

ORDINANCE #07-41:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 2.2 DEFINITIONS, TO SECTION 10.2.2.1 (a) EXTERIOR BUILDING MATERIALS, AND SECTION 10.2.6.4 EXTERIOR BUILDING MATERIALS AND COLORS.

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 September 25, 2007 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 2.2, 10.2.2.1 (a) and 10.2.6.4 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 23rd day of October, 2007, 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 2.2 Definitions:

Section 2.2 Definitions

INTEGRAL SOLAR PANEL: A form of roofing in which solar cells are integrated into the roofing material.

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 6.5 inches from the roof plane.

SOLAR PANEL” A flat solar thermal collector used to heat water, air, or collect solar thermal energy. ‘Solar panel’ may refer to a photovoltaic module which is an assembly of solar cells used to generate electricity.

SECTION 2. 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 10.2.2.1 (a):

10.2.2.1 General Standards

(a) Exterior Building Materials

Within the PC, NC, OP and RMF zoning districts solar panels are permitted with the following conditions:

- (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 6.5 inches from the roof surface.
- (5) Flush mounted solar panels are required to be incased in trim that closely match the roof color and the trim shall not allow for any visible gaps around the solar panel;
- (6) All solar panels being located within the Local Historic District shall comply with the guidelines and standards for that district and must get appropriate approvals.

SECTION 3. 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 10.2.6.4:

Section 10.2.6.4 Exterior Building Materials and Colors

- (f) 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 non street side or non golf course facing roof;
 - (3) Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than 6.5 inches from the roof surface;
 - (4) Flush mounted Solar panels are required to be encased in trim that closely match the roof color and the trim shall not allow for any visible gaps around the solar panel;
 - (5) Integral solar panels are permitted on any roof surface with no limitation on area;
 - (6) Ground mounted solar panels are permitted within the R-210 Zoning district on lots greater than 2 acres if screened from adjacent roadways and properties and located within the building envelop;
 - (7) All solar panels being located within the Local Historic District shall comply with the guidelines and standards for that district and must get appropriate approvals.

SECTION 4. 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 5. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 23rd day of October, 2007.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Steven J. Smith, Mayor

Attest:

Linda S. Brown, Village Clerk

Approved as to form:

Michael J. Newmar, Village Attorney