D/F-P	S,L
<i>Fupatorium fistulosum</i>	Joe-pye-weed	M/F	S,N,L
<i>Euphorbia corollata</i>	Flowering Spurge	M-D/F-P	S,N
<i>Gentiana autumnalis</i>	Pine Barrens Gentian	D/F-P	N
<i>Helianthus angustifolius</i>	Swamp Sunflower	W-M/F	S,N
<i>Heliopsis helianthoides</i>	Ox-eye	M-D/F-P	S,N
<i>Hibiscus moscheutos</i>	Rose Mallow	M/F-P	H,N
<i>Houstonia caerulea</i>	Bluets	M-D/F-S	N
<i>Hypericum hypericoides</i>	St. Andrew's Cross	D-M/F-P	S,N
<i>Impatiens capensis</i>	Jewelweed	W-M/P-S	H,N
<i>Ipomea coccinea</i>	Red Morning Glory	D/F	S,H,N
<i>Ipomea purpurea</i>	Common Morning Glory	D/F	S,H,N
<i>Ipomopsis rubra</i>	Standing Cypress	D/F	H,N
<i>Iris cristata</i>	Crested Iris*	M/P-S	H
<i>Iris verna</i>	Dwarf Iris	M-D/F-P	H
<i>Liatris graminifolia</i>	Grass-leaf Gayfeather	D/F-P	N,L
<i>Liatris regimontis</i>	Blue Ridge Gayfeather	D/F-P	N,L
<i>Liatris spicata</i>	Blazing Star	W-M/F	N
<i>Lobelia cardinalis</i>	Cardinal Flower*	W-M/F-S	H,N
<i>Lobelia puberula</i>	Blue Lobelia*	W-D/F-P	H,N
<i>Mitchella repens</i>	Partridgeberry	M/T-S	F
<i>Monarda punctata</i>	Horsemint	D/F-P	H,N
<i>Oenothera fruticosa</i>	Sundrops	M-D/F-P	S,H,N
<i>Penstemon canescens</i>	Hairy Beardtongue	M-D/F-P	H,N,L
<i>Penstemon laevigatus</i>	Smooth Beardtongue	M/F-S	H,N,L
<i>Phlox Carolina</i>	Carolina Phlox	W-D/F-P	N
<i>Phlox divaricata</i>	Blue Phlox	M/P-S	N
<i>Phlox pilosa</i>	Prairie Phlox	D/F-P	N
<i>Phlox subulata</i>	Moss Pink	D/F	N
<i>Phytolacca americana</i>	Pokeweed*	M-D/F	F,S
<i>Rudbeckia fulgida</i>	Orange Coneflower	M/F	S,N
<i>Rudbeckia hirta</i>	Black-eyed Susan	M-D/F	S,N
<i>Salvia lyrata</i>	Lyreleaf Sage	M-D/F-S	H,N

<i>Silene virginica</i>	Fire Pink	M-D/P-S	S,H,N
<i>Solidago spp.</i>	Goldenrod	M-D/F-P	S,N
<i>Stillingia sylvatica</i>	Queen's Root	D/F-P	S,N
<i>Tephrosia virginiana</i>	Goat's Rue	D/F-P	S,L
<i>Vicia caroliniana</i>	Wood Vetch	D/F-P	S,L
<i>Viola pedata</i>	Bird-foot Violet	D/F-P	L
<i>Viola primulifolia</i>	Primrose-leaved Violet	D/F-P	N,L
<b>Grasses</b>			
<i>Andropogon glomeratus</i>	Brushy Bluestem	M/F	C,S,L
<i>Andropogon ternarius</i>	Splitbeard Bluestem	D/F	C,S,L
<i>Aristida stricta</i>	Wiregrass	D/F-P	C,S
<i>Arundinaria gigantea</i>	Switchcane	W-D/F-S	C,S,L
<i>Panicum virgatum</i>	Switchgrass	M/F-P	C,S,L

1 Soil moisture: W = wet; M = moist; D = dry/ Light requirements: F = full sun; P = partial shade; S = shade.  
2 Wildlife Value: C = winter cover; F = fleshy fruit; S = hard mast, seed or catkin; H = Hummingbird nectar; N = butterfly and other insect nectar; L = butterfly larvae host plant.  
\* Leaves, twigs, stems, flowers, nectar, fruits or seeds mildly to severely toxic to humans if ingested.

(Ord. 14-35, passed 09-24-2014)

## REFERENCES TO NORTH CAROLINA GENERAL STATUTES

<i>G.S. Section</i>	<i>Code Section</i>
1-593	10.05
14-4	130.99, <u>Ch. 152, App. A, 7.2,</u> 153.36
14-4(a)	10.99
14-4(b)	70.99
<u>14-202.10</u>	<u>Ch. 152, App. A, 10.2</u>
<u>14.210.10</u>	<u>Ch. 152, App. A, 10.2</u>
14-415.11(c)	130.02
14-415.23	130.02
Chapter 14, Article 54B	130.02
Chapter 20, Article 7A	90.10
20-51(14)	71.18
20-175.6(d)	71.18
40A-3(b)(1)	95.003
Chapter 44A, Article 1	90.12
<u>Chapter 47A</u>	<u>Ch. 152, App. A, 10.2</u>
<u>Chapter 47C</u>	<u>Ch. 152, App. A, 10.2</u>
<u>Chapter 58</u>	<u>Ch. 152, App. A, 10.2</u>
Chapter 113, Article 22A	91.03
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