

ORDINANCE #16-15:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 9.13, "FENCES, WALLS AND COLUMNS" AND SECTION, 10.2, "DEFINITIONS":

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 8th day of October, 2014, 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 4:30 p.m. on September 27, 2016, 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 amendments to the Pinehurst Development Ordinance, 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 the Village Council amend Section 9.13, "Fences, Walls and Columns" and Section 10.2, "Definitions" 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 considered reasonable and in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction and that it is consistent with the 2010 Comprehensive Plan that the Pinehurst 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 the regular meeting assembled on the 27th day of September, 2016, 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 Section 9.13, "Fences, Walls and Columns" and Section 10.2, "Definitions":

Amend Section 9.13(2), "Fences, Walls and Columns" to add the following:

(e) The existing ground elevation shall not be modified or elevated in any manner so as to construct a fence on an elevated berm, so as to

increase the maximum allowable height of the fence unless the berm is proposed as part of a required buffer.

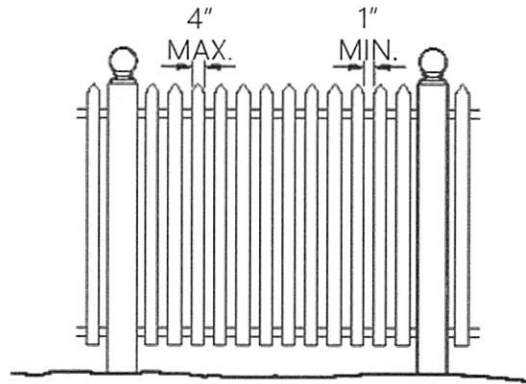
Amend Section 9.13(4), “Fences, Walls and Columns” to read as follows:

(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. Allowable fence types include:

(a) Picket, provided that:

(i) **The fence shall be constructed of wood, vinyl or composite material and may be painted, stained or unfinished;** width of the pickets shall ~~not be less than two (2) inches nominal nor~~ **not be** wider than four (4) inches nominal, with a minimum of ~~two~~ **one (2) (1)** inches ~~and a maximum of four (4) inches between pickets.~~

(ii) Maximum height is four (4) feet;

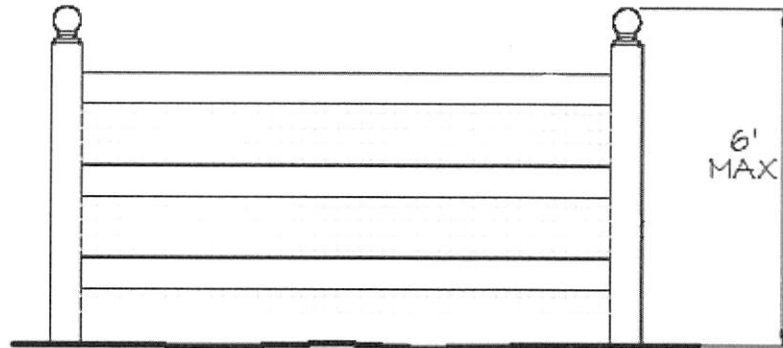


(a) PICKET FENCE

(iii) Minimum number of horizontal rails is two (2).

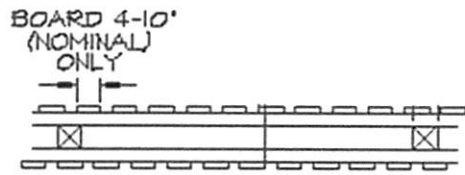
(b) Post and rail (or split rail), provided that:

- ~~(i) The wire between horizontal or vertical strands in a grid pattern not less than three (3) inches by two (2) inches;~~
- (i) The wire is located on the inside of the fence;
- (ii) The wire is muted in color, (black, green, or brown);
- (iii) The use of wire is optional.

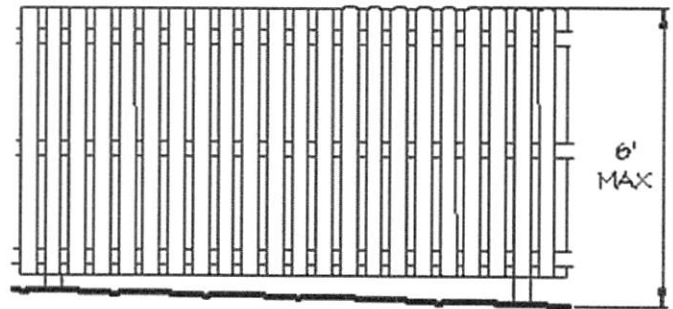


(b) POST AND RAIL FENCE

- (c) **Vinyl and Wood Board**/shadow box/**solid**, provided that:
 - (i) Board width (vertical members) is not less than four (4) inches nominal and not more than ten (10) inches nominal, with a maximum overlap of one (1) inch. **Vinyl fences shall have the appearance of meeting this requirement;**
 - ~~(i) 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.~~
 - (ii) **Wood fences greater than four (4) feet in height are required to have a minimum of three (3) horizontal rails (does not apply to vinyl fences);**
 - ~~(iii) **Minimum thickness of vertical wood members is 1" nominal (3/4" actual);**~~
 - (iv) **Solid fences may also be constructed of vinyl or composite material.**

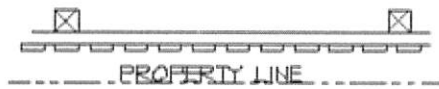


PLAN VIEW



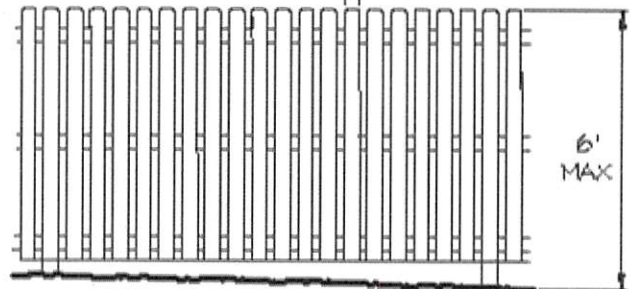
ELEVATION

(g) SHADOW BOX FENCE



PLAN VIEW

4"-10"
(NOMINAL)



ELEVATION

(h) BOARD FENCE

Amend Section 9.13(5), "Fences, Walls and Columns" to read as follows:

- (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. A Temporary Use Permit must be issued for all temporary fencing. The Village Council, **after conducting a public hearing**, shall have the right to suspend or modify the application of this subsection for major events as part of the issuance of a temporary use permit issued under section 94.14 of the Pinehurst Municipal Code.

Amend Section 10.3, “Definitions” to add the following:

Section 10.2 Definitions

Column: a rigid, relatively slender, upright support, composed of relatively few pieces. a decorative pillar, most often composed of stone and typically having a cylindrical or polygonal shaft with a capital and usually a base.

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.

THIS ORDINANCE passed and adopted this 27th day of September, 2016.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman, Village Attorney