



**PLANNING AND ZONING BOARD
OCTOBER 6, 2022
ASSEMBLY HALL**

**PINEHURST, NORTH CAROLINA
4:00 PM**

- I. Call to Order
- II. Approval of Minutes
 - A. 09-01-2022 Regular Meeting Minutes
 - B. 09-06-2022 Special Meeting Minutes
 - C. 09-28-2022 Special Meeting Minutes
- III. Public Hearing
 - A. Public Hearing No.1 - Livestock Text Amendment

The purpose of the public hearing is to discuss text amendments to the Pinehurst Development Ordinance (PDO) to address the use of land for keeping, grazing, feeding, or breeding of livestock as a primary or accessory use. These proposed amendments would affect the following sections of the PDO:

Section 8.5 Table of Permitted and Special Uses and Special Requirements
Section 10.2 Definitions
- IV. General Business
 - A. Discuss Village Place Form Code

Continued discussion of the development of the Form Based Code for Village Place.

No official action will be taken by the Board.
- V. Next Meeting Date
 - B. 11-03-2022 Regular Meeting
- VI. Motion to Adjourn

*Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.
Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative, Teamwork, and Improvement.*



**09-01-2022 REGULAR MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Shannon Konstantinou

CC:

Darryn Burich; Alex Cameron

DATE OF MEMO:

9/26/2022

MEMO DETAILS:

Attached is a draft copy of the 09-01-2022 Regular Meeting minutes for your review.

ATTACHMENTS:

Description

09-01-2022 Regular Meeting Minutes



**PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, SEPTEMBER 01ST, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:

Jeremy Hooper, Chair
Jack Farrell, 1st Vice-Chair
Julia Latham, 2nd Vice-Chair
David Alzamora
Sonja Rothstein
Paul Roberts
Louise Mercuro
Matt Jones
Phillip Shumaker

Board Members Absent:

None

Staff Present:

Darryn Burich, Planning Director
Alex Cameron, Planning Supervisor
Kelly Brown, Planning & Zoning Specialist

Approximately 329 attendees, 11 staff members, and 1 member of the press were present and 173 people watched the live-stream.

I. Call to Order

Mr. Hooper called the meeting to order at 04:00 PM, confirmed a quorum was present, and explained the purpose of this meeting. The Board introduced themselves and Mr. Hooper introduced Staff.

II. Approval of Minutes

A. 08-04-2022 Regular Meeting Minutes

Ms. Rothstein moved to approve the minutes of the August 04th, 2022 Regular Meeting. Seconded by Mr. Alzamora. Approved by a vote of 8-0.

Ms. Mecuro moved to recess the Regular Meeting and enter into the Public Hearing. Seconded by Mr. Shumaker. Approved by a vote of 8-0.

III. New Business

A. Public Hearing No. 1 – PDO Amendments to Address Short Term Rentals, Homestays, and Permit Revocation

The purpose of the public hearing is to discuss text amendments to the Pinehurst Development Ordinance (PDO) to address short term rentals and permit revocation. These proposed amendments would affect the following sections of the PDO:

Section 4	<i>Public Hearings, Permits and Approvals</i>
Section 8.5	<i>Table of Permitted and Special Uses and Special Requirements</i>
Section 8.6	<i>Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements</i>
Section 10.2	<i>Definitions.</i>

Mr. Burich explained the proposed text amendments were in response to concerns expressed to Village Council over short-term rentals and their impact on quality of life within single family residential neighborhoods. He stated Village Council has adopted nuisance regulations to address concerns such as overnight parking and unruly gatherings. Based on a number of work sessions held by Village Council, Mr. Burich and Mr. Cameron drafted proposed text amendments to the Pinehurst Development Ordinance which address short-term rental concerns through a regulatory approach:

- Defining short-term rentals and homestays (Section 10 Definitions).
- Establishing regulatory standards (Special Requirement SR-9).
- Designating short-term rentals and homestays as land uses that may be permitted on Table 8.5.1(a).
- Requiring a development permit to establish the land use in districts where permitted by right.
- Requiring non-conforming short-term rentals, where permitted by right, to obtain a development permit and come into compliance with SR-9 or cease operations by a certain date.
- Requiring that existing short-term rentals, where not permitted by right, to cease operating as a short-term rental use by a certain date.
- Creating a process to revoke development permits for violations.

He stated Village Council has directed the Planning and Zoning Board to review the draft amendments and provide recommendations. Mr. Cameron stated the Board's recommendation is advisory only. He stated they have thirty (30) days to provide written feedback to Village Council, otherwise Village Council can consider the proposed text amendment with the Planning and Zoning Board's official recommendation.

The Board opened the floor for public comments and 53 people spoke. Comments were generalized as opposing the proposed text amendments and/or supporting short-term rentals, supporting the proposed text amendments and/or opposing short-term rentals, and two comments urging compromise.

- Char Rohr, 1 Village Lane, opposed short-term rentals. She stated there were several short-term rentals in the neighborhood. She discussed the negative impact of short-term rentals on residential neighborhoods, such as parking and occupancy.
- John Webster, 140 McKenzie Rd W, opposed short-term rentals. He stated that a ban in residential neighborhoods would only affect about 50 short-term rentals. He argued

that a ban would not have the negative economic impact on revenue, jobs, and taxes claimed by short-term rental supporters.

- Chris Boyette, 181 Linden Road, supported short-term rentals. He stated his wife took care of several short-term rentals and a ban would affect their income.
- Debbie Lalor, 80 Azalea Road, opposed short-term rentals. She stated the residents already voted on the issue of short-term rentals when they voted for a Village Council and Comprehensive Plan that is supposed to limit growth in Pinehurst.
- Charlie Shaw, 25 Maple Road, supported the proposed text amendments. He stated the Village's short-term rental map is not accurate or complete as there are rentals near him not listed. He discussed negative experiences with short-term renters, such as noise, and stated luckily a majority of rental guests are good.
- Polk Dillon, 175 Cherokee Road, opposed short-term rentals. He stated Pinehurst is not resort and compared it to Myrtle Beach. He stated the residents are the ones who support local businesses, not visitors alone.
- Phil Sounia, 29 Bedford Circle, supported short-term rentals. He stated a short-term rental ban would have a negative economic impact. He suggested using resource-based management as strategy to write, pass, and provide feedback on short-term rental regulations between owners and local government.
- Jordin Mellott, of Aberdeen, supported short-term rentals. She stated she worked for Sandhills Vacation Rentals and that her livelihood depended on vacation rentals in Pinehurst.
- Jennifer Stoddard, 41 Shaw Road SW, supported short-term rentals. She stated she never had a problem with the short-term rentals in her neighborhood. She also stated people use short-term rentals for reasons other than vacations or parties.
- Deb Wimberly, Donald Ross Drive, opposed short-term rentals. She stated she did not want to live among strangers, but neighbors.
- Beata Lorinc, 315 Beulah Hills Road N, supported short-term rentals. She stated she was a short-term rental owner who maintains her property and opposed an outright ban.
- Lauren Sumrall, 12 Lacosta Lane, opposed short-term rentals. She discussed the negative impact of empty short-term rentals on residential neighborhoods.
- Collett Kolinski, of 25 Queens Court, opposed short-term rentals. She discussed the negative impact of short-term rentals on the beauty of the community and supported regulations to curb property abuses, such as exceeding occupancy, parking, management of the property.
- Carol Wheeldon, Lake Forest Drive SW, supported regulations that would make everyone happy.
- Barbara Longeway, 26 Glasgow Drive, supported short-term rentals. She stated short-term rental regulations should be enacted by HOAs, not the Village of Pinehurst. She also stated instead of banning short-term rentals, the Village should encourage hotels as the Pinehurst Resort is unaffordable.

- John Kinzer, 600 Linden Road, supported short-term rentals. He stated the only way he could afford his Pinehurst house is by renting it out as a vacation rental. He supported modifications to the proposed regulations that meet in the middle.
- Latane Meade, 600 Linden Road, supported short-term rentals. He stated there is middle ground in regard to short-term rental regulation and was concerned about the value of his vacation home dropping if there was a short-term rental ban.
- Manfred Rothstein, 165 McKenzie Road W, stated he is not opposed to short-term rentals but supports regulations that help him not be aware of them.
- Kevin Drum, 41 Shaw Road SW, stated he is not opposed or for cottage rentals, but stated short-term rentals are part of Pinehurst's historic legacy. He stated a ban would cause negative economic impact, hurt Village businesses, and affect jobs.
- Christina Bowen, 9 Pinehurst Manor Drive, supported short-term rentals. She stated short-term rentals are not used for just parties and vacations.
- Teresa Johns, 15 Glen Abbey Trail, supported short-term rentals. She stated the Village's 2022 Neighborhood Quality of Life Survey did not support assertions that short-term rentals negatively affect quality of life.
- Samantha Cole, of Aberdeen, supported short-term rentals. She stated she was a realtor representing the Mid-Carolina Regional Association of Realtors, owned a rental management company and owned short-term rentals. She did not support the proposed ordinance and stated any restrictions reduces freedom and has an economic impact.
- Jennifer Carlson, 1000 Burning Tree Road, supported short-term rentals. She stated she is realtor and that if the proposed regulations were approved, it would negatively cause a drop in home prices.
- Cathy Larose, 85 Ponte Vedra Drive, supported short-term rentals. She discussed how a majority of houses recently sold in Pinehurst are owner occupied as opposed to short-term rentals and that the proposed regulations would negatively impact property values.
- Brandon Goodman, of Southern Pines, supported short-term rentals. He stated he is a short-rental owner and opposed the proposed regulations, including a ban or amortization. He also stated that 95% of the complaints on MyVOP app were levied against properties that are not vacation rentals.
- Nick Cino, 5 Piedmont Lane, supported short-term rentals. He stated the results of the Village's Neighborhood Quality of Life Survey do not show there is a real problem with vacation rentals. He also stated the role of government is not to tip the scale in favor of one economic interest over another in reference to an email from the Pinehurst Resort opposing short-term rentals, included with his comments in the docket file.
- Donna Outen, 1135 Morganton Road, supported short-term rentals. She stated she is a realtor and short-term rental owner and never had a complaint. She stated there are ways to come to a joint decision about short-term rentals without banning them.
- Lou Bologna, 91 Abbottsford Drive, supported short-term rentals. He stated short-term rentals held under corporations are owned by full-time residents, such as himself. He stated that a small percentage of all homes owned in Pinehurst are rentals. Further, he

stated that there would be economic loss with a ban and encouraged Village Council to work with all residents for a solution.

- Elaine Bologna, 91 Abbottsford Drive, supported short-term rentals. She stated that home share is tied to current economic stability and history of Pinehurst and that short-term rental owners have a vested interest in maintaining their properties.
- Matt Vick, 37 Melton Drive, supported short-term rentals. He stated he manages 51 short-term rentals in the Village. He stated there is a lack of economic data for banning short-term rentals and that a ban would just shift the short-term rental market to the condos and multi-family housing.
- Susan Raff, Pinehurst, supported short-term rentals. She stated she built and manages two short-term rentals, discussed the positive interactions she has had with rental guests, and stated a ban would be denying the rights of homeowners.
- Michael Conley, 20 Aronimink Lane, supported short-term rentals. He read a letter from his son Brian which stated that he has invested money into a short-term rental property which has supported local businesses.
- Brian Conley, 20 Aronimink Lane, supported short-term rentals. He positively described the type of guests he has had at his vacation rentals and stated there has been no complaints.
- Leasa Haselden, 325 Linden Road, supported short-term rentals. She stated she has never been threatened or bothered by short-term renters.
- Crystal Welch, 2540 Longleaf Drive SW, supported short-term rentals. She stated she works with Pinehurst short-term rentals and knows Pinehurst regulations, such as trash cans. She spoke about the criminal offenses of three of her non-short term rental neighbors and discussed positive interactions with short-term renters.
- Rose Heintz, 225 Lake Forest Drive SW, opposed short-term rentals. She stated a majority of short-term rentals are owned by corporations or non-resident owners and that her concerns have been downplayed by them. She described Pinehurst as a residential community with residents at the heart of it.
- Jason Aslanian, 2060 Longleaf Drive W, opposed the proposed text amendments as they would be hard to enforce. He stated he wanted to bring back common sense and find common ground no matter what side of the short-term rental debate you are on.
- Bob Coates, 21 Edinburgh Lane, supported the proposed text amendments. He stated the intent of the current development ordinance is clear - no commercial lodging in single family neighborhoods. He did not support an amortization period.
- Steve Saye, 5 McDonald Road E, supported short-term rentals. He stated if the proposed regulations were enacted, the Village would be sued. He stated he has lived near and owns short-term rentals and has had no problems at the end of the day.
- Jeff Heintz, 225 Lake Forest Drive SW, opposed short-term rentals. He said he agrees with Mrs. Heintz, who spoke earlier.
- Carol Coates, 21 Edinburgh Lane, opposed short-term rentals. She stated she did not want the instability that short-term rentals represent. She stated there is no rationale for an amortization period as the current development regulations do not allow commercial

- lodging in single family neighborhoods. She also stated based on recent property sales, short-term rentals would turn a profit if sold. She stated that short-term rental owners are not Village residents and are just financially motivated.
- Scott Thomas, 2133 Midland Road, supported short-term rentals. He stated he owns and has been around short-term rentals and has never experienced troubles with them. He stated that property rights need to be protected.
 - Avery Heilbron, 82 Deerwood Lane, supported short-term rentals. He stated he is not resident and that his short-term rental has allowed him financial freedom. He stated it is not a get rich quick scheme and he has invested money into his rental. He also stated none of the quality-of-life issues exist in his rental.
 - Lisa Kuecker, 70 Laurel Road, supported short-term rentals. She stated she has used her home as a vacation rental and had positive experiences with rental guests. She stated Myrtle Beach is not a fair comparison to Pinehurst and to look how similar markets have handled short-term rentals.
 - Tiffany Evans, 10 McFarland Road, encouraged moderation and opposed a ban. She stated understands issues with neighbors, but they cannot be controlled even if they are short-term or long-term neighbors. She stated that if short-term rentals are banned, investors will go somewhere else like Carthage.
 - David Byers, 125 McCaskill Road W, opposed short-term rentals. He stated he has had issues with noise and inappropriate language and comments from short-term renters near him.
 - Nick Vickers, 7 York Place, supported short-term rental regulations. He stated there is a short-term rental in his cul-de-sac which causes minor annoyances, but the short-term renters he has met have been courteous. He supported moderation such as permitting and limiting short-term rentals certain parts of town.
 - Cliff Sumrall, 12 Lacosta Lane, supported the proposed text amendments, specifically stating the proposed changes in Table 8.5.1(a) look good to him and the Board is moving in the right direction.
 - Jackie Tucker, 1 Par Court, supported short-term rentals. She stated there are rentals all around her and she hosts guests from multiple golf events. She stated that owners need to be held accountable through fines, but not to kill the economy by banning short-term rentals.
 - Peter Gauthier, 40 Oakmont Circle, supported short-term rentals. He stated he uses his home as a short-term rental on the weekends to supplement his retirement income and would have to sell if banned. He stated he has property rights. He also stated that he has not had one issue or complaint and that the police can address many issues.
 - Marcus Larose, 85 Ponte Vedra Drive, supported short-term rentals. He stated without short-term rentals that US Kids Golf could not exist in Pinehurst.
 - Pete Green, 700 Linden Road, opposed short-term rentals. He stated he is a former short-term rental owner but sold it for profit. He said there are short-term rentals around him and complained about noise and drug issues. He stated he also has property rights

to enjoy a quiet neighborhood. He stated short-term rentals should be kept out of the historic district.

- Debbie Putz, 1 Sandhills Place, supported short-term rentals. She stated absentee short-term rental owners are the issue, not short-term rentals managed by professional property managers.

Mr. Alzamora moved to adjourn the Public Hearing and re-enter the Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 8-0.

Recommendation to Council

The Board mainly engaged in policy discussion on short-term rentals and did not provide an official recommendation to Council at this meeting. Mr. Roberts did not support commercial uses in residential neighborhoods and recommended adding exceptions to allow short-term rentals during events such as the US Kids Open and the US Open. Mr. Shumaker suggested short-term rentals are not an ordinance issue but an enforcement issue, and wants to see an economic impact study. Mr. Alzamora needed to see data that supported the claims that short-term rentals harm residential communities before considering regulation. Mr. Farrell stated the Village cannot make land use decisions based upon someone's economic condition. He stated rentals would still be allowed for 14 days periods or long-term. Ms. Latham stated she was unsure which facts and data were accurate and needed economic data put together by sources that she trusts. She supported the 14-day grace period, but questioned how it could be tracked and enforced by staff. Mr. Jones stated short-term rentals are not distinct enough from residential use but are distinct enough to need special requirements. He also questioned enforceability by staff and stated better definitions were needed. Ms. Rothstein stated she was overwhelmed by the public comments and that she needed more information, such as how many short-term rentals are there. Ms. Mercuro believed short-term rentals are mainly an enforcement issue, not a land use issue. Mr. Farrell stated it is a community rights versus property rights issue and questioned if permanent residences and short-term rentals are compatible uses. Some board members were ready to vote on the proposed ordinance; a majority of board members needed more information and time before considering a vote. The Chair entertained the following motion:

Mr. Alzamora moved the Planning and Zoning Board recommend the Pinehurst Village Council reject the proposed text amendments to Sections 4, 8.5, 8.6, and 10.2. Seconded by Mr. Shumaker. Failed by a vote of 3-5.

The Board agreed they were not ready to make a recommendation to Village Council on homestays and decided to table the discussion until a future meeting to separate it from the conversation on short-term rentals.

Mr. Farrell moved the Planning and Zoning Board exclude homestays from their recommendation to Village Council. Seconded by Mr. Jones. Approved by a vote of 8-0.

Due to the late hour and needing time to review public comments and gather more information, the Board agreed to discuss the proposed text amendments at a future special meeting.

Mr. Alzamora moved to move the deliberation on the proposed PDO amendments to September 6, 2022 at 4:30 pm at Village Hall. Seconded by Ms. Latham. Approved by a vote of 8-0.

B. General Business

The Board did not have general business to discuss.

C. Next Meeting Dates

09-06-2022 Special Meeting (To be Noticed)

09-15-2022 Special Meeting - Work Session

10-06-2022 Regular Meeting

D. Motion to Adjourn

Mr. Farrell moved to adjourn the Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 8-0 at 9:51 PM.

Respectfully Submitted,

Kelly Brown
Acting Clerk to the Board &
Planning and Zoning Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

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**09-06-2022 SPECIAL MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Shannon Konstantinou

CC:

Darryn Burich; Alex Cameron

DATE OF MEMO:

9/26/2022

MEMO DETAILS:

Attached is a draft copy of the 09-06-2022 Special Meeting minutes for your review.

ATTACHMENTS:

Description

09-06-2022 Special Meeting Minutes



**PLANNING AND ZONING BOARD
SPECIAL MEETING
TUESDAY SEPTEMBER 06TH, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

Board Members Present:

Jeramy Hooper, Chair
Jack Farrell, 1st Vice-Chair
Julia Latham, 2nd Vice-Chair
Paul Roberts
David Alzamora
Sonja Rothstein
Matt Jones
Phillip Shumaker
Louise Mercuro

Board Members Absent:

Staff Present:

Darryn Burich, Planning Director
Alex Cameron, Planning Supervisor
Doug Willardson, Assistant Village Manager
Matthew McKirahan, Organizational Performance Director
Kristin Bunton, Communications Specialist
Kelly Chance, Village Clerk
Alfred Cassidy, Senior Planner
Maria Carpenter, Planner
Shannon Konstantinou, Clerk to the Board
Lori Hercules, IT Technician

Approximately 19 member(s) of the public in attendance.

I. Call to Order

Mr. Hooper called the meeting to order at 04:30 PM, confirmed a quorum was present, asked the Board to introduce themselves, introduced Staff, and explained the purpose of this meeting.

II. General Business

Mr. Burich gave a recap of the Regular Meeting on September 01st, 2022, and outlined the purpose and goals of the current meeting. Mr. Burich introduced Mr. McKirahan and outlined the purpose of Mr. McKirahan's presentation on the Neighborhood Quality of Life Survey results.

A. Review of Neighborhood Quality of Life Survey Results

Mr. McKirahan reviewed a PowerPoint presentation on the Neighborhood Quality of Life Survey results with the Board. The Neighborhood Quality of Life Survey was compiled by ETC Institute and presented to Village Council during the July 26, 2022 Work Session meeting. Mr. McKirahan outlined the survey methodology, reviewed the survey response and verification process, provided analysis of the various sections of the survey results, and answered Board

questions on the self-reporting nature of the survey, the timeframe for sending survey requests and gathering survey responses, and the margin of error percentage for the survey responses being the result of random chance.

B. Discuss and Consider a Recommendation to Village Council on PDO Amendments to Address Short Term Rentals and Permit Revocation

The purpose of the public hearing is to discuss text amendments to the Pinehurst Development Ordinance (PDO) to address short term rentals and permit revocation. These proposed amendments would affect the following sections of the PDO:

<i>Section 4</i>	<i>Public Hearings, Permits and Approvals</i>
<i>Section 8.5</i>	<i>Table of Permitted and Special Uses and Special Requirements</i>
<i>Section 8.6</i>	<i>Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements</i>
<i>Section 10.2</i>	<i>Definitions</i>

Mr. Hooper and Mr. Burich outlined the process the Board will follow when considering the proposed PDO amendments.

Ms. Latham asked the Board to table motions until the end of the discussion in order to facilitate a more cohesive decision.

Mr. Hooper asked if any Board member objected to the process of discussing each PDO amendment section separately and holding motions to the end of the discussion. None objected.

Mr. Farrell reminded the Board a motion to eliminate any and all discussion of Homestays from the proposed PDO amendments had been passed at the Regular Meeting on September 01, 2022. Mr. Hooper verified any and all discussion of Homestays was to be eliminated from the Board's discussion of PDO amendments.

Mr. Shumaker asked to respond to an accusation made by a member of the public that he had a conflict of interest in relation to Short-Term Rentals. Mr. Shumaker stated he does not own nor have any financial gain or brokerage or management of any short-term rentals within the Village of Pinehurst.

Mr. Hooper thanked Mr. Shumaker for the clarification.

Mr. Burich reviewed Exhibit A: Proposed PDO Amendments starting with Section 4.2.12: Revocation of Development Permit. The Board, Mr. Burich, and Mr. Cameron discussed the need to review the revocation process for a permit

should permits be required for short-term rental property use, the language and process for permit revocation being taken from the State statute, the delegation of enforcement falling to the Village per the State, the Board of Adjustment being the appellate body, revocation applying to other permits as well as to short-term rental permits, what the notification and investigation process would look like in relation revocation, how the revocation language is related to other proposed PDO amendments, how the revocation process will differ between development permits and short-term rental permits, the evidentiary requirements for enforcement and appeal of revocations of permits, the outsourcing of short-term rental data mining, the role the Village Planner and Board of Adjustment would play in issuance and revocation of permits, supervision and oversight of the permitting process, the need to be forward thinking in developing the ordinance while allowing for adjustments to be made as a natural part of the process, the impact interpretation will have on enforcement of the ordinance, and the tools at Staff's disposal for implementing the ordinances.

The Board, Mr. Burich, and Mr. Cameron discussed researching adding "cease and desist order" and removal of incomplete construction elements / site restoration language to the ordinance in relation to the revocation process.

Section 10.2: Definitions was brought up for review. The Board, Mr. Burich, and Mr. Cameron discussed the timeline of "less than 30 consecutive days and for a cumulative total of more than 14 days in any calendar year" language as contained in the definition and the commonality of this language being used in relation to regulation of short-term rentals, the enforcement difficulty when it comes to the timelines as defined, how the rental timeline applies to income tax regulation, the need to have some kind of notification / tracking apparatus in place to be able to enforce timeline regulations, the practicality and cost of outsourcing short-term rental tracking, the legal power / standing the Village will have in enforcing short-term regulation, the advisory nature of the Board, the difficulty but not impossibility of enforcing short-term rental regulations, the less than 14 days in any calendar year timeline allowing residents to rent their properties for large community events such as the U.S. Open, and the different standards or requirements that must be met for Homestays versus Bed & Breakfast versus Short-Term Rental properties in relation to how these different uses are defined.

Section 8.6: Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements - SR-9 Short Term Rental was brought up for review. Mr. Hooper and Mr. Burich asked each Board member to provide feedback on the proposed amendments to this section.

Ms. Mercuro had no comments to provide at this time.

Ms. Rothstein had no comments to provide at this time.

Mr. Burich reviewed some aspects of the proposed amendments relating to specific regulation requirements and nuisance issues raised by residents relating to short-term rentals.

Mr. Jones asked for clarification on whether “bedroom” is defined in the PDO in relation to enforcement of item 2 of SR-9. Mr. Burich verified a “bedroom” is defined by minimum area, light, ventilation, and minimum height as set forth in the minimum housing regulations.

Ms. Latham asked for clarification on the expiration of develop permits in relation to item 1 of SR-9, asked whether the differentiation between expiration / notification requirements will call into question whether the short-term rental permit is truly a type of develop permit and not a registration, inspection requirements for short-term rental permits, display or posting requirement of permit notifying renter of requirements to be met as a tool for monitoring violations, item 10 being changed to state “studio”, item 12 referring to “large gathering” which is not defined in the PDO and clarifying “Special Event” being referred to is as defined in the PDO, item 13A referencing chapter 152 of the PDO is too wide a reference and includes items that would not be specific to short-term rental permits, the need to get the information contained in chapter 153 of the PDO into the renters hand to use as a tool for catching violations, and the language of 13E should be changed to read “verified violation is a determination made by a code enforcement officer or a judge (period). Following such determination notice of violation shall be issued by the Village (period)”. Mr. Burich and Mr. Cameron stated development permits run with the land however the short-term rental permit will require different notification requirements when ownership changes, registration would be akin to yearly expiration and renewal requirements whereas the proposed short-term rental permit would only trigger expiration or notification requirements when a change of ownership occurs similar to when a business changes ownership, no intention to require an inspection for short-term rental permit applications but would require some type of affirmation of a checklist of requirements, agreement with prominently posting regulations / rules required to maintain the short-term rental permit and is not an uncommon requirement, and “Special Event” was intended to refer to a commercial type event / venue use of the property and would be subject to some level of interpretation.

Mr. Burich stated research on the expiration or notification requirements of short-term rental permits making the permit more akin to a license or registration would need to be done.

Mr. Farrell reviewed regulations from another municipality relating to short-term rentals and stated the requirement of prominently displayed notification of contact information who is within a certain proximity or response time duration to the short-term rental and Village rules should be added, and more robust language should be added relating to operational and code compliant smoke and carbon monoxide detectors along with a fire extinguisher and unobstructed escape routes. Mr. Burich agreed with the addition of more robust language relating to safety equipment and stated more research would need to be done on the regulation requirements in relation to contact information and proximity of the contact to or response time to an issue at the short-term rental.

The Board discussed regulations being set up for short-term rentals much like a commercial business, establishing contact information for the property as a standard and the usefulness of tenants and possibly neighbors having this information, the fact that a development permit requirement for short-term rentals establishes a searchable contact information list by default during the application process, debated what constitutes a “reasonable” amount of time for the contact person to respond when notified of an issue at a short-term rental, and discussed aspects of the proposed requirements that are similar to commercial property requirements.

Mr. Alzamora stated he takes no issue with regulating short-term rentals through permitting, the issue with the discussion on short-term rentals is the use is permitted by right and making some of the suggested changes take away fundamental property rights, there isn’t any information that shows the negative impact of a short-term rental on a neighborhood is greater than intermittent occupation or vacant properties, there is a risk to taking the step of prohibiting short-term rentals, utilizing Village mechanisms through more regulation or permitting requirements is more defensible than prohibition, and proposed prohibition is regulating owners versus regulating the actual use of the property.

Mr. Hooper asked the Board to review the table of use and verified with Mr. Alzamora he is in favor of adding short-term rental to the table of use for residential areas. Mr. Alzamora stated agreement due to short-term rental use being allowed by right in single family zones.

Mr. Shumaker stated agreement with Mr. Alzamora and with Mr. Farrell’s recommendation regarding safety equipment language being added, and questioned whether referencing state statute or law would be more pragmatic than writing the statute or law out to help cut down on regulation amendments when statutes or laws are changed. Mr. Burich stated referencing state statute or law instead of writing the statute or law out will be done where it makes sense to do so.

Mr. Roberts stated all proposed standards are paramount for safety especially for those who do not know the building, short-term rentals should be permitted in areas that are accommodating to such uses, and exceptions should be made for allowing short-term rentals during large community events such as the U.S. Open.

Mr. Burich reviewed with the Board the need to further discuss the language of items 13 and 14.

Mr. Hooper recessed the Special Meeting at 06:31 PM for a 10 minute break.

Mr. Hooper reconvened the Special Meeting at 06:41 PM.

Section 8.5: Table of Permitted and Special Uses and Special Requirements was brought up for review. Mr. Burich asked the Board to review the table of uses as proposed and provide feedback.

Mr. Roberts asked for clarification on Village Cottage Professional. Mr. Burich stated Village Cottage Professional (VCP) refers to a handful of properties located within the Village core area and is currently mostly a single family residential area and read the description of VCP to the Board.

Mr. Roberts stated support for the table as proposed with the addition of short-term rentals being allowed in VCP.

The Board, Mr. Burich, and Mr. Cameron discussed the role of HOA's in regulating short-term rentals, the impact prohibition would have on long established communities with short-term rental programs, the inequity of allowing short-term rentals in certain single family / residential areas but not others, and Council's desire to get feedback from the Board specifically on allowing short-term rentals as a use in the VCP area.

Mr. Shumaker stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

Mr. Alzamora stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

Mr. Farrell stated support for the table as proposed with the addition of short-term rentals being allowed in VCP.

Ms. Latham expressed concern over limiting short-term rental use to only certain areas, the impact an increased demand would have on a limited supply especially given the major shift of short-term rentals to the most economic housing type available in Pinehurst, the quality of life being diminished for residents in multi-family areas, and the increased density / infrastructure demand limiting short-term rentals to only certain areas will have on those areas; and stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

Mr. Jones expressed concern making such drastic changes to allowed uses as proposed in such a short period of time, and stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

Ms. Rothstein expressed concern over resident feedback that short-term rentals are already making housing options in both single and multi-family areas unreasonable, and stated support for the table as proposed with the addition of short-term rentals being allowed in VCP.

Ms. Mercuro stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

The Board, Mr. Burich, and Mr. Cameron discussed how to proceed with a motion for recommendation to the Council, concerns over areas of the proposed amendments and what additional language changes need to be made, and debated what areas short-term rentals should be permitted and the problem of prohibiting short-term rentals in areas where HOA's / communities have long established short-term rental programs.

Mr. Hooper asked Mr. Burich if there were any topics or items the Board needed to address that hadn't already been discussed. Mr. Burich stated the Board had discussed everything he felt was pertinent to the decision at hand, reviewed the aspects of the proposed amendments the Board does support and the aspects of the proposed amendments the Board does not support, and re-iterated there are areas Staff will do further research on prior to presenting the proposed amendments to Council.

The Board debated what sections of the proposed amendments the Board was prepared to make a motion on. It was decided the Board would make one motion on Sections 4 and 10.2, and separate motions on Sections 8.5 and 8.6.

Mr. Alzamora moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written to Sections 4 and 10.2. Seconded by Mr. Jones. Approved by a vote of 8-0.

The Board debated whether short-term rentals are appropriate in single family areas or only in multi-family areas, the definition of single family dwelling, the impact prohibiting short-term rentals in certain areas will have both economically and on the quality of life in all areas of the Village, and whether short-term rentals are essentially unregulated businesses.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Sections 8.5 - Table of Permitted and Special Uses and Special Requirements and 8.6 - Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements with uses as noted adding all residential districts and the VCP district, and to the special requirements of 8.6.

*Mr. Jones did not complete the motion and the motion was not seconded as the Board and Mr. Burich began debate and discussion.

The Board and Mr. Burich debated making a motion on Sections 8.5 and 8.6 jointly or separately; and discussed whether items 14 and 15 would be applicable if recommendations are adopted by Council, potential revisions to items 13, 14 and 15, and regulation requirements as outlined in the section. It was decided to make separate motions on Sections 8.5 and 8.6. The Board and Mr. Burich reviewed the different areas as outlined in Section 8.5 and the different types of uses already allowed in some of the areas.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Section 8.5 - Table of Permitted and Special Uses and Special Requirements:

- ***Uses as noted adding all Residential, and VCP.***

*The motion was not seconded as the Board and Mr. Burich began debate and discussion.

The Board and Mr. Burich discussed additional areas having short-term rental added as a use due to similar uses existing or being similar to residential, single family areas.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Section 8.5 - Table of Permitted and Special Uses and Special Requirements:

- *Uses as noted adding all Residential, NC, OP, VCP, and VR.*

Seconded by Mr. Alzamora. Approved by a vote of 5-3; with Mr. Roberts, Mr. Farrell, and Ms. Rothstein voting “Nay”.

The Board and Mr. Burich discussed whether items 14 and 15 would be applicable if recommendations are adopted by Council and the amortization timeline proposed, potential revisions to items 4, 5, 12, 13, 14 and 15, regulation requirements as outlined in the section, the potential to revise or amend the PDO should the proposed amendments be too strict or not strict enough, what falls under the umbrella of a violation when applying the PDO to short-term rental permits, the addition of item 16 covering contact information and regulation notification, and the role and tools of enforcement of short-term rental regulations.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Section 8.6 - Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements:

- *Item 4: Add “and one fully operational fire extinguisher.”;*
- *Item 12: Capitalize “Special Events” and remove “large gatherings”;*
- *Item 13E: Modify the first sentence to read “verified violation is a determination made by a code enforcement officer or a judge (period). Following such determination notice of violation shall be issued by the Village (period).” The rest can remain as is;*
- *Item 16: To be added and to read “Contact information and these special requirements shall be conspicuously posted or otherwise made available to tenants.”*

Seconded by Mr. Alzamora.

The Board and Mr. Burich discussed the necessity for the amortization period being included in the proposed amendments should Council decide to prohibit short-term rentals in single family areas and the need to amend Mr. Jones’ motion to include language on operational safety equipment.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Section 8.6 - Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements:

- *Item 4: Add “and one fully operational fire extinguisher.”;*
- *Item 12: Capitalize “Special Events” and remove “large gatherings”;*
- *Item 13E: Modify the first sentence to read “verified violation is a determination made by a code enforcement officer or a judge (period).”*

Following such determination notice of violation shall be issued by the Village (period).” The rest can remain as is;

- ***Item 16: To be added and to read “Contact information and these special requirements shall be conspicuously posted or otherwise made available to tenants.”***

Seconded by Ms. Rothstein. Approved by a vote of 8-0.

Mr. Hooper asked the Board to consider a consistency statement for Council. The Board debated if separate consistency statements were needed for each approved motion or if one inclusive consistency statement could be made for all approved motions. It was decided to make one inclusive consistency statement for all approved motions.

Mr. Jones moved the Planning and Zoning Board adopt the Statement of Consistency and authorize its Chair to execute the document as the proposed text amendments as contained in the approved motions are consistent with the Village of Pinehurst 2019 Comprehensive Plan. Achieving goals in accordance with the Comprehensive Plan are considered reasonable and are in the best interest of the public. Seconded by Mr. Alzamora. Approved by a vote of 6-2, with Mr. Farrell and Ms. Rothstein voting “Nay”.

The Board discussed whether Homestays or Form-Based Code would be the topic covered at the next meeting. It was determined Form-Based Code would be the topic covered at the September 15, 2022.

III. Next Meeting Dates
09-15-2022 Special Meeting - Work Session
10-06-2022 Regular Meeting

IV. Motion to Adjourn
Mr. Alzamora moved to adjourn the Special Meeting. Seconded by Ms. Latham.
Approved by a vote of 8-0 at 07:55 PM.

Respectfully Submitted,

Shannon Konstantinou
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

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Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative, Teamwork, and Improvement.



**09-28-2022 SPECIAL MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Shannon Konstantinou

CC:

Darryn Burich; Alex Cameron

DATE OF MEMO:

9/29/2022

MEMO DETAILS:

Attached is a draft copy of the 09-28-22 Special Meeting minutes for your review.

ATTACHMENTS:

Description

09-28-2022 Special Meeting Minutes



**PLANNING AND ZONING BOARD
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 28TH, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:

Jack Farrell, 1st Vice-Chair
Julia Latham, 2nd Vice-Chair
David Alzamora
Matt Jones
Phillip Shumaker

Board Members Absent:

Jeremy Hooper, Chair
Paul Roberts
Sonja Rothstein
Louise Mercuro

Staff Present:

Darryn Burich, Planning Director
Alex Cameron, Planning Supervisor
Alfred Cassidy, Senior Planner
Maria Carpenter, Planner
Shannon Konstantinou, Clerk to the Board
Josh Dockery, IT Technician

Approximately 2 member(s) of the public in attendance.

I. Call to Order

Mr. Farrell called the meeting to order at 03:58 PM, confirmed a quorum was present, asked the Board to introduce themselves, introduced Staff, and explained the purpose of this meeting.

II. Discuss Village Place Form Based Code

Work Session to discuss development of the Form Based Code for Village Place. As a Work Session, no official action will be taken by the Board.

The Board and Staff reviewed and discussed the Regulating Plan and Table of Uses.

It was determined further discussion of the Regulating Plan was needed on the uses, active frontage, color coding of sub-districts, and boundaries of blocks within / around parcels.

It was determined further discussion of the Table of Uses was needed on the types of active frontage allowed, allowing horizontal mixed use within active frontage areas and at what percentage for each use, uses allowed within each block for each category of Principal Use and Use Type, the potential need for additional areas allowing Lodging – Hotel as a use should a complete ban of Short-Term Rentals as a use in Single Family neighborhoods be enacted, and the complexity of Office/Service uses in multi-level development.

The Board and Staff determined there was a need to have the Regulating Plan reflect the Table of Uses accurately and to decide how to implement this, and to more clearly define certain Use Types.

The Board and Staff agreed to continue work on the Form-Based Code for Village Place at the next Regular Meeting of October 06, 2022.

Staff briefly discussed the Public Hearing to be held at the Regular Meeting of October 06, 2022.

III. Next Meeting Dates
10-06-2022 Regular Meeting
11-03-2022 Regular Meeting

IV. Motion to Adjourn
Mr. Jones moved to adjourn the Special Meeting. Seconded by Mr. Alzamora.
Approved by a vote of 5-0 at 06:16 PM.

Respectfully Submitted,

Shannon Konstantinou
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

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PUBLIC HEARING NO.1 - LIVESTOCK TEXT AMENDMENT
ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to discuss text amendments to the Pinehurst Development Ordinance (PDO) to address the use of land for keeping, grazing, feeding, or breeding of livestock as a primary or accessory use. These proposed amendments would affect the following sections of the PDO:

Section 8.5 Table of Permitted and Special Uses and Special Requirements
Section 10.2 Definitions

FROM:

Alex Cameron; Alfred Cassidy

CC:

Darryn Burich

DATE OF MEMO:

9/29/2022

MEMO DETAILS:

Please see the attached staff report related to this public hearing item.

ATTACHMENTS:

Description

☐ Staff Report



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Alfred Cassidy, Senior Planner
CC: Darryn Burich, Planning & Inspections Director
Alex Cameron, Planning Supervisor
Date: October 6, 2022
Subject: **Proposed Text Amendments to the Pinehurst Development Ordinance (PDO) to address the primary or accessory use of land for keeping, grazing, feeding, or breeding of livestock.**

The amendments are to the following sections:

Section 8.5.1a Table of Permitted and Special Uses and Special Requirements

Section 10.2 Definitions

Background on the Proposed Amendments

The Village of Pinehurst is proposing a text amendment to the Pinehurst Development Ordinance (PDO) to address the keeping of “livestock” within the Village’s zoning jurisdiction. Recently, staff has become aware of an opportunity to better address this topic than the PDO has historically and therefore be a better tool to administer. The intent of this amendment is to make changes that provide greater specificity that the keeping of “livestock” either as a primary or secondary use would only be permitted in the R-210 zoning district. Historically, that is how certain provisions of the PDO have been interpreted and enforced. The way the current provisions of the PDO read, it could be interpreted that this use is not expressly prohibited in our zoning districts. These proposed amendments bolster how these regulations have been applied throughout the Village’s jurisdiction. The R-210 residential district, “is established as a district in which the principal uses of the land are for low-density residential and light agricultural purposes. Development in this district is restricted due to lack of available utilities, watershed protection restrictions and for the protection of agricultural lands”.

Proposed PDO Amendments

The proposed amendments would affect the following sections of the PDO:

- Section 8.5 Table of Permitted and Special Uses and Special Requirement
 - Revisions to this section would add “Agriculture, Livestock” as permitted by right (X, SR) with special requirements in the R-210 zoning district within the Table 8.5.1a.
- Section 10.2 Definitions
 - Revisions to this section would slightly change the existing definition of “Agriculture, Livestock” within the PDO and provide for regulating the use of land within Table 8.5.1a.

Chapter 8 Zoning

- **Section 8.5. Table of Permitted and Special Uses and Special Requirements**
 - The Table of Permitted and Special Uses and Special Requirements which follows contains a listing of uses which may be permitted in one (1) or more of the various General Use Zoning District established by this Ordinance.
- **Section 8.5.1 Symbols Used on Table of Uses**

An “X” or “SR” opposite the listed use in the District column(s) indicates the District of Districts in which particular listed use may be permitted. The meanings of the entries in the Table are as follows:

 - (A) “X” indicates the use is permitted by right and a Development Permit may be obtained, subject to meeting all the requirements of the Ordinance for a Development Permit;
 - (B) SU indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of Section 4.5 before obtaining a Development Permit;
 - (C) The column on the far right, label “SR” (Special Requirements) means that there are additional special requirements for the development or use for compliance. These requirements are contained in Section 8.6, “Special Requirements to the Table of Permitted and Special Uses.” The “SR” will also appear in the column of the general district in which the special requirements apply.
 - (D) The listing of a use in the Table of Permitted and Special Uses and Special Requirements in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use;
 - (E) Any use not explicitly allowed in the Table of Permitted and Special Uses and Requirements is prohibited. The enumeration of expressly prohibited use shall not be deemed exclusive or all inclusive.

- **Section 8.5 Table of Permitted and Special Uses and Special Requirements**
 - **8.5.1a Table of Permitted and Special Uses and Special Requirements**

Staff is proposing to add an already existing defined land use in Chapter 10.2 of the PDO, Agriculture, Livestock, to the Agriculture table and permit by right with a Special Requirement (X, SR) in the R-210 Zoning District.

AGRICULTURE	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
Farming/Animal Production			X, SR																25
Horse Farm & Training Track	X, SR		X, SR																26
Nurseries			X																
Gardens (Community and Private)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Kennels, Outdoor																			
Swine Farms																			
<u>Agriculture, Livestock</u>			<u>X, SR</u>																<u>25</u>

Chapter 10 Village of Pinehurst Ordinance Definitions

• Section 10.2 Definitions

Staff is proposing a slight revision of the “Agriculture, Livestock” land use definition(s) in Chapter 10.

Agriculture, Livestock: ~~the~~ **any** use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as rabbits and fish and fur-bearing animals in captivity. This definition is not to include horse farms, as they are listed as a separate use.

Text Amendment Process

Pursuant to Section 6 of the Pinehurst Development Ordinance (PDO) and Article 6 of North Carolina General Statute Chapter 160D, zoning ordinances or development regulations may be adopted, amended or repealed. The purpose of initiating changes to the text of the zoning ordinances are to make adjustments to the text of the development regulations that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village and are in furtherance of Section 1.2 of the PDO (Statement and Intent of This Ordinance).

Prior to considering action on these items, the proposed amendments shall be referred to the local planning board (Planning and Zoning Board) for review, comment and to forward a recommendation on the proposal, which is an *advisory* recommendation only. Legislative public hearings are held for each the planning board and governing board review and consideration of the proposed zoning ordinance. Both boards shall also consider the currently adopted Comprehensive Plan and comment on whether the proposed action is consistent with the plan.

An amendment to the text of the PDO may only be initiated by the Village Council, Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction

Comprehensive Plan Consistency Statement

The Village of Pinehurst 2019 Comprehensive Plan established seven Guiding Principles to further clarify the goals of the community to preserve and enhance the quality of life in Pinehurst. The goal of Guiding Principle 1: Village Character & Authenticity, is to retain the small-town charm, scale, and character of the community to ensure a high quality of life. Celebrate and preserve the historic Village and traditions that make Pinehurst desirable and unique.

The goal of Guiding Principle 3: Places to Live, is to protect and enhance the quality and character of existing residential neighborhoods. Seek opportunities to offer a variety of housing

types that appeal to a wide range of households and enable residents to live in Pinehurst throughout all stages of life. Ensure neighborhoods are connected to walkable destinations such as parks, open spaces, recreational facilities, and other activity centers.

The Conservation and Growth Map on pages 61 and 62 of the Comprehensive Plan show the large area in the southwest of the ETJ (extraterritorial jurisdiction) as “Rural”. The bulk of this area is all zoned R-210 which this amendment would allow the keeping of livestock. Other agricultural type uses are permitted in the R-210 zoning district and this amendment would be consistent with those uses and the Conservation and Growth Map.

Staff feels that the proposed text amendments are consistent with the Comprehensive Plan as it will help protect the character of the existing residential neighborhoods while still allowing a rural use of land in the R-210 zoning districts.

Planning and Zoning Board Action:

The Planning and Zoning Board shall consider each proposed amendment to the development ordinance and make a recommendation to Village Council on the proposed amendment. In considering an amendment, the Board shall conduct a legislative public hearing on the application. During the public hearing, the Board will take public comments on the proposal, review the proposed amendments, discuss and deliberate. The Board may decide to continue the hearing in order to give time or consideration to address concerns raised or receive more input or data. After conducting the public hearing, the Board will formulate a recommendation to Village Council and also make a statement on whether the proposed amendment is consistent with the Comprehensive Plan. The Board should make a recommendation to Village Council within 30 days of the first scheduled public hearing. If no recommendation is made within the 30 day window, Village Council may take the up the proposal without a recommendation.

The Planning and Zoning Board has the following options:

1. Recommend adoption of the proposed amendments as drafted.
2. Recommend adoption of the proposed amendments with revisions (to any of the sections as presented).
3. Continue the public hearing to gather more input or comment on the proposal or continue deliberation and discussion.
4. After conducting the public hearing, continue or defer action on a recommendation to the next properly scheduled meeting.

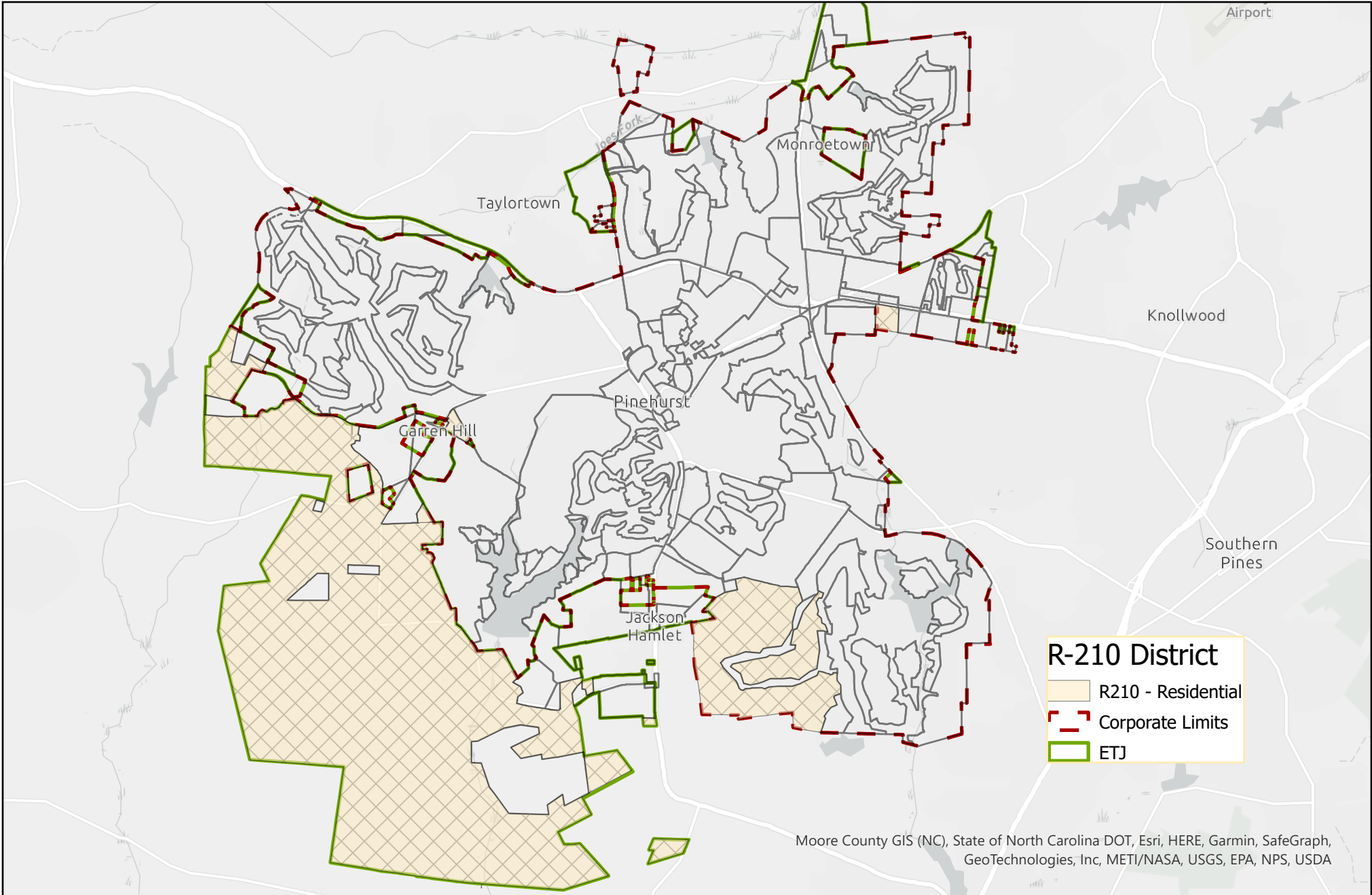
Recommendation

Staff recommends that the Planning and Zoning Board recommend approval of the proposed amendments and adopt the statement of consistency with the Comprehensive Plan provided.

Attachments:

- R-210 Zoning District Maps
- Draft Comprehensive Plan Consistency Statement

Livestock Text Amendment



0 5,000 10,000 Feet

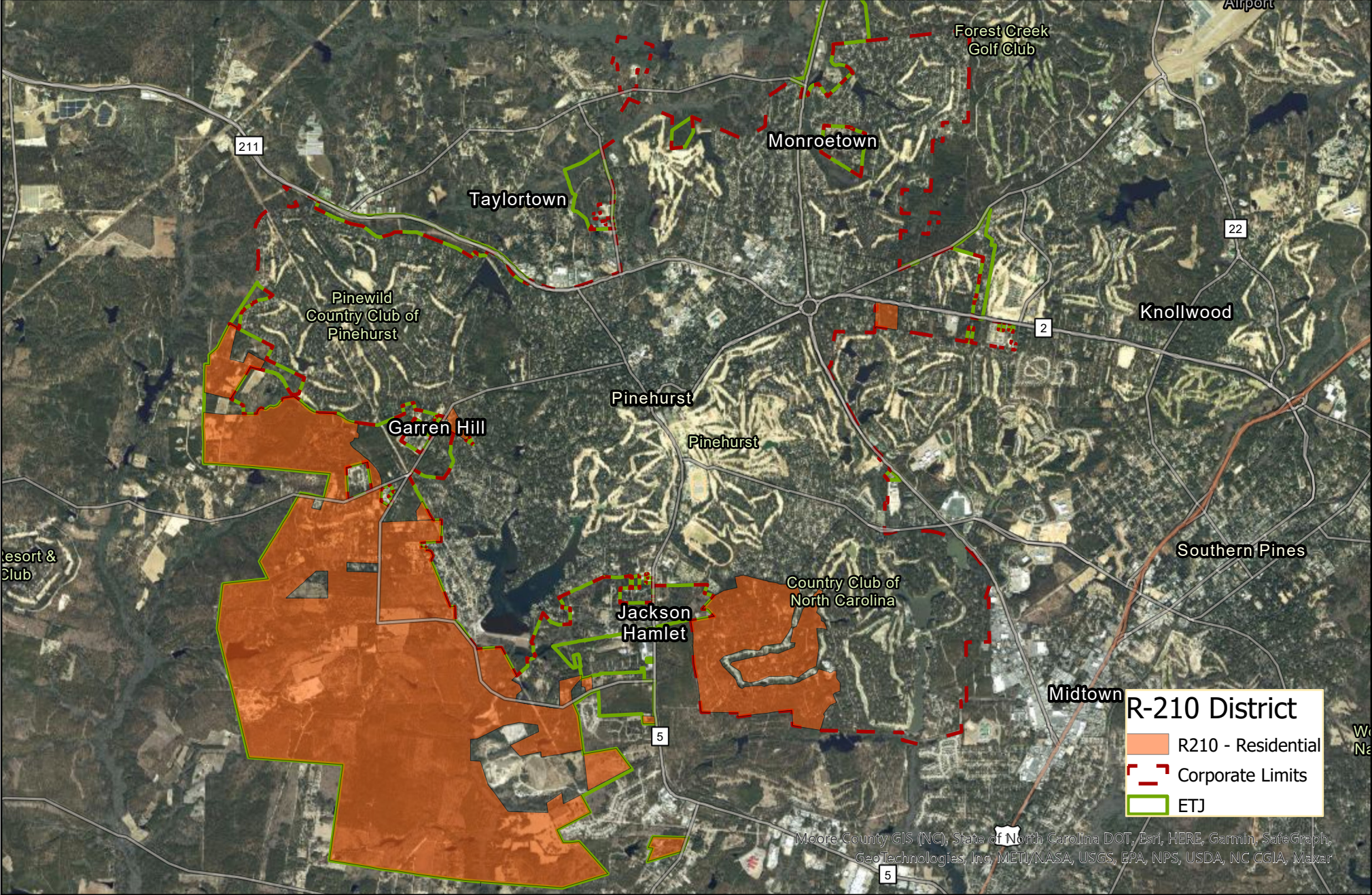
Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Gird is based on North Carolina State Plane Coordinate System NAD83 (feet).

9/28/2022

**R-210 Zoning District
Where Keeping Livestock
Would be Permitted**



Livestock Text Amendment



0 5,000 10,000 Feet

Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

9/29/2022

**R-210 Zoning District
Where Keeping Livestock
Would be Permitted**





**PLANNING AND ZONING BOARD
STATEMENT OF CONSISTENCY WITH THE
2019 COMPREHENSIVE PLAN
OCTOBER 06, 2022 REGULAR MEETING**

**TEXT AMENDMENT TO THE PINEHURST
DEVELOPMENT ORDINANCE to address the
use of land for keeping, grazing, feeding, or
breeding of livestock (Sections 8.5 & 10.2).**

The Village of Pinehurst Planning and Zoning Board finds that:

The Village of Pinehurst 2019 Comprehensive Plan established seven Guiding Principles to further clarify the goals of the community to preserve and enhance the quality of life in Pinehurst. The goal of Guiding Principle 1: Village Character & Authenticity, is to retain the small-town charm, scale, and character of the community to ensure a high quality of life. Celebrate and preserve the historic Village and traditions that make Pinehurst desirable and unique.

The goal of Guiding Principle 3: Places to Live, is to protect and enhance the quality and character of existing residential neighborhoods. Seek opportunities to offer a variety of housing types that appeal to a wide range of households and enable residents to live in Pinehurst throughout all stages of life. Ensure neighborhoods are connected to walkable destinations such as parks, open spaces, recreational facilities, and other activity centers.

The Conservation and Growth Map on pages 61 and 62 of the Comprehensive Plan show the large area in the southwest of the ETJ (extraterritorial jurisdiction) as “Rural”. The bulk of this area is all zoned R-210 which this amendment would allow the keeping of livestock. Other agricultural type uses are permitted in the R-210 zoning district and this amendment would be consistent with those uses and the Conservation and Growth Map.

Therefore, the Village of Pinehurst Planning and Zoning Board finds that the proposed amendments to the text of the Pinehurst Development Ordinance **ARE** consistent with the Village of Pinehurst 2019 Comprehensive Plan. Achieving goals in accordance with the Comprehensive Plan are considered reasonable and are in the best interest of the public.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

The Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the amendments to the text of the Pinehurst Development Ordinance.

This is the _____ day of _____, 2022.

**Chair of the Planning and
Zoning Board**

**Shannon Konstantinou
Clerk to the Planning and Zoning Board**

Cc:

Darryn Burich
Alex Cameron

PLANNING & INSPECTIONS

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-2581 • Fax (910) 295-1396 • www.vopnc.org



**DISCUSS VILLAGE PLACE FORM CODE
ADDITIONAL AGENDA DETAILS:**

Continued discussion of the development of the Form Based Code for Village Place.

No official action will be taken by the Board.

FROM:

Darryn Burich and Alex Cameron

CC:

Jeff Sanborn

DATE OF MEMO:

9/14/2022

MEMO DETAILS:

Attached are items related to the Board's discussion.

ATTACHMENTS:

Description

- ☐ Updated VP Regulating Plan
- ☐ Section 2 Site Design and Lot Standards
- ☐ VP Use Table
- ☐ Table of Dimensional Requirements
- ☐ PDO Definitions

2.2 Regulating Plan

The Regulating Plan is a plan diagram that acts as a key for the application of the Site Design and Street Design criteria, linking the criteria with physical locations.

The Regulating Plan defines the boundary within which the FBC criteria apply, as shown by the SAP Boundary as a brown dashed line. The Regulating Plan also indicates allowed Uses and Building Heights within subareas. For Building Heights for example, "BH: 1-2" indicates that buildings shall be either 1 or 2 stories in height (see Section 8.0 Definitions for information on how building height is measured within Village Place).

Additionally, the Regulating Plan indicates where Active Frontage is required, that is, where retail or restaurant space, lobbies, or building amenities must be located on the ground floor facing the street.

Proposed street alignments and open space locations and configurations may vary from those shown to the right, with Village approval.

Key

-  Small Area Plan (SAP) Boundary

 Core Area Blocks

 Clark Cad

 Lower Rattlesnake Area Blocks

 Upper Rattlesnake Blocks

 Traditions Site

 General Frontage

 Active Frontage

 Public Conservation

 Open Space

 Civic Building Monuments
-  MIXED-USE

 OFFICE

 RETAIL

 LIVE - WORK

 SFA - TOWNHOUSE

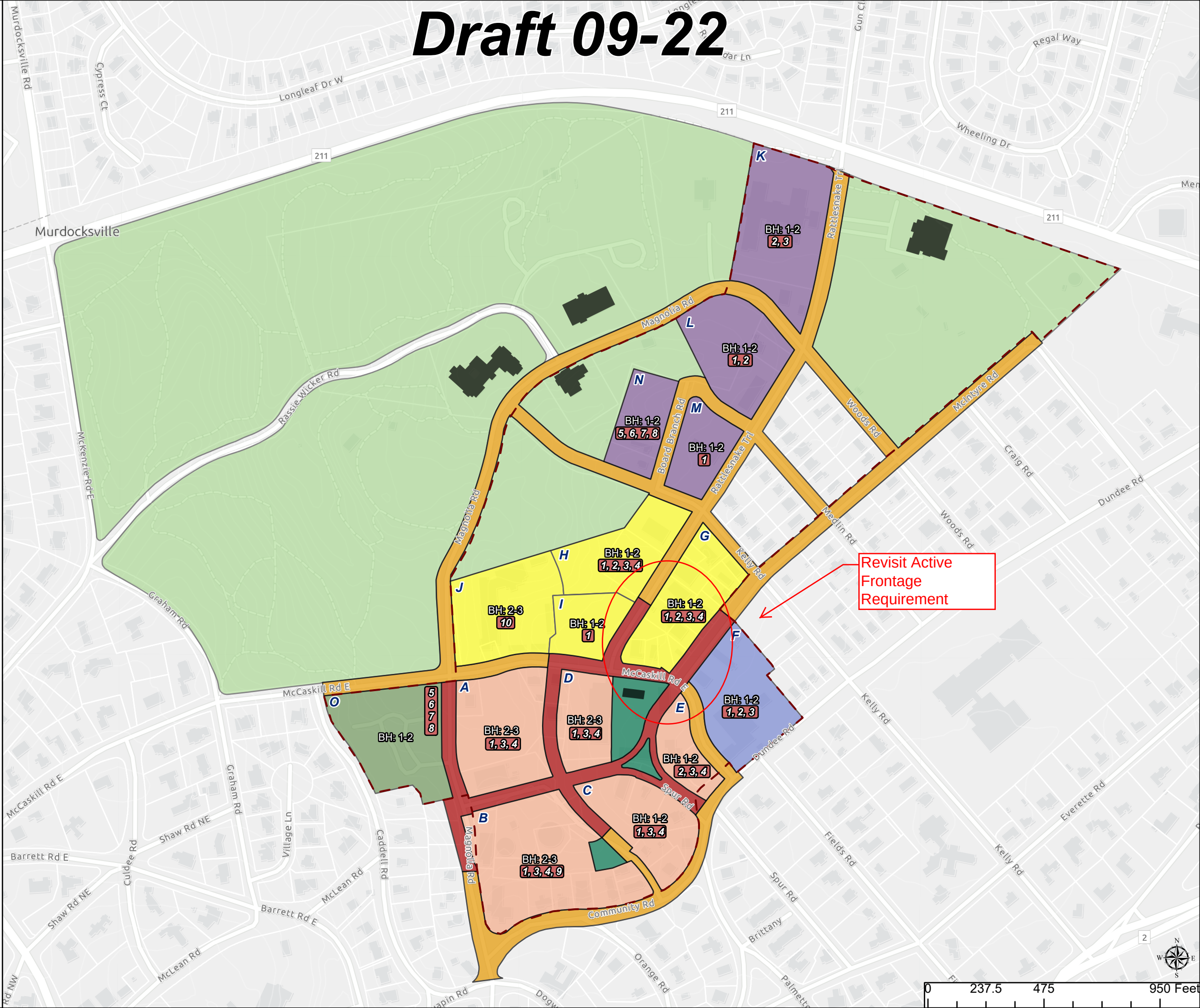
 SFD - COTTAGE

 SFD - VILLA

 SFD - MANOR

 HOTEL

 MULTIFAMILY



2.0 SITE DESIGN

2.1 OVERVIEW

2.2 REGULATING PLAN

2.3 LOT STANDARDS

2.4 CORNER LOT AND FRONT
ELEVATION STANDARDS

2.1 Overview

Purpose

The Site Design criteria describe how buildings and streets interface to create the physical character of the built environment, including such bulk regulations as height, setbacks, and frontage. The Site Design criteria include general provisions for all areas of Village Place as well as specific design standards for each residential lot type.

The Project and Planning Goals on page xx in this document and the Principles highlighted in the Village Place Small Area Plan report informed the Site Design criteria to help ensure a mixed-use walkable neighborhood that is reflective of the character of the Village.

Components

The Site Design criteria comprise the following sections:

- 1. Regulating Plan: A plan diagram that acts as a key for the application of the Site Design and Street Design standards
- 2. Lot Standards: Provide setbacks and other dimensional requirements for all lot types
- 3. Corner Lot Requirements: Indicate additional provisions for lots located on street corners and/or along primary open spaces.

Detail Plan

The Detail Plan to the right illustrates the potential build-out of the Village Place core area south of McCaskill Road, showing new buildings, streets, parking, and open space and embodies the criteria within the FBC. However, it is important to note that the Detail Plan is illustrative only; the actual built design may vary, but shall be consistent with the intent of the FBC and comply with its criteria.

It is anticipated over the approximate thirty-year redevelopment of the area, that street alignments, the mix of uses, building types, and distribution may be refined as redevelopment progresses. All such modifications shall follow the intent of the FBC.



Village Place Illustrative Detail Plan

This plan is illustrative only and subject to change. Source: Design Collective, Inc.

2.3 Lot Standards

The Lot Standards section addresses criteria for all lot types throughout Village Place. The Lot Standards criteria provide requirements for building setbacks, build-to lines, and minimum building widths, for each lot type and condition (i.e., Corner versus Mid-Block lots). Civic Lots (i.e., parcels with civic buildings/uses) are exempt from Lot Standards criteria.

Lot Types

The Lot Types in Village Place are as follows and include Commercial (Retail, Office, Hotel, or Multi-Family); Live/Work (a mixed use type with Residential above ground-floor Retail or Office Space); Single-Family Attached (SFA) units (i.e., townhouses); and Single-Family Detached (SFD) lots. In Village Place, the majority of Lot Types are Mixed-Use/Commercial, with some potential Live/Work and some Residential, typically Rear-Loaded with garage or parking access from an alley (or shared-access driveway).

1. Mixed-Use/Commercial (Retail, Office, Hotel, or Multi-Family)
2. Live/Work - Rear-Loaded
3. SFA - Rear-Loaded
4. SFD - Cottage Rear-Loaded
5. SFD - Manor Rear-Loaded
6. SFD - Villa Front- Loaded

The following pages provide specific criteria, for each of the Lot Types listed above, that include required setbacks, build-to lines, garage/parking placement and access, porch and stoop placement and projection, and similar.

General Provisions

General provisions that apply for all lot types are as follows:

The following encroachments may extend into the lot front and side setbacks up to 1 foot from the build-to line: stoops, steps, bays, and similar building elements; porches may extend into the lot front and side setbacks up to 2 feet from the build-to line. Masonry veneers may encroach a maximum of 6 inches into any required setback.

Encroachments into the right-of-way shall not be allowed. (To note, arcades, a common feature in some historic communities, are not present in the historic Village Core and, therefore, are not permitted in Village Place within the right-of-way).

Where alleys or shared-access driveways are provided, service areas and off-street parking (whether in garages or on surface lots, parking pads, or driveways) shall be accessed from the alley or shared-access driveway, unless approved otherwise by the Village.

On corner lots with no access from an alley or shared-access driveway, garage or parking access may be from the side street.

For driveways accessed directly from streets, the driveway shall be either less than 6 feet in length (and, therefore, not allowing vehicles to park in the driveway) or equal to or greater than 18 feet in length (allowing vehicles to park in the driveway, clear of the street right-of-way).

On SFD - Villa lots, where the garage is accessed from the front of the lot (Front-Loaded), the garage door shall not constitute more than 45% of the façade. Additionally, the driveway shall be equal to or greater than 18 feet in length (allowing vehicles to park in the driveway, clear of the street right-of-way).

See the following pages for criteria specific to each Lot Type.

2.2 Regulating Plan

The Regulating Plan is a plan diagram that acts as a key for the application of the Site Design and Street Design criteria, linking the criteria with physical locations.

The Regulating Plan defines the boundary within which the FBC criteria apply, as shown by the SAP Boundary as a brown dashed line. The Regulating Plan also indicates allowed Uses and Building Heights within subareas. For Building Heights for example, "BH: 1-2" indicates that buildings shall be either 1 or 2 stories in height (see Section 8.0 Definitions for information on how building height is measured within Village Place).

Additionally, the Regulating Plan indicates where Active Frontage is required, that is, where retail or restaurant space, lobbies, or building amenities must be located on the ground floor facing the street.

Proposed street alignments and open space locations and configurations may vary from those shown to the right, with Village approval.

Key

-  Small Area Plan (SAP) Boundary

 Core Area Blocks

 Clark Cad

 Lower Rattlesnake Area Blocks

 Upper Rattlesnake Blocks

 Traditions Site

 General Frontage

 Active Frontage

 Public Conservation

 Open Space

 Civic Building Monuments
-  MIXED-USE

 OFFICE

 RETAIL

 LIVE - WORK

 SFA - TOWNHOUSE

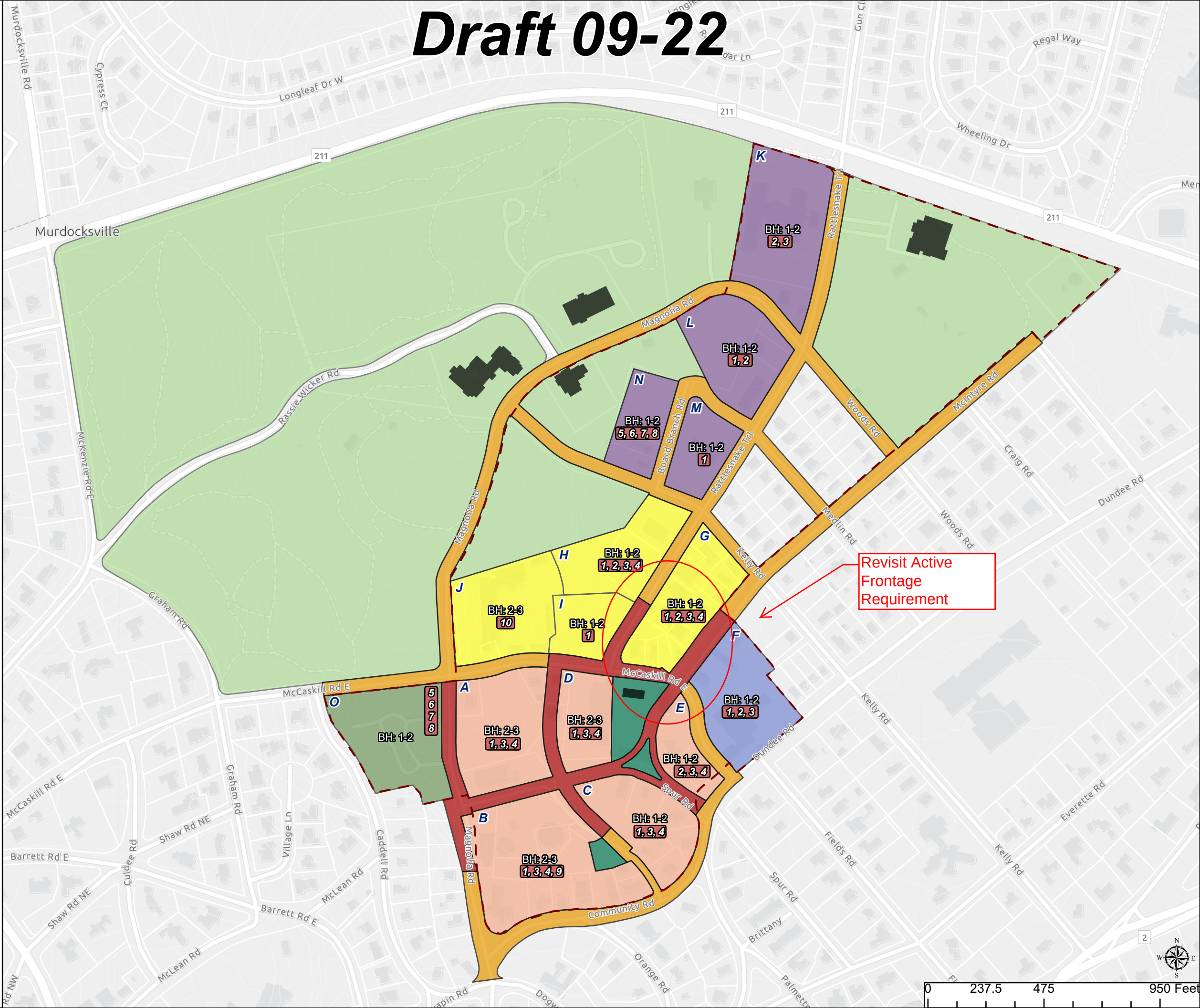
 SFD - COTTAGE

 SFD - VILLA

 SFD - MANOR

 HOTEL

 MULTIFAMILY



Mixed-Use / Commercial Rear-Loaded Lots

A Mixed-Use / Commercial Lot has a building with a ground-floor commercial use that shall include retail, restaurant, and/or office and may include lobby or amenity space for upper floor uses. If included, the upper floor(s) may be retail, restaurant, office, hotel, and/or residential. Rear-Loaded refers to the positioning of the off-street parking and its access from a rear alley or shared-access driveway.

The standards for Mixed-Use / Commercial Lots are as follows:

Lot Width	24' min. for Mid-Block Lot; 34' min. for Corner Lot
Lot Depth	60' min.
Building Height	See Regulating Plan
Building Width	24' min.
Building Depth	Varies; no min.
Primary Building Setbacks:	
Front Setback	10' *
Side Setback	See lot diagrams to the right
Rear Setback	15' min.; 18' if parking is on-lot to rear of primary structure

* A min. of 75% of the Primary Structure's front elevation/facade shall be placed on the Build-to Line set 10' off the front lot line.

Accessory Building Setbacks:

Front Setback	5' min. from rear of the primary structure
Side Setback	Shall be located directly behind the principal structure
Rear Setback	15' min.; 18' if parking is on-lot to rear of primary structure

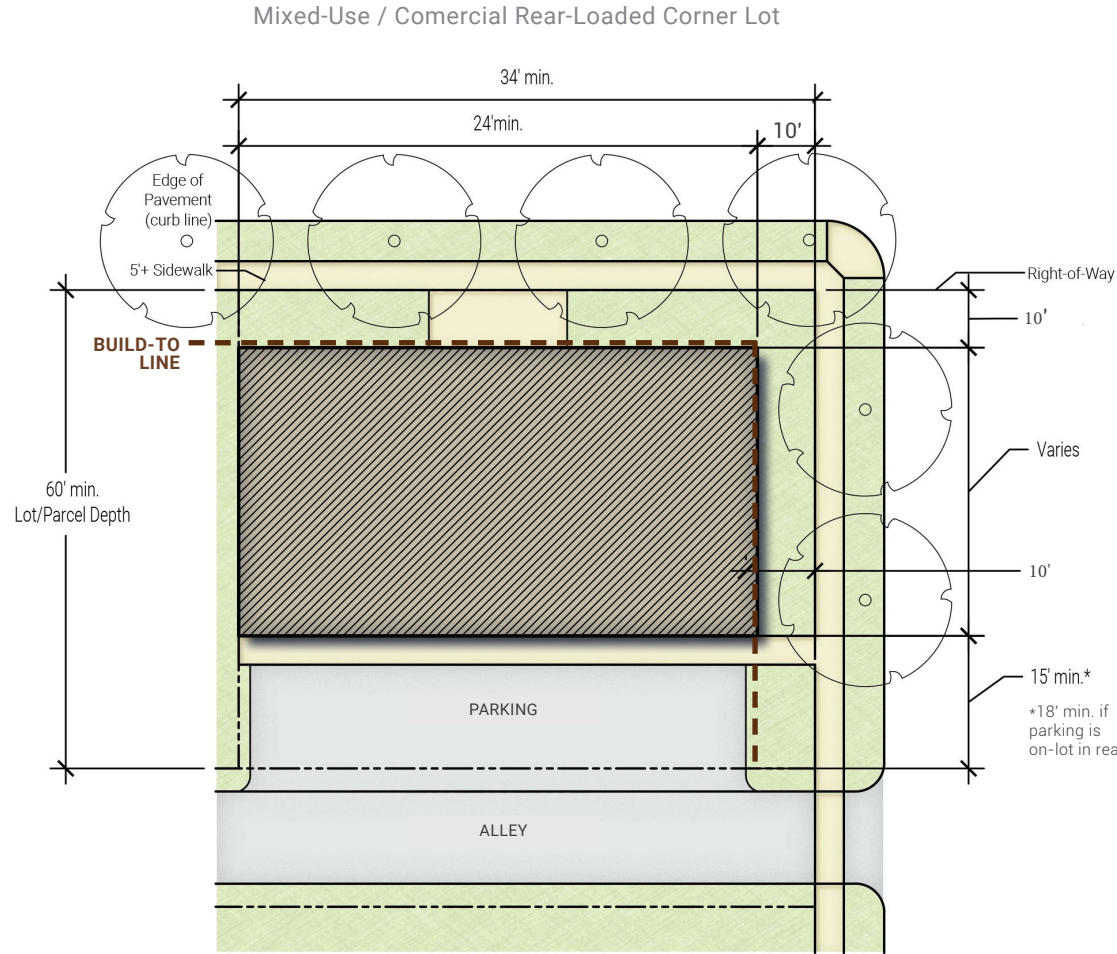
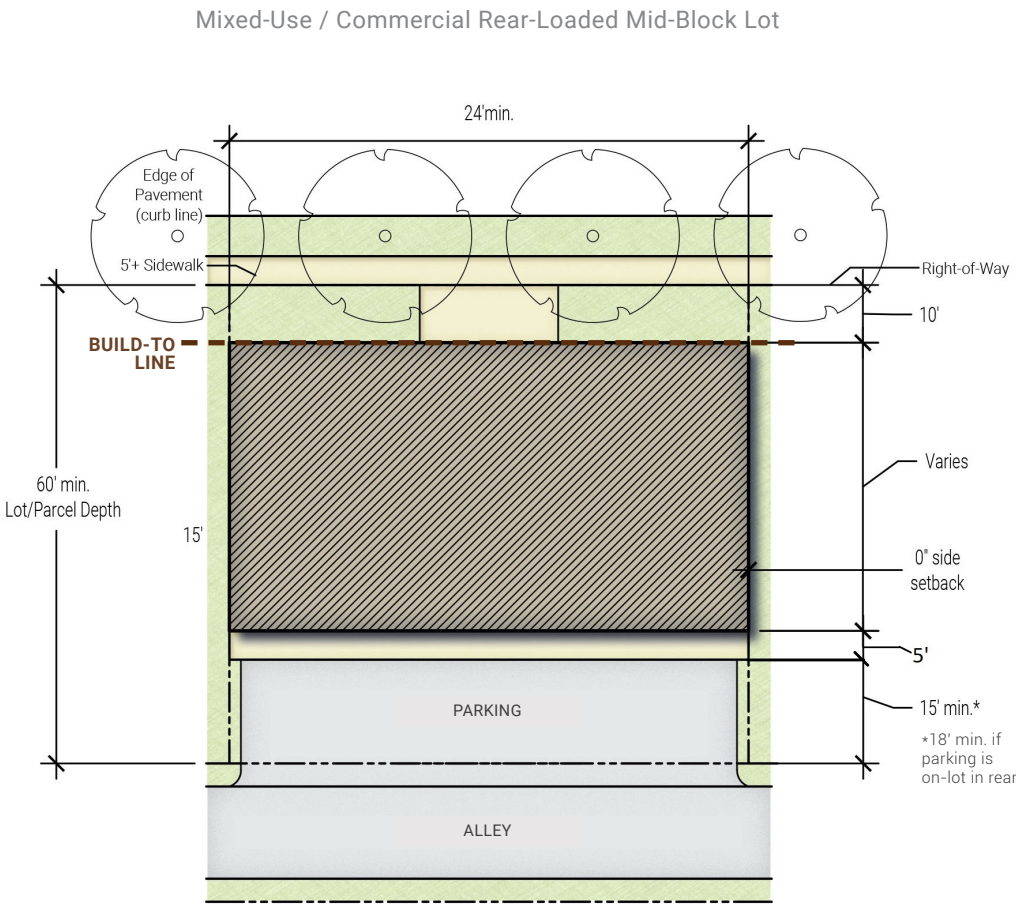
Parking provided on-lot/off-street (whether in garages or on surface lots, parking pads, or driveways) and service areas shall be located to the rear or side (but not in front or projecting forward) of the primary structure.

See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

There are two types of Mixed-Use / Commercial Lots in Village Place, Mid-Block Lots and Corner Lots. Due to their prominent locations and visibility within the community, Corner Lots have unique design criteria and side setbacks (see the diagrams to the right and the criteria on the following pages).

Mid-Block Lots: These lots are flanked by other lots on both sides.

Corner Front-Loaded Lots: These lots have two frontages (i.e., two lot lines along a street or a street and an open space).



Precedent - One-story Retail
Source: unknown



Precedent - Commercial Building - Baton Rouge, LA
Credit: Google Maps Street View



Precedent - Commercial Building
Credit: Google Maps Street View

Live/Work Rear-Loaded Lots

A Live/Work Lot has a building with ground-floor with retail or office. The upper floor(s) shall be residential. Unlike a Mixed-Use building, a Live/Work is a single unit owned and occupied by the same person(s). Rear-Loaded refers to the positioning of the garage (or parking pad) and its access from a rear alley or shared-access driveway.

The standards for Live/Work Lots are as follows:

Lot Width	24' min. for Mid-Block Lot; 34' min. for Corner Lot
Lot Depth	60' min.
Building Height	See Regulating Plan
Building Width	24' min.
Building Depth	34' min.

Primary Building Setbacks:

Front Setback	10' *
Side Setback	See lot diagrams to the right
Rear Setback	15' min.; 18' if parking is on-lot to rear of primary structure

* A min. of 75% of the Primary Structure's (full building length of the) front elevation/facade shall be placed on the Build-to Line set 10' off the front lot line(s).

Accessory Building Setbacks:

Front Setback	5' minimum from rear of the primary structure
Side Setback	Shall be completely behind the primary structure
Rear Setback	4' min.

Parking provided on-lot/off-street shall be in a detached, attached, or integral garage or on a parking pad, located to the rear of the primary structure.

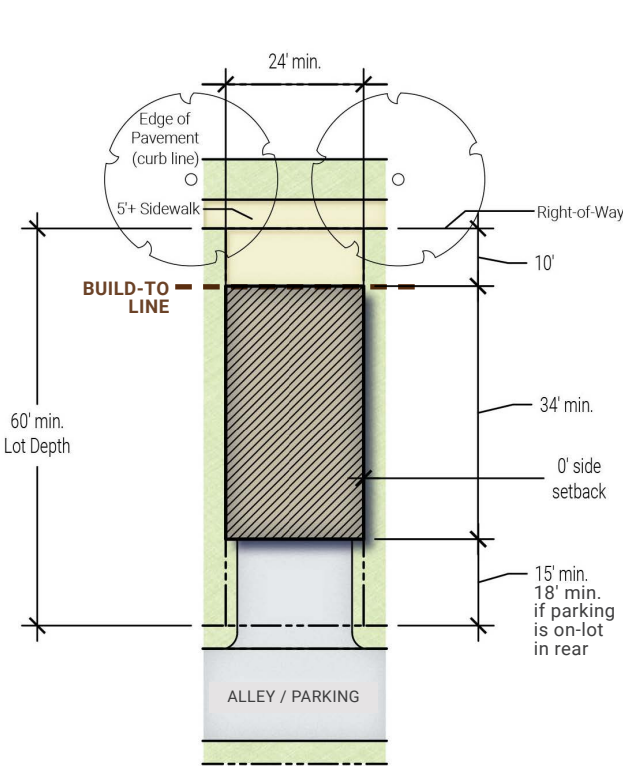
See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

There are two types of Mixed-Use / Commercial Lots in Village Place, Mid-Block and Corner Lots. Due to their prominent locations and visibility within the community, Corner Lots have unique design criteria and side setbacks (see the diagrams to the right and the criteria on the following pages).

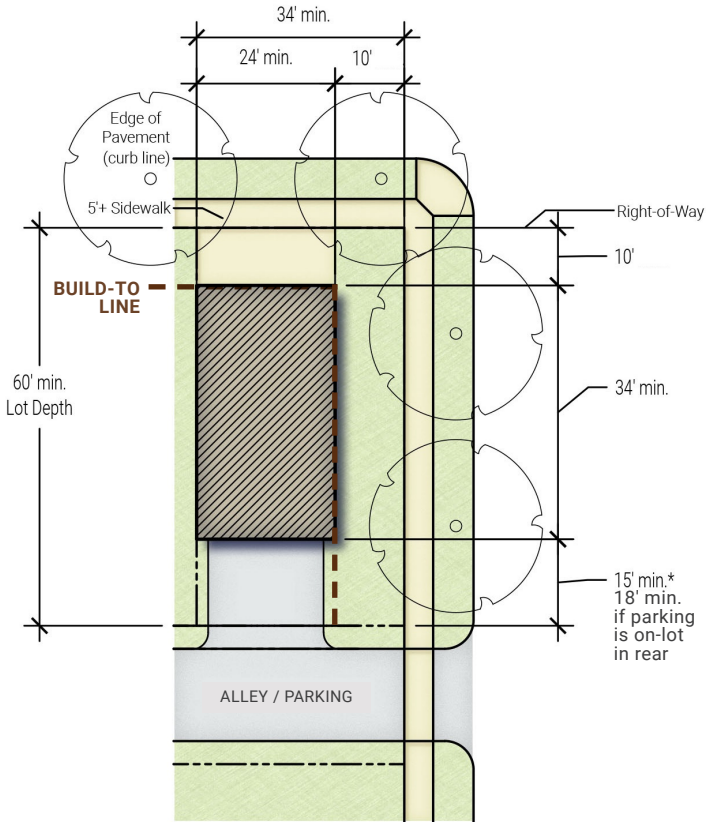
Mid-Block Lots: These lots are flanked by other lots on both sides.

Corner Front-Loaded Lots: These lots have two frontages (i.e., two lot lines along a street or a street and an open space).

Live-Work Integral Garage - Mid-Block



Live-Work Integral Garage - Corner Lot



Precedent - Live/Work - Beaufort, SC

Credit: Missing Middle Housing



Precedent - Live/Work - Mashpee Commons, MA

Credit: Michigan Municipal League

Single-Family Attached (SFA) Rear-Loaded Lots

A Single-Family Attached Lot has a single-unit, residential building (a townhouse) that shares one or two side walls with adjacent units. Rear-Loaded refers to the positioning of the garage (or parking pad) and its access from a rear alley or shared-access driveway. Single family attached development shall consist of a minimum of three units, each located on a separate tract of land.

The standards for SFA Lots are as follows:

Lot Width	22' min. for Mid-Block Lot; 37' min. for Corner Lot
Lot Depth	75' min.
Building Height	See Regulating Plan
Building Width	22' min.
Building Depth	34' min.

Primary Building Setbacks:

Front Setback	15'
Side Setback	See lot diagrams to the right
Rear Setback	25' min.

*A minimum of 75%of the Primary Building (full building length of the) front elevation/facade shall be placed on the Build-To Line set 15' off the front lot line(s).

Accessory Building Setbacks:

Front Setback	To be located completely behind the Primary Building
Setbacks	See lot diagrams to the right
Rear Setback	4' min.

Parking provided on-lot/off-street shall be in a detached, attached, or integral garage or on a parking pad, located to the rear of the primary structure.

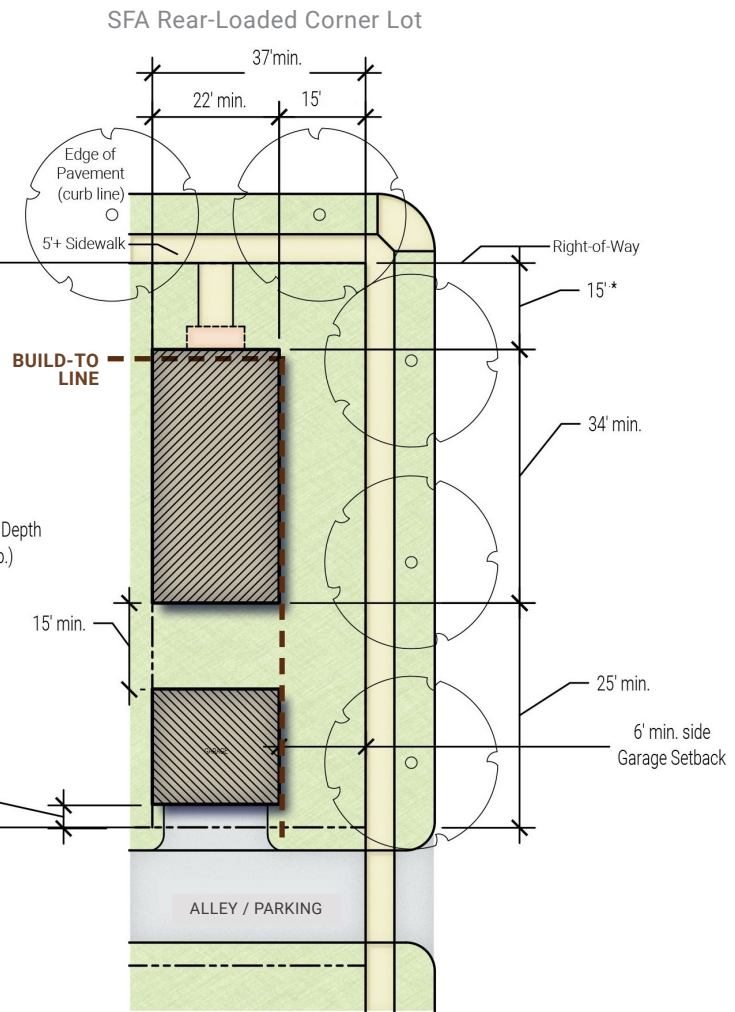
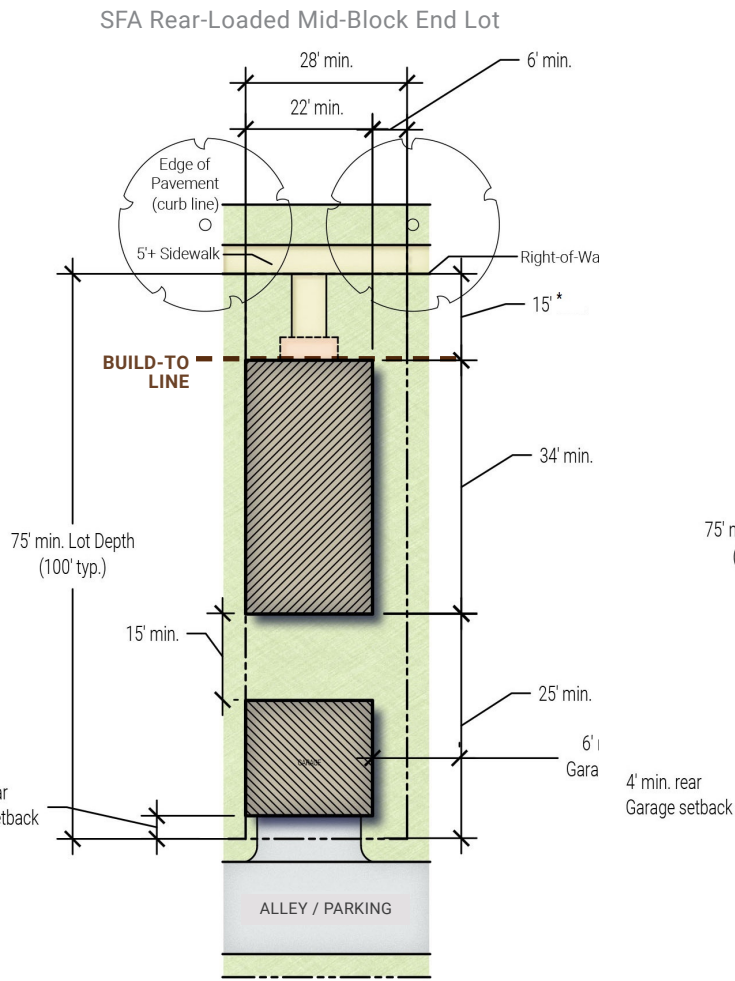
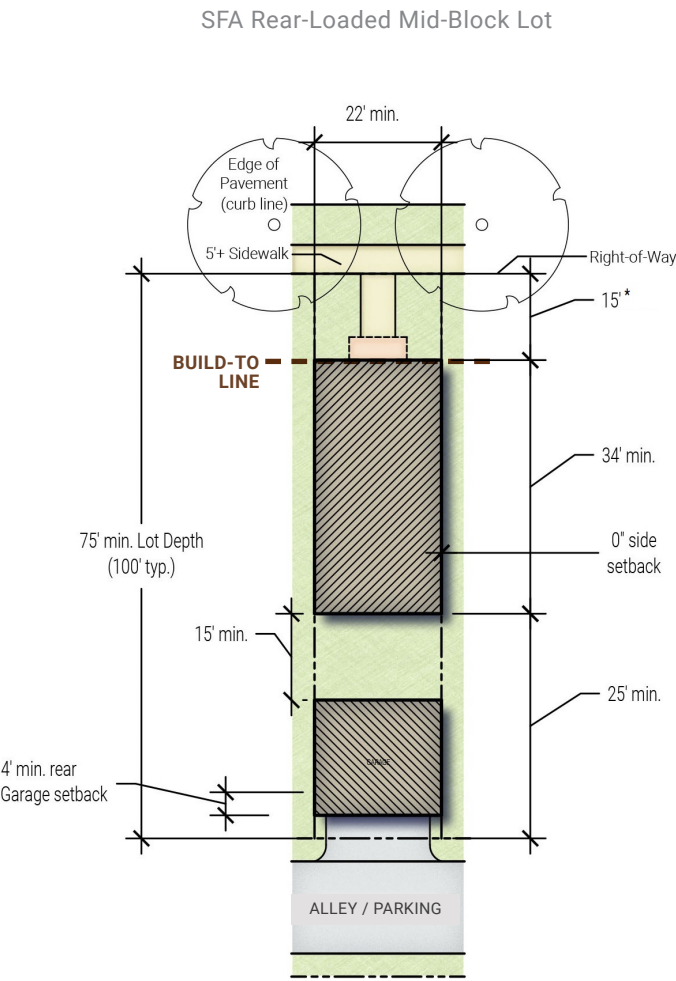
See the General Provisions on page 10 for building elements that may extend into the lot's front and side setbacks.

There are three types of Single-Family Attached lots: Mid-Block, Mid-Block End, and Corner lots. Due to their prominent locations and visibility within the community, Corner Lots have unique design criteria and side setbacks (see the diagrams to the right and the criteria on the following pages).

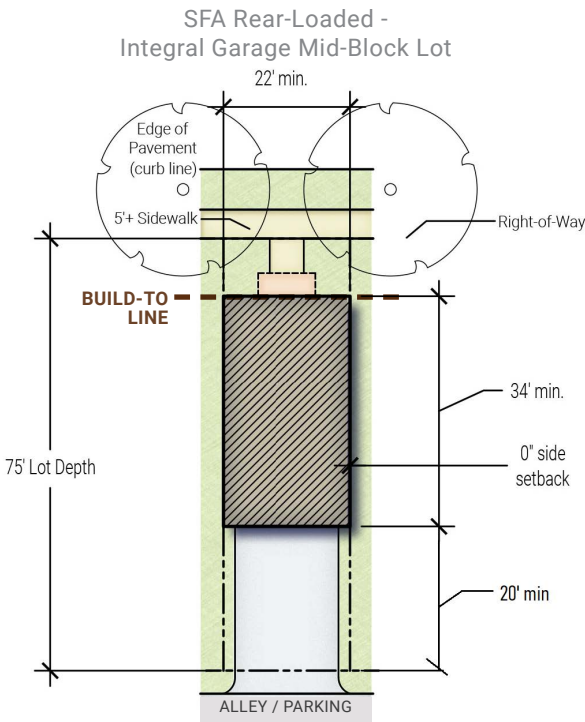
Mid-Block Lots: These lots are flanked by other lots and the building is attached on both sides.

Mid-Block End Lots: These lots are flanked by other lots on both sides, but the building is attached on one side only.

Corner Lots: These lots have two frontages (ie. two lot lines along a street or a street and an open space); the building is attached on one side only.



* Maximum porch encroachment 2'



Precedent - Single-Family Detached (Townhouse) - Akron, OH
Source: Design Collective



Precedent -Single-Family Detached (Townhouse) - Baxter, NC
Source: Design Collective

Single-Family Detached (SFD) Cottage Rear-Loaded Lots

A Single-Family Detached (SFD) Cottage Lot has a small (22' to <32' wide) single-unit, residential building that shares no walls with adjacent units. Rear-Loaded refers to the positioning of the garage (or parking pad) and its access from a rear alley or shared-access driveway.

- The standards for SFD Cottage Lots are as follows:
- Lot Width 34' min. for Mid-Block Lot; 42' min. for Corner Lot
 - Lot Depth 75' min.
 - Building Height See Regulating Plan
 - Building Width 22' min.
 - Building Depth 34' min.

Primary Building Setbacks:

- Front Setback 15' min.
- Side Setback See lot diagrams to the right
- Rear Setback 25' min.

* A min. of 75% of the Primary Structure's (full building length of the) front elevation/facade shall be placed on the Build-to Line set 15' off the front lot line(s).

Accessory Building Setbacks:

- Front Setback To be located completely behind the primary building
- Setbacks See lot diagrams to the right
- Rear Setback 4' min.

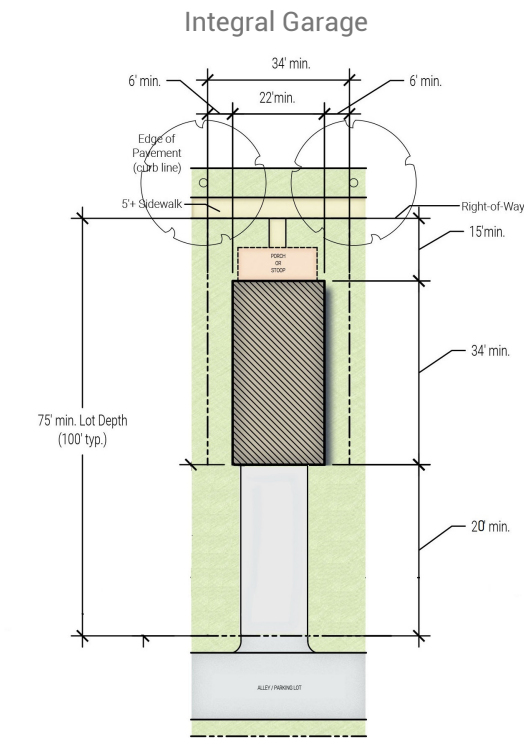
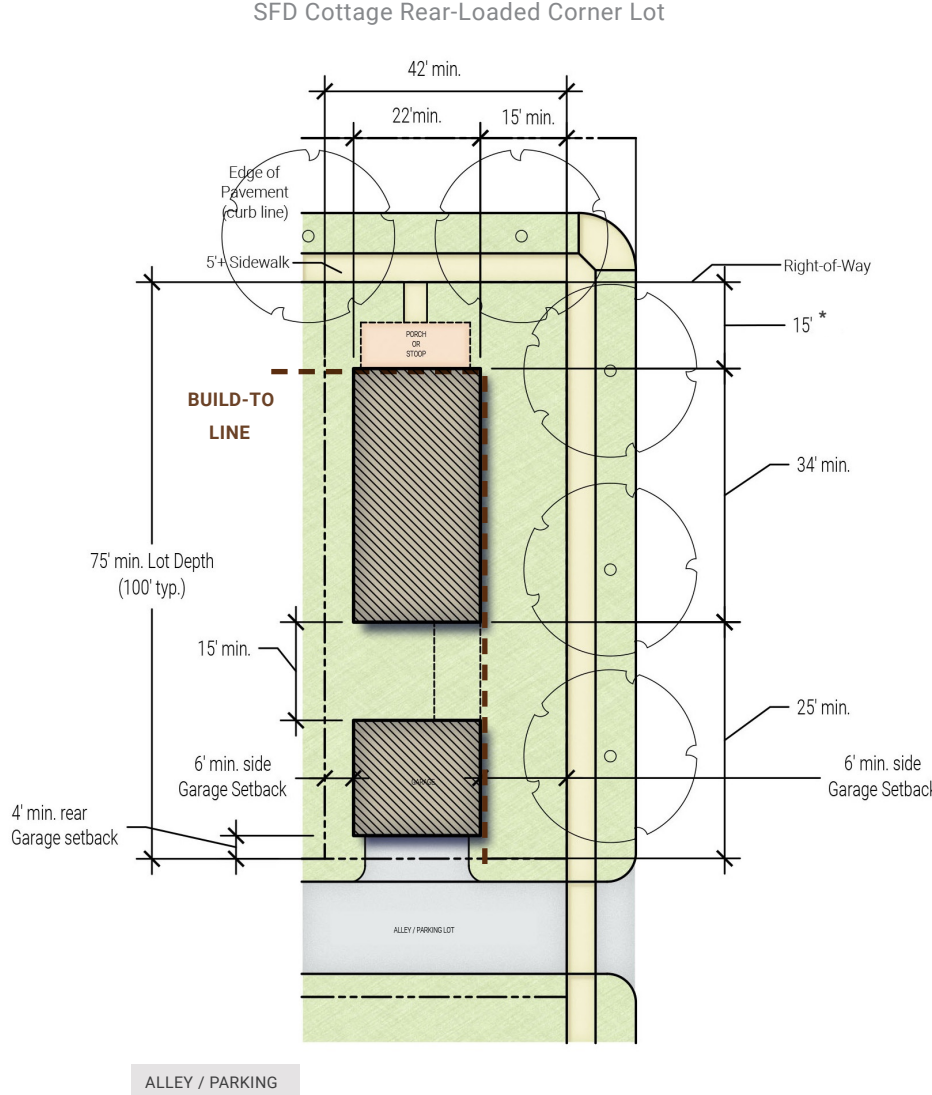
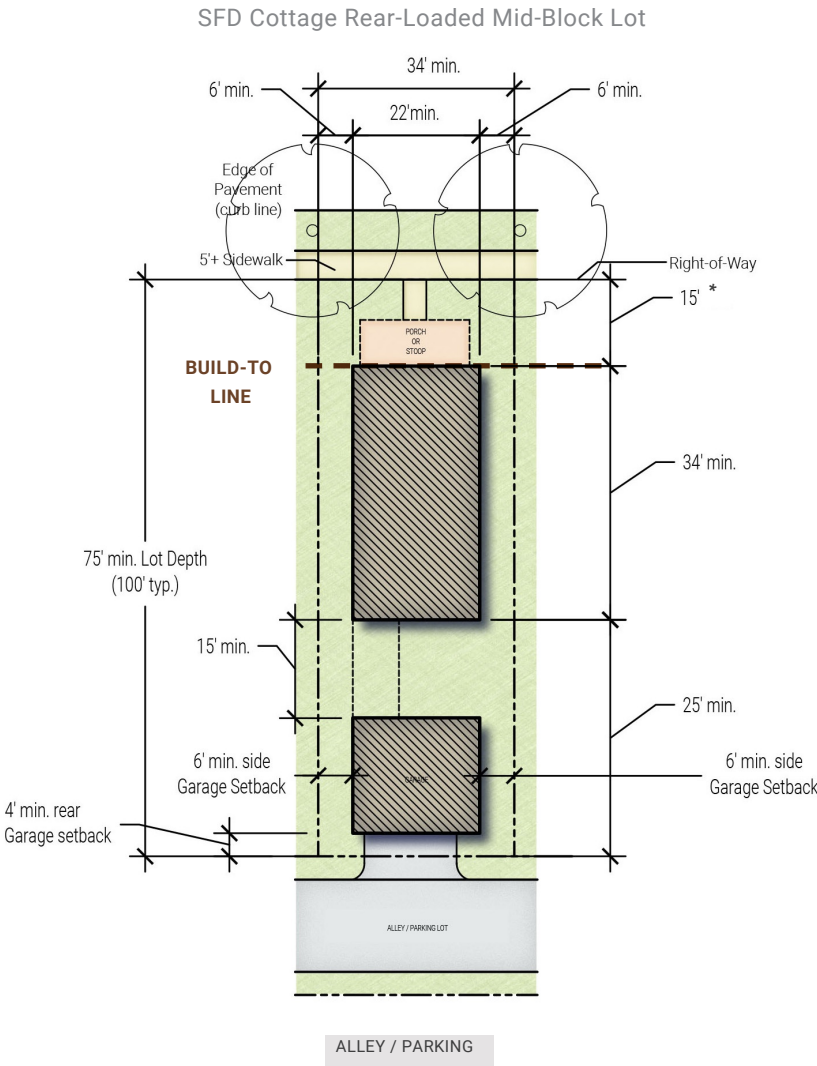
Parking provided on-lot/off-street shall be in a detached, attached, or integral garage or on a parking pad, located to the rear of the primary structure.

See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

There are two types of Single-Family Attached Lots in Village Place, Mid-Block and Corner Lots. Due to their prominent locations and visibility within the community, Corner Lots have unique design criteria and side setbacks (see the diagrams to the right and the criteria on the following pages).

Mid-Block Lots: These lots are flanked by other lots on both sides.

Corner Front-Loaded Lots: These lots have two frontages (i.e. two lot lines along a street or a street and an open space).



* Maximum porch encroachment 2'



Precedent - Single-Family Detached (SFD) Cottage - Charleston, SC
Credit: Nat Wallen



Precedent - Single-Family Detached (SFD) Cottage - Maple Lawn, MD
Source: Design Collective

Single-Family Detached (SFD) Manor Rear-Loaded Lots

A Single-Family Detached (SFD) Manor Lot has a 32'+ wide single-unit, residential building that shares no walls with adjacent units. Rear-Loaded refers to the positioning of the garage (or parking pad) and its access from a rear alley or shared-access driveway.

The standards for SFD Manor Lots are as follows:

Lot Width	52' min. for Mid-Block Lot; 62' min. for Corner Lot
Lot Depth	80' min.
Building Height	See Regulating Plan
Building Width	32' min.
Building Depth	34' min.

Primary Building Setbacks:

Front Setback 20' min.
Side Setback See lot diagrams to the right
Rear Setback 25' min.

* A min. of 75% of the Primary Structure's (full building length of the) front elevation/facade shall be placed on the Build-to Line set 15' off the front lot line(s).

Accessory BuildingSetbacks:

Front Setback	To be located completely behind the primary building
Side Setback	See lot diagrams to the right
Rear Setback	4' min.

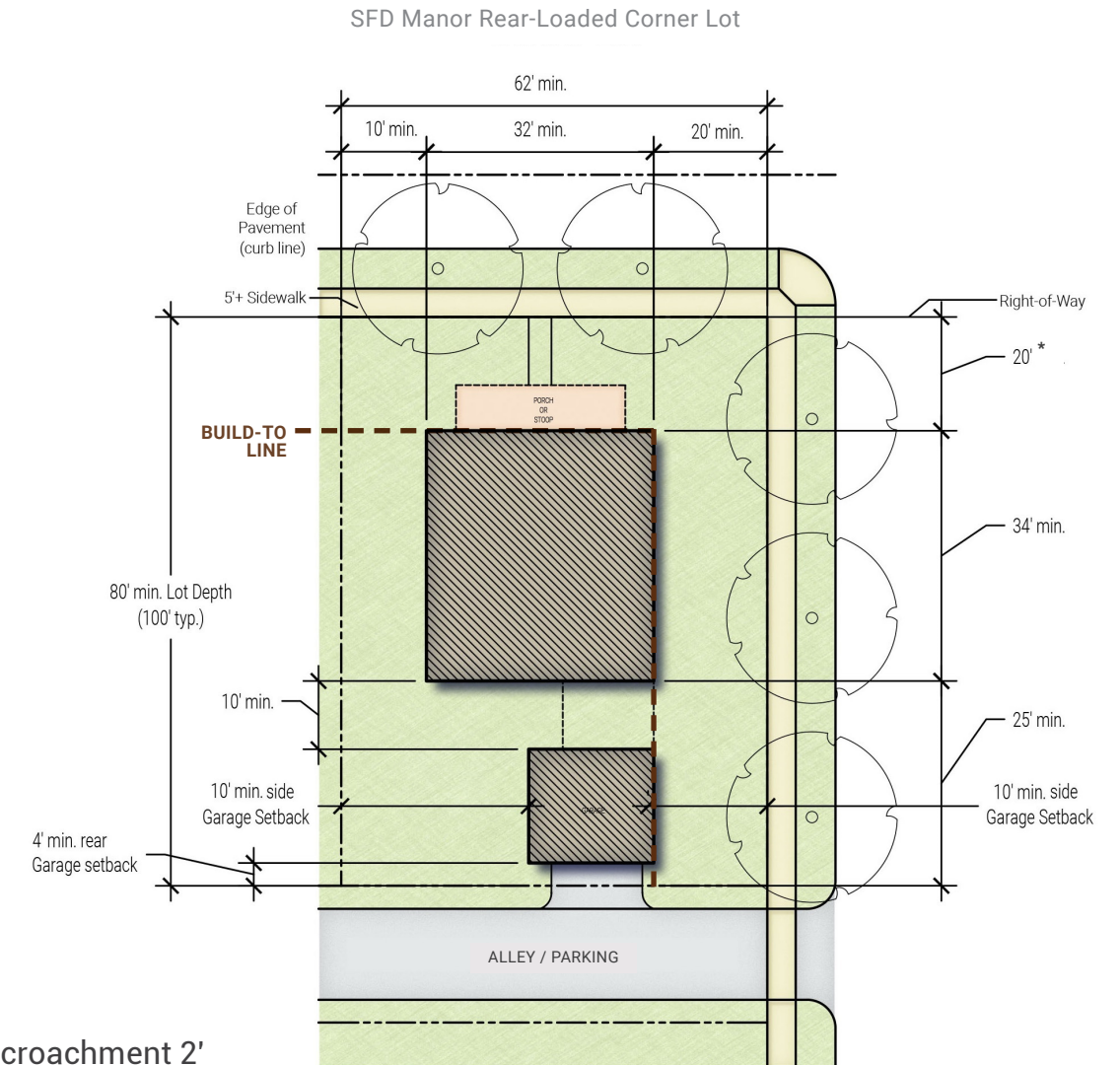
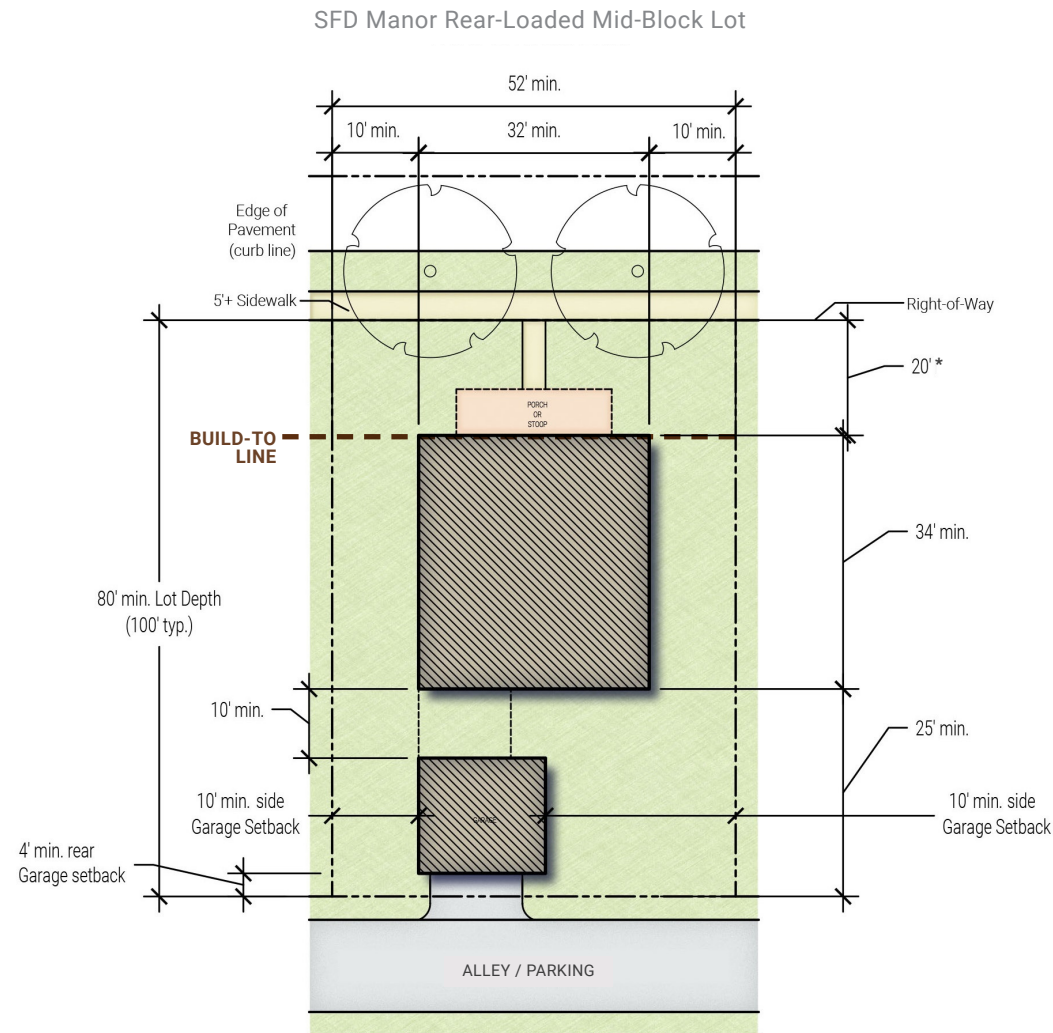
Parking provided on-lot/off-street shall be in a detached, attached, or integral garage or on a parking pad, located to the rear of the primary structure.

See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

There are two types of Single-Family Attached Lots in Village Place, Mid-Block and Corner Lots. Due to their prominent locations and visibility within the community, Corner Lots have unique design criteria and side setbacks (see the diagrams to the right and the criteria on the following pages).

Mid-Block Lots: These lots are flanked by other lots on both sides.

Corner Front-Loaded Lots: These lots have two frontages (i.e., two lot lines along a street or a street and an open space).



* Maximum porch encroachment 2'



Precedent - Single-Family Detached (SFD) Manor - Maple Lawn, MD
Source: Design Collective



Precedent - Single-Family Detached (SFD) Manor - Maple Lawn, MD
Source: Design Collective

Single-Family Detached (SFD) Villa Front-Loaded Lots

A Single-Family Detached (SFD) Villa Lot has a single-unit, residential building that shares no walls with adjacent units. Front-Loaded refers to the positioning of the garage (or parking pad) and its access from a street in front of the lot.

The standards for SFD Villa Lots are as follows:

Lot Width	72' min. for Mid-Block Lot; 82' min. for Corner Lot
Lot Depth	80' min.
Building Height	See Regulating Plan
Building Width	32' min.
Building Depth	34' min.

Primary Building Setbacks:

Front Setback	20' min.
Side Setback	See lot diagrams to the right
Rear Setback	25' min.

* A min. of 75% of the Primary Structure's (full building length of the) front elevation/facade shall be placed on the Build-to Line set 20' off the front lot line(s).

Secondary Structure Setbacks:

Front Setback	6' min. back from the facade of the primary structure
Side Setback	See lot diagrams to the right
Rear Setback	25' min.

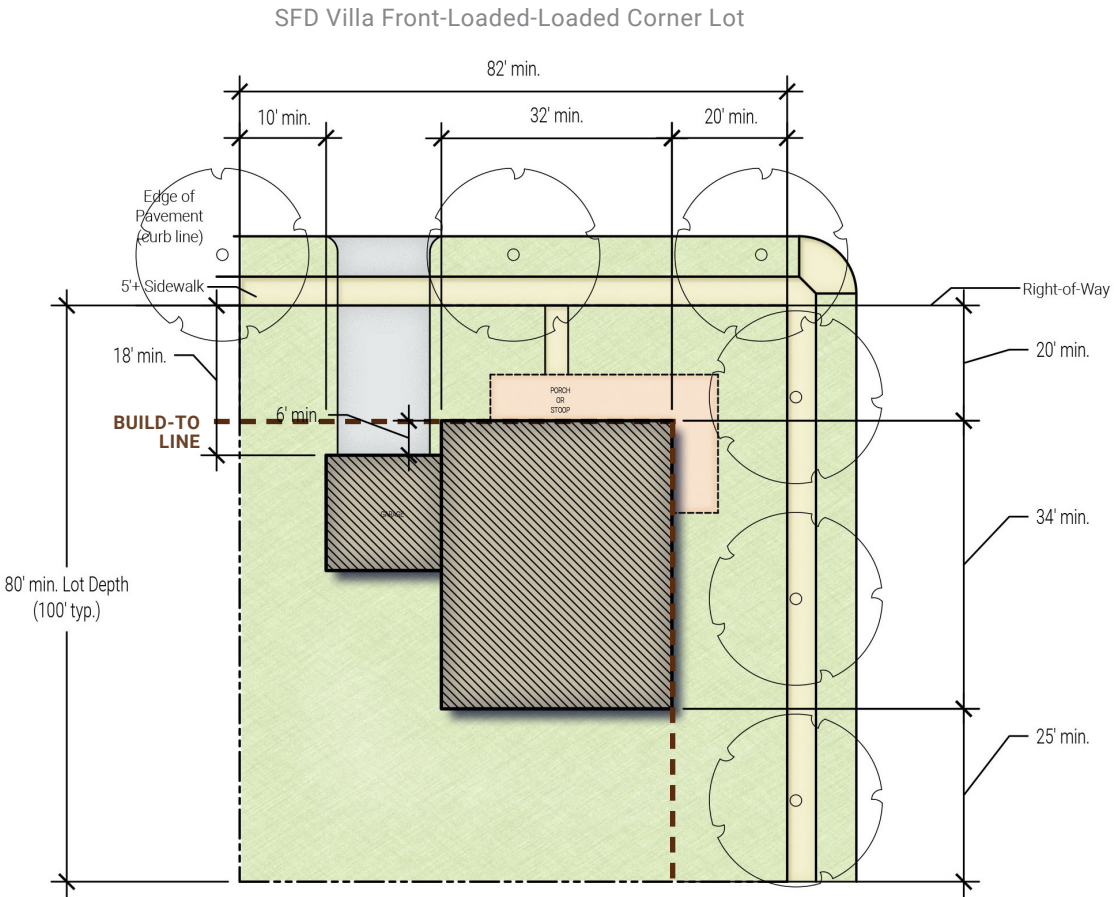
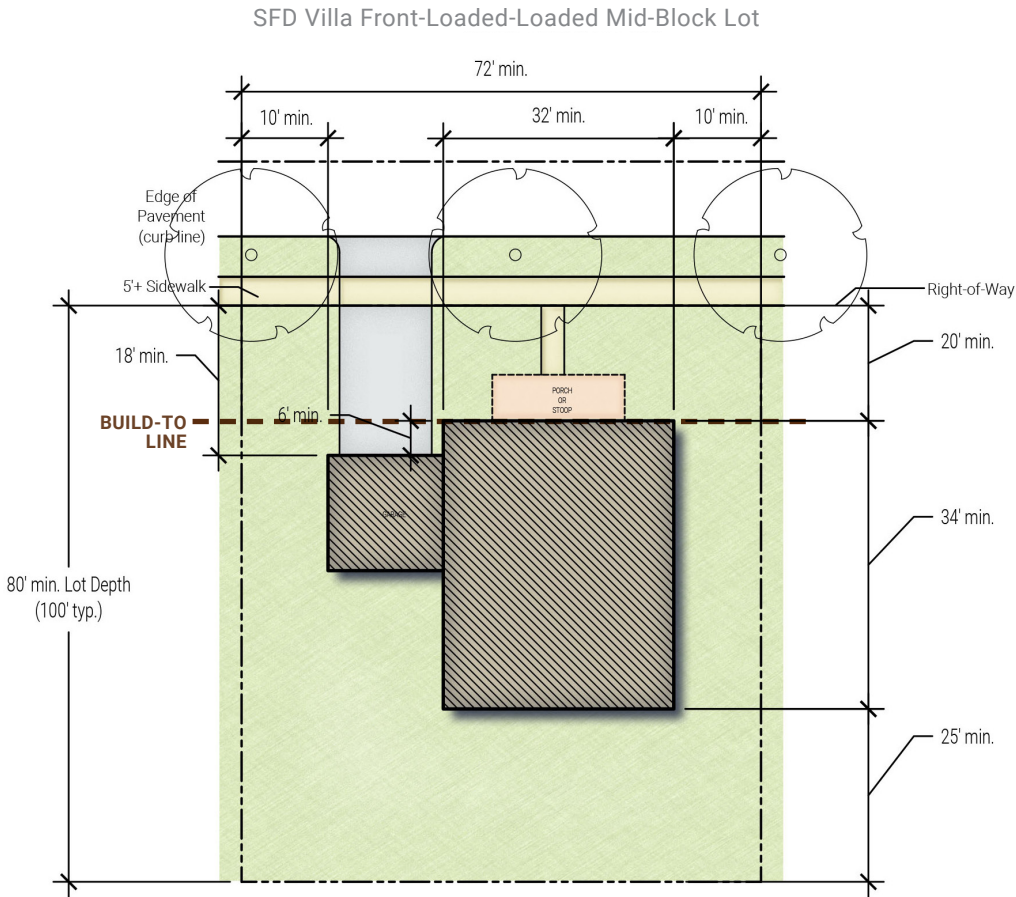
Parking provided on-lot/off-street shall be in a detached or attached garage or on a parking pad. A garage shall not be located within the front setback and shall be setback 6' min. from the front elevation (facade) of the primary structure.

See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

There are two types of SFD Villa Lots in Village Place, Mid-Block and Corner Lots. Due to their prominent locations and visibility within the community, Corner Lots have unique design criteria and side setbacks (see the diagrams to the right and the criteria on the following pages).

Mid-Block Lots: These lots are flanked by other lots on both sides.

Corner Lots: These lots have two frontages (i.e., two lot lines along a street or a street and an open space).



Maximum porch encroachment 2'



Precedent - Single-Family Detached (SFD) Cottage _ Charleston, SC
Source: Trulia Real Estate Listings



Precedent - Single-Family Detached (SFD) Villa - Maple Lawn, MD
Source: Design Collective

2.4 Corner Lot and Front Elevation Standards

Given the importance of the public realm in Village Place and proximity to the Village Center, certain lots will require additional design attention due to their street exposure along a block face and unique criteria will apply to corner lots (see below). The diagram on the following page is an illustrative example of lot hierarchy and elevation types.

Lots that front on two streets (i.e., where two of the lot lines run along streets) or a street and a primary open space are known as Corner Lots and have two “frontages” for the application of the Form-Based Code criteria. All other lots are known as standard Mid-Block Lots; no unique criteria apply to these lots, however, all other relevant design criteria apply.

Further, any building elevation, regardless of lot hierarchy, that fronts a street is known as a "frontage elevation" and requires particular design attention; specific criteria apply to these elevations (see the following pages). For non-frontage side elevations and rear elevations, no unique criteria apply, however, all other relevant design criteria apply (see the Architectural Design criteria on pages 52-70).

See the Corner Lot and Frontage Elevation Requirements on the following page.

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LOT HIERARCHY AND ELEVATION TYPES DIAGRAMS

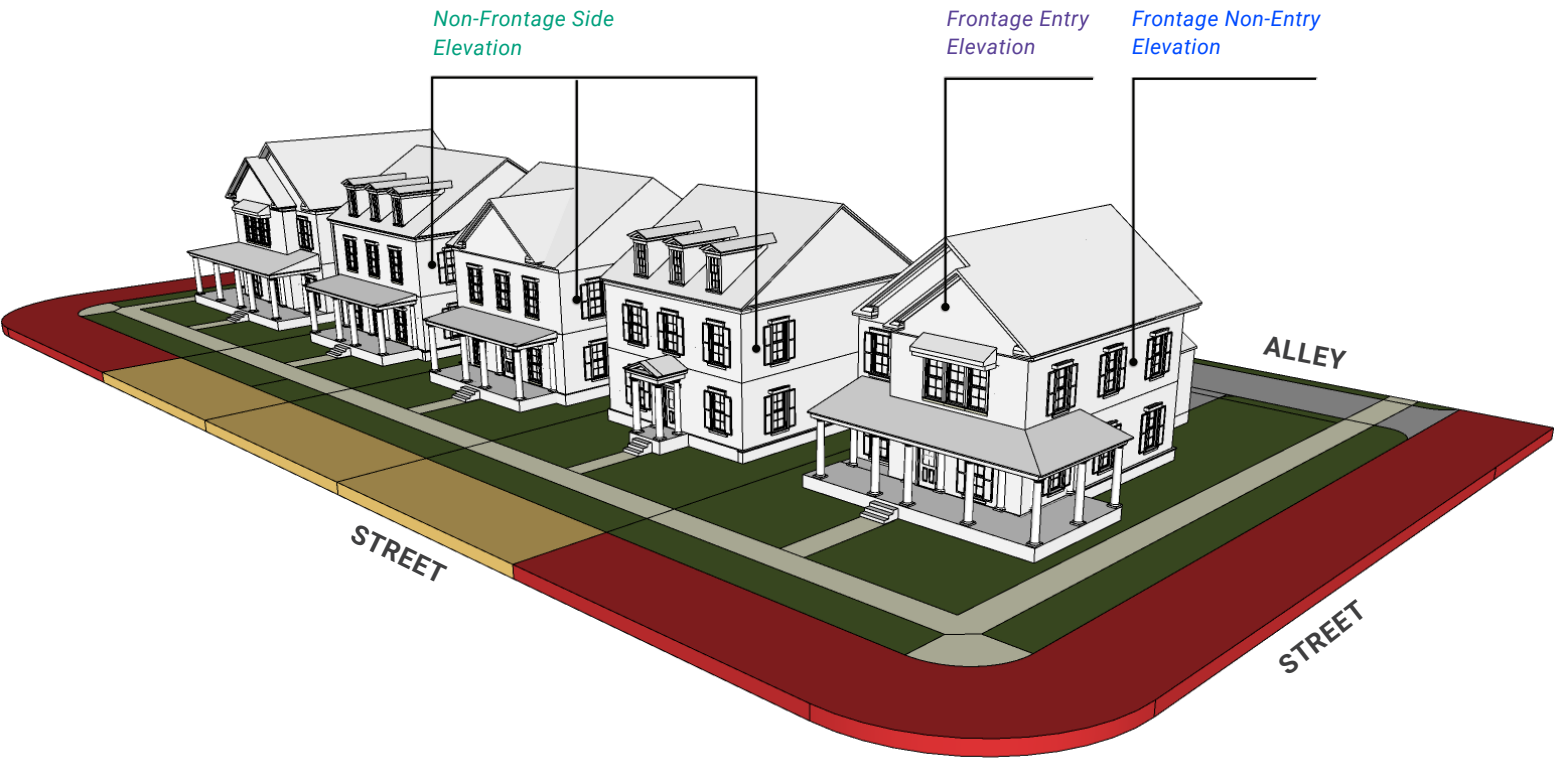


LOT HIERARCHY

- Corner Lot
- Mid-Block Lot

ELEVATION TYPES

- Frontage Entry Elevations
- Frontage Non-Entry Elevations
- Non-Frontage Side Elevations



Draft V1 P&Z Review 08/04/22

Corner Lot and Frontage Elevation Standards, continued

As noted on the previous page, given the importance of the public realm in Village Place and proximity to the Village Center, certain lots require particular attention due to their locations. The following criteria apply to these important lot locations.

Corner Lot and Frontage Elevation Requirements*:

- » Where masonry is the primary facade material: Where and as used on the frontage entry elevation, masonry (brick or stone to 8” below grade) is required on the frontage non-entry elevation. Further, the masonry shall return a minimum of 12” on the non-frontage side and/or rear elevation(s) or at an inside corner of a protruding element on the frontage entry facade. Garages and other secondary structures may have a masonry watertable in lieu of full brick or stone on the frontage elevation(s).
- » Where siding is the primary façade material: A masonry watertable (brick or stone to 8” below grade) is required on the frontage entry elevation and frontage non-entry elevation (if applicable). Further, the masonry watertable shall return a minimum of 12” on the non-frontage side elevation. Garages and other secondary structures fronting streets shall also have a masonry watertable on the frontage elevation. Alternatively, if approved by the Village, a stamped concrete foundation, painted two shades darker than the siding above, may be substituted for the brick/stone watertable.
- » Windows: On frontage elevations of primary structures (per 30 lineal feet of frontage on mixed-use/commercial buildings), at least 4 windows of 12 sf min. each or 48 sf min. in total are required. All buildings require a minimum of 2 windows of 12 sf min. each on non-frontage side elevations, located within the front third of the elevation (closest to the street).

- » Head features: Trim or masonry head features are required on all windows on all frontage elevations. Trim or masonry head features are required on all doors on all frontage elevations. See also Figure 25 on page 69.
- » Window grilles and shutters: Where and as used on the frontage entry elevation, window grilles and shutters are required on the frontage non-entry elevation. See also Figure 25 on page 69.
- » Trim: Eave, window, door, base, and other trim shall be consistent, in dimension and detail, on both the frontage entry and the frontage non-entry elevations. Trim may transition appropriately to the minimum criteria requirements on the non-frontage side and rear elevations.
- » Porch: On a Residential Corner Lot, if a porch is installed on the frontage entry elevation, the porch shall wrap twice the depth of the front porch on the frontage non-entry elevation. See Figures 9 and 10 on page 64.
- » Landscaping: Landscaping shall be required along the foundation of all frontage elevations (i.e., along elevations fronting streets) in a layered, varied, and naturalistic pattern, except where hardscape (paving) extends to the building facade. For all Mixed-Use/Commercial or Live/Work Lots as well as all Residential Corner Lots, a lot-specific landscape plan shall be submitted to the Village Planner for review. On these lots, particular attention shall be paid to the placement of landscape to help screen mechanical equipment, views down alleys (or shared-access driveways), and similar. See Section 4.0 Landscape Design on pages 34-48 for additional requirements.

In addition to the above, all other relevant Form-Based Code criteria apply; in particular, see Section 5.0 Architectural Design on pages 52-70.*

* Except as pre-empted per G.S 160D-702 pertaining to building design elements subject to regulation under the North Carolina Residential Code for One-and Two-Family Dwellings; in such cases, the criteria are encouraged rather than mandated. The Village may also request application of these standards through Conditional Rezoning process.



Precedent - Mixed-Use Corner Lot - Pinehurst, NC

Source: facebook



Precedent - SFD Cottage Mid-Block Lot with stoop - Maple Lawn, MD

Source: Design Collective



Precedent - SFD Manor Mid-Block Lot with full porch - Maple Lawn, MD

Source: Design Collective

PRINCIPAL USES	Regulating Plan Blocks *Indicates a Block with Proposed Active Frontage, See Regulating Plan for more information.														
	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
USE TYPES															
RESIDENTIAL	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Dwelling-Single Family	✗	✗	✗	✗	✗		✗	✗	✗	✗		X	X	X	X
Dwelling-Two Family	✗	✗	✗	✗	✗		✗	✗	✗	✗				✗	X
Dwelling-Multifamily	✗	✗	✗	✗	✗		✗	✗	✗	X					✗
Dwelling-Townhouse/ Clustered Dwellings	✗	✗	✗	✗	✗		✗	✗	✗	✗				✗	X
Family Care Home (6 or fewer residents)	✗	✗	✗	✗	✗		X	X	X	X					✗
Halfway Homes															
Dwelling -Mixed Use	X	X	X	X	X	X	X	X	X	✗	✗				
Manufactured Housing															
Manufactured Home Park															
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
LODGING	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Bed and Breakfast Homes	✗	✗	✗	✗	✗		✗	✗	✗	✗					(X)
Boarding or Rooming House															
Dormitory															
Hotel	✗	X	✗	✗			✗	✗	✗	✗					
Recreational Vehicle Park															
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
OFFICE/SERVICE	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Banks, Credit Unions, Financial Services	(X)	(X)	(X)	✗	X	X	X	X	X	✗	X	X	X		
Business Support Services	✗	✗	(X)	X	(X)	X	X	X	X	✗	X	X	X		
Crematoria															
OFFICE/SERVICE	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Dry Cleaning & Laundry Services	✗	✗	✗	✗	✗	X	X	X	X	✗	X				
Funeral Home						✗	✗	✗	✗		✗				
Medical Clinic						✗	✗	✗	✗	✗	X				
Personal Services	(X)	(X)	(X)	X	(X)	X	X	X	X		(X)	(X)	(X)		

(X) Indicates Question about Land Use
X Indicates Proposed Use
✗ Indicates Use Removal or Prohibition
Example Indicates General Use Type Prohibition

Village Place FBC Use Table
X's represent permitted uses under existing zoning

Personal Services, Restricted															
OFFICE/SERVICE	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Professional Services	(X)	(X)	(X)	✗	(X)	X	X	X	X		X	(X)	(X)		
Radio/TV Studio	✗	✗	✗	✗	✗		✗		✗		✗				
Small Equipment Repair/Rental						(X)	✗	✗			✗				
Small Engine Repair / Sales						X	✗	✗			✗				
Veterinary Services / Indoor Kennels						✗	X	X			X				
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
COMMERCIAL/ ENTERTAINMENT	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Sexually Oriented Business															
Alcoholic Beverage Sales Store	(X)	(X)	(X)	(X)			X	X	X	✗					
Amusements, Indoor	X	X	X	X		(X)	(X)	(X)	X		X				
(Amusement, Outdoor)															
(Billiard/Pool Hall)															
Bar/Tavern/Night Club	X	X	X	X	X	X	X	X	X	✗	✗				
(Garden Center)						(✗)	✗	✗			✗				
General Retail	X	X	X	X	X	X	X	X	X	✗	X				
Golf Course															
Internet Sweepstakes-Facilities															
Outside Sales	✗	✗	✗	✗	✗	X	✗	✗	✗	✗	✗				
(Pawnshops)															
Racetrack															
Restaurant	X	X	X	X	X	X	X	X	X		X				
Shooting Range															
Theater, Indoor (Movie or Live Performance)	X	X	X	X	X	X	X				✗				

	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
CIVIC	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Civic/Cultural Facilities	X	X	X	X	X	✗	✗	✗	✗	✗	✗	✗			
Community Shared Facilities							✗		✗		✗	✗	✗	(X)	✗
Conference/Convention Center															
Country Club															
Municipal Public Service Facility	✗	✗	✗	✗	✗		✗	✗	✗	✗		✗			
Private Clubs	✗	✗	✗	✗		✗	✗	✗	✗	✗	✗				
Public Safety Station	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Recreation Facilities, Indoor	X	X	X	X		X	X	X	X	✗	X	X			
Recreation Facilities, Outdoor						✗	✗	✗			✗				
Religious Institution						✗	✗	✗			✗	✗			
Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
EDUCATION/ INSTITUTION	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Residential Care Facilities (More than 6 Residents)						✗	✗	✗			✗				
Child/Adult Day Care Center	✗	✗	✗	✗		X	X	X	X		X	X			
Community Support Facility						X	X					X	X		
Hospital															
Schools - Elementary & Secondary									✗		✗	✗			
Schools- Vocational/Technical									✗		✗	✗			
Studio - art, dance, martial arts, music	X	X	X	X	X	X	X	X	X			✗	✗		
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
USE TYPES															
AUTOMOTIVE	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Fueling Station															
Heavy Equipment/ Manufactured Home Rental/Sales															
Vehicle Rental/Leasing/Sales															

Vehicle Service- Maintenance Repair/Body- Work															
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
INDUSTRY/ WHOLESALE/ STORAGE	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Artisan Workshops	X	X	X	X	X	X	X	X	X	✗	X	X			
Industry, Manufacturing															
Landfill/Waste Recovery Facilities															
Recycling Collection- Stations Municipal	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Storage -Outdoor Storage Yard															
Storage-Self Service															
Storage -Warehouse, Indoor- Storage															
Wholesaling and- Distribution															
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
AGRICULTURE	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Farming/Animal Production															
Horse Farm & Training Track												X			
Nurseries															
Gardens (Community and Private)	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Kennels, Outdoor															
Swine Farms															
	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
INFRASTRUCTURE	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Parking Structure	X	X	X	X			X	X	X	✗					X
Parking Lot -Principal Use	X	X	X	X			X	X	X	✗		X			
Small/Micro Wireless Facilities	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Telecommunications Facilities															
Utilities -Moore County and VOP	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Utilities-All Other															

	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
ACCESSORY USES	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
ATM	X	X	X	X	X	X	X	X	X	✗	X				
Beekeeping	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Cemetery						X	X	X			X	X			
Child/Adult Day Care Home Occupations	X	X	X	X	X		X	X	X	✗		X	X	X	
Farmers Market												X			
Concealed Wireless Telecommunication Facility	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Fuel/Propane Tanks	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Ice Vending															
Home Occupation	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	
Outdoor Swimming Pools and Spas	X	X	X	X	X		X	X	X	✗		X	X	X	X
Pet Houses and Pet Runs	X	X	X	X	X		X	X	X	✗		X	X	X	X
Playground Equipment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory Buildings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling - Accessory	X	X	X	X	X		X	X	X	✗					X
Accessory Structure	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Bulkheads on Lakes	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Docks on Lakes	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Floats/Rafts and Mooring Buoy	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X

	Core Area Blocks					Clark Cad	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site
TEMPORARY USE	A*	B*	C*	D*	E*	F*	G*	H	I*	J	K	L	M	N	O*
Boat Storage	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Temporary Expansion of School Facilities												X	X	X	
Temporary Real Estate Offices												X	X	X	
Model Homes												X	X	X	
Yard Sales	X	X	X	X	X	X	X	X	X	✗	X	X	X	X	X
Temporary Uses Other	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

9.2a Table of Dimensional Requirements @This is what the development pattern model for Village Place to extend Village center to this area. (Draft 09/15/22 P&Z meeting)

USE TYPES	R-8	R-5	R-10	R-MF	NC	VCP	OP	VR	VMU	VC@ <i>This is zoning in village center</i>	<u>VP – Mixed Use / Commercial Rear Loaded Lots</u>	<u>VP – Live Work Rear Loaded</u>	<u>VP – Live Work Corner</u>	<u>Single Family Attached (SFA) Mid Block Rear</u>	<u>Single Family Attached (SFA) Mid Block Rear Loaded End Lot</u>	<u>Single Family Detached (SFD) Cottage (SFD) Rear</u>	<u>Single Family Detached (SFD) Manor Rear Loaded</u>	<u>Single Family Detached (SFD) Villa Front Loaded></u>
Minimum Landscape Area											8%	8%	8%					
Minimum Lot Size (3)	8,000 sf	5,000 sf	10,000 sf	5,500 sf	10,000 sf	8,000 sf (2)	20,000 sf	5,500 sf	20,000 sf	5,000 sf								
Minimum Lot Width at Setback Line (3)	60' (4)	40' (4)	75' (4)	50'(1)	-		100'	-		-	N/A Build To Line	N/A Build To Line	N/A Build To Line	N/A Build To Line	N/A Build To Line	N/A Build To Line	N/A Build To Line	N/A Build To Line
Minimum Lot Width at Street Line (Mid Block Lot)	20'	20'	20'	36' (1)	75'	25'	75'	25'	25'	25'	24'	24'	34'	22'	28'	34'	34'	72'
Minimum Lot Width at Street Line (Corner Lot)			30'								34'	34'	34'	37'	N/A	42'	62'	82'
Minimum Lot Depth											60'	60'	60'	75'	75'	75'	75'	80'
Minimum Building Frontage											75%	75%	75%	75%	75%	75%	75%	75%
Minimum Front Yard Setback(3)	20'	20'		30' (1)	25'	20'	25'	10'	0' min -10' max	0'min - 10' max	10' build to line*	10' build to line*	10' build to line*	15' build to line*	15' build to line*	15' build to line*	15' build to line*	18' build to line*
Minimum Side Yard Setback (3)	10' (4)	10' (4)	15' (4)	0' (1) & (5)	10'	0'(6)	15'	0'(6)	0' (6)	0'(6)	0'	0'	0'	0'	6'	6'	10'	10'
Side Street Setback(3)	15'	15'	20'	20' (1)	15'	10'	20'	10'	0' min -10' max	10' min - 10'max	10'	10'	10'	15'	NA	15'	20'	20'
Minimum Rear Yard Setback (3)	20'	20'	25'	25' (1)	20'	20'	20'	20'	5'	5'	15 min/18' if parking is on-lot to rear of primary structure	15 min/18' if parking is on-lot to rear of primary structure	15 min/18' if parking is on-lot to rear of primary structure	15 min/18' if parking is provided in integral garage	25' [#]	25'	25'	25'
Minimum Building Width											24'	24'	24'	22'	22'	22'	32'	32' [^]
Minimum Building Depth											No Min	34'	34'	34'	34'	34'	34'	34'
Maximum Building Height	35'	35'	30'	35'	35'	35'	35'	35'	50'	50'	See Regulating Plan	See Regulating Plan	See Regulating Plan	See Regulating Plan	See Regulating Plan	See Regulating Plan	See Regulating Plan	See Regulating Plan
Maximum Lot Covered by Impervious Surface (3), (7) and (8)	42.5% (8)	45%	35'	60%	70%	70%	70%	70%	70%	90%								
Maximum Residential Density (DWQ)	-	-		6 units per acre		-		8 units per acre	-	-								

*A minimum of 75% of the primary structure's front elevation/façade shall be placed on the Build-To set off the front lot line
**A minimum of 50% of the primary structure's front elevation/façade shall be placed on the Build-To set off the front lot line
^Attached garage is excluded from minimum building width
If garage is integral to the principal structure a minimum 20' setback is required
>Attached or detached garage street facing façade shall be setback a minimum of 6' from the front elevation (façade) of the principal structure

Existing PDO Requirements																	
USE TYPES	R-8	R-5	R-MF	NC	VCP	OP	VR	VMU	VC*	VP – Mixed Use / Commercial Rear Loaded Lots	VP – Live Work Rear Loaded	VP – Live Work Corner	Single Family Attached (SFA) Mid Block Rear Loaded Lot	Single Family Attached (SFA) Mid Block Rear Loaded <u>End</u> Lot	Single Family Detached (SFD) <u>Cottage</u> (SFD) Rear Loaded	Single Family Detached (SFD) <u>Manor</u> Rear Loaded	Single Family Detached (SFD) <u>Villa</u> Front Loaded
Minimum Accessory Building or Structure Side Setback from Property Line	10'	5'	15' (1)	10'	10'	10'	5'	5'	5'	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure
Minimum Accessory Building or Structure Rear Setback from Property Line	10'	10'	15' (1)	10'	10'	10'	10'	5'	5'	4'	4'	4'	4'	4'	4'	4'	4'
Minimum Accessory Building or Structure Setback from Public or Private Street Right(s) of Way (ROW)	15'	15'	20' (1)	15'	10'	20'	10'	10'	10'	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure	Same or greater than the principal structure
Minimum distance between principal structure and accessory										3'	3'	3'	15'	15'	15'	10'	10'
Located to the rear of the Principal Structure										Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

CHAPTER 10. VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE DEFINITIONS

Section 10.1 Use and Meaning of Words

Words contained in this chapter are those having an applied meaning and relative to the purposes of this Ordinance. Words not listed in this chapter shall be defined by reference to:

1. The latest edition of the State of North Carolina Building Code or, if not defined therein;
2. The latest edition of Webster's New International Dictionary, unabridged, which documents are hereby incorporated by reference as if set forth in their entirety herein.

(Ord. 14-35, passed 09-24-2014)

Section 10.2 Definitions

Accessory Building: buildings that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of common accessory structures include, but are not limited to: garages, carports. Pole barns and hay sheds qualify as accessory structures where associated with bonafide farms, and may or may not be located on the same parcel as the principal structure.

Accessory Structure: arbors, trellises, pergolas, and storage sheds located on the same parcel as the principal structure and the use of which is incidental to the principal structure.

Accessory Dwelling: a dwelling unit either added within an existing single family detached dwelling or in a separate accessory structure on the same lot as the principal dwelling, or within a commercial building for use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation and sleeping.

Accessory Use: a use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.

Act of God: an extraordinary interruption by a natural cause (as a flood or earthquake) of the usual course of events that experience and/or care cannot reasonably foresee or prevent.

Addition (to an existing building): an extension or increase in the floor area or height of a building or structure, including porches, and other additions that change the volume/area or building footprint. Additions to existing buildings shall comply with the requirements for new construction.

Administrative Decision: decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards. Also known as ministerial or administrative determinations.

Administrative Hearing: a proceeding to gather facts needed to make an administrative decision.

Adult: a person who has attained the legal age of majority; or eighteen (18) years.

Adult Establishment: any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS §14.210.10 (or any successor thereto).

A-frame Sign: a sign with any upright, rigid supporting frame in the form of a triangle with steeply angled sides that is hinged or joined at its top in the shape of the letter "a" forming a triangle which conveys a message. Such a-frame signs do not include human directional signs upon which a sandwich board sign is hung nor does it include signs which are attached to metal prongs similar to real estate signs.

Agriculture, Livestock: the use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as rabbits and fish and fur-bearing animals in captivity. This definition is not to include horse farms, as they are listed as a separate use.

Agriculture, Non-Livestock: the use of land for the production of grains, field crops, vegetables, fruits, and nuts, and for horticulture and floriculture.

Alcoholic Beverage Sales Store: the retail sales of liquor, spirits and/or other alcoholic beverages for off-premise consumption as a primary use and owned or operated by the State of North Carolina Alcoholic Beverage Commission.

Alley: a public or private service road which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Amusements, Indoor: establishments that provide commercial entertainment activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys.

Amusements, Outdoor: establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water parks.

Animal Hospital: a public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals that are admitted for overnight

stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.

Annexation Petition: also known as a voluntary annexation petition. The extension of the Village boundaries by the petition of the owners of real property following the form of petition specified by NCGS §160A-31.

Antenna: a transmitting and/or receiving device used in telecommunications that radiates or captures radio and/or television signals.

Antenna, Directional: an antenna or array of antennas designed to concentrate a radio signal in a particular area.

Antenna, Microwave: a dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Antenna, Omnidirectional: an antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.

Antenna, Whip: an antenna that is cylindrical in shape. Whip antennas can be directional or omni directional. Their size varies based upon the frequency and gain for which they are designed.

Apiary: the assembly of one (1) or more colonies of bees at a single location.

Approved: certified as correct or otherwise meeting the requirements of this Ordinance by a Village official or other authority having jurisdiction.

Aquifer: a water bearing stratum of permeable rock, sand or gravel.

Architect: a professional architect registered by the State of North Carolina.

Area of Shallow Flooding: a designated zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: the land in the one hundred (100)-year flood plain, as designated by the Federal Emergency Management Agency (FEMA), subject to a one (1) percent or greater chance of flooding in any given year.

Art Gallery: a space for the exhibition or sale of art, usually visual art, including, but not limited to, paintings, photography, and sculpture.

Artisan Workshops: the assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building. These typically involve the work of artisans or craftsmen.

ATM: self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Attached Dwelling: a building which contains two or more dwelling units which share one (1) or more common walls for fifty (50) percent or more of their length, with each dwelling unit located on a separate lot.

Automotive Repair: the automotive repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Awnings: an architectural projection that provides weather protection, identity and/or decoration, and is wholly supported by the building to which it is attached, and is comprised of a lightweight, rigid, or retractable skeleton over which an approved cover is attached.

Backyard Pens / Coops: the long-term keeping of fowl, rabbits, and other similar small creatures in backyards as accessory uses to existing residential structures.

Banks, Credit Unions, Financial Services: establishments that engage in financial transactions that create, liquidate, or change ownership of financial instruments. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

Bar/Tavern/Night Club: a business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Base Flood Elevation (BFE): a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "special flood hazard area," it may be obtained from engineering studies available from federal or state or other source using FEMA approved engineering methodologies.

Base Flood: the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement: that portion of a building that is partly or completely below grade.

Bed and Breakfast Homes: A structure constructed as a single family dwelling, occupied by the owner, in which rooms are rented for lodging of transient guests for compensation and where no meals other than breakfasts are served.

Beekeeping: the rearing and breeding of honey bees.

Berm: any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

Best Management Practices (BMP): structural or non-structural measures or techniques used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Billiard/Pool Hall: any place where the primary use is one (1) or more billiard or pool tables, operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit. This shall not exclude other permitted uses from having no more than two (2) billiard or pool tables as an accessory use.

Block: a tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the Village of Pinehurst or its extraterritorial zoning jurisdiction or any combination of the above.

Boarding or Rooming House: Short or long-term accommodations that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including but not limited to housekeeping, meals, and laundry services.

Bona Fide Farm: agricultural activities set forth in NCGS § 160D-903.

Boutique Shop: a small shop or store that sells specialized goods, including for example, gifts, fashionable clothes, accessories, or food.

Broadcasting Studio: a programming origination studio of a television station, radio station or cable television provider.

Buffer Yard: is a landscaped or vegetated area intended to partially obstruct the view of adjacent land uses or properties from one another and are classified and measured as follows:

- (A) Front: is equal to the depth of the front yard setback of the zoning district extended to the side property lines.
- (B) Rear: is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.
- (C) Side: is equal to the width of the side yard setback from where it intersects both the front and the rear yard.
- (D) Side Street: is equal to the width of the side street setback from where it intersects both the front and rear yard.

Building: any structure used or intended for supporting or sheltering any occupancy or use.

Building Envelope: an area of land upon which a principal and/or an accessory building may be erected as defined by the building setbacks on a lot of record.

Building Floor Area: the gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.

Building Footprint: the portion of a lot's area, which is enclosed by the foundations of buildings, plus any cantilevered upper floors.

Building Height: the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

Building Inspector: an officer or other designated authority charged with the administration of the State Building Code and other duties described within this Ordinance.

Building Permit: a permit that allows the commencement of construction of a structure or building, after being issued by the Planning and Inspections Department pursuant to Chapter 4 of this Ordinance and the State Building Code.

Building Setback Line(s): lines parallel to and inside of the lot lines, at the setback distances prescribed by this Ordinance.

Building Setback: the minimum distance from the property line to the farthest projection of the exterior face of buildings, walls or any other form of construction (i.e. decks, landings, terraces, porches and patios on grade).

Built-Up Area (BUA): that portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon Area" does not include a wooden slatted deck or the water area of a swimming pool.

Bulkhead: a vertical wall structure designed to retain shoreline material.

Business Support Services: establishments that provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, tax preparation, legal services and office product sales.

Caliper Measurement: Caliper measurement of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four (4) inches, the caliper should be measured at twelve (12) inches above the ground.

Canopy Tree: large trees whose total height and spread at maturity is greater than thirty (30) feet.

Canopy: an architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and by at least one support at the outer end.

Cemetery: land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including mausoleums and columbariums, located on the site where a church is the principal use.

Certificate of Occupancy: that document issued by the Village of Pinehurst at the conclusion of all work done under all permits following inspection(s) by the appropriate inspector, showing that all completed work complies with the applicable state and local laws and the terms of all permits. No new building or part thereof may be occupied, and no existing building that has been altered or moved may be occupied until the Planning and Inspections Department has issued a valid Certificate of Occupancy.

Child/Adult Day Care: an individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate children or adults based on state regulations; not an accessory to residential use.

Civic/Cultural Facilities: facilities designed to serve the community by promoting cultural advancement. Such facilities may include live theater, dance, or music establishments; art galleries, studios and museums; museums, exhibition, or similar facilities; libraries, auditoriums, conference facilities, and convention centers.

Clinic: any building or portion thereof, the principal use of which is for offices of one (1) or more licensed physicians, ophthalmologists, dentists, physical or occupational therapists, psychologists, or the like for the examination and treatment of persons on an out-patient basis only and ambulatory/outpatient care facilities. See also medical laboratory and medical office.

Clubs and Lodges, Civic or Fraternal: private not-for-profit social or civil associations, corporations, or other entities consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state, regional and national officials of that organization.

Clustered Dwelling: a housing development technique that concentrates dwellings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Columbarium: A structure of vaults for the placement of cremation urns.

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.

Commercial Vehicles: vehicles for hire or used for business, or designed to transport goods or equipment, whether or not displaying advertising indicia.

Community Center: structures and/or facilities which accommodate gatherings, indoor/outdoor cooking, picnicking, recreation, and administration of homeowner associations, neighborhood groups, or other persons having permission to use such facilities.

Community Park: a relatively large park owned by the Village of Pinehurst or Moore County providing a wide variety of active and passive uses to the entire Village.

Community Shared Facilities: facilities designed to serve as amenities for residential neighborhoods. Such facilities are typically operated by homeowner's associations or similar groups and provide recreational space within the context of that residential neighborhood.

Community Support Facility: a non-profit or government facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

Comprehensive Plan: the comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.

Concealed Wireless Telecommunications Facility: a structure that is fabricated in a manner that aesthetically masks its appearance as a communications facility that is installed within or on an existing structure. Examples include church steeples, bell towers, light standards, signs, utility poles, flag poles, building facades, water tanks, silos, and other structures which conceal telecommunications antennas and equipment from visibility. A communications tower shall not be considered a concealed wireless telecommunications facility.

Conditional Zoning: a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Condominium: an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such property. (see also the North Carolina Unit Ownership Act (NCGS Chapter 47A) and/or the North Carolina Condominium Act (NCGS Chapter 47C).

Conference/Convention Center: a commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

Contiguous: abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a railroad or public utility right-of-way.

Corner Lot: a corner lot is either a zoning lot bound entirely by streets, or a zoning lot that adjoins the point of intersection of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the directions they take at their intersections with lot lines other than street lines forms an angle of one hundred and thirty-five (135) degrees or less.

Country Club: land area and buildings containing golf courses, recreational facilities, a clubhouse and customary accessory uses; open only to members and their guests for common purposes of a social and athletic nature.

Covered Entry: a covered platform, covered with eave overhang, pediment, or roof over the main entrance.

Crematoria: establishments for the preparation of the dead through cremation in a furnace. This definition includes crematoria for the interment of animal remains.

Critical Root Zone: a circular area surrounding a tree, of which the center is the center of the tree trunk and the radius is the distance from the outside of the trunk to any point twelve (12) times the diameter at breast height (DBH), which points constitute the circumference of the critical root zone. The critical root zone shall extend to a depth of five (5) feet below surface ground level.

Cul-de-sac: a street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround.

Cutoff Type Luminaire: a luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at cutoff angle that is less than ninety (90) degrees.

Cutoff Angle: formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff Light: an artificial outdoor lighting fixture designed to ensure that no light is directly omitted above a horizontal line parallel to the ground.

DBH - Diameter at Breast Height: the total cross-sectional diameter of the trunk or trunks of a tree measured four and one half (4½) feet from the ground at the center of the tree.

Deck: an exterior floor supported on at least two opposing sides by an adjacent structure and/or posts, piers or other independent supports.

Dedication: a transfer by the owner of his property to the Village. Such dedication shall be made by written instrument and is deemed complete only with acceptance by the Village Council plus the recording of each written acceptance by the Village Council plus the recording of each with the Moore County Register of Deeds.

Demolition: the razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the façade or any significant exterior architectural features which are integral to the character of the resource, for whatever purpose, including new construction or reconstruction.

Detached Townhome: a dwelling unit or units conforming to the townhome development standards as stated in this Ordinance, but physically located on separate lots.

Determination: a written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer: a person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development: unless the context clearly indicates otherwise, the term means any of the following:

(A) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

(B) The excavation, grading, filling, clearing, or alteration of land.

(C) The subdivision of land as defined in NCGS § 160D-802.

(D) The initiation or substantial change in the use of land or the intensity of use of land.

Development Approval: an administrative or quasi-judicial approval that is written and that is required prior to commencing

development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, building permits and development agreements.

Development Floor Area: the total building floor area of any construction projects simultaneously developed by a single developer.

Development Permit: a permit issued by the Planning and Inspections Department that authorizes the commencement of development provided all of the other necessary permits have been obtained.

Discharge Point: that point at which runoff leaves a tract of land.

Disposal: as defined in NCGS §130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

District: a mapped area, (otherwise known as a "zoning district"), to which a uniform set of regulations applies as established by this Ordinance.

Dock: a platform constructed beyond the shoreline to which boats may be secured.

Dormitory: a building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, hospital or other similar public, semi-public use.

Drainageway: a natural or artificial stream, closed conduit, or depression that carries surface water.

Drive-Thru/Drive-In Facility: a primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: automated teller machines (ATM'S), gas stations or other vehicle services, which are separately defined.

Driveway: a private roadway located on a parcel or lot used for vehicle access.

Dry Cleaning & Laundry Services: coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

Dwelling Unit: a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling: a building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Accessory: a dwelling unit either detached or attached, such as a garage apartment or cottage located on a lot with an existing single-family dwelling.

Dwelling, Mixed-Use: A dwelling within a mixed-use development and/or structure.

Dwelling, Multifamily: a building or portion thereof containing three (3) or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule.

Dwelling, Single Family: a free standing building designed for and/or occupied for living purposes. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with North Carolina State Building Code.

Dwelling, Two Family: a two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.

Easement: a grant by a property owner to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines, streets or greenway trails. Such grant shall be recorded with the Moore County Register of Deeds by an appropriate instrument.

Eave: lower edge of a roof extending beyond the exterior wall.

Effective Radiated Power (ERP): the product of the antenna power input and the numerically equal antenna power gain.

Elevated Building: a non-basement building (a) built, in the case of a building in flood zones a1-30, ae, a, a99, ao, ah, b, c, or x to have the top of the elevated floor, above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water, and (b) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of flood zones a1-30, ae, a, a99, ao, ah, b, c, and x, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the movement of flood waters.

Emergency Services Facilities: any building or group of buildings housing a police department, fire department, emergency medical services (EMS) or rescue squad.

Engineer: a professional engineer registered by the State of North Carolina.

Engineering Standards: the standards and specifications contained in the Village of Pinehurst Engineering Standards and

Specifications Manual.

Erosion: the wearing away of a surface by the action of wind, water, or any combination thereof.

Evidentiary Hearing: a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision.

Exempt Subdivision: all divisions of a tract or parcel which conform to either of the following criteria.

(A) the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

(B) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

(C) the public acquisition or purchase of strips of land for the widening or opening of streets;

(D) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

(E) the division of a tract into plots or lots used as a cemetery.

Existing Building: any building or structure erected prior to the adoption of this Ordinance, or one for which a valid building permit has been issued.

Existing Development: includes those projects meeting at least one (1) of the following criteria for the purposes of the Watershed Protection Overlay Zoning District only:

(A) having a current building permit used by the Village; or

(B) having an approved site-specific development plan issued by the Village as authorized by NCGS §160A-385.1.

(C) conforming single-family lots of record, which received final plat approval before July 1, 1993. (the date of mandatory compliance with the NCGS).

Extraterritorial Jurisdiction (ETJ): the unincorporated territory surrounding Pinehurst in which the provisions of this Ordinance apply and described on the Village's Zoning Map.

Façade: exterior elevation of a building.

Family Care Home (6 or fewer residents): a home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six (6) resident handicapped persons and is certified by the State of North Carolina. (NCGS Ch. 168, Article 3)

Farm: a plot of land used for the raising of crops, livestock, or other plants and animals, including orchards, vineyards and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities.

Farmers' Markets: a temporary sales establishment operated primarily in the open air, for the distribution of agricultural products including, but not limited to: vegetables, fruits, meats, eggs, dairy products, grains, and prepared foods.

Farming, Animal Production: a property used primarily for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, and all other forms of agriculture, excluding commercial poultry and swine production. Industries in the animal production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

Fascia: a flat, horizontal board below roof eave.

Fence: a structure eighteen (18) inches or taller used to delineate a boundary or as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

Flood Boundary and Floodway Map (FBFM): an official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated.

Flood Fringe: that part of an area of special flood hazard that is not located in the floodway.

Flood Hazard Boundary Map (FHBM): an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as zone a.

Flood Insurance Rate Map (FIRM): an official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS): an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal

Emergency Management Agency. The flood insurance study report includes Flood Insurance Rate Maps (FIRMS) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood Insurance: the insurance coverage provided under the national flood insurance program.

Flood or Flooding: a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Zone: a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain Management Regulations: Ordinances (including this Ordinance), building codes, health regulations, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain or Flood Prone Area: any land area susceptible to being inundated by water from any source.

Floodproofing: any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway: the channel of a river, stream, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot.

Floor Area Ratio: the numerical value obtained by dividing the gross floor area on a lot by the area or size of such lot.

Floor Area: the gross total horizontal area of: 1.) All floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings; 2.) The centerlines of a party wall separating such buildings or portions thereof; 3.) Within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls. However, this definition excludes the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

Floor: the level base of a room; the lower inside surface of a building; the horizontal structure dividing a building into stories.

Florist: a retail business, which sells flowers and ornamental plants, other decorative items, and plant materials for temporary or interior uses.

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 six and one-half (6.5) inches from the roof plane.

Footcandle: a unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Franchise Architecture: is a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

Freeboard: the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The base flood elevation plus the freeboard establishes the regulatory flood protection elevation.

Front Yard: a yard across the full width of the lot, extending from the farthest projection of the structure including but not limited to steps, eaves, porches, terraces or patios (excluding, however, steps and overhangs permitted to project into the yard) to the front property and/or right-of-way line.

Frontage: all of the real property abutting a street line measured along the street line.

Fueling Station: establishment that primarily retails automotive fuels. These establishments shall not further provide services such as automotive maintenance repair. Fueling stations include structures that are specialized for selling fuel with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the fueling station.

Funeral Homes: Establishments for preparing the dead for burial or interment, including cremation, and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead and selling caskets and related merchandise).

Gable roof: a double sloping roof with a ridge and gables at each end.

Gambrel roof: a double sloped barn-like roof.

Garden (Community and Private): an outdoor area for the small-scale production of vegetables and flowering plants for

personal or communal use. This definition does not include crop production and nurseries.

Garden Center: a retail outlet primarily engaged in the sale of crops, plants, vines, or trees and their seeds, but not including the production of such plants on site. Such uses may be a part of larger general commercial uses or may stand alone as individual facilities.

Geothermal Heating and Cooling Closed Loop System: a closed loop system is a system that circulates a water-based solution through a "loop" of small diameter, underground pipes. The system consists of an indoor unit and a buried earth loop. In the winter, fluid circulating through the system's earth loop absorbs stored heat and carries it indoors. The indoor unit compresses the heat to a higher temperature and distributes it throughout the building. In the summer, the system reverses, pulling heat from the building, carrying it through the earth loop and depositing it in the cooler earth.

Glare: the effect of brightness in the field of view that causes annoyance or discomfort or interference with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Golf Course: a course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges, which are not accessory to a golf course.

Golf Driving Range: a facility for driving golf balls not otherwise associated with a golf course.

Government: any agency, office bureau or corporation licensed by any duly authorized authority of the United States, the State of North Carolina, Moore County, any regional government, or the Village of Pinehurst.

Grade Plane: a reference plane representing the average of the finished ground level adjoining the building at exterior walls.

Greenway: a linear open space, either privately-owned or owned by the Village or another unit of government, which may contain a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.

Gross Density: the number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, taking into account the entire area of that tract or parcel.

Groundcover: any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Halfway Homes: a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

Handicapped Person: a person with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS §122C-3(11)b.

Hazardous Material: any substance listed as such in: SARA section 302, extremely hazardous substances, CERCLA hazardous substances, or section 311 of CWA (oil and hazardous substances).

Hazardous Waste Facility: as defined in NCGS Chapter 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heated Square Feet: Heated square feet of a dwelling unit is space that is intended for occupancy that is heated by a conventional heating system or systems that are permanently installed.

Heavy Equipment/Manufactured Home Rental/Sales: establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

Highest Adjacent Grade (HAG): the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Hip Roof: a roof with slopes in the direction of each elevation, commonly with roof slopes in four (4) directions.

Historic Structure: any structure that is: (a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district; (c) individually listed on the North Carolina Inventory of Historic Places; (d) individually listed on a Moore County, Pinehurst or other local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior; or (2) directly by the Secretary of Interior in states without approved programs.

Holiday Decorations: displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature and which contain no advertising material.

Home Occupation: an occupation or profession conducted within a dwelling unit or accessory structure by a resident that is

incidental to the primary use of the dwelling as a residence. For the purposes of this Ordinance telecommuting or working from home on an irregular basis shall not constitute the establishment of a home occupation.

Horse Farm & Training Track: a property used for the breeding, training, and stabling and care of horses. Such facilities provide services such as riding lessons, dressage instruction, hiring of horses for riding, stud services, and temporary or permanent boarding of horses. Other than horses, these facilities do not produce or sell any agricultural products.

Hospice Care Campus: a freestanding licensed hospice facility or facilities which provide palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of terminally ill patients and their families in a group residential or inpatient setting. Said facility or facilities will be under the supervision of an identifiable hospice administration as defined by the NCGSs. To include associated buildings directly providing support to the campus and hospice services by a hospice team or interdisciplinary team, as well as temporary residential accommodations for the hospice patients' families.

Hospice Patient: a patient diagnosed as terminally ill by a physician licensed to practice medicine in North Carolina, who the physician anticipates to have a life expectancy of weeks or months, generally not to exceed six months, and who alone, or in conjunction with designated family members, has voluntarily requested and been accepted into a licensed hospice program.

Hospice Patient's Family: the hospice patient's immediate kin, including a spouse, brother, sister, child, or parent. Other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement among the hospice patient, the relation or individual and the hospice team.

Hospice Services: the provision of palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital: a health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. The facility must be licensed by the North Carolina Division of Facility Services (DFS) as a hospital (general or psychiatric).

Hotel: establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are also included in this category. This definition also includes "inns."

Hot Tub/Spa: a structure usually large enough to accommodate several persons that is filled with hot aerated water used for recreation or physical therapy and is often placed out of doors such as on a porch or deck.

Ice Vending: a free standing structure designed for the sale and production of ice.

Illegal Sign: any sign erected, maintained altered, removed, or replaced in violation of this Ordinance, or any amendments hereto.

Impervious Surface: impervious surface includes any material which reduces and prevents absorption of storm water into previously undeveloped land. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc. Items not considered to be "impervious" include the water area of a swimming pool and wooden slatted decks.

Industry, Heavy: any non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge, any facility which manages or disposes hazardous or nonhazardous solid waste, or any use that involves the use or storage of any hazardous materials or substances used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated twenty-four (24) hours a day, seven (7) days a week).

Industry: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials, such as lubricating oils, plastics, resins or liquors. This includes medical and testing laboratories, facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

Injection Wells: any excavation that is cored, bored, drilled, jetted dug or otherwise constructed, whose depth is greater than its largest surface dimension and which is used or intended to be used, for the injection of fluids or solids into the subsurface or groundwater.

Integral Solar Panel: a form of roofing in which solar cells are integrated into the roofing material.

Interior Lot: an interior lot is any zoning lot that is neither a corner lot nor a through lot.

Internet Sweepstakes Facilities: any business enterprise where persons utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of

value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

Irrigation Wells: wells constructed for irrigation only and not for human consumption.

Kennels, Indoor: a use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. In which the animals are kept predominately indoors.

Kennels, Outdoor: a use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. In which the animals are kept predominately outdoors.

Land-Disturbing Activity: any use of the land by any person for residential, industrial, educational, institutional, or commercial development, or for highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Landfill / Waste Recovery Facilities: a disposal or salvage facility for hazardous or nonhazardous solid waste, scrap metal, vehicles and other scrap materials. This includes recycling and resource recovery facilities that separate and sort recyclable material from waste streams and/or sort commingled recyclable materials, such as paper, plastics, used beverage cans, and metals into distinct categories. This definition is not intended to be inclusive of outdoor storage yards, beneficial fill activities or landfills classified as land clearing and inert debris (LCID) facilities operated in association with an active building permit on the same or adjacent parcel.

Landscape Architect: a professional landscape architect registered by the State of North Carolina.

Landscape Protection Plan: a plan identifying existing landscape elements, proposed changes, and protection measures to be used to aid the survival of such landscape elements as set forth in this Ordinance.

Landscape Screen: A method of visually obscuring one abutting structure or use from another by fencing, walls, berms, or densely planted vegetation.

Landscaped Area: a portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns and plantings.

Large Trees: deciduous or evergreen trees with a mature height and spread of thirty (30) feet or greater.

Legislative Decision: the adoption, amendment, or repeal of a regulation in this Ordinance. This term also includes the decision to approve, amend, or rescind a development agreement.

Legislative Hearing: a hearing to solicit public comment on a proposed legislative decision.

Live-Work Units: an attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted). Live-work units exist as variations of either the detached house building type or the townhome building type and shall be subject to their applicable requirements.

Local Bank: any bank, savings and loan association, or trust company with a physical branch located in the State of North Carolina and within a one hundred (100) miles radius of the Village of Pinehurst.

Lodging Unit: a furnished room of a minimum two hundred (200) square feet that includes sanitary facilities, and that may include limited kitchen facilities.

Lot Coverage: determined by dividing that area of the lot that is occupied or covered by the total horizontally projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth: the depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

Lot Front: in the case of an interior or corner lot, the house frontage lot line along the street right-of-way.

Lot Lines: the lines bounding a lot. Where a lot of record includes a right(s)-of-way, the lot lines shall not extend into the right(s)-of-way.

Lot of Record (existing lot): a lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance, a plat of which has been recorded by the owner in the office of the Moore County Register of Deeds or a lot described by metes and bounds, the description of which has been recorded by the owner in the office of the Moore County Register of Deeds.

Lot Width: the straight-line distance between the points where the building setback line intersects the two (2) side lot lines.

Lot: a parcel of land in undivided ownership occupied or intended for occupancy by a building together with its accessory buildings including the open space required under this Ordinance.

Lowest Adjacent Grade (LAG): the elevation of the ground, sidewalk or patio slab immediately next to the building, or

deck support, after completion of the building.

Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Lumen: A unit of measure of the quantity of light that falls on an area of one (1) square foot, every point of which is one foot from the source of one (1) candela.

Luminaire: a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Major Site Plan: a site plan which is submitted to the Village Council for approval pursuant to this Ordinance and meets the requirements of this Ordinance in which two (2) or more acres of land is disturbed.

Major Subdivision: any subdivision other than an exempt or minor subdivision.

Mansard Roof: a four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Manufactured Home Park: the location of two (2) or more manufactured or mobile homes on a parcel of land shall constitute a manufactured home park.

Manufactured Home: a structure that: (a) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (c) is over forty (40) feet long and over ten (10) feet wide; and, (d) is originally designed for human occupancy and provides complete, independent living facilities for one (1) family when connected to required utilities.

Mean Sea Level: the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

Medical Clinic: facilities that provide outpatient ambulatory or outpatient healthcare such as emergency medical clinics, ambulatory surgical centers, dialysis centers, outpatient family planning services, community health centers and clinics and blood and organ banks; and shall include general practice medicine, dental offices and medical specialists.

Medical Dormitory: facilities with a primary purpose to temporarily provide rooms for medical students in training, medical staff, or visitors of patients at an acute care hospital, and outpatients under treatment.

Medical Laboratory: a facility (not associated with another institution or business) to receive and process blood, body fluids and tissue samples for the purpose of providing test results primarily for medical offices and hospitals.

Medical Office: a use or building where medical treatment, consultation and/or analysis is conducted and which does not primarily involve the sale or transfer of goods by the medical business to the customer at that location. This includes, but is not limited to: dental offices, mental health offices, and medical offices.

Metes and Bounds: a means of describing the location of land by defining boundaries in terms of directions (courses) and distances from one (1) or more specified points of reference.

Minor Site Plan: a site plan that is submitted to the Village Planner for approval pursuant to this Ordinance and that meets the requirements of this Ordinance.

Minor Subdivision: A subdivision of land not meeting the Exempt Subdivision requirements which does not involve any of the following:

(A) Creation of more than three (3) lots from any one tract of land (as the tract existed on October 23, 1995) whether such lots are created at one (1) time or over a period of ten (10) years, thereafter;

(B) Dedication or improvement of any new street other than widening approved existing streets.

Minor Watershed Variance: for the purposes of the watershed protection overlay district only, a minor variance is any variance that does not qualify as a major variance.

Mixed Use Development: The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact physical form.

Model Sales Home: a permanent building which is typical of the dwellings in the residential development in which it is located and which is temporarily used for the purpose of display and sales associated with that residential property, but intended for ultimate use as a residential dwelling unit.

Modular Structure: a factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection. Such structure must meet all requirements of the North Carolina Uniform Residential Building Code and must have attached a North Carolina validating stamp.

Mooring Buoy: a floating object anchored to the lakebed to which boats or floats/rafts may be secured.

Multi-Family Development: one (1) or more buildings containing multi-family dwellings located on a single property.

Multi-Family Dwelling: a dwelling, or combination of dwellings, or portion of a building on a single lot used for the purpose of providing three (3) or more dwelling units that may share means of ingress and egress.

Municipal Public Service Facility: any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor equipment and material storage, under shed vehicle/equipment storage, yard debris piles, fuel tanks & associated pumps, radio antennae, vehicle wash bays, recycling storage, heavy and light vehicle parking, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst.

Municipal Recycling Collection Stations: a Village of Pinehurst operated center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

Muted Color: a color that has tinted, subdued shades or hues that are not bright or reflective.

National Geodetic Vertical Datum (NGVD): as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

Natural Erosion: the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Natural Watercourse: any stream, river, swamp, canal, or other waterway in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

Net Density: the number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, not taking into account the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include, but are not limited to: street rights-of-way, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers, buffers and recreational and open spaces.

New Construction: any construction of a new structure, building or dwelling unit other than "substantial improvement" or an addition, repair or renovation to an existing structure or building.

Nonconforming Lot: a lot that met all legal requirements when it was platted or otherwise recorded, but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

Nonconforming Sign: any sign that met all legal requirements when constructed but that does not comply with this Ordinance or a subsequent amendment hereto. An illegal sign is not a non-conforming sign.

Nonconforming Structure: a building or structure that met all legal requirements when constructed but which does not comply with this Ordinance or a subsequent amendment hereto.

Nonconforming Use: any legally existing use that met all legal requirements when it was first established, which fails to comply with the provisions of this Ordinance or a subsequent amendment hereto.

Nonconformity: any use, building, structure, or lot which was lawful at the time it was constructed or established but which fails to comply with one (1) or more of the applicable regulations or standards of this Ordinance or a subsequent amendment hereto.

Non-Cutoff Light: an artificial outdoor lighting fixture designed to allow light to be directly emitted in all directions.

Non-Residential: used or intended for purposes other than as a dwelling unit.

Nursery: a retail or wholesale enterprise, which grows trees, shrubs, vines and other plants for sale or distribution.

Nursing Home Dwelling Unit: a room or other portion of a nursing home intended for no more than two (2) persons.

Nursing Home: a facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated, who, however, are not sick enough to require general hospital care. Nursing care is the primary need, but they will require continuing medical supervision. (NCGS §131E-101(6)). They include the following:

(A) Adult Care Home: an assisted living residence in which the housing management provides twenty-four (24)-hour scheduled and unscheduled personal care services to two (2) or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Designated, trained staff may administer medication in an adult care home. Adult care homes that provide care to two (2) to six (6) unrelated residents are commonly called family

care homes. (NCGS §131D-2 (a) (1b), 8/30/04);

(B) Assisted Living Residence: any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agencies. The department may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS §131E-102. Effective October 1, 1995, there are two (2) types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services. (NCGS §131D-2 (a)(1d), 8/30/04);

(C) Continuing Care Retirement Community: a building or group of buildings which provides to individuals lodging together with nursing services, medical services, or other health related services, pursuant to an agreement effective for the life of the individual(s), or for a period in excess of one (1) year. Care must be provided by persons who are not related by blood, marriage, or adoption of the individuals who are residents/patients;

(D) Hospice: any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. A Hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families that are experienced during the final stages of terminal illness and during dying and bereavement;

(E) Hospice Inpatient Facility: a freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill;

(F) Hospice Residential Care Facility: a freestanding licensed hospice facility which provides palliative and supportive medical and other services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting;

(G) Intermediate Care Facility for the Mentally Retarded: facilities licensed pursuant to Article 2 of Chapter 122C of NCGS for the purpose of providing health and rehabilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions;

(H) Multi-Unit Independent Housing with Services: an assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement that makes personal care services accessible and available through at least one (1) licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of twenty-four (24)-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the division of facility services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

- (1) Emergency response system;
- (2) Charges for services offered;
- (3) Limitations of tenancy;
- (4) Limitations of services;
- (5) Resident responsibilities;
- (6) Financial/legal relationship between housing management and home care or hospice agencies;
- (7) A listing of all home care or hospice agencies and other community services in the area;
- (8) An appeals process; and

(9) Procedures for required initial and annual resident screening and referrals for services. Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the NCGS, are exempt from the regulatory requirements for multi-unit assisted housing with services programs. (NCGS §131D-2(a)(7a) 8/30/04);

(10) Respite care, institutional: provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time. The insured receives care for the respite period in an institutional setting, such as a nursing home, family care home, rest home, or other appropriate setting;

(11) Respite care, non-institutional: provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time in the home of the insured or other appropriate community location.

Office: a use or building where business is conducted which does not primarily involve the sale or transfer of goods by the

business to the customer at that location. This includes, but is not limited to: general business offices, government offices, insurance offices, law offices, and real estate sales and management offices.

Official Maps or Ordinances: any maps or ordinances officially adopted by the Village Council as a guide to or for required standards of development.

Off-Site Sign: any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional, or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

Off-Street Parking Space: a space which is designed for the parking or temporary storage of one (1) automobile, and is located outside of a dedicated street right-of-way.

Open Space: any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, greenways and tennis courts. This term includes land under an obligation to keep such land free from development except for recreational facilities for a stated period of time. Such land may be conveyed to a homeowners association with responsibility for maintenance, or be publicly owned. Areas used primarily for stormwater retention/detention shall not be considered open space.

Outside Sales: the retail sale of goods and products outside of a permanent structure that are clearly secondary to the function contained in that structure. This includes, but is not limited to: landscape materials, lawn and garden supplies, and produce. This definition is not intended to include the specific use category of automobile sales or nurseries and garden centers.

Overlay District: a district which applies supplementary or replacement regulations to land which is classified into a General Use District or Conditional Use District.

Owner: any person, agent, firm, partnership or corporation having a legal or equitable interest in property.

Park: land owned by the Village of Pinehurst, which is used or intended to be used for public recreation, including both active or passive recreation.

Parking Area: a designated area operated as the principal use of a property either as a commercial use or an accessory use for an adjacent property.

Parking Lot, Principal Use: a stand-alone parking lot that is available for public or private use, but that is not accessory to another use.

Parking Structure: an above ground or subsurface parking deck or garage.

Patio Dwelling: a multiple of not more than six (6) single-family dwellings connected on not more than two (2) sides by common walls.

Pawnshops: premises operated by a pawnbroker (established by NCGS) who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

Pedestal Signs: sign not permanently affixed to the ground or building, constructed on a stand allowing it to be self-supporting and portable.

Pedestrian Path: a cleared way for pedestrians or bicycles that may or may not be paved or otherwise improved.

Pennant: any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind.

Permit: an official document or certificate issued by the village or an official thereof, authorizing performance of a specified activity or granting a particular right, use or duty.

Permitted Use: a land use as a permitted use in the zoning district in which it is located, and which is subject to the approval procedures.

Person: any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Personal Services: cosmetic services such as hair and nail salons, tanning salon, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services.

Personal Services, Restricted: a personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

Pet House: A small structure providing shelter for a pet while it is outside of a home.

Pet Run: An outdoor fenced enclosure for the sole purpose of allowing a pet to be outdoors in a controlled area without being tethered.

Pitch of Roof: the angle of the roof slope, expressed in ratio of vertical to horizontal.

Plat: a map or plan of a parcel of land which is to be or has been subdivided, containing sufficient data in order that a determination may be readily made as to the location, bearing and length of every street and alley line, lot line, easement boundary line and other boundary line and meeting the required standards of this Ordinance.

Playground Equipment: equipment or structures including swing sets, sandboxes, jungle gyms, slides, and other similar items intended for permanent recreational use. Note: substantially sized playhouses that meet the North Carolina State Building Code definition for accessory structure are considered to be accessory structures.

Political Sign: a sign attracting attention to political candidates or political issues.

Pond: a permanent, natural, or artificial inland body of water either controlled by natural barriers or by dams and of relatively constant surface level, in which sediment may be moved or carried in suspension and which could be damaged by the accumulation of sediment.

Portable Sign: any sign that is not permanently affixed to a building, structure, or the ground, or that is not designed to be permanently affixed to a building, structure, or the ground.

Portico: a porch or walkway, open to the outside air that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building. A covered porch attached to the main facade of a building, supported by columns.

Post Office: establishments conducting operations of the United States postal service including permanent, contract, and lease stations.

Potable Wells: private drinking water wells.

Primary Level: the level of a building containing the primary living areas such as the kitchen, den and living room. This term may also include bedrooms. A basement is not considered to be a primary level.

Principal Building: the main structure on a lot in which the principal use of that lot is conducted.

Private Clubs: facilities designed to provide meeting and event space for non-profit membership organizations. Such organizations include alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members.

Private Garage: any building or space used as an accessory to or a part of the main buildings permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

Private Road or Street: any road or street which is not publicly owned and/or maintained and is used for access by the occupants of the development and their guests.

Professional Office: a use or building maintained by a member of a recognized profession for the conduct of that profession. This includes, but is not limited to, the office of a physician or other licensed health care professional, lawyer, accountant, realtor, investment broker, engineer, or architect.

Professional Services: services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, landscape architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

Property: all real property subject to the provisions of this Ordinance.

Public Safety Station: facilities for federal, state and local law enforcement, fire protection agencies and emergency medical services, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

Public Water Supply: a system for the supply of potable water to two (2) or more dwellings or business units, or any combination thereof.

Qualifying Tree: Any healthy tree with a diameter breast height of eight (8) inches and greater.

Quasi-judicial decision: a decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Racetrack: a commercial outdoor course prepared for the competitive activities of animals, automobiles, other vehicles, bicycles or skate boards.

Radio/TV Studio or Station: a broadcasting facility of a television, radio, cable television provider, or other programming provider, which shall not include transmitting towers or antennae on site.

Real Estate Sales Office: a building or structure, which is located on the site of a development or subdivision and temporarily used for the purpose of selling or leasing properties located within that development or subdivision.

Rear Yard: a yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. Eaves, steps, uncovered porches, terraces and patios are considered part of the main building.

Recreation Area: an area of common open space developed to provide recreational facilities for the use of the residents of the community and/or the general public. Such recreational facilities may include, but are not limited to: golf courses, parks, playgrounds and athletic areas, swimming pools, tennis courts, picnic areas, riding trails, and appropriate service facilities.

Recreation Facility, Indoor: a facility providing recreational activities enclosed within buildings, including indoor swimming pools and tennis courts, gymnasiums, exercise facilities and associated activities.

Recreation Facilities, Outdoor: privately owned active or passive recreation area such as ball fields, batting cages, skateboard parks, playgrounds, driving ranges, miniature golf courses, greenway trails, tennis courts, riding stables, campgrounds, theatres, and performance areas and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, picnic shelters.

Recreational Center: a building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums.

Recreational Vehicle Park: a commercial enterprise on any site or tract of land with two (2) or more spaces (sites) which are provided for temporary rental only, upon which recreational vehicles are provided utility hook-ups and services. Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other permitted services are provided by the facility operator for the use and convenience of recreational vehicles.

Recreational Vehicle: a vehicle that is:

- (A) built on a single chassis or capable of being placed in or on a vehicle;
- (B) four hundred (400) square feet or less when measured at the largest horizontal projection;
- (C) designed to be self-propelled or towable by a motor vehicle;
- (D) designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

Record Drawing: a reproducible drawing showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines and connections, and other features or improvements which have been installed on or off the property pursuant to a development plan approved under this Ordinance, to be used to determine compliance with the requirements of this Ordinance.

Redevelopment: demolition of existing principal structure(s) on a parcel or through building additions that increase the building footprint of the principal structure by fifty percent (50%) or more through single or cumulative additions.

Reference Level: the bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all special flood hazard areas.

Regulatory Flood Protection Elevation: the base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Rehabilitation Facility: an indoor facility including uses such as exercise equipment, specialized rehabilitation equipment, game courts, swimming pools, locker rooms where patients and members receive physical therapy or other medical treatment.

Religious Institution: any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary accessory uses including space for religious education, kitchens, activity rooms, staff housing (rectory, parsonage) and offices.

Required Setback: the minimum distance between the property line and the building required by the zoning district and measured from the property line.

Residential Care Facilities (more than 6 residents): A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than six (6) individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS §131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS §131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages, their associated uses and structures including, but not limited to: congregate dining facilities, recreational and social facilities, health care facilities and

similar service, gift shops, snack shops, banks, barber/beauty shops for residents, and other similar services that are available exclusively to the residents and staff of the facility. This term excludes family care homes and halfway houses.

Residential Development: buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc.

Resource Conservation Facilities: fishponds, nature preserves, botanical and zoological gardens, water reservoirs, lakes, ponds, engineered storm water control devices and dams.

Restaurant: any retail establishment whose principal business is the preparation and service of food and beverages as a ready-to-eat meal.

Retail Store: a single building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to: antiques, clothing stores, appliance stores, bakeries, coffee shop, wine shop, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.

Right-of-Way: an area owned or maintained by the Village, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

Satellite Dish Antenna: any antenna of any size, including DSS antennae and any supporting structure, designed to receive signals from orbiting satellites or similar sources.

Schools, Elementary & Secondary: a public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education. This institution may include remedial after school activities.

Schools, Vocational/Technical: a public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

Sediment: solid particulate matter, both mineral and organic, that has been, or is being transported by water, air, gravity, or ice from its site of origin.

Semi-Detached Dwelling: two (2) single-family dwellings connected on one (1) side by a common dividing wall. Each single-family dwelling is to be situated on its own lot with a zero lot line between units.

Septic System /Tank: private wastewater disposal systems for private home use.

Service Court: enclosed area attached to, or on the same lot as, a principal building which contains HVAC equipment, trash containers, service doors, docks, and other similar facilities.

Setback: (see building setback).

Sexually Oriented Business: any place defined as an "adult establishment" as defined by NCGS §14-202.10 as such statute may be amended from time to time, including adult cabarets, and except the definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Sexually oriented business specifically includes, however, any massage business where "massages" are rendered by any person exhibiting "specified anatomical areas" and/or where "massages" are performed on any client's "specified anatomical areas." "specified anatomical areas" are those defined by NCGS §14-202.10 as such statute may be amended from time to time.

Shooting Range: a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, archery, air guns, black powder or any other similar sport shooting in an outdoor environment and/or outdoor facility.

Shoreline: the line made by the natural intersection of the water on the shore.

Shutter: a decorative cover for a window, fit to actual height of window.

Side Yard: an open space on the same lot with a building (steps, eaves, and uncovered porches, terraces or patios are considered part of the main building), and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required.

Sight Triangle: (or horizontal sight distance): the horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

Sign: any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This does not include seasonal or holiday displays, flags denoting a school or sport, or garden art.

Single Family Residential: any development where:

- (A) no building contains more than one (1) dwelling unit;
- (B) every dwelling unit is on a separate lot; and
- (C) where no lot contains more than one (1) dwelling unit.

Single-Family Dwelling: a detached dwelling or condominium unit consisting of a single dwelling unit only.

Single-Family Site Plan: A site plan prepared for single family residential development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and/or accessory buildings.

Site Plan: a scaled drawing and supporting text showing the relationship between the lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legal required development regulations that are applicable to the project and the site plan review. A site plan review based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Site-Specific Vesting Plan: a plan submitted in which the applicant requests vesting describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plans may be of the following types: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation.

Sleeping Unit: a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Small Equipment Repair/Rental: the repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van, but excluding small gasoline or other combustion engines.

Small Engine Repair/Sales: the repair, servicing, alteration or restoration of lawn mowers, leaf blowers, and other small gasoline or combustion engines as a primary use, including the incidental wholesale and retail sale of parts and supplies as an accessory use.

Small/Micro Wireless Facility: these facilities shall be defined by NCGS § 160A-400.51.

Small Trees/Large Shrubs: deciduous or evergreen trees or shrubs with a mature height or spread of ten (10) to thirty (30) feet.

Solar Panel: a solar thermal collector used to convert energy contained within the sun's rays into energy. 'Solar panel' may refer to a photovoltaic module which is an assembly of solar cells used to generate electricity.

Solid Waste Disposal Facility: as defined in NCGS §130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site: as defined in NCGS §130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Event: any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales (pursuant to Article 17 of Chapter 66 of the General Statutes), and fund raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

Special Flood Hazard Area (SFHA): the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM).

Special Flood Hazard: any area designated on a Flood Hazard Boundary Map or Flood Insurance Rate Map panel designated as a zone a.

Special Use: a land use listed in Chapter 8 of this Ordinance as a special use in the zoning district in which it is located, and which is subject to the approval procedures set forth in Section 4.5 of this Ordinance.

Specimen Tree: any healthy living tree that:

- (A) Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;
- (B) A trunk DBH of twelve (12) inches or more in the case of the following species:
 - (1) Ilex species (holly);
 - (2) Magnolia species;

- (3) Longleaf Pine species.
- (C) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;
- (D) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or
- (E) Has been cited by the Village Council as being historically significant.

Stable: a building in which horses are sheltered and fed; such a building having stalls or compartments on a lot not less than three (3) acres in size.

Storage, Self-Service: a building for the indoor keeping of materials; containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Storage, Outside Storage Yard: the keeping of any material for a period greater than forty-eight (48) hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property. Storage of construction materials on an active job site may not be defined as outside storage.

Storage, Warehouse, Indoor Storage: facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

Storm Drainage Facilities: the system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.

Storm Water Runoff: the direct runoff of water resulting from precipitation in any form, which cannot percolate into the surface or be accommodated satisfactorily by the existing drainage system and which therefore travels overland to the nearest channel.

Story: that portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof next above. It is measured as the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Stream: a perennial or intermittent stream shall be deemed present if the feature is shown on either the most recent version of the soil survey map prepared by the natural resources conservation service of the United States Department of Agriculture (USDA) or the most recent complete version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). [Universal Stormwater Model Ordinance for North Carolina]

Stream Buffer (Lake Buffer): the area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Street: a right-of-way for vehicular traffic abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

Structure: for floodplain management purposes only, a walled and roofed building, a manufactured home, including a gas or liquid storage tank(s), or other man-made facilities or infrastructure that are principally above ground. For all other purposes of this Ordinance means that which is built or constructed.

Studio, Art, Dance, Martial Arts, Music: facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Subdivider: any person, firm, or corporation who divides or develops any land in a subdivision.

Subdivision: all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of new streets or a change in existing streets.

Substantial Damage: damage of any origin sustained by a structure during any one (1)-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement: any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1)-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed but does not include:

- (A) any correction of existing violations of state or community health, sanitary, or safety code specifications which have

been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

(B) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surveyor: a person whose occupation is surveying land, and is a registered professional in the State of North Carolina as a land surveyor.

Swale: a gentle man-made or natural depression in grade for drainage of surface water.

Swimming Pool: Any structure intended for swimming or recreational bathing. This includes in- ground, above-ground and on-ground swimming pools, hot tubs and spas.

Seasonal Swimming Pool: Any structure intended for swimming or recreational bathing that contains water forty-eight (48) inches deep or less. These are intended to be structures that are easy to erect and remove at the end of the swimming season and typically are not hard wired for electricity if needed or provided.

Technical Review Committee (TRC): a staff committee appointed by the Village Manager and chaired by the Village Planner for the purpose of providing the Village Planner with technical advice on subdivision and development plan matters.

Telecommunications Facility: a structure whose primary purpose is to support communications equipment. This definition includes tower/antenna combinations (not tower/antenna/building combinations) and the height measurement applies to those combinations. The foregoing notwithstanding, this definition shall not include wire-supporting electric power transmission and telephone poles. The setback, security, and screening provisions of this Ordinance apply to telecommunication facilities as herein defined, only.

Temporary Certificate of Occupancy: a Certificate of Occupancy issued under the terms on the North Carolina Building Code which expires under its own terms after a limited time.

Temporary Portable Building: a building intended for nonresidential use for a limited time period, consisting of one (1) or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.

Temporary Sign: a sign that can be used only for a designated period of time.

Temporary Use: a land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

Theater, Indoor (movie or live performance): a specialized facility for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and complex structures with no more than two (2) theaters.

Through Lot: a through lot is any zoning lot, not a corner lot, that adjoins two (2) street lines opposite to each other and parallel or within forty-five (45) degrees of being parallel to each other. Any portion of a through lot that is not or could not be bounded by two (2) such opposite street lines, and two (2) straight lines intersecting such street lines, shall be subject to the regulation for an interior lot.

Tower, Lattice: a guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

Tower, Monopole: a structure composed of a single spire used to support communications equipment.

Tower: see communication tower.

Townhome: a building with two (2) or more residential units that are located side by side where each unit has a separate entrance from the outside. Townhomes typically have one (1) primary yard (rear) and a small front setback to provide some landscaping.

Townhouse Unit Development: a type of subdivision utilizing a development design technique, which enables substantial modification of lot size standards and setback regulations without increasing the allowable density for the zoning district in which the development is located. The common open space is substantially increased for the benefit of all occupants of the townhouse development.

Tract: contiguous parcel(s) of land being disturbed or to be disturbed as a unit, regardless of ownership.

Traffic Sign: a sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.

Transitional Shelter: an area within a principal church structure that is used for temporary housing for no more than twelve (12) consecutive months. The building or structure shall meet all requirements of the Pinehurst Municipal Code, section 150.01 (North Carolina Building Code).

Understory Tree: trees whose total height at maturity is less than thirty (30) feet.

Use Zone: the area under and around playground equipment where a child might fall and that is free of other equipment and obstacles.

Utilities-Moore County and VOP: facilities or systems for the distribution of steam or water, the collection, treatment and disposal of sewage or refuse; of similar functions necessary for the provision of public services. Radio transmission facilities less than one hundred eighty (180) feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities.

Utilities are divided into three (3) classes:

Class 1 - distribution, transmission and collection lines (above and below ground) including waste water collection, and water distribution lines; pumping stations, and lift stations;

Class 2 - elevated water storage tanks; package treatment plants; or other similar facilities in connection with steam and water facilities, not including cellular communication towers.

Class 3 - generation, production, or treatment facilities such as water and sewage plants.

Utilities-All Other: any facility not owned by Moore County or the Village of Pinehurst, including a building or structure that houses or contains facilities or equipment, for the operation of a public utility water, waste water, waste disposal, gas, electric or telecommunication land line services. Public utility facilities include, but are not limited to, waste water collection lines, water distribution lines, water pumping stations and filtration plants, waste water and storm water treatment plants, gas transmission and distribution lines, electrical transformer stations, electric transmission and distribution lines, telecommunications land lines and exchanges, wells, well houses, and water towers.

Variance: the permission to depart from the literal requirements of this Ordinance, granted by the zoning board of adjustment to a property owner where the enforcement of the literal requirements of this Ordinance will result in undue hardship.

Vehicle Rental/Leasing/Sales: establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or golf carts.

Vehicle Services - Maintenance, Repair/Body Work: the repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping. This may be an accessory use to an establishment that provides vehicle rental/leasing/sales.

Vested Right: the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan.

Veterinary Services / Indoor Kennels: establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming, where outdoor activities are incidental.

Village Planner: the planning director or his or her designee.

Violation: an infringement or breach of a duty or right granted under this Ordinance, or a failure to comply with one (1) or more of the provisions of this Ordinance.

Wall, Parapet: that portion of a building wall that extends above the level of the roofline.

Wall, Party: a firewall on an interior lot line used or adapted for separation or joint service between two (2) buildings.

Wall, Retaining: a wall designed to prevent the lateral displacement or movement of soil or other material.

Wall: an erection of stone, brick, wood, metal or other material intended to delineate a boundary or serve as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

Wallboard Signs: sign not permanently affixed to the wall intended to allow for changeable message, such as sales and menu items. Signs must be flush mounted to the wall surface when being displayed and not covering any window or doors.

Waste Disposal System: any public or private sewage system or public or private septic system.

Water Surface Elevation (WSE): the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse: a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watershed Administrator: an official or designated person of the Village responsible for administration and enforcement of this Ordinance.

Watershed Management Area: that land area of a water supply watershed that is defined on maps on file in the Village Hall, provided that more precise boundaries may be established by topographic data from actual site surveys.

Watershed: the entire land area contributing surface drainage to a specific point (e.g. The water supply intake).

Welcome Center: a building or portion thereof, providing visitors a location with information on the area's attractions, lodging, maps, and other items relevant to tourism and the area. Often, these centers are operated by the local government

or chamber of commerce.

Wetlands: those areas that are defined as wetlands by the United States Army Corps of Engineers. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesaling and Distribution: establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The intent of these establishments is not to sell to the general public.

Woodlands: land that is undeveloped except for roads and utilities, and contains stands of indigenous trees.

Yard Sale: any sale open to the public conducted from or on a residential premise or in any residential zone for the purpose of disposing of personal property or other property, including but not limited to all sales entitled "estate", "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea," "rummage," and similar names.

Yard: an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or driveways or as otherwise provided herein.

Zero Lot Line: where a building and its foundation area, and/or a small yard or patio area, are conveyed, under the following conditions:

- (A) minimum lot area and width are non-applicable;
- (B) must have open space on all sides not connected to a building;
- (C) units within a patio home, duplex or multifamily structure using the zero lot line must be separated by an applicable fire rated wall(s).

Zoning District: a use district established in Chapter 8 of this Ordinance.

Zoning Lot: a zoning lot is either:

- (A) a lot of record existing on the effective date of the zoning ordinance or any applicable subsequent amendment thereto; or
- (B) a tract of land, either not subdivided or consisting of two (2) or more abutting lots of record located within a single block in single ownership.

(Ord. 14-35, passed 09-24-2014; Ord. 15-10, passed 05-26-2015; Ord. 16-07, passed 04-26-2016; Ord. 16-15, passed 09-27-2016; Ord. 17-09, passed 6-27-2017; Ord. 18-03, passed 2-27-2018; Ord. 21-12, passed 07-27-2021; Ord. 21-06, passed - -)