

ORDINANCE #23-09:

AN ORDINANCE AMENDING SECTION 9.13 OF THE PINEHURST DEVELOPMENT ORDINANCE TO REGULATE RETAINING WALLS

WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on March 28, 2023, in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed text amendments; and

WHEREAS, the Planning and Zoning Board recommended, on March 2, 2023, the Village Council approve these amendments to the Pinehurst Development Ordinance; and

WHEREAS, the Village of Pinehurst adopted the 2019 Comprehensive Plan which identified 10 Strategic Opportunities with Strategic Opportunity 4 identifying the Village to Promote high quality development and design through an update to the Pinehurst Development Ordinance that includes character-based zoning concepts and the use of pattern books. Pinehurst's small-town charm and appeal is due in large part to the scale and architectural design of its buildings as well as its lush landscaping throughout the community. Updating and modernizing the Pinehurst Development Ordinance could help ensure that future development is of the desired scale and character favored by Pinehurst residents; and

WHEREAS, the intent of Section 9.13 Fences, Walls and Columns of the Pinehurst Development Ordinance is to allow architecturally compatible fences and walls while still providing flexibility; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments to the text of the Pinehurst Development Ordinance, have determined that it is considered reasonable and in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction and that it is consistent with the 2019 Comprehensive Long Range Plan for the reasons stated herein that the Pinehurst Development Ordinance be further amended, making the amendments as requested.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 28th day of March, 2023, as follows:

SECTION 1. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended as shown in the attached "Exhibit A"

SECTION 2. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 3. That this Ordinance shall become effective March 28, 2023 and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 28th day of March, 2023.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *John C. Strickland*
John C. Strickland, Mayor

Attest:

Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form.
[Signature]
Michael J. Newman, Village Attorney

ATTACHMENT - EXHIBIT A

An Amendment to the Pinehurst Development Ordinance to Regulate Retaining Walls

Proposed Amendments

CHAPTER 9. Design and Development Standards and Processes

- Section 9.13 Fences, Walls and Columns

(F) Retaining Walls

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

~~(2) Retaining walls located in the front yard setback shall not exceed three and a half (3.5) feet in height.~~

~~(3) Retaining walls up to six (6) feet in height may project into the side and rear setbacks, excluding golf course/lake front and side street setbacks.~~

~~(4) Retaining walls located in the golf course or lakefront accessory building setback shall not exceed eighteen (18) inches in height.~~

~~(2)(5) No r~~Retaining walls eighteen (18) inches or taller height shall not be closer than five (5) feet to a property line or right of way line.

~~(3)(6)~~ Retaining wall height shall be measured from the lowest ground elevation to the top of the wall.

~~(4)(7)~~ Retaining walls constructed in a series of two (2) or more shall provide a minimum of twelve (12) inches of horizontal separation planted in grass or other vegetation.

~~(8) Retaining walls shall be solid cement, masonry, or wood and constructed to the standards of the North Carolina State Building Code where required.~~

~~(9) A finished side of a retaining wall shall face outwards towards the street or adjacent property.~~

(G) Fences in Rights of Ways

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