

ORDINANCE #06-21:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTIONS 2.2 DEFINITIONS, SECTION 10.2.6.5 LANDSCAPING, APPENDIX "A" AND APPENDIX "B."

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, over a period of several months, a "roundtable" committee of Village Councilmembers, Village staff, Planning Board and Community Appearance Commission members, homebuilders and a landscape architect met to formulate architectural standards for the Pinehurst Development Ordinance; and

WHEREAS, Public Hearings were held at 1:00 p.m. on June 27, 2006 and August 22, 2006 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, 10.2.6.5 and Appendix A and 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 that the Development Ordinance be further amended, making the amendments as follows;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in regular session assembled on the 26th day of September, 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 to Chapter 2:

Section 2.2 Definitions

CANOPY TREE: Large trees whose total height at maturity is greater than thirty feet.

UNDERSTORY TREE: Trees whose total height at maturity is less than thirty feet.

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 to Chapter 10:

10.2.6.5 Landscaping Requirements for Single Family Residential

- (a) A sealed tree survey by a landscape architect or professional surveyor identifying all trees with a caliper greater than eight (8) inches DBH (diameter 4 ½ feet above ground) is required at the time of submittal of new home construction. Any additional trees less than eight (8) inches in DBH that will be preserved for credit shall also be included on the tree survey. Trees with multiple trunks should be credited based on

50% of the total diameter at breast height (DBH) found by measuring the DBH of each trunk.

- Exception: On R-210 lots, a tree survey for only the trees to be preserved for credit is required. The purpose is to assure that clear-cutting of the home site does not occur.
- (b) The required landscape area is calculated by the following point system determined by Zoning Districts found in part (c).

Landscaping Point System

Preserve Existing (5)	3" to 10" DBH	Greater than 10" DBH
Longleaf Pine	7	8
All other Native/Xeriscaping Canopy Trees (1)	5	6
Other Canopy Trees (1)	1	2
Native/Xeriscape Understory Trees (1) (3)	4	
Other Understory Trees (1) (3)	1	
Native/Xeriscape Shrub (1) (6)	2*	

*No caliper at DBH is required.

New Planting (2)
Longleaf Pine
Native/Xeriscape Canopy Tree (1)
Native/Xeriscape Understory Tree (1) (3)
Native/Xeriscape Shrubs (1) (6)
Planting Bed with 8 or more plants (4)

Note (1): Native and Xeriscaping Plant list and Canopy/Understory Tree Classification can be found in Appendix A. A tree or shrub that the owner or landscaper wish to use for credit that is native to the Sandhills ecosystem and not in Appendix A may be used for credit if approved by the Village Planner or designee.

Note (2): New planting credits should only be obtained when there are few or no existing native trees on the lot. The newly planted trees shall be healthy, 8' or greater in height if Canopy and 6' or greater if Understory.

Note (3): Every lot shall have at least one flowering Understory tree either preserved or planted. For example, preserving or planting a Dogwood or Eastern Redbud.

Note (4): A planting bed shall only be used for credit once.

Note (5): Preserved trees shall be healthy; dead or unhealthy trees do not count toward the requirements. The Community Appearance Commission (CAC) will determine at the time of final CAC inspection whether the trees and shrubs noted for credit are healthy.

Note (6): Foundation shrubbery shall not count toward this total.

(c) The required number of landscaping points according to Zoning District is as follows:

R5	R8	R10	R15	R20	R30	R210
18	24	35	40	45	50	55

(d) In addition, the required number of plants around the foundation of the house shall include at least fifty (50) percent of five (5) gallon plants, with the remaining fifty (50) percent a minimum of three (3) gallons plant size. Plantings shall be a minimum of six (6) feet apart on center. The number of plants required is determined according to the Zoning District as follows:

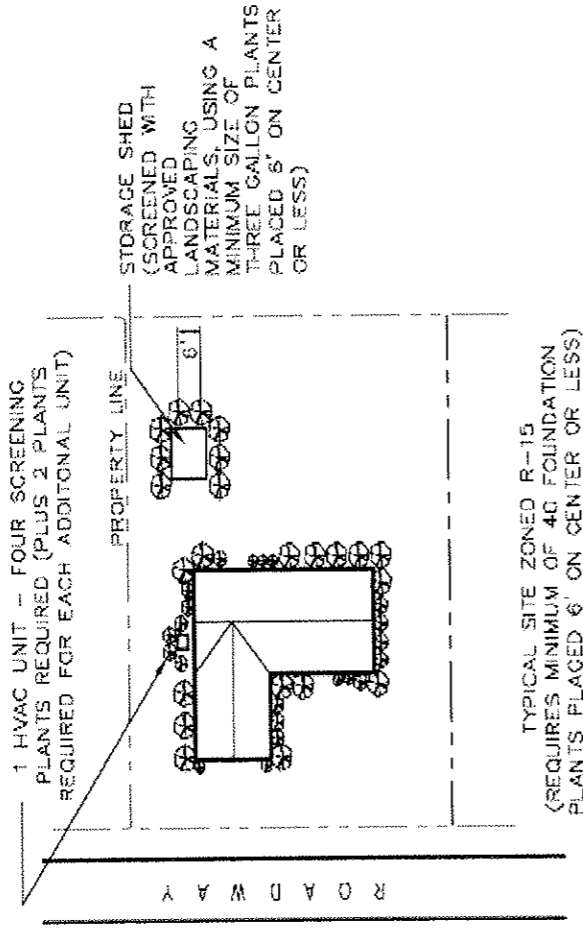
R5	R8	R10	R15	R20	R30	R210
25	30	35	40	45	50	55

Note: When an odd number of plants is required, round up. For example, in R210 you would have 22 (3) gallon and 23 (5) gallon plants.

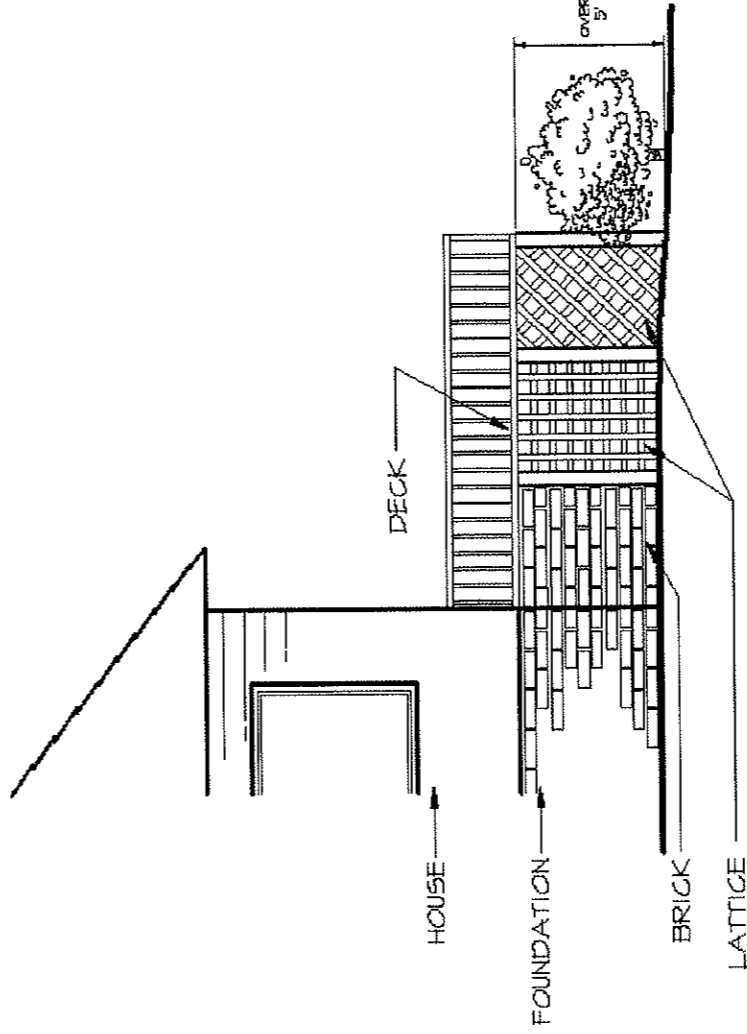
(e) Foundations, HVAC units, and other structures on the property shall be screened with landscaping material. Of the plants required above, four (4) screening plants are

required around an HVAC unit and an additional two (2) plants per additional HVAC unit,

- (f) In addition, pool equipment, well houses, and other like accessory structures shall be screened with approved fencing (up to six feet in height) and/or landscaping materials, using a minimum size of three gallon plants, as necessary to screen. Detached garages, storage sheds, and like accessory structures shall be screened with landscaping materials, a minimum of three (3) gallon plant size. Placement of at least one (1) plant every six (6) feet is required;



- (g) Plants intended to screen shall be required around decks or foundations up to five feet in height. When decks or foundations are over five feet, decorative planting or fencing containing materials similar to those used in the house such as brick or lattice are required (except on a basement where the view or access would be blocked);



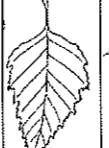

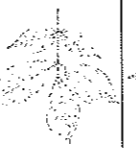




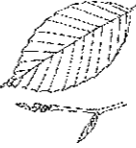







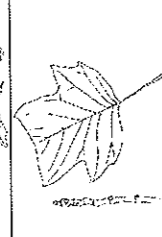
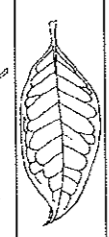
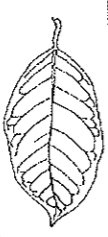


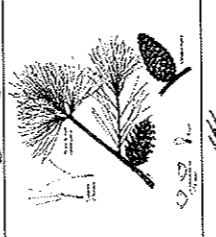










- (h) Site shall be designed to minimize the removal of mature specimen trees, for example, Pines, Dogwoods, Holly and Magnolias;
- (i) Compliance with the above requirements shall be sufficient for CAC approval of the landscaping plan.


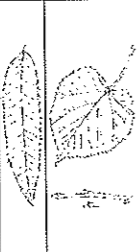

SECTION 3. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by deleting Appendix A in its entirety and replacing it with the following:









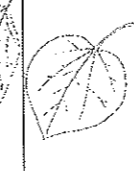






Plant Species Native to the Sandhills and/or Included in Xeriscaping Requirements












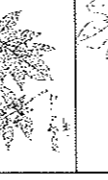


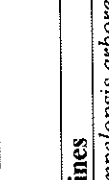
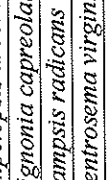
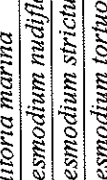
Listed on the following pages are plant species specifically native to the Sandhills of North Carolina, their soil moisture and light requirements, their benefit to wildlife, and example of leaf foliage. Many of these plant species can be found on lots previous to clearing and can be transplanted by the owner if their location is threatened by development, otherwise, check with a local nursery for their availability.

Example	Latin Name	Common Name	Soil/Light (1)	Wildlife Value(2)
	Tall Trees (> 30') <i>Acer floridanum</i>	Southern Sugar Maple	M/F-S	S
	<i>Acer rubrum</i>	Red Maple	W-D/F-P	S
	<i>Betula nigra</i>	River Birch	W-D/F	S.L
	<i>Carya glabra</i>	Pignut Hickory	D/F-S	S.L
	<i>Carya ovata</i>	Shagbark Hickory	M-D/F-S	S
	<i>Carya tomentosa or C. alba</i>	Mockernut Hickory	D/F-S	S.L
	<i>Celtis laevigata</i>	Sugarberry	M/F-S	F.L
	<i>Chamaecyparis thyoides</i>	Atlantic White Cedar	W-M/F-P	C.L
	<i>Diospyros virginiana</i>	Persimmon	M-D/F-P	F.
	<i>Fagus grandifolia</i>	American Beech*	M/P-S	S
	<i>Fraxinus pennsylvanica</i>	Green Ash	W-M/F-P	S.L
	<i>Gordonia lasianthus</i>	Loblolly Bay	M/F-P	C
	<i>Ilex opaca</i>	American Holly*	W-D/F-S	C.F.N.L
	<i>Juniperus virginiana</i>	Eastern Redcedar*	D/F	C.F.L

	<i>Liquidambar styraciflua</i>	Sweetgum	W-M/F-P	S
	<i>Liriodendron tulipifera</i>	Yellow Poplar	M/F-P	S,H,N,L
	<i>Magnolia grandiflora</i>	Southern Magnolia	M/P-S	C,S
	<i>Magnolia virginiana</i>	Sweetbay	W-M/F-P	S,L
	<i>Nyssa sylvatica</i>	Blackgum	D/F-P	F
	<i>Oxydendrum arboreum</i>	Sourwood	D/F-S	N
	<i>Pinus echinata</i>	Shortleaf Pine	D/F-P	C,S,L
	<i>Pinus palustris</i>	Longleaf Pine	M-D/F	C,S
	<i>Pinus serotina</i>	Pond Pine	W-M/P	C,S
	<i>Pinus taeda</i>	Loblolly Pine	W-D/F	C,S,L
	<i>Platanus occidentalis</i>	Sycamore	W-M/F-P	S
	<i>Quercus alba</i>	White Oak	M-D/F-P	S,L
	<i>Quercus coccinea</i>	Scarlet Oak	D/F-P	S,L
	<i>Quercus falcata</i>	Southern Red Oak	M-D/F-P	S,L
	<i>Quercus michauxii</i>	Swamp Chestnut Oak	M/F-P	S,L
	<i>Quercus nigra</i>	Water Oak	M-D/F-P	S,L
	<i>Quercus phellos</i>	Willow Oak	W-M/F-P	S,L

	<i>Quercus rubra</i>	Red Oak		M/F-P	S.L
	<i>Quercus velutina</i>	Black Oak		M-D/F-P	S.L
	<i>Tilia Americana</i>	Basswood		M/F-S	S.N.L

	Small Trees/Shrubs (10-30 ft) (Understory)				
	<i>Aesculus pavia</i>	Red Buckeye*		MP	H
	<i>Aesculus sylvatica</i>	Painted Buckeye*		MP	H
	<i>Alnus serrulata</i>	Alder		W-M/F-P	S.L
	<i>Amelanchier arborea</i>	Serviceberry		M-D/F-S	F.N.L
	<i>Amelanchier canadensis</i>	Juneberry		W-D/F-P	F.N.L
	<i>Aralia spinosa</i>	Devil's Walking Stick*		M/F-P	F.N
	<i>Asimina triloba</i>	Pawpaw*		M/F-S	F.L
	<i>Carpinus caroliniana</i>	Ironwood		W-M/P-S	S.L
	<i>Castanea pumila</i>	Chinquapin		D/F-P	S
	<i>Celtis laevigata</i>	Hackberry		D/F-P	F.L
	<i>Cercis canadensis</i>	Eastern redbud		M-D/F-P	S.N
	<i>Cornus florida</i>	Flowering Dogwood		M-D/F-P	F.N.L
	<i>Crataegus spp.</i>	Hawthorn		M/F-S	F.H.N.L
	<i>Cyrilla racemiflora</i>	Tit		W-M/F-S	C.N
	<i>Halesia carolina</i>	Carolina Silverbell		M/P-S	N

	<i>Hamamelis virginiana</i>	Witch-bazel	M/F-S	S
	<i>Ilex decidua</i>	Possumhaw*	W-D/F-P	F.N.L
	<i>Ilex verticillata</i>	Winterberry*	W-M/F-S	F.N.L
	<i>Ilex vomitoria</i>	Yaupon*	W-D/F-S	C.F.N.L
	<i>Morus rubra</i>	Red Mulberry*	M-D/F-S	F.L
	<i>Myrica cerifera</i>	Wax Myrtle	W-D/F-P	C.F.L
	<i>Ostrya virginiana</i>	Hophornbeam	M-D/F-S	F.L
	<i>Persea borbonica</i>	Redbay	W-M/F-S	C.F.L
	<i>Prunus americana</i>	Wild Plum*	M-D/F	F.N
	<i>Prunus angustifolia</i>	Chickasaw Plum*	D/F	F.N.L
	<i>Prunus caroliniana</i>	Carolina Laurel Cherry*	M-D/F-P	C.F.N
	<i>Rhus copallina</i>	Winged Sumac	M-D/F-P	F.N.L
	<i>Salix nigra</i>	Black Willow	W-M/F-S	L
	<i>Sambucus canadensis</i>	Elderberry*	W-M/F-P	F
	<i>Sassafras albidum</i>	Sassafras	M-D/F-P	F.L
	<i>Symplocos tinctoria</i>	Sweetleaf	M-D/F-S	S.N.L
	<i>Tiburnum rufidatum</i>	Rusty Blackhaw	D/F-S	F.L

Vines				
<i>Ampelopsis arborea</i>	Peppervine*		W-M/F-P	F
<i>Bignonia capreolata</i>	Crossvine		M-D/F-P	H
<i>Campsis radicans</i>	Trumpet creeper*		M-D/F-P	H
<i>Centrosema virginianum</i>	Spurred Butterfly Pea		D/F-P	S.N.L
<i>Clitoria marina</i>	Butterfly Pea		D-F-P	S.N.L
<i>Desmodium nudiflorum</i>	Naked Tick-trefoil		D/F-P	S.N.L
<i>Desmodium strictum</i>	Pine Barren Tick-trefoil		D/F-P	S.N.L
<i>Desmodium tortuosum</i>	Tick-trefoil		D/F-P	S.N.L
<i>Gelsemium sempervirens</i>	Carolina Jessamine*		M/F-P	H.N
<i>Lonicera sempervirens</i>	Coral Honeysuckle		M/F-P	H
<i>Parthenocissus quinquefolia</i>	Virginia Creeper*		M-D/F-S	F
<i>Passiflora incarnata</i>	Passionflower		M-D/F-P	H.N.L
<i>Smilax spp.</i>	Greenbrier		W-D/F-P	C.F
<i>Vitis spp.</i>	Grape		W-D/F-P	F

Ferns				
<i>Polystichum acrostichoides</i>	Christmas Fern	M/S-P		C
<i>Osmunda cinnamomea</i>	Cinnamon Fern	W-M/S-P		C,L
Herbs and Wildflowers				
<i>Apocynum cannabinum</i>	Hemp Dogbane*	M-D/F-P		N
<i>Aquilegia canadensis</i>	Columbine	M-D/P-S		S,H,N
<i>Arisaema triphyllum</i>	Jack-in-the-Pulpit*	W-M/P-S		F
<i>Asclepias amplexicaulis</i>	Clasping Milkweed	D/F-P		N,L
<i>Asclepias incarnata</i>	Swamp Milkweed*	W-M/F-P		N,L
<i>Asclepias tomentosa</i>	Sandhills Milkweed	D/F-P		N,L
<i>Asclepias tuberosa</i>	Butterfly Weed*	D/F-P		N,L
<i>Asclepias variegata</i>	White Milkweed*	M-D/F-P		L
<i>Baptisia tinctoria</i>	Yellow Wild Indigo*	D/F-P		N,L
<i>Carphephorus bellidifolius</i>	Sandy-woods Chaffhead	D/F-P		N,L
<i>Ceanothus americanus</i>	New Jersey Tea	M-D/F-P		S,N,L
<i>Chamaecrista fasciculata</i>	Partridge Pea*	M-D/F		S,L
<i>Cirsium horridulum</i>	Yellow Thistle	M-D/F		S,H,N,L
<i>Cirsium repandum</i>	Sandhills Thistle	M-D/F-P		S,H,N,L
<i>Coreopsis angustifolia</i>	Narrow-leaved Coreopsis	M/F-P		S,N
<i>Coreopsis auriculata</i>	Eared Coreopsis	M/F-P		S,N
<i>Coreopsis lanceolata</i>	Lance-leaved Coreopsis	D/F		S,N
<i>Coreopsis verticillata</i>	Threadleaf Coreopsis	D/F-P		S,N
<i>Desmodium spp.</i>	Beggartlice	M-D/F-P		S,L
<i>Eupatorium fistulosum</i>	Joe-pye-weed	M/F		S,N,L
<i>Euphorbia corollata</i>	Flowering Spurge	M-D/F-P		S,N
<i>Gentiana autumnalis</i>	Pine Barrens Gentian	D/F-P		N
<i>Helianthus angustifolius</i>	Swamp Sunflower	W-M/F		S,N
<i>Helopsis helianthoides</i>	Ox-eye	M-D/F-P		S,N
<i>Hibiscus moscheutos</i>	Rose Mallow	M/F-P		H,N
<i>Houstonia caerulea</i>	Bluets	M-D/F-S		N
<i>Hypericum hypericoides</i>	St. Andrew's Cross	D-M/F-P		S,N
<i>Impatiens capensis</i>	Jewelweed	W-M/P-S		H,N
<i>Ipomea coccinea</i>	Red Morning Glory	D/F		S,H,N
<i>Ipomea purpurea</i>	Common Morning Glory	D/F		S,H,N
<i>Ipomopsis rubra</i>	Standing Cypress	D/F		H,N
<i>Iris cristata</i>	Crested Iris*	M/P-S		H
<i>Iris verna</i>	Dwarf Iris	M-D/F-P		H
<i>Liatris graminifolia</i>	Grass-leaf Gayfeather	D/F-P		N,L
<i>Liatris regimontis</i>	Blue Ridge Gayfeather	D/F-P		N,L
<i>Liatris spicata</i>	Blazing Star	W-M/F		N
<i>Lobelia cardinalis</i>	Cardinal Flower*	W-M/F-S		H,N
<i>Lobelia puberula</i>	Blue Lobelia*	W-D/F-P		H,N
<i>Mitchella repens</i>	Partridgeberry	M/F-S		F
<i>Monarda punctata</i>	Horsemint	D/F-P		H,N
<i>Oenothera fruticosa</i>	Sundrops	M-D/F-P		S,H,N
<i>Penstemon canescens</i>	Hairy Beardtongue	M-D/F-P		H,N,L
<i>Penstemon laevigatus</i>	Smooth Beardtongue	M/F-S		H,N,L
<i>Phlox carolina</i>	Carolina Phlox	W-D/F-P		N
<i>Phlox divaricata</i>	Blue Phlox	M/P-S		N
<i>Phlox pilosa</i>	Prairie Phlox	D/F-P		N
<i>Phlox subulata</i>	Moss Pink	D/F		N
<i>Phytolacca americana</i>	Pokeweed*	M-D/F		F,S
<i>Rudbeckia fulgida</i>	Orange Coneflower	M/F		S,N
<i>Rudbeckia hirta</i>	Black-eyed Susan	M-D/F		S,N
<i>Salvia lyrata</i>	Lyreleaf Sage	M-D/F-S		H,N
<i>Silene virginica</i>	Fire Pink	M-D/P-S		S,H,N
<i>Solidago spp.</i>	Goldenrod	M-D/F-P		S,N
<i>Stillingia sylvatica</i>	Queen's Root	D/F-P		S,N
<i>Tephrosia virginiana</i>	Goat's Rue	D/F-P		S,L
<i>Vicia caroliniana</i>	Wood Vetch	D/F-P		S,L
<i>Viola pedata</i>	Bird-foot Violet	D/F-P		L
<i>Viola primulifolia</i>	Primrose-leaved Violet	D/F-P		N,L

Grasses			
<i>Andropogon glomeratus</i>	Brushy Bluestem	M/F	C,S,L
<i>Andropogon ternarius</i>	Splitbeard Bluestem	D/F	C,S,L
<i>Aristida stricta</i>	Wiregrass	D/F-P	C,S
<i>Arundinaria gigantea</i>	Switchcane	W-D/F-S	C,S,L
<i>Panicum virgatum</i>	Switchgrass	M/F-P	C,S,L

SECTION 4. 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 Appendix B:

**Appendix B
Site Plan Checklist for Single Family Homes**

26. Landscaping information plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks and types of plants and quantity as required, including height of plants around the HVAC units;

SECTION 5. 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 6. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

SECTION 7. Adopted this 26th day of September, 2006.

(Municipal Seal)



Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to form:

Michael J. Newman
Michael J. Newman, Village Attorney

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *Steven J. Smith*
Steven J. Smith, Mayor