PLANNING AND ZONING BOARD
JULY 1, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM

I. Call to Order

II. Approval of Minutes

A. June 3, 2021 Regular Meeing Minutes

III. General Business

A. Public Hearing No. 1 Conditional Zoning - USGA Facilities

The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 6.29 acres of Moore County PID# 00025800. This proposed map amendment would zone the property from RD – Recreation Development District to VMU-CD – Village Mixed Use Conditional District. The proposed rezoning and associated General Concept Plan would allow for development of a second headquarter for the United States Golf Association (USGA) which includes two structures totaling approximately 40,500 square feet along with associated site features. The structures will house a welcome center, museum, offices and a testing center.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed zone change that will then be forwarded to the Village Council for consideration.

B. Public Hearing No. 2 160D Text Amendments

The purpose of this public hearing is to hear comments on a series of proposed changes to the Pinehurst Development Ordinance (PDO) to implement required statutory 160D changes.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed amendments that will be forwarded to the Village Council for consideration.

C. Public Hearing No. 3 Electronic Permitting

The purpose of this public hearing is to hear comments on a number of amendments to various sections of the Pinehurst Development Ordinance (PDO) to implement required use of the Village's electronic permitting system for permits and planning applications.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed amendments that will be forwarded to the Village Council for consideration.

IV. Next Meeting Date

D. August 5, 2021 Regular Meeting

V. 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.

JUNE 3, 2021 REGULAR MEEING MINUTES
ADDITIONAL AGENDA DETAILS:

FROM:
Alex Cameron

CC:
Shannon Konstantinou & Jill Lazusky

DATE OF MEMO:
6/24/2021

MEMO DETAILS:
Attached for review and consideration of the Board are draft minutes from the 06-03-2021 regular meeting.

ATTACHMENTS:

	Description
🗋	06-03-2021 Draft Regular Meeing Minutes

PLANNING AND ZONING BOARD
SPECIAL MEETING
WEDNESDAY, JUNE 3, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM

Board Members Present:	**Board Members Absent:**	**Staff Present:**
Cyndie Burnett, Chair	Jeramy Hooper, 1st Vice	Darryn Burich, Planning Director
Julia Latham, 2nd Vice	Phillip Shumaker	Alex Cameron, Principal Planner
Matt Jones		Kathy Lyles, Planner
Jack Farrell		Jill Lazusky, Acting Clerk of the Board
David Alzamora		
Sonja Rothstein		
Paul Roberts		

Approximately 1 person was in attendance plus 5 staff

I. Call to Order

II. Approval of Minutes

A. 04-08-2021 Regular Meeting Minutes

Mr. Jones moved to approve the minutes of the April 8, 2021 regular meeting. Seconded by Mr. Farrell. Approved by a vote of 7-0.

B. 04-21-2021 Special Meeting Minutes

Mr. Alzamora moved to approve the minutes of the April 21, 2021 special meeting. Seconded by Ms. Latham. Approved by a vote of 7-0.

III. General Business

A. Discuss upcoming proposed amendments to the Pinehurst Development Ordinance (PDO)

Mr. Cameron provided an overview of the reason for what would be discussed this evening, primarily the draft language for amendments to the PDO to come into compliance with NC General Statutes Chapter 160D and to implement electronic permitting. Staff will work on preparing an index of what will be included when we go to public hearing and consolidate what will be presented so it will be easier for understanding and review.

Ms. Lyles discussed the purpose:

- Consolidate city and county enabling statutes

- Logical, coherent organization
- Provide for clarifying amendments and reforms

Ms. Lyles reviewed what these changes mean for Pinehurst:

- 160D is already effective although local governments were directed to amend by July
- Conflict of interest restrictions for staff
- Revisions need to be gotten in pretty quickly. Parts of our PDO already comply.
- Changed 160A references to 160D
- Clarification on types of public hearings
- Required expedited subdivision review process
- Amended definitions
- Historic district guidelines become standards
- May not regulate appearance of single family dwellings except in historic district
- Modify surety to meet broader performance types
- Add development agreements
- Address minor modifications

Ms. Lyles indicated that development agreements have to be approved through the full legislative process.

Optional Changes

- Subdivision changes
- Modification of some Village requirements for public hearings
- Added clarification on application completeness

Ms. Lyles thought it would be good to look at how we notify public and the requirements which may or may not be required for certain meetings.

There is a checklist that Ms. Lyles thinks we should send out to P&Z Board. Most boards are amending with just a full replacement of their sections but we feel we can do it with just changing pieces.

Mr. Roberts asked about site-specific vesting plan. Ms. Lyles said it constitutes any drawn plan describing what will happen on a specific piece of property. If approved, and then things change, you can still do it as long it is within 2 years. Beyond that, you have to go to Council to get an extension, of up to 5 years. If after 5 years nothing has happened, you would have to be reviewed and approved all over again.

Ms. Latham asked about SF dwellings and having no control of appearance and asked about multi-family; Mr. Cameron replied that if not subject to 1-2 family code, a city can have some say in multi-family like apartments. Exceptions can be captured in conditional zoning.

Mr. Jones asked about submittals before 160D goes into effect or after but before PDO is in effect. Mr. Cameron indicated that you would have an opportunity for permit choice. Ms. Burnett asked about our Development agreement with Pinehurst Resort. Mr. Burich indicated that it would have to go to a public hearing and that will happen after 160D goes into effect.

Mr. Cameron indicated that there is a microsite on NCSOG devoted only to 160D. It has a good checklist on that. Mr. Cameron will send out the link with additional information to the

board. He thinks we will need to focus on "Vested Rights" and get broader discussion and feedback from the Board.

Electronic Permitting

Ms. Lyles spoke to this particular text amendment. We are doing a lot of it already. We have codified that it is okay to have electronic submittals and permitting. With the appendices, we went more to a checklist so it becomes more of a working document with consolidated submittal information requirements. Ms. Lyles said that HPC has provided comments that they want to see larger scale prints. Mr. Farrell agreed that HPC needs the larger scale because they are looking at the details.

Mr. Roberts asked how long we have been doing electronic permitting. Two years. Mr. Burich explained that most people are doing permits online. There are a few holdouts and an occasional one-timer that faxes or comes in and still do it on paper.

Mr. Jones asked about required documents prior to approval. Mr. Cameron explained this isn't a change but now we are looking for it to be a pre-requisite for additional approvals from other agencies (i.e. Water & Sewer, driveways, Fish & Wildlife, etc). Mr Burich did state that we included language "if applicable, and as required." Mr. Jones asked about online submission. Mr. Cameron said that if the applicant submits on line, we can communicate with them through the system to notify them of revisions required. It is pretty easy. Applicants can upload whenever they want to their assigned number once they have applied. Mr. Jones asked about required file names for documents. Mr. Cameron thinks that is a good idea to standardize them and will look into that.

Mr. Farrell asked about payment. It runs smoothly. Mr. Cameron explained that the checklist has helped get all the documents. Mr. Farrell asked about electronic signatures and also documents that require notarization and also asked about "lighting plans". Mr. Cameron explained that lighting plans are required for non-residental applications

Ms. Burnett asked about the requirements of Moore County. Mr. Cameron explained the county has different requirements that are not ours. It was suggested that we be more specific to where applicants need to go for county requirements.

Mr. Alzamora identified a number of clerical items that would help the text amendments read more easily. Ms. Burnett asked if Mr. Alzamora would hand over his notes to Alex so those notes can be incorporated. Agreed. Mr. Farrell asked about type fonts.

Mr. Cameron asked for all feedback to be sent to himself and Mr. Burich. If needed, we can have another meeting before holding a public hearing. If not, we can schedule a public hearing.

IV. Next Meeting Date: 07/01/2021 Regular Meeting

Ms. Burnett asked if there was a problem with anyone because it is 4th of July week. Ms. Latham will be away at next meeting. This might also be the next meeting for the USGA.

Mr. Farrell asked about what they would see re: 160D. Mr. Cameron said that he would send only the changed parts or just an outline if the board would prefer. Staff can provide a link to an electronic copy. Mr. Farrell is comfortable that staff will do all the right wording. Just

concerned about the more substantial changes. Interested in changes that "trump" our current PDO. Ms. Lyles & Mr. Cameron indicated that there are different options to develop wording and hold a public hearing. Ms. Lyles said that the changes they have made are what has to be changed and those items that will help the Village. Ms. Burnett asked if can be variable project by project or does it have to be firm? Mr. Cameron provided an example that there can be thresholds and variables that can be considered and talked about special use permits. Mr. Cameron says the board will have the ability to apply standards.

Mr. Burich said that the public hearing gives the appearance that people can be heard and can affect change, but in reality you still have to follow the PDO.

V. Motion to Adjourn

Ms. Rothstein moved to adjourn. Ms. Latham seconded. Approved by a vote of 7-0 at 5:05 pm.

Respectfully Submitted,

Jill Lazusky
Acting Clerk to the Board
Village of Pinehurst

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

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DRAFT

PUBLIC HEARING NO. 1 CONDITIONAL ZONING - USGA FACILITIES

ADDITIONAL AGENDA DETAILS:

The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 6.29 acres of Moore County PID# 00025800. This proposed map amendment would zone the property from RD – Recreation Development District to VMU-CD – Village Mixed Use Conditional District. The proposed rezoning and associated General Concept Plan would allow for development of a second headquarter for the United States Golf Association (USGA) which includes two structures totaling approximately 40,500 square feet along with associated site features. The structures will house a welcome center, museum, offices and a testing center.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed zone change that will then be forwarded to the Village Council for consideration.

FROM:
Alex Cameron

CC:
Darryn Burich

DATE OF MEMO:
6/24/2021

MEMO DETAILS:
Please see the attached items related to this public hearing.

ATTACHMENTS:

Description

- Staff Report
- Project Narrative
- General Concept Plan
- Building Renderings and Materials
- Combined Lodge and USGA Site Plan
- Parking Demand Analysis
- Trip Generation
- RCW Summary & Letter
- Neighborhood Meeting Report
- ISO Fire Cals

1895
VILLAGE OF
PINEHURST

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Alex Cameron, Planning Supervisor
Darryn Burich, Planning & Inspections Director
Date: June 23, 2021
Subject: Staff Report for Conditional District Rezoning request for a portion of (+/- 6.29 acres) Parcel ID# 00025800 address TBD Carolina Vista Drive

Applicant:	Bob Koontz, PLA Principal**,** Koontz Jones Design on behalf of the United States Golf Association (USGA)
Owner:	The Resorts of Pinehurst, Inc.
Current Zoning	RD (Recreation Development District) is established as a district in which the primary use of the land is predominantly reserved for privately owned recreation, clubhouses and support structures, natural or man-made bodies of water, resort complexes and other similar uses. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or properties otherwise restricted for private recreational use. H (Hotel District) Hotel District is established as a district in which the principal use of land is for hotels and their associated villas or cottages. This district is intended to provide lodging facilities for visitors while minimizing any adverse impact on neighboring residential areas. OP (Office Professional District) Office Professional District is intended to provide for limited office and retail development as a spatial development between business districts and residential land uses.

Proposed Zoning:	VMU-CD (Village Mixed Use – Conditional District) is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians.
Current Land Use:	Privately owned recreation facilities (golfing, tennis, pool complex, etc.) and clubhouse with meeting space, restaurant and pro shop.
Proposed Land Use:	Second headquarter facility for the USGA including offices, welcome center, museum and testing center.

Request:

The applicant requests an official zoning map amendment for a conditional district zoning of a portion of a parcel of land currently zoned RD (Recreation Development District) and H (Hotel District) to VMU-CD (Village Mixed Use – Conditional District). The proposed use of the area would include the addition of two buildings; a visitor's center and museum totaling approximately 15,400 square feet and an administrative office building with a testing center for research and development totaling approximately 25,100 square feet. The proposed rezoning would change the existing zoning of the property to the proposed Conditional Zoning District for a portion of approximately 6.29 acres. A General Concept Plan is required as part of a Conditional District rezoning application and if approved, the plan then becomes a site-specific zoning plan and a condition of the rezoning. Any substantial changes to an approved General Concept Plan as stated in Section 6.2.3 (B) of the Pinehurst Development Ordinance (PDO) shall be reviewed by the Planning and Zoning Board and approved or denied by the Village Council. All other changes to an approved General Concept Plan that are not substantial and do not alter the basic development concept may be approved by the Village Planner.

The main goal for this proposal as indicated on the provided narrative, is to provide a new facility as part of an agreement between the owner (Pinehurst Resort) and the United States Golf Association (USGA) to bring additional USGA championships to the area, allow for the USGA to establish a second headquarter and provide a stimulus to the local economy. The proposed facilities are intended to establish a second home for the USGA and help support their work to advance the game of golf through innovation, research and science.

The proposed conditional district map amendment would still allow accommodation of all the existing uses on the property as it would only apply the proposed zoning classification to this specific area to allow for the proposed facilities and uses as indicated on the submitted material.

Included with this conditional district rezoning request are an application, project narrative, General Concept Plan including a parking and circulation plan and conceptual utilities plan, architectural character elevations and renderings, neighborhood meeting summary, trip generation, parking assessment and a biological assessment for red-cockaded woodpecker impacts from the United States Fish and Wildlife Service.

The applicant is asking for the following conditions:

Applicant Conditions Table				
	Type	**Requested Condition**	**PDO Requirement**	**PDO Section No.**
1	Table of Uses	Add "Golf Equipment Research, Development and Testing" as an Allowed Use Within the VMU-CD This use is not currently defined nor has been contemplated by the PDO	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO	8.5.1 & 6.2.4(B)
2	Table of Uses	Add "General Office" as an Allowed Use Within the VMU-CD PDO does not include nor define General Office as a use	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO	8.5.1 & 6.2.4(B)
3	Table of Uses	Add "Welcome Center" as an Allowed Use within the VMU-CD Table of Uses does not include Welcome Center but is defined by the PDO	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO	8.5.1 & 6.2.4(B)
4	Setbacks	Front Yard: 25' min. Side Yard: 15' min. Side Street Yard: 50' min. Rear Yard: 20' min.	VMU Front Yard: 0' (min) – 10' (max.) Side yard: 0' (or 5' min if detached) Side Street yard: 0' min.) – 10' (max.) Rear Yard: 5'	9.2 & 6.2.4(B)
5	Signage (See additional condition language below at #5)	Increase in All Allowed Signage Size by 50%	Various	9.7 & 6.2.4(B)
6	Sidewalk (See additional condition language below at # 6)	Delete sidewalk requirement along Cherokee Road frontage but see easement option in the additional condition language below at # 6	Required along frontage of existing streets	9.16.1.8(a)(4) & 6.2.4(B)
7	Parking Spaces (See additional condition language below at #7)	VISITOR CENTER/MUSEUM: Minimum 1 space per 300 SF of gross floor area for Visitor Center/Museum (Minimum 58 spaces for +/- 17,215 square feet)	NO CHANGE See PDO Section 9.4(a)	Table 9.4(a) & 6.2.4(B)

		ADMINISTRATIVE OFFICES: Minimum 1 space per 300 SF of gross floor area for offices (Minimum 40 spaces for +/- 11,900 square feet)	Administrative Office not listed in Table 9.4(a). Seeking same minimum as Professional Services and Personal Services	Not Listed
		GOLF EQUIPMENT RESEARCH, DEVELOPMENT AND TESTING CENTER: Requesting approval of 0 additional spaces because same users as the Administrative Offices	This use not listed in Table 9.4(a). Employees using the testing center will have offices in the Administrative Office section. Therefore, no additional spaces required. To the extent necessary, Applicant seeks shared parking approval under Section 9.4.1.3	Not Listed
8	Parking Surface	Authorization to use alternate parking area surface materials so long as approved by Village Engineer and in compliance with the Village of Pinehurst Engineering Standards and Specifications Manual	PDO requires that a minimum of 75% of parking surface area be asphalt and up to 25% may be graded gravel surface	9.4.1.2(B) & 6.2.4(B)

Additional Condition Specifications

#5 Signage: Signage locations and diagrams shall be as shown on USGA Headquarters General Concept Plan, Sheet L-2.0.

#6 Sidewalk (Cherokee Road): Neither Applicant (USGA) nor Owner (Pinehurst Resort and Country Club) will be required to install a sidewalk along the Cherokee Road frontage. In lieu of, however, Applicant and Owner will grant (or consent to, as applicable) a written easement for construction and maintenance of and public access to a sidewalk, multi-modal path or cart path along the Cherokee Road frontage should the Village of Pinehurst opt in the future to request such an easement and construct the path at its expense. The exact easement location, width and other terms shall be agreed to by the Village of Pinehurst, Applicant and Owner at such time as the Village is able to determine its preferred type of path. Installation of the desired path shall be preceded by Applicant's and owner's advance written consent as to design, location and all other terms of the easement, such consent not to be unreasonably withheld, conditioned or delayed.

#7 Parking Spaces: Parking demand is being calculated at the rate prescribed in the Parking Demand memorandum prepared by Kimley Horn dated June 17, 2021, which is attached to this application.

#8 Parking Surface: The applicant seeks the option to use more sustainable parking surface materials provided that (a) any deviations from the required asphalt/graded gravel requirements shall be approved by the Village Engineer in advance and (b) such parking surface specifications shall be in compliance with the Village of Pinehurst Engineering Standards and Specifications Manual (ESSM).

Analysis:

Background/Location

The subject property is located within the Village's corporate limits and defined as being Moore County Parcel ID# 00025800 and contains many buildings, structures and features including club house, pro shop, restaurant, pool complex, tennis, lawn bowling, croquet and golf courses. The property totals approximately 67 acres in size and has three current zoning designations, Recreational Development (RD), Office Professional Development District (OP) and Hotel District (H). The property is also located within the Local Historic Preservation Overlay District (LHD) and the National Historic Landmark District. At the June 22, 2021 regular meeting, Village Council approved the Hotel Conditional District rezoning of 2.68 acres of the property to allow for the 34 room Lodge with accessory uses and parking. This proposal would rezone approximately 6.29 acres of the property to VMU – CD.

Surrounding properties contain multiple zoning designations and land uses. See the table below and attached "Area Zoning Map". The northern portion of the property borders Cherokee Road with single family residential areas and near the Village Green and Marshall Park. The western portion of the property borders the railroad right-of-way that runs along NC Hwy 5. Areas to the east of the subject property all include additional golf courses and a driving range. The area to the south adjoins Morganton Road and the site of Pinehurst Resort's maintenance facilities.

Adjacent Land Uses and Zoning			
Area	**Existing Uses**	**Zoning**	**Overlay Zoning**
North	Single Family Residential, Village Owned Recreation, Sandhills Women's Exchange Office & Professional (Bank)	R-10, R-20, RD & OP	Local Historic Preservation Overlay
South	Pinehurst Resort (golf course)	RD	Local Historic Preservation Overlay
East	Pinehurst Resort (golf course)	RD	Local Historic Preservation Overlay
West	Pinehurst Resort (golf course & maintenance facility), Railroad right-of-way & multi-family residential	OP, RD & RMF	Local Historic Preservation Overlay
Comprehensive Plan Land Use Designation			
Parcel ID # 00025800	Private Open Space		

A neighborhood meeting was required of the applicant prior to submitting the conditional rezoning request. The applicant notified all adjacent property owners. According to the submitted sign in sheet, a total of nine residents attended the neighborhood meeting. Topics or items of concern included reviewing the USGA and Resort Lodge projects separately, traffic, parking, landscaping, building size and architecture. Please find the results of that meeting as reported by the applicant.

Access

Primary access to the facilities are shared with the overall resort campus main entry via Carolina Vista Drive (private) that leads to an entry plaza drop off or a surface parking lot to the south. There is a currently a secondary access drive to Cherokee Road just east of the NC 5/Cherokee Road intersection which is primarily used by the shuttles and caddies. The applicant is proposing to retain this access but is proposing to create a right in/right out configuration with installation of a "pork chop" structure in the right-of-way. The North Carolina Department of Transportation (NCDOT) has reviewed the proposal and is also recommending that a 50 foot right turn lane be installed to service this entry point.

Parking

A surface parking lot of 109 total spaces is proposed and is located generally to the south and south west of the proposed USGA structures. The parking requirements for the USGA facilities are as follows:

Use	Notes	Square Footage	PDO Ratio	Requirement
Visitor Center/Museum		15,400	1 space/300 sf gross floor area	51
Administration Offices		11,500	1 space/300 sf gross floor area	38
Testing Center	Same employees in Admin. Offices. Requested Condition*	11,500	1 space/300 sf gross floor area	38*
Total		38,400		127*
Proposed				109*

The applicant is requesting a condition to not provide parking for the testing center aspect of the project because those employees are the same as the administration offices and are included in that parking space requirement. This requires a condition to eliminate the parking requirement. Given that explanation staff feels the condition is reasonable. Should changes occur and that space transitions to general office usage, additional parking will be required.

The applicant has submitted a parking analysis prepared by Kimley Horn, dated May 26, 2021, that concludes that the peak hour parking demand (employees and visitors) is 73 vehicles at 1:00 pm weekdays. This indicates that with the amount of spaces provided that there should be enough parking created to service normal daily parking demand with some excess parking capacity to allow for shared parking. Additionally, because the administration employees will not normally be working on weekends, the vast majority of the parking lot should be available for shared parking. The parking lot is also designed to create two parking areas to allow signed areas of employee and visitor parking.

The applicant is also requesting a condition to not hard surface the surface parking lot with asphalt in favor of using a gravel tack coat to maintain a more natural look similar to the Tuft's Memorial Park parking area. The PDO permits up to 25% of a parking lot to be non-hard surfaced. The Engineering Specifications and Standards Manual (ESSM) also requires the use of asphalt paving, unless specifically allowed by the Village Engineer. The TRC does not support this request given that the majority of PCC parking lots are asphalt paved and this would be out of keeping with the majority of the campus. Parking areas will be required to be landscaped per PDO landscaping and screening requirements.

The USGA project will displace approximately 88 parking spaces that are currently used by PRCC shuttles and drivers and caddies. As part of the Lodge project, PRCC agreed to a condition to create a minimum 100 space parking lot on its "greenhouse" property just to the south off of NC 5 adjacent to the Harness Track to make up for the displaced parking.

Pedestrian Connectivity

Pedestrian connectivity is shown on Sheet L-2.1 and is provided on the site via the existing brick sidewalks along Carolina Vista Drive. Sidewalks are provided from the parking areas to the buildings. Other paths in the form of gravel or sand paths are proposed within the site. The applicant is proposing Condition # 6 to not install public sidewalks across the Cherokee Road frontage in lieu of providing a pedestrian easement.

While the site has good north south pedestrian access and good access within the site, there is not good east west pedestrian access across the site and to NC 5. While there is not a pedestrian network in the NC 5 area, it is a Comprehensive Plan goal to improve pedestrian circulation throughout the Village and not installing sidewalks does nothing to enhance the network as it is improved section by section. An easement only along the Cherokee Road frontage will not allow for pedestrian access to the south along NC 5 due to the railroad trestle. As a community benefit to not installing the sidewalks at this time, staff is open to discussing a pedestrian easement along the Cherokee Road frontage if that could be extended around the railroad trestle to connect to NC 5, which would create a better pedestrian circulation system around the Pinehurst Country Club (PRCC) property versus just installing sidewalks along Cherokee Road.

Building Elevations

The applicant has provided elevations and renderings of the proposed structures and site. Based on the submitted material, the proposed buildings architectural characteristics were based on elements featured on other buildings in the area and within the LHD. Based on the submitted material, the tallest height of the two buildings would be just over 36 feet. The maximum building height in the VMU District is 50 feet. Both buildings are shown with a copper tone standing steam metal roof. Proposed siding for both buildings include fiber cement lap, shake and board and batten siding. Multiple windows are shown on all sides of the buildings. Brick is also proposed and seen as foundation material, chimney and screening walls. Other details shown include balconies, square columns, dormers and a second story walkway connecting the two buildings.

Due to the proposed project site being located within the LHD, all new construction requires a Certificate of Appropriateness (COA) to be reviewed and issued by the Historic Preservation Commission (HPC). During their April 22, 2021 regular meeting, the Village of Pinehurst HPC, held a public hearing to consider the proposed construction of the Lodge. After hearing testimony and deliberation, the HPC issued a COA for the proposed construction of the facilities.

Setbacks
The applicant proposes a condition to modify the setbacks of the VMU District. The VMU district has setbacks that allow for building placement within a range of zero to ten feet depending on the applicable yard. The applicant requests further setbacks as shown on the submitted material and table of requested conditions in this report. Due to the placement of the proposed building in relation to the property lines, there are no potential issues with these proposed setbacks.

Signage
A condition is being requested to grant signage to exceed the permitted amount by up to 50% as allowed in Section 6.2.4 (B) of the PDO. Any signage would need to be reviewed with the Historic District Guidelines and a COA be issued. See Section 9.7.1.4 of the PDO and the table below for the sign standards of the Village Mixed Use District. The applicant has indicated the proposed type, area and location of signage on the General Concept Plan.

Village Mixed Use District Sign Standards				
Type	**Maximum Area**	**With Condition Of 50% Increase in Area**	**Maximum Height**	**Maximum Number**
Wall Sign	6 square feet	9 square feet	Shall not extend above roofline of building	1 per street frontage
Window / Door Signs	20% of gross glass area	30 % of gross glass area	N/A	1 per street frontage
Awning / Canopy Signs	50% of awning area	75 % of awning area	N/A	1 per awning
Projecting Suspended Signs	4 square feet per side	6 square feet per side	Shall not extend above roofline	1 per tenant
Address / Tenant Identification Signs	1 square feet per tenant, owner, location or business in Historic Overlay District	1.5 square feet	10 feet	1 per tenant
Wall Directory Signs	2 square feet	3 square feet	N/A	1 per building entrance
Ground Signs	12 square feet	18 square feet	4 feet	1 per street frontage but no more than 2 per lot

Post & Arm Signs	4 square feet per side	6 square feet per side	4 feet	1 per tenant
Ground Directory Signs	15 square feet	22.5 square feet	4 feet	1 per building entrance

Landscaping
The applicant indicates that all applicable landscaping requirements will be met. This includes a planted buffer along the perimeter of the development abutting the adjacent right of way and parking perimeter and interior landscaping. Both landscaping requirements include a mix of large and understory trees as well as evergreen shrubs. These areas are depicted on the General Concept Plan. The applicant also intends to preserve as much of the existing pine grove as well as re-establish the pine grove around the site. The General Concept Plan indicates the trees that are proposed to be preserved and those proposed to be removed. As indicated on the submitted narrative, the applicant intends to plan significantly more trees than are proposed to be removed. Many of the supplemental plantings provided are intended to focus on drought tolerant and native plants including those found within the longleaf pine savannahs.

Environmental
This site contains no floodplains, wetlands or active partition cluster or impacts for red-cockaded woodpeckers (RCW) as stated in the submitted letter from the United States Fish and Wildlife Service (USFW). The site is located within the WS-II Watershed Protection District which limits non-residential development to 12% built-upon area unless a Special Intensity Allocation (SIA) is granted by Village Council. Existing development prior to June 21, 1993 is not required to be calculated for overall density or built-upon area. Per Section 6.2.4 (C) of the PDO, a SIA will be granted if the conditional district rezoning request is approved. A SIA was granted for the balance of this property with the approval of the H – CD rezoning by Village Council at their June 22, 2021 meeting.

Lighting
The applicant indicates that all exterior lighting will meet the standards of Section 9.8 of the PDO. A lighting plan will be required during the construction drawing review to ensure compliance.

Stormwater Management
The applicant is proposing stormwater management devices as shown on the General Concept Plan to manage the post-development stormwater runoff. The proposed approximate location of these areas are indicated on the General Concept Plan near the southern portion of the development. Due to a SIA being granted, Best Management Practices (BMP's) will be needed to treat the stormwater. Per the Village's Engineering Standards and Specifications Manual (ESSM), the proposed stormwater control measures shall be designed such that the post-development runoff does not exceed the pre-development runoff rate for a 10-year storm event. If the rezoning and General Concept Plan are ultimately approved, calculations and supplemental documentation demonstrating this requirement will be required during construction drawing review and prior to final approval.

Sewer and Water
Public water and sewer are available and will be provided by Moore County Public Utilities (MCPU). MCPU have reviewed the General Concept Plan and deemed it be satisfactory at the conceptual stage of

review and approval with more details to be worked out during the construction document phase. The conceptual layout of utilities is provided with this submittal.

Accessory Structure
The General Concept Plan depicts a greenhouse structure at the northwest corner of the site. The structure would be approximately 1,000 square feet and is located to serve as a terminus/focal element and connection from the gardens to the buildings. The design and timeframe for construction is unknown, however, future design will be subject to PDO and Historic Guideline compliance.

TRC Review

The Technical Review Committee (TRC) has reviewed the application and General Concept Plan and have issued comments to the applicant. These few items will need to be addressed during review of and prior to approval of construction documents. The TRC is comfortable with the General Concept Plan moving forward to review and consideration of the Planning and Zoning Board.

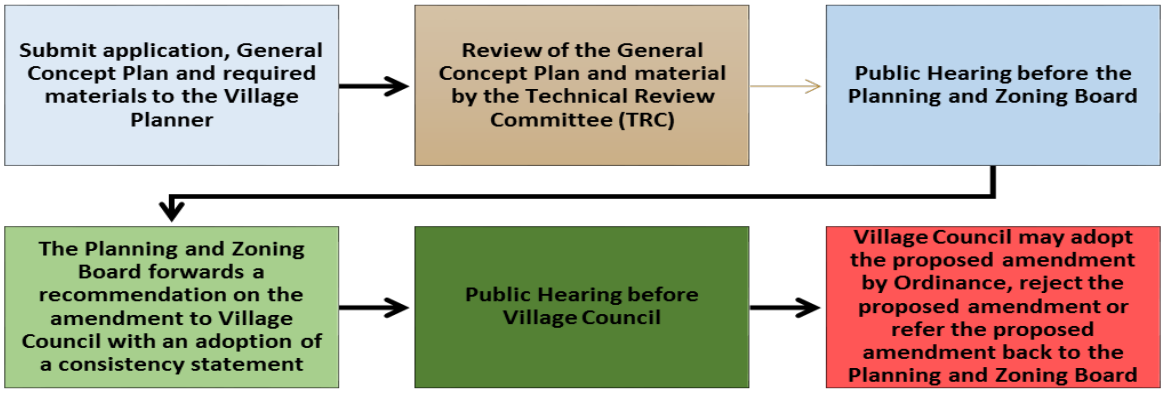
Condition #8 requests the option to use a more "sustainable" parking surface that complies with the ESSM and as approved by the Village Engineer. The ESSM requires asphalt while the PDO allows for alternate material as approved by the Village Engineer. As the two regulatory documents conflict, the rest of the site is served by asphalt parking and with limited information on alternative material, the TRC does not currently support the condition at this time.

Planning and Zoning Board Action and Conditional District Rezoning Process:

After holding a public hearing on the proposed zoning map amendment, the Planning and Zoning Board must adopt a consistency statement describing how the proposed amendment is or is not consistent with the Comprehensive Plan and may recommend approval or denial of the proposed map amendment to Village Council. If the board recommends approval of the proposed amendment but adopts a statement of inconsistency with the Long Range Comprehensive Plan, then the plan is deemed to be amended.

The Planning and Zoning Board can ask to impose more restrictive conditions that are not included with proposal but the applicant must consider and agree to any additional or different conditions. However, no changes can be made to the proposed conditions that are less restrictive than those stipulated in the proposal.

If there are more questions or concerns that need to be addressed, the Planning and Zoning Board can continue the public hearing to a specific date, place and time but a recommendation to Village Council should be made within 30 days of the first scheduled public hearing of this board or Village Council can decide to take the request up for their consideration.


Submit application, General Concept Plan and required materials to the Village Planner
Review of the General Concept Plan and material by the Technical Review Committee (TRC)
Public Hearing before the Planning and Zoning Board
The Planning and Zoning Board forwards a recommendation on the amendment to Village Council with an adoption of a consistency statement
Public Hearing before Village Council
Village Council may adopt the proposed amendment by Ordinance, reject the proposed amendment or refer the proposed amendment back to the Planning and Zoning Board

Comprehensive Plan Consistency:

Guiding Principle #5: Taking Care of Business in the 2019 Comprehensive Plan states that that the Village should support the golf, tourism and healthcare industries that make up the economic backbone of the community by encouraging entrepreneurship, supporting diverse and innovative businesses, and developing a thriving arts, culture, and entertainment market. It also states that the Village should encourage a variety of shopping, dining, and cultural opportunities for residents and visitors alike.

Page 176 of the 2019 Comprehensive Plan states that golf and tourism are two of the most important industries in Pinehurst in terms of employment, land use and reputation. It is important to support the Resort and other businesses that cater to these industries in order to maintain Pinehurst's identity as a premiere golf and hospitality destination. Further, there are opportunities to diversify the types of attractions, businesses and amenities available to golf enthusiasts and in or order to stay attractive to the industry, Pinehurst will need to adapt to meet the needs and desires of players and fans of golf. One of the recommendations in Implementation Strategy 5.11 on page 176 suggests a golf museum could further activate the Village Core and other nodes.

The proposed zoning district is consistent with the recommended land use for the subject area as identified on the Conservation and Growth Map on page 62 of the 2019 Comprehensive Plan which identifies the area as "Private Open Space". Even though the base zoning would change and allow for a use not permitted within the existing zoning, the overall use and designation of the property as depicted on the Conservation and Growth Map in the 2019 Comprehensive Plan would remain as a privately owned recreation area supporting the golf and tourism industry.

The proposal is part of a commitment of Pinehurst Resort to the United States Golf Association (USGA) to bring future USGA championship events to Pinehurst. This request would allow Pinehurst Resort to adapt to meet the changing desires of players and fans of golf and support the industry to help maintain Pinehurst's identity as a premiere golf and hospitality destination.

Staff Recommendation:

Planning staff recommends approval of the rezoning request for PID # 00025800 to VMU – CD (Village Mixed Use – Conditional District) with the conditions listed below and recommends the Board adopt the consistency statement below.

Applicant Conditions Table				
	Type	**Requested Condition**	**PDO Requirement**	**PDO Section No.**
1	Table of Uses	Add "Golf Equipment Research, Development and Testing" as an Allowed Use Within the VMU-CD This use is not currently defined nor has been contemplated by the PDO	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO	8.5.1 & 6.2.4(B)
2	Table of Uses	Add "General Office" as an Allowed Use Within the VMU-CD PDO does not include nor define General Office as a use	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO	8.5.1 & 6.2.4(B)
3	Table of Uses	Add "Welcome Center" as an Allowed Use within the VMU-CD Table of Uses does not include Welcome Center but is defined by the PDO	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO	8.5.1 & 6.2.4(B)
4	Setbacks	Front Yard: 25' min. Side Yard: 15' min. Side Street Yard: 50' min. Rear Yard: 20' min.	VMU Front Yard: 0' (min) – 10' (max.) Side yard: 0' (or 5' min if detached) Side Street yard: 0' min.) – 10' (max.) Rear Yard: 5'	9.2 & 6.2.4(B)
5	Signage (See additional condition language below at #5)	Increase in All Allowed Signage Size by 50%	Various	9.7 & 6.2.4(B)
~~* 6~~	~~Sidewalk (See additional condition language below at # 6)~~	~~Delete sidewalk requirement along Cherokee Road frontage but see easement option in the additional condition language below at # 6~~	~~Required along frontage of existing streets~~	~~9.16.1.8(a)(4) & 6.2.4(B)~~
7	Parking Spaces (See additional condition language below at #7)	VISITOR CENTER/MUSEUM: Minimum 1 space per 300 SF of gross floor area for Visitor Center/Museum (Minimum 58 spaces for +/- 17,215 square feet)	NO CHANGE See PDO Section 9.4(a)	Table 9.4(a) & 6.2.4(B)

		ADMINISTRATIVE OFFICES: Minimum 1 space per 300 SF of gross floor area for offices (Minimum 40 spaces for +/- 11,900 square feet)	Administrative Office not listed in Table 9.4(a). Seeking same minimum as Professional Services and Personal Services	Not Listed
		GOLF EQUIPMENT RESEARCH, DEVELOPMENT AND TESTING CENTER: Requesting approval of 0 additional spaces because same users as the Administrative Offices	This use not listed in Table 9.4(a). Employees using the testing center will have offices in the Administrative Office section. Therefore, no additional spaces required. To the extent necessary, Applicant seeks shared parking approval under Section 9.4.1.3	Not Listed
* ~~8~~	~~Parking Surface~~	~~Authorization to use alternate parking area surface materials so long as approved by Village Engineer and in compliance with the Village of Pinehurst Engineering Standards and Specifications Manual~~	~~PDO requires that a minimum of 75% of parking surface area be asphalt and up to 25% may be graded gravel surface~~	~~9.4.1.2(B) & 6.2.4(B)~~
Staff Recommended Condition(s)				
9	Permit location of proposed "greenhouse" structure as depicted on proposed General Concept Plan.			

***** Staff does not recommend these conditions.

Staff Comments on Proposed Conditions

The applicant's proposed condition #6 would not require them to construct a sidewalk along the Cherokee Road frontage in lieu of providing an easement for future sidewalk construction. The applicant states that the sidewalk does not lead anywhere if extended to the NC 5 intersection. While a sidewalk would not connect to a pedestrian network on the west presently, it is the long term goal of the Village to continue to improve its pedestrian network (2019 Comprehensive Plan) which would include NC 5 and McKenzie Road on the west. Staff is open to discussing a pedestrian easement along the Cherokee Road frontage if that could be extended around the railroad trestle to connect to NC 5, which would create a better pedestrian circulation system around the Pinehurst Country Club (PRCC) property.

The applicant's proposed condition #8 would allow for an alternate parking surface material if approved by the Village Engineer. The ESSM requires all new parking surfaces to be paved asphalt and support emergency service vehicles. Further, the rest of the PRCC property contains asphalt parking and an alternate material would be out of character with the surrounding property. Also, there is no supporting information on an alternate material.

Comprehensive Plan Consistency Statement:

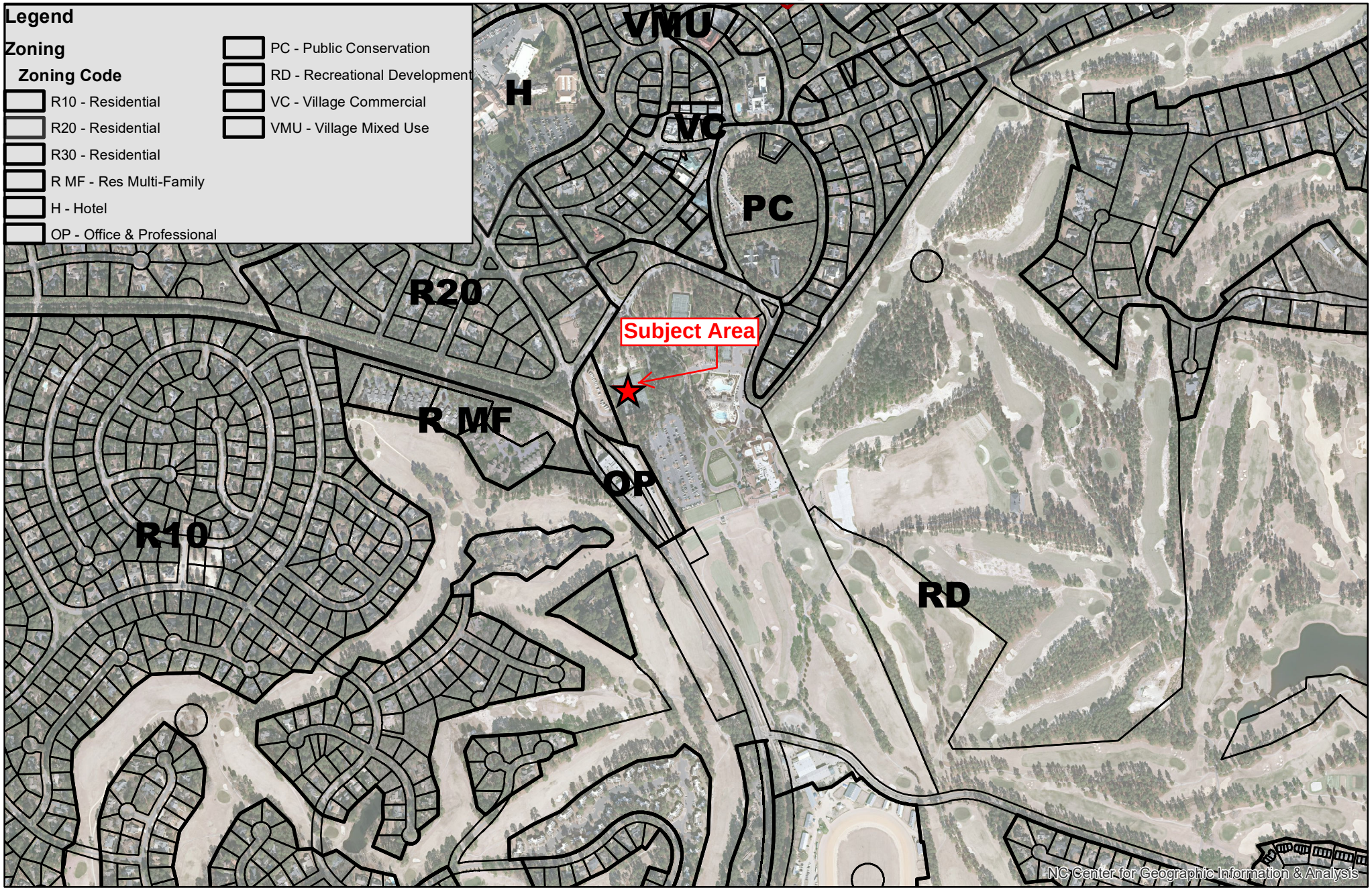
The proposed rezoning is consistent with the Conservation and Growth Map on page 62 of the 2019 Comprehensive Plan which identifies the area as "Private Open Space". Even though the base zoning would change and allow for the mix of uses on the overall campus, the overall use and designation of the property as depicted on the Conservation and Growth Map in the 2019 Comprehensive Plan would remain as a privately owned recreation area supporting the golf and tourism industry. Additionally, the proposed rezoning is consistent with Guiding Principle #5: Taking Care of Business by supporting golf and tourism which help to make up the backbone of the economy and are two of the most important industries in Pinehurst in terms of employment, land use and reputation and essential to maintain Pinehurst's identity as a premiere golf and hospitality destination.

Therefore, this amendment is consistent with the goals of the 2019 Comprehensive Plan and achieving goals in accordance with the Comprehensive Plan and other planning documents of the Village is considered reasonable and in the best interest of the public.

Attachments:

- Area Zoning Map
- Aerial Map
- Adjacent Property Owner Notification
- Labels of Adjacent Property Owners Notified
- Map of Adjacent Property Owners Notified
- Draft Comprehensive Plan Consistency Statement

Aerial Map



0 250 500 1,000 1,500 2,000 Feet

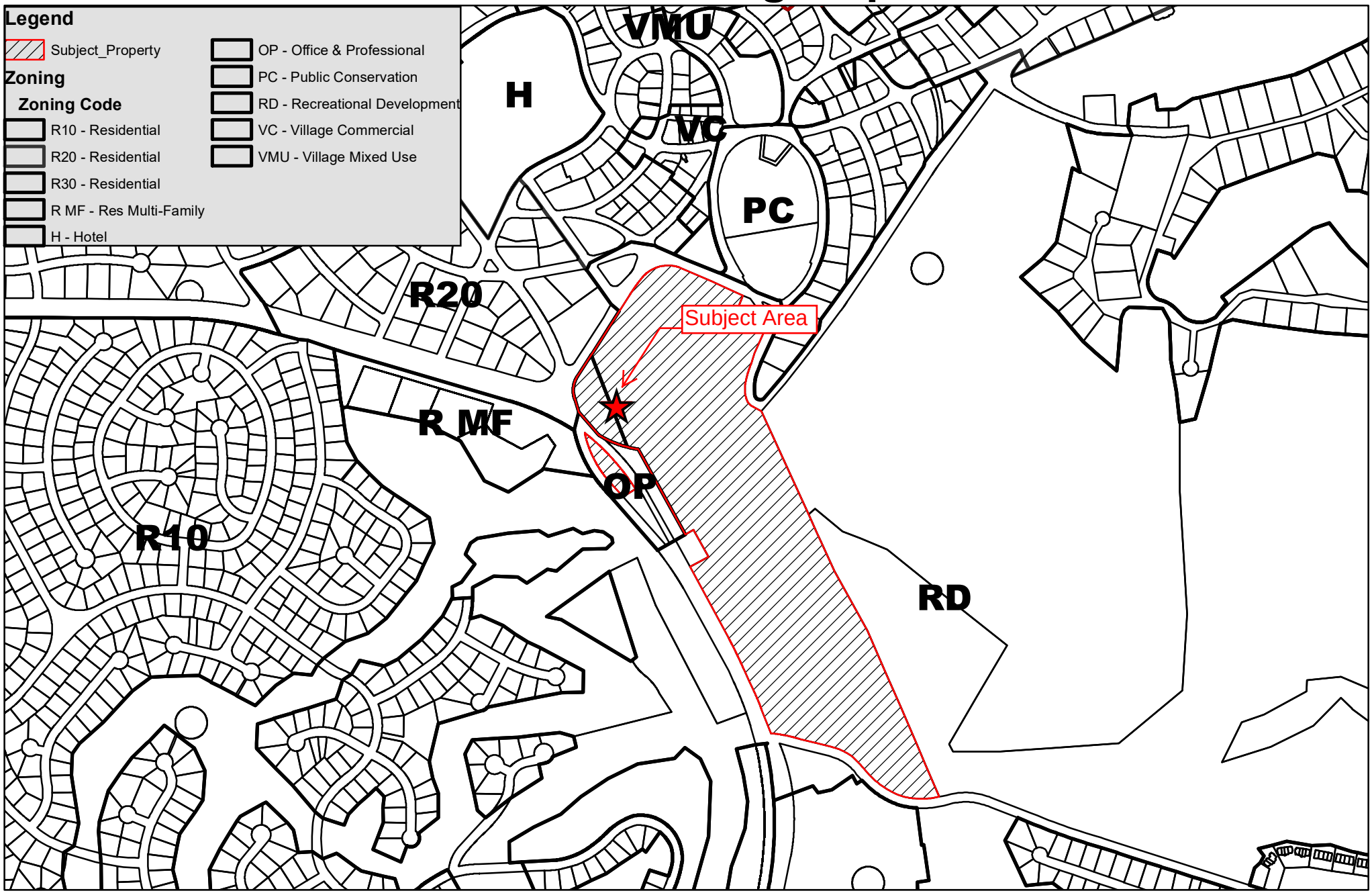
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Planning and Zoning Board
July 1, 2021 Public Hearing
USGA Conditional Rezoning Request

1895 Village of Pinehurst

N W E S

Area Zoning Map



0 250 500 1,000 1,500 2,000 Feet

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N W E S

NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST

Dear Property Owner:

The Village of Pinehurst Planning and Zoning Board will be holding a Public Hearing on Thursday, July 1, 2021 at 4:00 pm in Assembly Hall of Village Hall, 395 Magnolia Road, Pinehurst, N.C.

Members of the Planning and Zoning Board and staff will be participating at Village Hall 395 Magnolia Rd. Pinehurst, North Carolina. The meeting will be streamed in real-time on the Village's website, at www.vopnc.org/live, for public viewing/listening and video-recorded for future reference.

The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 6.29 acres of Moore County PID# 00025800. This proposed map amendment would zone the property from RD – Recreation Development District to VMU-CD – Village Mixed Use Conditional District. The proposed rezoning and associated General Concept Plan would allow for development of a second headquarter for the United States Golf Association (USGA) which includes two structures totaling approximately 40,500 square feet along with associated site features. The structures will house a welcome center, museum, offices and a testing center.

Additional information on the above item is available for public review at the Planning and Inspections Department, Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Monday through Friday from 8:30 AM to 5:00 PM. Information on this request will also be made available the week of the meeting on the Village of Pinehurst's Novus Agenda website at https://pinehurst.novusagenda.com/agendapublic/.

All persons wishing to be heard or comment on this proposal can attend this meeting during the public hearing at Village Hall.

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SPARTA, NC 28675

SMITH, WESLEY M SMITH, ANNA F
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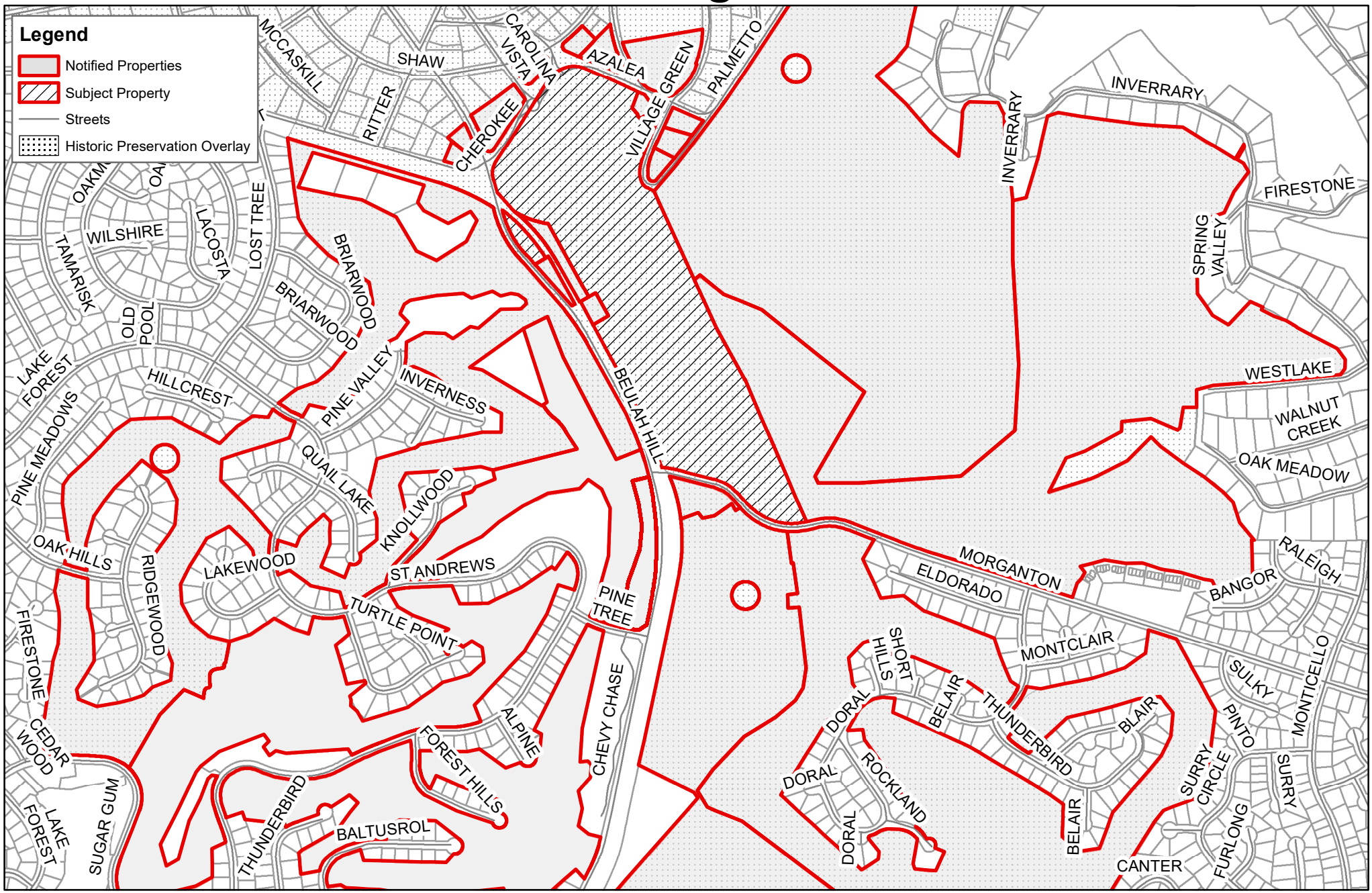
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Public Hearing Notification



0 290 580 1,160 1,740 2,320 Feet

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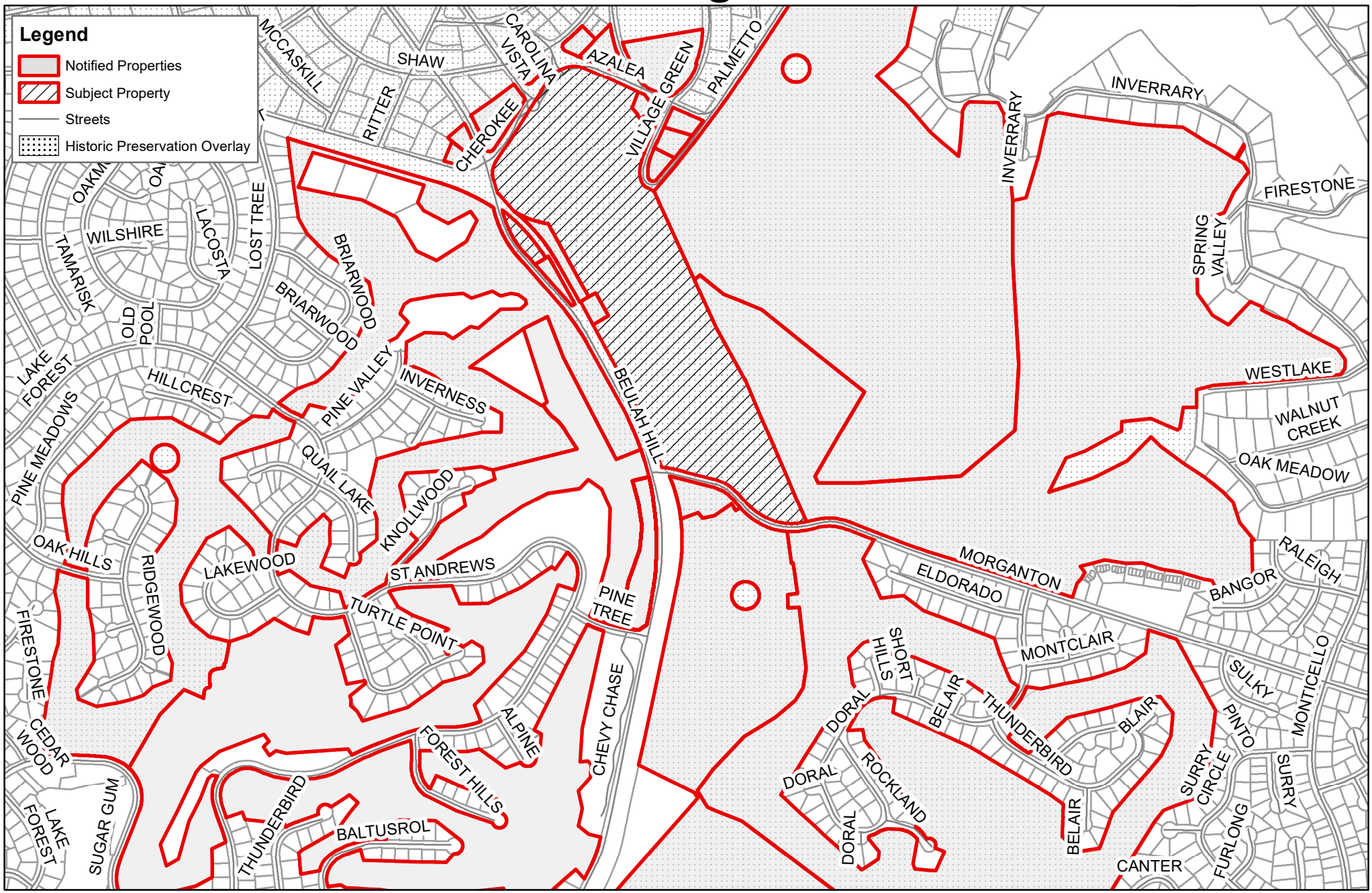
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Conditional Zoning Request
USGA Golf House Pinehurst

1895 Village of Pinehurst

N W E S

PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY
WITH THE 2019 COMPREHENSIVE PLAN
July 1, 2021 REGULAR MEETING

Conditional District Rezoning Request
RD (Recreation Development District),
H (Hotel District) &
OP (Office Professional District) to
VMU – CD (Village Mixed Use – Conditional District)

Property Location: **TBD Carolina Vista Drive**
Parcel ID#: **00025800**

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed conditional rezoning **IS** consistent with the 2019 Comprehensive Plan:

The proposed zoning district is consistent with the recommended land use for the subject area as identified on the Conservation and Growth Map on page 62 of the 2019 Comprehensive Plan which identifies the area as "Private Open Space". Even though the base zoning would change and allow for a use not permitted within the existing zoning, the overall use and designation of the property as depicted on the Conservation and Growth Map in the 2019 Comprehensive Plan would remain as a privately owned recreation area supporting the golf and tourism industry.

Page 176 of the 2019 Comprehensive Plan under Guiding Principle #5 states that golf and tourism are two of the most important industries in Pinehurst in terms of employment, land use and reputation. It is important to support the Resort and other businesses that cater to these industries in order to maintain Pinehurst's identity as a premiere golf and hospitality destination.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the conditional rezoning from RD (Recreation Development District), H (Hotel District) Hotel District and OP (Office Professional District)to VMU – CD (Village Mixed Use – Conditional District) with conditions.

DRAFT

This is the _____ day of _____ , 20____

_____

Chair of the Planning and Zoning Board

Ruling filed with the Village of Pinehurst:

_____
DATE

_____
Shannon Konstantinou
Clerk to the Planning and Zoning Board

Cc: Darryn Burich
Alex Cameron
Jill Lazusky

DRAFT

USGA GOLF HOUSE PINEHURST
CONDITIONAL DISTRICT NARRATIVE AND CONDITIONS

Golf House Pinehurst will be located on a 6.29-acre site adjacent to the Pinehurst Resort and Country Club (PRCC) along Carolina Vista Drive and will serve as the second home of the United State Golf Association and the base for its work to advance the game of golf through innovation, research, and science. The proposed facility will include the USGA's Test Center, Innovation Hub, the USGA's championship administration, as well as a Welcome Center and Museum experience. The campus – through its timeless yet visionary landscape and architecture - will actively engage the one million plus visitors to Pinehurst each year to communicate the USGA's commitment to sustainability and the promotion of the dynamic sport of golf.

Golf House Pinehurst will also provide the Village and PRCC with iconic buildings that reflect the rich history and tradition of the community. Current zoning on the parent parcel (66.01 acres) is comprised of three (3) separate zoning classifications. Recreational Development (RD), Office & Professional (OP), and Hotel (H) zoning classifications exist on the site but are confined to specific areas of the property. The proposed Village Mixed-Use Conditional District (VMU-CD) will relocate the existing uses to a new location on the approximately 6.29-acre site. The VMU-CD zoned area will permit the construction of the proposed Golf House facilities and associated parking areas. Development of the USGA Golf house will occur in a single-phase of construction. Development will follow the Village Mixed Use (VMU) District Design Standards as described in Chapter 9 of the Pinehurst Development Ordinance (PDO) with a few minor deviations to the setback requirements which will be described in this document and associated plan materials. The following materials are included with this request and provide all information regarding the proposed development as required by the PDO:

- Application for Rezoning
- Conditional District Narrative
- General Concept Plan
- Proposed architectural character elevations
- Circulation Plan
- Existing conditions map and aerial
- Property survey
- Environmental Site Assessment
- Traffic Impact Analysis
- Trip Distribution Analysis

This Conditional District request is intended to accommodate the existing uses on the property and apply the zoning classification to the specific area of the property designated for the USGA Golf House facility as indicated on the submission drawings. This request is consistent with the existing zoning and meets many of the goals of the Comprehensive Long-Range Village Plan (CLRP). Development of Golf House Pinehurst will preserve, enhance, and compliment the general character of the surrounding area and the greater community.

150 SOUTH PAGE STREET
SOUTHERN PINES, NC 28387
P: 910.684.8487
www.koontzjones.com

After extensive research, buildings have been designed to reflect the rich historic architectural character of the Village. Materials, scale, and details are captured directly from the many existing and historic buildings of Pinehurst. Great care has been taken in the orientation and location of the buildings to blend with the surrounding village and Pinehurst Resort and Country Club. Buildings and parking areas have been located on the existing paved and developed area of the site as much as possible to promote tree save on the property. Buildings are set back from Cherokee Road and Carolina Vista Drive to save the existing trees in those areas as well. This site is located where a lone stand of pines survived the naval stores industry in the area, and Olmsted's original plan for Pinehurst preserved and celebrated this stand as the "Pine Grove. While none of the existing tress on the site date back to the original Pine Grove, the USGA intends to restore the designated area to a traditional pine savannah by planting additional pines and native low-growing understory plantings. All design considerations above are consistent with goals of the CLRP.

The following narrative describes the many aspects of the property and the intended development.

EXISTING CONDITIONS AND GENERAL CONCEPT PLAN

The approximately 6.29-acre are of the property, subject to the VMU-CD, is located at the northern edge of the PRCC property and bound by Cherokee Road to the north, Carolina Vista to the east, the PRCC parking lot area to the south, and Highway 5 to the west. The north side of the property is bordered by Cherokee Road and connects to Village residential properties and the area of Marshall Park, while the eastern and southern portions adjoin the PRCC property. Adjoining properties include zoning districts including single-family residential districts (R-10 and R-20), Residential Multi-family (RMF), Office/Professional (OP), Recreational Development (RD), and Public Conservation (PC).

The site elevation at the northern extents is 524 and slopes down to 504 and lower at the southwestern boundary. Two 2-story buildings are planned for the site to house a visitor center, museum, test center, and administrative offices. The buildings step down naturally with the site to create upper and lower sustainable landscape experiences familiar to Pinehurst golf courses of the early 20th century. A reconstructed "Pine Grove" will surround the building and gardens to celebrate the history of the site and the natural environment and ecology that fostered the sport of golf in America. Care has been taken to position the buildings on the property to maintain as much of the existing tree canopy as possible. A series of pathways and educational walks will connect visitors to and through the landscape to elevate the work of the USGA beyond the walls of the facility. An event lawn will be located behind the facility to provide an aesthetically pleasing view from the test center and administration building which will accommodate tents during tournaments and special events held at the facilities. The area of site disturbance is approximately 5.5 acres.

Red Cockaded Woodpecker habitat has been identified adjacent to the property and a woodpecker report has been included with this application.

Existing Conditions maps showing the sites existing features have been included on sheets L-1.0 and L-1.2.

PROJECT DESIGN AND CONDITIONS

Proposed Uses within the VMU-CD

The uses allowed within the approved VMU-CD will include a museum use (including Visitors Center), a golf research, development and testing use, general offices for USGA staff and associated accessory uses, parking, landscaping, utilities and the like.

MUSEUM USE (INCLUDING VISITORS CENTER). A museum use is allowed as of right within a VMU district. PDO Section 8.5.1(a) specifically allows "Civic/Cultural Activities" uses within the VMU base district. PDO Section 10.2 defines "Civic/Cultural Facilities" to include "museum" uses.

GOLF EQUIPMENT RESEARCH, DEVELOPMENT AND TESTING. It is not clear whether "golf equipment research, development and testing" is an allowed use under the PDO. PDO Section 10.2 defines "Professional Services" to include "research and development services." It is possible that the type of golf equipment research, development and testing to be performed at this USGA facility qualifies as "research and development services" and, therefore, as a "Professional Service." A "Professional Service" is an allowed use as of right in the VMU base district and would therefore be an allowed use within the proposed VMU-CD. Since that conclusion is unclear, out of an abundance of caution, Applicant specifically seeks to have "golf equipment research, development and testing" added as an allowed use within this proposed VMU-CD. Within a Conditional District, PDO Section 6.2.4(B) specifically authorizes the Village Council to approve uses not otherwise "currently defined or contemplated by the PDO." In accordance with PDO Section 6.2.4(B), Applicant specifically seeks to have "Golf Equipment Research, Development and Testing" added as an allowed use within the proposed VMU-CD.

GENERAL OFFICE. It is not clear whether a general office use is an allowed use under the PDO. The Table of Permitted and Special Uses and Special Requirements lists 14 specific types of office/service uses but does not seem to include a general office as an allowed use. Out of an abundance of caution, Applicant specifically seeks to have "general office" added as an allowed use within this proposed VMU-CD. Within a Conditional District, PDO Section 6.2.4(B) specifically authorizes the Village Council to approve uses not otherwise "currently defined or contemplated by the PDO." In accordance with PDO Section 6.2.4(B), Applicant specifically seeks to have "General Office" added as an allowed use within the proposed VMU-CD.

- **Pedestrian Connectivity**
  - Pedestrian connectivity is provided throughout the property. Brick sidewalks will remain along Carolina Vista and lead to the main entrance of the facility. Sidewalks will be provided along the parking areas to lead to the building entrances of the both the museum and test/administration buildings. Soft path (gravel or compacted sand paths will be utilized within the Pine Grove and where appropriate on site.

  - Sidewalks and paths will connect to the greater PRCC pedestrian circulation system. Where the Golf House system connects to the overall pedestrian network, the same or similar materials as the existing sidewalk areas will be implemented.
  - Brick sidewalk connections along Carolina Vista connecting to Cherokee Road and the small roundabout will remain to connect to the wider Village of Pinehurst and The Carolina Hotel.
  - Pedestrian circulation routes are included in the Circulation Plan on sheet L-2.1.
  - All sidewalks within the property will remain private and be maintained by the USGA or PRCC.

- **Parking Areas**
  - Adequate parking to accommodate the Golf House facilities will be provided within the VMU-CD area. Based on the building uses, Section 9.4.1.1 of the Pinehurst Development Ordinance (PDO), provides required parking for the administration offices, museum, and visitor's center spaces. These uses on site will be parked to meet the PDO standards. The PDO does not contemplate the Test Center (research and development) use and provides no parking standard. Employees using the Test Center will have offices in the administration area of the building and are included in the office parking requirements, therefore, no additional spaces have been considered for the Test Center.
  - Parking tabulations have been included on the General Concept Plan on sheet L-2.1 related to required, existing, and proposed parking.
  - Parking areas will be designed to the meet the PDO size standards set forth in Section 9.4.1.1 of the PDO.
  - To maintain a more natural setting, parking areas may be modified to remove curb and gutter and paved with alternative materials, which may include concrete or brick pavers or a gravel tack coat (Tuft's Memorial Park parking area). If alternative materials are proposed, the USGA will work with the Village engineer to make certain standards for safety, stormwater runoff, landscaping, and maintenance are met.
- **Streets and Access**
  - Access to the site will be provided from the existing site drive from the roundabout on Cherokee Road. Access is also provided from another location on Cherokee Road, toward the intersection of Highway 5, which will be a right-in/right-out only and provide access directly to the parking lot.
  - A small vehicular drop off will be provided along Carolina Vista Drive at the main entrance to the Golf House facility.
  - Access throughout the site will be provided through a parking area with connections to Carolina Vista and Cherokee Road. A shared driveway will be provided to connect the USGA site to the Larger PRCC parking area.
  - A full Traffic Impact Analysis and Trip Generation Study have been provided by Kimley-Horn Associates and is submitted with this application.
  - Vehicular circulation routes are included in the Circulation Plan on sheet L-2.1 and includes emergency vehicle circulation routes.
- **Landscaping**
  - A preserved and enhanced Long Leaf "Pine Grove" will surround the building and gardens to provide a visual foreground and setting for the building to reflect the original Pine Grove located near this area of Pinehurst.

- The site planting design will focus on drought-tolerant native plantings curated in the spirit of the original Olmsted plant list for the Village of Pinehurst and those found in the Long Leaf Pine savannahs of the sandhills. Large trees outside of the development area will be protected with temporary fencing and large equipment and construction activities will be kept out of tree protection areas.
- Landscaping will meet the requirements of Section 9.5.1 of the PDO.
- Planting buffers and screening will be provided along property boundaries where necessary and required by the Village's PDO. However, internal screening between the PRCC facilities and the Golf House will be designed as necessary to provide separation and views throughout the property.
- Service areas will be screened with evergreen plantings and fences or walls to adequately screen the facilities and equipment.
- The parking lot will be planted per the requirements of Section 9.5.1.4 of the PDO to provide adequate shade and screening for parking fields.
- Plantings will follow the recommended plantings from Manning's original list of plants as described in Section 9.5.1.2(d)(1) of the PDO and included in the Village Planting Guide. In addition to this list, other native plant species may be used that reflect the Sandhills region.
- No state champion trees are located on the site.
- The building has been situated to save as many trees as possible. Most of the building footprint is located on the area of the existing tennis courts. Parking areas are located where existing driveways and parking areas exist on the property to the extent possible. While some trees will be removed to permit the construction of the Golf House facilities it is intended to plant back significantly more trees than are removed to enhance and restore the "Pine Grove" area between Cherokee Road and the buildings.
- The overarching concept for the Golf House landscape is inspired by prominent Sandhills ecosystems, including Longleaf mosaic, open meadow/prairie, streamside seeps, and bottomland forests. This design scheme supports the North Carolina Sandhills Conservation Partnership's 2004 Site Conservation Plan for the NC Sandhills that identified these four ecological communities (which account for 95% of the region's biodiversity) as conservation targets. Additionally, organizing plant selection based on these endemic landscape ecotypes will serve to both educate visitors about the uniqueness of the Sandhills region and enhance the project's sustainability goals. Examples of the resulting high-performance landscapes include but are not limited to sustainable stormwater practices such as rain gardens and bioretention, hydro-zoned plantings that reduce irrigation demands, pollinator habitats to improve biodiversity, restoration of the "Pine Grove" area to a Longleaf/Wiregrass landscape that supports the longevity of healthy trees, and development of buffers, street edges and foundation plantings that honor and strengthen the historic character of Carolina Vista. Collectively, the overall landscape design strategy aligns the Golf House project with Manning's original vision, adheres to current Village requirements, illustrates the mission of the USGA, and pays homage to the seamless integration of built and natural environments exemplified by courses Pinehurst No. 2 and No. 4.

- **Buffers/Setbacks**
  - Based on the unique location of the proposed Golf House buildings, setbacks on the property will be modified from the Village Mixed-Use (VMU) District dimensional

standards prescribed in Section 9.2 of the PDO. Due to the unique location of the building and design intent, it is appropriate to modify the existing requirements. As a condition of the Conditional District the setback will follow the prescribed setbacks of the Office/Professional (OP) zoning district.

Village Mixed-Use District Setbacks

Front Yard = 0' min. -10' max.
Side Yard = 0' min. (or 5' min. if attached)
Side Street Yard = 0' min. – 10' max.
Rear Yard = 5'

Office/Professional District Setbacks	Proposed VMU-CD Setbacks
Front Yard = 25' min.	Front Yard = 25' min.
Side Yard = 15' min.	Side Yard = 15' min.
Side Street Yard = 20' min.	Side Street Yard = 20' min.
Rear Yard = 20'	Rear Yard = 20'

- Building setbacks are shown on the General Concept Plan on sheet L-2.0 of the submittal package.

- **Stormwater**
  - Stormwater management best practices will be applied as necessary and required to control and treat stormwater runoff for the project. Stormwater will be controlled and treated for the total new impervious surface created by the Golf House buildings and site improvements.
  - It is proposed that stormwater runoff be controlled on-site utilizing a combination of underground and surface stormwater BMPs located on the southwestern side of the property. See General Concept Plan Sheet L-2.0 for proposed location.
  - The USGA will obtain permits required by all state and local agencies for stormwater management on the site.
  - The property falls within a WS-II, balance of watershed, which permits only 24% impervious surface on the site. Development of this site will require the Village Council to permit additional impervious surface through a Special Non-residential Intensity Allocation (SIA). This permit will allow for the site to develop up to 70% impervious surface on the entirety of the parcel. The current projected impervious surface totals 28.3% By approving the Conditional Zoning District included in this application, the applicant requests that the SIA be granted.
  - More compact development with higher impervious surface totals in this area is consistent with the goals of the CLRP.

- **Utility Service**
  - As this is an infill location, water and sewer service can be provided by the Moore County Public Utilities (MCPU) to service this development. Utilities are currently within close proximity of the proposed buildings and an 8" water main, owned by MCPU, water main crosses the PRCC site on the north side of the existing croquet lawns and generally traversing across the existing west parking lot of the Resort property, this water main

crosses the Railroad and NC Hwy 5 and connects to an existing 12-inch diameter water main along the west side of Hwy 5. The water utilities on the PRCC campus are owned and operated by MCPU. A new domestic and fire service line will be connected to the existing 8-inch main on the west side of the site and extend north by easement across the Resort's west parking lot into the southern portion of the SITE. On-site water mains will extend to the new USGA buildings to provide domestic and fire service to the building. From information provided by MCPU there is an existing abandoned 6-inch water main that runs in a north/south direction on the SITE that will be removed, this main has been out of service for some time and as a 6" main is not sufficient to provide domestic and fire service to the new building(s). Fire flow tests have been performed by MCPU and the Hydraulic Modeling process with the County is underway.

- Sewer for the project will include the connection to the existing 8" gravity sewer that extends east/west across the SITE and extends in between the two USGA buildings. At the point of connection (shown on the plans) the two USGA buildings will connect at an existing manhole through service connections. From this point it is intended that the gravity sewer main become a public sewer main. The sewer main crossing of NC Hwy 5 just south of the intersection of NC 5 and Cherokee Road must be upgraded as an 8" gravity sewer main and connecting to an existing manhole in the SW corner of the intersection of NC Hwy 5 and Cherokee. The upgraded sections of sewer mains will be re-permitted as "Public" Sewer Mains through NCDEQ and MCPU.
- Power is readily available for the property.
- See sheet L-2.2 for a conceptual plan of the utilities.

- **Architectural Character**
  - The facility is conceived of as 2, two-story steel-framed structures connected by a covered walkway. The structure housing the Welcome Center and Museum will be situated closer towards the corner of Cherokee and Carolina Vista Drives to welcome visitors and connect the USGA campus to the Village of Pinehurst. The second structure is located further south along Carolina Vista and will house the Test Center and administrative offices. Between the buildings, an educational pollinator garden connects the upper site areas along Carolina Vista with the lower event lawn, parking lot, and future greenhouse along an accessible path. Porches will provide a welcoming presence along the building facades fronting the ellipse along Carolina Vista Drive, and wrapping around the north façade of the Welcome Center. The building exteriors will be clad primarily in painted wood siding or shakes, brick foundations and steps, and a painted standing seam metal roof. Windows will be painted wood in similar size and proportion to other commercial buildings in the Village.
  - The Welcome Center and Museum will contain a central, light-filled circulation space to enrich the visitor experience and provide views and connection to the landscape. The Welcome Center will be visually connected with the landscape, while the galleries will be higher-volume white box spaces with artificial light to create the feeling of a glowing ceiling plane. Finishes in these public spaces will be high quality and will focus on natural materials in colors compatible with a sustainable golf course. Natural wood finishes will be incorporated throughout the interior of the Welcome Center and Museum. A monumental stair, along with an enclosed egress stair and elevator will connect the levels of the building.

- The Test Center and Administrative Building will house administrative offices on the upper level and the Test Center labs on the lower level. Storage, shipping, receiving, and building service will be housed on the lower level. The administrative portions of the building will include open workstations for most of the employees with a few private offices distributed across the administrative departments. Offices and workstations will be located along the exterior walls with access to daylight and views with support spaces and building services located in the center of the floorplate. On the lower level, the occupied lab and testing areas ring the west and south walls where ample daylight and views are available. Test Center program spaces without the need for daylight and views will be situated towards the center of the building floorplate. Building finishes throughout the office and lab spaces will be high-quality but more subdued than those utilized in the Welcome Center and Museum. Natural materials and wood finishes will be used in the public areas of the administrative level. Finishes in back-of-house areas will be durable but utilitarian. Acoustic ceiling tiles will serve as the primary ceiling finish throughout this building, with higher-performance acoustic ceiling tiles located in the test center and labs. Administrative areas will be primarily carpeted, and test center paces will have a resilient floor finish. A monumental stair, along with an enclosed egress stair and elevator will connect the levels of the building.
- Building Height
  - Per Section 9.2(a) Building height maximum in VMU is 50'
  - Welcome Center: 30'-0"
  - Test Center/Admin Building: 31'-0"
- Building code summary -
  - The 2018 North Carolina Building Code will be utilized for this project.
  - Occupancy Group A-3 for Welcome Center and Museum, Group B for offices and labs Construction Type 2B
  - Sprinkler system required throughout, with no standpipes or fire pumps assumed
- Fire Protection
  - Both buildings will be sprinklered per NFPA13 ordinary hazard group 1 and a fire pump is not anticipated to be required.
  - Fire Alarm - An addressable fire alarm system will be provided in each building. Each fire alarm panel will be stand alone as to operation but connected as a network so that occupants of each building can be notified if there is a fire condition in either space.
- A copy of the Historic Preservation Commission (HPC) package is included with this application.

- **Signage**
  - The USGA requests that per Section 6.2.4(B) Standards for Conditional Districts that signage be permitted to exceed the permitted amount and size by up to 50%.
  - All signage will be designed to meet the requirements of Section 9.7 of the PDO with the exception of size requirement described in the previous statement.
  - Proposed signage locations are shown on the General Concept Plan on sheet L-2.0.
- **Lighting**
  - All street lighting and parking lot lighting will meet the standards of Section 9.8 of the PDO. Street and parking lot lighting will match the existing lighting on the PRCC property.

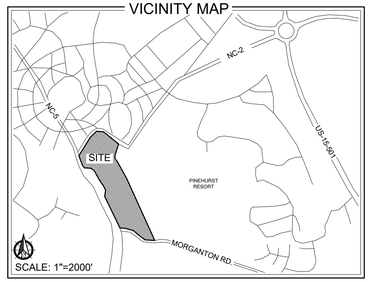
  - Parking lot lighting will consist of pole lights of mid to higher end quality and aesthetics. Pathway lighting will be provided along select walking trails through the site. The building will be accented with lighting to create a dramatic effect at the north, east, and south facades of the Welcome Center/Museum building, and the east façade of the Administrative and Test Center Building.
  - Lighting may be provided along pathways and outdoor spaces for safety and visibility. This lighting will be designed to regulate spillover of light and glare on roadways, pedestrian areas, and adjacent uses.
  - Any signs located on the property will be lit through external lighting and may include up lighting, backlighting, or other methods lighting.
  - Landscape lighting and building façade lighting may be provided to add visual interest to the site and architectural features. This lighting would be in character with the rest of the overall resort property.
  - Classroom, conference rooms and lab/Test Center spaces. Offices will receive quality lighting utilizing

- **Soil Erosion and Sediment Control**
  - Soil erosion and sediment control during construction will be provided per Section 9.12 of the PDO and all state standards.
  - The developer will obtain an erosion control permit from NCDWQ for the project as required.
- **Fences, Walls and Columns**
  - All fences, walls and columns will meet the requirements of Section 9.13 of the PDO except for service area screening walls. The service screening wall will be designed to a height to screen and hide all mechanical equipment and dumpsters located in the service yard as required by the Historic Preservation Commission approval for the Golf House.

The descriptions and conditions described above will apply to the entire project as indicated in the Conditional District General Concept Plan document.

Should the PDO be modified at a later date, all standards referenced above as meeting PDO standards will be based on the PDO standards in effect at the date of approval of this application.

VICINITY MAP



ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:
RD - RECREATION DEVELOPMENT
H - HOTEL

PROPOSED ZONING CLASSIFICATION:
VMU-CD - VILLAGE MIXED USED
- CONDITIONAL DISTRICT

SETBACKS (TO BE CONSISTENT WITH OP DISTRICTSTANDARDS):
FRONT: 25'
INTERIOR SIDE: 15'
STREET YARD SIDE: 20'
REAR: 20'
MAX BUILDING HEIGHT: 35'

PROPERTY INFORMATION

PROPERTY OWNER / APPLICANT:
RESORTS OF PINEHURST INC.
P.O. BOX 4000
PINEHURST, NC 28374

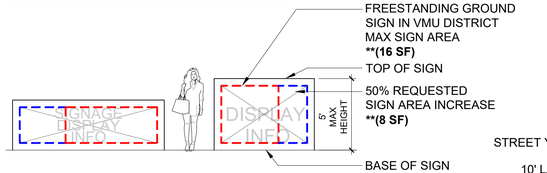
TOTAL PARCEL ACREAGE: 66.01 AC

TOTAL VMU-CD ACREAGE: 6.29 AC
PROPOSED BUILDING SF TOTAL: ±40,500 SF

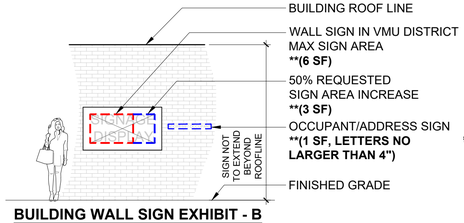
PARCEL ID/PIN:
PARCEL 1: 00025800; 856213032663
DB: 1418 PG: 402

IMPERVIOUS SURFACE: ±813,700 SF (18.68 AC)
28.3% OF OVERALL PARCEL

TREES TO BE REMOVED: 96 TREES



MAIN FREESTANDING SIGN EXHIBIT - A
NTS



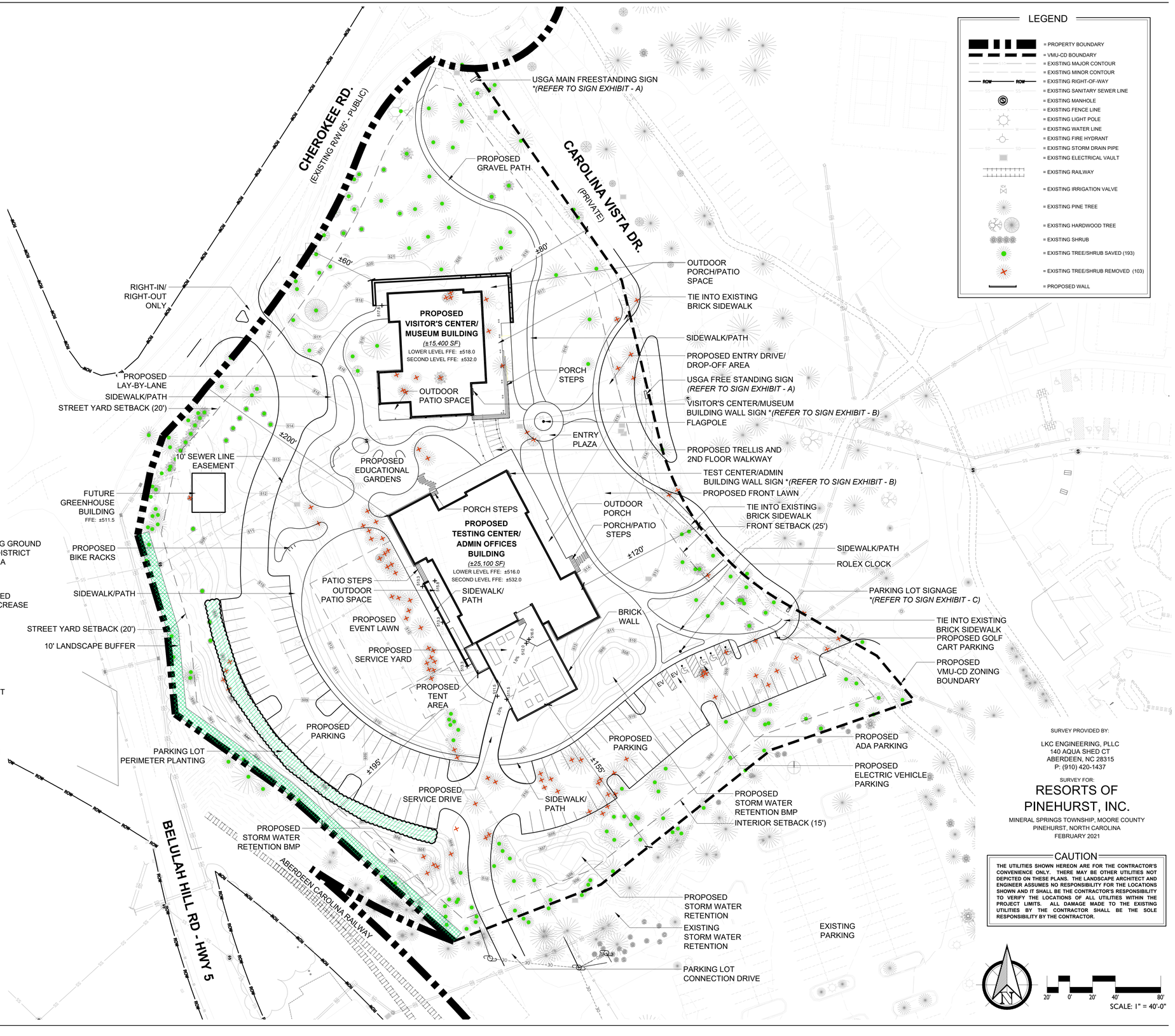
BUILDING WALL SIGN EXHIBIT - B
NTS



PARKING SIGN EXHIBIT - C
NTS

**NOTE
SIGN EXHIBITS ARE ONLY DIAGRAMS TO ILLUSTRATE HOW ALL SIGNS WILL COMPLY WITH PDO SIGN REGULATIONS, SECTION (9.7). THEY DO NOT REPRESENT THE FINAL DESIGN OF THE PROPOSED SIGNS.

811 Know what's below. Call before you dig.



LEGEND

- = PROPERTY BOUNDARY
- = VMU-CD BOUNDARY
- = EXISTING MAJOR CONTOUR
- = EXISTING MINOR CONTOUR
- = EXISTING RIGHT-OF-WAY
- = EXISTING SANITARY SEWER LINE
- = EXISTING MANHOLE
- = EXISTING FENCE LINE
- = EXISTING LIGHT POLE
- = EXISTING WATER LINE
- = EXISTING FIRE HYDRANT
- = EXISTING STORM DRAIN PIPE
- = EXISTING ELECTRICAL VAULT
- = EXISTING RAILWAY
- = EXISTING IRRIGATION VALVE
- = EXISTING PINE TREE
- = EXISTING HARDWOOD TREE
- = EXISTING SHRUB
- = EXISTING TREE/SHRUB SAVED (193)
- = EXISTING TREE/SHRUB REMOVED (103)
- = PROPOSED WALL

SURVEY PROVIDED BY:

LKC ENGINEERING, PLLC
140 AQUA SHED CT
ABERDEEN, NC 28315
P: (910) 420-1437

SURVEY FOR:

RESORTS OF PINEHURST, INC.

MINERAL SPRINGS TOWNSHIP, MOORE COUNTY
PINEHURST, NORTH CAROLINA
FEBRUARY 2021

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.

N

20' 0' 20' 40' 80'
SCALE: 1" = 40'-0"

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 884-8487
W: www.koontzjonesdesign.com

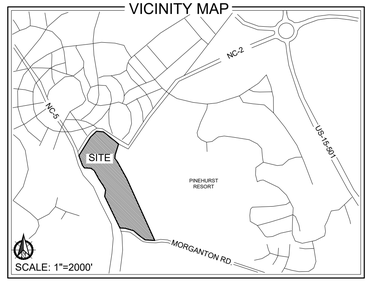
REVISIONS:

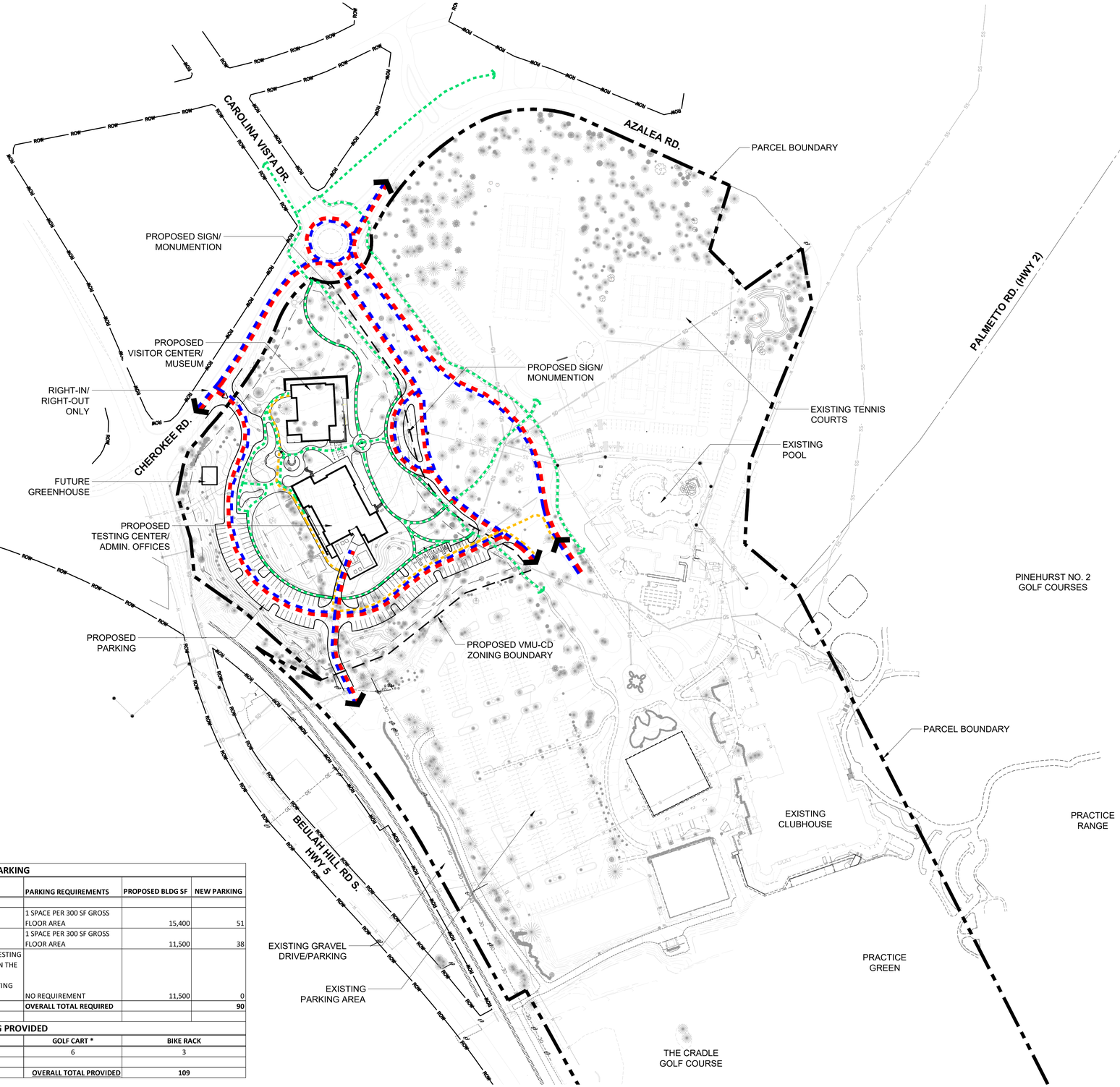
USGA HEADQUARTERS
PINEHURST, NORTH CAROLINA

GENERAL CONCEPT PLAN

DATE: 06-16-2021
DESIGNED BY: REK
DRAWN BY: TWT
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 40'-0"
PROJECT #: KJD2071

SHEET NUMBER#:
L-2.0





LEGEND

- = PROPERTY BOUNDARY
- = H-CD BOUNDARY
- = EXISTING RIGHT-OF-WAY
- = EXISTING SANITARY SEWER LINE
- = EXISTING MANHOLE
- = EXISTING OVERHEAD POWER LINE
- = EXISTING UTILITY POLE
- = EXISTING WATER LINE
- = EXISTING FIRE HYDRANT
- = EXISTING STORM DRAIN PIPE
- = EXISTING STORM DRAIN
- = EXISTING RAILWAY
- = EXISTING LIGHT POLE
- = EXISTING PINE TREE
- = EXISTING HARDWOOD TREE

CIRCULATION LEGEND

- = VEHICULAR CIRCULATION
- = EMERGENCY ACCESS
- = GOLF CART CIRCULATION
- = PEDESTRIAN CIRCULATION

REQUIRED PARKING				
USE	**NOTES**	**PARKING REQUIREMENTS**	**PROPOSED BLDG SF**	**NEW PARKING**
NEW USE				
USGA VISITOR CENTER / MUSEUM		1 SPACE PER 300 SF GROSS FLOOR AREA	15,400	51
USGA ADMINISTRATION OFFICES		1 SPACE PER 300 SF GROSS FLOOR AREA	11,500	38
USGA TESTING CENTER	EMPLOYEES WORKING IN THE TESTING CENTER ARE ACCOUNTED FOR IN THE ADMINISTRATION OFFICES; NO ADDITONAL EMPLOYEES IN TESTING LAB	NO REQUIREMENT	11,500	0
		OVERALL TOTAL REQUIRED		**90**

FUTURE PARKING PROVIDED			
LOCATION	**VEHICULAR**	**GOLF CART ***	**BIKE RACK**
GOLF HOUSE PARKING LOT	100	6	3
		OVERALL TOTAL PROVIDED	**109**

811 Know what's below. Call before you dig.

SURVEY PROVIDED BY:

LKC ENGINEERING, PLLC
140 AQUA SHED CT
ABERDEEN, NC 28315
P: (910) 420-1437

SURVEY FOR:

RESORTS OF PINEHURST, INC.

MINERAL SPRINGS TOWNSHIP, MOORE COUNTY
PINEHURST, NORTH CAROLINA
FEBRUARY 2021

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.

50' 0' 50' 100' 200'
SCALE: 1" = 100'-0"

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LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 884-8487
W: www.koontzjonesdesign.com

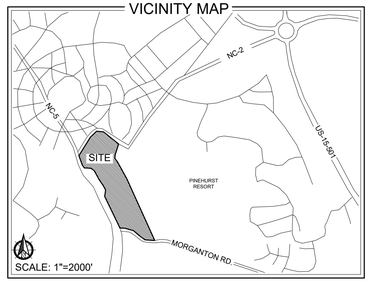
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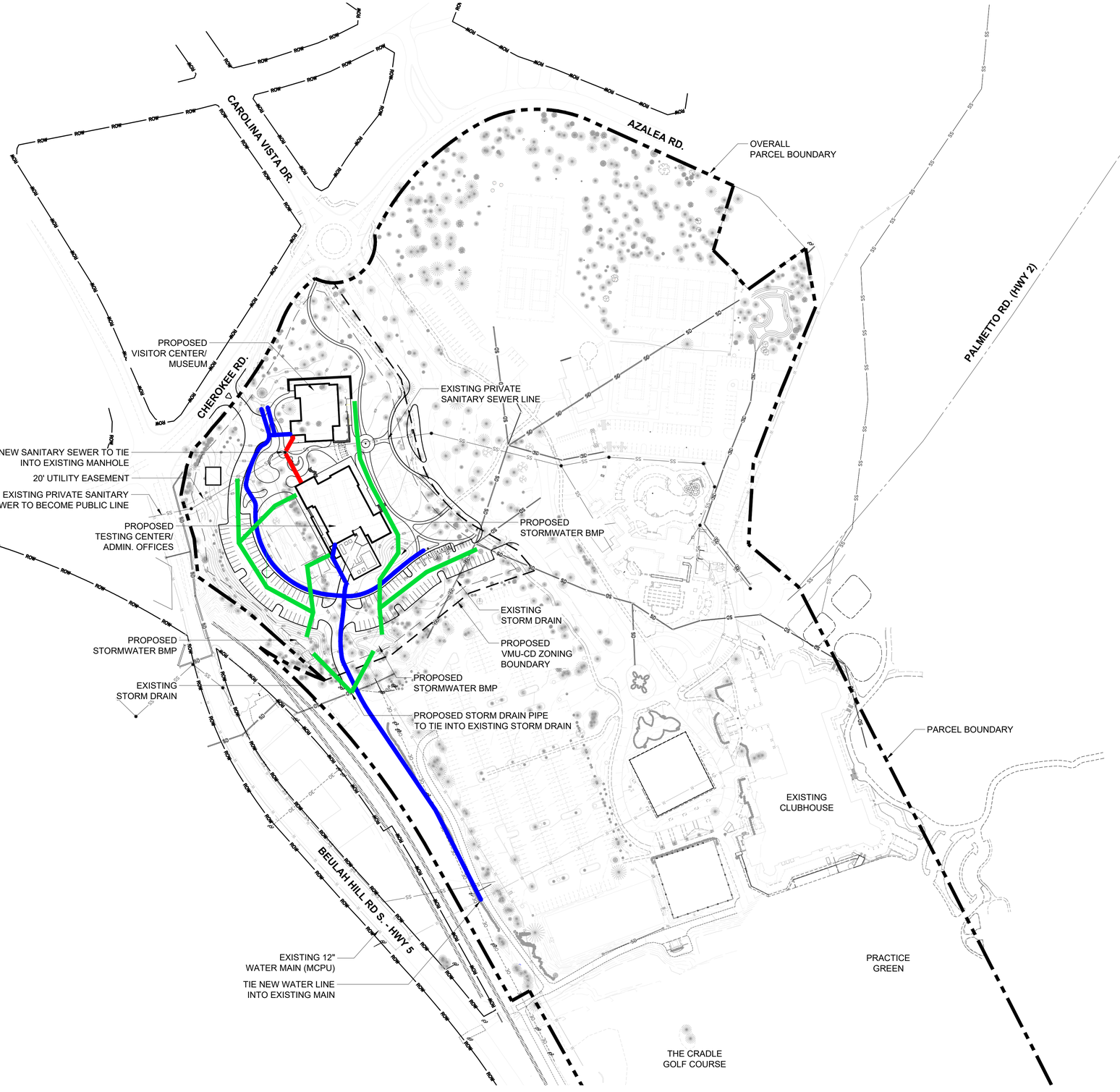
USGA HEADQUARTERS
PINEHURST, NORTH CAROLINA

CIRCULATION & PARKING PLAN

DATE: 06-16-2021
DESIGNED BY: REK
DRAWN BY: TWH
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 100'-0"
PROJECT #: KJD2071

SHEET NUMBER#:
L-2.1





LEGEND

- = PROPERTY BOUNDARY
- = EXISTING RIGHT-OF-WAY
- = EXISTING SANITARY SEWER LINE
- = EXISTING MANHOLE
- = EXISTING OVERHEAD POWER LINE
- = EXISTING UTILITY POLE
- = EXISTING WATER LINE
- = EXISTING FIRE HYDRANT
- = EXISTING STORM DRAIN PIPE
- = EXISTING STORM DRAIN
- = EXISTING RAILWAY
- = EXISTING LIGHT POLE
- = EXISTING PINE TREE
- = EXISTING HARDWOOD TREE

UTILITIES LEGEND

- = PROPOSED SEWER LINE
- = PROPOSED WATER LINE
- = PROPOSED STORM DRAIN PIPE

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REVISIONS:

USGA HEADQUARTERS
PINEHURST, NORTH CAROLINA

CONCEPTUAL UTILITIES PLAN

SURVEY PROVIDED BY:

LKC ENGINEERING, PLLC
140 AQUA SHED CT
ABERDEEN, NC 28315
P: (910) 420-1437

SURVEY FOR:

RESORTS OF PINEHURST, INC.

MINERAL SPRINGS TOWNSHIP, MOORE COUNTY
PINEHURST, NORTH CAROLINA
FEBRUARY 2021

CAUTION

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50' 0' 50' 100' 200'
SCALE: 1" = 100'-0"

811 Know what's below. Call before you dig.

DATE: 06-16-2021
DESIGNED BY: REK
DRAWN BY: TWH
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 100'-0"
PROJECT #: KJO2071

SHEET NUMBER#:
L-2.2

REQUESTED MODIFICATIONS/CONDITIONS MATRIX

	TYPE	REQUESTED CONDITION	PDO REQUIREMENT	PDO SECTION NO.
1.	Table of Uses	Add "Golf Equipment Research, Development and Testing" as an Allowed Use Within the VMU-CD	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO	8.5.1 6.2.4(B)
2	Table of Uses	Add "General Office" as an Allowed Use Within the VMU-CD	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO. Table of Uses does not include General Office as Allowed within VMU District	8.5.1 6.2.4(B)
3	Table of Uses	Add "Welcome Center" as an Allowed Use within the VMU-CD	Uses may be added to a Conditional District if not currently defined or contemplated by the PDO. Table of Uses does not include Welcome Center as Allowed within VMU District	8.5.1 6.2.4(B)
4	Setbacks	Front Yard: 25' min. Side Yard: 15' min. Side Street Yard: 50' min. Rear Yard: 20' min.	VMU Front Yard: 0'(min) – 10' (max.) Side yard: 0' (or 5' min if detached) Side Street yard: 0' min.) – 10' (max.) Rear Yard: 5'	9.2 6.2.4(B)
5	Signage (See additional condition language below at #5)	Increase in All Allowed Signage Size by 50%	Various	9.7.1 and 9.7.1.4(C)
6	Sidewalk (See additional condition language below at # 6)	Delete sidewalk requirement along Cherokee Road frontage but see easement option in the additional condition language below at # 6	Required	9.16.1.8(a)(4)
7	Parking Spaces (See additional condition language below at #7)	VISITOR CENTER/MUSEUM: Minimum 1 space per 300 SF of gross floor area for Visitor Center/Museum (Minimum 58 spaces for +/- 17,215 s.f.) ADMINISTRATIVE OFFICES: Minimum 1 space per 300 SF of gross floor area for offices (Minimum 40 spaces for +/- 11,900 s.f) GOLF EQUIPMENT RESEARCH, DEVELOPMENT AND TESTING CENTER: Requesting approval of 0 additional spaces because same users as the Administrative Offices	NO CHANGE See PDO Section 9.4(a) Administrative Office not listed in Table 9.4(a). Seeking same minimum as Professional Services and Personal Services This use not listed in Table 9.4(a). Employees using the testing center will have offices in the Administrative Office section. Therefore, no additional spaces required. To the extent necessary, Applicant seeks shared parking approval under Section 9.4.1.3	9.4.1.1 and Table 9.4(a) Not Listed Not Listed
8	Parking Surface	Authorization to use alternate parking area surface materials so long as approved by Village Engineer and in compliance with the Village of Pinehurst Engineering Standards and Specifications Manual	PDO requires that a minimum of 75% of parking surface area be asphalt and up to 25% may be graded gravel surface	9.4.1.2(B)

Additional Condition Specifications

#5 Signage: Signage locations and diagrams shall be as shown on USGA Headquarters General Concept Plan, Sheet L-2.0.

#6 Sidewalk (Cherokee Road): Neither Applicant (U.S.G.A.) nor Owner (Pinehurst Resort and Country Club) will be required to install a sidewalk along the Cherokee Road frontage. In lieu thereof, however, Applicant and Owner will grant (or consent to, as applicable) a written easement for construction and maintenance of and public access to a sidewalk, multi-modal path or cart path along the Cherokee Road frontage should the Village of Pinehurst opt in the future to request such an easement and construct the path at its expense. The exact easement location, width and other terms shall be agreed to by the Village of Pinehurst, Applicant and Owner at such time as the Village is able to determine its preferred type of path. Installation of the desired path shall be preceded by Applicant's and owner's advance written consent as to design, location and all other terms of the easement, such consent not to be unreasonably withheld, conditioned or delayed.

#7 Parking Spaces: Parking demand is being calculated at the rate prescribed in the Parking Demand memorandum prepared by Kimley Horn dated June 17, 2021, which is attached to this application.

#8 Parking Surface: USGA seeks the option to use more sustainable parking surface materials provided that (a) any deviations from the required asphalt/graded gravel requirements shall be approved by the Village Engineer in advance and (b) such parking surface specifications shall be in compliance with the Village of Pinehurst Engineering Standards and Specifications Manual.

811 Know what's below. Call before you dig.

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W: www.koontzjonesdesign.com

REVISIONS:

USGA HEADQUARTERS
PINEHURST, NORTH CAROLINA

GENERAL CONDITIONS

DATE: 06-22-2021
DESIGNED BY: REK
DRAWN BY: TVH
CHECKED BY: REK
Q.C. BY: REK
SCALE: N/A
PROJECT #: KJD2071

SHEET NUMBER#:
L-2.3







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PRECEDENT IMAGES_SITE



CAROLINA HOTEL

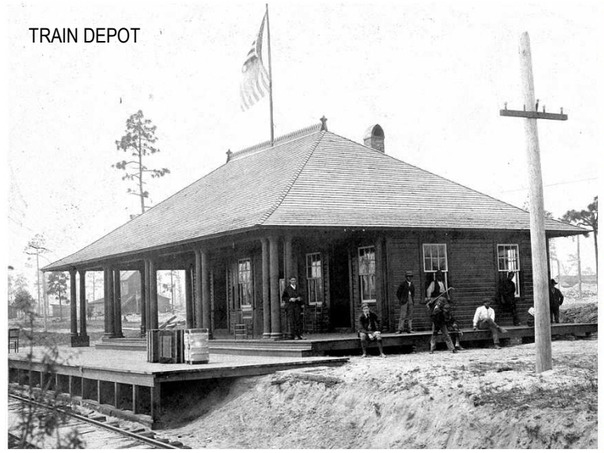


1903 CLUBHOUSE

2020_0200 GOLF HOUSE PINEHURST 04/15/21

PRECEDENT IMAGES_BUILDING

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TRAIN DEPOT



CAROLINA HOTEL


DEPARTMENT STORE BUILDING


HOLLY INN


1903 CLUBHOUSE

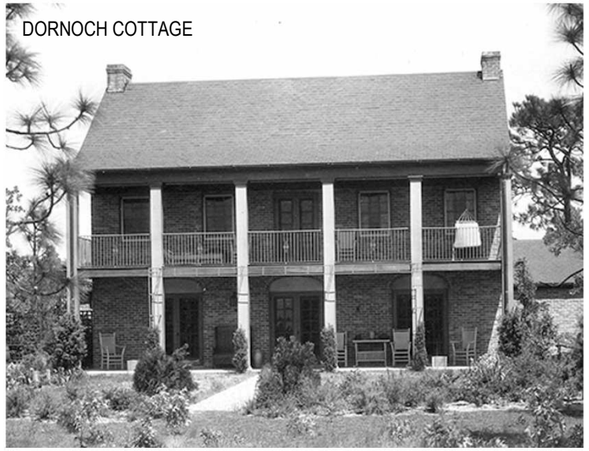


SPA AT PINEHURST

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PRECEDENT IMAGES_ROOF

DORNOCH COTTAGE



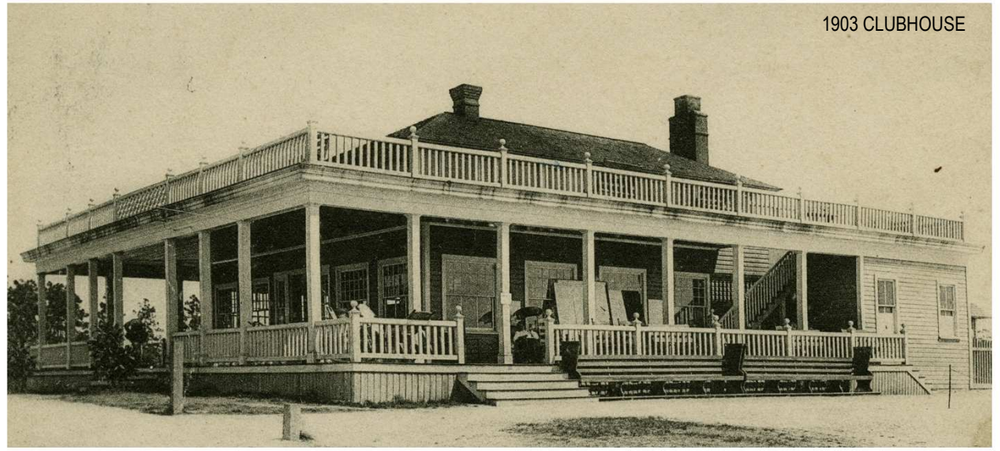
DEPARTMENT STORE BUILDING



MAGNOLIA INN



1903 CLUBHOUSE



CASINO BUILDING



MYSTIC COTTAGE



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PRECEDENT IMAGES_COLUMNS



RAILING DETAIL / PAINTED WOOD SHAKES



LAP SIDING + BOARD AND BATTEN SIDING



WINDOW DETAIL



EAVE DETAIL / WINDOW DETAIL / WOOD SHAKES



BRICK SCREEN WALL DETAIL



WINDOW DETAIL / SIDING COLOR + PATTERN



BRICK BASE

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PRECEDENT IMAGES_MATERIAL + DETAILS



105' - 0"

DEPARTMENT STORE BUILDING



108' - 0"

VISITOR CENTER + MUSEUM BUILDING



250' - 0"

CAROLINA HOTEL



115' - 0"

HOLLY INN



152' - 6"

TEST CENTER + ADMIN BUILDING

2020_0200 GOLF HOUSE PINEHURST 04/15/21

BUILDING SCALE

SCALE: 1/32" = 1'-0"

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2020_0200 GOLF HOUSE PINEHURST 04/15/21

SITE PLAN

SCALE: 1/64" = 1'-0"

VISITOR CENTER/
MUSEUM

TEST CENTER

BIKE
RACKS

EVENT
LAWN

DUMPSTERS

LOADING
DOCK

GENERATOR

5.0'

GOLF CART
PARKING

CHILLER
20' X 30'

KEEP
10'-0"
CLEAR

5.0'

5.0'

TRANSFORMERS

S.W.M.

S.W.M.

S.W.M.

EV

EV

= EXISTING VEGETATION SAVED
193 TOTAL

= EXISTING VEGETATION REMOVED
96 TOTAL

KOONTZ
JONES
DESIGN

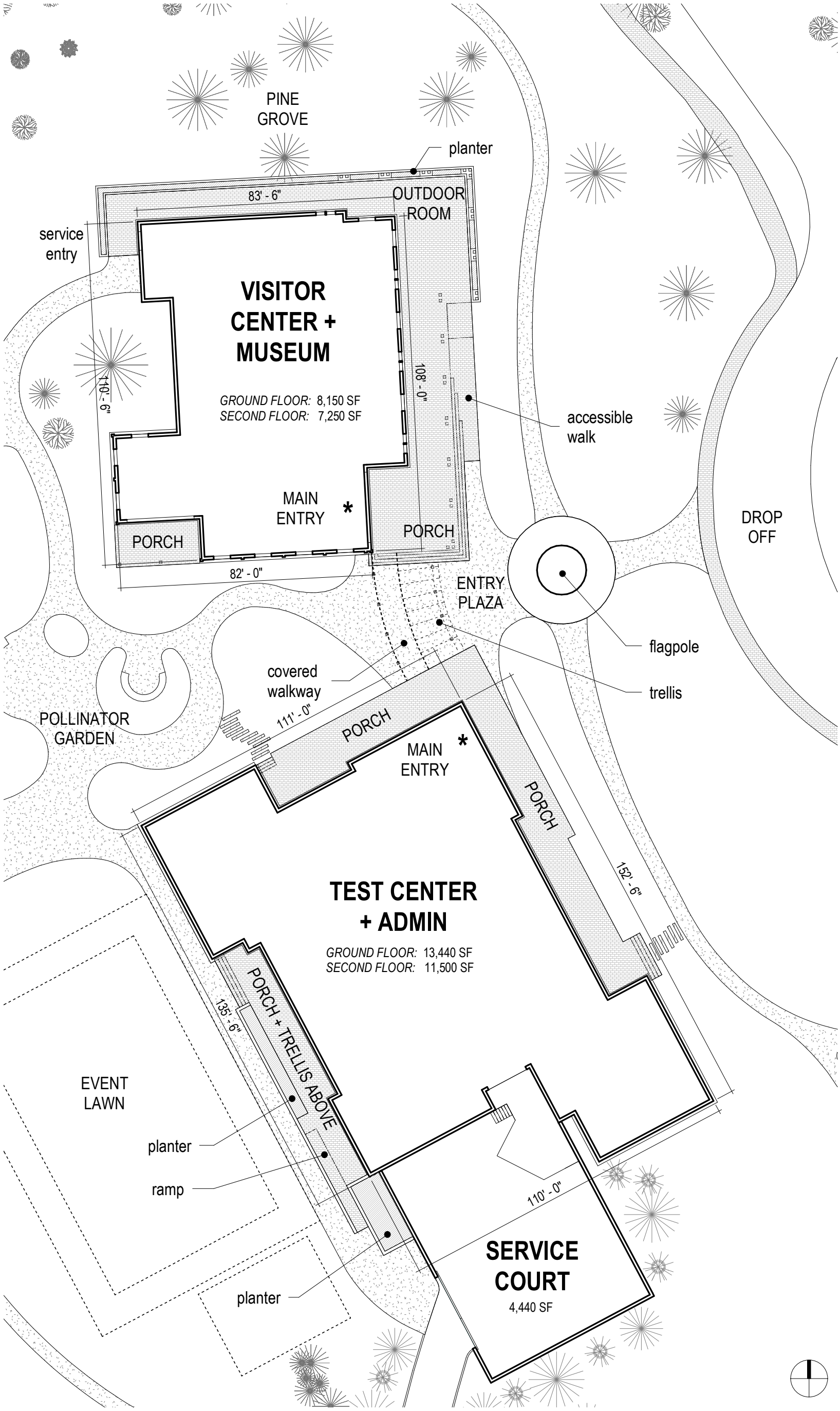
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SITE PLAN_TREE IMPACT

SCALE: 1/64" = 1'-0"



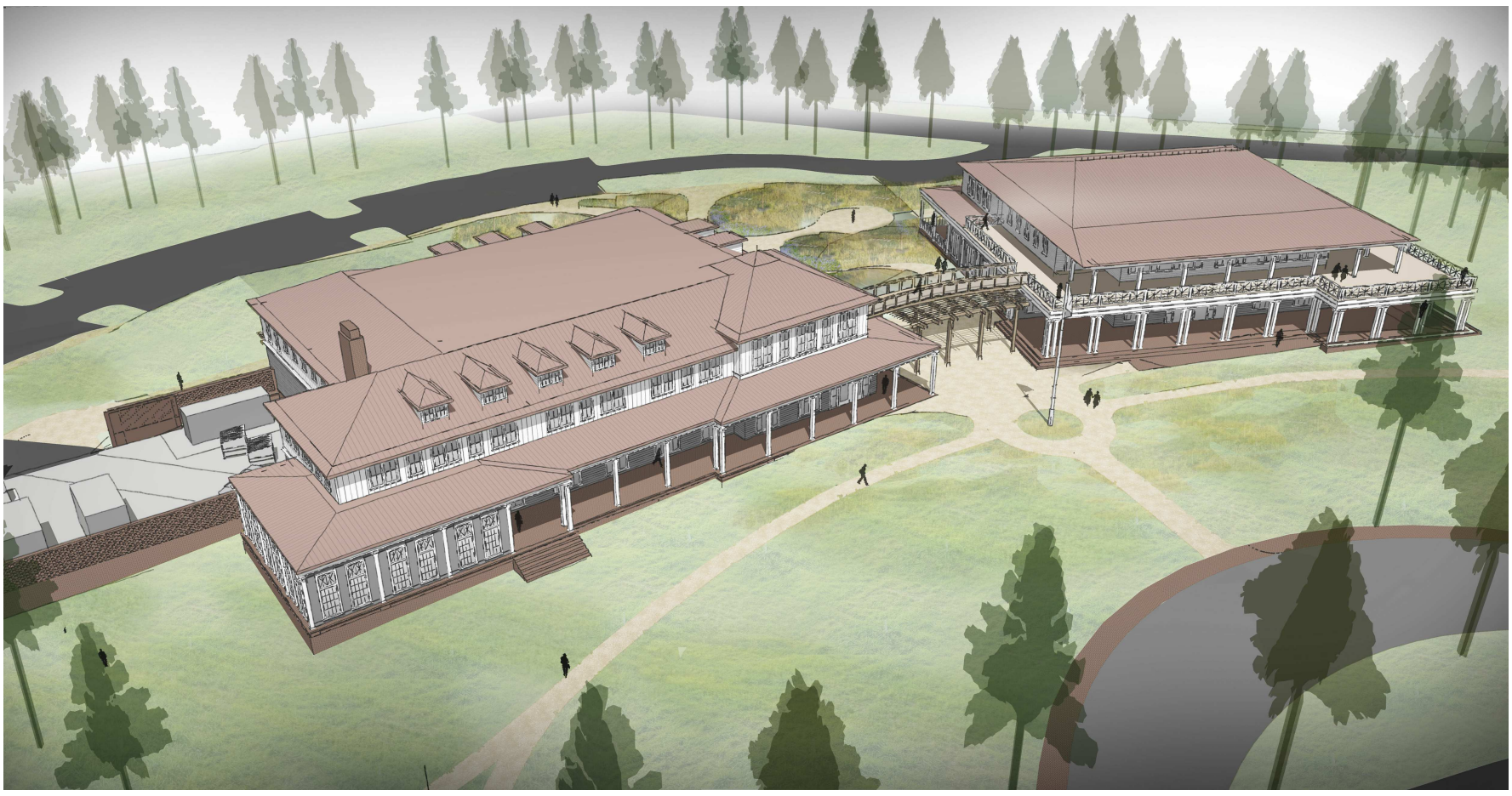
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FLOOR PLANS

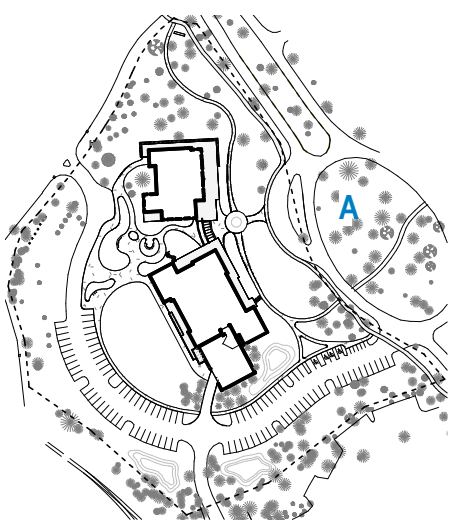
SCALE: 1/32" = 1'-0"



VIEW A: BIRDS EYE FROM CAROLINA VISTA



VIEW B: APPROACH FROM TRAFFIC CIRCLE



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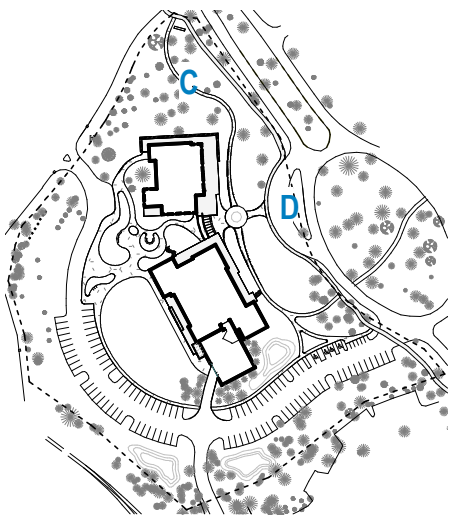
3D VIEWS



VIEW C: APPROACH FROM PINE GROVE AT NORTH



VIEW D: ENTRY PLAZA FROM DROP OFF AT CAROLINA VISTA



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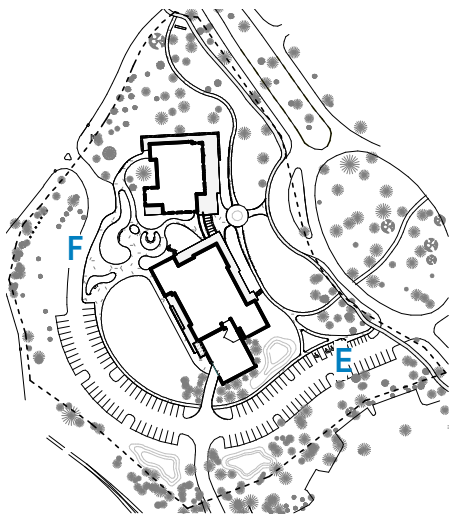
3D VIEWS



VIEW E: APPROACH FROM ACCESSIBLE PARKING



VIEW F: POLLINATOR GARDEN FROM WEST PARKING



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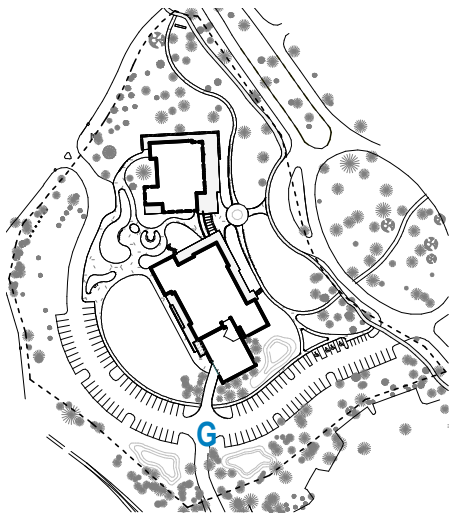
3D VIEWS



VIEW C: SERVICE COURTYARD FROM SOUTHWEST (GATES CLOSED)

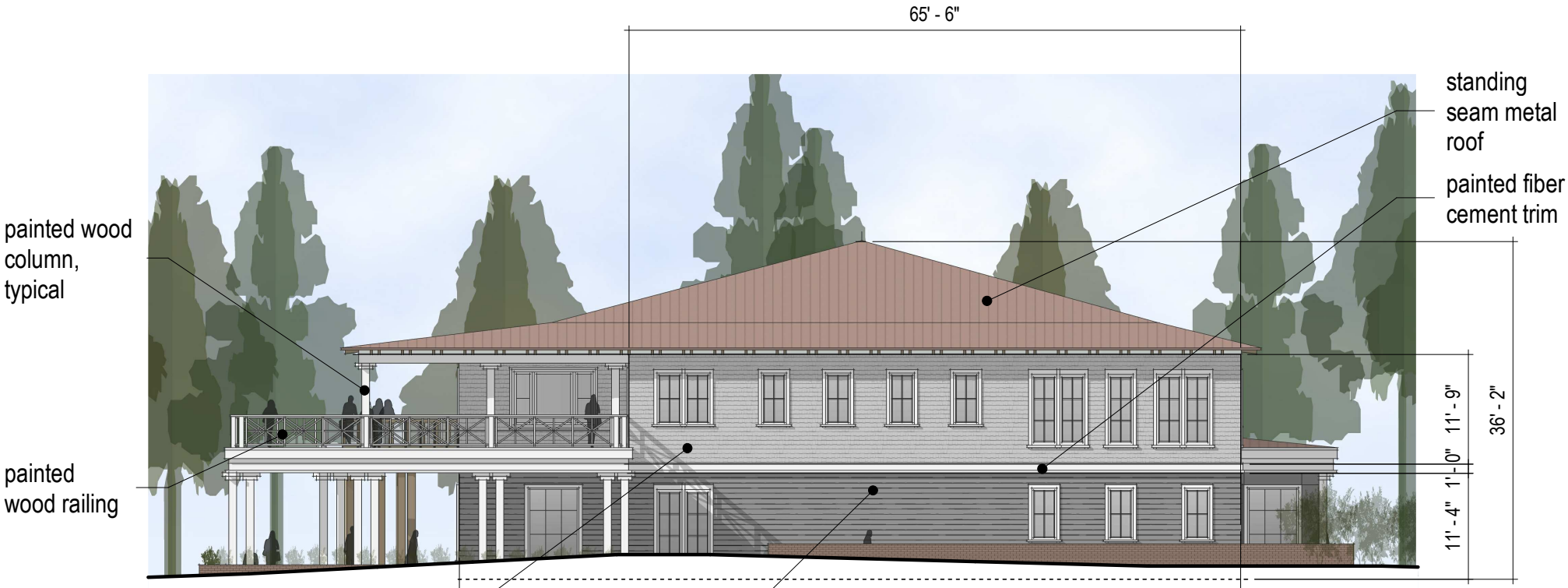


VIEW G (ALT): SERVICE COURTYARD FROM SOUTHWEST (GATES OPEN)

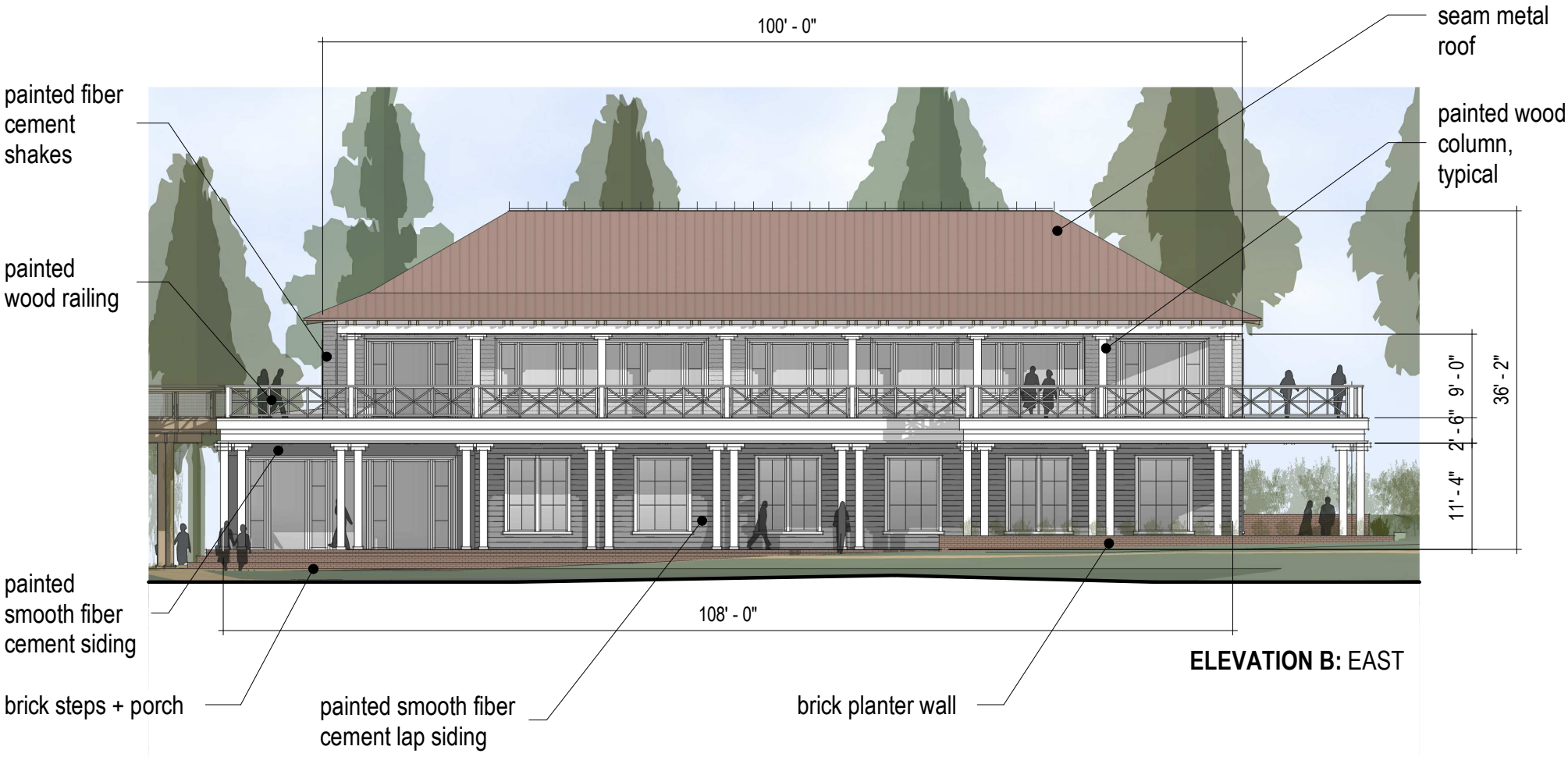


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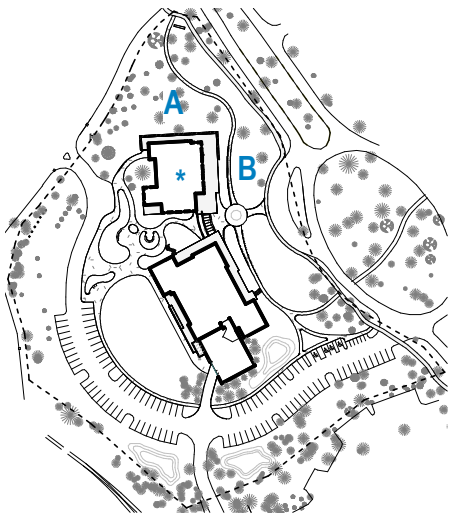
3D VIEWS



ELEVATION A: NORTH



ELEVATION B: EAST

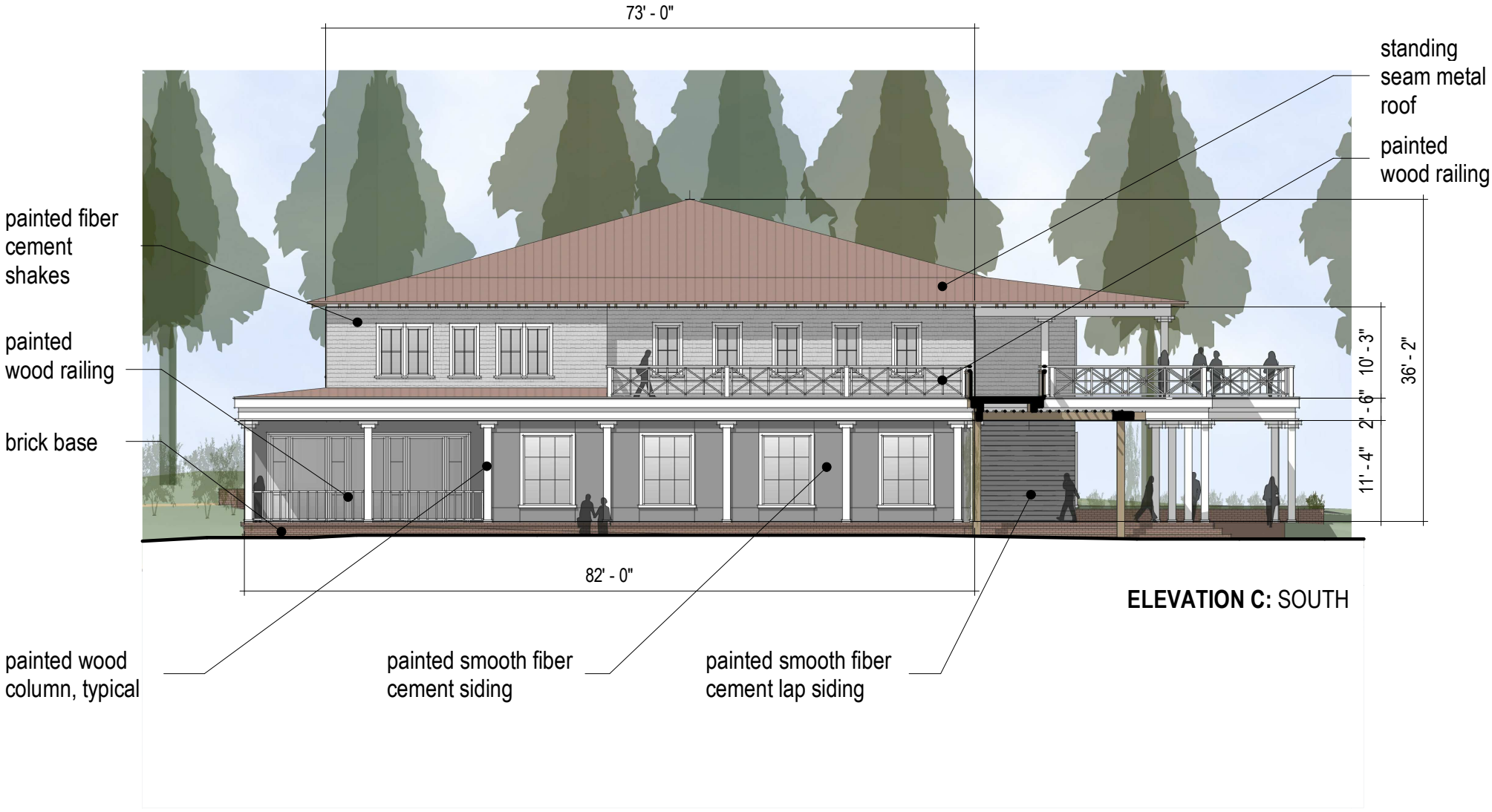


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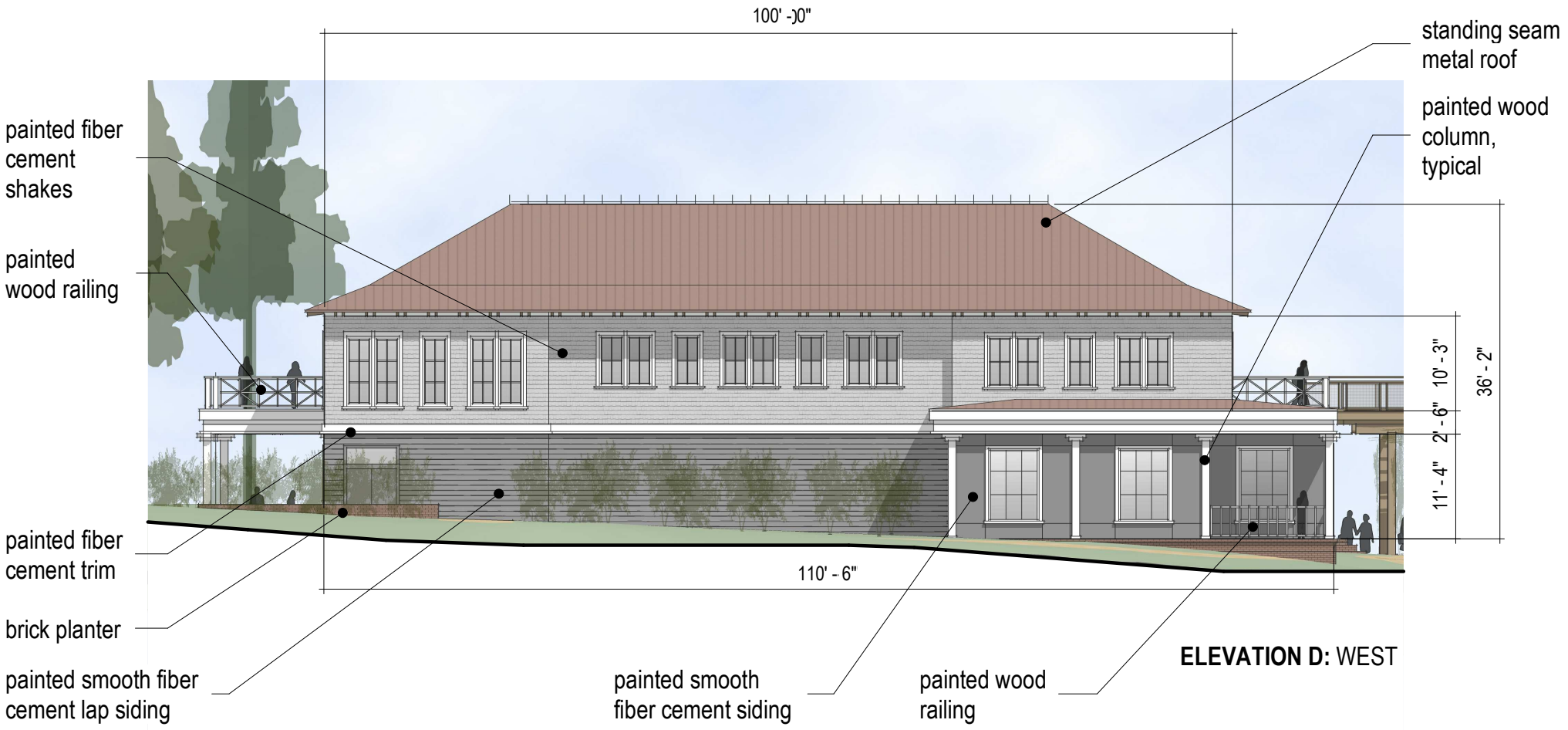
2020_0200 GOLF HOUSE PINEHURST 04/15/21

ELEVATIONS_VISITOR CENTER + MUSEUM

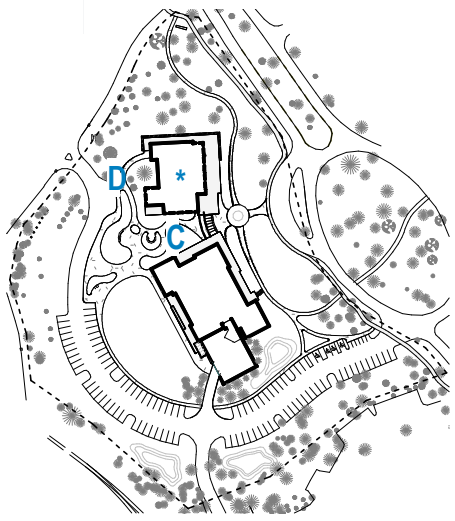
SCALE: 1/16" = 1'-0"



ELEVATION C: SOUTH



ELEVATION D: WEST

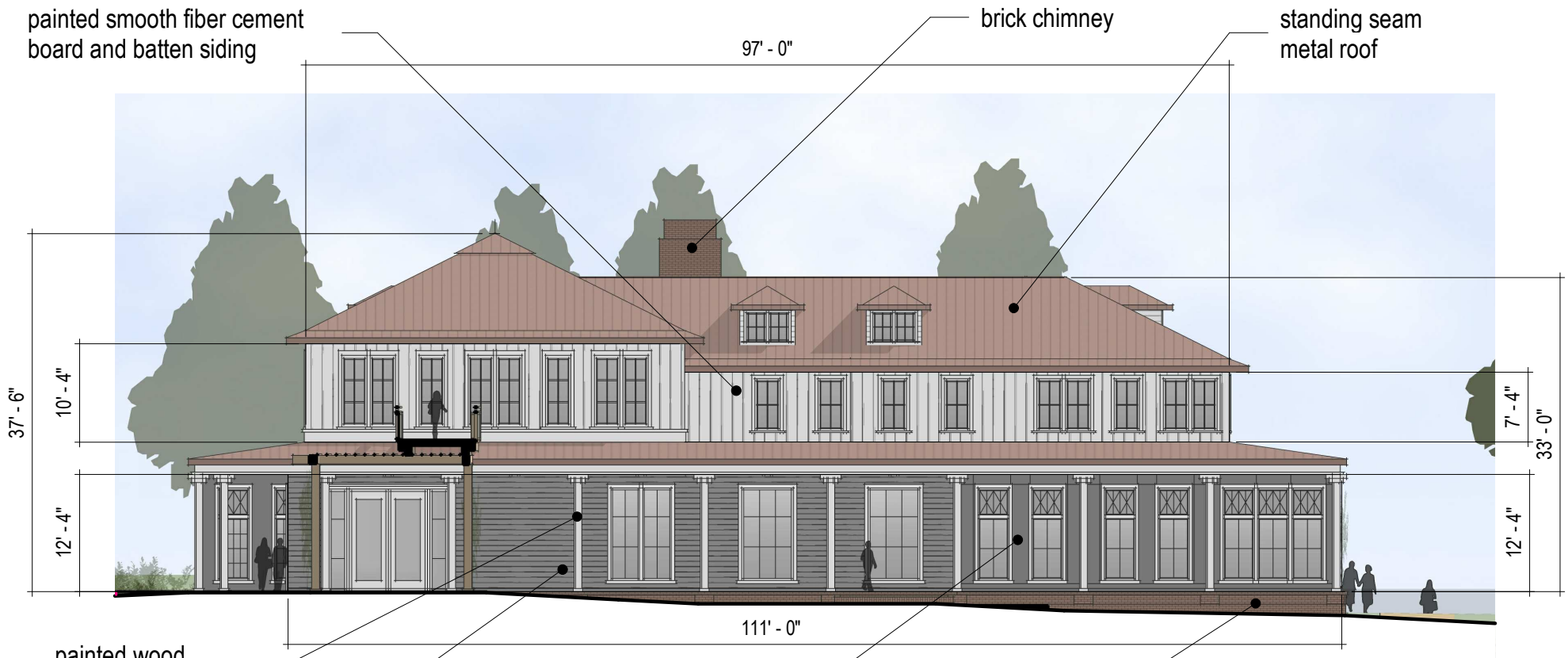


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2020_0200 GOLF HOUSE PINEHURST 04/15/21

ELEVATIONS_VISITOR CENTER + MUSEUM

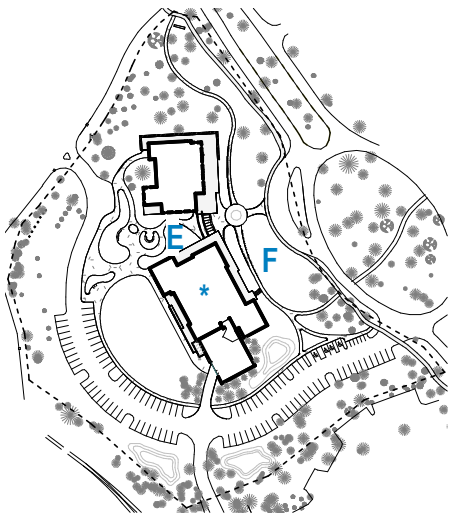
SCALE: 1/16" = 1'-0"



ELEVATION E: NORTH



ELEVATION F: EAST

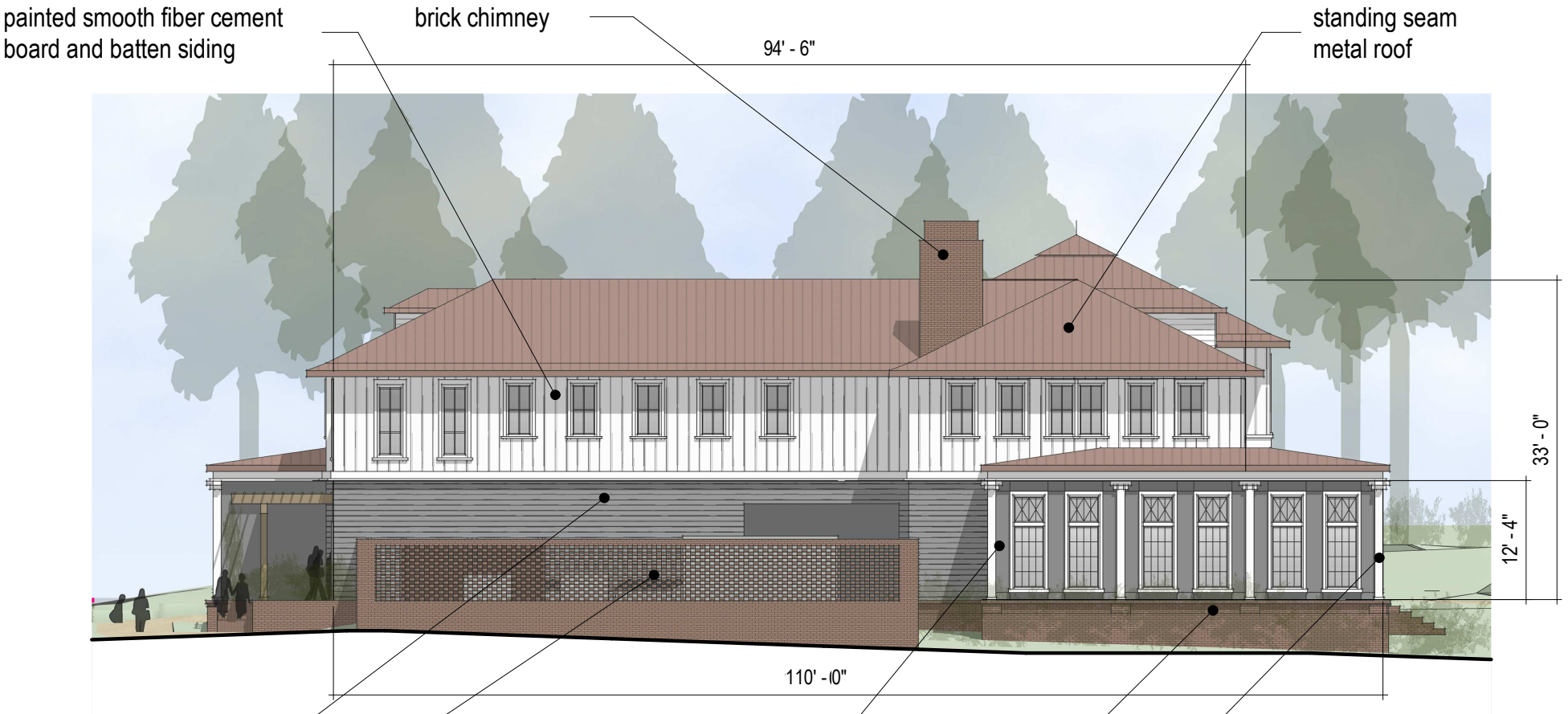


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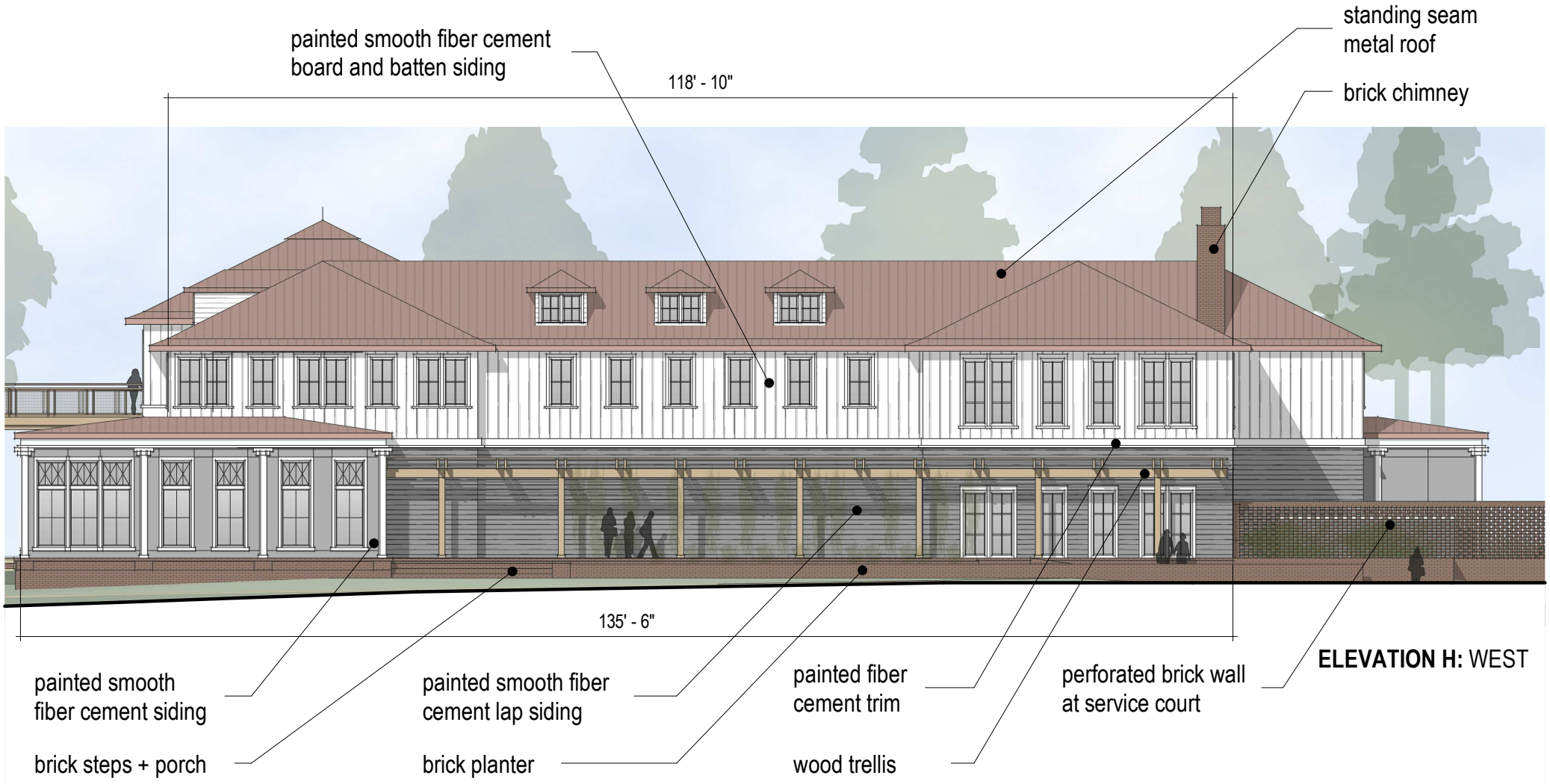
2020_0200 GOLF HOUSE PINEHURST 04/15/21

ELEVATIONS_TEST CENTER + ADMIN

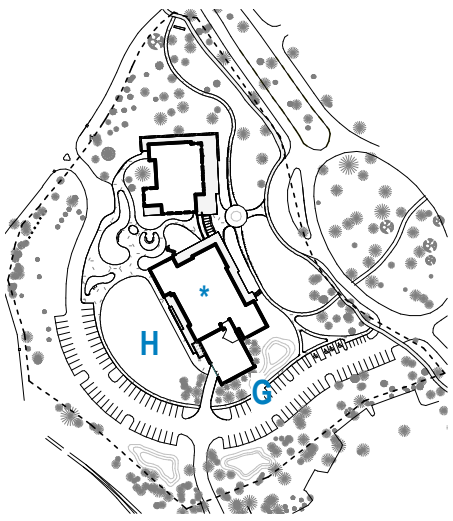
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ELEVATION G: SOUTH



ELEVATION H: WEST



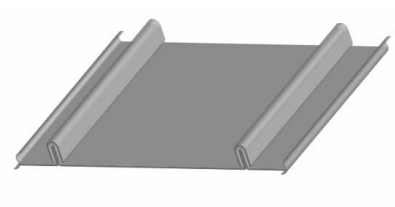
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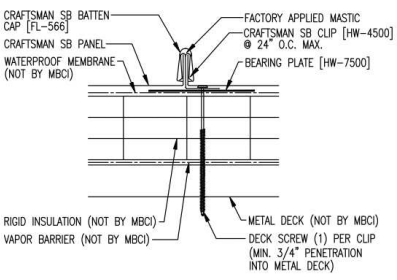
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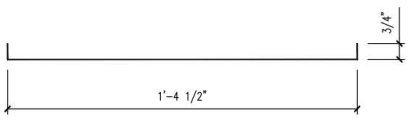
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CRAFTSMAN SB-16.5 PANEL PROFILE



COPPER METALLIC **



STANDING SEAM METAL ROOF

MBCI Craftsman Series Small Batten
16.5" wide, smooth finish
Finish: Copper Metallic

BRICK

Custom Brick Old Virginia Brick
Color: Colonial Full Range







Coventry Gray
HC-169

Stonington Gray
HC-170

Moonlight White
OC-125

PAINTED SMOOTH FIBER CEMENT

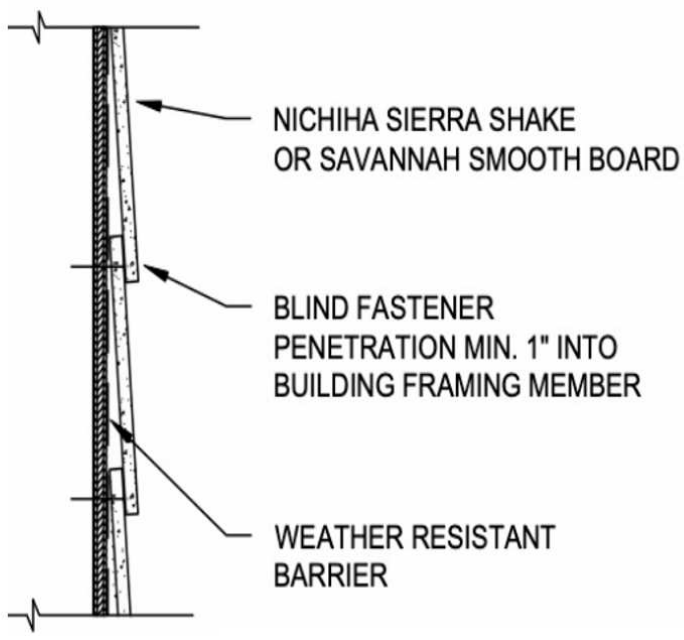
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LAP SIDING: Nichiha Savannah Smooth, 5.44" exposure
SHAKES: Nichiha Sierra Premium Shake, 6.06" exposure
BOARD + BATTEN: Nichiha Nichipanel Smooth, 12" width
TRIM: Nichiha Nichitrim Smooth

COLORS

Benjamin Moore Coventry Gray HC-169
siding panels / lap siding

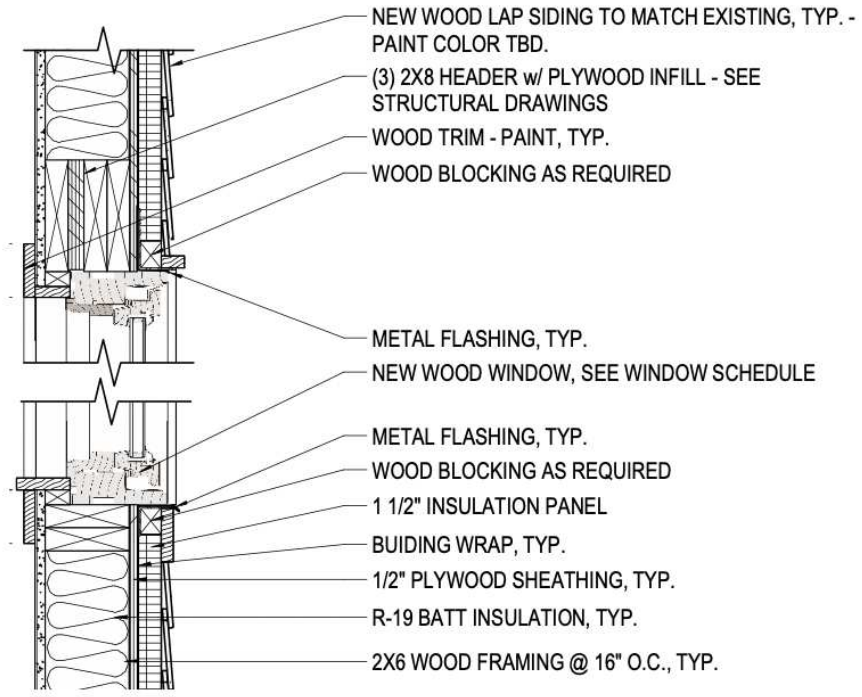
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shakes

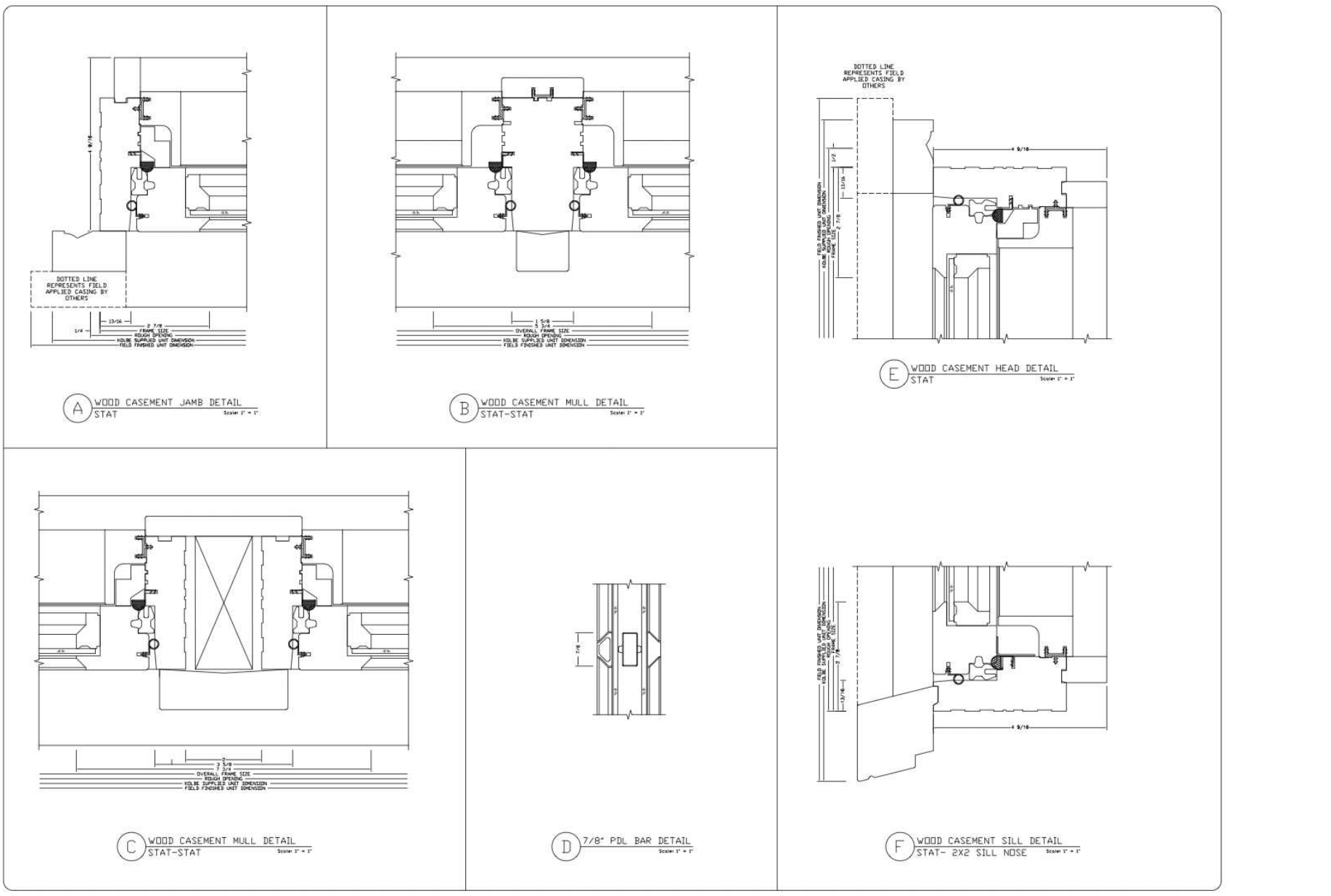
Benjamin Moore Moonlight White OC-125 / 2143-60
board + batten / trim



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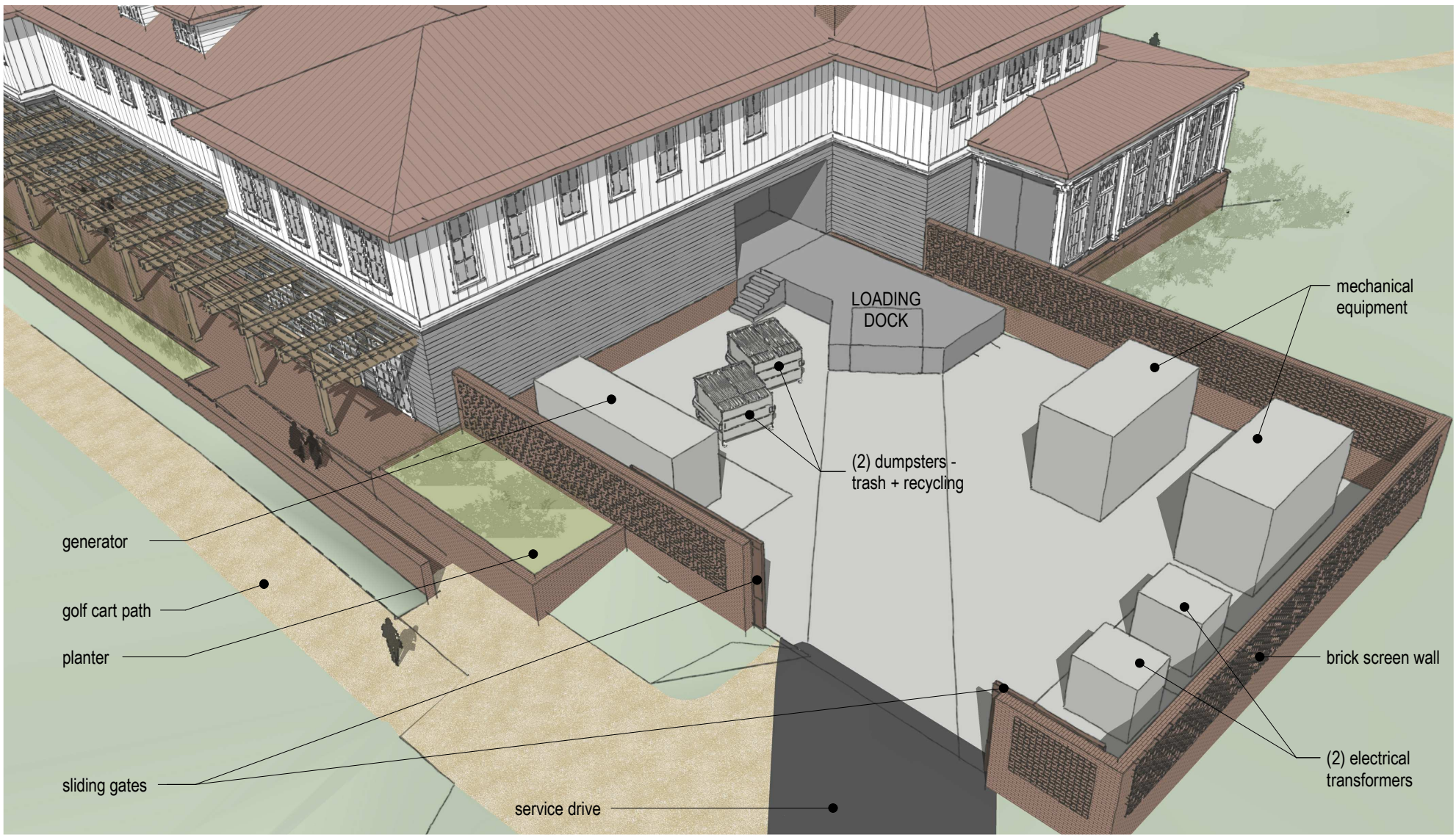




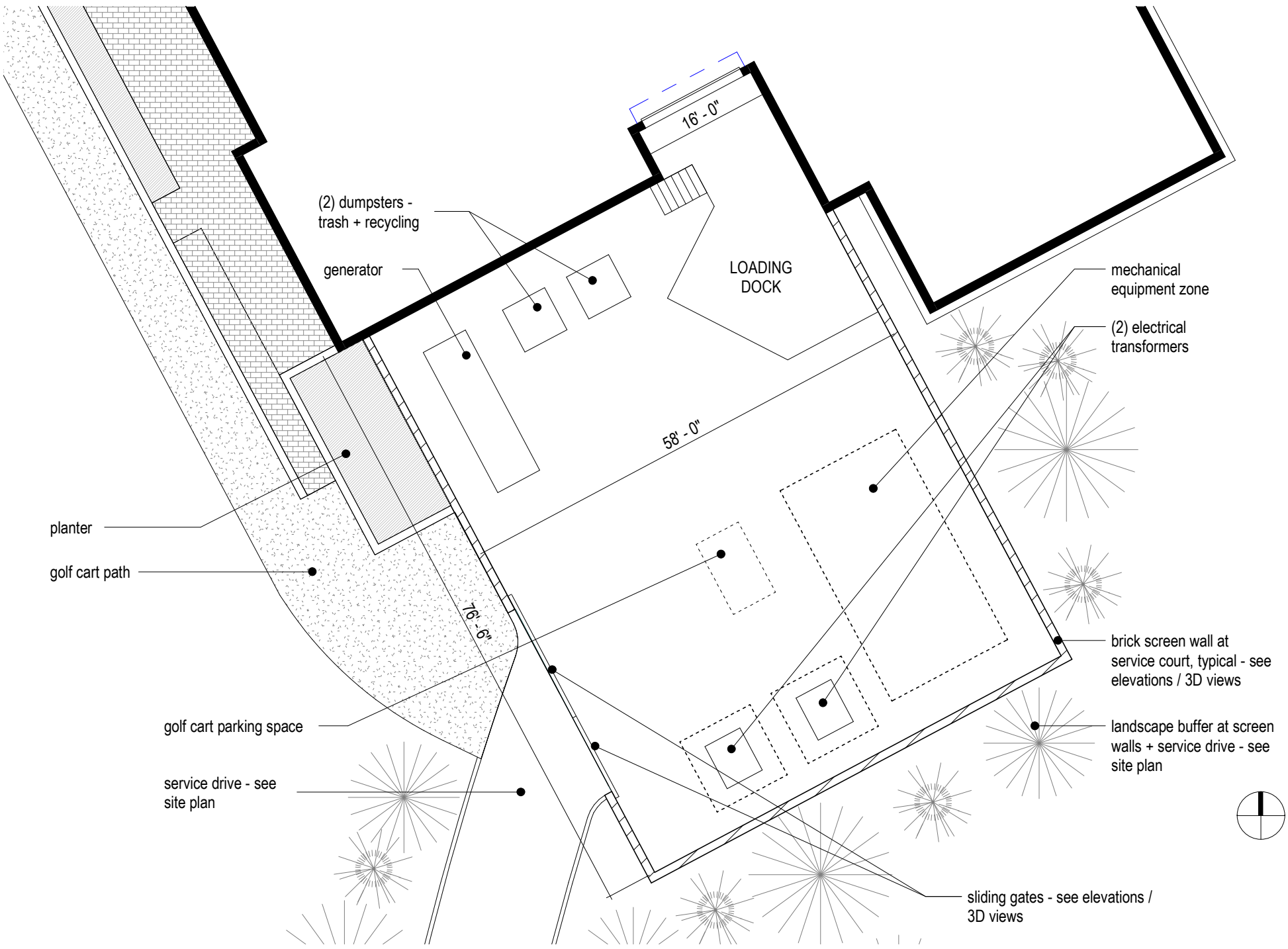
WINDOWS + DOORS

Kolbe Heritage Series
All Wood

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3D VIEW: SERVICE COURT FROM SOUTHWEST



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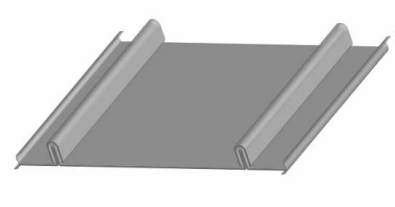
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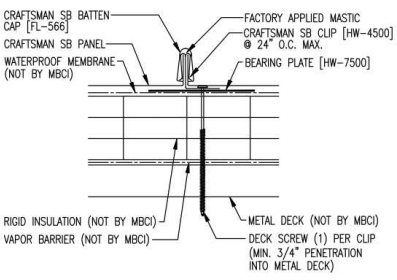
2020_0200 GOLF HOUSE PINEHURST 04/15/21

SERVICE COURT

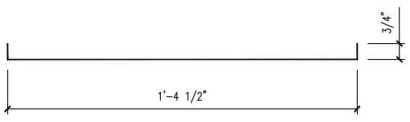
SCALE: 1/16" = 1'-0"











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STANDING SEAM METAL ROOF

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Custom Brick Old Virginia Brick
Color: Colonial Full Range







Coventry Gray
HC-169

Stonington Gray
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Moonlight White
OC-125

PAINTED SMOOTH FIBER CEMENT

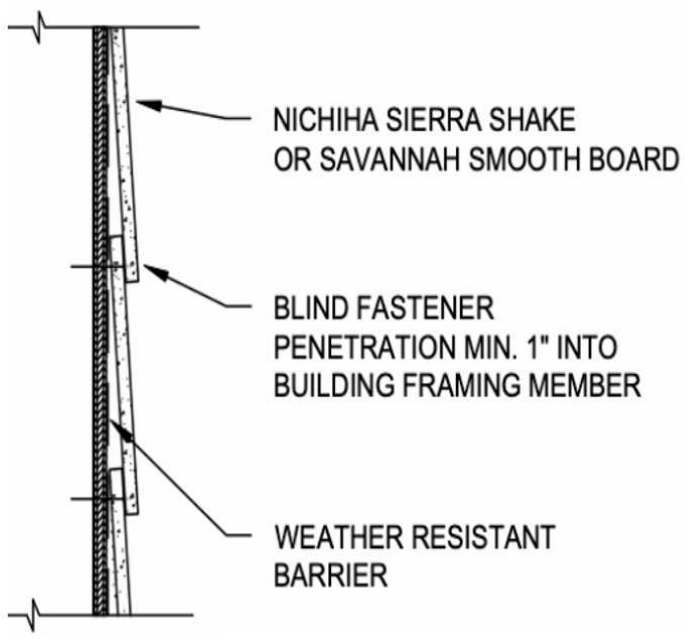
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siding panels / lap siding

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shakes

Benjamin Moore Moonlight White OC-125 / 2143-60
board + batten / trim



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VICINITY MAP

FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'
(AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8542, 8562
MAP(S): 3710854200J
DATE: OCTOBER 17, 2006

WATERSHED INFORMATION

BASIN: LUMBER
STREAM: DROWNING CREEK
TYPE: WSIIP

THIS PROPERTY IS IN A WATER SUPPLY WATERSHED

LEGEND

- = PROPERTY BOUNDARY
- = VMU-CD BOUNDARY
- = EXISTING MAJOR CONTOUR
- = EXISTING MINOR CONTOUR
- = EXISTING RIGHT-OF-WAY
- = EXISTING SANITARY SEWER LINE
- = EXISTING MANHOLE
- = EXISTING FENCE LINE
- = EXISTING LIGHT POLE
- = EXISTING WATER LINE
- = EXISTING FIRE HYDRANT
- = EXISTING STORM DRAIN PIPE
- = EXISTING ELECTRICAL VAULT
- = EXISTING RAILWAY
- = EXISTING IRRIGATION VALVE
- = EXISTING PINE TREE
- = EXISTING HARDWOOD TREE
- = EXISTING SHRUB



SURVEY PROVIDED BY:

LKC ENGINEERING, PLLC
140 AQUA SHED CT
ABERDEEN, NC 28315
P: (910) 420-1437

SURVEY FOR:

RESORTS OF PINEHURST, INC.

MINERAL SPRINGS TOWNSHIP, MOORE COUNTY
PINEHURST, NORTH CAROLINA
FEBRUARY 2021

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.

N

50' 0' 50' 100' 200'
SCALE: 1" = 100'-0"

811 Know what's below. Call before you dig.

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SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.koontzjonesdesign.com

REVISIONS:

USGA HEADQUARTERS
PINEHURST, NORTH CAROLINA

USGA HEADQUARTERS / PINEHURST LODGE
COMBINED SITE PLAN

DATE: 04-28-2021
DESIGNED BY: REK
DRAWN BY: TWH
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 100'-0"
PROJECT #: KJD2071

SHEET NUMBER#:

Kimley»Horn

MEMORANDUM

To: Mr. Tim Carpenter, *LKC Engineering, PLLC*

From: Mr. Adam Cochran, P.E., *Kimley-Horn*
Mr. Jeffrey Elsey, P.E., CAPP, LEED AP, *Kimley-Horn*

Date: June 17, 2021

Subject: ***United States Golf Association Golf House Pinehurst – Parking Demand Memorandum***

INTRODUCTION

LKC Engineering retained Kimley-Horn to provide professional parking planning services for the United States Golf Association (USGA) Golf House Pinehurst (GHP) development located adjacent to the Pinehurst Resort & Country Club property in the Village of Pinehurst, North Carolina. The proposed development will be located south of Cherokee Road and east of Carolina Vista Drive just south of the traffic circle at the intersection of those roadways. The development will include two buildings and replace an existing gravel surface parking lot (approximately 88 spaces) that is currently used as overflow parking for the Resort & Country Club as well as six tennis courts. This evaluation examines the anticipated parking needs of the proposed development.

The USGA GHP development is proposed to include a new visitors' center and museum, administrative offices, and a testing facility. The purpose of this evaluation is to project peak parking demands of the site upon completion, based on industry standard data adjusted to localized conditions. The site is expected to park itself, meaning all parking demands generated by its uses will park on-site. This memorandum provides a summary of conclusions, site context, methodology, detailed parking demand calculations, as well as a discussion of other considerations.

SITE CONTEXT

The site, currently occupied by gravel parking and tennis courts, is located directly south of the traffic circle at the intersection of Cherokee Road and Carolina Vista Drive. It is bordered by Cherokee Road to the northeast, Carolina Vista Drive to the north west, Beulah Hill Road to the southwest, and the main clubhouse parking lot to the southeast. **Figure 1** shows the site in relation to the surrounding area.

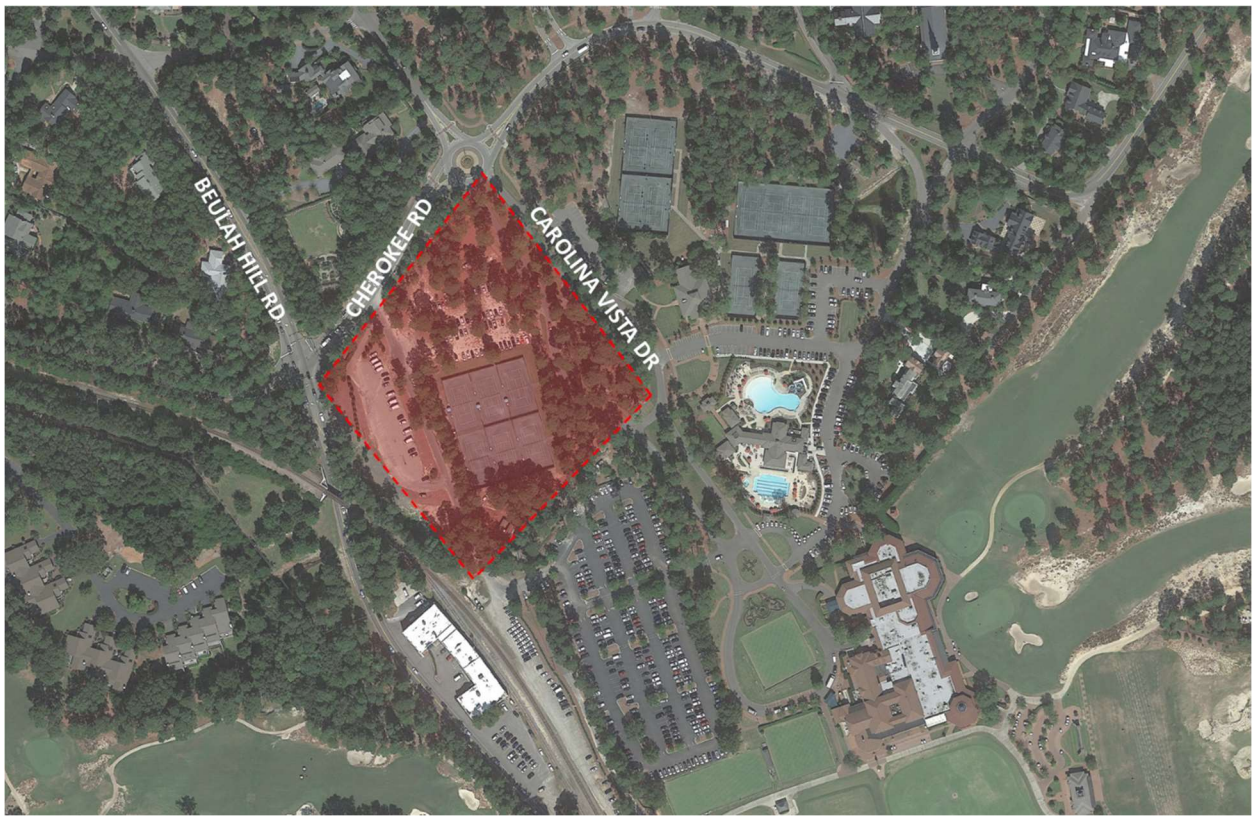


Figure 1: USGA (Pinehurst) Development– Site Context

The proposed development will include a visitor center and museum, administrative offices, and a testing facility. **Table 1** outlines the anticipated program for the site.

Table 1: Proposed Development Program	
Land Use	**Proposed Area**
Visitor Center and Museum	17,215 SF
Administration Offices	11,900 SF
Testing Facility	14,845 SF

METHODOLOGY

Because the land uses within the site are unlikely to share parking due to overlapping hours of operation and longer-term parking for office, this analysis focuses on the gross generated parking demand estimated for the site. Shared parking reductions, such as alternative mode (shuttle use) and internal capture (reductions due to having multiple uses on site) between the USGA GHP site and the Pinehurst Resort & Country Club, were not included in order to perform a more conservative analysis.

Assumptions

The following assumptions were applied when calculating the projected parking demand for the project site.

- The site will park itself, meaning that all the parking demand generated by the land uses within the site will be satisfied by the parking supply on-site.
- To ensure office employees will have adequate parking throughout the day, 100% of office and museum employee parking is assumed to be completely reserved on weekdays meaning employees will not share parking with visitor center and museum visitors. However, it is assumed that employee spaces will be used for the museum visitor parking on weekends. This should eliminate any museum visitors using employee parking spaces while employees leave for lunch, meetings, etc.
- Any testing facility employees are assumed to be accounted for in the employee count for administrative offices. Therefore, it is assumed that the testing facility will not generate parking demand in addition to the administrative office parking demand.
- Per guidance from the client, the museum is anticipated to have approximately 100,000 annual visitors and 300 daily visitors on an average weekday.
- Museum visitors are assumed to patronize the site for one hour, on average.
- Employees are assumed to drive to the site independently. However, museum visitors are anticipated to arrive in groups (likely families) and carpool at an assumed rate of 2.2 visitors/vehicle.
- Hours of operation for the office space is assumed to be 7:00 AM – 5:00 PM. Hours of operation for the museum is assumed to be 9:00 AM – 5:00 PM.
- To perform a more conservative analysis, no parking reductions were included in the parking demand calculations for any visitors or employees that may park elsewhere at the resort and use the shuttle or walk to the project site. In addition, a museum visitor that may also be playing golf at the adjacent Country Club, and be parked at the Club, would tend to reduce the parking demand for the USGA-GHP site. However, this was not included in this analysis.

Village of Pinehurst Required Parking

The site is zoned Recreational Development (RD). **Table 2** outlines the minimum parking requirements for each land use as well as the total development, per the Village of Pinehurst municipal code. The office space was assumed to be consistent with the parking requirements for the professional services (office) land use. The museum space was assumed to be consistent with the parking requirements for the civic/cultural facilities land use.

Table 2: Village of Pinehurst Parking Requirements

Land Use	Minimum Parking Rate	Density	Minimum Spaces
Visitor Center and Museum	1 space/300 SF	17,215 SF	58 spaces
Administration Offices	1 space/300 SF	11,900 SF	40 spaces
Testing Facility*	N/A	13,858 SF	N/A
Minimum Total Parking Spaces			**98 spaces**

**Testing facility is ancillary to office and doesn't generate additional parking demand*

Daily Vehicles

In addition to calculating the parking required by the Village of Pinehurst, a more detailed and specific parking demand was calculated based on information provided by the client specific to the proposed development. **Table 3** provides the assumed daily persons for each land use, ratios for persons per vehicle, and the projected daily parking demand by land use. It is projected that the site will serve **191 daily vehicles** on a typical day.

Table 3: Daily Vehicles by Land Use				
Land Use	**User Type**	**Daily Persons**	**Persons/Vehicle**	**Daily Vehicles**
Museum	Visitor	300 visitors*	2.2 visitors/vehicle	136 vehicles
	Employee	5 employees	1 employee/vehicle	5 vehicles
Office	Employee	50 employees	1 employee/vehicle	50 vehicles
			Total	**191 Daily Vehicles**

** Per guidance from Client*

Hourly Parking Distribution

Peak parking demand represents the maximum number of parked vehicles at one time throughout the day. The peak demand is a function of the distribution of arrivals and departures throughout the day. The values shown in **Table 4** represent the percent of the peak parking demand by land use throughout the day, per methodologies provided by ULI Shared Parking, 3rd Edition. The standard hourly distribution assumes that museum parking demand does not begin until 10:00 AM. To account for an opening time of 9:00 AM, all percentages in the distribution have been shifted up one hour. The determination of peak museum visitor parking demand considers an assumed 1-hour duration of stay. Applying the hourly parking distribution factors to the daily projected vehicles yields the projected peak parking demand for each land use.

Table 4: Hourly Parking Distribution			
Time	**Office Employees % of Daily**	**Museum Employees % of Daily**	**Museum Visitors % of Daily**
7:00 AM	15%	5%	0%
8:00 AM	50%	5%	0%
9:00 AM	90%	25%	45%
10:00 AM	100%	75%	65%
11:00 AM	100%	100%	85%
12:00 AM	85%	100%	95%
1:00 PM	85%	100%	100%
2:00 PM	95%	100%	95%
3:00 PM	95%	100%	90%
4:00 PM	85%	100%	85%
5:00 PM	60%	80%	60%
6:00 PM	25%	75%	30%

PROJECTED PARKING DEMAND

Different land uses peak in usage at different times of day, week, and year. This analysis specifically considers demand by time of day. The interaction of the proposed land uses at the USGA GHP development is estimated to generate an overall weekday peak parking demand at 1 PM. These peak times are largely driven by the museum visitor demand because the office and museum employee demand will likely be consistent throughout the workday. With no parking reductions applied for any shuttle use or parking elsewhere at the resort and walking, the proposed land uses are expected to generate a peak parking demand of **73 spaces** on a weekday at 1 PM. **Table 5** outlines the peak parking demand for each land use and user type. Note that office employee spaces are assumed to be reserved throughout the day, so the 50-vehicle peak hour office demand at 1 PM represents 43 parked vehicles and 7 vacant reserved spaces.

Table 5: Peak Parking Demand by Land Use

Land Use	User Type	Daily Vehicles	Peak Hour % (1 PM)	Peak Hour Vehicles
Museum	Visitor	136 vehicles	13%*	18 vehicles
	Employee	5 vehicles	100%	5 vehicles
Office	Employee	50 vehicles	85%	43 vehicles *(+7 reserved spaces)*
			Total	**73 Peak Hour Vehicles**

** Assumes 1-hour duration of stay*

While the peak parking demand for the site is expected to occur at 1 PM on a weekday, parking demand for the overall site will fluctuate throughout the day as people come and go. Total parking demand is heavily driven by the fluctuation in museum visitor parking. **Figure 2** presents the weekday parking demand trends that are expected at the site. Note that office and museum employee demand remains consistent due to the assumption of 100% reservation of office spaces during weekdays. If employee spaces were assumed to be unreserved, the peak parking demand would be approximately 70 spaces on a weekday and the overall peak hour would shift to 11 AM.

The overall peak demand for the site is driven by the weekday parking demand due to the parking needed to serve the office space. The weekend demand of the site is anticipated to consist of the museum visitors and employees only since the office space will not be in operation. Therefore, 50 additional spaces will be available on weekends for museum use or to other uses at the resort, if needed. Parking supply is not anticipated to be a challenge on weekends.

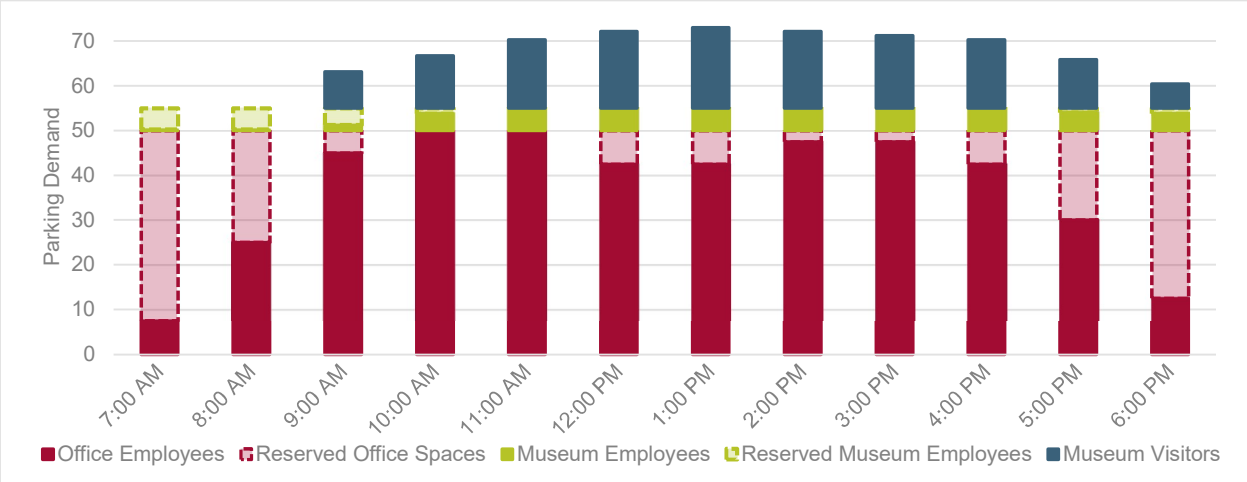


Figure 2: Weekday Parking Demand Time of Day Distribution

CONCLUSION AND RECOMMENDATIONS

This evaluation compared the parking demand for the proposed USGA GHP development required by the Village of Pinehurst code to the calculated parking demand based on site specific information provided by the client to understand the estimated parking demand for the development. This evaluation concludes that the proposed USGA GHP development could generate a peak parking demand of approximately 73 spaces on an average weekday which is less than the parking required by the Village of Pinehurst of 98 spaces.

It should be noted that this analysis does not include any parking reductions in the parking demand calculations for shuttle use or parking elsewhere at the resort and walking to the site in order to perform a more conservative analysis. It is anticipated that some museum visitors will use the shuttle to get to and from the development. Also, it is likely that some museum visitors may already be on site for another land use (i.e. golf course/clubhouse) at the Resort & Country Club and their parking has been accounted for in a nearby or adjacent parking lot.

Based on the assumptions and methodologies presented in this report, the weekday parking demand for the development is anticipated to be approximately **73 spaces**.

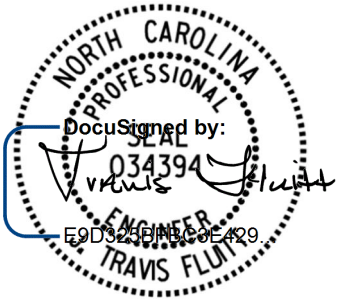
We hope you find this information helpful. If you have any questions concerning this memorandum or need additional information, please do not hesitate to contact us.

Sincerely,
Kimley-Horn and Associates, Inc.

Adam Cochran, P.E.
Project Manager

Jeffrey B. Elsey, P.E., CAPP, LEED AP
Project Engineer

KIMLEY-HORN AND ASSOCIATES, INC
NC License #F-0102



March 31, 2021

Mr. Tim Carpenter
LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315

RE: ***USGA Facility, Pinehurst, NC – Trip Generation Assessment***

Dear Mr. Carpenter,

Kimley-Horn has prepared an assessment of the traffic impacts of the proposed United States Golf Association (USGA) Facility project in Pinehurst, North Carolina. The project is proposed to be located south of Cherokee Road (NC 2) between Beulah Hill Road (NC 5) and Carolina Vista Drive on the Pinehurst County Club campus. Access to the site is proposed via the existing driveway on Cherokee Road and via Carolina Vista Drive.

The facility is proposed to include approximately 11,500 square feet (SF) of administration space, an approximately 13,500 SF golf testing facility, and an approximately 15,500 SF museum and welcome center. The facility is expected to have up to 60 employees. Traffic for this proposed facility was generated using data from the 10th Edition of the ITE *Trip Generation Manual* for the General Office land use (Land Use Code 710), and trip generation calculations are shown below on Table 1. Based on discussions with USGA staff, trip generation calculations for this project were based on the number of employees rather than building size because the same employees work in both the administrative space and the testing facility. It should be noted that the ITE *Trip Generation Manual* indicates that the museum will generate only 1-2 peak hour trips, and it is anticipated that those visitors will come to/from the resort and country club. Therefore, they are not expected to be new trips and were not generated separately.

Table 1
ITE Trip Generation (Vehicles) – USGA Facility

Land Use	Size	Daily	AM Peak Hour		PM Peak Hour	
		In	In	Out	In	Out
General Office Building (LUC 710)	60 employees	326	37	7	8	32

As shown in Table 1, the proposed USGA Facility has the potential to generate approximately 326 total trips on a typical weekday, 44 new trips during the AM peak hour, and 40 new trips during the PM peak hour.

While the anticipated trip generation potential for this project does not meet thresholds for requiring a full Traffic Impact Analysis (TIA) by the Village of Pinehurst or North Carolina Department of Transportation (NCDOT), a TIA will be provided for review as a separate document to formally evaluate the impacts of the project.

While that study has not been completed, based on my review of the trip generation potential of the project, it is my professional opinion that the traffic from the proposed USGA Facility is expected to have only a minor impact on the surrounding roadway network and is not anticipated to cause undue traffic congestion.

Please let me know if you have any questions or require any further information. We appreciate the opportunity to provide these services to you.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Travis Fluitt, P.E.
Senior Project Manager

USGA Test Facility

Table 1 - Trip Generation

Land Use	Intensity	Daily	AM Peak Hour			PM Peak Hour		
		Total	Total	In	Out	Total	In	Out
710 General Office Building[1]	60 employees	326	44	37	7	40	8	32

[1] *Includes employees in office/admin space, golf testing facility, and museum welcome center.*

Dr. J.H. CARTER III & ASSOCIATES, Inc.
Environmental Consultants
515-F Midland Road
Southern Pines, N.C. 28388
910-695-1043 / 910-695-3317 (fax)

22 January 2021

TO: Mr. Tim Carpenter
LKC Engineering, PLLC
140 Aqua Shed Ct.
Aberdeen, NC 28315

FROM: Jeanette Sabo, Wildlife Biologist
Dr. J.H. Carter III & Associates, Inc.

SUBJECT: Summary of red-cockaded woodpecker survey for the USGA-Golf House project in Pinehurst, Moore County, North Carolina.

CC: John Hammond
US Fish and Wildlife Service
P.O. Box 33726
Raleigh, NC 27636-3726

The US Golf Association (USGA) plans to construct the Golf House project in Pinehurst, Moore County, NC (Figures 1 and 2). This memorandum evaluates the impacts of this project on the Federally-endangered red-cockaded woodpecker (*Dryobates borealis*) (RCW) pursuant to Section 9 of the Endangered Species Act (ESA), as amended.

The project site is located on the Pinehurst Resort grounds, south of NC Highway (Hwy.) 2 (Cherokee Road (Rd.)) and east of NC Hwy. 5 (Beulah Hill Rd.), north of The Cradle 9-hole short course and west of Carolina Vista Drive (Figures 1 and 2). The northern portion of the project site was forested with moderately dense, second-growth longleaf pine (*Pinus palustris*), a sparse 10-30 foot (ft.) tall midstory dominated by bluejack oak (*Quercus incana*), flowering dogwood (*Benthamidia florida*), southern magnolia (*Magnolia grandiflora*) and American holly, (*Ilex opaca*), and no herbaceous ground cover. The project site currently includes access roads, parking lots and tennis courts. The eastern, western and southern boundaries of the project site and edge of the tennis courts are bordered with dense loblolly (*P. taeda*) and longleaf pines.

The proposed Golf House project will encompass approximately 6.81 acres with two 2-story buildings and an associated access road with parking and walkways (Figure 2).

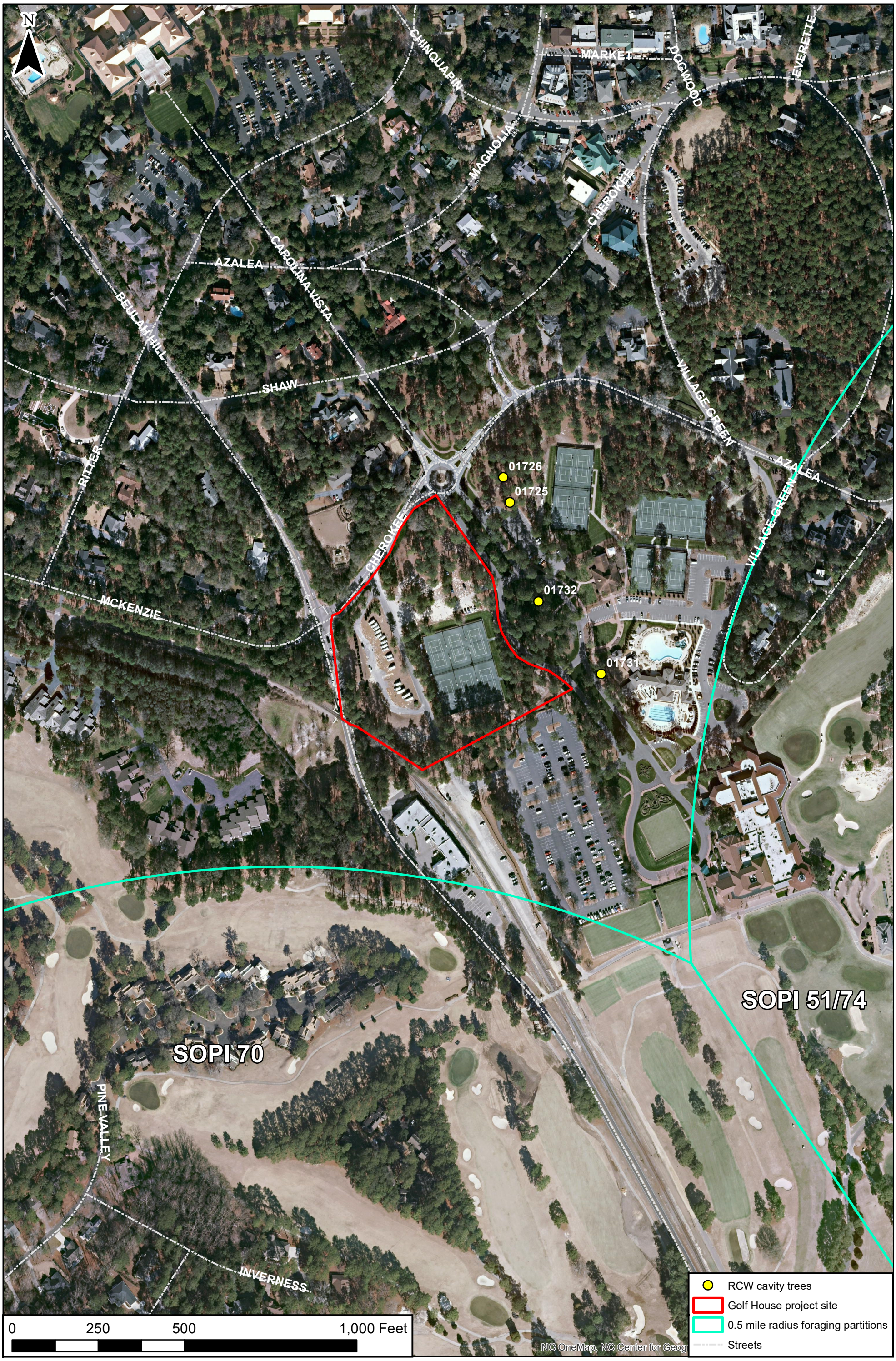


Figure 1. Location of red-cockaded woodpecker (*Dryobates borealis*) cavity trees and clusters in Pinehurst, Moore County, NC.

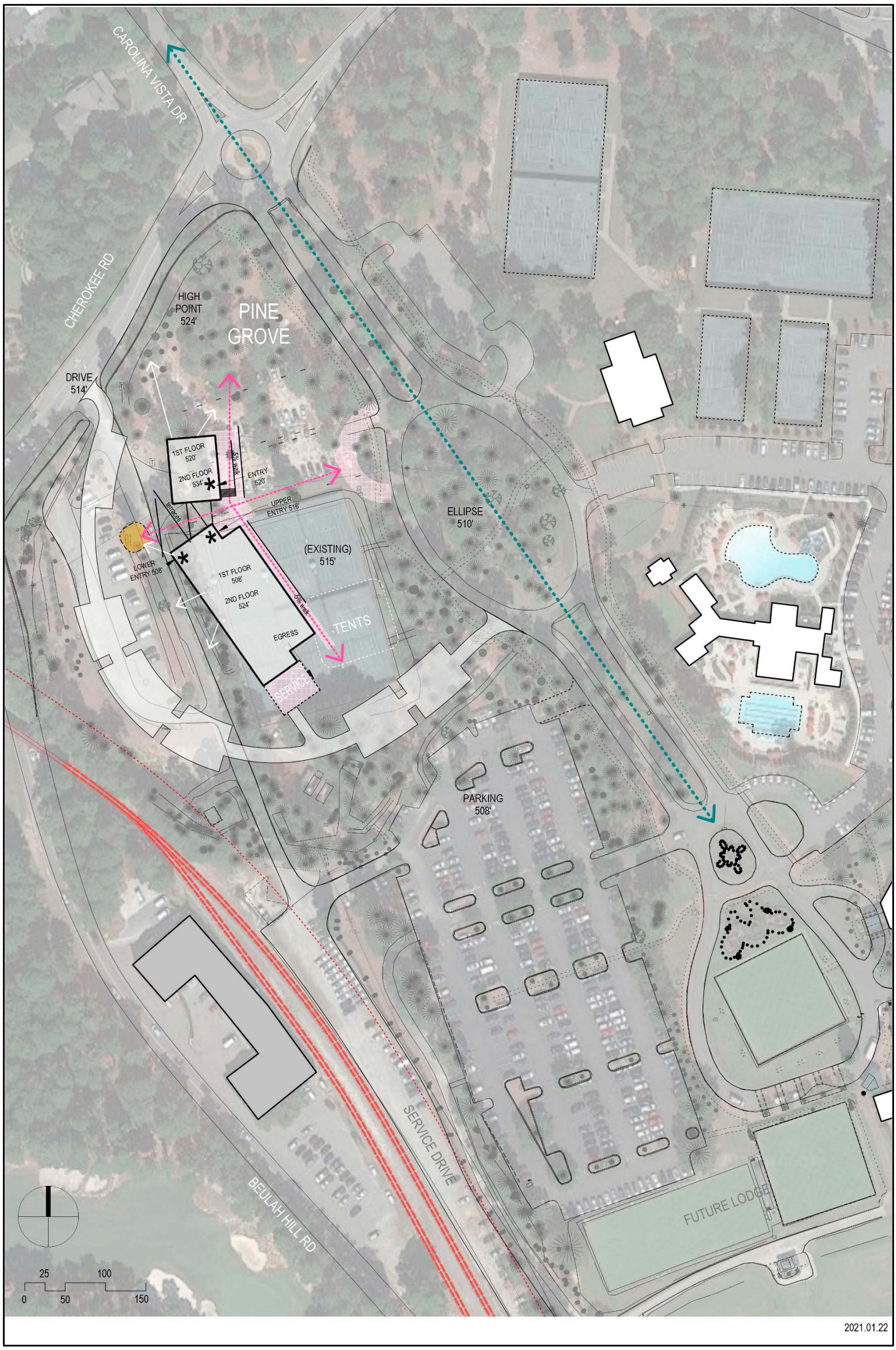


Figure 2. US Golf Association Golf House project design provided by LKC Engineering, PLLC, Pinehurst, Moore County, 1 January 2021.

The Golf House project site does not occur within an RCW foraging habitat partition. A wildlife biologist with Dr. J. H. Carter III & Associates, Inc. (JCA) surveyed RCW habitat on, and within the vicinity of, the project site and updated the activity status of all known RCW cavity trees within abandoned SOPI Cluster 52 on 22 January 2021 (Table 1). SOPI Cluster 52 has 4 trees with relic or healed over starts and cavities (Table 1). This cluster has been abandoned for over 30 years. No new RCW cavity trees were found.

Table 1. Location and status of red-cockaded woodpecker (*Dryobates borealis*) cavity trees in SOPI Cluster 52, Pinehurst, Moore County, North Carolina.

Cluster	Tree Number	Activity	Shape and Stage	Easting*	Northing
SOPI 52	1725	Relic	Healed Over Start	639270	3895426
SOPI 52	1726	Relic	Healed Over Start	639264	3895448
SOPI 52	1731	Relic	Enlarged Cavity	639354	3895276
SOPI 52	1732	Relic	Healed Over Cavity	639297	3895339

The nearest cavity trees are located 94 ft. east (#1731) and 122 ft. east (#1732) of the project site. This project will have no effect on the RCW. No habitat for other listed species was present.

Biological Conclusion **No Effect**

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Raleigh ES Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

February 8, 2021

Ms. Jeanette M. Sabo
Dr. J. H. Carter III and Associates, Inc.
Environmental Consultants
515 F Midland Road
Southern Pines, North Carolina 28387

Dear Ms. Sabo:

The Fish and Wildlife Service (Service) has reviewed your January 22, 2021 memorandum regarding US Golf Association's (USGA) proposed construction of a Golf House in the Village of Pinehurst in Moore County, North Carolina. Your memorandum summarizes the potential impacts of the proposed construction on the Federally listed red-cockaded woodpecker (*Picoides* [*Dryobates*] *borealis*; RCW). Our comments are provided in accordance with the Endangered Species Act (Act) of 1973, as amended (16 USC 1531 et seq.)(the Act).

The 6.81-acre project site is located on the Pinehurst Resort grounds, south of NC Highway 2 (Cherokee Road) and east of NC Highway 5 (Beulah Hill Road), north of The Cradle nine-hole short course and west of Carolina Vista Drive. The project site currently contains access roads, parking lots and tennis courts. The eastern, western and southern margins of the project site are populated in dense loblolly (*Pinus taeda*) and longleaf (*P. palustris*) pines.

The project will consist of 2 two-story buildings and an associated access road with parking and walkways. The project site falls outside of active RCW foraging partitions but is adjacent to an abandoned RCW cluster, SOPI 52. Your memorandum reports that a wildlife biologist surveyed the project site and SOPI 52 on January 22, 2021 and updated the activity status of all known cavity trees within the cluster (n=4). Two cavity starts and one completed cavity were healed over and a fourth cavity was enlarged. Your memorandum states that SOPI 52 has been abandoned for over 30 years.

Based on a review of the information contained in your January 22, 2021 memorandum, as well as information available to the Service, we concur with your determination that construction of the proposed Golf House in the Village of Pinehurst will have no effect on the RCW. While the Service has determined that the project, as proposed, is not likely to result in a "take" of red-cockaded woodpecker habitat, this determination must be reconsidered if the project design is subsequently modified in a manner which was not addressed in this report, or if new information becomes available.

If you have any questions regarding this matter, please contact Mr. John Hammond at 919-856-4520 (Ext. 28). Thank you for your continued cooperation with our agency.

Sincerely,

for Pete Benjamin
Field Supervisor

Cc: Caroline Krom, US. Fish and Wildlife Service, Sandhills Sub-Office, P.O. Box 119, Southern Pines N.C., 28388

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

March 24, 2021

Dear adjoining property owner,

A Neighborhood Meeting will be held to discuss the rezoning of the Pinehurst Resort Property to accommodate the proposed United States Golf Association (USGA) Golf House. The property is currently zoned RD (Recreational Development), H (Hotel), and OP (Office Professional). The applicant, the USGA, is seeking to rezone the property to Village Mixed-Use – Conditional District (VMU-CD) to allow for the construction of their new Golf House facility in Pinehurst.

This is not a public hearing. The purpose of this meeting is to inform adjoining property owners of the proposal and to seek comments. The drop-in meeting will be held on April 7th, 2021 between the hours of 4:00 pm and 6:00 pm at the Tufts Archives located in the Given Memorial Library. The address of the library is 150 Cherokee Road, Pinehurst, North Carolina 28374. This meeting will be informal, with no scheduled presentation, so feel free to come by at your convenience during the designated hours. Conceptual plans will be made available for review and discussion with members of the project team. Anyone seeking additional information regarding the rezoning application may call (910) 684-8487.

Best Regards,



Robert Koontz, PLA

150 SOUTH PAGE STREET
SOUTHERN PINES, NC 28387
P: 910.684.8487

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150 S Page Street
Southern Pines, NC 28387

DION J ARTHUR
15 HERON ST
WRIGHTSVILLE BEACH, NC 28480

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CHRODITOAN, LLC C/O ANDERSON & REED, LLP
ATTN: MIKE BELL
1515 FRANKLIN ROAD SW
ROANOKE, VA 24016

KOONTZJONESDesign, PLLC
150 S Page Street
Southern Pines, NC 28387

GREGORY R GRIMSHAW and AMANDA K GRIMSHAW
30 VILLAGE GREEN ROAD
PINEHURST, NC 28374

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C/O BANK OF AMERICA NC1-001-03-81
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PINEHURST RESORTS
C/O CLUBCORP - RICHARD HIGGINBOTHAM
PO BOX 4000
PINEHURST, NC 28374

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PINEHURST, INC CLUBCORP
PO BOX 4000
PINEHURST, NC 28374-4000

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PINEHURST, LLC
PO BOX 4000
PINEHURST, NC 28374

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PRITCHARD, GILBERT JR &
CHRISTINE PRITCHARD, TRUSTEES
PO BOX 931
PINEHURST, NC 28370-0931

KOONTZJONESDesign, PLLC
150 S Page Street
Southern Pines, NC 28387

RESORTS OF PINEHURST INC
ATTN: RICHARD HIGGINBOTHAM
PO BOX 4000
PINEHURST, NC 28374

KOONTZJONESDesign, PLLC
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Southern Pines, NC 28387

SANDHILLS WOMAN'S EXCHANGE
PO BOX 215
PINEHURST, NC 28370

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WESLEY M SMITH and ANNA F SMITH
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PINEHURST, NC 28374

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Southern Pines, NC 28387

VILLAGE CHAPEL, INC
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PINEHURST, NC 28374

KOONTZJONESDesign, PLLC
150 S Page Street
Southern Pines, NC 28387

VILLAGE OF PINEHURST
395 MAGNOLIA RD
PINEHURST, NC 28374

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JEFFREY FLATTERY and PATRICIA FLATTERY
2874 CHESTNUT GROVE CHURCH ROAD
SPARTA, NC 28675

KOONTZJONESDesign, PLLC
150 S Page Street
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CRAIG ALLEN ELLIS, TRUSTEE and
MARGARET ANN ELLIS, TRUSTEE
15 BEULAH HILL ROAD NORTH
PINEHURST, NC 28374

NEIGHBORHOOD MEETING REPORT

DATE: April 7, 2021

PROJECT: USGA Golf House Pinehurst

LOCATION: Tufts Archives
150 Cherokee Road
Pinehurst, NC 28374

SUBMITTED BY: Bob Koontz

ATTENDEES: Bob Koontz, Koontz Jones Design, PLLC
Brandy Thompson, Clearscapes
Tim Carpenter, LKC Engineering
Janeen Driscoll, USGA
Rich Tedaldi, USGA

An informal Neighborhood Meeting was held on Wednesday April 7, 2021 from 4:00 pm to 6:00 pm in the Tufts Archives at the Given Memorial Library in Pinehurst. This meeting is required by the Village of Pinehurst for conditional rezoning applications. The owner and project team held this meeting with the adjoining property owners to present the project and solicit feedback on the preliminary plans and architectural concepts for the proposed USGA Golf House to be located on the Pinehurst Resort and Country Club property. All adjoining parcel owner were notified by letter (see attached copy of the letter) ten (10) days prior to the meeting date.

The meeting was informal in nature to allow adjoining property owners the opportunity to drop by at their convenience to review preliminary plans and ask questions of the development team. No formal presentation was provided. Drawings of the conceptual site plan and proposed architecture were provided for review by the property owners. The architects, landscape architect, civil engineer, and the owner's representatives were available to answer questions regarding the proposed project.

Several of the adjoining property owners and other interested residents of the surrounding area took the opportunity to review the plans and discuss the project with the development team. A sign-in sheet was kept and is attached to this document.

The development team reviewed the plans with each attendee. Questions relating to many aspects of the proposed USGA facility were raised and responded to by the development team. The following is a list of the questions posed to the development team and descriptions of the discussion with the project team:

Questions Raised:

- Why am I seeing this project piecemeal? Isn't the Lodge a USGA/Pinehurst Resort partnership project?

- How will this project impact traffic? The traffic on HWY 5 and Cherokee Rd. is already congested and any additional cars will further burden the road.
    a. How will the parking lot entry/exit along Cherokee Rd. be managed to minimize additional congestion along Cherokee Rd. and HWY 5?
    b. How will traffic noise be addressed on site?

- Where will construction traffic enter the site? Where will material staging be? How will the contractor manage traffic flow as trucks need to enter and leave the site?

- How many parking spaces are provided on site? Specifically, how many automobiles can be parked (not bikes or golf carts)? How will you address future parking needs, if an arise? How many of the existing resort parking spaces are impacted by this plan?

- Where will the resort shuttle parking be relocated?

- Where will the USGA expansion be located on the site? How will parking be addressed for that?

- How many trees will be removed to accommodate this facility?

- Was an endangered species and environmental analysis done for the site? How does the development impact the woodpeckers and owls?

- What type of landscaping is proposed for the site? Will there be plantings for screening along Cherokee Rd?

- Why doesn't the architecture of this facility look more like the historic clubhouse? Neo-Mediterranean arches with round columns.

- What size are the two buildings? Square footage and height?

- How will noise be addressed on site? The primary concern being the existing truck traffic along Cherokee Rd.

Discussion Outline:

Neighbors initially advocated to see the plans for the Lodge and Golf House Pinehurst together instead of separately. The neighbors also indicated that they believed the Lodge to be a project partnership between the USGA and the Pinehurst Resort. The team discussed how the USGA's project is truly separate from the Lodge – different owners, different funding sources, different development processes, and that the Lodge is being developed by the resort independently from Golf House Pinehurst. The team also explained that the USGA is leasing the property from the resort. While the USGA will own the buildings and site improvements, the resort will ultimately retain ownership of the land.

The site plan and building configuration were discussed. The participants embraced the proposed landscape/site plan, and the size and scale of the proposed buildings. The buildings were noted as 2-story and 30' average in height, and the scale of the buildings relative to other buildings in the village was discussed. Participants felt the proposed building scale fit nicely with the village

context. The porches and building facades were well-received. Neighbors liked that the buildings front Carolina Vista.

The Pine Grove was discussed, and the residents were excited to hear that the USGA intends to refurbish the grove on this site and bring in understory plantings consistent with Long Leaf Pine forests. Everyone responded well to the renderings including the pollinator garden. Woodpeckers and other wildlife were also discussed, and the group was pleased that the trees impacted by the development do not contain any active woodpecker hollows.

Some concern was expressed that the proposed landscape illustrated in the site plan and renderings would be value engineered out of the project if the construction costs ran high. The team discussed the construction delivery approach, CM at Risk, and how that strategy is intended to align the budget with the project goals from the earliest stages of design. Contingencies were also conceptually discussed as a buffer against cost increases during construction to ensure the full landscape design can be realized on site. USGA representatives assured the neighbors that the landscape would not be neglected as it is a primary way the USGA will convey its work in environmental stewardship to visitors. The landscape must reflect the values and mission of the organization.

The visitor experience on the site was also discussed. Participants were happy to see that walking is encouraged through the design of the site, and the drop-off was well received as it allows visitors to the resort to leave their cars behind when visiting Golf House Pinehurst. The meandering walk through the Pine Grove and the pollinator garden were both well-received.

The construction entrance and materials staging were discussed. The proposed entry off Cherokee Rd was noted as the likely location of the shared construction entrance for the Lodge and GHP projects. It was noted that the CM at Risk will be the same for both projects, which helps to ensure a coordinated approach to construction traffic, material staging, and construction site security. The construction gate house was also discussed to organized construction traffic and to ensure contractor utilization of the wheel wash to keep the adjacent streets as clean as possible during construction.

Parking count was discussed, and folks generally accepted that 100 spaces for parked cars seemed appropriate for the facility. Parking concerns expressed centered around the existing village and resort parking challenges. Participants were pleased that none of the existing resort parking was “cannibalized” to accommodate the development on site. The residents appreciated the parking lot design with parking behind the buildings.

Residents asked about parking to support proposed future expansion. The team indicated that no future expansion is planned for the site. This came as a significant surprise to some of the neighbors, who expressed some disappointment in the anticipated economic benefit from future growth, though the increased traffic the future expansion would bring was not desired. Neighbors indicated that they did not believe the U.S. Open Championship economically stimulated the village and its residents, but instead mostly benefitted the county and the state. USGA representatives discussed the ways the organization endeavored to support the local village economy during championships. It was emphasized that the USGA is committed to Pinehurst and will continue working with local businesses to provide necessary services to support the broad range of championships that will be hosted here.

Neighbors asked what would happen to the fleet of shuttles that currently parks in the lot on the GHP site. The team discussed that some of the parking would move to the south behind the white brick building (not the paved parking area), and some would move off-site. Ultimately, this is an issue the resort is developing a plan to address.

The existing congestion along HWY 5 and Cherokee Road were discussed and concern was expressed that any additional cars on these roads would be detrimental to the neighbors. The team outlined the findings of the Traffic Impact Analysis and discussed the overall low trip count increases both the Lodge and GHP add to the area. The mostly off-peak hours of the additional traffic should help to dimmish the true negative impact of the project on HWY 5 and Cherokee Rd.

The team discussed how existing traffic noise will be addressed on site and committed to explore additional measures to buffer the site against it. The neighbors asked if there was a way to get NC DOT to reroute existing truck traffic away from the traffic circle. The team indicated that it is a complicated request that requires coordination and cooperation at the local, county, and state levels, but was ultimately possible with organized effort. The team expressed that the USGA would benefit from reduced truck traffic and its associated noise along Cherokee Rd.



Robert Koontz, RLA

These notes reflect the author's interpretation of the events during the referenced meeting. Any additions or modifications required should be submitted to the author in writing.

USGA GHP
Summary of Building Areas (for the Effective Area Calculation)

	Vistor Center - Museum			Test Center - Admin		
	Total Building	E(a) Factor	Total SF	**Total Building**	E(a) Factor	1A (sf)
First Floor	9,180.00	100%	9,180.00	**14,845.00**	100%	14,845.00
Second Floor	8,035.00	50%	4,017.50	**11,900.00**	50%	5,950.00
	17,215.00		13,197.50	**26,745.00**		20,795.00

E(a) - Effective Area

E(a) Factor - is based on the Guide for Determination of Needed Fire Flow and percentage of SF used in the calculation

USGA-GHP
Test Center and Admin Building

Needed Fire Flow Calculation Refer to GUIDE FOR DETERMINATION OF NEEDED FIRE FLOW (EDITION 06-2014)

NFFi = (Ci)(Oi)[1.0 + (X+P)i]

NFFi=	the needed fire flow in gallons per minute
Ci =	a factor related to the type of construction and effective area
Oi =	a factor related to the type of occupancy
X =	a factor related to the exposure hazard of the adjacent buildings
P =	a factor related to the communication hazard with adjacent buildings

1 Predominant construction type and the factor (F)
2 Effective area (A)
3 Substitute values for F and A in the fomula C=18F(A^0.5)
4 Round Construction factor (C) to nearest 250gpm
5 Occupancy Type and factor (O)
6 exposure building factor (X)
7 factor related to communications between buildings is (P)
8

F=	1.5	
A=	**20,795**	sf (total sf of Sprinkled Area)
C=	18*F(A^0.5) =	3,893.53
Oi =	0.85	
Table 330A(1) for X =	0	
P =	0	

Need Fire Flow: NFFi = (Ci)(Oi)[1.0 + (X+P)i]= 3,309.5 gpm
Rounded to nearest 250gpm **3,500 gpm**
0.5 Reduction for Sprinkler
1,750 gpm - Sprinkler Demand (meets minimum flow for Appendix "B")

F = factors for construction class

1.5	Class 1 (Frame)
1	Class 2 (Jointed Masonry)
0.8	Class 3 (Non-combustible)
0.8	Class 4 (Masonry Non-combustible)
0.6	Class 5 (Modified Fire Resistive)
0.6	Class 6 (Fire Resistive)

O = Occupancy Factors

0.75	C-1 (Noncombustible)
0.85	C-2 (Limited Combustibility)
1	C-3 (Combustible)
1.15	C-4 (Free Burning)
1.25	C-5 (Rapid Burning or Flash Burning)

Calculations by: _____

Date

USGA-GHP
Visitor Center / Museum

Needed Fire Flow Calculation Refer to GUIDE FOR DETERMINATION OF NEEDED FIRE FLOW (EDITION 06-2014)

NFFi = (Ci)(Oi)[1.0 + (X+P)i]

NFFi=	the needed fire flow in gallons per minute
Ci =	a factor related to the type of construction and effective area
Oi =	a factor related to the type of occupancy
X =	a factor related to the exposure hazard of the adjacent buildings
P =	a factor related to the communication hazard with adjacent buildings

1 Predominant construction type and the factor (F)
2 Effective area (A)
3 Substitute values for F and A in the fomula C=18F(A^0.5)
4 Round Construction factor (C) to nearest 250gpm
5 Occupancy Type and factor (O)
6 exposure building factor (X)
7 factor related to communications between buildings is (P)
8

F=	1.5	
A=	**13,198**	sf (total sf of Sprinkled Area)
C=	18*F(A^0.5) =	3,101.77
Oi =	0.85	
Table 330A(1) for X =	0	
P =	0	

Need Fire Flow: NFFi = (Ci)(Oi)[1.0 + (X+P)i]= 2,636.5 gpm
Rounded to nearest 250gpm **2,750 gpm**
0.5 Reduction for Sprinkler
1,375 gpm - Sprinkler Demand

F = factors for construction class

1.5	Class 1 (Frame)
1	Class 2 (Jointed Masonry)
0.8	Class 3 (Non-combustible)
0.8	Class 4 (Masonry Non-combustible)
0.6	Class 5 (Modified Fire Resistive)
0.6	Class 6 (Fire Resistive)

O = Occupancy Factors

0.75	C-1 (Noncombustible)
0.85	C-2 (Limited Combustibility)
1	C-3 (Combustible)
1.15	C-4 (Free Burning)
1.25	C-5 (Rapid Burning or Flash Burning)

Calculations by: _____

Date

PUBLIC HEARING NO. 2 160D TEXT AMENDMENTS

ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to hear comments on a series of proposed changes to the Pinehurst Development Ordinance (PDO) to implement required statutory 160D changes.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed amendments that will be forwarded to the Village Council for consideration.

FROM:
Darryn Burich

CC:
Jeff Sanborn

MEMO DETAILS:
In 2019, the North Carolina Legislature adopted Chapter 160D. The document was drafted by the North Carolina Bar Association with the intent of accomplishing the following:

1. Consolidate city and county enabling statutes.
2. Provide logical coherent organization to the text.
3. Provide for clarifying amendments and reforms.

Local governments were directed to amend relevant ordinances to achieve consistency with the new statute by July of this year. Effective July 1st the new statute controls regardless of whether or not the amendments are in effect. Staff has developed the proposed amendments to align the Pinehurst Development Ordinance with NCGS 160D.

Included with this agenda item is:

a. Staff Report from Senior Planner Kathy Liles summarizing proposed amendments.
b. Summary document compiling all proposed changes by PDO chapter and appendix.
c. Statement of Consistency with the Comprehensive Plan

Staff recommends approving all amendments as proposed.

ATTACHMENTS:

Description

- Staff Report by Senior Planner Liles
- Summary Document of Proposed PDO Reference Changes
- 160D PDO Amendments (Compilation)
- Certificate of Consistency with Comp Plan

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Kathy Liles, Senior Planner
CC: Darryn Burich, Planning & Inspections Director
Alex Cameron, Principal Planner
Date: June 24, 2021
Subject: Proposed NCGS 160D Text Amendments

In 2019, the North Carolina Legislature adopted Chapter 160D. The document was drafted by the North Carolina Bar Association with the intent of accomplishing the following.

1. Consolidate city and county enabling statutes.
2. Provide logical coherent organization to the text.
3. Provide for clarifying amendments and reforms.

Local governments were directed to amend relevant ordinances to achieve consistency with the new statute by July of this year. Effective July 1st the new statute controls regardless of whether or not the amendments are in effect. Failure to follow the new statute could result in practical and legal difficulties.

Staff has provided the attached amendments to align the Pinehurst Development Ordinance with NCGS 160D. The following list represents a summary of changes to the code.

Changed 160A references to 160D.
Many of the references in the PDO needed to change from 160A references to 160D. 160A has not gone away and does still have some relevance, but 160D is the primary planning statute.

Sections affected: 1.3, 3.3, 3.5, 4.3.9, 5.3.3, 6.2, Appendix E

Conflict of interest
The new statute spells out conflict of interest for all boards but now includes staff as well.

Sections affected: 3.8

Clarification on the types of public hearings
160D provides a great deal of specificity for quasi-judicial processes, including identifying what parties have standing. This section has been brought over substantially verbatim from the statute. The new statute also clearly defines administrative, quasi-judicial and legislative hearings. References have changed throughout the document to reflect the type of hearings being conducted. The language for approval of variances is changed to reflect a four-fifths vote. Legislative hearing procedures have been expanded. The Village also currently requires public hearings before the Planning and Zoning Board not required by statute (e.g. subdivision plats, major site plans). The type of these hearings has been left unspecified.

Sections affected: 4.1, 4.1.1, 4.1.2, 4.1.3, 4.5.5, 4.5.6, 5.1.3 – .5, 5.3.4-.5, 6.1.3, 6.1.6, 6.2.2, 8.3.2.4, 9.16.1.5, 9.17.1.1(4), 9.17.1.3

Modified vested rights language – multiphase projects, site-specific vesting plans, permit choice
Vested rights language is clarified for statutory vested rights. Site specific development plans are now known as site specific vesting plans. The duration of all forms of statutory vested rights are clearly listed. Council may grant vested rights in excess of two years for up to five years as appropriate and may extend vested rights. Multi-phase projects are given seven years for approval of the initial phase of development. The Planning and Zoning Board is encouraged to review the types of plans listed as a site specific vesting plan to determine if the list is sufficient or needs to be changed in some way: plans approved through conditional zoning, preliminary plats, plans for planned developments, commercial and multi-family site plans, plans associated with special use permits. This section also lists permit choice, which the statute identifies as being the choice of the applicant when codes change during application review.

Sections affected: 4.3

Added disability language to variances
Variances have been requested to accommodate situations creating hardships for individuals with disabilities. An example would be to modify the front of a building to accommodate a ramp which violates setback provisions. Under the previous provisions, hardships resulting from personal circumstances were not grounds for a variance. This revision now recognizes reasonable accommodations consistent with the Federal Fair Housing Act.

Sections affected: 5.1.5

Development Agreements
This is a new addition to the PDO. It clarifies that the Village may enter into agreements with developers and specifies the process and notification requirements for doing so.

Sections affected: 6.1.8

Subdivisions
The statute requires a process for expedited minor subdivision review that allows a certain class of minor subdivision to proceed directly to final plat. In addition, a new exemption has been added which codifies case law for estate divisions. Minor modification was also made to surety provisions.

Sections affected: 9.17.1.1, 9.17.1.3, 9.17.1.26

Definitions
Statutory definitions are now included and other definitions have been revised to be more consistent with those definitions in other regulations such as the Building Code.

Definitions affected: Administrative Decision, Administrative Hearing, Bona Fide Farm, Comprehensive Plan, Conditional Zoning, Determination, Developer, Development, Development Approval, Dwelling Unit, Evidentiary Hearing, Legislative Decision, Legislative Hearing, Quasi-judicial Decision, Site Plan, Site-specific Vesting Plan, Small/Micro-wireless Facility, Vested Right

Other Miscellaneous Changes:
Local governments are prohibited from regulating the size and appearance of single family residences (except in an historic district). Historic district guidelines are now standards. The determination of application completeness has been included

Sections affected: Table 9.2a, 3.5(k), 4.2.11

Staff 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.

Chapter 1. General Provisions

Section 1.3 General Purposes and Authority

This Ordinance is adopted pursuant to authority granted to the Village of Pinehurst by the General Assembly of the State of North Carolina, and especially the Village Charter; NCGS Chapter 160D ~~160A~~, Article 19 (Planning and Regulation of Development); NCGS Chapter 143, Art. 21, Part 6 (Floodway Regulation); NCGS Chapter 160D, Part 4 ~~160A, Part 3C~~ (Historic Districts and Landmarks); and NCGS Chapter 143-214.5, ~~Article 21~~ (Watershed Protection Rules). This Ordinance, which has been formulated in accordance with the Village of Pinehurst Comprehensive Long Range Plan for the future of the community, is adopted for the following purposes:

Chapter 3. Decision Making and Administrative Bodies

Section 3.1 Village Council

Without limiting any authority granted to the Village Council by State law or by other ordinances of the Village, the Village Council shall have the following powers and duties with respect to this Ordinance, to be carried out in accordance with the terms of this Ordinance.

(E) To approve or deny requests for major subdivision preliminary plats, special uses, ~~vested rights certificates~~ site specific vesting plans, and general concept plans associated with major site plans; and

Section 3.3 Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160D ~~160A~~, Article 19:

Section 3.5 Historic Preservation Commission

The Historic Preservation Commission shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160D Part 4 ~~160A, Article 19~~:

(K) Recommend design ~~guidelines~~ standards to the Village Council.

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

Section 3.8 Conflict of Interest

3.8.1 Village Council

(A) A council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant

for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(B) Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

3.8.2 Appointed Board

(A) Members of appointed boards, including but not limited to the Planning and Zoning Board, Board of Adjustment and Historic Preservation Commission, shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the board member has a close familial, business, or other associational relationship.

(B) Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

3.8.3 Staff

(A) No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the supervisor.

(B) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

Chapter 4. Public Hearings, Permits and Approvals

Section 4.1 ~~Notices and~~ Quasi-Judicial and Legislative Public Hearings

~~4.1.1 Notice Requirements~~

~~(A) All notices for any action for which this Ordinance requires a public hearing shall be made in accordance with the provisions of NCGS, Chapter 160A, Article 19. In addition, any public hearing required by this Ordinance for rezoning property, for approval of a special use, vested rights certificate, variance, or for an administrative appeal pursuant to Chapter 5 of this Ordinance, the Village Planner shall cause a notice of such hearing to be posted on the property for at least ten (10) days before the scheduled date of the hearing;~~

~~(B) Notice of all public hearings before the Historic Preservation Commission will be mailed to adjacent property owners of the affected property and a notice will be posted on said property at least ten (10) days before the scheduled date of the hearing.~~

4.1.1 Quasi-Judicial Hearings

Board shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or for any other quasi-judicial decision.

(A) Notice of Hearing. - Notice of evidentiary hearings shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by this Chapter. In the absence of evidence to the contrary, the Village may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(B) Administrative Materials. - Staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(C) Presentation of Evidence. - The applicant, the local government, and any person who would have standing to appeal the decision under Section 4.1.3 shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present

competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402.

(D) Appearance of Official New Issues. - The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(E) The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

(F) Subpoenas. - The board making a quasi-judicial decision through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(G) Appeals in Nature of Certiorari. - When hearing an appeal pursuant to N.C.G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in N.C.G.S. 160D-1402(j).

(H) Voting. - The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(I) Decisions. - The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each

quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(J) Judicial Review. - Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to N.CG.S. 160D-1402. Appeals shall be filed within the times specified in N.C.G.S. 160D-1405(d).

4.1.2 Legislative ~~Public~~ Hearing Procedures

The procedures and requirements set forth in this Section shall apply to all legislative public hearings regarding text amendments, the rezoning of property to a conditional district, general use zoning district, overlay zoning district, general concept plans for major site plan approvals and major subdivision preliminary plats.~~the approval of a special use or variance, the approval of a vested rights certificate, other development processes requiring public hearing by this ordinance, an administrative appeal, pursuant to Chapter 5 of this Ordinance, or for Certificate of Appropriateness~~;

(A) ~~(A)~~ When the Village Planner has determined that an application is complete and that a public hearing is required by this Ordinance, the Village Planner shall schedule a date, time, and place for a public ~~the required~~ hearing before the Planning and Zoning Board.~~, and shall ensure that all notices are provided pursuant to Section 4.1.1 above;~~

Mailed notice of the hearing for conditional zoning, map amendments, general concept plans for major site plans or major subdivision preliminary plats before the Planning and Zoning Board shall be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.

(B) Any person may appear at the public hearing before the Planning and Zoning Board to speak in explanation or rebuttal, either individually or as a representative of an organization, upon receiving proper recognition from the chairperson of the body conducting the hearing;

(C) Each person who appears at a legislative public hearing shall identify himself or herself and his or her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization. Anyone representing an organization shall present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration, unless the chairperson waives this requirement;

(D) The Planning and Zoning Board shall provide for review and comment in writing to Village Council. If no written report is received within thirty (30) days of referral, Village Council may act on any map and text amendments without the planning board report.

(E) For map and text amendments, the Planning Board shall advise and comment on whether the proposed action is consistent with the adopted comprehensive plan and any other officially adopted plan.

(F) Village Council shall conduct a legislative hearing for map and text amendments. Prior to the hearing, a notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(G) For map amendments, the owners of affected parcels of land the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing by first-class mail at the last addresses listed for such owners on the Moore County Tax Registry. Properties are considered abutting even if separated by a street, railroad or other transportation corridor. The notice shall be deposited in the mail not less than ten days nor more than 25 days before the hearing before the Council's legislative hearing.

(H) In lieu of mailed notice, the Village may use an optional expanded published notice for large-scale map amendments as provided for in N.C.G.S. 160D-602(b) if the change in zoning involves more than fifty (50) properties owned by at least fifty (50) different property owners.

(I) When a map amendment is proposed, a prominent notice of the hearing shall be posted on the site or adjacent right-of-way not less than ten (10) days nor more than (25) days before the hearing.

(J) No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

(K) When adopting or rejecting a text or map amendment, Village Council shall approve a statement describing if its action is consistent or inconsistent with the adopted comprehensive plan. If a zoning map amendment is approved that is inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending the future land use map. In addition, Council shall adopt a statement analyzing the reasonableness of the proposed amendment.

~~(D) All testimony and evidence given in a public hearing in front of the Historic Preservation Commission on a Certificate of Appropriateness, or the Village Council on a special use permit shall be given under oath or by affirmation to the body conducting the hearing;~~

~~(E) Any person participating in a hearing in front of the Zoning Board of Adjustment or a special use permit held by the Village Council may, upon receiving proper recognition from the chairperson of the body conducting the hearing, question other persons appearing as witnesses who present adverse evidence or testimony;~~

~~(F) The body conducting the hearing shall exclude any testimony, evidence, or questioning that it determines to be incompetent, irrelevant, immaterial, or unduly repetitious;~~

(L~~G~~) At any time upon reasonable request, any person may examine the application and materials submitted in support of, or in opposition to, an application for approval under this Chapter. The Village Planner shall make copies of such materials available at cost as per the Village adopted fee schedule.

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

4.1.3 Standing

The following persons have standing in a quasi-judicial proceeding.

(A) Any person possessing any of the following criteria:

1. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
2. An option or contract to purchase the property that is the subject of the decision being appealed.
3. An applicant before the decision-making board whose decision is being appealed.

(B) Any other person who will suffer special damages as the result of the decision being appealed.

(C) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.

(D) Village Council when a decision-making board has made a decision that Council believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of a development regulation adopted by the governing board.

4.2.11 Village Planner to Determine the Completeness of All Initial Applications

(C) An application shall be deemed complete if it is submitted in the required number and form, includes all requested information and is accompanied by the applicable fee. A determination of application completeness shall be made within thirty (30) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the

deficiencies are not corrected by the applicant within twenty (20) working days, the application shall be considered withdrawn.

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

Section 4.3 Vested Rights ~~Certificate~~ and Permit Choice

Purpose

NCGS 160D-108 provides mechanisms by way of statutory vested rights for a project to move forward as originally approved. Statutory vested rights run with the land and are not affected by changes in ownership. These rights are subject to development progressing in accordance with all applicable terms and conditions of approval.

Permit choice is provided as an option for establishing the development standard to be used when regulations are in the process of changing during application review.

4.3.1 Permit Choice

1. If an application is submitted for development subject to this ordinance, and the ordinance is amended between the time the application is submitted and a development approval decision is made, the applicant may choose which version of the ordinance will apply.
2. If this ordinance is amended after a development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply.

4.3.2 Establishment of a Vested Right

A person claiming a common law or statutory vested right shall submit information to the Village Planner to substantiate that claim.

4.3.3 Duration of Vested Rights.

(A) The following table establishes the term of duration of specific statutory vested rights.

(B) Except where a longer vesting period has been granted, if a statutory vested right is established and work intentionally and voluntarily ceases for a period of twenty-four (24) consecutive months, the statutory vesting expires.

(C) Terms may only be extended by action of the Village Council in a Legislative Hearing upon demonstration that a project has or will continue to make substantial progress towards completion. Any extension of time granted under this provision shall not place any other additional conditions on the approval.

(D) A Site-Specific Vesting Plan is a plan that describes with reasonable certainty the type and intensity of use for specific parcel(s) and includes information such as site boundaries; topographic and natural features; location of proposed buildings, structures and improvements; and dimensional requirements. Site-Specific Vesting Plans include the following: plans approved subject to conditional zoning, preliminary plats, plans approved as part of planned developments, commercial and multifamily site plans, plans associated with special use permits.

(E) For the purposes of this section, a multi-phased development is one that 1) contains at least 25 acres and 2) is to occur in more than one phase, and 3) is subject to a master development plan showing the type and intensity of each phase.

(F) The Village Council may provide for rights to be vested for a period exceeding two years but not exceeding five years where warranted due to circumstances such as size and phasing of the project, market and economic conditions, and the level of investment made.

(G) The establishment of a vested right does not preclude vesting by application of common law principles.

Table 1 Duration of Vested Rights

Type of Approval	**Statutory Vested Rights Duration**
Building Permit	6 months
Site-Specific Vesting Plan	2 years
Multi-Phased Development	7 years from approval of initial phase of development
All other approvals (includes basic zoning permit for use by right)	1 year
Final Plat	Vested at time of issuance
Development Agreement	As specified in the terms of the agreement

4.3.4 Subsequent Changes Prohibited; Exceptions

(A) Once established, a vested right precludes any zoning action which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of a property set forth in a site-specific vesting plan except under the following circumstances.

(1) Written consent of the landowner.

(2) Upon findings by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property,

if uncorrected, would pose a serious threat to the public health, safety and welfare if the project proceeds according to the site-specific vesting plan.

(3) To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred, including but not limited to all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consulting fees incurred after Village approval, together with interest provided under NCGS 160D-106. Compensation shall not include any diminution in value caused by the action.

(4) Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the site-specific vesting plan or the phased development plan.

(5) Upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

(B) The establishment of a vested right does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation including, but not limited to, building, fire, plumbing, electrical and mechanical codes.

(C) The establishment of a vested right does not preclude, change, or impair the authority to adopt and enforce development regulations governing nonconforming situations or uses.

~~4.3.1 Purpose and Authority~~

~~The purpose of this Section is to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land-use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning in recognition that Village approval of land-use development typically follows significant landowner investment in site evaluation, land cost, planning, development costs, consultant fees, and related expenses.~~

~~4.3.2 Establishment of Vested Right~~

~~A vested right shall be deemed established with respect to any property upon the approval of a site- specific development plan, or by following the vested rights process outlined in 4.3.3 thru 4.3.9 below. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan. "Site specific development plan"~~

means a plan that has been submitted to the Village by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such a plan may be in the form of any of the following plans or approvals: a Major or Minor Site Plan, a Special Use Permit, a Conditional District Zoning, or Major or Minor Subdivision Plan. Such plans shall include the required content for a given use or type of development as outlined in Appendix A thru E.

4.3.3 Procedure

(A) Action by the Village Council:

(1) Notice and Public Hearing: The Village Council shall not approve any vested rights certificate until after public notice and hearing in accordance with the provisions of this Ordinance. The request for a vested rights certificate shall be held in conjunction with the hearing on the application for a Special Use Permit, Major Site Plan, Conditional District Zoning, or Major Subdivision.

(2) After holding a public hearing, the Village Council may take action on the application by:

(a) Approving the application;

(b) Denying the application;

(c) Approving the application with additional conditions, which the Council may attach.

4.3.4 Two-Year Vested Rights Period

Except as provided in Section 4.3.6 through 4.3.7 below, any development for which the Village has approved a site specific development plan prior to the effective date of or any subsequent amendment to this Ordinance which renders the development nonconforming, may be carried out in accordance with the approved plan and shall be deemed lawfully existing under the terms of this Ordinance, provided that the development conforms to all terms and conditions of the approved site specific development plan. This right to carry out the development in accordance with the approved plan shall attach to and run with the land, rather than being personal to the recipient of plan approval. This right shall terminate, however, two years after the effective date of approval of the site-specific development plan with respect to all buildings and uses for which the developer has not, by that time, filed a valid building permit application in accordance with Section 4.6.

4.3.5 Vested Rights Certificate Required

In order to be entitled to the vested rights period set forth in Section 4.3.4 above, the owner or developer of the property must apply for and receive a vested rights certificate from the Village. In approving the vested rights certificate, the Village Council may extend the two (2) year vested rights period provided in Section 4.3.4 to a period of up to five (5) years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions. This determination shall be at the discretion of the Village Council.

4.3.6 Exceptions

~~The provisions of Section 4.3.5 shall not apply in the following instances:~~

~~(A) Where the property owner consents, in writing, to making the development conform to the requirements of this Ordinance, or any amendment thereto;~~

~~(B) Where the Village Council finds, after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed in accordance with the approved site specific development plan;~~

~~(C) Where the Village Council finds, after notice and a public hearing, that the landowner or his or her representative, intentionally supplied inaccurate information or made material misrepresentations which made a difference in the Village's approval of the site specific development plan;~~

~~(D) Where the State or Federal government has enacted or promulgated a law or regulation which precludes developing the property in accordance with the approved plan, in which case the Village Council may, by ordinance, modify the affected provisions of the approved plan upon finding, after notice and a public hearing, that the change in State or Federal law has a fundamental effect on the approved site specific development plan;~~

~~(E) Where the Village has compensated the property owner for all costs, expenses, and other losses, not including any diminution in the value of the property, which the owner has incurred after approval of the site specific development plan by the Village, together with interest thereon at the legal rate until paid.~~

~~4.3.7 Effect of Changes to Approved Plan and Vested Rights~~

~~This Ordinance provides for situations in which the property owner or developer may obtain Village approval for particular changes to a site-specific development plan that the Village has already approved. The effect of such changes is as follows:~~

~~(A) Where the change is one that requires the approval of the Village Council under the terms of this Ordinance, such as a major change to a site plan, then the property owner or developer must submit an application for a new vested rights certificate, along with the application for approval of the plan change, in order to extend or renew the vested rights period. In no case shall the total period of vesting for any piece of property be longer than five (5) years, no matter how many major changes are made to the property. The new vested rights certificate may be issued only in accordance with the requirements of Section 4.3.5 above;~~

~~(B) Where the change is one that requires a variance from the Zoning Board of Adjustment, pursuant to Chapter 5 of this Ordinance, then the vested rights period set forth in Section 4.3.4 shall terminate immediately upon the Zoning Board of Adjustment's approval of the variance.~~

~~4.3.8 Provisions To Which Vesting Does Not Apply~~

~~The provisions of Section 4.3.5 shall not preclude the Village from applying zoning regulations, which do not affect the allowable type or intensity of use, regulations governing nonconformities, which appear in Chapter 2 of this Ordinance, or regulations, which are general in nature and apply to all property within the Village's jurisdiction. All~~

~~other regulations shall become effective with respect to the property upon the expiration or termination of the vested rights period set forth in Section 4.3.4.~~

4.3.9 Voluntary Annexation

A petition for annexation filed with the Village under NCGS §160A-31 or NCGS §160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under NCGS 160D-202(k) ~~§160A-385.1 or NCGS §153A-344.1.~~ A statement that declares that no zoning vested right has been established or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

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

4.5.5 Action on Special Uses

(A) Review by the Village Council: The Village Council shall review the application and conduct a quasi-judicial public hearing. Notice of public hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance. The Village Council shall review the application materials and General Concept Plan if required, the general purpose and standards set forth in this Section for the approval of special uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received by the Village Council at the public hearing;

(B) Action by the Village Council: At the conclusion of the quasi-judicial public hearing, the Village Council shall approve, approve with conditions, deny or take any other action consistent with its usual rules of procedure on the Special Use Permit Application. Any approval or denial of the application shall state the findings of fact that establish whether the proposed use meets or does not meet each of the standards set forth in Section 4.5.6 below and all other requirements set forth by this Chapter for the proposed special use. The decision on the application shall be by a simple majority vote of the members of the Village Council. The Council is required to take action within sixty (60) days from the date of the public hearing;

4.5.6 Standards of Review

The Village Council shall not approve the special use unless and until it makes the following findings, based on the evidence and testimony received at the quasi-judicial public hearing or otherwise appearing in the record of the case:

Chapter 5. Variances and Administrative Appeals

5.1.3 Application Requirements; Determination of Completeness

(D) The Village Planner shall determine whether the application for a variance is complete. If the Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is

complete, the Village Planner shall schedule the application for consideration at a quasi-judicial public hearing before the Zoning Board of Adjustment;

5.1.4 Action by the Zoning Board of Adjustment

(A) Upon receiving the application materials from the Village Planner, the Zoning Board of Adjustment shall hold a quasi-judicial public hearing on the proposed variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance;

(B) In considering the application, the Zoning Board of Adjustment shall review the application materials, the general purpose and standards set forth in this Section for the granting of variances, and all testimony and evidence received by the Zoning Board of Adjustment at the quasi-judicial public hearing;

(E) A concurring vote of four-fifths of the board shall be necessary to grant a variance. ~~The Zoning Board of Adjustment shall not grant any variance unless there is a concurring vote of at least four (4) of its five (5) members~~;

5.1.5 Standards of Review

When unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

(B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.~~;~~ A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;

5.3.3 Persons Who May File An Appeal

An appeal to the Zoning Board of Adjustment may be brought by any person of standing or the Village of Pinehurst under North Carolina General Statute §~~160A-393 (d)~~ 160D-405(b) ~~or the Village of Pinehurst.~~

5.3.4 Filing of Appeal

(D) The Village Planner shall determine whether the appeal application is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the appeal for consideration at a quasi-judicial public hearing before the Zoning Board of Adjustment;

5.3.5 Action by the Zoning Board of Adjustment

(A) Upon receiving the application materials from the Village Planner, the Zoning Board of Adjustment shall hold a quasi-judicial public hearing on the appeal. Notice of the public

hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance;

5.3.7 Appeal from the Zoning Board of Adjustment

Any appeal from the decision of the Zoning Board of Adjustment in regards to administrative review shall be to the Superior Court of Moore County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed no later than thirty (30) days after the date the decision of the Zoning Board of Adjustment is filed in the Village Planner's office. The copy of the decision shall be delivered either by personal delivery, electronic mail or first--class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

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

Chapter 6. Text Amendments and Rezonings

6.1.3 Filing and Content of Applications

(D) The Village Planner shall determine whether the application is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the application for consideration at a public meeting before the Planning and Zoning Board and legislative public hearing before the Village Council;

6.1.6 Review and Action by the Village Council

(A) A text amendment or rezoning may be adopted only after the Village Council has conducted a legislative public hearing on the proposed amendment, at which parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the legislative public hearing shall be conducted in accordance with Section 4.1 of this Ordinance and as required by this Ordinance;

6.1.8 Development Agreements

Development agreements provide for a written agreement between a developer and the village to address the challenges and timing of build-out of large-scale projects. Agreements are appropriate for multi-phase projects requiring long-term commitment for public and private resources requiring careful coordination for planning, financing, and construction, but are not size-restricted. A development agreement is not a mechanism for a variance from the standards of this ordinance.

A. Concurrent Submittal

The agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development

agreement. A development agreement may be concurrently considered with and incorporated by reference with a sketch plan or preliminary plat required under a subdivision regulation or a site plan or other development approval required under a zoning regulation. If incorporated into a conditional district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

B. Content. A development agreement shall contain the following.

1. A description of the property and the names of legal and equitable property owners.
2. Length of the agreement.
3. Development uses permitted including population densities, intensities, building types, placement on site and design.
4. A description of public facilities defining:
    i. Who will provide the facility,
    ii. When the facility will be provided,
    iii. A schedule demonstrating services will be provided concurrent with the development requiring the service,
    iv. Determination of project deliverables by the developer that trigger successful performance for the requirement of the service.
5. A description of land reserved or dedicated for public purposes.
6. Any other terms regarding public health, safety, or welfare.
7. Any provisions for the preservation and restoration of historic structures.
8. A development schedule may be provided including commencement and completion dates.
9. The agreement may contain penalties for material breach of the agreement.
10. Other matters agreed to by the parties within the scope consistent with this ordinance.

C. Parties to the agreement.

The agreement may include other local government or regional utility authorities but must specify which local government is responsible for overall administration.

D. Procedural Requirements.

1. Before entering into a development agreement, Village Council shall conduct a legislative hearing on the proposed agreement subject to the notice provisions of NCGS 160D-602 for zoning map amendments. The notice shall contain the following:

    i. Location of the subject property.
    ii. Proposed uses.

iii. Where a copy of the proposed agreement may be obtained.

2. The applicant is encouraged to move the development agreement concurrent with other project approvals such as zoning amendments. No development approvals may be issued until such time as the agreement is recorded.

3. Upon approval, the development agreement shall be recorded at the Moore County Register of Deeds within 14 days of execution.

E. Breach and Cure

1. The Zoning Administrator is authorized to periodically review the agreement annually to ensure good-faith compliance with the agreement.
2. If the developer has committed a material breach of the agreement, the developer shall be notified in writing the nature of the breach, the evidence supporting the finding and a time-period in which to correct the breach.
3. If the developer fails to correct the material breach within the time given, the local government may unilaterally terminate or modify the agreement subject to appeal to the Board of Adjustment.
4. The agreement is enforceable by any party to the agreement, and action for injunctive relief may be filed to enforce the terms of the agreement.

F. Amendment or termination

A development agreement may be amended or terminated by mutual consent of the parties.

Section 6.2 Special Provisions for Conditional Districts

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Conditional District rezonings are provided as a voluntary alternative method of petitioning the Village Council for a zoning map amendment. In accordance with NCGS §~~160A-382~~ 160D-703 (b), the owner or their authorized agent is authorized to submit a rezoning application that proposes conditions and/or use limitations that are more restrictive than would otherwise be allowed in the corresponding general use zoning district. Requests for the rezoning of property to a Conditional District shall be considered and treated the same as any other rezoning in accordance with the procedures set forth in Section 6.1, except as modified by this section.

6.2.2 Formal Review

(B) Changes to Conditional District Application

(1) After required public notice for a legislative public hearing has been given, no changes shall be made to the conditions associated with the Conditional District General Concept Plan and the application which are less restrictive than those stipulated in the application. However, more restrictive conditions may be added to the General Concept Plan and the application during the public hearing upon the mutual agreement of the applicant and the body conducting the public hearing or meeting.

Chapter 8. Zoning

8.3.2.4 Certificate of Appropriateness Procedure

(D) Prior to issuance or denial of a Certificate of Appropriateness for a major work project, the Commission shall conduct a quasi-judicial public hearing in accordance with this Ordinance. The Village Planner shall be responsible for notifying the affected parties in accordance with Section 4.1 of this Ordinance;

Chapter 9. Design and Development Standards and Processes

9.2a Table of Dimensional Requirements

USE TYPES	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5
~~Minimum Principal Building size (heated sq. ft.)~~			~~2000~~	~~2000~~	~~2000~~	~~1800~~	~~1800~~	~~1500~~	~~600~~

9.16.1.5 Consideration of Major Site Plans

(5) The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.21 ~~(A)~~ of this ordinance and review the General Concept Plan, the recommendations of the Village Planner and the Technical Review Committee, and the requirements of this Ordinance, and formulate a recommendation to the Village Council for appropriate action on the site plan. Failure of the Planning and Zoning Board to make a recommendation to the Village Council within ninety (90) days of the first public meeting in which the item is on the agenda for consideration by the Board shall be considered a favorable recommendation.

(B) Action by Village Council on Major Site Plans: The application, the General Concept Plan, the recommendation of the Planning and Zoning Board, along with the staff report of recommendation of the Village Planner and other pertinent materials shall then be forwarded to the Village Council for action after an administrative public hearing is held by the Village Council in accordance with section 4.1.21 ~~(A)~~ of this ordinance. The Village Council shall review this information and either approve, approve with conditions, or reject the site plan:

Section 9.17 Subdivision Standards

9.17.1.1 Plat Approval Required; Major Subdivisions and Minor Subdivisions

(1) Exempt subdivisions shall include the following:

(f) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 or the General Statutes.

(3) Expedited Minor Subdivision: Exception for the Division of a Tract of Land in Single Ownership. The Village shall require only a final plat for recordation for the division of a tract of land if all of the following criteria are met: (a)The tract or parcel is owned by one person or legal entity; and (b) The parcel proposed for division is not greater than 10 acres and no street right-of-way dedication is involved; and (c) The area of the tract or parcel to be divided is greater than 5 acres; and (d)After division, no more than three lots will exist; and (e) After division, all of the lots will meet the following three standards: 1) The lot dimension size requirements; and 2) The use of the lots conform with the standards of the Pinehurst Development Ordinance; and 3) A permanent means of practicable ingress and egress is recorded for each lot.

(4~~3~~) Major subdivision: any subdivision other than an exempt or minor subdivision.

Major subdivision applications shall be reviewed by the Planning and Zoning Board after staff has completed its review. The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.2~~1 (A)~~ and formulate a recommendation and forward the plat to the Village Council. The Village Council shall conduct an administrative public hearing in accordance with section 4.1.2~~1 (A)~~ and may approve or deny the plat or return it to the Planning and Zoning Board for further consideration. The Village Council and the Planning and Zoning Board shall evaluate the plat application in accordance with Section 9.17.1.3 through Section 9.17.1.6 below.

9.17.1.3 Summary of Approval of Major Subdivisions

(B) Summary of Procedures: The approval of plats for major subdivisions is a multi-step process. A proposed preliminary plat (Appendix E) is first submitted to the Village Planner. The Village Planner and TRC reviews the application for completeness and errors and provides written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.~~1 (A)~~ 2of this ordinance and then review the preliminary plat along with the comments and recommendations of the Village Planner. This process continues until compliance is determined. The Planning and Zoning Board then submit its recommendations regarding the preliminary plat to the Village Council. Once the Planning and Zoning Board has submitted its recommendation on a proposed subdivision to the Village Council, the Village Council shall conduct an administrative public hearing in accordance with section 4.1.~~1 (A)~~2 of this ordinance and then review the preliminary plat and the Planning and Zoning Board's recommendations, and approves, conditionally approves, or rejects the preliminary plat; Prior to the submittal of the preliminary plat to the Village Planner, the

subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

9.17.1.26

(B) Types of Guarantees: Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina or certified check drawn in favor of the Village, or cash deposited with the Village, or a letter of credit issued by any financial institution licensed to do business in North Carolina ~~from a local bank~~, or any other form of guarantee that provides equivalent security to a surety bond or letter of credit.

~~(C) Local bank defined: 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.~~

Chapter 10. Village of Pinehurst Development Ordinance Definitions

Section 10.2 Definitions

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.

Bona Fide Farm: agricultural activities set forth in N.C.G.S. 160D-903.

Building: any structure ~~built~~ used or intended for support~~ing~~, or shelter~~ing~~ ~~or enclosure for~~ any occupancy or ~~storage~~ use.

Comprehensive ~~Long Range~~ Plan: ~~policies and documents adopted and revised from time to time by the Village of Pinehurst to guide future development.~~ 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.

Conditional Zoning ~~District~~: ~~an area on which special conditions are placed upon the request of the property owner as part of a rezoning of the property~~. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

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: ~~any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.~~
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 N.C.G.S. 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.

~~Dwelling or~~ Dwelling Unit: a ~~building or structure or part of a building or structure~~ single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. ~~and meeting the habitability requirements of the Village of Pinehurst Minimum Housing Code and the State of North Carolina Building Code.~~

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

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.

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.

Site Plan: ~~a plan depicting the proposed development of a property, in terms of the location, scale, and configuration of buildings and other features.~~ 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/Micro Wireless Facility: these facilities shall be defined by NCGS § ~~160A-400.51~~ 160D-931.

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. ~~development plan as defined in NCGS §160A-385.1.~~

Appendix E of the Pinehurst Development Ordinance

Subdivision Plan Information

Subdivision Plans

Certificate of Exemption

I hereby certify that this plat is exempt from the development ordinance under the definitions of subdivision contained in N.C.G.S. ~~160A-376~~ 160D-802 and Section 10 of the Village of Pinehurst Development Ordinance for one of the following reasons:

Chapter 1. General Provisions

Section 1.3 General Purposes and Authority

This Ordinance is adopted pursuant to authority granted to the Village of Pinehurst by the General Assembly of the State of North Carolina, and especially the Village Charter; NCGS Chapter 160D ~~160A~~, Article 19 (Planning and Regulation of Development); NCGS Chapter 143, Art. 21, Part 6 (Floodway Regulation); NCGS Chapter 160D, Part 4 ~~160A, Part 3C~~ (Historic Districts and Landmarks); and NCGS Chapter 143-214.5, ~~Article 21~~ (Watershed Protection Rules). This Ordinance, which has been formulated in accordance with the Village of Pinehurst Comprehensive Long Range Plan for the future of the community, is adopted for the following purposes:

Chapter 3. Decision Making and Administrative Bodies

Section 3.1 Village Council

Without limiting any authority granted to the Village Council by State law or by other ordinances of the Village, the Village Council shall have the following powers and duties with respect to this Ordinance, to be carried out in accordance with the terms of this Ordinance.

(E) To approve or deny requests for major subdivision preliminary plats, special uses, ~~vested rights certificates~~ site specific vesting plans, and general concept plans associated with major site plans; and

Section 3.3 Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160D ~~160A~~, Article 19:

Section 3.5 Historic Preservation Commission

The Historic Preservation Commission shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160D Part 4 ~~160A, Article 19~~:

(K) Recommend design ~~guidelines~~ standards to the Village Council.

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

Section 3.8 Conflict of Interest

3.8.1 Village Council

(A) A council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant

for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(B) Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

3.8.2 Appointed Board

(A) Members of appointed boards, including but not limited to the Planning and Zoning Board, Board of Adjustment and Historic Preservation Commission, shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the board member has a close familial, business, or other associational relationship.

(B) Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

3.8.3 Staff

(A) No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the supervisor.

(B) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

Chapter 4. Public Hearings, Permits and Approvals

Section 4.1 ~~Notices and~~ Quasi-Judicial and Legislative Public Hearings

~~4.1.1 Notice Requirements~~

~~(A) All notices for any action for which this Ordinance requires a public hearing shall be made in accordance with the provisions of NCGS, Chapter 160A, Article 19. In addition, any public hearing required by this Ordinance for rezoning property, for approval of a special use, vested rights certificate, variance, or for an administrative appeal pursuant to Chapter 5 of this Ordinance, the Village Planner shall cause a notice of such hearing to be posted on the property for at least ten (10) days before the scheduled date of the hearing;~~

~~(B) Notice of all public hearings before the Historic Preservation Commission will be mailed to adjacent property owners of the affected property and a notice will be posted on said property at least ten (10) days before the scheduled date of the hearing.~~

4.1.1 Quasi-Judicial Hearings

Board shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or for any other quasi-judicial decision.

(A) Notice of Hearing. - Notice of evidentiary hearings shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by this Chapter. In the absence of evidence to the contrary, the Village may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(B) Administrative Materials. - Staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(C) Presentation of Evidence. - The applicant, the local government, and any person who would have standing to appeal the decision under Section 4.1.3 shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present

competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402.

(D) Appearance of Official New Issues. - The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(E) The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

(F) Subpoenas. - The board making a quasi-judicial decision through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(G) Appeals in Nature of Certiorari. - When hearing an appeal pursuant to N.C.G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in N.C.G.S. 160D-1402(j).

(H) Voting. - The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(I) Decisions. - The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each

quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(J) Judicial Review. - Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to N.CG.S. 160D-1402. Appeals shall be filed within the times specified in N.C.G.S. 160D-1405(d).

4.1.2 Legislative ~~Public~~ Hearing Procedures

The procedures and requirements set forth in this Section shall apply to all legislative public hearings regarding text amendments, the rezoning of property to a conditional district, general use zoning district, overlay zoning district, general concept plans for major site plan approvals and major subdivision preliminary plats.~~the approval of a special use or variance, the approval of a vested rights certificate, other development processes requiring public hearing by this ordinance, an administrative appeal, pursuant to Chapter 5 of this Ordinance, or for Certificate of Appropriateness~~;

(A) ~~(A)~~ When the Village Planner has determined that an application is complete and that a public hearing is required by this Ordinance, the Village Planner shall schedule a date, time, and place for a public ~~the required~~ hearing before the Planning and Zoning Board.~~, and shall ensure that all notices are provided pursuant to Section 4.1.1 above;~~

Mailed notice of the hearing for conditional zoning, map amendments, general concept plans for major site plans or major subdivision preliminary plats before the Planning and Zoning Board shall be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.

(B) Any person may appear at the public hearing before the Planning and Zoning Board to speak in explanation or rebuttal, either individually or as a representative of an organization, upon receiving proper recognition from the chairperson of the body conducting the hearing;

(C) Each person who appears at a legislative public hearing shall identify himself or herself and his or her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization. Anyone representing an organization shall present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration, unless the chairperson waives this requirement;

(D) The Planning and Zoning Board shall provide for review and comment in writing to Village Council. If no written report is received within thirty (30) days of referral, Village Council may act on any map and text amendments without the planning board report.

(E) For map and text amendments, the Planning Board shall advise and comment on whether the proposed action is consistent with the adopted comprehensive plan and any other officially adopted plan.

(F) Village Council shall conduct a legislative hearing for map and text amendments. Prior to the hearing, a notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(G) For map amendments, the owners of affected parcels of land the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing by first-class mail at the last addresses listed for such owners on the Moore County Tax Registry. Properties are considered abutting even if separated by a street, railroad or other transportation corridor. The notice shall be deposited in the mail not less than ten days nor more than 25 days before the hearing before the Council's legislative hearing.

(H) In lieu of mailed notice, the Village may use an optional expanded published notice for large-scale map amendments as provided for in N.C.G.S. 160D-602(b) if the change in zoning involves more than fifty (50) properties owned by at least fifty (50) different property owners.

(I) When a map amendment is proposed, a prominent notice of the hearing shall be posted on the site or adjacent right-of-way not less than ten (10) days nor more than (25) days before the hearing.

(J) No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

(K) When adopting or rejecting a text or map amendment, Village Council shall approve a statement describing if its action is consistent or inconsistent with the adopted comprehensive plan. If a zoning map amendment is approved that is inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending the future land use map. In addition, Council shall adopt a statement analyzing the reasonableness of the proposed amendment.

~~(D) All testimony and evidence given in a public hearing in front of the Historic Preservation Commission on a Certificate of Appropriateness, or the Village Council on a special use permit shall be given under oath or by affirmation to the body conducting the hearing;~~

~~(E) Any person participating in a hearing in front of the Zoning Board of Adjustment or a special use permit held by the Village Council may, upon receiving proper recognition from the chairperson of the body conducting the hearing, question other persons appearing as witnesses who present adverse evidence or testimony;~~

~~(F) The body conducting the hearing shall exclude any testimony, evidence, or questioning that it determines to be incompetent, irrelevant, immaterial, or unduly repetitious;~~

(L~~G~~) At any time upon reasonable request, any person may examine the application and materials submitted in support of, or in opposition to, an application for approval under this Chapter. The Village Planner shall make copies of such materials available at cost as per the Village adopted fee schedule.

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

4.1.3 Standing

The following persons have standing in a quasi-judicial proceeding.

(A) Any person possessing any of the following criteria:

1. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
2. An option or contract to purchase the property that is the subject of the decision being appealed.
3. An applicant before the decision-making board whose decision is being appealed.

(B) Any other person who will suffer special damages as the result of the decision being appealed.

(C) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.

(D) Village Council when a decision-making board has made a decision that Council believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of a development regulation adopted by the governing board.

4.2.11 Village Planner to Determine the Completeness of All Initial Applications

(C) An application shall be deemed complete if it is submitted in the required number and form, includes all requested information and is accompanied by the applicable fee. A determination of application completeness shall be made within thirty (30) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the

deficiencies are not corrected by the applicant within twenty (20) working days, the application shall be considered withdrawn.

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

Section 4.3 Vested Rights ~~Certificate~~ and Permit Choice

Purpose

NCGS 160D-108 provides mechanisms by way of statutory vested rights for a project to move forward as originally approved. Statutory vested rights run with the land and are not affected by changes in ownership. These rights are subject to development progressing in accordance with all applicable terms and conditions of approval.

Permit choice is provided as an option for establishing the development standard to be used when regulations are in the process of changing during application review.

4.3.1 Permit Choice

1. If an application is submitted for development subject to this ordinance, and the ordinance is amended between the time the application is submitted and a development approval decision is made, the applicant may choose which version of the ordinance will apply.
2. If this ordinance is amended after a development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply.

4.3.2 Establishment of a Vested Right

A person claiming a common law or statutory vested right shall submit information to the Village Planner to substantiate that claim.

4.3.3 Duration of Vested Rights.

(A) The following table establishes the term of duration of specific statutory vested rights.

(B) Except where a longer vesting period has been granted, if a statutory vested right is established and work intentionally and voluntarily ceases for a period of twenty-four (24) consecutive months, the statutory vesting expires.

(C) Terms may only be extended by action of the Village Council in a Legislative Hearing upon demonstration that a project has or will continue to make substantial progress towards completion. Any extension of time granted under this provision shall not place any other additional conditions on the approval.

(D) A Site-Specific Vesting Plan is a plan that describes with reasonable certainty the type and intensity of use for specific parcel(s) and includes information such as site boundaries; topographic and natural features; location of proposed buildings, structures and improvements; and dimensional requirements. Site-Specific Vesting Plans include the following: plans approved subject to conditional zoning, preliminary plats, plans approved as part of planned developments, commercial and multifamily site plans, plans associated with special use permits.

(E) For the purposes of this section, a multi-phased development is one that 1) contains at least 25 acres and 2) is to occur in more than one phase, and 3) is subject to a master development plan showing the type and intensity of each phase.

(F) The Village Council may provide for rights to be vested for a period exceeding two years but not exceeding five years where warranted due to circumstances such as size and phasing of the project, market and economic conditions, and the level of investment made.

(G) The establishment of a vested right does not preclude vesting by application of common law principles.

Table 1 Duration of Vested Rights

Type of Approval	**Statutory Vested Rights Duration**
Building Permit	6 months
Site-Specific Vesting Plan	2 years
Multi-Phased Development	7 years from approval of initial phase of development
All other approvals (includes basic zoning permit for use by right)	1 year
Final Plat	Vested at time of issuance
Development Agreement	As specified in the terms of the agreement

4.3.4 Subsequent Changes Prohibited; Exceptions

(A) Once established, a vested right precludes any zoning action which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of a property set forth in a site-specific vesting plan except under the following circumstances.

(1) Written consent of the landowner.

(2) Upon findings by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property,

if uncorrected, would pose a serious threat to the public health, safety and welfare if the project proceeds according to the site-specific vesting plan.

(3) To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred, including but not limited to all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consulting fees incurred after Village approval, together with interest provided under NCGS 160D-106. Compensation shall not include any diminution in value caused by the action.

(4) Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the site-specific vesting plan or the phased development plan.

(5) Upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

(B) The establishment of a vested right does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation including, but not limited to, building, fire, plumbing, electrical and mechanical codes.

(C) The establishment of a vested right does not preclude, change, or impair the authority to adopt and enforce development regulations governing nonconforming situations or uses.

~~4.3.1 Purpose and Authority~~

~~The purpose of this Section is to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land-use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning in recognition that Village approval of land-use development typically follows significant landowner investment in site evaluation, land cost, planning, development costs, consultant fees, and related expenses.~~

~~4.3.2 Establishment of Vested Right~~

~~A vested right shall be deemed established with respect to any property upon the approval of a site- specific development plan, or by following the vested rights process outlined in 4.3.3 thru 4.3.9 below. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan. "Site specific development plan"~~

means a plan that has been submitted to the Village by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such a plan may be in the form of any of the following plans or approvals: a Major or Minor Site Plan, a Special Use Permit, a Conditional District Zoning, or Major or Minor Subdivision Plan. Such plans shall include the required content for a given use or type of development as outlined in Appendix A thru E.

4.3.3 Procedure

(A) Action by the Village Council:

(1) Notice and Public Hearing: The Village Council shall not approve any vested rights certificate until after public notice and hearing in accordance with the provisions of this Ordinance. The request for a vested rights certificate shall be held in conjunction with the hearing on the application for a Special Use Permit, Major Site Plan, Conditional District Zoning, or Major Subdivision.

(2) After holding a public hearing, the Village Council may take action on the application by:

(a) Approving the application;

(b) Denying the application;

(c) Approving the application with additional conditions, which the Council may attach.

4.3.4 Two-Year Vested Rights Period

Except as provided in Section 4.3.6 through 4.3.7 below, any development for which the Village has approved a site specific development plan prior to the effective date of or any subsequent amendment to this Ordinance which renders the development nonconforming, may be carried out in accordance with the approved plan and shall be deemed lawfully existing under the terms of this Ordinance, provided that the development conforms to all terms and conditions of the approved site specific development plan. This right to carry out the development in accordance with the approved plan shall attach to and run with the land, rather than being personal to the recipient of plan approval. This right shall terminate, however, two years after the effective date of approval of the site-specific development plan with respect to all buildings and uses for which the developer has not, by that time, filed a valid building permit application in accordance with Section 4.6.

4.3.5 Vested Rights Certificate Required

In order to be entitled to the vested rights period set forth in Section 4.3.4 above, the owner or developer of the property must apply for and receive a vested rights certificate from the Village. In approving the vested rights certificate, the Village Council may extend the two (2) year vested rights period provided in Section 4.3.4 to a period of up to five (5) years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions. This determination shall be at the discretion of the Village Council.

4.3.6 Exceptions

~~The provisions of Section 4.3.5 shall not apply in the following instances:~~

~~(A) Where the property owner consents, in writing, to making the development conform to the requirements of this Ordinance, or any amendment thereto;~~

~~(B) Where the Village Council finds, after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed in accordance with the approved site specific development plan;~~

~~(C) Where the Village Council finds, after notice and a public hearing, that the landowner or his or her representative, intentionally supplied inaccurate information or made material misrepresentations which made a difference in the Village's approval of the site specific development plan;~~

~~(D) Where the State or Federal government has enacted or promulgated a law or regulation which precludes developing the property in accordance with the approved plan, in which case the Village Council may, by ordinance, modify the affected provisions of the approved plan upon finding, after notice and a public hearing, that the change in State or Federal law has a fundamental effect on the approved site specific development plan;~~

~~(E) Where the Village has compensated the property owner for all costs, expenses, and other losses, not including any diminution in the value of the property, which the owner has incurred after approval of the site specific development plan by the Village, together with interest thereon at the legal rate until paid.~~

~~4.3.7 Effect of Changes to Approved Plan and Vested Rights~~

~~This Ordinance provides for situations in which the property owner or developer may obtain Village approval for particular changes to a site-specific development plan that the Village has already approved. The effect of such changes is as follows:~~

~~(A) Where the change is one that requires the approval of the Village Council under the terms of this Ordinance, such as a major change to a site plan, then the property owner or developer must submit an application for a new vested rights certificate, along with the application for approval of the plan change, in order to extend or renew the vested rights period. In no case shall the total period of vesting for any piece of property be longer than five (5) years, no matter how many major changes are made to the property. The new vested rights certificate may be issued only in accordance with the requirements of Section 4.3.5 above;~~

~~(B) Where the change is one that requires a variance from the Zoning Board of Adjustment, pursuant to Chapter 5 of this Ordinance, then the vested rights period set forth in Section 4.3.4 shall terminate immediately upon the Zoning Board of Adjustment's approval of the variance.~~

~~4.3.8 Provisions To Which Vesting Does Not Apply~~

~~The provisions of Section 4.3.5 shall not preclude the Village from applying zoning regulations, which do not affect the allowable type or intensity of use, regulations governing nonconformities, which appear in Chapter 2 of this Ordinance, or regulations, which are general in nature and apply to all property within the Village's jurisdiction. All~~

~~other regulations shall become effective with respect to the property upon the expiration or termination of the vested rights period set forth in Section 4.3.4.~~

4.3.9 Voluntary Annexation

A petition for annexation filed with the Village under NCGS §160A-31 or NCGS §160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under NCGS 160D-202(k) ~~§160A-385.1 or NCGS §153A-344.1.~~ A statement that declares that no zoning vested right has been established or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

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

4.5.5 Action on Special Uses

(A) Review by the Village Council: The Village Council shall review the application and conduct a quasi-judicial public hearing. Notice of public hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance. The Village Council shall review the application materials and General Concept Plan if required, the general purpose and standards set forth in this Section for the approval of special uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received by the Village Council at the public hearing;

(B) Action by the Village Council: At the conclusion of the quasi-judicial public hearing, the Village Council shall approve, approve with conditions, deny or take any other action consistent with its usual rules of procedure on the Special Use Permit Application. Any approval or denial of the application shall state the findings of fact that establish whether the proposed use meets or does not meet each of the standards set forth in Section 4.5.6 below and all other requirements set forth by this Chapter for the proposed special use. The decision on the application shall be by a simple majority vote of the members of the Village Council. The Council is required to take action within sixty (60) days from the date of the public hearing;

4.5.6 Standards of Review

The Village Council shall not approve the special use unless and until it makes the following findings, based on the evidence and testimony received at the quasi-judicial public hearing or otherwise appearing in the record of the case:

Chapter 5. Variances and Administrative Appeals

5.1.3 Application Requirements; Determination of Completeness

(D) The Village Planner shall determine whether the application for a variance is complete. If the Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is

complete, the Village Planner shall schedule the application for consideration at a quasi-judicial public hearing before the Zoning Board of Adjustment;

5.1.4 Action by the Zoning Board of Adjustment

(A) Upon receiving the application materials from the Village Planner, the Zoning Board of Adjustment shall hold a quasi-judicial public hearing on the proposed variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance;

(B) In considering the application, the Zoning Board of Adjustment shall review the application materials, the general purpose and standards set forth in this Section for the granting of variances, and all testimony and evidence received by the Zoning Board of Adjustment at the quasi-judicial public hearing;

(E) A concurring vote of four-fifths of the board shall be necessary to grant a variance. ~~The Zoning Board of Adjustment shall not grant any variance unless there is a concurring vote of at least four (4) of its five (5) members~~;

5.1.5 Standards of Review

When unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

(B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.~~;~~ A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;

5.3.3 Persons Who May File An Appeal

An appeal to the Zoning Board of Adjustment may be brought by any person of standing or the Village of Pinehurst under North Carolina General Statute §~~160A-393 (d)~~ 160D-405(b) ~~or the Village of Pinehurst.~~

5.3.4 Filing of Appeal

(D) The Village Planner shall determine whether the appeal application is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the appeal for consideration at a quasi-judicial public hearing before the Zoning Board of Adjustment;

5.3.5 Action by the Zoning Board of Adjustment

(A) Upon receiving the application materials from the Village Planner, the Zoning Board of Adjustment shall hold a quasi-judicial public hearing on the appeal. Notice of the public

hearing shall be provided and the public hearing shall be conducted in accordance with Section 4.1 of this Ordinance;

5.3.7 Appeal from the Zoning Board of Adjustment

Any appeal from the decision of the Zoning Board of Adjustment in regards to administrative review shall be to the Superior Court of Moore County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed no later than thirty (30) days after the date the decision of the Zoning Board of Adjustment is filed in the Village Planner's office. The copy of the decision shall be delivered either by personal delivery, electronic mail or first--class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

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

Chapter 6. Text Amendments and Rezonings

6.1.3 Filing and Content of Applications

(D) The Village Planner shall determine whether the application is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the application for consideration at a public meeting before the Planning and Zoning Board and legislative public hearing before the Village Council;

6.1.6 Review and Action by the Village Council

(A) A text amendment or rezoning may be adopted only after the Village Council has conducted a legislative public hearing on the proposed amendment, at which parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the legislative public hearing shall be conducted in accordance with Section 4.1 of this Ordinance and as required by this Ordinance;

6.1.8 Development Agreements

Development agreements provide for a written agreement between a developer and the village to address the challenges and timing of build-out of large-scale projects. Agreements are appropriate for multi-phase projects requiring long-term commitment for public and private resources requiring careful coordination for planning, financing, and construction, but are not size-restricted. A development agreement is not a mechanism for a variance from the standards of this ordinance.

A. Concurrent Submittal

The agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development

agreement. A development agreement may be concurrently considered with and incorporated by reference with a sketch plan or preliminary plat required under a subdivision regulation or a site plan or other development approval required under a zoning regulation. If incorporated into a conditional district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

B. Content. A development agreement shall contain the following.

1. A description of the property and the names of legal and equitable property owners.
2. Length of the agreement.
3. Development uses permitted including population densities, intensities, building types, placement on site and design.
4. A description of public facilities defining:
    i. Who will provide the facility,
    ii. When the facility will be provided,
    iii. A schedule demonstrating services will be provided concurrent with the development requiring the service,
    iv. Determination of project deliverables by the developer that trigger successful performance for the requirement of the service.
5. A description of land reserved or dedicated for public purposes.
6. Any other terms regarding public health, safety, or welfare.
7. Any provisions for the preservation and restoration of historic structures.
8. A development schedule may be provided including commencement and completion dates.
9. The agreement may contain penalties for material breach of the agreement.
10. Other matters agreed to by the parties within the scope consistent with this ordinance.

C. Parties to the agreement.

The agreement may include other local government or regional utility authorities but must specify which local government is responsible for overall administration.

D. Procedural Requirements.

1. Before entering into a development agreement, Village Council shall conduct a legislative hearing on the proposed agreement subject to the notice provisions of NCGS 160D-602 for zoning map amendments. The notice shall contain the following:

    i. Location of the subject property.
    ii. Proposed uses.

iii. Where a copy of the proposed agreement may be obtained.

2. The applicant is encouraged to move the development agreement concurrent with other project approvals such as zoning amendments. No development approvals may be issued until such time as the agreement is recorded.

3. Upon approval, the development agreement shall be recorded at the Moore County Register of Deeds within 14 days of execution.

E. Breach and Cure

1. The Zoning Administrator is authorized to periodically review the agreement annually to ensure good-faith compliance with the agreement.
2. If the developer has committed a material breach of the agreement, the developer shall be notified in writing the nature of the breach, the evidence supporting the finding and a time-period in which to correct the breach.
3. If the developer fails to correct the material breach within the time given, the local government may unilaterally terminate or modify the agreement subject to appeal to the Board of Adjustment.
4. The agreement is enforceable by any party to the agreement, and action for injunctive relief may be filed to enforce the terms of the agreement.

F. Amendment or termination

A development agreement may be amended or terminated by mutual consent of the parties.

Section 6.2 Special Provisions for Conditional Districts

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Conditional District rezonings are provided as a voluntary alternative method of petitioning the Village Council for a zoning map amendment. In accordance with NCGS §~~160A-382~~ 160D-703 (b), the owner or their authorized agent is authorized to submit a rezoning application that proposes conditions and/or use limitations that are more restrictive than would otherwise be allowed in the corresponding general use zoning district. Requests for the rezoning of property to a Conditional District shall be considered and treated the same as any other rezoning in accordance with the procedures set forth in Section 6.1, except as modified by this section.

6.2.2 Formal Review

(B) Changes to Conditional District Application

(1) After required public notice for a legislative public hearing has been given, no changes shall be made to the conditions associated with the Conditional District General Concept Plan and the application which are less restrictive than those stipulated in the application. However, more restrictive conditions may be added to the General Concept Plan and the application during the public hearing upon the mutual agreement of the applicant and the body conducting the public hearing or meeting.

Chapter 8. Zoning

8.3.2.4 Certificate of Appropriateness Procedure

(D) Prior to issuance or denial of a Certificate of Appropriateness for a major work project, the Commission shall conduct a quasi-judicial public hearing in accordance with this Ordinance. The Village Planner shall be responsible for notifying the affected parties in accordance with Section 4.1 of this Ordinance;

Chapter 9. Design and Development Standards and Processes

9.2a Table of Dimensional Requirements

USE TYPES	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5
~~Minimum Principal Building size (heated sq. ft.)~~			~~2000~~	~~2000~~	~~2000~~	~~1800~~	~~1800~~	~~1500~~	~~600~~

9.16.1.5 Consideration of Major Site Plans

(5) The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.21 ~~(A)~~ of this ordinance and review the General Concept Plan, the recommendations of the Village Planner and the Technical Review Committee, and the requirements of this Ordinance, and formulate a recommendation to the Village Council for appropriate action on the site plan. Failure of the Planning and Zoning Board to make a recommendation to the Village Council within ninety (90) days of the first public meeting in which the item is on the agenda for consideration by the Board shall be considered a favorable recommendation.

(B) Action by Village Council on Major Site Plans: The application, the General Concept Plan, the recommendation of the Planning and Zoning Board, along with the staff report of recommendation of the Village Planner and other pertinent materials shall then be forwarded to the Village Council for action after an administrative public hearing is held by the Village Council in accordance with section 4.1.21 ~~(A)~~ of this ordinance. The Village Council shall review this information and either approve, approve with conditions, or reject the site plan:

Section 9.17 Subdivision Standards

9.17.1.1 Plat Approval Required; Major Subdivisions and Minor Subdivisions

(1) Exempt subdivisions shall include the following:

(f) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 or the General Statutes.

(3) Expedited Minor Subdivision: Exception for the Division of a Tract of Land in Single Ownership. The Village shall require only a final plat for recordation for the division of a tract of land if all of the following criteria are met: (a)The tract or parcel is owned by one person or legal entity; and (b) The parcel proposed for division is not greater than 10 acres and no street right-of-way dedication is involved; and (c) The area of the tract or parcel to be divided is greater than 5 acres; and (d)After division, no more than three lots will exist; and (e) After division, all of the lots will meet the following three standards: 1) The lot dimension size requirements; and 2) The use of the lots conform with the standards of the Pinehurst Development Ordinance; and 3) A permanent means of practicable ingress and egress is recorded for each lot.

(4~~3~~) Major subdivision: any subdivision other than an exempt or minor subdivision.

Major subdivision applications shall be reviewed by the Planning and Zoning Board after staff has completed its review. The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.2~~1 (A)~~ and formulate a recommendation and forward the plat to the Village Council. The Village Council shall conduct an administrative public hearing in accordance with section 4.1.2~~1 (A)~~ and may approve or deny the plat or return it to the Planning and Zoning Board for further consideration. The Village Council and the Planning and Zoning Board shall evaluate the plat application in accordance with Section 9.17.1.3 through Section 9.17.1.6 below.

9.17.1.3 Summary of Approval of Major Subdivisions

(B) Summary of Procedures: The approval of plats for major subdivisions is a multi-step process. A proposed preliminary plat (Appendix E) is first submitted to the Village Planner. The Village Planner and TRC reviews the application for completeness and errors and provides written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. The Planning and Zoning Board shall conduct a public hearing in accordance with section 4.1.~~1 (A)~~ 2of this ordinance and then review the preliminary plat along with the comments and recommendations of the Village Planner. This process continues until compliance is determined. The Planning and Zoning Board then submit its recommendations regarding the preliminary plat to the Village Council. Once the Planning and Zoning Board has submitted its recommendation on a proposed subdivision to the Village Council, the Village Council shall conduct an administrative public hearing in accordance with section 4.1.~~1 (A)~~2 of this ordinance and then review the preliminary plat and the Planning and Zoning Board's recommendations, and approves, conditionally approves, or rejects the preliminary plat; Prior to the submittal of the preliminary plat to the Village Planner, the

subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

9.17.1.26

(B) Types of Guarantees: Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina or certified check drawn in favor of the Village, or cash deposited with the Village, or a letter of credit issued by any financial institution licensed to do business in North Carolina ~~from a local bank~~, or any other form of guarantee that provides equivalent security to a surety bond or letter of credit.

~~(C) Local bank defined: 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.~~

Chapter 10. Village of Pinehurst Development Ordinance Definitions

Section 10.2 Definitions

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.

Bona Fide Farm: agricultural activities set forth in N.C.G.S. 160D-903.

Building: any structure ~~built~~ used or intended for support~~ing~~, or shelter~~ing~~ ~~or enclosure for~~ any occupancy or ~~storage~~ use.

Comprehensive ~~Long Range~~ Plan: ~~policies and documents adopted and revised from time to time by the Village of Pinehurst to guide future development.~~ 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.

Conditional Zoning ~~District~~: ~~an area on which special conditions are placed upon the request of the property owner as part of a rezoning of the property~~. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

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: ~~any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.~~
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 N.C.G.S. 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.

~~Dwelling or~~ Dwelling Unit: a ~~building or structure or part of a building or structure~~ single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. ~~and meeting the habitability requirements of the Village of Pinehurst Minimum Housing Code and the State of North Carolina Building Code.~~

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

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.

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.

Site Plan: ~~a plan depicting the proposed development of a property, in terms of the location, scale, and configuration of buildings and other features.~~ 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/Micro Wireless Facility: these facilities shall be defined by NCGS § ~~160A-400.51~~ 160D-931.

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. ~~development plan as defined in NCGS §160A-385.1.~~

Appendix E of the Pinehurst Development Ordinance

Subdivision Plan Information

Subdivision Plans

Certificate of Exemption

I hereby certify that this plat is exempt from the development ordinance under the definitions of subdivision contained in N.C.G.S. ~~160A-376~~ 160D-802 and Section 10 of the Village of Pinehurst Development Ordinance for one of the following reasons:

PLANNING AND ZONING BOARDSTATEMENT OF CONSISTENCY
WITH THE LONG RANGE COMPREHENSIVE PLAN
JULY 1, 2021 REGULAR MEETING

TEXT AMENDMENT TO THE
PINEHURST DEVELOPMENT ORDINANCE to
Update the PDO for Consistency with NCGS 160D and Address Completeness of Applications

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed text amendment **IS NOT INCONSISTENT WITH** *Envision the Village,* the adopted 2019 Comprehensive Long Range Plan which identifies 10 Strategic Opportunities for the Village. The amendments to Chapter 160D have been directed by the North Carolina General Assemble to streamline the planning statutes of the state, provide for coherent organization and provide clarity. While these amendments do not specifically address the 10 Strategic Opportunities for the Village, they are compatible with these objectives. In particular, as the Village becomes more digital, clearer statutes will assist residents and businesses in understanding regulations.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the text amendment to the Pinehurst Development Ordinance.

This is the _____day of _____,2021.

_____

Chair of the Planning and Zoning Board

_____
Kelly Brown
Clerk to the Planning and Zoning Board

Cc: D. Burich, A. Cameron, K. Brown

PUBLIC HEARING NO. 3 ELECTRONIC PERMITTING

ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to hear comments on a number of amendments to various sections of the Pinehurst Development Ordinance (PDO) to implement required use of the Village's electronic permitting system for permits and planning applications.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed amendments that will be forwarded to the Village Council for consideration.

FROM:
Darryn Burich

CC:
Jeff Sanborn

DATE OF MEMO:
6/23/2021

MEMO DETAILS:
The Village of Pinehurst has progressively implemented a system that allows for electronic submittal of all materials needed to acquire permits and approvals from the Village. The Pinehurst Development Ordinance includes references to Village forms, numbers of copies and types of submittals. These references need to be amended such that applicants are directed to the Village of Pinehurst's website and Online Permit Center.

Included with this agenda item:

1. Staff Report
2. Summary List of Amendment References for Electronic Submittal
3. Summary Document of Each Proposed PDO amendment
4. Statement of Consistency with the Comprehensive Plan for the text amendments

ATTACHMENTS:

	Description
🗋	Staff Report by Senior Planner Liles
🗋	Summary List of Reference Changes
🗋	PDO Revisions to Implement Electronic Permitting
🗋	Certificate of Consistency with Comp Plan

1895
VILLAGE OF
PINEHURST

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Katherine Liles, Senior Planner
CC: Darryn Burich, Planning & Inspections Director
Date: May 28, 2021
Subject: **Proposed Text Amendment to the Pinehurst Development Ordinance to Provide for Electronic Submittal of Applications and Supplemental Materials and Statement of Text Amendment Consistency with the 2019 Comprehensive Long-Range Village Plan.**

The Village of Pinehurst has progressively implemented a system that allows for electronic submittal of all materials needed to acquire permits and approvals from the Village. The Pinehurst Development Ordinance includes references to Village forms, numbers of copies and types of submittals. These references need to be amended such that applicants are directed to the Village of Pinehurst's website and Online Permit Center. Multiple copies of documents are no longer required. Documents need to be reproducible at appropriate scales in the event the Village needs to print them.

A summary listing of the amended sections and pages to be amended are attached to this memorandum for consideration by the Board. The most significant changes are reflected in the Appendices, particularly Appendix B, which streamlines all of the materials needed for applications across Planning, Building, Engineering and Public Works. All proposed changes are in red with deletions having a ~~strikethrough.~~

Planning and Zoning Board Action:
After holding a public hearing on the proposed text amendment, the Planning and Zoning Board shall adopt a statement on whether the proposed action is consistent with the 2019 Long Range Comprehensive Plan and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Staff Recommendation and Comprehensive Plan Consistency Statement: Planning Staff recommends that the Planning and Zoning Board recommend approval of the proposed text amendment and adopt the attached consistency statement.

Summary List of Amendment References for Electronic Submittal of Documents

May 6, 2021
Planning Board

Chapter 4 Public Hearings, Permits and Approvals
Section 4.2.2

Chapter 5 Variances and Administrative Appeals
Section 5.1.3 (B), (C)
Section 5.3.4(A)

Chapter 6 Text Amendments and Rezoning
Section 6.1.3(A)
Section 6.2.1(D)

Chapter 8 Zoning
Section 8.3.2.4(A)

Chapter 9 Design and Development Standards and Processes
Section 9.14.2(C)
Section 9.14.7(A)
Section 9.17.1.1 (C)
Section 9.17.1.5 (A)(1)
Section 9.17.1.6 (A)

Appendices
A Plot/Sketch Plan Information
B Single Family Dwelling Development Review Process
C General Concept Plan Information
D Site Plan Information
E Subdivision Plan Information
Appendices A-E

An Amendment to the Pinehurst Development Ordinance to
Provide for Electronic Submittal of Applications and Supplemental Materials

Redline/~~Strikethrough~~ Revisions

4.2.2 Development Permit Application

Each application for a development permit shall ~~be accompanied by the number of copies of a plan as set forth by this Ordinance and/or the appropriate application.~~ be submitted in accordance with the electronic submittal requirements of Appendix A through E of this Ordinance . The plan shall be drawn in accordance with the required plan type as outlined in Appendix A thru E of this Ordinance:

5.1.3 Application Requirements; Determination of Completeness

(B) An application for a variance shall be filed with the Village Planner on a variance application form using the Village's Online Permit Center along with the associated fee.

(C) The application shall contain, or be accompanied by, such information and general concept plans (Appendix C) (may be modified by Village Planner as appropriate) in electronic format as required on the application form;

5.3.4 Filing of Appeal

(A) An application for an appeal shall be filed with the Village Clerk on an appeal form using the Village's Online Permit Center along with the associated fee as prescribed on the most recent Village of Pinehurst fee schedule;

6.1.3 Filing and Content of Applications

(A) An application requesting the amendment and all attachments shall be filed in electronic format with the Village Planner on an Application provided by the Village using the Village's Online Permit Center.

6.2.1 Application Procedures

(D) Content of Application: A Conditional District application shall consist of a General Concept Plan (Appendix C); as well as any other plans, drawings, renderings, elevations, maps, and documents specifically included by the applicant as development documents for approval by the Village Council. The General Concept Plan, as a site-specific conditional zoning plan, is itself a condition of the Conditional District rezoning. All materials shall be submitted electronically using the Village's Online Permit Center. The provisions of the Conditional District General Concept Plan shall replace all conflicting development regulations set forth in this ordinance which would otherwise apply to the development site.

8.3.2.4 Certificate of Appropriateness Procedure

(A) An application for a Certificate of Appropriateness and any supplemental materials shall be submitted using the Village's Online Permit Center. Applications for Certificate of Appropriateness for major work shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content.

9.14.2 Design Criteria and Review Procedures

(C) Revisions and changes will be considered and approved or disapproved by the Village Planner. Examples of changes are site plan, landscape plan, change of height or the addition of elements not previously shown. All proposed changes shall be submitted in electronic format to the Village Planner using the Online Permit Center. Staff will evaluate the proposed changes and provide a response to the applicant. For all changes, redrawing of plans shall be required.

Section 9.14.7 Single-Family Dwelling Development Review Process

(A) Builder/Developer submits application and plans with appropriate application fee. All materials shall be submitted using the Village's Online Permit Center;

9.17.1.1 Plat Approval Required; Major Subdivisions and Minor Subdivisions

(C) There are three (3) procedures for the approval of subdivisions, depending on whether the subdivision is an exempt subdivision, minor subdivision or a major subdivision. All materials shall be submitted using the Village's Online Permit Center and shall satisfy the electronic recordation requirements of the County of Moore.

9.17.1.5 Preliminary Plat Approval

(A) Application Requirements:

(1) An application shall be submitted using the Village's Online Permit Center along with the associated fee and include the information listed in Appendix E, as it may be amended from time to time by the Village Council. Incomplete or incorrect information shall result in rejection or refusal to act on the application by the Village Planner;

9.17.1.6 Final Plat Approval

(A) Applicable Requirements: Within the time limit stated in subsection (C) below, the applicant shall file an application for final plat approval using the Village's Online Permit Center along with the associated fee. The final plat shall reflect information shown on the preliminary plat and the information listed in Appendix E. Final plats for a development may be submitted in phases or in its entirety.

Appendix A of the Pinehurst Development Ordinance – Plot/Sketch Plan

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be

accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Plot/Sketch Plan~~

This plan submittal type should be used for developments in which no permanent foundations are being constructed or for minor work such as patios, decks, fences in both single family, multifamily and non-residential development. This is the most basic of plan types allowed for development.

Plot/Sketch Plan Required Information

- ☐ Property lines.
- ☐ Existing structures to scale.
- ☐ New structures to scale.
- ☐ Setbacks.
- ☐ Estimated impervious surfaces.
- ☐ Any other information the Village Planner identifies as necessary.
- ☐ All plans and drawing sheets shall be drawn to a scale that is easily legible.

Note: No foundation or final surveys are required.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance.

Appendix B of the Pinehurst Development Ordinance – Single-Family Development Review

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Single-Family Dwelling Development Review Process~~
~~Checklist for Single-Family Development Review Applications~~

SUBMISSION REQUIREMENTS FOR SINGLE-FAMILY DEVELOPMENT APPLICATIONS: This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed, to avoid construction that is out of compliance and thereby minimizing the cost of making the development compliant.

The following documents shall be submitted, if applicable, for issuance of a building permit, development permit, floodplain development permit, clearing/grading permit, driveway permit and Certificate of Appropriateness.

☐ Application Form

☐ Site Plan/Topographic Survey including driveway connections (see below)☐ Elevation Drawings

☐ Exterior Material Form and Samples, if application is associated with a Certificate of Appropriateness.

☐ Driveway Permit Application ☐ Building permit submittal requirements in accordance with the current edition of the North Carolina State Building Code;

☐ Other Agency Permits and Approvals, as required

- ☐ Sedimentation and Erosion Control Plan (NCDEQ)
- ☐ Driveway Permit (NCDOT)
- ☐ Right-of-way Encroachment (NCDOT)
- ☐ On-site Wastewater Disposal Permit (Moore County Environmental Health)
- ☐ Well Permit (Moore County Environmental Health)
- ☐ US Fish and Wildlife Approval (particularly for Red-cockaded Woodpeckers)

~~This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.~~

Required Site Plan Information: ~~to be included on the Single-Family Site Plan~~:

☐ Indicate existing and proposed topographic elevations and finished floor elevation on site plan. Contour lines shall be indicated with no larger than two-foot intervals for existing and proposed (LIDAR data may be utilized);☐ Show scale and North arrow;

☐ All plans and drawings shall be drawn to a scale that is easily legible. Site plans shall be prepared by a licensed surveyor or engineer.

☐ Vicinity Map - must be legible and lot easily located;

☐ Title block with site name and location;

☐ Indicate zoning classification of property on plan;☐ Show total acreage including area and dimensions of the entire tract;

☐ Provide developer/builder name, address and telephone number on plans;☐ Provide designer's name, address and telephone number on plans;☐ Indicate adjoining lot lines, lot number and subdivision name on plans;

☐ Indicate by note, minimum dwelling size proposed for each floor;

☐ Show front, side and rear building setbacks;

☐ Show road frontage at the right-of-way and lot width at the building line;

☐ Show all easements.☐ Clearly show the location of any additions/alterations (to scale);☐ Location of all proposed and existing accessory structures to include pet runs, fences, LPG

tank(s), irrigation well, etc.;☐ Driveway and sidewalk locations;☐ Building elevation (front, rear, and sides) shown with finished grade, to scale;

☐ Show location of silt fence;

☐ Existing and proposed impervious areas including the calculations on new construction and additions/alterations;

☐ Tree survey that locates and identifies specimen trees within 100' of a development site, showing the critical root zone for each tree to be preserved or reflect this information on the landscaping plan;

☐ Landscaping plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks;☐ Floodplain and wetland delineation if applicable;☐ Location of septic, and/or existing drainage structures;☐ Existing and proposed utility connections.☐ Any other information the Village Planner identifies as necessary.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance. The Village Planner may allow for a plot/sketch plan listed in Appendix A to be submitted rather than the single-family plan type based on the individual proposal and what is needed to determine compliance.

Single-Family Final Approval Process for Issuance of Certificate of Occupancy

1. No building hereafter erected, or structurally altered, or changed in use shall be used or occupied until approved by the Village. Prior to issuance of a Certificate of Occupancy by the Village, the following shall be done:

a. All plans and applications shall be modified to reflect as-built conditions.
b. A final driveway inspection shall be made by public services and approved.
c. A final survey prepared by a licensed surveyor or engineer shall be submitted, if required.
d. Fire Marshal shall conduct an inspection and approve.
e. The Certificate of Occupancy shall be issued upon final building inspection.

2. Changes to original plans shall be reviewed and approved by the Village ~~Planner~~. All changes shall be submitted electronically using the Village's Online Permitting System ~~to the Village Planner~~ to ensure a successful final review of the project.

Appendix C of the Pinehurst Development Ordinance – General Concept Plan

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center, which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Required General Concept Plan Information
~~General Concept Plan~~

~~1. Required information to be included on the general concept plan:~~

☐ Basic map information including title block with owner, applicant's name and contact information, designer's name and contact information, surveyor's name and contact information; north arrow, scale in text and graphics, vicinity map, and revision block. "Bubbles" or "clouds" shall show revisions with date.

☐ If the conceptual plan is based on a survey, provide a separate drawing of work product by surveyor signed, sealed and dated showing precision ratio and tied to NC grid.

☐ The present and proposed zoning classification(s) of the tract;

☐ Adjoining property lines;

☐ The height, size and location of existing and proposed structure(s);

☐ A table showing proposed use of land and structures, zoning classification, and dimensional requirements;

☐ Building elevation drawings;

☐ Proposed planting areas, walls and fences and the treatment of any existing natural features;

☐ The owner names, addresses, LRK #, zoning and deed references of adjoining property;

☐ All existing and proposed easements, reservations, rights-of-way lines and width and all setbacks required for the zoning district;

☐ General location and size of existing utilities both on-site and to the site, proposed tie-in location to existing public utilities (including water, sewer, drainage, etc.) and proposed location of utilities to serve the site;

☐ General location and type of existing and proposed stormwater facilities;

☐ Delineation of the 100-year floodplain;

Development Intensity:

- ☐ For residential uses this shall include number of units and outline of area within which structures will be located.
- ☐ For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
- ☐ Existing and maximum proposed impervious coverage reflected in square feet ~~SF~~ and acreage,

☐ Parking and circulation plan~~,~~ showing location, arrangement, and number of existing and proposed parking spaces. Parking calculations shall also be shown;

☐ Ingress and egress to adjacent areas;

☐ Proposed dimension and number of signs and their locations;

☐ Proposed phasing and approximate completion time of the project;

☐ Survey base map that provides legal metes and bounds including location of regulated (e.g., US Fish and Wildlife designated red-cockaded woodpecker trees) and specimen trees.

☐ Trip generation based on ITE standards and the Village's Engineering Standards and Specifications Manual for the proposed uses.

☐ Roadway/signal improvements for the development proposal.

☐ Proposed pedestrian improvements including sidewalks, greenways, etc.

☐ ISO computations based on the approximate/proposed square footages for each type of use.

☐ Current and proposed topography. Use of LIDAR data is acceptable for conceptual plans, however, actual surveyed topography shall be required for formal site plan submittal.

☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of- way.

Appendix D of the Pinehurst Development Ordinance – Site Plans

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

~~Site Plan Information~~

~~Major and Minor Site Plans~~

A. Information required for major and minor site plans:

☐ Map size shall be electronically formatted to be reproducible at 24"x36"with a scale no less than one (1) inch equals fifty (50) feet for all major and minor site plans (an index plan shall be used if multiple sheets are needed).

☐ Show north arrow, scale of drawings, precision ratio, lot dimensions, setbacks, area in square feet and acres;

☐ Revision blocks with date of revisions and "bubbles" or "clouds" to show changes on the map with date;

☐ A signed and sealed map of the entire tract, including the boundary of the entire tract by metes and bounds tied to North Carolina grid and the location and dimension of all onsite and adjacent offsite easements, including but not limited to drainage, utility, public access, aerial utility, and permanent and temporary construction easements;

☐ The location and dimension(s) of all existing and proposed building(s) on the site. Show the finished floor elevations for the existing building(s) and the proposed floor grades, including basement, for each floor of the proposed building(s), if applicable;

☐ The location and dimension(s) of all proposed or existing impervious surfaces on the site, including but not limited to driveways, sidewalks, parking lots, loading and other vehicle use areas, and curb and median cuts;

☐ Indicate front, side, and rear setbacks for all existing and proposed structures;

☐ Provide a Title Block:

- ☐ Property owner's name; address, telephone number(s), email address;
- ☐ Applicant's name; address, telephone number(s), email address; and
- ☐ Designer's name, address, telephone number(s), email address;
- ☐ Provide a Development Data Block or Chart listing of the following data;
- ☐ Zoning of the tract with dimensional requirements.

☐ Existing and proposed gross square footage of buildings;

☐ Amount of square footage utilized in parking and loading areas (see landscape standards section 9.5);

- ☐ Number of parking spaces proposed and required;
- ☐ Number of handicapped parking spaces proposed and required;
- ☐ Required and proposed minimum landscape area square footages;
- ☐ Residential uses: indicate maximum density allowed and the proposed density;
- ☐ Proposed linear footage of roads;
- ☐ Conditional zoning and special use conditions, if applicable;
- ☐ Existing and proposed built-upon area in square feet, acreage and as a percentage of site; Identify any existing development predating the effective date of watershed regulations;
- ☐ Indicate the owner, address, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets);
- ☐ Show locations, size and configuration of common open space for residential development, if applicable.
- ☐ Location of permanent dumpsters and service areas.
- ☐ Indicate location and method of screening of all existing and proposed propane tanks, HVAC, mechanical systems, dumpsters and any other structures or facilities that require screening as per section 9.5;
- ☐ Vicinity map showing location of tract at scale of not less than one (1) inch equals five hundred (500) feet;
- ☐ Proposed location of all stormwater facilities and appropriate calculations in accordance with the Engineering Standards and Specification Manual by a qualified design professional;
- ☐ Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories, and grade of each story, including basement, height and location;
- ☐ Provide a topographic survey of the site certified by a registered land surveyor showing existing site features, existing contour lines at a minimum interval of two (2) feet that are field verified, and all proposed contours. All proposed contours shall be tied to North Carolina grid.
- ☐ Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title;
- ☐ Plan of each floor of parking garage, if applicable;
- ☐ Utility plan showing the sizes, composition and location of all existing and proposed underground and overhead utilities such as water, sanitary sewer, gas, electric, and telephone cables, fire protection infrastructure, etc. both within the property and in adjacent streets, where practical;
- ☐ Show all road improvements required in conformance with thoroughfare plan, including any right-of-way dedications, sight triangles (per Sect. 9.1.G and the Village of Pinehurst Engineering Standards and Specifications Manual) and traffic control devices (MUTCD 3B.16);
- ☐ Submit a plan showing the location and specifications for all outdoor lighting with calculations showing compliance with section 9.8.
- ☐ Submit a plan showing the location and design of all landscaping improvements and landscaped areas, include data relative to credits for existing trees and required and supplemental planting;
- ☐ Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas

affecting the property, including a foraging study for the Red-cockaded Woodpecker, wetlands, floodplains, and also showing specimen trees as defined in Section 9.5.1.8.

- ☐ A lighting plan documenting compliance with Section 9.8.
- ☐ Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadways/signal improvements for the development proposal.
- ☐ Approved street names and property numbers;
- ☐ A statement on whether the site is in a watershed and, if so, which watershed.
- ☐ Delineate area and boundary of floodplains, floodways, wetlands, and watershed areas.
- ☐ ISO calculations based on the approximate square footage of each type of use.
- ☐ Proposed fire hydrant and fire lane locations.
- ☐ Documentation from public utility provider concerning ability to serve the proposed development with water and sanitary sewer.
- ☐ Plan approval signature block on all pages of submittal sheets.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.
- ☐ Site plan drawings shall include all information required in Section 1.03b. Site Plans of the Village of Pinehurst Engineering Standards and Specifications Manual.
- ☐ All building permit submittal requirements shall be in accordance with the current edition of the North Carolina State Building Code;
- ☐ Any other information the Village Planner may deem necessary to determine compliance with this Ordinance.

Appendix E of the Pinehurst Development Ordinance – Subdivision Plats

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including the submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at vopnc.org. If you have difficulty using this system, please contact Village staff for assistance. Final plats shall be submitted electronically to the Village Planner through the Online Permitting Center for review and to the County of Moore in accordance with recordation requirements of the Register of Deeds.

Subdivision Plat Information

Information to be submitted with applications for major and minor preliminary and final subdivision approval and for subdivision construction plans.

A. General Rules for Mapping and Graphics:

- ☐ All maps shall be drawn to scale and the scale shall be not less than one inch equals 200 feet. An index plan shall be used where the subdivision is shown on more than one sheet;
- ☐ Map size shall be electronically formatted to be reproducible at 24"x36", except that final plats shall conform to the dimensional requirements of the Moore County Review Officer and Register of Deeds;

☐ All preliminary and final plats shall be prepared by a registered land surveyor of the State of North Carolina or a licensed Engineer of the State of North Carolina in accordance with North Carolina General Statutes §47-30.

B. Information Required for Major and Minor Preliminary Subdivisions:

☐ Title block containing the name of the subdivision. Include previous names for approved subdivisions (if any), date and revision date(s);

☐ Name and owner of the tract, surveyor, engineer and/or land planner, their addresses, business telephone, and fax numbers, and professional registration numbers (if any);

☐ North arrow and scale;

☐ Zoning of the tract;

☐ Acreage of tract;

☐ Acreage of dedicated open space;

☐ The total number of lots proposed;

☐ Smallest lot;

☐ Total linear feet in streets as measured along the center line;

☐ Setbacks: Provide a table of minimum building setbacks, including:

☐ Front yard setback;

☐ Side yard setbacks;

☐ Any required landscaped or watershed buffers and other required setbacks or buffers;

☐ Rear yard setback;

☐ Corner yard setback;

☐ The location on the property of all existing and proposed property lines, easements, political boundary lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and properties of historic or cultural significance;

☐ Buildable area per lot, in square feet and existing built-upon area in lot in square feet and as a percentage of lot

☐ Area to be covered by impervious surface for the project;

☐ Provide on plans, a listing of all approved conditions of the conditional zoning district, if applicable;

☐ Indicate the names of adjoining property owners or subdivisions;

☐ Indicate the zoning and existing land use of all adjoining properties;

☐ Indicate the location of all property lines, setbacks, lot numbers, and lot dimensions in square feet and acres. Indicate the location of the existing property boundaries and the location of intersecting lines of adjoining properties by metes and bounds;

☐ Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the subdivision, including a foraging study for the Red-Cockaded Woodpecker, wetlands, and floodplains and showing specimen trees as defined in landscape section 9.5.1.8;

☐ Indicate the location of proposed parks, school sites, or other open space, if any. Indicate if the property is private or public. If public, indicate if it is proposed to be dedicated to the Village.

☐ Where required, indicate proposed streets, sidewalks, traffic control devices, street names, rights-of-way, roadway widths and approximate grades. Indicate if the streets are to be public or private. Show typical cross sections. Depict sight triangles per Section 9.1. (G) of the Pinehurst Development Ordinance and the 3.02.a of the Village of Pinehurst Engineering Standards and Specifications Manual. Street names are to be coordinated with 911 to avoid duplication of names;

☐ Provide a grading plan delineating existing ground contours at two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan. A full topographic survey and grid of the site is not required;

☐ Submit a sketch vicinity map showing the proposed subdivisions in relationship to surrounding property and streets;

☐ Provide a plan showing the location, general type, and number of plantings required in the perimeter buffer, streetscape, and other required landscaping areas;

☐ Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadway/signal improvements for the development proposal.

☐ Indicate driveway locations on adjacent properties along and across adjacent rights-of-way. ☐ Any other information the Village Planner may deem reasonable and necessary to determine compliance with this Ordinance.

C. Information Required for Major and Minor Final Plats:

☐ Title block containing subdivision names; vicinity map; legal description including township, county and state; the date of any revisions to the plat; a North arrow and deflection; scale in feet per inch and a bar graph; the name and address of the owner(s); and the name, address, registration number and seal of the engineer and/or surveyor;

☐ Exact boundary lines of tract in heavy line, full dimensions of lengths and bearings, and intersecting boundaries of adjoining lands;

☐ Street names, rights-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;

☐ Accurate descriptions and locations of all monuments, markers, and control points;

☐ Location, purpose, and dimensions of areas to be used for other than residential purposes;

☐ Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;

☐ Boundaries of floodways and one hundred-year flood plains, wetlands and water supply watershed designation;

☐ Lots numbered consecutively throughout the subdivision;

☐ The names of owners of adjoining properties;

☐ Building setbacks (both on plat and in table format);

☐ Site calculations, including:

- ☐ Total acreage;
- ☐ Total number of lots;

- ☐ Acreage in lots;
- ☐ Acreage in street rights-of-way;
- ☐ Linear feet of each individual street.

D. Submittal of Exempt and Final Plats for Recordation

One (1) paper copy of Exempt and Final Plats shall be submitted for signature by Village staff for recordation.

~~F Certificates to be Shown on Preliminary Subdivision Plats as Appropriate~~

E. Plat Certificates

PLANNING AND ZONING BOARDSTATEMENT OF CONSISTENCY
WITH THE LONG RANGE COMPREHENSIVE PLAN
MAY 6, 2021 REGULAR MEETING

TEXT AMENDMENT TO THE
PINEHURST DEVELOPMENT ORDINANCE to
Provide for Electronic Submittal of Applications and Supplemental Materials

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed text amendment **IS** consistent with *Envision the Village,* the adopted 2019 Comprehensive Long Range Plan which identifies 10 Strategic Opportunities for the Village. Strategic Opportunity 3 directs the Village to "Become a Digital Village and Live and Work from Home" Destination. Included in the Implementation Strategies on page 192 is Strategy 6.6 in which the Village should "Evaluate the capacity of Village Hall to meet the increased service needs and demands of residents."

The proposed text amendment will move more operations to a digital platform. This will ease storage, retention, processing and archiving of materials for Planning, Engineering and Public Works while allowing the development community and residents to interact with staff from any location. A digital platform will extend the work capacity of Village Hall staff and result in reduction of processing time for projects by speeding communication, submittals and requests for additional information.

This amendment is consistent with the Strategy 6.6 outlined in the 2019 Comprehensive Long Range Plan. Achieving this goal is considered reasonable and in the best interest of the public.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the text amendment to the Pinehurst Development Ordinance.

This is the _____day of _____,2021.

_____

Chair of the Planning and Zoning Board

_____

Kelly Brown
Clerk to the Planning and Zoning Board

Cc: D. Burich, A. Cameron, K. Brown