

ORDINANCE #13-41:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO THE LOCAL HISTORIC DISTRICT.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 24th day of May, 2005, 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 1:00 p.m. on August 20, 2013 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 has recommended the Village Council amend the following: Section 4.6.1, Section 12.3.4 (c), Section 12.3.4 (d), Section 12.3.5 (a) and Section 12.3.5 (b), and Section 10.2.6.1 (b) of the Pinehurst Development Ordinance; 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 in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction and that it is consistent with the 2010 Comprehensive Plan 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 session assembled on the 20th day of August, 2013, as follows:

SECTION 1. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by adding the following text amendments:

4.6.1 Historic District Design Committee

The Historic District Design Committee is separate from the Historic Preservation Commission and shall have the following duties and responsibilities, to be carried out in accordance with the terms of this Ordinance:

- (a) **Provide guidance in matters of historic preservation and design to the general community, applicants and staff;**
- (b) **Give staff recommendations on the historic district projects;**
- (c) **Meet with historic district applicants and make design recommendations;**
- (d) **Make recommendations of amendments to the Local Historic District Standards and Guidelines and the Pinehurst Development Ordinance to the Historic Preservation Commission and/or Village Council as needed.**

Section 12.3 Historic Preservation Overlay District

12.3.4 Certificate of Appropriateness Procedure

- c) ~~(Reserved)~~ **Applications that are categorized or fall within the category description of normal maintenance or minor work within the Local Historic District Standards and Guidelines, may be approved on a staff level. These applications may also go before the Historic District Design Committee for recommendations and comment, if determined necessary by the Village Planner;**
- 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;

12.3.5 Review Criteria

- a) Intent:
 - 1) It is the intention of these regulations to insure, insofar as possible, 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 historic 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 and adopted by the Commission:

Section 10.2.6 Community Appearance Standards—Single-family Dwellings

10.2.6.1 Purpose and Scope

- (b) The Community Appearance Commission (CAC) has been created to review all single-family development, **with the exception of property within the Historic Preservation Overlay district**, for compliance with the Development Ordinance. The following standards of this Section shall apply to all proposed development for which a single-family site plan is required in addition to any other applicable requirements of this Ordinance. Review by the CAC and approval by the Village Planner pursuant to this Section is a prerequisite for the issuance of a development permit.

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 be and remain in full force and effect from and after the date of its adoption.

Adopted this 20th day of August, 2013.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *Nancy Roy Fiorillo*
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

[Signature]
Michael J. Newman, Village Attorney