

ORDINANCE #06-23:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO TEXT REFERENCES TO THE OLD VILLAGE CENTER OVERLAY.

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, the Old Village Center Overlay will be replaced by the Local Historic District Overlay; and

WHEREAS, a Public Hearing was held at 1:00 p.m. on July 25, 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 delete references to the Old Village Center Overlay in 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 26th day of September, 2006 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 to the sections indicated:

10.2.5.5 Signs Permitted in All Zoning Districts

The following signs are allowed in all zoning districts, without a development permit except where stated, subject to the standards set forth in this Section and elsewhere in this Ordinance:

- (a) Signs that give the name or address of the occupant of a building, mailboxes, newspaper tubes, and similar uses customarily associated with residential structures. No development permit is required, provided that the sign complies with the following standards:
 - (1) All dwellings and non-residential buildings shall have address numbers that are easily readable from the fronting road by a person with normal vision (corrected if necessary) and are conspicuously located as to provide good visibility from the road on which the building fronts;
 - (2) All such signs are of contrasting color to their background material;
 - (3) All buildings in the Old-Village-Center Local Historic Overlay District may have a one (1) square foot sign identifying the name of the structure in letters not larger than four (4) inches in height.

10.2.6.4 Exterior Building Materials and Colors

- (a) Homes found in the Old Village Center Local Historic Overlay District are subject to the guidelines and requirements of that district and other applicable standards of this Ordinance;
- (b) The following materials shall not be used for exterior walls: log (real or imitation); exposed concrete block; corrugated metal or fiberglass sheeting; building materials with glass or reflective finishes. ~~Glass block shall not be permitted in the Old Village Center;~~

~~Section 12.2 Old Village Center Overlay District~~

~~12.2.1 Purpose and Intent~~

- (a) ~~The Old Village Center District defines and maintains the sense of identity of the Village. The purpose of this overlay district is to identify, preserve and protect Pinehurst's historical ambience and unique design attributes;~~
- (b) ~~The identity of the Village is characterized by an ordered but random pattern. The Village's character and identity is unified by the density and scale of the non-residential buildings, the relative uniformity of landscaping, the relationship of the buildings to the streets and to each other, the location of utilities, { XE "Village Center" } and the varied and eclectic residential architecture. Non-residential buildings shall be designed to represent the style, scale and historical precedent consistent with the intent of the overlay district. Certain building features will be reviewed upon the extent in which they fulfilled the architectural intent of this Section;~~
- (e) ~~In order to preserve the essence of the character and identity of the Village, all future infill development or replacement development shall adhere to the standards of this overlay district.~~

12.2.2 Allowed Uses

~~The uses allowed in the underlying zoning district shall be allowed in the Old Village Center District.~~

12.2.3 Site Plan Review and Design Standards

- (a) ~~All new development and additions, including new single-family dwellings; within the boundaries of the Old Village Center District shall be subject to site plan review in accordance with Section 10.2.15 of this Ordinance. Notwithstanding the provisions of Section 10.2.15, all proposed site plans for development in the Old Village Center Overlay District shall be reviewed by the Planning and Zoning Board. The requirements of this Section shall apply to development within this District, in addition to all applicable site plan requirements set forth elsewhere in this Ordinance. Where the requirements of this Overlay District and any of the underlying zoning districts shall conflict, the requirements of this Overlay District shall control;~~
- (b) ~~The design of new structures shall be evaluated in terms of the degree to which they meet the intent of this Section to enhance the ambience of the Village; which will contribute to the well-being of the Old Village Center while preserving and enhancing its character, integrity, and attractiveness. New development shall be appropriate to the site, taking into account the safety, convenience, and amenity of the surrounding neighborhood, and shall be evaluated in relation to existing adjacent or surrounding buildings, landscapes and streets which fit the overall intent of this Section;~~
- (e) ~~The Planning and Zoning Board shall deny the site plan if it considers the plan does not contain adequate measures to protect other properties from the adverse effects expected from the development or does not meet the purpose and objectives of the Overlay Districts;~~

(d) ~~Any synthetic exterior building material shall be reviewed and approved by the Planning and Zoning Board. If the Planning and Zoning Board does not approve the material, the Applicant may request a review by the Village Council;~~

(e) ~~See Appendix D for Old Village Center Design Criteria and Standards:~~

12.2.4 Demolition

~~When the Chief Building Inspector receives an application for demolition of property located in Old Village Center District, the Inspector shall first report the application to the Village Council at its next regularly scheduled meeting, and subsequently the staff shall issue the demolition permit only if the Village Council approves, or after 180 days have elapsed, whichever occurs first.~~

APPENDIX D

(1) ~~Street and Alley Design Criteria and Standards:~~

Underlying Zoning Districts	
Non-Residential	Residential
Street and alley criteria and standards shall be in accordance with the Village Standards Manual.	

(2) ~~Sidewalk Design Criteria and Standards:~~

Underlying Zoning Districts	
Non-Residential	Residential
Sidewalk design criteria and standards shall be in accordance with the Village Standards Manual.	

(3) ~~Landscaping:~~

	Underlying Zoning Districts	
	Non-Residential	Residential
Street Trees	The preservation of mature native evergreens (holly, magnolia) and laurel oaks is strongly encouraged. If none exist, new plantings are required. Spacing: random. Placement: random. Locations: medians, between curb and sidewalk, in yards between sidewalk and buildings, in the shrub/tree bed.	Same, except that the trees are more closely spaced, forming a canopy over the street with Longleaf Pines as the dominant canopy tree. Locations: between street and sand path, in yards between sand path and buildings, in the shrub/tree bed, traditionally two (2) feet from the edge of the sand path.
Other Street Plantings and Thickets	Flowers and shrubs shall be planted in the medians, between buildings and in the small yards between the sidewalk and the building(s). Grass may be planted in the small yards between the sidewalk and the building(s).	Hedges and woody plants which mature at a height of three (3) to six (6) feet shall be planted in the tree area.
Other Landscaping	(See also (4) Lot Standards below).	Same.

(4) Lot Design Standards:

Underlying Zoning Districts		
Non-Residential	Residential	
In-General	Varying in size and shape fronting on the street or intersections.	Lots appear to be separate, private and individual. Lots need not be rectilinear in shape.
Building Setbacks	<u>Front:</u> Twelve (12) feet from tree/shrub bed to front of building. Front yard may include a small yard. Sidewalks required. <u>Side:</u> None to five (5) feet for pedestrian alleys.	<u>Front:</u> Twenty five (25) to 45 feet from the ROW strip to front of building. Front yard closest to the street contains a three (3) to five (5) foot hedge, fence, or other plantings or combinations which often obscure the view from the sidewalk. <u>Side and Rear:</u> As required by the underlying Zoning District.
Connection to the Street	The front entrance shall be directly and obviously accessible from the main sidewalk.	The front entrance shall be off the driveway or a walk leading from the front entrance to the sidewalk (sand clay path).
Utility Easements		Across rear of lots, at least ten (10) feet wide are required.
Landscaping	See also Subsection (3) above. Street plantings shall blend into the building landscaping. If front yards are provided, they shall be properly maintained. Front yard plantings shall not block views of the building façade.	See also Subsection (3) above. Street plantings shall blend into the building landscaping. Fences, hedges, or planted screens often block views of the building façade. The landscaping shall be properly maintained. The tree canopy on the lots shall blend into the tree canopy over the street.

(5) Building Design Standards:

Facade Materials Residential and Non-Residential		
Underlying Zoning Districts		
Non-Residential	Residential	
In-General	Buildings are related to the lot and the street alignment. This arrangement results in a complex non-grid pattern of buildings locations.	Buildings are related to the lot. There is no uniformity of architectural style. Architectural styles prevalent in the overlay district are encouraged. See the Report to the U.S. Department of Interior/National Historic Register for details.
Primary Building Entrance	From the street may be above grade, below grade, or at grade.	The primary entrance shall face the street. It shall be at or above grade.
Garage or Carport Fenestration		Garages are encouraged.
Facade Materials	The openings shall be in an ordered rhythm. Retail stores generally have large windows overlooking the sidewalk. Stucco, brick, natural stone, wood and synthetic materials that have characteristics and	Stucco, brick, natural stone, wood and synthetic wood materials that have

	appearance of wood (ex: Hardiplank, vinyl), and other synthetic and natural material subject to the provisions of 12.2.3(e).	characteristics and appearance of wood (ex: Hardiplank, vinyl), subject to the provisions of 12.2.3(e).
Facade Colors	On wood and stucco: Generally white with green, white, black or burgundy trim.	Varies. Must meet color palate.
Roof Types and Materials	Typically gambrel and hip, medium to steeply sloping. Materials are varied. Flat roofs are discouraged.	No corrugated metal roofing allowed.
Height in Stories	One (1) to two and one-half (2½).	One (1) to two and one-half (2½).
Geometric Form ("Massing")	Generally comprised of simple rectangular shapes.	Generally comprised of varied, if not complex shapes.
Height of Buildings	With proven historical significant and precedence, buildings may exceed 35 feet, not to exceed 55 feet.	Thirty five (35) feet. See Note 3, Section 10.2.2.2

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.

SECTION 4. 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