

ORDINANCE #09-38:

**AN ORDINANCE AMENDING SECTION 2-12
OF THE PINEHURST MUNICIPAL CODE**

THAT, WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety and welfare of its citizens; and

WHEREAS, the Municipal Code has been subsequently amended from time to time as conditions warrant;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina, in work session assembled this 28th day of October, 2009, as follows:

SECTION 1. That Section 2-12 of the Pinehurst Municipal Code is hereby amended as follows:

2-12 COMMUNITY APPEARANCE COMMISSION.

2-12.2 Membership.

The Commission shall consist of **up to** thirteen (13) members to be appointed by the Village Council for terms of two (2) years, and shall meet at least once in every calendar month **unless proper notice is given for the cancelation of the regular meeting.** ~~Seven (7)~~ **Fifty (50) percent of the appointed** members of the Commission shall constitute a quorum. ~~All members shall be registered voters and residents of the Planning and Zoning jurisdiction of the Village for at least two (2) years at the time of appointment.~~ Where possible, a majority of the members shall have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning or a closely related field. Members of the Commission may be reimbursed for actual expenses incidental to the performance of their duties, but shall serve without compensation. Membership on the Commission is declared to be an office that may be held concurrently with any other elected or appointed office, pursuant to Article VI, Section 9 of the Constitution.

2-12.4 Duties in Regard to Building Permits.

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

c. Retention of trees and other natural growth on building site as well as erosion impact.

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

The Commission will publish the several documents necessary to carry out such review in an objective and professional manner. Such documents will be available for review by interested parties at the ~~Building Inspector's office~~ **Department of Planning and Inspections.**

If for any reason agreement is not reached in a reasonable time between the Commission and the contractor and/or home owner it shall be the responsibility of the Commission to immediately advise the ~~Building Inspector and the Village Manager~~ **Village Planner.** At such time the established review procedure will be implemented.

2-12.5 Appeals.

Appeals of the recommendations of the Commission shall be made in accordance with the Pinehurst Development Ordinance

~~_____ a. _____ If the Commission subcommittee and owner/builder do not agree, and the subcommittee does not approve the submitted plans, the Building Inspector and the Village Manager will be advised of the reasons for non-approval, as well as other appropriate information. The entire Commission will review the plans with the owner/builder at the next regularly scheduled meeting.~~

~~_____ b. _____ If the Commission and owner/builder are not then able to reach agreement, and the plans are not accepted by the entire Commission, the Commission Chairman will advise the Building Inspector and the Village Manager, as well as the homeowner and/or contractor, in writing, of the Commission's action.~~

~~_____ c. _____ The Village Manager and the Building Inspector, along with representatives of the Commission will in turn meet with the Village Council and the homeowner and/or the contractor for a further review of the matter. Any further action with respect to the matter will be taken by the Village Council.~~

2-12.6 Duties in Regard to Beautification Grants.

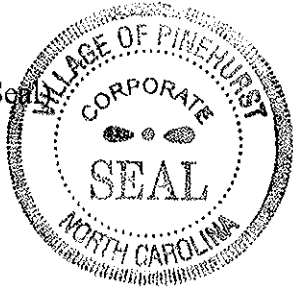
~~On those occasions where the Village Council makes funds available for Beautification Grants it will be the responsibility of the Commission to evaluate and in turn recommend to the Village Council action on those proposals requesting such grants. The Commission will consider proposed cost, visibility to the public, strength of homeowners organization to support and maintain the proposed project, soundness of proposed project and willingness to share in the funding necessary to implement the proposed project. All written~~

~~proposals will be reviewed and discussed orally with the proposing representatives and evaluated on a competitive basis. The Commission will then recommend action on the proposed grants for Village Council consideration and approval, in accordance with the annually budgeted amount for this purpose. After the grants have been authorized the Commission will monitor implementation to assure funds are spent in accordance with approved plans.~~

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

Adopted this the 28th day of October, 2009.

(Municipal Seal)



Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: George P. Lane
George P. Lane, Mayor

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney