	VILLAGE OF PINEHURST **VILLAGE COUNCIL POLICY**

SUBJECT: Rights-of-Way (ROW) Use	Effective Date:
Department: Village Council	Policy No.: 25
Prepared by: Doug Willardson	Revised:
Approved by: Village Council	# of Pages: 2

PURPOSE: To set a standard of policy to clarify the responsibilities of the Village and abutting property owners regarding the Village's right-of-way (ROW).

BACKGROUND: ROW refers to the property owned by the Village of Pinehurst for public access and travel throughout the Village—primarily the improved roadway and the areas adjacent to the improved roadway. ROW widths vary depending on the layout of the street. Often the improved roadway is centered within the Village's right-of-way; however, that is not always the case.

POLICY: The Village owns the ROW and retains all rights to use and maintain these areas for clear visibility of traffic sightlines, public sidewalks/walkways, public utilities, public safety, or other purposes in the best interest of the Village.
The following are responsibilities of the Village in regards to the public ROW:

- Repair damaged walkways or paths as the Village deems appropriate. If a walkway is damaged due to willful misconduct or negligence, the cost to repair or reconstruct walkways or paths will be billed to the responsible party;
- Major maintenance such as root removal, brush removal, or tree trimming;
- Maintenance of roadway drainage channels or swales along the ROW. Roadway drainage channels may not be modified, filled in, altered, blocked, or directed through a pipe without written approval from the Department of Public Services.

Village Council will have the final determination on implementation of Village projects within the public ROW including: non-routine maintenance and installation of landscaping and signage; construction of new roadways or sidewalks; or other projects determined by the Village Manager to be of such significance to justify involvement of the Village Council.

The Village is NOT responsible for:

Damage, repair, or replacement of private property placed within the ROW including, but not limited to: signs, vehicles, landscaping—including grass and plantings, fences, mailboxes, irrigation systems, underground pet containment systems, and other structures placed within Village-owned ROW.

The following are the responsibilities of the abutting property owners:

- If a resident wishes to make improvements to the ROW, they must apply for an encroachment permit through the Public Services Department. Residents will be required to maintain any improvements made.
- Maintaining driveways, driveway drainage pipes and vegetation, landscaping, ground cover, etc. installed with Village approval.
- Raking or sweeping existing walks and pathways.
- Keeping pedestrian access and traffic sightlines uninhibited, including no parking, placing or storing of motorized vehicles, trailers, or stockpiled materials in areas that impede pedestrian or vehicular traffic. As outlined in Section 3-3.1 of the Municipal Code of the Village of Pinehurst, it shall be unlawful for any person to cause any sidewalk or pedestrian ROW in the Village of Pinehurst to be closed for travel or unnecessarily obstructed. The Police Department shall issue warnings to violators of this Section of the Code, and if not corrected, citations for a civil penalty will be issued.

If the ROW is landscaped, the Village reserves the right to modify the landscaping to enable pedestrian access and use or other roadway improvements, including construction of walkways, paths, streetlights, stormwater or roadway improvements, etc. No remuneration or restoration entitlement is required of the Village to abutting property owners when modifying landscaping elements within the ROW.

Approved by:

_____ _____

Jeff Sanborn, Village Manager Date

Resolution # _____ _____

Village Council, Resolution Date

1 SIDEWALK POLICY
VILLAGE OF PINEHURST

PURPOSE:

To establish a policy which will assure pedestrian access to and use of the public rights of way along the streets of Old Town and immediately adjacent areas.

OUTLINE OF THE ELEMENTS OF THE POLICY:

1. The portions of the rights of way alongside the pavement of all Village Streets are primarily for the use of pedestrian traffic.

2. As set forth in Section 3-3.1 of the Municipal Code of the Village of Pinehurst, it shall be unlawful for any person to cause any sidewalk or pedestrian right of way in the Village of Pinehurst to be closed for travel or unnecessarily obstructed. The Police Department shall issue warnings to violators of this Section of the Code and if not corrected, citations for a civil penalty will be issued.

3. The existing walks and pathways should be kept raked or swept by the adjacent property owners.

4. Major maintenance such as root removal, brush removal or tree trimming will be done by Village Public Works.
5. Where property owners have extended landscaping into the right of way, they are responsible for the maintenance of their landscaping.

6. Grassy areas need not be removed to create walks or pathways but must be maintained to permit pedestrian use. Irrigation of grassy areas must be done at times to minimize interference with pedestrian traffic.

7. Existing landscaping which substantially limits or impedes pedestrian access or use must be modified to enable pedestrian access and use. The Village Administrative Staff will meet with affected property owners to resolve existing access problems.

8. If a property owner wishes to extend landscaping into the right of way they must submit a written request, accompanied by a sketch of the proposed installation to the Village Manager for approval. Such requests will be approved if reasonable pedestrian access is provided.

Adopted as Policy by the Pinehurst Village Council, October 6, 1992.

Andrew M. Wilkison
Village Manager

RESOLUTION #13-28:

A RESOLUTION ADOPTING A POLICY REGARDING SIGNIFICANT ALTERATIONS TO THE PUBLIC RIGHT-OF-WAY AND CERTAIN PUBLIC SPACES OF THE VILLAGE OF PINEHURST.

THAT WHEREAS, certain alterations to the Village of Pinehurst rights-of-way and public space adjacent to the rights-of-way may be long-term in nature and impact the visual qualities of the Village of Pinehurst; and

WHEREAS, such alterations also often involve Village funding of a significant or continuing nature, include varying levels of public support, and/or are of a joint venture nature; and

WHEREAS, it is important and in the public's best interest that the Village Council review, consider, comment and decide on items of important aesthetic value within the rights-of-way and public spaces adjacent to the rights-of-way;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in Work Session assembled on the 11th day of June, 2013, as follows:

SECTION 1. It shall be the Policy of the Village of Pinehurst for the Village Council to discuss and make the final determination in advance of any implementation on matters affecting the Village rights-of-way or public property adjacent to the Village rights-of-way which are initiated by the Village of Pinehurst or by an entity of the Village of Pinehurst that may involve any of the following:

a. Landscape changes (additions and deletions) within the Village of Pinehurst rights-of-way or on public space adjacent to the rights-of-way. This does not include routine maintenance of plants and trees such as mowing, pruning, etc., plant or tree removal for safety, traditional seasonal flower plantings in beds, planters and hanging baskets in the downtown area of the Village nor does it include replacement of dead or dying plant material so long as replacement is of like kind.
b. Any new roadway, cul-de-sac to be constructed and pavement markings that are not routine maintenance of existing pavement markings.
c. Any pedestrian, bike or other non-vehicular transportation facility within the right-of-way or that is constructed outside of a Village-owned park.
d. Significant drainage projects that exceed $25,000.
e. Erection of permanent signs that are beyond the routine maintenance and replacement of existing regulatory signs.
f. Is otherwise determined by the Village Manager to be of significance or sufficient importance such that involvement of the Village Council is appropriate and necessary.

SECTION 2. It shall be practice of the Village of Pinehurst staff to follow the Village Right-of-Way Planting Guide and Village of Pinehurst Street Sign Guide in proposing related changes to Village Council where applicable.

SECTION 3. That this Resolution shall be and remain in full force and effect from the date of its adoption.

Adopted this 11th day of June, 2013.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman, Village Attorney

EXHIBIT A
Partners of Pinehurst
Voluntary Tree Preservation & Xeriscaping Program

In order to help promote and preserve the natural beauty and aesthetics of Pinehurst, the Village has developed the Voluntary Tree Protection & Xeriscaping Program. When Pinehurst was originally founded as a health resort in 1895, the area had been mostly clear-cut by the logging industry. Since then, a great effort has been made by several generations to return the lush greenery to our area and maintain a healthy environment. This program is a continuance of those efforts. Aimed at new residential and commercial development, as well as additional construction to existing structures, within the Village of Pinehurst, this voluntary program encourages the retention of trees in order to minimize the impact of tree loss before, during, and after development; ensures a sustained tree canopy in Pinehurst; and promotes the use of indigenous plants that have low irrigation requirements. Simply stated, the Village is encouraging builders and homeowners to preserve as many viable trees on their property as possible.

Purpose

The purposes for this voluntary program are to:

1. Preserve existing tree cover to protect the health, safety and welfare of the public by preserving the visual and aesthetic qualities of the Village;

2. Promote tourism and other economic development activities that are the result of the aesthetic appeal of the Village;

3. Preserve the character and integrity of the community;

4. Protect property values;

5. Protect existing trees located upon undeveloped sites for use as future buffers and streetscapes as described in the Village's Long-Range Plan;

6. Control erosion and reduce sediment and other pollutant run-off into waterways in an effort to protect water quality;

7. Protect the natural habitat of indigenous threatened and endangered animal species;

8. Maintain a consistently maturing tree canopy so that as old trees die, new trees will be there to replace them;

9. Moderate interior and exterior temperatures by controlling solar radiation on buildings and paved surfaces; and

10. Promote the use of indigenous plants that are drought resistant and/or have low irrigation requirements in order to preserve our natural water resources.

To be formally recognized through various incentives by the Village as a "Partner of Pinehurst" in participating with the Voluntary Tree Preservation & Xeriscaping Program, the builder and homeowner must meet the following requirements:

Recommended Buffers and Vegetation Protection

Other than where necessary to gain reasonable access to the property, clearing and/or removal of ideal trees shall be discouraged in the following areas according to the zoning district:

Preservation Area	**District**						
Measured from Property Line	**R-210**	**R-30**	**R-20**	**R-15**	**R-10**	**R-8**	**R-5**
Minimum Side Yard Tree Preservation	10 feet	10 feet	5 feet	5 feet	5 feet		
Minimum Front Yard Tree Preservation	20 feet	20 feet	20 feet	15 feet	15 feet	10 feet	10 feet
Minimum Rear Yard Tree Preservation	20 feet	15 feet	15 feet	15 feet	15 feet	10 feet	10 feet

Trees that are clustered close together may be thinned to help promote healthy tree growth. While the Village encourages the preservation of all ideal trees that do not interfere with building plans outside of these setbacks, it is up to the discretion of the builder and/or homeowner as to which trees will remain. It is recommended that a 10 (ten)-foot distance remain between any permanent foundation and the trunk of any tree to allow for healthy root structures.

Specimens to be preserved within recommended buffers

The following are the size and specimen of all trees that are to be preserved as part of this voluntary program:

1. Pine trees with a diameter of 6 (six) inches or larger at breast height;

2. Magnolia, Holly, and Dogwood trees with a diameter of 3 (three) inches or larger at breast height.

The "diameter at breast height" is the tree diameter measured in inches at the height of 4.5 feet above the ground.

Tree Marking

1. Prior to any tree removal or commencement of construction on a site, the following uniform colored ribbon system shall be used:

    - Orange for trees to be saved
    - Blue for trees to be removed

2. In heavily wooded areas, the Village Planner may give permission to mark large areas of trees to be removed or saved with the appropriately colored ribbon along the perimeter of the designated area.

Xeriscaping Requirements

In order to considered as a participant in this program, a development must also incorporate native, drought tolerant plants in the landscaping, a practice known formally as *xeriscaping*. The publication *Drought-Tolerant Plants for North Carolina Landscapes*, prepared by the North Carolina Cooperative Extension Service is a recommended reference to accomplish this objective.

Basics about using native plants:

When landscaping with native plants match the right plants with the right site conditions. Consider using plants that occur together in their natural habitats. Do your homework before planting; study the plants, their life history and natural habitats. Visit a natural area such as the Sandhills Horticultural Gardens at Sandhills Community College or the Weymouth Woods-Sandhills Nature Preserve to observe how plants occur, and design your landscape accordingly. Buy nursery propagated plants, not plants collected from the wild, unless you are moving them from within your own property. Remember, landscaping with natives is art imitating nature.

Benefits of native plants:

- Adapted to regional conditions (i.e. drought tolerant) and may require less maintenance and are cost-effective.
- Environmentally friendly, require fewer pesticides and fertilizers because of natural adaptations.
- Promote biodiversity and stewardship.
- Provide food and shelter for native wildlife.
- Restore regional landscapes.
- Prevent future exotic introductions.

Native plants for wildlife:

Using natives in landscaping helps sustain native butterflies, moths and other beneficial insects; native birds, reptiles, mammal, and other fauna. Fall migrating birds depend on high-energy fruits from flowering dogwood, tulip trees, blackgum, persimmon, and sassafras. Spring migrants feed on insects that occur on many trees, especially oaks. A mature oak will produce acorns for wildlife, as well. Sourwood trees and other native trees provide natural nesting habitat, while Eastern red cedar, pines and hollies provide winter cover and food.

"Partners of Pinehurst" Incentives

To encourage builders and property owners to participate in this program and to promote the awareness of the program, the Village of Pinehurst offers these possible incentives:

1. Recognition of the builder and owner in the Village Newsletter for each new home constructed under these guidelines;

2. Recognition in local publications as being a Partner of Pinehurst;

3. Recognition during the construction of each qualifying home at the building site by way of a sign provided by the Village acknowledging the home and builder as being a Partner of Pinehurst; and

4. Recognition of each builder and a picture of the home built in accordance to these guidelines in a formal display in the lobby of the Planning and Inspections Department in the Village Hall.

5. Permission to use "Partner of Pinehurst" logo (yet to be determined) in ads selling the particular home.

RESOLUTION #03-47:

A RESOLUTION ADOPTING A VOLUNTARY TREE PRESERVATION AND XERISCAPING PROGRAM FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA.

THAT WHEREAS, the Community Planning Survey conducted in 2002 as part of the Comprehensive Long Range Plan indicated that Pinehurst citizens value the rural ambiance of this area which is due in large part to the area's rich greenery; and

WHEREAS, trees and native plants help reduce stormwater runoff and erosion by stabilizing the soil with their root structures; and

WHEREAS, trees are able to provide significant saving in the cost of air conditioning by the shade they provide; and

WHEREAS, the natural habitat of many plants and animals need to be conserved to prevent species from becoming endangered; and

WHEREAS, native, drought tolerant plants are more likely to thrive in this area;

WHEREAS, The Village Council of the Village of Pinehurst wishes to address these issues in a fair and reasonable manner that will benefit the entire community;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in Work Session assembled this 11th day of November, 2003, as follows:

SECTION 1. That the Village Council hereby adopts the "Partners of Pinehurst Voluntary Tree Preservation and Xeriscaping Program" said program attached hereto as Exhibit "A" and made a part thereof, the same as if included verbatum.

SECTION 2. That the Village Clerk and the Pinehurst Planning Department shall make copies of this program available to citizens of Pinehurst free of charge.

THIS RESOLUTION passed and adopted this 11th day of November, 2003.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Steven J. Smith, Mayor

Attest:

_____
Linda S. Brown, Village Clerk

The "Give a Lot to the Village; Mean a Lot to the Village" Program

Adopted by Village Council as Official Policy August 8, 2003

The Village of Pinehurst has established a program wherein property owners in Pinehurst will be encouraged to donate parcels of land or lots to the Village.

From the Village standpoint, the goal of this program is to accumulate lots in a land bank that can be used for the following purposes:

- To create open space
- To be used for greenways
- To be used for stormwater control
- To be used to trade for properties needed for the above purposes
- The Village reserves the right to sell donated property, but only if the proceeds are used to acquire property for one of the above reasons. It is anticipated that this would be done very rarely.

From the donor's viewpoint, the advantages of donating property are:

- To eliminate annual tax expense
- To be able to make a charitable deduction on federal and state tax returns
- To contribute to the appearance and character of Pinehurst

To facilitate such donations, the Village will provide the legal and title search services, and pay the normal fees associated with the transfer. The Village reserves the right to decline to accept donations of properties found to have title or environmental deficiencies.

Property owners who have a Pinehurst Country Club membership attached to their lots may apply to transfer such membership, at no expense, to any other residential lot in Pinehurst that does not have a membership attached to it. Make application to Beth Kocher, Executive Vice President, Pinehurst, Inc.

The determination of the value of the donated property for charitable deduction purposes is the sole responsibility of the donor. Donors should consult with a tax professional concerning this issue.

Owners who wish to take advantage of this program, or who have questions about the program should contact Andy Wilkison, Village Manager, Village of Pinehurst, 910-295-1900.

Warren H. Manning Beautification Award Program

In response to a desire by the Pinehurst Village Council to develop an Award Program which would recognize the efforts of individuals and business owners for their contribution to the beautification of the Village, we offer the following plan.

This program has been tentatively named after "Warren H. Manning" who was instrumental in designing and planting over 200,000 trees and shrubs in the Village. A former employee of the Olmsted group, he went on to be a nationally renowned landscape architect.

The program will have two distinct parts. Each part will consist of awards for new development and remodeled projects.

Part One – Residential (SFD)

The "CAC" will amend its inspection form to include a rating of each project which falls under the Village construction permit process. All inspections completed during each calendar quarter will be reviewed by the CAC and awards issued for new and remodeled homes.

With the approval of the homeowner, the results will be announced via the "Village Newsletter" as well as local media and a sign will be placed at each location.

Since many beautification projects do not require a construction permit, the CAC will endeavor to solicit independent submissions of worthy projects by homeowners, neighbors, friends, and family. The quarterly media exposure will be designed to encourage a growing interest for participation in the project, resulting in the overall enhancement of the appearance of our community.

In the month of July, the CAC will review the four (4) previous quarterly winners and select an annual award winner.

Part Two – Non Residential

This part will consist of all completed non-single family dwelling projects.

During the course of the year, submissions by the Planning & Inspections Department, as well as individual submissions for appropriate non-permitted projects, will be gathered for review by the CAC and annual new construction and renovation awards will be issued in the month of July.

Council Presentation Talking Points April 10, 2012

- Starting about a year and a half ago the CAC looked to the newly adopted Comprehensive Plan for guidance in identifying what the upcoming course of work would be for the CAC
- Two projects came to light as part of this exercise.
- The first of which was the CAC grant program which was initiated in the fall of last year.
- The second project was the creation of an appearance award.
- Over the past year the CAC as a group discussed how to implement this awards program.
- As part of this we reviewed what other communities in the state are doing to identify attractive properties and recognize those properties for going above and beyond.
- This lead to the creation of a CAC awards program which is loosely based on other communities.
- It was decided that initially the program would be rather simple and not have too many categories.
- As the need arises the program is intended to be modified or tweaked to meet the needs of the community or as new ideas are brought on board. This could lead to an expansion of the program.
- Then came the time to discuss the name that was to be given to the program.
- After discussing several generic names such as CAC beautification award, Pinehurst Appearance Award, etc.... Someone posed the question of who was the most significant person or event that makes Pinehurst such an attractive place today.
- The consensus of the group was that this is the result of Warren H. Manning and that the community appearance award should bear his name.
- Additionally it was discussed that the majority of the Pinehurst Citizenry does not know who Warren H. Manning is or what his contributions to this Village of Pinehurst is.
- So it was decided that an emphasis of this award should also be to make the community aware of Warren H. Manning's historical contributions to the community.

- **Councilmember Strickland** reported that he had attended the Matinee Races at the Harness Track on April 1st and feels the event was well done. This is another aspect of our community that needs to be marketed.

  While at the races, he encountered representatives of the Harness Horse Youth Foundation who stated that they would like to establish a relationship with the Village. He requested that staff pursue this relationship as another way to market the Harness Track.

- **Councilmember Cashion** reported that he had shared breakfast on Friday morning with the Chinese delegation and also attended the dedication of the monument in Carthage on Saturday. He sees this as another way to enhance the Village's relationship with the Chinese people.

- **Mayor Pro-Tem Lapins** announced a public information meeting for the Pinehurst Performing Arts Center will be held on Thursday, April 19th at 6 p.m. in the Assembly Hall of Village Hall.

6. Sequencing of Village Center Enhancements/Documentation of Improvements in NHL District.

Assistant Manager Jeff Batton discussed the proposed timeline for the construction of Tufts Memorial Park with the Council. (Copy of a memo from Assistant Manager Jeff Batton dated April 5, 2012 regarding the Tufts Memorial Park timeline is in the Minute File.)

Councilmember Strickland moved that Council adopt the timeline prepared by Village staff for the construction of Tufts Memorial Park subject to Councilmember Strickland being able to review the plans with Bob Koontz of Hobbs Upchurch and Associates and Jeff Batton, so that he could get answers to some specific questions he has about the plans. Councilmember Cashion seconded the motion which carried unanimously by a vote of 4-0.

Senior Planner Molly Goodman discussed a proposed Request for Qualifications for Historic Consultant Services and a proposed list of recipients of the document with the Council. By consensus, Council approved the document and directed staff to send it to the listed individuals. Council did not commit to the hiring of a Historic Consultant. (Copy of a draft Request for Qualifications- Historic Consultant Services is in the Minute File.)

7. Report on meeting with NCDOT Division 8 Representatives, consider request for traffic study.

The Manager discussed with the Council a meeting he and Councilmembers Cashion and Strickland had with representatives of NCDOT at the Division 8 Office concerning possible traffic circle alterations in light of the NC 211 widening project. The Manager will meet with the NCDOT officials again to determine if they would be willing to conduct a traffic study now and again after the completion of the NC 211 widening, or at least one after the completion of the NC 211 project.

8. Community Appearance Commission /Warren H. Manning Beautification Award Program.

Community Appearance Commission Chairman Patrick Barry and CAC members Bill Cambreleng and Bo Bozarth discussed the Warren H. Manning Beautification Award Program with the Council. Consensus of Council was to go forward with the program. (Copy of a summary and application for the Warren H. Manning Beautification Award Program is in the Minute File.)

RESOLUTION #13-17:

A RESOLUTION ADOPTING A POLICY REGARDING SIGNIFICANT NEGOTIATIONS CONDUCTED ON BEHALF OF THE VILLAGE OF PINEHURST.

THAT WHEREAS, certain agreements being considered by the Village of Pinehurst can have multi-year terms and require official action by the Village Council of a policy nature upon execution; and

WHEREAS, such agreements also often involve Village funding of a significant or continuing nature in the form of public support or of a joint venture nature; and

WHEREAS, it is important and in the public's best interest that the Village Council or a portion thereof be involved early in the negotiation and discussion process to ensure that the Council's desires and policy preferences are made a part of the process in early stages

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in Work Session assembled on the 9th day of April, 2013, as follows:

SECTION 1. It shall be the Policy of the Village of Pinehurst to have two members of the Village Council, as determined by the Council, involved in all discussions with all external entities when such discussions may involve any of the following:

a. Initiation of one-time public operating or capital spending support of an external entity in an amount in excess of $25,000.00 unless the support is already individually approved in the current FY budget of the Village of Pinehurst.
b. Initiation of multi-year operating or capital financial commitment to an external entity of any amount.
c. Will require as part of its official approval action by the Village Council or otherwise affect adopted policy of the Village of Pinehurst Village Council.
d. Is otherwise determined by the Village Manager to be of significance or sufficient importance such that representation of the Village Council by Village Council members is appropriate and necessary.

SECTION 2. That this Resolution shall be and remain in full force and effect from the date of its adoption.

Adopted this 9th day of April, 2013.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman, Village Attorney

RESOLUTION #14-29:

A RESOLUTION ADOPTING A POLICY REGARDING SIGNIFICANT VERTICAL CONSTRUCTION ON VILLAGE PROPERTY OR PROPERTY INTENDED FOR PUBLIC PURPOSE.

THAT WHEREAS, certain vertical construction may occur to and on property owned by the Village of Pinehurst as well as non-Village owned property intended for public purpose; and

WHEREAS, vertical construction includes alterations and renovations to existing Village–owned buildings and structures, new building construction on Village-owned property as well as new construction, alterations, renovations to non-Village owned buildings and property funded by the Village of Pinehurst for public purpose; and

WHEREAS, these projects may have significant funding and/or continuing operating expenses and will likely impact the visual qualities of the building and/or public property; and

WHEREAS, it is important and in the public's best interest that the Village Council review, consider, comment and decide on items of important aesthetic and functional value;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled on the 27th day of May, 2014, as follows:

SECTION 1. It shall be the Policy of the Village of Pinehurst for the Village Council to discuss and make the final determination in advance of any bidding of a Village-funded vertical construction project that may involve any of the following:

a. Alterations and renovations to existing Village-owned structures or any structure on non-Village owned property used by the Village for public purposes. This does not include routine maintenance and repair to structures including such items as replacing siding, rotting boards, gutters, roofing etc. so long as the maintenance and repair is designed to replace old material with new material that is of similar type, color and style of the original materials.
b. Any new vertical construction on Village-owned property or to any structures on non-Village owned property intended for use by the Village for a public purpose.
c. Is otherwise determined by the Village Manager to be of significance or sufficient importance such that involvement of the Village Council is appropriate and necessary.

SECTION 2. That this Resolution shall be and remain in full force and effect from the date of its adoption.

Adopted this 27th day of May, 2014.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman, Village Attorney

	VILLAGE OF PINEHURST STANDARD PROCEDURE	
SUBJECT: **Meeting Room Use Policy**		Effective Date: September 11, 2013
Department: Administration		Policy No: ADM – 113
Prepared by: Administration		Revised: n/a
Approved by: Village Manager		# of Pages: 4

I. PURPOSE

The purpose of this Village Meeting Rooms Policy is to effectively manage the use and rental of Village facilities including Assembly Hall, Assembly Hall lobby, Council Conference Room, other Village Hall Conference Rooms, and the Fire Department Training Room.

II. RESPONSIBLE PARTY

The responsibility for both scheduling the meeting areas and supervising the use thereof is assigned to the Village Manager or his designee. The Village Manager is authorized to refuse or cancel any use of the building which in his opinion is not in the best interest of the public.

III. PRIORITY OF USE POLICY

Use of the meeting rooms covered by this policy are assigned priority in the following order:

1. Boards and Commissions appointed by the Village Council.
2. Departments of the Government of the Village of Pinehurst and/or their affiliate groups.
3. Departments of Moore County or North Carolina State Government. (Rental rates do not apply.)
4. Non-profit organizations may use the referenced facilities after permission is given by the responsible party and provided that the use of the facilities is for educational, business, or professional meetings. (Rental rates do not apply if the principal operating office of the non-profit is located in the Village of Pinehurst.)

5. Other groups and private individuals for uses other than special entertainment such as receptions or parties. (Rental rates apply.)

6. Political Parties, per the N.C. General Statutes 163.99 definition. (Rental rates do not apply.)

7. Special Entertainment Purposes. The Assembly Hall may be used for special entertainment purposes if prior approval is received from the Village Manager or his designee. (Rental rates apply.)

The Village of Pinehurst reserves the right to withhold approval of usage of the Assembly Hall for Special Entertainment purposes.

As policy, if the Village of Pinehurst requires the use of the Assembly Hall or a conference room during a time of a conflicting reservation, notice will be given to the conflicting reservation and action taken to find an alternative location. If no other location is suitable for the conflicting reservation, all deposits and rental payments will be fully refunded.

IV. PROCEDURES

The following procedures are applicable for meeting room reservations.

1. The Assembly Hall and Assembly Hall lobby are available for meetings between the hours of 8:00 a.m. and 10:00 p.m.; however, if you arrive before 8:30 a.m. and/or depart after 5:00 p.m. Monday through Friday or use the facility on a weekend, you must obtain a key from the customer service representative at the front desk prior to your meeting.

   The Conference Room is available for meetings between 8:30 a.m. and 5:00 p.m. Monday through Friday.

   Use of the Conference Room or the Assembly Room does not include any other portion of the building, hallways or lobby with the exception of the public restrooms.

2. A request for scheduling must be made by completing an Application for Meeting Rooms Rental and submitting it at least four (4) weeks prior to the date of use with the required deposit fee.

3. The appropriate rental fee is required prior to the meeting date.

4. For a full refund of the deposit, any cancellations must be received at least 10 days prior to the scheduled use.

5. Use of the facility does not obligate the Village to provide any equipment not currently assigned to designated areas. Furnishings may not be removed

from this facility under any circumstances. Request for equipment must be made at the time of request of the facility.

The use of decorations is strictly limited to table or easel arrangements. Any decorations must meet the approval of the Fire Inspector of the Village of Pinehurst. Nothing shall be attached in any manner to any other surface.

If audio-visual equipment is to be used, the user must arrange for adequate training before the meeting/event and pay the audio visual assistance fee.

6. Smoking inside any building is prohibited.

7. Groups or persons using the facilities will accept responsibility to immediately complete the duties listed in the Deposit Return Checklist at the conclusion of the rental time. If the Village Representative finds items uncompleted, a portion or all of the deposit may be forfeited.

8. Anyone who serves food or a catered meal is responsible for removing all associated trash from the premises. Alcohol (beer and wine only) may only be served and consumed in the lobby areas, not in carpeted areas.

9. Use of the Assembly Hall or Conference Room for night or weekend meetings by Village Boards or Commissions is permissible if arrangements are made in advance with the Village Manager.

10. No private or public dances or other similar social functions shall be allowed.

11. No charge shall be levied by the user against their participants except that amount necessary to cover cost incurred.

12. Parking in the circle in front of Village Hall is prohibited.

13. No laboratory tests can be performed at any Health Fairs. Only health information and displays can be used. Bloodmobile usage is allowed.

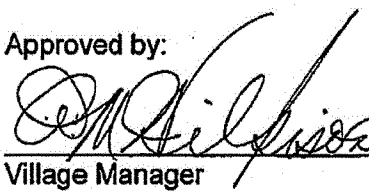
14. If the user does not conclude their function in a timely fashion (15 minutes past the time indicated on the Facility Use Application) applicable deductions will be made from the deposit.

15. Groups and individuals using Village Hall and Assembly Hall are responsible for their behavior and compliance with Village, County, State, and Federal Laws and Regulations. Failure to comply with any of the above mentioned Operating Procedures will result in the forfeiture of future usage of said facility.

16. See the Village's Fee and Charges Schedule to determine rental rates and deposit amounts required.

17. A Deposit Return Checklist must be completed and approved by a Village of Pinehurst representative before any deposits are returned. In the event of a checklist item not being completed, the Village may return a portion of the deposit.

Approved by:



Village Manager

9-17-13
Date

Work Session
Village Council Approval

September 10, 2013
Date

	VILLAGE OF PINEHURST **STANDARD POLICY/PROCEDURE**
SUBJECT: **Public Right-of-Way Beautification Grant Fund Policy**	Effective Date: 7/08/08 Revised: 1/08/10 Revised: 7/1/12 Revised: 9/9/14 Revised: 8/29/17 Revised: 5/3/18
Department: Administration	Policy No.: ADM – 116.1
Prepared by: Jeff Batton, Assistant Village Mgr.	# of Pages: 3

I. Establishment of Beautification Fund

The Village of Pinehurst Financial Services Department shall determine an appropriate line item in the annual budget for the grant funds. The Village Manager shall annually consider proposing funds for this line item in the budget subject to fund availability and Council approval.

II. Purpose

The purpose of the fund is to provide for public right-of-way beautification enhancements within the Village of Pinehurst. This fund may only be used for projects located within a public right-of-way and should primarily be used in areas of high visibility such as well traveled roads and intersections.

The purpose of this policy is to provide the Beautification Committee guidance in expending and disseminating funds for public right-of-way landscape enhancements from the Public Right-of-Way Beautification Grant Fund.

III. Fund Guidelines

Funds from this line item may be expended by the Village of Pinehurst directly for any landscape enhancement within a public right-of-way upon approval and grant award of the Beautification Committee. Such landscape enhancements may include, but are not limited to, the planting of flowers, shrubbery, trees, sod and/or associated expenses related to landscape enhancements as well as standardized Village-issued park benches if to be placed in a safe, public neighborhood location with high pedestrian volume.

Community organizations, such as neighborhood associations, garden clubs, service clubs, etc. interested in performing enhancements within the public right-of-way within

the Village of Pinehurst may apply for grant support for 50% of the total cost of the project up to $2,000.

A community organization is defined as meeting at least one of two criteria: a tax-exempt status or a verifiable membership roll with a separate bank account. Proof of meeting this definition may be required by the Village. The Village reserves the right to require any additional supporting information it may deem appropriate to determine the organization's eligibility.

Community organizations interested in applying for funds should submit the Beautification Grant Application to the Assistant Village Manager of Operations who will review for completeness and forward to the Beautification Committee for consideration. The written request should include the following information:

1) Description of the project including what is being added or removed;
2) Specific grant fund request;
3) Location description;
4) Sketch of the planting plan;
5) Itemized list of landscape materials and estimated costs; and
6) Long term maintenance plans.

The Village may provide in-kind services for the enhancement in addition to, or in lieu of, funding. In-kind services is dependent on staff and equipment availability based on current workloads as determined by the Assistant Village Manager of Operations in consult with the Village Manager and Public Services Director.

The evaluation and approval of any community organization grant request will be made by a selection committee from within the Beautification Committee. Once approved, funds will be dispersed by Financial Services upon presentation of an approved check request form from the Assistant Village Manager of Operations or his designee. The Village and Beautification Committee reserves the right to reject any and all requests for any reason and approval is always subject to fund availability.

IV. Policy Considerations

This policy shall be reviewed on an annual basis in January. Any changes must be approved by the Village Manager.

Approved by:

Jeff Sanborn, Village Manager — Date: 5/3/18

#8-16 — Village Council, Resolution — July 8, 2008 — Date

Application for
Public ROW Beautification Grant
(revised 8/18/17)

APPLICANT:

Community Organization: _____

Property Location: _____

Applicant's First and Last Name: _____

Mailing Address: _____

Telephone: _____ Email Address: _____

PLAN FOR IMPROVEMENTS:

General description of planned improvements to enhance the right-of-way beautification (attach photos, sketch of planting plans, or architectural drawings):

Describe the long-term maintenance plans for this improvement:

Specific grant fund request: _____

Estimated total cost of improvement (attach complete budget): _____

Contractor on the project: _____

Applicant Signature: _____

Date: _____

For Internal Use:
__Received by AVM
__Sent to Beautification Committee
__Sent to P&I
__Project Approved by P&I
__Grant Awarded
__Post Project Expense Reconciliation received

Section 4.2 Permits and Approvals

The procedures for obtaining the following types of permits and approvals are set forth in this Section.

(A) Development Permit

(B) Vested Rights Certificate

(C) Temporary Use Permit

(D) Special Use Permit

(E) Building Permit

(F) Certificate of Occupancy

4.2.1 Development Permit Required

A development permit is the controlling form of approval for the use of land and development within the jurisdiction of this Ordinance and is a prerequisite for receiving a building permit. A development permit may be issued for development involving multiple activities on a property or for a single purpose such as change of use, or to place a single sign. Issuance of a development permit shall be contingent upon the applicant having received all other permits and approvals related to the land development activities proposed to take place on the property, excepting the building permit. A list of typical permits and approvals that may be required prior to the issuance of a development permit are set forth in Section 4.2.6.

No development or use shall take place or be established within the jurisdiction of this Ordinance unless a development permit has been issued by the Village Planner stating that the proposed development or use complies with all provisions of this Ordinance.

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. The plan shall be drawn in accordance to the required plan type as outlined in Appendix A thru E of this Ordinance:

4.2.3 Term of a Development Permit

The issuance of a development permit shall confer with it the right to undertake and complete the
development of property under the terms and conditions of such permit provided that such action as authorized by the permit is commenced within three hundred and sixty-five (365) days of issuance and provided that all other permits have been obtained, otherwise applicant can apply for renewal or shall be void. Where a valid vested rights certificate has been issued, the term of a development permit for the area contained within the vested rights certificate shall be for the term of the vested rights certificate.

4.2.4 Previously Issued Building Permits

(A) Any development for which a building permit has been issued prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development non- conforming, may be carried out in accordance with that building permit and shall be deemed lawfully existing under the terms of this Ordinance, provided that:

(1) The permit was validly issued;

(2) The permit has not expired;

(3) The permit has not been revoked.

(B) This Section shall not apply where the property owner consents to making the development conform to the requirements of this Ordinance, or any amendment thereto, which would make the development non-conforming.

4.2.5 Appeal of Development Permit Denial

If the development permit is denied, the applicant may appeal the action of the Village Planner to the Zoning Board of Adjustment as provided for in Chapter 5.

4.2.6 Prerequisite Permits, Approvals, and Reviews for a Development Permit

The following typical permits, approvals, and reviews are required in order to receive a development permit, depending upon the type of the development:

(A) From the Village:

(1) Variance/Administrative Appeal (Chapter 5)

(2) Text Amendment/Rezoning (Chapter 6)

(3) Signage Plan (Chapter 9)

(4) (Reserved)

(5) Landscaping Plan (Chapter 9)

(6) Exterior Lighting Plan (Chapter 9)

(7) Subdivision Approval (Chapter 9)

(8) Site Plan Approval (Chapter 9)

(9) Special Use Permit (Section 4.5)

(10) Historic District Certificate of Appropriateness (Chapter 8)

(11) Driveway Permit, Village Maintained Streets or NCDOT streets

(12) Right-of-way Encroachment

(13) Other applicable permits as required

(B) From other agencies:

(1) Erosion Control Plan (State of North Carolina)

(2) Septic Tank/Well Permit (Moore County)

(3) Airport Zone Permit (Moore County)

(4) Driveway Permit, State Maintained Streets (NCDOT)

(5) Right-of-way Encroachment

(6) U.S. Fish and Wildlife Approval

(7) Other applicable permits as required

(C) Compliance with the Engineering Standards and all other applicable conditions contained in this Ordinance.

4.2.7 Simultaneous Processing of Applications for Different Permits and Approvals for the Same Development

(A) It is the intent of the Village to accommodate the simultaneous processing of applications for different permits and approvals, which may be required for the same development project, in order to make the review process as reasonable as possible for a development project. Even though this Section establishes an intent to accommodate the simultaneous processing of different types of applications, the applicant should note that each of the permits and approvals set forth in this Ordinance has its own timing and review sequence and should take this into consideration in planning the development;

(B) Notwithstanding (A) above, no application for the rezoning of property shall be accepted or processed while an application for a development permit is pending for the same property, nor shall an application for a development permit be accepted or processed while an application for rezoning is pending for the same property.

4.2.8 Simultaneous Processing of Voluntary Annexation Petitions

(A) Where the Property is Located Within the Extraterritorial Jurisdiction: Where the owner or developer of a property located in the extraterritorial jurisdiction, but not within the Village limits, wishes the Village to annex the property into the Village's corporate boundaries, as well as to approve proposed development on the property, then a voluntary annexation petition shall be submitted at the same time as an application for all development permits and must be submitted prior to the Village Council's approval of the site plan or preliminary subdivision plat;

(B) Where a Property is Located Outside of the Jurisdiction of the Village: Where the owner or developer of a property located outside of the jurisdiction of this Ordinance, wishes the Village to annex the property into the Village's corporate boundaries, then a voluntary annexation petition shall be submitted at the same time as an application for rezoning and/or a development permit. Final action by the Village Council must be

taken on the annexation petition prior to any final action being taken on the initial zoning or development.

4.2.9 Processing Fees

Requests for approval of the different permits and approvals required by this Ordinance are subject to the payment of the appropriate application processing fee(s) as specified in the most recent Village of Pinehurst Fee Schedule.

4.2.10 Property Owned by Applicant

An application for approval of any permit required by this Ordinance may be filed only by the owner of the property on which the use is to be located, an agent of the owner, or contract purchaser specifically authorized by the owner to file such application, or any unit of government which is not the owner of the property but proposes to acquire the property by purchase, gift, or condemnation. Where an agent, lessee, or contract purchaser files the application, the agent, lessee, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.

4.2.11 Village Planner to Determine the Completeness of All Initial Applications

(A) All applications made under this Chapter shall be filed with the Village Planner, unless otherwise noted, on a form prescribed by the Village Planner.

(B) The Village Planner shall determine whether any initial application required under any Section of this Chapter is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Village Planner shall schedule the application for consideration before the appropriate body and/or schedule a public hearing, if required.

(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.

4.2.11 Revocation of Development Permit

A development permit may be revoked by the Village Planner after notifying the permit holder in writing and stating the reason for the revocation. The permit revocation shall follow the same process required for issuance of the development permit, including any required notice or hearing, in the review and approval of any revocation of that approval.

Terms under which a development permit may be revoked include:

(A) Any substantial departure from the approved application, plans, or specifications; or

(B) Refusal or failure to comply with the requirements of this document or any applicable local development regulation or any State law delegated to the Village for enforcement purposes in lieu of the State; or

(C) False statements or misrepresentations made in securing the approval; or

(D) Any development approval mistakenly issued in violation of an applicable State or local law.

The revocation of a development permit by the Village Planner may be appealed as provided in Chapter 5 and pursuant to G.S. 160D-405.

Section 8.5 Table of Permitted and Special Uses and Special Requirements

The Table of Permitted and Special Uses and Special Requirements which follows contains a listing of uses which may be permitted in one (1) or more of the various General Use Zoning Districts established by this Ordinance.

8.5.1 Symbols Used on Table of Uses

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

(A) "X" indicates the use is permitted by right and a Development Permit may be obtained, subject to meeting all the requirements of this Ordinance for a Development Permit;

(B) SU indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of Section 4.5 before obtaining a Development Permit;

(C) The column on the far right, labeled "SR" (Special Requirements) means that there are additional special requirements for the development or use for compliance. These requirements are contained in Section 8.6, "Special Requirements to the Table of Permitted and Special Uses." For any use subject to a Special Use Permit, the Special Requirement along with the requirements of this Ordinance shall represent the minimum conditions for issuance of a Special Use Permit; when "SR" appears for use within a zoning district, special requirements shall apply. The Special Requirements (SR's) are numbered by the Table of Uses categories. Numbers SR-1 through SR-99 are Principal Uses, numbers SR-100 through SR 199 are Accessory Uses; and numbers SR 200 through SR 299 are Temporary Uses. The "SR" will also appear in the column of the general use district in which the special requirements apply.

(D) The listing of a use in the Table of Permitted and Special Uses and Special Requirements in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use;

(E) Any use not explicitly allowed in the Table of Permitted and Special Uses and Requirements is prohibited. The enumeration of expressly prohibited uses shall not be deemed exclusive or all inclusive.

8.5.1a Table of Permitted and Special Uses and Special Requirements

USE TYPES																			
PRINCIPAL USES	**GENERAL USE DISTRICTS**																		
RESIDENTIAL	**PC**	**RD**	**R-210**	**R-30**	**R-20**	**R-15**	**R-10**	**R-8**	**R-5**	**RMF**	**NC**	**H**	**HD**	**OP**	**VCP**	**VR**	**VMU**	**VC**	**SR**
Dwelling-Single Family			X	X	X	X	X	X	X	X					X, SR	X	X, SR		1
Dwelling-Two Family										X					X, SR	X	X, SR		1
Dwelling-Multifamily										X, SR					X, SR	X, SR	X, SR		3
Dwelling-Townhouse/ Clustered Dwellings										X, SR					X, SR	X, SR	X, SR		2
Family Care Home (6 or fewer residents)			X,SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR	X, SR					X, SR	X, SR	X, SR		4
Halfway Homes																			
Dwelling -Mixed Use											X, SR			X, SR	X, SR		X, SR	X, SR	5
Manufactured Housing									X, SR										6
Manufactured Home Park																			

LODGING	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Bed and Breakfast Homes			X,SR									X,SR			X,SR	X,SR	X,SR		7
Boarding or Rooming House																			
Dormitory																			
Hotel												X	X				X,SR	X,SR	8
Recreational Vehicle Park																			
Short Term Rental																			9

Adding SR 9 will change the order of the subsequent SR's in the PDO

X Permitted by Right

SU Special Use Permit

SR Special Requirement

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

The Table of Permitted and Special Uses and Special Requirements contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table has a number in the SR column opposite the use that use must comply with the additional Special Requirements contained in this Section corresponding to the Special Requirements number. The Special Requirements may affect the development of the use in all zoning districts in which the use is allowed or only in certain districts, as may be set forth in this Section.

Principal Uses

SR-9 Short Term Rental

A. Maximum Occupancy is based on two (2) adult guests per bedroom.
B. A minimum of two (2) parking spaces per bedroom on approved surfaces and location.
C. At least one (1) smoke detector shall be provided per bedroom.
D. All Bedrooms shall meet minimum applicable code requirements including but not limited to light and ventilation and egress requirements.
E. If it is determined that more than _____ violations occur within a period of one year, the development permit may be revoked for a period of _____

Section 10.1 Use and Meaning of Words

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

1. The latest edition of the State of North Carolina Building Code or, if not defined therein;

2. The latest edition of Webster's New International Dictionary, unabridged, which documents are hereby incorporated by reference as if set forth in their entirety herein.

Section 10.2 Definitions

Short Term Rental: an occupancy that is offered or available by short-term lease or otherwise for a time period or lease term of less than 30 days in a residential dwelling unit for a cumulative total of more than 14 days in any calendar year.

A TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE: (i) LIMITING THE LOCATION AND OPERATION OF SHORT TERM RENTAL PROPERTIES TO CERTAIN SPECIFIED ZONING DISTRICTS;(ii) CREATING AN AMORTIZATION PERIOD FOR ALL RESULTING NON-CONFORMING USES; (iii) ESTABLISHING SAFETY REQUIREMENTS AND REGULATIONS GOVERNING THE OPERATION OF SHORT TERM RENTAL PROPERTIES DURING THE AMORTIZATION PERIOD, AND THEREAFTER IN ALL OTHER ZONING DISTRICTS WHERE THEY ARE PERMITTED; (iv) ESTABLISHING PENALTIES FOR NONCOMPLIANCE; AND (v) ESTABLISHING A VOLUNTARY REGISTRATION PROGRAM GRANTING IMMUNITY FROM CERTAIN PENALTIES

Preamble

WHEREAS, the Vision Statement of the Village of Pinehurst provides: "The Village of Pinehurst is a charming, vibrant community that reflects our rich history and traditions;" and

WHEREAS, in its Comprehensive Plan, adopted in October 2019, the Village of Pinehurst has established Guiding Principles to expand upon the Vision Statement and further clarify the goals of the community around specific topics critical to preserving and enhancing the high quality of life in Pinehurst; and

WHEREAS, These Principles embody the Village's core philosophy of embracing and celebrating Pinehurst's history; and

WHEREAS, Guiding Principal No. 1 in the 2019 Comprehensive Plan provides that Pinehurst shall retain the small-town charm, scale, and character of the community to ensure a high quality of life, and celebrate and preserve the historic Village and traditions that make Pinehurst desirable and unique; and

WHEREAS, Guiding Principle No. 3 in the Comprehensive Plan provides that Pinehurst shall protect and enhance the quality and character of existing residential neighborhoods; and

WHEREAS, Section 160A-174 of the North Carolina General Statutes empowers local government to, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to health, safety

or welfare of its citizens and the peace and dignity of community, and may define and abate nuisances; and

WHEREAS, Section 160D-701 of the North Carolina General Statutes provides: "Zoning regulation shall be made [by local governments] in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction;" and

WHEREAS. Pursuant to the foregoing, Pinehurst has enacted the Pinehurst Development Ordinance ("PDO"), one of the goals of which is to "Preserve and enhance Pinehurst's residential neighborhoods while addressing the housing needs of current and future residents;" and

WHEREAS, a "short term rental" is the practice whereby the whole of a Dwelling (as that term is defined in the PDO) is rented to a third party unrelated to the Owner (hereinafter defined), and in the absence of the Owner. The term "Short term rental" is not defined in the PDO, and "short term rental" does not appear as a permitted use under the Table of Permitted and Special Uses and Special Requirements set forth in Section 8.5.1(a) of the PDO. Short term rentals were generally operated on a seasonal basis by a modest number of property owners in Pinehurst. Such activity remained modest and stable since before the incorporation of the Village and to that extent did not have a material adverse effect on the health, safety, atmosphere, character or culture of the single family neighborhoods in which they were located; and

WHEREAS, the aforementioned modest and stable short term rental activity in Pinehurst and around the country has, in the last several years, evolved into a large-scale commercial industry; and

WHEREAS, growing, significant numbers of Single Family Dwellings (hereinafter defined) have commenced rental operation in Single Family Residential Zoning Districts (hereinafter defined) which districts were planned, approved and constructed for single family occupancy by permanent residents, or as second homes; and

WHEREAS, these rental properties are often altered or constructed to increase tenant capacity, parking and impervious surfaces, recreational activities, etc., in ways that are inconsistent with the notion of family occupancy, and that more closely resemble commercial lodging businesses such as hotels, motels and resort properties; and

WHEREAS the commercial short term rental industry engages in internet-based marketing of these properties to the general public on a large scale, national basis, using Short Term Rental Hosting Platforms (hereinafter defined); and

WHEREAS, as a result of the foregoing, the majority of these short term rental properties are occupied by non-resident visitors to Pinehurst in a series of daily or weekly stays, over the majority of the year. Contrary to the past practice in Pinehurst, such properties are not occupied by tenants on a seasonal basis or by their owners as permanent or part-time residents; and

WHEREAS, the foregoing has significantly increased the number and concentration of short term rental properties in Pinehurst, from approximately 70 in 2015 to approximately 400 in 2022; and

WHEREAS, the above-described evolution of the commercial short-term rental industry has occurred without regulatory oversight with respect to: (i) the health, safety and welfare of the residents of Pinehurst; (ii) the character and culture of neighborhoods that were planned, approved, and constructed for Single Family Dwelling Units occupied by permanent residents; or (iii) the tenants of short term rental properties; and

WHEREAS, concurrent with the unregulated growth of the commercial short term rental industry, Pinehurst has experienced material increases in incidents involving tenant misconduct, conditions of poorly maintained real property, and deterioration in the character, culture, and quality of life in Single Family Residential Districts; and

WHEREAS, based on data accumulated by the short term rental industry the growth of commercial short term rental properties in Pinehurst is estimated to continue unabated; and

WHEREAS, the Village Council has taken note of the regulations governing short term rental properties adopted by neighboring communities such as Southern Pines, communities across North Carolina such as Blowing Rock, Ashville, Chapel Hill, and others, and in condominium associations and gated communities in Pinehurst, including but not limited to Lake Point Condominiums, Pinewild and the Country Club of North Carolina; and

WHEREAS, in the absence of regulatory action by the Village of Pinehurst, some individual recorded allotments in Pinehurst have undertaken to amend their governing documents to regulate Short Term Rentals; and

WHEREAS, Village Council has undertaken to study the nature and extent of the commercial short term rental industry in Pinehurst, including but not limited to the following: (i) obtaining a detailed analysis of the industry, and how it is regulated, by the Village Planning and Inspection Department; (ii) consulting with counsel; (iii) reviewing regulatory legislation from communities comparable to Pinehurst both inside and outside North Carolina; and

WHEREAS, Village Council has conducted multiple public meetings and work sessions where the foregoing were reviewed and debated by Council and where: (a) representatives of the commercial short term rental industry provided data and advocacy on the growth of the industry, its purported effect on the Village of Pinehurst economy, and the importance to individual short term rental operators of the economic benefits they realize from their operations; and (b) complaints were received from Pinehurst

citizens alleging serious incidents of tenant misconduct including drunkenness and rowdy behavior, and criminal activity including but not limited to disorderly conduct, trespass, importuning, and theft, unsafe overparking, deteriorated property conditions, and a general decline in the character and culture of the single family residential districts, which these Pinehurst citizens attribute to the intensified presence of short term rental properties; and

WHEREAS, Village Council recognizes the investment made by Short Term Rental Owners in terms of property improvements and renovations, that their reservation schedule extends significantly into the future, and that, to the extent a Short Term Rental becomes a Non- Conforming Use as a result of these amendments to the PDO, it is equitable to permit Short Term Rental Owners a reasonable time during which to recoup and amortize their investments, and to determine an alternative ownership strategy for their Short Term Rental Properties (whether by sale, conversion to long term rental, personal occupancy or otherwise) and

WHEREAS, Village Council has determined that the Amortization Period (hereinafter defined) between the effective date of this Ordinance and July 31, 2024, is reasonable in light of the nature of the business of Short Term Rental Owners and the character of Single Family Residential Districts; and

WHEREAS, the Village of Pinehurst has a legitimate governmental interest in: (i) safeguarding the life, health, safety, welfare, and property of Short Term Rental occupants, neighborhoods, and the general public; and (ii) minimizing the present and future adverse impacts resulting from the increase in transient rental uses in neighborhoods planned, approved, and constructed for Single Family Dwelling Units occupied by permanent residents;

NOW THEREFORE, be it ordained by the Village of Pinehurst that the following Sections of the PDO be amended by the enactment of the following new Sections and Special Requirement No. 9, all as set forth in the highlighted text below:

***

2.3.2 Nonconforming Uses

(a) Extension of Use: A nonconforming use of land shall not be enlarged, extended, or intensified in any way except as provided below;

(b) Limitation of Short Term Rentals to Certain Zoning Districts. Notwithstanding any inconsistent or contrary provision of the PDO, renting a Single Family Dwelling as a Short Term Rental or rooming house, or otherwise (except: (i) Long Term Rentals; and (ii) Bed and Breakfast Homes and then only in Zoning District R-210) is expressly prohibited in all Single Family Residential Zoning Districts. **Provided however,** this prohibition shall not apply: (i) to a Short Term Rental with a term of less than 14 days concurrent with a public sporting or civic event held in the Village of Pinehurst where the daily attendance is reasonably expected to equal or exceed 15,000 visitors; or (ii) in any gated community annexed into the Village prior to the effective date hereof, and where Short Term Rental ownership and operations are subject to regulations administered and overseen by the governing board of such gated community pursuant to its governing documents.

(c) Amortization Period. All Short Term Rentals operating in Single Family Residential Zoning Districts as of the effective date hereof ("Pre-Existing Short Term Rentals") shall thereafter be Nonconforming Uses and may continue such operation, subject to the Safety and Operational Regulations set forth in SR 9. and in accord with applicable law, until the earlier of (i) transfer of the record ownership of such Pre-Existing Short Term Rental or (ii) July 31, 2024, after which time all such Pre-Existing Short Term Rentals shall cease operation.

(d) Continuation, Maintenance and Minor Repair: The continuation of a nonconforming use of land and the maintenance or minor repair of a structure containing a nonconforming use are permitted, provided that the continuation, maintenance, or minor repair does not extend, expand, or increase the intensity of the nonconforming use. For the purposes of its Section, maintenance or minor repair shall mean:

(1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior and exterior appearance of a building or structure without expanding or altering the building or structure;

(2) Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;

(3) The addition of landscaping that increases the visual attractiveness of the property; (4) Repairs which are required to remedy unsafe conditions which cause a threat to public safety;

(e) Damage or Destruction: If a nonconforming use of land or a structure containing a nonconforming use is destroyed by any means other than Acts of God, to an extent greater than 50 percent of its replacement cost at the time of destruction, then such use shall not be reestablished in any way that does not conform to the requirements of this Ordinance.

***

8.5.1a Table of Permitted and Special Uses and Special Requirements

USE TYPES																			
PRINCIPAL USES	GENERAL USE DISTRICTS																		
RESIDENTIAL	**PC**	**RD**	**R-210**	**R-30**	**R-20**	**R-15**	**R.-10**	**R.-8**	**R.-5**	**R-MF**	**NC**	**H**	**HD**	**OP**	**VCP**	**VR**	**VMU**	**VC**	**SR**
Dwelling-Single Family			X	X	X	X	X	X	X	X					X,SR	X	X,SR		1
Dwelling-Two Family										X					X.SR	X	X,SR		1
Dwelling-Multifamily										X,SR					X,SR	X,SR	X,SR		3

Dwelling-Townhouse/Clustered Dwellings										X,SR					X,SR	X,SR	X,SR		2
Family Care Home(6 or fewer residents)			X,SR	X,SR	X,SR	X,SR	X.SR	X,SR	X,SR	X, SR					X,SR	X,SR	X,SR		4
Halfway Homes																			
Dwelling-Mixed Use											X,SR			X,SR	X,SR		X,SR	X,SR	*5*
Manufactured Housing									X,SR										*6*
Manufactured Home Park																			
LODGING	**PC**	**RD**	**R.-210**	**R.-30**	**R-20**	**R-15**	**R.-10**	**R.-8**	**R-5**	**R-MF**	**NC**	**H**	**HD**	**OP**	**VCP**	**VR**	**VMU**	**VC**	**SR**
Bed and Breakfast Homes			X,SR									X.SR			X,SR	X,SR	X,SR		7
Boarding or Rooming House																			
Dormitory																			

Hotel												X	X				X,SR	X,SR	8
Recreational Vehicle Park																			
Short Term Rental										X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	X,SR	9
Office/SERVICE	**PC**	**RD**	**R-210**	**R-30**	**R-210**	**R-15**	**R.-10**	**R.-8**	**R.-5**	**R-MF**	**NC**	**H**	**HD**	**OP**	**VCP**	**VR**	**VMU**	**vc**	**SR**

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

The Table of Permitted and Special Uses and Special Requirements contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table has a number in the SR column opposite the use, that use must comply with the additional Special Requirements contained in this Section corresponding to the Special Requirements number. The Special Requirements may affect the development of the use in all zoning districts in which the use is allowed or only in certain districts, as may be set forth in this Section.

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SR 9 Short Term Rentals [remaining SRs to be renumbered accordingly]:

9.1 Administrative Rules For Short Term Rentals

9.1.1 Applicability.

Except as otherwise provided herein, nothing in these Administrative Rules shall supersede existing Village law applicable to persons and/or property, including without limitation the Pinehurst Municipal Code, the Pinehurst Development Ordinance, as amended, the Pinehurst Engineering Standards and Specifications Manual, or otherwise under Village law. However, in the event of a conflict between a provision of any of the foregoing and this SR 9, the provisions of this SR 9 shall control. Provided however, nothing in this SR 9 shall abrogate any easement, covenant, or private agreement including without limitation: (i) declarations of covenants, restrictions, or the like, of an allotment; (ii) homeowner association agreements; or (iii) any other encumbrance on the use of property imposed in connection with the creation of any allotment or subdivision, or entered into among property owners, or otherwise governing any property or group of properties.

9.1.2 Safety and Operational Regulations. The ownership, maintenance and operation of all Short Term Rentals and all Pre-Existing Short Term Rentals shall be subject to the following Safety and Operational regulations:

(a) Duties of Short Term Rental Owner And Responsible Agent. A Short Term Rental Owner or Responsible Agent, as the case may be, shall, with respect to the Short Term Rental owned, operated or managed by him, her or it shall:

1. Be available 24 hours a day, 7 days a week, to respond (in real time with a natural person, including in-person if necessary) within two (2) hours to manage emergency or other time-sensitive situations stemming from the operation of such Short Term Rental.

2. Ensure that the operation of such Short Term Rental complies with the provisions of this Ordinance and otherwise with applicable law;

3. Keep accurate books and records with respect to the operation of such Short Term Rental;

4. Perform all of the duties and meet all of the requirements imposed upon a landlord under Titles 42 and 42(a) of the North Carolina General Statutes;

5. Register for and timely remit all taxes payable on account of the operation of such Short Term Rental to the appropriate taxing authorities;

6. Deliver to the Primary Responsible Tenant of such Short Term Rental the Good Neighbor Guide described below.

(b) Allocation of Duties. The foregoing Duties may be allocated among the Short Term Rental Owner and the Responsible Agent by agreement between them, however in that event liability hereunder to the Village or third parties for the performance of these Duties shall be joint and several.

(c) Maximum Overnight Occupancy. The overnight occupancy of a Short Term Rental shall not exceed 2 persons per bedroom. The occupancy limit shall be a provision of the agreement governing occupancy of the Short Term Rental, posted prominently within the Property and included in advertisements, property listings, or on Short Term Rental Hosting Platforms.

(d) Parking:

1. One parking space for each bedroom, plus one additional parking space, shall be provided for each Short Term Rental;

2. All parking on Single Family Dwellings shall be in the garage and/or driveway and there shall be no parking in any yard areas or setbacks;

3.The impervious surface area of a Short Term Rental shall not be increased for parking purposes;

4. Notwithstanding Section 8.3.3.6 of the PDO, no variances may be granted to increase the impervious surface area of a Short Term Rental.

5. All Properties in all Single Family Residential Zoning Districts shall be and remain subject to all other Village parking regulations.

(e) Certificate of Occupancy. A Short Term Rental shall meet all of the requirements for the issuance of a certificate of occupancy under Village and/or North Carolina law, and shall have a valid and current Certificate of Occupancy.

(f) Signs. Signs on a Short Term Rental advertising it as such are prohibited.

(g) Taxes. Each Short Term Rental shall be timely registered for all taxes assessable in connection with its operation, including without limitation state sales tax, real and personal property taxes, and transient occupancy taxes, and all such taxes shall be timely paid to the appropriate agency.

(h) Safety. Each Short Term Rental shall comply with all local, state and federal laws applicable to occupancy, health, and safety of the Property based on its use as a Short Term Rental. At a minimum, a Short Term Rental shall be equipped as follows: (i) one smoke alarm meeting Underwriters Laboratory UL 217 standards inside each sleeping room, outside of and within 15' of each sleeping room, and otherwise on each floor, including basements; (ii) one NFPA 720-2015 carbon monoxide detector within 15 feet of all sleeping rooms; (iii) one 2-A:10-B:C rated fire extinguisher on each floor.

(i) Primary Responsible Tenant; Responsibilities and Minimum Rental Age. There shall be only one Primary Responsible Tenant for any booking transaction for a Short Term Rental and the Primary Responsible Tenant shall be responsible for the conduct of all occupants of the Short Term Rental during the tenancy. The Primary Responsible Tenant shall be at least twenty-one (21) years old.

(j) Minimum Rental Duration. Short Term Rentals shall not be rented for a period of less than 18 hours, which period shall include the hours between 9:00 p.m. and 10: a.m.

(k) Insurance. Each Short Term Rental shall be covered by a commercial general liability policy of insurance ("all risk") with a total limit of not less than $1,000,000 each occurrence for bodily injury and property damage (including without limitation coverage for damages arising out of or related in any manner to the simple or gross negligence, recklessness or intentional misconduct of any tenant) which insurance shall remain in full force and effect at all times.

(l) Neighborhood Notice. Written notice shall be given to the record owners of properties within a 300 foot radius of a Short Term Rental, providing the occupancy limit of such Short Term Rental, the identity and Internet address of each Short Term Rental Hosting Platform upon which such Short Term Rental is advertised, and the name and contact information of the Short Term Rental Owner and Responsible Agent. This notice shall be updated in the event any of this information changes.

(m) No Variances or Administrative Modification. The Zoning Board of Adjustment may not, pursuant to Chapter 5 of the PDO, grant any variances to any Short Term Rental. The Village Planner may not grant any Administrative Modification to any Short Term Rental pursuant to Section 5.2 of the PDO.

(n) No Expansion of Pre-Existing Short Term Rental Properties. Pre-Existing Short Term Rentals shall not be enlarged or expanded, either externally or internally, so as to increase the maximum occupancy permitted for such Short Term Rental pursuant to SR 9.1.2(c).

(o) Damage or Destruction. Short Term Rentals damaged or destroyed in whole or in part may be repaired or reconstructed only as provided by the provisions of Section 2.3 of the PDO.

(p) Other Applicable Law. Each Short Term Rental shall at all times be and remain in compliance with all federal, state, and local laws, including, North Carolina State Building Code, fire code, and environmental health regulations for operation as a rental property.

(q) Good Neighbor Guide. A copy of the Pinehurst "Good Neighbor Guide" shall be delivered to the Primary Responsible Tenant of a Short Term Rental.

9.2.3 Voluntary Registration Program.

The Village of Pinehurst Department of Planning and Inspections ("Department") shall create and administer a voluntary registration program for Short Term Rentals ("Program"). Participation in the Program shall be at the sole discretion of Short Term Rental Owners and Responsible Agents, and no inference shall be drawn with respect to the operation of any Short Term Rental based on whether or not it participates in the Program.

(a) Program Requirements. Short Term Rental Owners seeking to participate in the Program shall:

1. Provide to the Department the name, address and telephone number of the Owner of such Short Term Rental. If the Owner is a business entity, it shall provide to the Department the name, address and telephone number of a natural person designated by such Owner who will respond to inquiries about the Short Term Rental.

2. Provide to the Department the name, address, and 24 hour emergency and non-emergency telephone numbers of the Responsible Agent for such Short Term Rental. If the Responsible Agent is a business entity, it shall provide to the Department the name, address and telephone number of a natural person designated by such Responsible Agent business entity who will respond to inquiries about the Short Term Rental.

3. Provide such documentation as may be necessary in the reasonable discretion of the Department, and consent to an inspection of the Short Term Rental to confirm it complies with the Safety and Operational Regulations set forth in SR 9.1.2, and as required by applicable law.

4. Provide to the Department an attestation by the Short Term Rental Owner and Responsible Agent, jointly and severally and upon their personal knowledge after inquiry, that: (i) the Short Term Rental and its operation shall comply with all of the requirements set forth in this Ordinance and in conformity with other applicable law; (ii) they consent to periodic inspection of the Short Term Rental upon reasonable notice as set forth in North Carolina General Statutes Section 160(D)-1207; (iii) they consent to inspection of the Short Term Rental upon its receipt of any complaint regarding the operation, maintenance, management, or safety of a Short Term Rental; (iv) the Short Term Rental is otherwise in compliance with all federal, state, and local laws, including: (x) the then-current North Carolina State Building Code: Residential Code; (y) fire code; and (z) environmental health regulations: and (vi) the appropriate tax registration and remittances applicable to such Short Term Rental have and will be timely made.

5. Pay a one-time fee of $300.00 (“Fee”) shall be assessed by the Department in order for a Short Term Rental to participate in the Program.

(b) Seal of Compliance. Upon satisfaction of the requirements set forth in this Section 5, participants in the Program shall receive a Seal of Compliance certifying that the Short Term Rental is compliant with the Program. The Seal of Compliance may be posted in the Short Term Rental and displayed in advertisements for such Short Term Rental. The Seal of Compliance shall be renewed every two years at a renewal fee established by the Department. Copies of the Seal of Compliance with respect to any Short Term Rental shall be available to any person from the Office of the Village Clerk upon request.

(c) Immunity From Civil Action. Short Term Rental Owners and Responsible Agents participating in the Program shall be immune from Civil Enforcement Actions as described in Section 6.4 of this Ordinance. Other than with respect to complaints involving exigent circumstances as set forth in SR 9.4(a), enforcement of this Ordinance with respect to Short Term Rentals, Short Term Rental Owners and Responsible Agents participating in the Program shall be as set in SR 9.4(b) and 9.5(c)).

9.4 Enforcement and Penalties.

(a) Enforcement, Exigent Circumstances. Exigent circumstances include, but are not limited to events, conditions, or conduct involving imminent threat to life or property, or continuing nuisance conduct (i.e., noise, lighting, unruly behavior), parking violations contrary to SR 9.1.2(d), and the like, or other violations of this Ordinance or applicable law requiring immediate attention. Complaints involving exigent circumstances may be made to the Pinehurst Police Department, which shall respond in accord with its practices and procedures. The Police Department shall keep and maintain written records of all calls regarding Short Term Rentals, whether or not involving exigent circumstances.

(b) Enforcement, Non-Exigent Circumstances. Non-exigent circumstances include, but are not limited to events, conditions, or conduct not involving imminent threat to life or property, and do not, in the determination of the complainant, require immediate attention, and may include, but are not limited to: (i) nuisances pursuant to Section 92.01 of the Pinehurst Municipal Code; (ii) failure to meet minimum

standards for dwellings and dwelling units as set forth in Sections 153.16 *et.seq* of the PDO; (iii) failure to comply with the Village solid waste disposal program); (iv) violations of SR 9.1.2 or other applicable law; and (v) complaints to the Pinehurst Police Department not deemed by it to involve exigent circumstances. Complaints involving non-exigent circumstances shall be made to the Code Compliance Specialist through MyVop (https://www.vopnc.org/our-community/living-in-pinehurst/service-request-center-my-vop).

(c) Penalties.

1. Any person, or business entity (business entity includes but is not limited to a sole proprietorship, limited partnership, limited liability company, and corporation) violating any of the provisions of this Ordinance or failing or neglecting or refusing to comply with the same, shall be issued a notice of civil infraction subject to a maximum penalty of $500 and/or shall be guilty of a Class 3 misdemeanor and subject to a fine of $100 or imprisonment not to exceed 30 days. Civil penalties will start at $100 for the first infraction within a 24-month period, and will escalate by $100 for each subsequent infraction within a 24-month period up to the maximum of $500. For penalty purposes each violation recorded and subsequently abated on any distinct enforcement officer visit shall constitute a separate offense (See G.S. § 14-4(a) and § 160A-175).

2. In addition to the procedure set forth in SR 9.4(c)(1) above, a resident of the Village of Pinehurst may, at his or her election and expense, bring a civil action for the violation of this Ordinance by filing a complaint, verified as provided in Rule 11(b) of the North Carolina Rules of Procedure, in the District Court for Moore County, against any Short Term Rental Owner or Responsible Agent, or against both of them jointly and severally, who violates, or whose Short Term Rental fails to comply with, this Ordinance. If the complaining party prevails in an action brought under this section, the Court shall award: (i) injunctive relief sufficient to cause the defendants to cure all established violations of this Ordinance and prevent the defendants from violating it thereafter; (ii) prohibiting the operation of the Property as a Short Term Rental until Court determines the defects have been cured; and (iii) statutory damages in an amount not less than Two Thousand Dollars ($2,000.00)

plus costs and reasonable attorney fees. Notwithstanding any other law, ignorance or mistake of law shall not be a defense to an action brought under this section.

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9.4aTable of Required Parking

Required Parking USE TYPES	REQUIREDPARKING
RESIDENTIAL	
Dwelling-Single Family	2 per Dwelling Unit
Dwelling-Two Family	2 per dwelling unit
Dwelling-Multifamily	
0-1 bedrooms	1 space per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors
2-3 bedrooms	2 spaces per Dwelling Unit plus I space per *5* Dwelling Units for visitors
4 or more bedrooms	2.5 spaces per Dwelling Unit plus 1 space per *5* Dwelling Units for visitors
Dwelling-Townhouse/Clustered Dwellings	2 per Dwelling Unit
Family Care Home (6 or fewer residents)	1 per bedroom
Dwelling-Mixed Use	1 per bedroom (or provided as shared parking)
Manufactured Housing	2 per Dwelling Unit
LODGING	
Bed and Breakfast Homes	2 spaces plus 1 per sleeping room
Short Term Rental	1 space per bedroom, plus 1 additional space

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Section 10.2 Definitions

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Dwelling, Single Family: a free standing building designed for and/or occupied for living purposes. Also includes factory-built, modular housing units that comply with North Carolina State Building Code.

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Long Term Rental. The use of a Dwelling whereby the whole of such Dwelling is rented to a third party for a term of more than 30 consecutive days, for money or other consideration.

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Primary Responsible Tenant. The person executing, as tenant, the rental agreement for a Short Term Rental.

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Responsible Agent. a person or business entity providing services with respect to the operation of a Short Term Rental, and who or which is located or resides in North Carolina and holds a valid North Carolina real estate broker license issued under North Carolina General Statutes Chapter 93(A). If the Responsible Agent is a business entity, it shall be in good standing with and/or authorized to do business in the State of North Carolina. The Responsible Agent may be the Owner, in which event the licensing requirement set forth in the first sentence of this Subsection 2.5 shall not apply.

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Short Term Rental. The use of a Dwelling whereby the whole of such Dwelling is rented to a third party unrelated to the Owner (hereinafter defined), and in the absence of the Owner for a period of less than 30 consecutive days at a time, for money or other consideration.

Short Term Rental Owner, or Owner. The owner of a Short Term Rental as recorded in the Moore County Register of Deeds.

Short Term Rental Hosting Platform. A public platform that allows a Short Term Rental Owner or Responsible Agent (hereinafter defined) to advertise a Single Family Dwelling for use as a Short Term Rental and facilitates the booking transaction between the Short Term Rental Owner or Responsible Agent, and the Primary Responsible Tenant.

Single Family Residential Zoning District. Any of Village zoning districts RD, R-210, R-30, R-20, R-15, R-10, R-8, and R-5.

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