

**ORDINANCE #08-38:**

**AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.1.3, SR-18 (J) FENCES AND WALLS.**

**THAT WHEREAS,** the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 24<sup>th</sup> 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 November 18, 2008 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 Pinehurst Development Ordinance text changes, 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 that the Village Council amend Sections Section 10.2.1.3, SR-18 (j) Fences and Walls of the Pinehurst Development Ordinance; and

**WHEREAS,** the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments in 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 that the 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 regular session assembled on the 16<sup>th</sup> day of December, 2008, 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 amendment to Section 10.2.1.3, SR-18 (j) Fences and Walls:

**Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses**

18(j) Fences and Walls

- (1) 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;

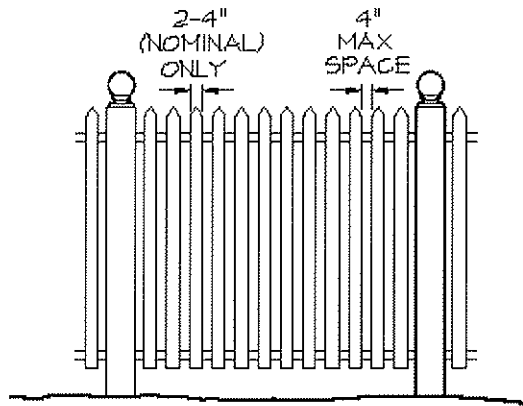
(2) Fences and Walls in Residential Zoning Districts and/or on Residential Properties:

(d) Fences, walls, and similar structures not over 3.5 feet in height may project into or enclose any front setback. The 3.5 foot limitation shall ~~not~~ apply to driveway entrance ~~lighting fixtures~~ **columns**, but **the total height of columns with** light fixtures shall have **be** a maximum height of 5 (five) feet **in height**.

(4) 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. The following table (SR-18(j)(4)) shows the zoning districts in which the specific fences are allowed; **Allowable fence types include:**

(a) Picket, provided that:

(i) ~~Provided that~~ 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 with a maximum of four (4) inches between pickets.

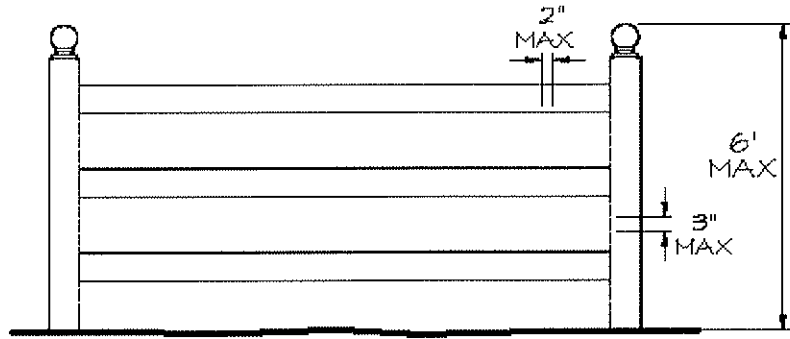


(a) PICKET FENCE

(b) Post and rail **(or split rail)**, provided that:

- (i) 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;

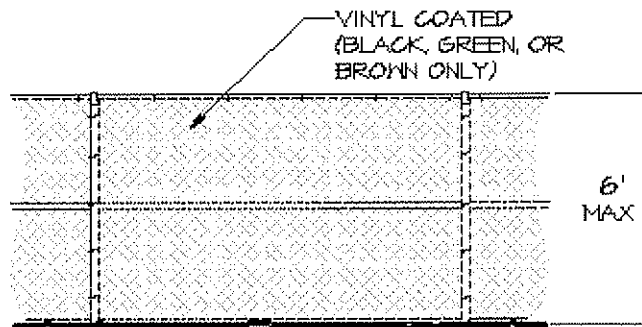
- (iii) The wire is muted in color, (black, green, or brown);
- (iv) **The use of wire is optional.**



(b) POST AND RAIL FENCE

(f) Chain link, provided that:

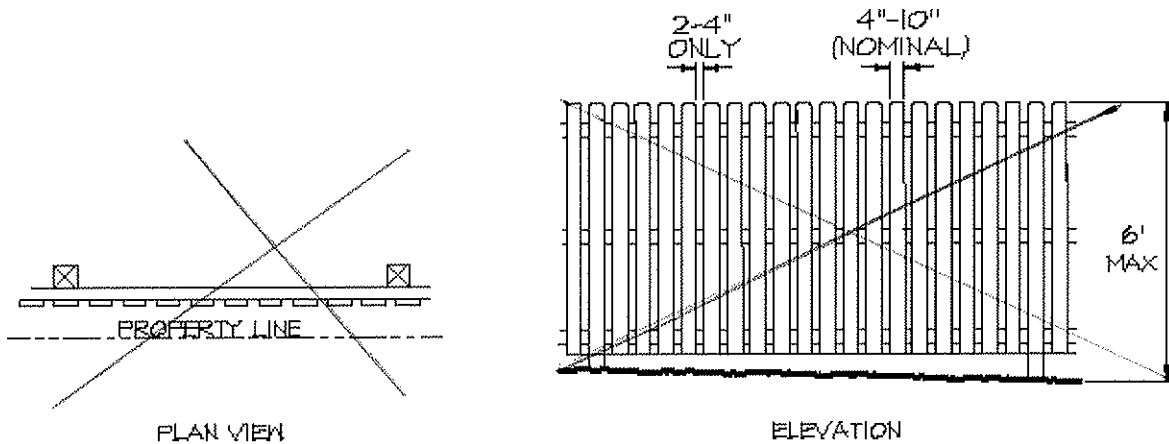
- (i) The fencing material is vinyl coated (black, green, or brown only);
- (ii) If the fence is on or near a property line and a buffer is not otherwise required, a five (5) foot setback from the property line is provided.
- (iii) **Chain link fences may only be used for non-residential uses.**



(f) CHAIN LINK FENCE

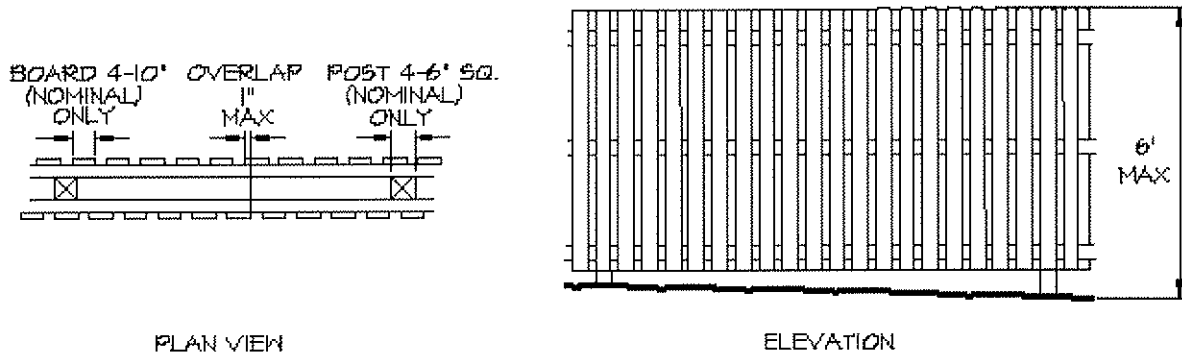
~~(g) Board, provided that:~~

- ~~(i) The boards are muted in color.~~



(g) BOARD FENCE

- (h) (g) Shadow box fences, 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.



(h) SHADOW BOX FENCE

Table SR-18(j)(4)

Type of Fence Permitted by Zoning (X=Permitted)

Type of Fence Permitted	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h) (g)
Zoning District								
PG	X	X	X	X	X	X		X
R-210	X	X	X	X	X	X		X
R-30	X	X	X	X	X	X		X
R-20	X	X	X	X	X	X		X

<del>R-15</del>	X	X	X	X	X	X		X
<del>R-10</del>	X	X	X	X	X	X		X
<del>R-8</del>	X	X	X	X	X	X		X
<del>R-5</del>	X	X	X	X	X	X		X
<del>R-MF</del>	X	X	X	X	X	X		X
<del>RD</del>						X		
<del>OP</del>	X	X	X	X	X	X	X	X
<del>H</del>	X	X	X	X	X	X	X	X
<del>HD</del>	X	X	X	X	X	X	X	X
<del>VC</del>	X	X	X	X	X		X	X
<del>NC</del>	X	X	X	X	X	X	X	X

(5) 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. ~~Such fence permit shall be issued only if a Temporary Use Permit has been issued.~~ **A Temporary Use Permit must be issued for all temporary fencing.**

**SECTION 3.** 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 4.** That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 16<sup>th</sup> day of December, 2008.



VILLAGE OF PINEHURST  
VILLAGE COUNCIL

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

Attest:

*Linda S. Brown*  
Linda S. Brown, Village Clerk

Approved as to Form:  
*Michael J. Newman*  
Michael J. Newman, Village Attorney