

ORDINANCE #18-03:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2 TO DEFINE SMALL/MICRO WIRELESS FACILITY, TABLE 8.5.1A AND SECTION 8.6 SR-30 FOR SMALL/MICRO WIRELESS FACILITIES.

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 February 27, 2018, 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 10.2 and Section 8.6 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 February, 2018, 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 Table 8.5.1a, Section 8.6, “Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements SR-30” and Section 10.2, “Definitions”:

8.5.1a Table of Permitted and Special Uses and Special Requirements

Use Types	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Small/Micro Wireless Facilities	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>30</u>

Section 8.6, “Special Requirements (SR) to the Table of Permitted and Special Uses and Special Use Requirements

SR-30 Small/Micro Wireless Facility

- (1) Small/Micro Wireless Facilities shall not be located on residential properties.**
- (2) The maximum height for small/micro wireless facilities shall be fifty (50) feet in non-residential areas and forty (40) feet in residential areas or 10 foot taller than existing poles as of July 1, 2017, whichever is greater.**
- (3) Where feasible, small/micro wireless facilities shall be located on existing utility poles. Where not feasible to locate on an existing pole, decorative poles shall be installed to match new lighting and stop light installations made by the Village of Pinehurst in the historic district.**
- (4) All supporting utilities and infrastructure shall be located underground in a vault or similar structure.**
- (5) When located within Village of Pinehurst Right of Way, pedestrian facilities, vehicular facilities (including driveways and sight triangles) and stormwater facilities shall not be negatively impacted.**
- (6) When a facility is abandoned or no longer in use the antenna and equipment shall be removed within 180 days.**
- (7) When located within Village of Pinehurst Right of Way, a Right of Way Encroachment Agreement is required.**
- (8) When located outside of NCDOT right of way, a development permit is needed.**

(9) A survey, elevations, shop drawings and equipment rendering shall be provided to ensure compliance.

(10) When located in the Historic Preservation Overlay District a Certificate of Appropriateness (COA) is required and shall be constructed in accordance with the Historic District Standards and Guidelines.

Section 10.2, "Definitions"

Small/Micro Wireless Facility: These facilities shall be defined by North Carolina General Statute 160A-400.51.

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 February, 2018.



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
Michael J. Newman, Village Attorney