



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF MAY 23, 2023
ASSEMBLY HALL
395 MAGNOLIA RD. PINEHURST, NC 28374
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.
2. Invocation by Reverend Matt Stillman and Pledge of Allegiance led by Mayor John Strickland
3. Reports:
 Manager
 Council
4. Motion to Approve Consent Agenda.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

- A. Approval of Village Council Meeting Minutes
 May 9, 2023, Council Regular Meeting Minutes
 May 9, 2023, Council Work Session Minutes
 May 17, 2023, Council Special Meeting - Budget Work Session Minutes

End of Consent Agenda.

5. Discuss and Consider a Contract for Legal Services for FY 2024
6. Q3 Update on the Status of the FY 2023 Strategic Operating Plan
7. Motion to Recess the Regular Meeting and enter into Public Hearing #1
8. Public Hearing #1 - Fiscal Year 2024 Budget
 The purpose of this public hearing is to discuss the proposed Fiscal Year 2024 Budget for the Village of Pinehurst.
9. Motion to Adjourn Public Hearing #1 and Re-enter the Regular Meeting
10. Motion to Recess the Regular Meeting and Enter into Public Hearing #2
11. Public Hearing No. 2 - Official Zoning Map and Text Amendments to Implement the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans
 The purpose of this public hearing is to discuss Official Zoning Map and Text Amendments to the Pinehurst Development Ordinance (PDO) to implement the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans.

12. Motion to Adjourn Public Hearing #2 and Re-enter the Regular Meeting
13. Discuss and Consider Ordinance #23-13 for Amendments to the Village of Pinehurst Zoning Map and Development Ordinance
14. Discuss the Pinehurst South Moratorium Expiration
15. Discuss and Consider Resolution #23-17 Ratifying, Accepting & Approving Charter Resolution of Central Pines Regional Council
16. Other Business.
17. Comments from Attendees.
18. Motion to Adjourn.

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

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement.



**COUNCIL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- ▣ 2023 Key Partners and Collaborators



Council Member to Report	Partners & Collaborators
John Strickland	Convention and Visitors Bureau
	FirstHealth
	*Moore County, NC - Rotating
	Moore County Transportation Committee
	NCDOT/TARPO
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Partners in Progress
	Pinehurst Resort
Patrick Pizzella	*Moore County, NC - Rotating
	NCDOT/TARPO
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Partners in Progress
	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
Jane Hogeman	Beautification Committee
	Chamber of Commerce
	*Moore County, NC - Rotating
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Pinehurst Business Partners
	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
Lydia Boesch	Bicycle and Pedestrian Advisory Committee
	Convention and Visitors Bureau
	*Moore County, NC - Rotating
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
Jeff Morgan	FirstHealth
	*Moore County, NC - Rotating
	Moore County Schools
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Triangle J. COG



APPROVAL OF VILLAGE COUNCIL MEETING MINUTES
ADDITIONAL AGENDA DETAILS:

May 9, 2023, Council Regular Meeting Minutes
May 9, 2023, Council Work Session Minutes
May 17, 2023, Council Special Meeting - Budget Work Session Minutes

FROM:

Kelly Chance

CC:

Jeff Sanborn and Village Council

DATE OF MEMO:

5/15/2023

MEMO DETAILS:

The minutes for the May 9th Council Regular and Work Session, and for the May 17th Council Special Meeting - Budget Work Session are attached for Council review and proposed approval.

ATTACHMENTS:

Description

- ☐ May 9, 2023, Council Regular Meeting Minutes
- ☐ May 9, 2023, Council Work Session Minutes
- ☐ May 17, 2023, Council Special Meeting - Budget Work Session



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF MAY 9, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday May 9, 2023, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

Mr. John C. Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Mr. Jeff Morgan, Councilmember via Zoom Platform
Ms. Jane Hogeman, Councilmember
Ms. Lydia Boesch, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Kelly Chance, Village Clerk

And approximately 14 attendees, including 6 staff and 1 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Reports:

Village Manager

- Mr. Jeff Sanborn, Village Manager, reported the glass recycling yard is now operational and will start collecting next Monday. He reported staff met with the USGA team and discussed plans for the 2024 U.S. Open. He noted the plan is to sell fewer tickets to promote a better guest experience from overcrowding. He stated the volunteer application process is underway.

Village Council

- Mayor Strickland reported he met with the newly forming Metropolitan Planning Organization on May 1st to discuss formation and infrastructure. He reported the Heritage Foundation met to discuss upcoming plans around the Arboretum. He stated he met with Sandhills Community College and the Boys and Girls Club to discuss job training, which the college will provide for high school students to help with skill sets needed in our area. He attended the Moore County Economic Partners meeting where it was announced they received a \$1.7 million grant, with 1.2 million which will be used to develop job leads. He noted medium and small business opportunities will be the focus.
- Mayor Pro Tem Pizzella reported Sandhills Community College announced a local Moore County resident as their new president. He stated he attended the VOP Beautification committee meeting with Councilmember Hogeman. He announced he was also a new volunteer at Pinehurst elementary school, which he stated is a beautiful facility and an asset in our community.

- Councilmember Boesch attended the CVB Board of Directors meeting where it was announced the grant application process starts Monday. She noted their recent pinecone pathways project has been successful and so they have ordered another 100 to place on the trails. She further noted they have had folks from Indiana and Ohio come to visit in search of these special glass pinecones. She reported she went to the Sandhills Women's Exchange meeting this past week as well as attended a shareholder zoom meeting for the Parks & Recs Master Plan discussion with the consultants, whom she stated are doing a great job.
- Councilmember Hogeman reported she attended the Beautification committee where they are participating and planning a lot of downtown projects. She noted their new Manning Award is open and applications are due June 10th, with judging in the middle of June. She stated they are looking for properties that show the use of native plants, birds, butterflies, wildlife sanctuaries & other related landscaping. She stated the new Planters Guide is coming out soon and the Committee will be sponsoring some workshops in the coming months for residents.
- Councilmember Morgan reported JCOG has moved into a new facility and changing their name, which he noted needs supported by 2/3rd of local governments. He stated this past week he saw 9-year-olds playing on the new turf on Cannon and it was great to see.

3. **Motion to Approve Consent Agenda.**

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

- A. Approval of Village Council Meeting Minutes
- April 25, 2023, Council Regular Meeting
 - April 25, 2023, Council Work Session

End of Consent Agenda.

Upon a motion by Councilmember Hogeman, seconded by Councilmember Boesch, Council unanimously approved the Consent agenda by a vote of 5-0.

4. **Motion to Recess the Regular Meeting and enter into Public Hearing #1.**

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved to recess the regular meeting and enter Public Hearing #1, by a vote of 5-0.

5. **Public Hearing No. 1 – Consider Adoption of the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans.**

Alex Cameron, Planning & Inspections Director, stated the purpose of this public hearing is to consider formal adoption of the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans. He stated pursuant to NCGS 160D-501, local governments may prepare and adopt plans other than Comprehensive Plans as deemed appropriate. He noted such plans specifically include but is not limited to small area plans. He stated local governments must have a Comprehensive Plan to adopt and apply zoning regulations. These plans, including small area plans and other plans adopted by the local government, may address the pattern and desired growth of development including location, characteristics, and future land uses. He noted the plans shall also be considered by the local government's planning board and governing board when considering amendments to the zoning regulations as required by NCGS 16-D-604 and 160D-605. He further noted such plans are advisory in nature and have no regulatory effect.

Mr. Cameron stated the adoption of these plans will aid and guide future development within the proposed boundaries of the area and in addition, when reviewing proposed zoning amendments, the Planning and

Zoning Board and Village Council will consider consistency with the adopted 2019 Comprehensive Plan, the Small Area Plans, and the Form Based Guidance Plans. He stated a statement describing consistency with these plans as a requirement when considering such amendments.

Mr. Cameron stated the 2019 Comprehensive Plan indicated five areas (Focus Areas) which represent the most important areas to influence development and could have the most significant impact on shaping the Pinehurst of the future. He stated the adoption of these plans would be consistent with the goals and several Implementation Strategies within the 2019 Comprehensive Plan, notably as seen on pages 63-66, 77-82, and 91-100.

Mr. Cameron stated this is particularly important as the approach to implementing the Small Area Plans and Form Based Guidance Plans will require amendments to the Pinehurst Development Ordinance (PDO) and Official Zoning Map. She noted these amendments, as currently drafted, would require a conditional zoning approval for new development and redevelopment within the defined boundaries of Village Place and Pinehurst South.

Mr. Cameron stated Village Council previously approved both Small Area Plans by motion (Village Place on 6/14/2022 and Pinehurst South on 9/27/22). To comply with NCGS, adoption of such plans shall follow the same process as mandated for zoning text amendments. This requires a public hearing and recommendation by the Planning and Zoning Board and a public hearing and adoption by ordinance of Village Council. He stated the Planning and Zoning Board held a public hearing and unanimously recommended approval of both Small Area Plans and Form Based Guidance Plans on March 30, 2023.

Mr. Cameron reported that only some minimal allowances for flat roofs and the name of the Form Based Code to Form Based Guidance Plans has changed since the Council last reviewed the plan. He noted the discussion with Councilmembers on the density will be entered into the PDO and is not included in this Plan. He stated we cannot adopt a zoning regulation that dictates design elements for one or two residential dwelling units. He noted that in terms of the name change, the process over the last three years has dictated a need to change to fit what is authorized by General Statute.

During the Public Speaking portion of the Hearing, Lynn Goldhammer expressed concerns over the excess building in this area and the loss of our character by creating more development.

K. Squires, Dornoch Lane, addressed Council about his disappointment that Council is now reverting from the prior intent to produce codes versus guidelines for the small area plans. He stated he has attended meetings over the last several years and watched the progress with the understanding that this was going to be a code; now he understands this is going to be a change from that. He noted what has been presented in the past was the objective to acknowledge and reflect the way the Village Center looks – this has not been shown. He understands that while the council can put forth no real guidelines, he would like to see something more the Council can do.

Councilmember Morgan asked Mr. Cameron to answer Mr. Campbells question about things Council will be able to do. Mr. Cameron stated that very robust architectural design standards will be in the PDO that can be strictly enforced.

6. Motion to Adjourn Public Hearing #1 and Re-enter the Regular Meeting.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved to adjourn Public Hearing #1 and re-enter the Regular Meeting, by a vote of 5-0.

7. **Discuss and Consider Resolution 23-16, Adoption of the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans.**

Mr. Cameron presented Resolution #23-16 to formally adopt the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Resolution #23-16, Adoption of the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans, by a vote of 5-0.

8. **Discuss and Consider Ordinance 23-11, Amending the FY2023 Budget for Library and Archives Building Capital Improvements.**

Dana Van Nostrand, Finance Director, presented Ordinance #23-11, amending the FY2023 Budget for Library and Archives Building Capital Improvements. She reported the FY 2023 budget included an appropriation of \$1,000,000 for unspecified initial building improvements to the Given Memorial Library and Tufts Archives. She stated these initial improvements were on hold until the needs assessment was completed. She noted based on the needs assessment, Council decided it is most beneficial to the Village and its residents to construct a new building for the Given Memorial Library and renovate the existing building to expand the Tufts Archives.

Ms. Van Nostrand reported the costs for the new building and the renovation will be accounted for in the Library Expansion Capital Project Fund. She stated Management recommends utilizing the \$1,000,000 appropriated for building improvements in FY 2023 as a transfer from the General Fund to the Library Expansion Capital Project Fund to fund the future costs of the project.

Ms. Van Nostrand reported the \$1,000,000 appropriation in FY 2023 has been estimated as being "spent" in FY 2023 for the purposes of projecting the FY 2023 ending fund balance so this amendment to transfer the \$1,000,000 to the capital project fund will not change the estimated ending fund balance previously reported to Council or that is reported in the Recommended FY 2024 Strategic Operating Plan. She noted further, the Recommended FY 2024 Strategic Operating Plan and Five-Year Forecast assume this transfer has been made in FY 2023 when estimating the transfer from the General Fund to the capital project fund in FY 2025 to fund the construction.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved Ordinance #23-11, Amending the FY2023 Budget for Library and Archives Building Capital Improvements, by a vote of 5-0.

9. **Discuss and Consider Ordinance 23-12, Amending the Library Expansion Capital Project Fund Budget.**

Dana Van Nostrand, Finance Director, reported Ordinance #23-11 authorized the transfer of \$1,000,000 from the General Fund to the Library Expansion Capital Project Fund. She presented Ordinance #23-12 to amend the Library Expansion Capital Project Fund to:

- Appropriate the additional funding for construction;
- Record the revenue source of \$1,000,000 from the General Fund; and
- Increase the estimated investment income by \$19,500, bringing the budgeted total to \$20,000. Actual investment income as of March 31, 2023, was approximately \$10,000, earned on the FY 2022 cash transfer from the General Fund of \$400,000.

Ms. Van Nostrand stated the recommended FY 2024 Strategic Operating Plan includes this proposed amendment to the Library Expansion Capital Project Fund.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Ordinance #23-12, Amending the Library Expansion Capital Project Fund Budget, by a vote of 5-0.

10. Financial Statements for the Quarter Ended March 31, 2023.

Dana Van Nostrand, Finance Director, presented the financial statements for the nine months ended March 31, 2023. She reported the Village remains in a very good financial position through this point in the fiscal year. She stated Revenues are on track to meet the forecast and operating expenditures are below budget pace for nine months. She noted these results should position us well to carry out the objectives outlined in the FY 2023 Strategic Operating Plan.

Ms. Van Nostrand reported the Village's General Fund shows \$9.4 million in net income for the first nine months of the year compared to \$5.2 million the prior year. She stated the net income is significantly higher than prior year due to the \$5.4 million transfer from the ARPA special revenue fund into the General Fund recorded this quarter. She noted the Village's General Fund fund balance is currently 84% of budgeted expenditures, compared to 75% the previous year through March 31.

Ms. Van Nostrand reported the Village's total cash and investment balances increased by \$3.6 million, or 18%, compared with the previous year, primarily due to the receipt of the second ARPA payment of \$2.6 million in FY2023. She stated of the \$23.8 million in cash and investments on March 31, 2023, nearly \$23.5 million, or 99%, was held in the North Carolina Capital Management Trust Government Portfolio. She stated the cash and investments have yielded 3.28% in fiscal year 2023 through March 31, 2023, which is a significant improvement compared to the fiscal year 2022 yield through the same period of 0.16% as interest rates have risen. She noted the Village does not have any installment financing debt obligations as of March 31, 2023.

Ms. Van Nostrand reported General fund revenues were \$93 thousand above the quarterly budget projections including the mid-year amendments. Property tax revenues were \$169 thousand above the quarterly revenue estimate. She stated Local option sales taxes were \$158 thousand below the quarterly budget, however, these revenues are received on a lag and the quarterly budget amount includes the mid-year budget amendment to increase the sales tax budget by \$531 thousand for the full fiscal year. She stated the March 31 financial statements include local option sales tax receipts through January 2023. She reported Local option sales taxes actual collections for the first seven months of the year were \$375 thousand above budget of \$3.7 million and running \$452 thousand over the previous year, or 12% ahead of the previous year's collections. She noted most of this was due to inflation-based prices on consumer goods.

Ms. Van Nostrand reported Investment income was \$64 thousand above the budgeted \$404 thousand for three quarters of the fiscal year. We expect to continue to see significant investment income over the rest of the fiscal year as the FOMC continues to increase interest rates. She stated General fund operating expenditures were \$2.4 million, or 14%, below the quarterly budget overall, which is comparable to previous year amounts at this point in the fiscal year.

Ms. Van Nostrand reported for capital outlay, only \$2.0 million of the \$5.4 million budgeted through March 31 was expended. She stated this equates to 37% of the budgeted expenditure. She noted an additional \$2.2 million of capital was encumbered as of March 31. She reported several projects planned have not been completed but are still expected to be performed during the fiscal year, most significantly the synthetic turf on the athletic fields of \$1.5 million which is nearly completed and included in the encumbrances total. She stated other items are ordered but are not expected to be received until June, such as a garbage truck and several police vehicles. She reported appropriations for pedestrian facilities, streetscape improvements, and stormwater projects also will not likely be full expended by the end of the year. She stated variances of this

kind are common for capital. She stated supply chain delays have also caused the lag in expenditure for capital items and unexpended capital appropriations will be reviewed at year end for carryforward into fiscal year 2024.

Ms. Van Nostrand reported growth in the Village's property tax base has slowed significantly as fewer homes and commercial buildings are being constructed due to the increase in interest rates. She stated so far this year, the Village has issued 23 new residential building permits valued at \$10.7 million, compared to 75 new permits issued at the same time last year (FY22) and 106 the year before that (FY21).

Ms. Van Nostrand reported the mid-year estimate anticipated the Village's fund balance would increase by \$1.5 million. She stated the actual increase in fund balance at the end of the fiscal year will be higher due to capital appropriations that will not be fully expended by the end of the year as discussed above. She noted these amounts will be incorporated into the reappropriation budget amendment presented to Council in August so the projects can be completed in fiscal year 2024.

Ms. Van Nostrand reported Moore County released its property revaluation effective January 1, 2023, in March 2023. She stated on average, Pinehurst real property values increased 49.5%, with the Village's total valuation increasing from nearly \$4.0 billion to \$5.9 billion. She noted this significant increase in the valuation will cause the Village to decrease its tax rate for FY 2024 as discussed in the recommended FY 2024 Strategic Operating Plan.

Ms. Van Nostrand reported through March 31, 2023, the Fair Barn covered 84% of operating expenditures with operating revenues after discounts. She stated this is a decrease over the same quarter last year, in which the Fair Barn covered 90% of operating expenditures with operating revenues. She noted an additional \$71 thousand of revenue is expected through the end of the fiscal year based on current event bookings. She stated this year's results are expected to be in line with our balanced scorecard target of 95% coverage of operating expenses with revenues by the end of the fiscal year.

Ms. Van Nostrand reported the Harness Track covered 43% of its operating expenditure this quarter compared to 51% the previous year. She stated this is currently below our balanced scorecard target of 47% coverage of operating expenses with revenues. She noted this is caused by operating expenditures being \$86 thousand higher through March 31, 2023, than prior year, primarily due to buildings and grounds repairs and maintenance expenditures that are ahead of fiscal year 2022 pace. She stated Revenues were nearly \$6 thousand higher than fiscal year 2022 to date.

Ms. Van Nostrand reported that at this point in the fiscal year, the Village is well positioned compared to our forecast and targets. She stated staff will continue to closely monitor all revenues and expenditures to ensure we are on track for the upcoming adoption of our five-year Strategic Operating Plan

11. Presentation of the Fiscal Year 2024 Budget and Strategic Operating Plan.

Jeff Sanborn, Village Manager, presented an overview of the Recommended FY 2024 Budget and Strategic Operating Plan. He noted the Budget in Brief, provided to the Council, provides an overview of what is included in the Recommended FY 2024 Budget.

Mr. Sanborn reported the Village Council identified three areas of focus in January 2023 that are addressed in the FY 2024 Strategic Operating Plan: Develop Codes and Ordinances to protect the character of Village neighborhoods, Support the Business community, and provide a safe and effective Multi-Modal Transportation system.

Mr. Sanborn reported the FY 2024 General Fund Budget overview proposes a \$26.9 million budget, 8% less than the FY 2023 amended General Fund budget as of December 31, 2022. He stated the Property tax rate is set at \$0.23, a reduction of 8 cents from FY 2023 tax rate of \$0.31. He stated the average increase in property values from the 2023 County revaluation equaled 49.5%. He noted the proposed \$0.23 is 1.8 cents higher than revenue neutral rate of \$0.212 and 0.5 cents less than inflation-adjusted revenue neutral rate of \$0.235. Mr. Sanborn reported staff expects an ending fund balance of 68.4% of expenditures.

Mr. Sanborn stated the plan includes five (5) Initiative Action Plans (IAPs) at a cost of \$167,300. He reported staff estimates a \$1,377,000 increase (11.2%) in property tax revenue because of the County revaluation and tax rate adjustment for inflationary impact of COLA, merit, and pension increases on salaries and benefits of \$1.1 million. He states this assumes a 0.71% growth in the real property tax base based on prior year construction levels and 100 new homes. He noted this all assumes 6.5% increase in sales tax receipts over FY 2023 original budget and includes \$350,000 for U.S. Open Licensing Fee from USGA.

Mr. Sanborn stated a cost-of-living adjustment (COLA) increase of 8% plus average merit increase of 2% (1.0 million salary + benefits) is proposed. He reported staff has included 4.3 new full-time equivalents at a \$272,000 salary + benefits cost. He noted these positions will be a Full-time assistant fire marshal, firefighter, and athletics coordinator position, as well as a part-time police apprentice and recreation assistant positions. He stated the Village pays 100% of employee health/dental insurance + retirement contributions of 17.89% (19.04% for law enforcement).

Mr. Sanborn reported the allocation of tax dollars by function is generally the same as FY 2023 except for a \$0.06 reduction in Cultural & Recreation. He noted this is due to significant capital appropriation in FY 2023 of \$1.2 million for the Cannon Park turf field and \$1.0 million for library building improvements.

Mr. Sanborn presented the proposed significant capital items as:

- Pedestrian facilities - \$460,000
- Stormwater drainage projects - \$430,000
- Garbage truck - \$245,000
- Four (4) police vehicles - \$244,000
- Streetscape improvements - \$200,000
- Police dispatch radios - \$160,000
- Village-wide imaging system - \$110,000

Mr. Sanborn reported the Five-Year Financial Forecast is developed to meet key financial ratios: Fund balance as a % of expenditures (>30%), Operating margins (89% - 91%), and Debt service ratios (<10%). He stated this incorporates a Five-Year Staffing forecast of an addition of 8.8 FTEs, Three Capital Project Funds totaling \$7,080,000 general fund investment, and the Five- Year Capital Improvement Plan (CIP). He stated it also includes Key Financial assumptions including: 1.0% annual growth in real & personal tax base, average annual increase in salaries & benefits, and inflation rate in operating costs. Mr. Sanborn reported salary and benefit increase are proposed at 5.2% in FY 2025, 4.2% in FY 2026, and 3.3% in FY 2027-2028. He noted inflation rate in operating costs is proposed as 4.0% in FY 2025, 3.0% in FY 2026, and 2.0% in FY 2027-2028.

Mr. Sanborn reported key highlights of the proposed five-year forecast are:

- FY 2024 Tax Rate of \$0.23 is \$0.005 less than the inflation-adjusted revenue-neutral tax rate of \$0.235 based on the County's property revaluation.
- Same tax rate increases as the adopted FY 2023 Strategic Operating Plan

- FY 2025 – 2028 Projected Tax Rates
 - FY 2025: No change
 - FY 2026: Increase \$0.01 due to added staff and operating costs for the expanded library/archives.
 - FY 2027: No change
 - FY 2028: No change

Mr. Sanborn reported the proposed capital projects and funding sources included in the Five-Year plan are:

- Library expansion - \$5.0M project
- Public Services Relocation - \$6.5M project
- Fire Station 93 - \$400,000 project

Mr. Sanborn noted other signification projects in the FY 2024-2028 Financial Plan are:

- Construct Pedestrian Facilities
- Stormwater improvements
- Purchase a Ladder truck.
- Develop West Pinehurst Park
- Village Place streetscape enhancements
- Replace Park lighting at Cannon Park Fields 1 & 2
- Public Safety Radio improvements
- Restore historical pathways within the Village.
- Resurface Village Green Parking Lot
- Comprehensive Conservation Plan for the ETJ

Mr. Sanborn stated that Council will have two budget work sessions scheduled to discuss the budget in more detail: Wednesday, May 17th at 9:00 a.m. and Thursday, May 18th at 3:00 p.m. He stated staff will also launch a topic on Engage Pinehurst on Wednesday, May 10th to allow the public ample opportunity to comment electronically on the Recommended Budget. He further noted a public hearing is scheduled for Tuesday, May 23rd at 4:30 p.m. for the Council to receive public comments on the budget.

12. Discuss and Consider Resolution 23-15, supporting NCDOT's Plan to install stoplights at Hwy 15-501/Spring Lake Dr. and Hwy 15-501/Spring Lake Rd. (SR1845).

Jeff Batton, Assistant Village Manager, reported the NC Dept. of Transportation is planning to install stoplights at two intersections on Hwy 15-501 within the Village limits. He stated one will be placed at Spring Lake Dr., which is the northernmost entrance to Village Acres, and the other at SR 1845 (Spring Lake Rd.), which leads to the northernmost entrance to Pinehurst #6 neighborhood. He noted this work would likely be done sometime in the fall of 2023.

Mr. Batton reported the stoplights are intended to be a relatively short-term arrangement until the widening of Hwy 15-501 slated to begin in 2029. He stated because these stoplights will be temporary in nature, they will use wood poles and cross wires. He noted if the design of Hwy 15-501 widening retains stoplights at one or both intersections, the Village will have the opportunity to upgrade the poles to metal posts with metal crossarms like we have at most other signalized intersections.

Mr. Batton stated that since these placements are within Village limits, the NCDOT has requested Council consider adoption of the attached resolution of support. He noted a motion to adopt is necessary should the Council agree to support this safety project.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Resolution #23-15, supporting NCDOT's Plan to install stoplights at Hwy 15-501/Spring Lake Dr. and Hwy 15-501/Spring Lake Rd. (SR1845), by a vote of 5-0.

13. Other Business

No other business was discussed.

14. Comments from Attendees

Lynn Goldhammer addressed the Council about the new developments that is anticipated with the passing of the Small Area Plans and Form Based Guidance Plans. She asked if there would be duplexes around where the old post office is, to which the Council acknowledged there would be. She suggested if these duplexes are allowed, restrict them to having one owner to keep uniformity of the look.

15. Motion to Adjourn.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 8:16 p.m.

Respectfully Submitted,

Kelly Chance,
Village Clerk

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

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

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF MAY 9, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Work Session Meeting at 8:21 p.m., Tuesday, May 9, 2023, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

Mr. John C. Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Mr. Jeff Morgan, Councilmember
Ms. Jane Hogeman, Councilmember
Ms. Lydia Boesch, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Kelly Chance, Village Clerk

And approximately 3 attendees, including 3 staff and 0 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Discuss Land Swap Option between Moore County and Village of Pinehurst.

Jeff Sanborn, Village Manager reported item is a continuation of discussions on a potential land swap with Moore County. Staff are requesting the Council consider authorizing Village staff to proceed with the necessary steps to complete a land swap with Moore County and authorize the Village Manager to sign any necessary documents.

Background:

- Moore County owns two parcels with addresses 111 Power Plant Road (Parid 00026002) and 105 Power Plant Road (Parid 00026001), recently appraised at \$335,000.
- The Village of Pinehurst owns two parcels on Juniper Lake Road (Parid 00022016 at 44.96+/- acres and Parid 20170456 at 3.2+/- acres).
- Parid 00022016 was recently appraised at \$517,000 and Parid 20170456 was recently acquired by the Village for \$66,000, referenced in deed book 5972, page 328.
- Moore County also owns a parcel adjacent to the Village owned properties on Juniper Lake Road.
- The Village also owns land adjacent to the County owned Power Plant Road parcels.
- A land swap involving the parcels identified above would be beneficial for both the County and the Village.

Mr. Sanborn stated upon approval by Council, the Village of Pinehurst staff and Moore County will work in concert to take the necessary steps in completing a land swap for the properties identified. The cost to the County for the appraised value difference is

\$248,000, which will be paid from Moore County Public Utilities to the Village. He noted that Staff recommends Council consider a motion authorizing Village staff to proceed with the necessary steps to complete a land swap with Moore County and authorize the Village Manager to sign any necessary documents.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously approved authorizing Village staff to proceed with the necessary steps to complete a land swap with Moore County and authorize the Village Manager to sign any necessary documents, by a vote of 5-0.

3. Other Work Session Business

Jeff Sanborn provided a presentation on the recent STIP projects and how points are assigned to projects and given weight in the competition for State funding.

The council discussed Legislative bills that may have an impact on the Village. Mr. Sanborn provided a brief update on the status of HB409, SB657, and SB675. The council will consider what, if any, action they want to take to show opposition to this proposed state control over local government's rule. The council also discussed the proposed Moratorium bill that is specific to the Village and noted they are working with legislators to stop the bill from proceeding. Mr. Sanborn noted it will be mute upon the June date the current moratorium is due to expire, and remarked the other moratorium has already expired.

4. Potential Future Agenda Items

Councilmember Hogeman stated she would like to discuss at a future meeting the potential of expanding the form-based code received from the consultant.

5. Adjournment.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved to adjourn the work session at 9:46 p.m., by a vote of 4-0.

Respectfully Submitted,

Kelly Chance,
Village Clerk

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

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

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement



**VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF MAY 17, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
9:00 AM**

**FY 2024 Budget Work Session
9:00 a.m. to 12:00 p.m.
Council Conference Room**

The Pinehurst Village Council held a Special Meeting at 9:00 a.m., Wednesday May 17, 2023, in the Council Conference Room in Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

Mr. John C. Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Mr. Jeff Morgan, Councilmember via Zoom Platform
Ms. Jane Hogeman, Councilmember
Ms. Lydia Boesch, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Mr. Doug Willardson, Assistant Village Manager
Mr. Jeff Batton, Assistant Village Manager
Ms. Kelly Chance, Village Clerk

And approximately 5 attendees, including 4 staff and 0 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. FY 2024 Budget Work Session Agenda

Dana Van Nostrand, Finance Director, provided an overview of the planned agenda for the work session.

3. Discussion of the Recommended 2024 Strategic Operating Plan.

Matt McKirahan, Organizational Performance Director, provided an overview of the Strategic Operating Plan. To determine the Village's financial capacity to fund the SOP, staff prepares a five-year financial forecast. This forecast projects anticipated revenues and expenditures for the planning period, inclusive of expected operating revenues and costs for planned IAP's, OFI's, and projected capital expenditures included in the five-year CIP.

Mayor Pro Tem Pizzella asked why our target/goal numbers are lower than we have previously achieved. Mr. McKirahan stated this is because we build in for the +/- variance that is a result of our customer service survey. Councilmember Pizzella asked how we determine our projections will go up or down. Councilmember Morgan stated a Balanced Scorecard is an administrative tool used to identify an appropriate target for that specific area. The goals allow administration to guide where we are going. Councilmember Pizzella stated it makes sense that we are increasing the number, but to reduce from 100% down to a lesser percentage makes it unclear. Mayor Strickland stated the ability to reach the goal of 100% is dependent upon many factors, including staff availability, and so 90% may be more reasonable.

Mr. McKirahan stated we have a ceiling that comes with this structure; the higher we get with the goal, the more concern there is if we do not meet that goal. Councilmember Boesch stated if you look at the process, which we have been using since 2012, it has provided a lot of guidance and has created better efficiencies. Mayor Pro Tem Pizzella stated he is not opposed to the process, he just has some questions on the formula used to determine our target goal percentage.

Mr. McKirahan stated we have identified seven (7) initiative action plans, including:

- Safeguard the community
- Promote high quality neighborhoods, development, and appearance
- Promote a thriving business community
- Promote transportation mobility and connectivity
- Preserve the environment
- Promote active living and cultural opportunities
- Professionally manage a high performing organization
- Attract & retain an engaged workforce
- Maintain a healthy financial condition

Mr. McKirahan reported there are two objectives under “Safeguard the Community” which are to deliver effective fire and rescue services and deliver effective police services. He reported under the goal to “Promote High Quality Development and Appearance”, there are three objectives including: develop codes and ordinances to protect the character of Village neighborhoods, enforce codes and ordinances to protect the character of Village neighborhoods, and maintain and enhance the appearance of public spaces.

Mr. McKirahan reported there is one objective under “Promote a Thriving Business Community” which is to support the business community. He reported that under the goal of “Promote Transportation Mobility and Connectivity” there are two objectives, which are to provide a safe and effective multi-modal transportation system and maintain high quality streets. He stated under the goal to “Preserve the Environment” there are three objectives including: manage stormwater systems, provide effective and efficient solid waste collection services, and conserve natural resources.

Mr. McKirahan reported there are three objectives under “Promote Active Living and Cultural opportunities” which are: provide recreation programs and facilities, provide cultural services and events, and provide library and archives services. He stated under the goal of “Professionally Manage a High Performing

Organization” there are four objectives including communicate with and engage the community, provide a high level of customer service, continuously improve, and innovate, and maintain Village assets. Mr. McKirahan reported for the final goal to “Attract & Retain an Engaged Workforce”, there is one objective which is to provide a supportive and rewarding work environment.

Mayor Pro Tem Pizzella asked if the Village has an approach to how we will be addressing the resident satisfaction with street lighting. Village Manager, Jeff Sanborn stated we had a line item for incremental additions of lighting in the five-year plan. Mr. Willardson stated it is still in the current plan.

Dana Van Nostrand, Finance Services Director, provided an overview of the General fund summary. Councilmember Boesch asked who is charged with looking for grants that are available for municipalities. Mr. Sanborn stated it is a shared effort and there are some years we do not receive any grants because they may be targeted toward areas that are need-based. Councilmember Morgan stated he wants to make sure whatever process we have in place, that we look at it closely, and make sure we are not losing out on free money. Ms. Van Nostrand stated we can certainly evaluate our process and ensure we are not missing out on grant opportunities.

Mayor Pro Tem Pizzella asked about sales tax projections and what we anticipate the number to be. Ms. Van Nostrand stated the NCLM puts out information supplying projected guidelines to use. Councilmember Pizzella asked what our variance of degree of accuracy is on these projections. Ms. Van Nostrand stated she would need to research this, but we have taken a conservative approach to the budget and we do not want to rely on these figures so much that we experience a detriment.

Ms. Van Nostrand provided a brief overview of what the revenue assumptions for restricted intergovernmental revenues were based on, which included factors such as local option sales tax estimates, telecommunications taxes, electricity sales taxes, video programming sales taxes, and wine and beer tax revenues.

Ms. Van Nostrand reported that property revaluation by the Moore County Tax Department resulted in an estimated 49.5% increase in property values. She noted the Village recognizes the “inflation-adjusted revenue neutral tax rate”, and is electing to adopt a tax rate of \$0.23 per \$100 of property valuation. The total estimated valuation of real and personal property includes real property valuation and motor vehicle valuation. She noted that although it varies from year to year, we are expecting the motor vehicle valuation to increase by 1.0% next fiscal year. She further noted the collection rates used to estimate actual ad valorem tax revenue are 99.9% for real and personal property and 100.0% for motor vehicles. She stated these have historically been some of the highest tax collection rates in the State and noted the average increase for residents will be 11%, dependent on various factors for Village of Pinehurst taxes.

Ms. Van Nostrand reported restricted intergovernmental revenues include Powell Bill funds, solid waste disposal tax, controlled substance tax, library, State Aid, and may include other miscellaneous federal or state grants that are restricted for a specific purpose. She stated revenue assumptions for restricted intergovernmental revenues are based on the per capita rate used in the estimation of Powell Bill revenues, the solid waste disposal revenue, grant revenues, and the Village is projecting level funding for Library

State Aid.

Ms. Van Nostrand reported revenue assumption for sales and services for the Village is based on Harness Track stall rental revenues, show and event revenue, Fair Barn rental revenues, Recreation fees, logo merchandise sales, and Library revenue from archives book and photo sales.

Ms. Van Nostrand reported other revenues include items such as ABC revenues, library donations, library endowment income, and other miscellaneous revenues. She noted revenue assumptions for this category are based on ABC revenue, Library endowment income, and a projected decrease in other miscellaneous revenues in the FY 2024 budget.

Ms. Van Nostrand reported under the category of Investment Income, the assumptions are based on \$640,100 expected in FY 2024 as interest rates increased in FY 2023 and are projected to remain in the 4.1% - 5.1% range during FY 2024. She noted the average rate of return expected in FY 2024 is 3.0%.

Ms. Van Nostrand reported the American Rescue Plan Act Special Revenue Fund accounted for the \$5.3 million of federal grant funding received from the American Rescue Plan Act. She noted the transfer to close the American Rescue Plan Act Special Revenue Fund occurred in FY 2023 and is not expected again in FY 2024. She stated lease liabilities will be issued in FY 2024 for \$25,100.

The council took a ten-minute break in preparation for the discussion on Expenses.

Ms. Van Nostrand reported the proposed General Fund budget for FY 2024 is \$26,931,400, a decrease of approximately 8% from the previous year's amended budget when the Village, along with other local governments, received financial assistance in response to the pandemic from the American Rescue Plan Act. She noted after accounting for an Other Financing Source of \$25,100, an Other Financing Use of \$80,000 and adding Appropriated Fund Balance of \$600,100 to revenues, the Village's FY 2024 recommended budget is balanced in accordance with North Carolina General Statutes.

Ms. Van Nostrand reported General Fund Expenditures fall into one of five categories: Salaries and benefits, Operating costs, Capital expenditures, Debt service, Other financing uses. She stated salaries and benefits for the Village's 162.9 full-time equivalents account for \$15,235,300 or 57% of the total General Fund Budget. The council reviewed the new positions being proposed and reached a consensus that they were in approval of the need.

Mr. McKirahan reported the measures for success the Administration department goals of Effectively communicate with and obtain actional feedback from customers. He noted measures that will be focused on are the percent of businesses satisfied with VOP efforts to communicate with businesses, and the percent of businesses satisfied with the quality of life. The council stated that the business community will be very receptive and appreciative of the beautification areas being focused on with the Downtown Amenity Plan. It was discussed that staff need to ensure that the community results are reflective of all businesses and not merely those that are members of the Pinehurst Business Partners.

Mr. McKirahan provided a review of the Measures for Success that will be focused on in future years for each department, which gives staff a better ability to fulfill the Village Strategic goals by being proactive on shortfalls.

Ms. Van Nostrand reported anticipated capital projects are the design and construction of a new building for the Given Memorial library and renovation of the existing building to expand the Tufts Archives, the relocation of the Public Services facility, and the design and construction of the Fire Station 93. She provided a quick overview of the Five-Year Financial Forecast Summary for FY 2024-2028. Councilmember Hogeman inquired about the operation margin and whether the proportion we project of 90%-10% is state law or best practices. Mr. Sanborn stated this is a best-practice method that the Village has used for more than 10 years.

The council reviewed other Budget Scenario Results prepared by Finance Director Van Nostrand. Mayor Pro Tem pizzella suggested the Council consider moving the West Pinehurst Park and fire truck capital items out to FY 2029, identified as Scenario G, attached as Exhibit A. Councilmember Boesch stated she would like to hear the staff's opinion on these numbers. Councilmember Morgan stated he finds this is the last phase in a long process of developing this budget, and he personally feels the West Pinehurst Park and the Fire Truck should stay on because this Council provided staff with the guidance, which included this. He stated he also feels this is too late to be considered now, at the end of the process. Councilmember Pizzella stated it is not too late because the budget is being brought to Council for vote.

Councilmember Morgan stated it is an excellent work product and follows the guidance Council provided Staff. He stated, we of course can always evaluate changes, but he does not agree with dropping the two items. He stated this also increases the risk of fluctuations and takes away stability over time. Mayor Pro Tem Pizzella asked if we could drop the tax rate to \$0.22 in FY 2024 and FY 2025 and then up it to \$0.23 in FY 2026. Village Manager Jeff Sanborn reported this is not feasible as the Village must reach \$0.24 by FY 2027. He stated you can take big chunks out of capital, but it does not change operational margins. He noted staff has laid out a factual argument on why this plan will work and it keeps us on track to get where we need to be in 2027 and 2028.

Mayor Strickland stated the impact would be \$600,000 and so the question to ask would be, if we do this, what would we use those dollars for in FY 2024. Assistant Village Manager of Administration, Doug Willardson, stated the difference would be, that the average savings, for the average resident, would be \$51 a year or \$4 a month for residents. Ms. Van Nostrand stated she would be hesitant relying on a one time revenue bump like from the U.S. Open to make up for any shortages.

Councilmember Boesch stated USGA is going to sell less tickets for the 2024 Open, which means there will be less of a monetary impact. She noted this is so that USGA guests can have a better experience. Mr. Sanborn stated that we already have firehouse no 3 planned in the outlying years, and making this suggested change would leave us without the fund balance needed to take on the firehouse and other capital projects marked for the outlying years. Councilmember Morgan, Councilmember Boesch, and Mayor Strickland were in agreement to not make the suggested change put forth by Mayor Pro Tem Pizzella.

Mayor Pro Tem Pizzella left the meeting at 12:20 p.m. The council determined it will not need to meet tomorrow. The Village Clerk will send a notification.

4. **Motion to Adjourn.**

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the regular meeting by a vote of 4-0 at 12:29 p.m. Mayor Pro Tem Pizzella had already left the meeting.

Respectfully Submitted,

Kelly Chance,
Village Clerk

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

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**DISCUSS AND CONSIDER A CONTRACT FOR LEGAL SERVICES FOR FY
2024**

ADDITIONAL AGENDA DETAILS:

FROM:

Dana Van Nostrand

CC:

Jeff Sanborn & Doug Willardson

DATE OF MEMO:

5/15/2023

MEMO DETAILS:

The proposed contract for legal services with Van Camp, Meacham, & Newman, PLLC for FY 2024 is attached for your review and consideration. The functional terms of the contract are unchanged from the previous year.

The contract calls for a 2% cost increase, bringing the monthly rate to \$5,045. The annual contract totals \$60,540. Michael Newman's hourly rate is \$395 per hour, a minor \$10 increase from the previous year for litigation matters not included in the monthly retainer.

The contract may be approved by a motion authorizing the Mayor or his designee to execute the contract.

ATTACHMENTS:

Description

- Agreement for Legal Services FY 2024

NORTH CAROLINA
COUNTY OF MOORE

AGREEMENT FOR LEGAL SERVICES

THIS CONTRACT is entered into between VAN CAMP, MEACHAM, & NEWMAN, PLLC (Firm) TIN #-56-2228538, and the VILLAGE OF PINEHURST (Village) TIN #56-1211319, for the provision of general legal representation. The contract period is July 1, 2023 to June 30, 2024 Michael J. Newman (Attorney), a partner in the Firm, will be the primary attorney assigned to this contract by the Firm. If Mr. Newman is not available, the Firm may assign another qualified attorney as an alternate upon the request of the Village Manager.

SECTION I: SCOPE

Attorney will provide general legal representation to the Village in the following areas of law as they pertain to municipalities, said list not to be all-inclusive:

Land Use Regulation
General Police (Ordinance making) powers
Employer-Employee relations, labor law
Environmental law
Police and Public Safety law
Financial law

In advising the Village in the aforementioned areas, Attorney will prepare for and be available to attend all regular meetings, special meetings, and work sessions of the Village Council upon request of the Village Manager. Also, when necessary and if requested and approved through the office of the Village Manager, Attorney will attend work sessions and regular meetings of the Planning and Zoning Board, Board of Adjustment, and Historic Preservation Commission. Attorney will attend, either with or on behalf of the Mayor, Village Council Members, or the Village Manager, any State or County administrative or regulatory body deliberating upon issues or matters of concern to the Village of Pinehurst when requested through the Village Manager's office. Michael J. Newman will be the primary attorney assigned to this contract. If Mr. Newman is not able to attend any of the above-mentioned meetings due to illness, personal vacation, etc., the Firm shall send a qualified attorney as an alternate upon request of the Village Manager. These arrangements for an alternate attorney shall be agreed upon in advance by the Attorney and the Village Manager whenever possible.

The Attorney will also participate, when requested by the Village Council or Village Manager, in dispute resolution or settlement discussions. Attorney will review ordinances and resolutions prior to adoption, recommending changes when appropriate, and will draft ordinances, resolutions and other documents when requested through the office of the Village Manager.

The Attorney may, with the prior approval of the Village Manager, subcontract with other firms or individuals to have certain services performed for the Village, such as title searches, but the Attorney shall remain responsible to the Village for the quality and timeliness of these services. Not included within the scope of services between the Village and Attorney, nor among those services that Attorney may contract with others, are those services customarily performed by outside bond counsel.

Should outside counsel be necessary for proper representation of the Village, Attorney shall recommend at least two firms for the Village Council to choose from for such additional representation. Attorney is responsible to the Village Council for coordinating Village representation with outside counsel, and reporting on a regular basis to the Village Council the status of that particular issue and the outside legal representation.

SECTION II: RELATIONSHIP

The Attorney is not eligible for any fringe benefits or covered by the Village's Personnel Policy. The Attorney is free to act as the legal representative for any other person or entity when doing so will not create a conflict of interest with the interests of the Village of Pinehurst.

The primary contact for the Village regarding legal matters will be the Village Manager. Providing instructions and requests for service to the Attorney shall be the responsibility of the Village Manager. All correspondence of the Village Attorney to the Village Council shall be either directed to or through the Village Manager. All direction from the Village Council to the Village Attorney shall be either directed to or through the Village Manager. No investigations or claims shall be initiated by the office of the Village Attorney without prior approval of the Village Manager. The office of the Village Attorney may initiate responses to inquiries, demands or claims made against the Village, without prior approval of the Village Manager, however, the Village Manager shall be advised promptly of such claims and the responses made. It is understood by both parties that it is the desire of the Village Council that the Attorney practice law on behalf of the Village in a manner designed to be preventive in nature.

There shall be an annual review of the status of this agreement, and the desirability of the legal services being provided herein.

SECTION III; TERM

The term of this agreement shall be from July 1, 2023 to June 30, 2024. Should either party wish to terminate this agreement for any reason they may do so by giving ninety days written notice of their intention to terminate this agreement. Failure of the Village of Pinehurst to give such notice to the Firm shall entitle the Firm to one-fourth of the then applicable annual amount of compensation for the services of Attorney. Failure of the Firm to give appropriate notice to the Village as specified above shall cause the Village not to be obligated to pay any amounts due for legal or related services from and after the date of the resignation of Attorney.

SECTION IV; COMPENSATION

For the provision of legal representation, including the associated paralegal and administrative support services normally associated with legal representation, and other legal services, including the required attendance at Council and other meetings, to the Village of Pinehurst, the Firm shall be compensated in a monthly amount of \$5,045.00. It is the intention of the Village and the Firm that the annual compensation amount shall cover attendance at meetings of the Village Council and various Village boards and commissions as described in SECTION I above, and for such additional meetings and consultations as may be required, estimated to be approximately thirty (30) hours per month. A detailed report of the services provided under this agreement, including the hours of service by category or project, shall be submitted to the Village Manager by the 15th of the month following the month of service. It is recognized that demands upon Attorney's time and skills are unpredictable, hence it is agreed that either party may call for a mutual

review of the adequacy and reasonableness of the compensation at any time upon ten days written notice, and that in any event there shall be a full annual review of the services which have been performed and are anticipated with the full Village Council.

For additional services provided to the Village in cases of litigation, beyond the initial thirty (30) hours per month, as authorized through the office of the Village Manager, the Village agrees to pay the Firm the Attorney's the hourly rates described on the attached letter for such services, upon presentation to the Village of an invoice describing the services provided, the provider, the applicable hourly rate, and the amount of time spent by the provider on each particular task.

Payment for subcontracted services, WestLaw Research, Municipal Attorney's Association membership expenses, and continuing education expenses related to municipal law shall be made by the Attorney and shall be charged to the Village on the Attorney's monthly invoice.

It is understood that extraordinary services which may be required of Attorney shall be discussed if and as the occasion arises, and agreement sought on a reasonable basis of additional compensation to be paid, in light of the nature of the situation, the time to be foreseeably consumed or the unusual demand to be placed upon Attorney.

It is further understood that litigation may not be unusually demanding, or reasonably require extra or special compensation; at the same time, other situations can develop that do fall in the unusual category, e.g. possibly an extensive revision of the zoning and subdivision ordinances, labor negotiation, financing, etc.. These will be discussed and agreed upon at the time they arise.

For the Village of Pinehurst

By: _____
John C. Strickland, Mayor

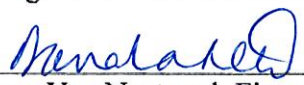
Attest:

Kelly Chance, Village Clerk

Van Camp, Meacham, & Newman, PLLC:

By: 
Michael J. Newman

This instrument has been preaudited in the
Manner required by the Local Government
Budget and Fiscal Control Act


Dana Van Nostrand, Finance Officer

5.12.23
Date



ESSENTIAL COMMUNICATIONS FOR KEY SUPPLIERS

Village of Pinehurst Mission, Vision, and Values

To achieve the vision of the Village to be a "charming, vibrant community that reflects our rich history and traditions," the mission of Village employees is to "Promote, enhance, and sustain the quality of life for residents, businesses, and visitors." Village employees strive to achieve this mission by adhering to a set of core values that are reflected in Village employees' interactions with customers.

Contractors are an extension of the Village workforce by either providing direct services to Village customers or partnering with Village employees. To ensure residents, businesses, and visitors receive the highest levels of service, the Village expects its contractors to reflect the Village's core values while performing services under the terms of the contract. The Village of Pinehurst's Core Values are as follows:

Initiative – the desire and will to identify what needs to be fixed, fix what needs to be fixed, and take leadership when leadership is needed.

Teamwork – the desire and will to selflessly function as part of a high performing whole and to collaboratively work in ways that take full advantage of input from all members of the team.

Service – the desire and will to selflessly meet the needs of those around you: customers, fellow employees, employers, and the community as a whole.

Improvement – the desire and will to learn and grow professionally and to enhance team processes in ways that improve performance, efficiency, or both.

Ethical Standards

As a contractor working on behalf of the Village of Pinehurst, contractors are expected to reflect our ethical standards. The foundation of government depends on public trust and confidence. While performing the terms of the contract, the Village expects contractors to foster public trust by providing quality service and fair dealings that are respectful, impartial, and accountable. Contractors must also avoid any conflicts of interest or appearance of conflicts of interest or use their position or resources for personal gain.

Village employees or their families may not request or accept any kickback, rebate, cash, or anything of value from a Village contractor. These practices are not only unethical, but are in most cases illegal.

Village employees have the right to be free from harassment on the job because of their race, color, sex, religion, gender, national origin, sexual orientation, age, disability, veteran's status, or other protected class. Harassment of any employee by management, supervisor, or contractor in any form is prohibited. All contractors are expected to abide by these ethical standards of conduct while performing services under contract for the Village of Pinehurst.

Contract Performance Evaluation

At least annually, Village staff will evaluate contractor performance under the terms of this contract. This evaluation will assess how well the contractor performed during the contract period in meeting Village contract requirements of: 1) Fair price, 2) Quality of goods and services, and 3) Timely delivery of goods and services.

As a requirement of this contract, contractors are required to periodically meet with Village staff to assess and communicate contractor performance under the terms of the contract, including the aforementioned terms. These meetings may be in person or by telephone and will allow for open two-way communication between the contractor and the Village representative. These meetings are not an opportunity to renegotiate the terms of the contract, but will be focused on the quality and timeliness of the services provided under the contract. These meetings will also provide an opportunity to share innovative ideas for service delivery that may be incorporated into future process improvements at the Village.

Your Village representative will review key contract service delivery performance measures with you during your meetings. If, for any reason, service delivery is below the contracted performance requirements, or if there are other shortcomings related to demonstration of the Village's values or ethical standards, Village staff will discuss it with you at that time. These meetings will offer both parties an open opportunity to discuss any concerns and to ensure adequate service delivery and identify opportunities for service delivery improvements.

The performance evaluation meeting schedule for this contract is as follows:

Meeting Frequency (Select one): ☐ Quarterly ☐ Semi-Annually ☒ Annually

	Village Representative	Contractor Representative
Name	Jeff Sanborn	Michael Newman
Contact Information	910-295-8641	910-295-2525

The Village values the services provided under the terms of this contract, values the contractor-Village partnership, and looks forward to working collaboratively throughout the contract period to serve Pinehurst residents, businesses, and visitors.

Acknowledgment of Receipt

I hereby acknowledge that I have read, understand, and agree to abide by these contract terms provided above while performing the contract with the Village of Pinehurst.

Van Camp, Meacham, & Newman PLLC

Company Name

Name of Signer

Partner

Title

Date

5/4/2023

RE: Village of Pinehurst contract for FY 2024

Mike Newman <michaeln@vancamplaw.com>

Thu 5/4/2023 9:39 AM

To: Dana Van Nostrand <dvannostrand@vopnc.org>

Cc: Susan Ford <susanf@vancamplaw.com>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thanks Dana. My hourly rate is \$395. My paralegal (Susan) will email you my signed acknowledgement form. Let me know if you need anything else.

From: Dana Van Nostrand <dvannostrand@vopnc.org>

Sent: Thursday, May 4, 2023 9:29 AM

To: Mike Newman <michaeln@vancamplaw.com>

Subject: Village of Pinehurst contract for FY 2024

Hi Mike,

I have updated the legal services contract for the upcoming fiscal year. The attached draft proposes a 2% increase in the monthly contract amount. This is the same amount of increase as last year. There have been no other changes to the contract. I have also attached our "Essential Communications for Key Suppliers" for your review and acknowledgement on the second page. After you review, please email me a scanned copy of the signed document.

Feel free to give me a call if you have any questions. To complete the contract packet, I'll also need your current hourly rate letter. I plan to place it on Council's agenda for May 23th.

Thanks,

Dana Van Nostrand
Financial Services Director
Village of Pinehurst
395 Magnolia Rd, Pinehurst, NC 28374
910-295-1900 x 1141 ✉ dvannostrand@vopnc.org ✉ www.vopnc.org

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

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

Pursuant to North Carolina General Statutes, Chapter 132, et.seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.



Q3 UPDATE ON THE STATUS OF THE FY 2023 STRATEGIC OPERATING PLAN

ADDITIONAL AGENDA DETAILS:

FROM:

Matthew McKirahan

CC:

Jeff Sanborn

DATE OF MEMO:

5/10/2023

MEMO DETAILS:

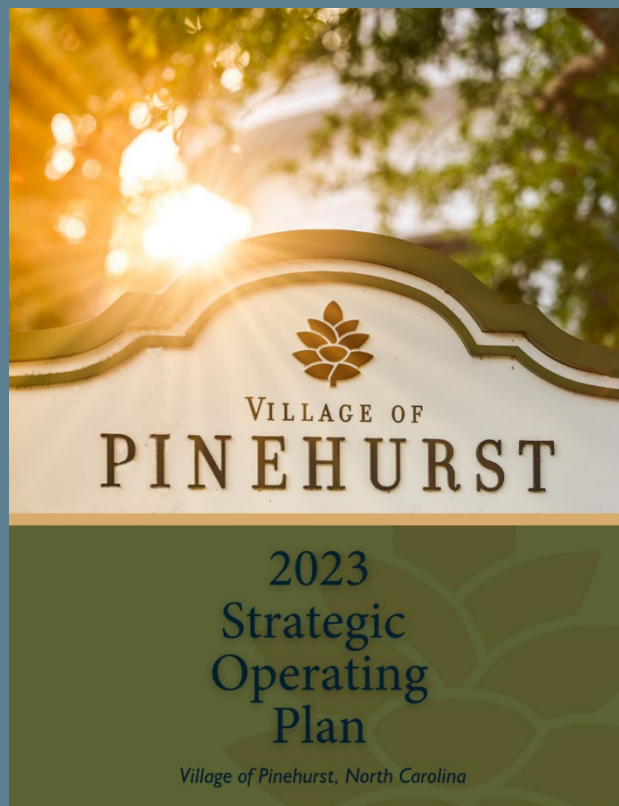
This agenda item is to review the update on the status of implementing the FY 2023 Strategic Operating Plan, including this year's Initiative Action Plans (IAPs) through the end of March 31, 2023.

ATTACHMENTS:

Description

▣ FY2023 Q3 SOP Update

Village of Pinehurst Strategic Operating Plan Update FY 2023



VILLAGE OF PINEHURST | www.vopnc.org



FY 2023 Strategic Operating Plan Overview

Village Council

Each year, the Pinehurst Village Council adopts a Strategic Operating Plan, which indicates the Village's plans to achieve our vision and mission. The Strategic Operating Plan covers the fiscal year that begins on July 1 and includes a five-year financial plan.

Vision, Mission, and Values

The vision is what the Village intends to be, and the mission is what the Village must do to achieve that vision. The Village's core values are the guiding principles and behaviors that embody how Village employees and volunteers are expected to operate as they provide services.



Balanced Scorecard

The Village uses a Balanced Scorecard (BSC) to integrate strategic planning and resource allocation. The BSC contains goals, objectives, and key performance indicators in four perspectives to ensure a balanced approach to evaluating the achievement of organizational strategy:

1. Customer
2. Internal
3. Workforce
4. Financial

FY 2023 Balanced Scorecard

FY 2023 Goals

The FY 2023 Balanced Scorecard contains 9 strategic goals in the four perspectives.



FY 2023 Areas of Focus

Each balanced scorecard goal has one or more strategic objectives. Strategic objectives indicate how we will achieve the Village goals. In FY 2023, the Village Council identified three strategic objectives as Areas of Focus:

1. Manage development and enforce codes and ordinances
2. Support the business community
3. Provide a safe and effective multi-modal transportation system

FY 2023 Initiative Action Plans (IAPs)

Status of FY 2023 Initiative Action Plans on March 31, 2023

The FY 2023 Strategic Operating Plan includes 5 Initiative Action Plans (IAPs).

IAP Status at 3/31/23		# of IAPs	% of IAPs
In progress; on schedule		2	40%
In progress; NOT on schedule		2	40%
Complete		1	20%
TOTAL		5	100%

Status of FY 2023 Initiative Action Plan Metrics on March 31, 2023

The IAPs include metrics to track how effective the Village is at accomplishing targeted results.

Metrics Projections Met at 3/31/23		# of IAPs	% of IAPs
Achieved projected performance		4	100%
Did not achieve targeted results		0	0%
Begins in the future		0	0%
TOTAL		4	100%

The complete status of the FY 2023 IAPs and an indication if metric projections were achieved in Q3 are indicated in the table attached to this report.

FY 2023-2027 Strategic Objectives



	Goal	IAP Name	IAP Description	FY	Q3 FY 2023 IAP Status				
					IAP Status	Q3 Comments	IAP Metrics	YTD Actual	YTD Goal
Customer	Promote high quality development and appearance	Update the Pinehurst Development Ordinance	Update the Pinehurst Development Ordinance to reflect priorities of the 2019 Comprehensive Plan and changes required by 160d legislation.	FY23-FY24		Initial draft scope of services has been developed. The proposed FY 2024 Strategic Operating Plan updates the timeline for this IAP through FY 2026.	# of PDO sections drafted and presented to Village Council	0	0
		Small Area Plan for the Village Place/Rattlesnake Trail Corridor and Pinehurst South/Hwy5 Commercial Area	The purpose of this IAP is to engage a consultant and develop small area plans for 2 Focus Areas identified in the 2019 Comprehensive Plan. This represents and update and expansion of the previously adopted 2008 New Core Master Plan and a new plan for the Pinehurst South Focus Area 2.	FY23		This IAP was marked complete in Q2.	# of participants who attended meetings or view information on Engage Pinehurst		
		Relocation of the Public Services Complex to allow for redevelopment of Village Place. (6.5)	Purchase or use property already owned for purposes of moving the public services facility from its current location to another location to make room for Village Place to develop.	FY23-25		This IAP is currently in progress and on schedule. Next steps are scheduled for Q4 of FY 2023. The proposed FY 2024 Strategic Operating Plan updates the timeline for this IAP through FY 2028.	No applicable IAP metric identified at this time.		
	Promote active living and cultural opportunities	Retrofit current athletic fields with synthetic turf	Retrofit existing grass athletic fields into synthetic turf at Wicker Park and Cannon Park. Converting fields to synthetic will provide a more durable surface for activities and reduce maintenance costs over the life of the synthetic fields.	FY23-27		Work has begun on Cannon Park Field 1. Project is now slated to be completed at the end of April 2023. The proposed FY 2024 Strategic Operating Plan updates this timeline through FY 2028. <i>Update: Cannon Park Field 1 was completed in April 2023.</i>	PR.C.3 % of residents satisfied with the quality of Village parks	99%	95%
		Expand and renovate Given Library/Tufts Archives	The purpose of this IAP is to create and implement a plan to expand and renovate the Givens Library and Tufts Archives.	FY23-27		This IAP was in progress and on schedule for Q3. <i>Task #1--focused on determining a preferred location--will be re-evaluated after Council directed staff to separate the Library and Archives during the beginning of Q4.</i> The proposed FY 2024 Strategic Operating Plan updates the timeline for this IAP through FY 2028.	% of residents satisfied with Given Memorial Library services (of residents who used the services within the past year)	95%	95%
							% of residents satisfied with Tufts Archives services (of residents who used the services within the past year)	98.6%	95%

IAPs listed in red are FY 2023 Village Council Areas of Focus.

Key for IAP Status	
	In progress; NOT on schedule
	In progress; on schedule
	Completed
	Starts in the future
	Removed IAP and metric
Key for Metrics	
	Did not achieve projected performance
	Achieved projected performance
	Starts in the future

We define strategic objectives as prospects for new or changed services or processes. The Village Council prioritizes the list of strategic objectives identified in the annual Strategic Planning Retreat. Below is a list of OFIs addressing strategic objectives included in the five-year financial forecast (FY 2023-2027).

FY 2023 OFIs that address Strat. Objectives	OFI	Years	Notes
Update the Pinehurst Development Ordinance	IAP	FY23-24	Initial draft scope of services has been developed. The proposed FY 2024 Strategic Operating Plan updates the timeline for this IAP through FY 2026.
Small Area Plan for the Village Place/Rattlesnake Trail Corridor and Pinehurst South/Hwy5 Commercial Area	IAP	FY23	This IAP was marked complete in Q2.
Relocation of the Public Services Complex	IAP	FY23-25	This IAP is currently in progress and on schedule. Next steps are scheduled for Q4 of FY 2023. The proposed FY 2024 Strategic Operating Plan updates the timeline for this IAP through FY 2028.
Retrofit current athletic fields with synthetic turf	IAP	FY23-27	Work has begun on Cannon Park Field 1. Project is now slated to be completed at the end of April 2023. The proposed FY 2024 Strategic Operating Plan updates this timeline through FY 2028. <i>Update: Cannon Park Field 1 was completed in April 2023.</i>
Expand and renovate Given Library/Tufts Archives	IAP	FY23-27	This IAP was in progress and on schedule for Q3. <i>Task #1--focused on determining a preferred location--will be re-evaluated after Council directed staff to separate the Library and Archives during the beginning of Q4.</i> The proposed FY 2024 Strategic Operating Plan updates the timeline for this IAP through FY 2028.
Evaluate viability of potential Fair Barn enhancements or improvements	Evaluation	FY23	Currently in progress. Next steps include following up on discussion related to potential items for evaluation.
Evaluate the opportunity to manage single lot residential stormwater through PDO amendments (on-site storage and/or other solutions)	Evaluation	FY23-27	This is tied to Phase II Stormwater Management Master Plan development and will be evaluated as part of that process.
Create a Highway Corridor Overlay ordinance in the PDO to protect critical corridors (2.21)	Project	FY23-24	This is tied to the Comprehensive PDO update. This is currently on hold as we may not end up creating one highway overlay ordinance.
Pursue safety awareness grants through the SRTS program at NCDOT (4.11)	Project	FY23	Continue to monitor notices of funding availability. School district needs to be part of most grant opportunities so need to coordinate better with them on their needs in this regard.
Update the Comprehensive Parks & Recreation Master Plan while considering neighborhood open spaces and amenities (7.1)	Project	FY23	Draft plan chapters have been reviewed and edits provided to consultants. The final draft should be presented for Council review in July 2023.
Evaluate changing stormwater standards from 10-year storm to 25-year storm and other solutions.	Evaluation	FY23	In progress as part of Stormwater Management and Master Plan.

(continued) FY 2023 OFIs that address Strat. Objectives	OFI	Years	Notes
Prepare and implement a comprehensive stormwater master plan policy recommendations to identify effective stormwater management strategies. (6.8)	Project	FY23	First draft of problem area reports were provided by McGill on 2/27. Comments were returned to McGill and we are awaiting a final draft document of the entire plan.
Develop an ordinance for stormwater facility maintenance post-construction. (6.10)	Project	FY23	In progress as part of the Stormwater Management and Master Plan project
Construct sidewalks, walkways, greenways, and/or bike lanes/paths	Project	FY23-27	Council approved sidewalk extensions on McKenzie Road (south of Linden) and Juniper Creek Boulevard from 15-501 to the Resort clubhouse at their 2/28 meeting. Design has started on both extensions. In addition, design is near completion for Pine Vista Drive and McKenzie Road (north of Linden) and is planned to go out for bids soon.
Implementation of stormwater improvements (6.9)	Project	FY23-27	We continue to implement several small drainage projects in FY23. We will continue to implement projects as needed and will utilize the Stormwater Management and Master Plan for further guidance once completed.
Village Place streetscape enhancements	Project	FY23-27	Landscape renovation complete. Sample trash receptacles, light bollards, and planters were ordered but not received. We need to ensure these items meet our specifications prior to bulk purchases. Benches were ordered but have not arrived. Parking wayfinding signs designs are in process but not ordered yet.

Future Year OFIs that address Strat. Objectives	OFI	Years	Notes
Evaluate the need for an additional Police Station or substation to meet the increased service needs and demands of residents. (6.7)	Evaluation	FY26	The proposed FY 2024 Strategic Operating Plan recommends adjusting this OFI to FY 2026.
~~Assess whether the community supports an indoor and/or outdoor performing arts venue, and if so, explore options for locations and funding sources. (6.14)~~	~~Evaluation~~	~~FY27~~	~~This evaluation was removed during the FY2024 Strategic Planning Retreat.~~
Expand downtown parking facilities	IAP	5+ years*	The proposed FY 2024 Strategic Operating Plan recommends adjusting this IAP to outside the 5-year planning horizon.
~~Coordinate efforts between Aberdeen, Southern Pines & Pinehurst to expand arts and cultural facilities and experiences in the region. (5.6)~~	~~Project~~	~~FY27~~	~~This evaluation was removed during the FY2024 Strategic Planning Retreat.~~
Partner with Moore Co. to relocate the EMS facility	Project	FY25	
Develop West Pinehurst Park and identify potential partners. (7.3)	Project	FY27 FY28*	The proposed FY 2024 Strategic Operating Plan recommends adjusting this OFI to FY 2028.
Replace lighting at Cannon Park Field 2	Project	FY25	This project was adjusted to included lighting at Cannon Park Field 1 during the FY2024 Strategic Planning Retreat. The proposed FY 2024 Strategic Operating Plan recommends this OFI in FY 2025.
~~Evaluate CommunityViz Model to evaluate impact of development (includes 2.10, 2.11, 2.12, 7.14)~~	~~Evaluation~~	~~FY25~~	~~This evaluation was recommended for removal during the FY 2024 Strategic Operating Plan process.~~
Pursue public/private development partnerships, issuing Requests for Development Proposals (RFDP), as needed. (2.20)	Evaluation	~~FY24~~ FY25*	The proposed FY 2024 Strategic Operating Plan recommends adjusting this OFI to FY 2025
Consider a policy to partner with others to promote private, or public, acquisition of historic properties to hold, manage, preserve, restore, and improve properties to promote historic preservation efforts. (1.4)	Evaluation	~~5+ years~~ FY28	The proposed FY 2024 Strategic Operating Plan recommends adjusting this OFI to FY 2028.
Develop <i>and implement</i> a Consolidated Multi-Modal Transportation Plan (includes 3.4, 4.8, 4.9, 4.10, 4.12)	IAP	FY24-25 FY24-28*	The proposed FY 2024 Strategic Operating Plan recommends adding implementation tasks to this IAP and extending the timeline through FY 2028.
Preserve/conservse open space in and around Pinehurst and develop a comprehensive conservation plan for ETJ and update zoning for Focus Area #1	Project	FY24 FY25*	The proposed FY 2024 Strategic Operating Plan recommends adjusting this OFI to FY 2025.
Consider public/private partnerships to locate artist studios and galleries in the Village Center and Village Place (e.g. Starworks glass blowing) to enhance the character of the Village and expand the arts. (5.9)	Project	FY27	This project was aligned with a strategic opportunity that was removed during the FY2024 Strategic Planning Retreat. This OFI will move to a departmental OFI beginning in FY 2024 and will be evaluated during the next Comprehensive Plan update.

(Continued) Future Year OFIs that address Strat. Objectives	OFI	Years	Notes
Consider expanding the Village's extra-territorial jurisdiction north of NC Highway 211 and west of US Highway 15-501. (2.9)	Project	FY24 FY25*	The proposed FY 2024 Strategic Operating Plan recommends adjusting this OFI to FY 2025.
Consider enhancements to the pedestrian alleyways in Village Center	Evaluation	FY25	This OFI is part of the downtown amenity plan.
Update the PDO and zoning maps to address planning needs for Focus Area 1	Project	FY24 FY26*	The proposed FY 2024 Strategic Operating Plan recommends adjusting this OFI to FY 2026.
Address resident street lighting dissatisfaction	Project	FY24-27 FY24-28*	The proposed FY 2024 Strategic Operating Plan recommends adjusting this OFI through FY 2028.

* Notes an updated timeline.



**PUBLIC HEARING #1 - FISCAL YEAR 2024 BUDGET
ADDITIONAL AGENDA DETAILS:**

The purpose of this public hearing is to discuss the proposed Fiscal Year 2024 Budget for the Village of Pinehurst.

FROM:

Jeff Sanborn

CC:

Matt McKirahan, Dana Van Nostrand

DATE OF MEMO:

5/15/2023

MEMO DETAILS:

This agenda item is for the statutorily required Annual Budget Public Hearing. During this hearing, any person wishing to speak about the recommended FY 2024 Budget may do so. The budget in its entirety may be viewed online at www.vopnc.org/sop or at Village Hall.

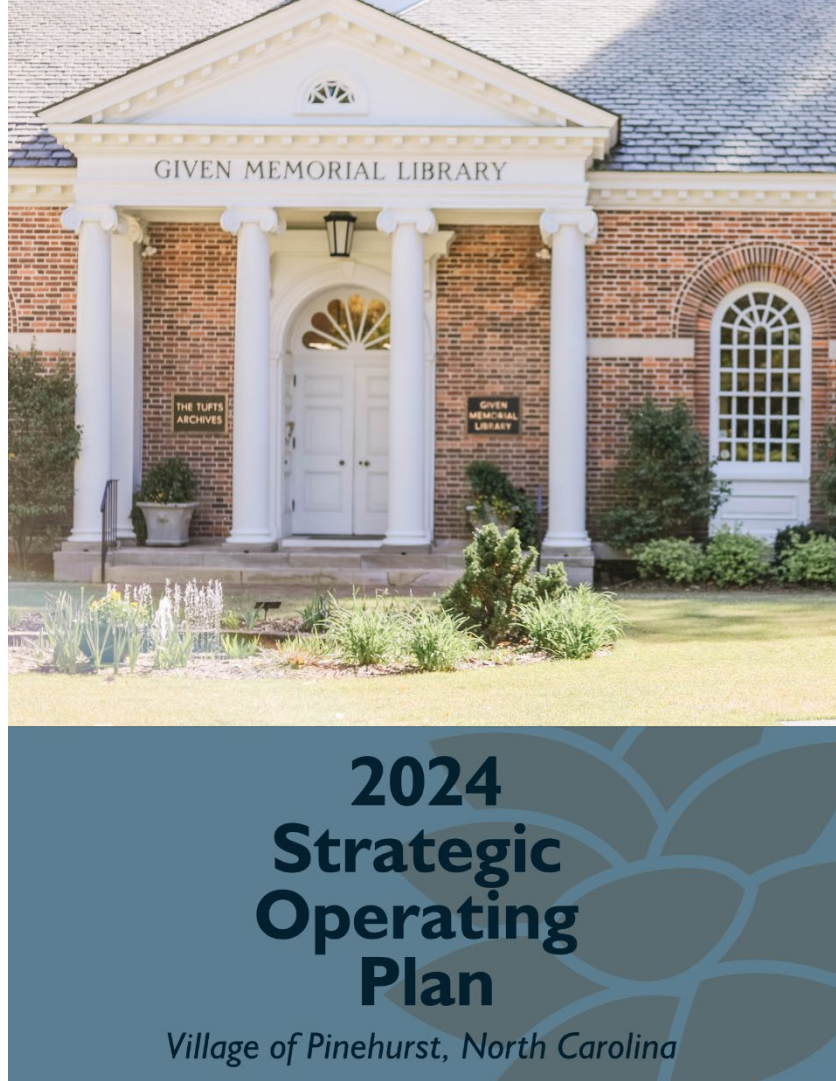
In addition, public feedback on the FY 2024 Budget and Strategic Operating Plan may be provided and viewed online at <http://engage.vopnc.org/budget-breakdown-fy24>.

Village staff have attached a PowerPoint presentation providing an overview of the FY 2024 Budget.

ATTACHMENTS:

Description

- FY 2024 SOP Public Hearing Presentation



FY 2024 Strategic Operating Plan

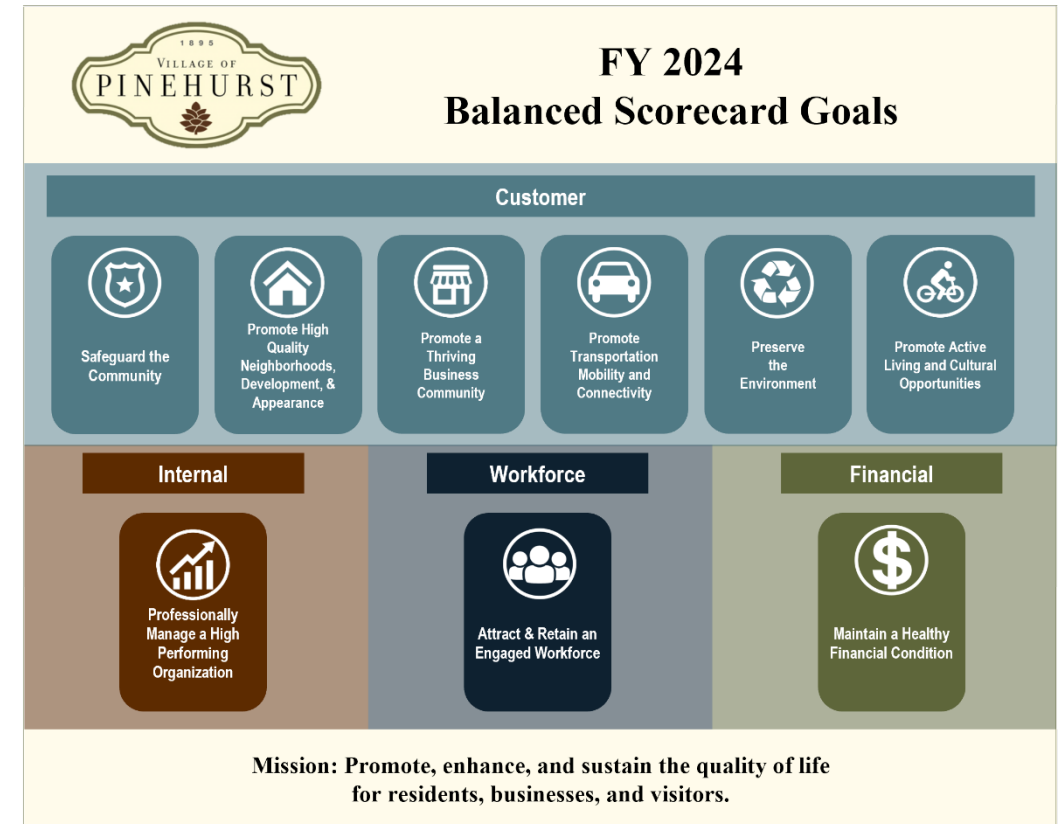
Public Hearing

May 23, 2023

FY 2024 Strategic Operating Plan (SOP) was developed:

- To achieve the Council's vision, mission, goals, and strategic objectives
- To address strategic challenges and opportunities facing the community
- To comply with the Distinguished Budget Presentation Award requirements

Village Council held one Budget Work Session on May 17 to review the SOP in detail.





The Village Council identified three Areas of Focus (AOF) in January 2023 that are addressed in the FY 2024 Strategic Operating Plan.

Areas of Focus
1. Develop codes and ordinances to protect the character of Village neighborhoods 2. Support the business community 3. Provide a safe and effective multi-modal transportation system

FY 2024 Budget

FY 2024 General Fund Budget Overview:

- \$26.9 million budget
 - 8% less than the FY 2023 amended General Fund budget as of December 31, 2022
- Property tax rate of \$0.23
 - Reduction of 8 cents from FY 2023 tax rate of \$0.31
 - 49.5% average increase in property values from 2023 County revaluation
 - 1.8 cents higher than revenue neutral rate of \$0.212
 - 0.5 cents less than inflation-adjusted revenue neutral rate of \$0.235
- Expect ending fund balance of 68.4% of expenditures

FY 2024 Strategic Operating Plan



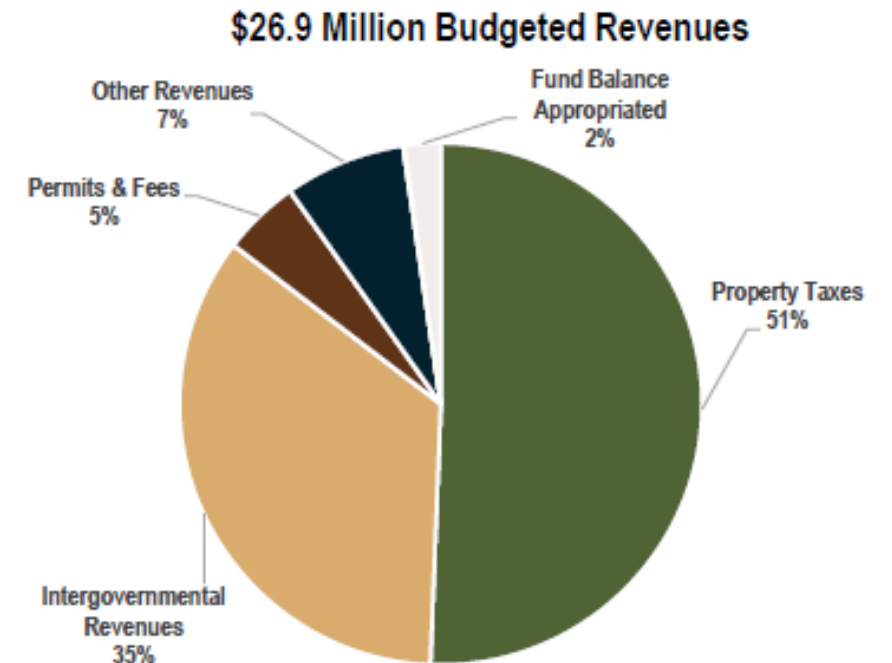
Five (5) Initiative Action Plans (IAPs) in FY 2024:

Strategic Objective	Initiative Action Plan (IAP) Name	FY 2024
Develop codes and ordinances to protect the character of Village neighborhoods AOF	Update the Pinehurst Development Ordinance	\$0
Support the business community AOF	Relocation of the Public Services Complex to allow for redevelopment of Village Place. (6.5)	\$80,000
Provide a safe and effective multi-modal transportation system AOF	Develop and implement a consolidated multi-modal transportation plan	\$100,000
	Implement a metropolitan planning organization (MPO) in association with regional partners	\$15,000
Provide Library and Archive services	Expand and Renovate Given Library/Tufts Archives	\$0
NET COST		\$195,000
PLUS NET COST SAVINGS FROM SYNTHETIC TURF IAP*		(\$27,700)
AOF – Addresses Council Areas of Focus \$0 indicates work is being done in that year but there is no net impact to costs or revenues		TOTAL NET COST \$167,300

*The IAP to retrofit current athletic fields with synthetic turf is estimated to generate \$27,700 in net cost savings in FY 2024 from the Cannon Park field that was retrofitted in FY 2023. This IAP is not included in the list above as no progress will actively be made in FY 2024.

FY 2024 General Fund Revenues:

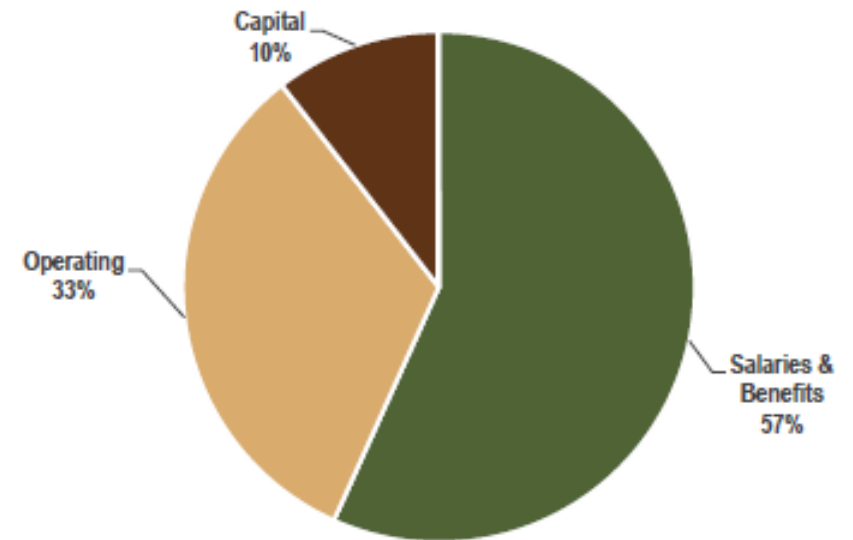
- Estimates \$1,377,000 increase (11.2%) in property tax revenue as a result of the County revaluation and tax rate adjustment for inflationary impact of COLA, merit, and pension increases on salaries and benefits of \$1.1 million
- Assumes a 0.71% growth in the real property tax base based on prior year construction levels and 100 new homes
- Assumes 6.5% increase in sales tax receipts over FY 2023 original budget
- Includes \$350,000 for U.S. Open Licensing Fee from USGA



FY 2024 General Fund Expenditures:

- Cost of living adjustment (COLA) increase of 8% plus average merit increase of 2% (\$1.0 million salary + benefits)
- 4.3 new full-time equivalents (FTEs) (\$272,000 salary + benefits):
 - Full-time assistant fire marshal, firefighter, and athletics coordinator positions
 - Part-time police apprentice and recreation assistant positions
- VOP pays 100% of employee health/dental insurance + retirement contributions of 17.89% (19.04% for law enforcement)

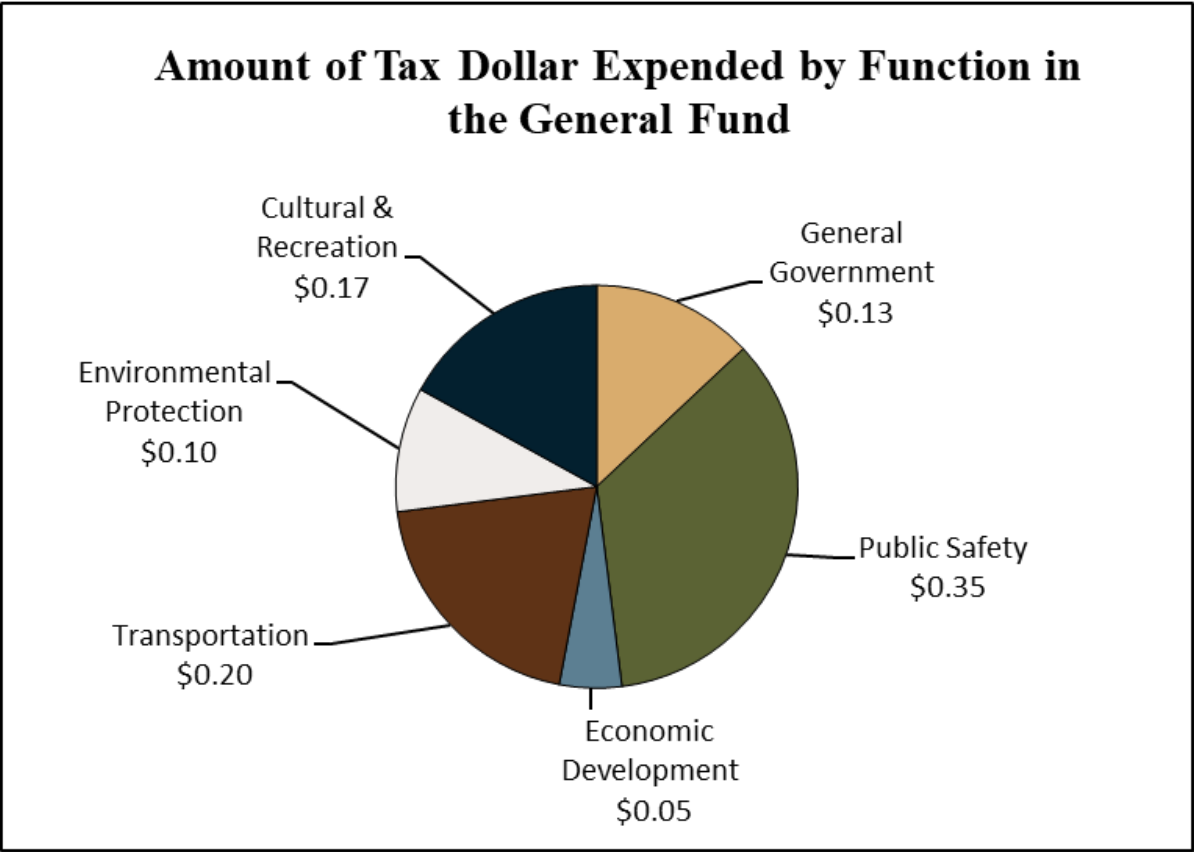
\$26.9 Million Budgeted Expenditures



FY 2024 Strategic Operating Plan



Allocation of tax dollar by function is generally the same as FY 2023 except for a \$0.06 reduction in Cultural & Recreation. This is due to significant capital appropriations in FY 2023 of \$1.2 million for the Cannon Park turf field and \$1.0 million for library building improvements.





FY 2024 Significant Capital (\$2.8 million in total):

Significant Capital Items	Amount
Pedestrian facilities*	\$460,000
Stormwater drainage projects*	\$430,000
Garbage truck*	\$245,000
Four (4) police vehicles*	\$244,000
Streetscape improvements*	\$200,000
Police dispatch radios	\$160,000
Village-wide imaging system	\$110,000

*This item is a recurring project/normal replacement

Engage Pinehurst Public Input and Questions



**PUBLIC HEARING NO. 2 - OFFICIAL ZONING MAP AND TEXT
AMENDMENTS TO IMPLEMENT THE VILLAGE PLACE AND
PINEHURST SOUTH SMALL AREA PLANS AND FORM BASED
GUIDANCE PLANS**

ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to discuss Official Zoning Map and Text Amendments to the Pinehurst Development Ordinance (PDO) to implement the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans.

FROM:

Alex Cameron

CC:

Jeff Sanborn

DATE OF MEMO:

5/18/2023

MEMO DETAILS:

The proposed Zoning Map amendments would create two new zoning districts, Village Place Form Based District and Pinehurst South Form Based District. Each of these districts have segmented blocks which coincide with the corresponding Regulating Plan in the respective Form Based Guidance Plan for each area.

The proposed text amendments will create the two new districts (Village Place Form Based District and Pinehurst South Form Based District) in Chapter 8 with the other general use districts (8.2.16 & 8.2.17). The current Pinehurst South Overlay District will be removed. Both Form Based Districts will now have their own Table of Permitted and Special Uses and Special Requirements in Section 8.5 (8.5.1b & 8.5.1c). Within each table, allowed uses via a conditional zoning approval, will be listed as "CZ". The conditional zoning approval required to be obtained prior to establishment of that use in both districts as shown in the tables. In addition, there will be a new Table of Dimensional Requirements which would apply to the new districts (Table 9.2b). Lastly, Appendix F will be amended to replace the current list of plant species with the Plant Palette from the Small Area Plans and Form Based Codes.

Attached to this agenda item are the proposed new zoning district maps, proposed amendments to the PDO in red underline and strikethrough department as well as a staff report.

ATTACHMENTS:

Description

- ☐ Staff Report
- ☐ Village Place Form Based District Zoning Map
- ☐ Pinehurst South Form Based District Zoning Map
- ☐ Proposed PDO Amendments



PLANNING AND INSPECTIONS DEPARTMENT STAFF MEMO

To: Mayor Strickland and Village Council
From: Alex Cameron, Planning and Inspections Director
Date: May 18, 2023
CC: Jeff Sanborn, Village Manager
Subject: Official Zoning Map and Text Amendments to Implement the Village Place and Pinehurst South Small Area Plans and Form Based Plans

This memo supplements the reports for the April 6 and May 4, 2023 Planning and Zoning Board public hearing agenda item for this subject. Please refer to that report for additional information on the text amendment process, recommendation and options provided to the Planning and Zoning Board in considering a recommendation to Village Council.

Background

Council recently adopted the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plan. This was the result of Council approved Initiative Action Plans which came from recommendations in the 2019 Comprehensive Plan. In order to complete and implement the adopted plans, it is necessary to amend the Official Zoning Map and Pinehurst Development Ordinance (PDO).

Village Place and Pinehurst South have been under a development moratorium since February of 2021. The moratorium was put in place to allow time to develop new development regulations that would allow for compatible with the intended character and vision for these areas. The moratorium for Village Place expired on May 5, 2023 and the Pinehurst South moratorium is set to expire on June 4, 2023. If adopted, these amendments would help carry out the vision, goals, standards and guidelines of the adopted plans.

Proposed Map Amendments

The proposed map amendments closely follow the boundaries established with the two Focus Areas (2 & 4) in the 2019 Comprehensive Plan. The boundaries have been adjusted to not include some areas that were decided to not be considered due to existing built environment or other reasons.

Each proposed Form Based District also included subdistricts or blocks as indicated on the approved Regulating Plan in the adopted Form Based Guidance Plans. These amendments would replace the current zoning district for the affected properties.

Proposed PDO Amendments

Chapter 8 Zoning

Section 8.2 General Use and Form Based Zoning Districts

This section establishes the zoning districts within the Village’s zoning jurisdiction. The amendments would create the two new Form Based Districts for Village Place and Pinehurst South. Further direction is given to the Regulating Plan, which is part of the Form Based Guidance Plan, Table of Permitted Uses, Table of Dimensional Requirements and a statement that all other applicable sections of the PDO still apply.

Section 8.3 Overlay Zoning Districts

The existing Pinehurst South Overlay District is being removed from the Official Zoning Map and from the PDO as it will no longer be necessary. Due to this removal some minor renumbering will be required.

Section 8.4 Conditional Zoning Districts

A statement that Conditional Districts can help ensure development is consistent with adopted plans including the Comprehensive Plan, Small Area Plans and Form Based Guidance Plans is included in Section 8.4.1.

As Conditional Zoning Districts are established with a corresponding General Use District, the Village Place and Pinehurst South Form Based Districts are added to the list in Section 8.4.2.

Section 8.5 Table of Permitted and Special Uses and Special Requirements

Within the list of Section 8.5.1 the letters “CZ” are included to establish that a conditional zoning approval must be granted prior to development. All nonconforming uses and structures will continue to be governed, as they are currently, with Section 2.3.

In order to come into compliance with state law, the language prohibiting any uses not expressly listed is removed and replaced with language that gives staff the authority to determine if a materially similar use exists. Such determination may be appealed to the Zoning Board of Adjustment.

The PDO currently has a definition of “Office” and “Medical Office” that is not currently included in Table 8.5.1a. Adding these uses to the table will aid staff in making better determinations with proposed uses in the districts listed.

A new Table of permitted uses, 8.5.1b, has been added for the Village Place Form Based District and 8.5.1c for Pinehurst South Form Based District. The table includes the blocks as indicated on the approved Regulating Plan and the proposed new Form Based District boundary. The letters “CZ” are listed in rows with the corresponding column for each block to establish where that particular use is permitted if conditional zoning is approved. Also, the letters “SR” are included with CZ where one of the existing Special Requirements are to apply. Specific uses are still shown to be permitted by right as indicated with a “X”. These include uses which have statutory protections such as telecommunication

type facilities and Family Care Homes. Also, many of the listed accessory and temporary uses are also listed as permitted by right with special requirements.

A couple notable differences between the Village Place and Pinehurst South table of uses is the proposed allowance of single-family dwellings and manufactured homes by right within Block J of Pinehurst South. This was in response to the extensive public comment and feedback from members of the Jackson Hamlet community during and after the Planning and Zoning Board hearing. Also, SR-1 in Section 8.6 is amended to allow such development in Block J to follow the dimensional standards of the R-5 Zoning District. These are the standards that currently apply to the existing area in Block J.

Chapter 9 Design and Development Standards and Processes

Section 9.2 Tables of Dimensional Requirements

An additional Table of Dimensional Requirements (Table 9.2b) is included with the amendments for the two new Form Based Districts. These standards include building standards (setbacks, build to lines, location, height, etc.), impervious surface coverage, open space requirements, and residential density caps. Most of these are included and mirror those in the adopted Form Based Guidance Plans.

Appendix F

The amendments would replace the existing list of plant species native to the Sandhills with the Plant Palette from the Small Area Plans and Form Based Guidance Plans. This list will be used to select tree species from in order to meet required landscaping standards for specific development.

Conditional Zoning

Conditional zoning is a legislative zoning map amendment with site-specific conditions incorporated into the zoning. Such requests require a public hearing to be held and recommendation given by the Planning and Zoning Board and a public hearing be held by the Village Council prior to action. When considering such requests, adopted plans including the Comprehensive Plan and other plans such as the Small Area Plans and Form Based Guidance Plans shall be considered. Such hearings are required to be noticed within the local newspaper and notice mailed to adjacent property owners between 10 and 25 days prior to the scheduled hearing.

A General Concept Plan (GCP) is required to be submitted with these requests and if approved, become part of the zoning approval and a zoning condition. Other submittal documents include proposed building elevations/renderings, vehicle trip generation, biological assessment on environmental impacts, neighborhood meeting summary, etc. An application for a conditional zoning request is first made to Planning staff and if determined complete, is distributed to members of the staff Technical Review Committee (TRC). The TRC reviews the application and submitted documents to determine compliance with their respective disciplines including zoning, engineering, fire code, building code, utilities, etc. Once compliance at the general concept plan phase is determined, then public hearings may be considered and scheduled before the appropriate body.

Conditions may be requested and considered by the local government. Such conditions may vary certain provisions of the PDO (see Section 6.2.4) and may also place more restrictions on the development such as limiting the uses. All conditions must be mutually agreed upon by the owner and the local government.

Conditional zoning provides a flexible approach to designing development of sites while also providing a great understanding of what development will ultimately look like if approved. Staff believes this is a great way to begin implementation of the Small Area Plans and Form Based Guidance Plans to influence development that could have a significant impact on shaping the future of these areas in Pinehurst.

Planning and Zoning Board Action

The Planning and Zoning Board first held a public hearing during their regular meeting on April 6, 2023. This followed numerous meetings and productive discussions between the Board and staff for recommendations on the Form Based Guidance Plan. Staff reviewed the amendments with the Board prior to receiving public comment on the proposals. Several members of the Jackson Hamlet community provided comments on the proposed amendments. The Planning and Zoning Board decided to continue the hearing to the May 4th meeting in order to allow time for staff to speak with members of the community to try and address as many concerns as possible and provide more clarity on the amendments.

Staff adjusted the proposed amendments and presented these during the May 4th meeting. The Planning and Zoning Board received additional comments on the changes and discussed a few specific topics including allowing single-family homes and manufactured housing by right within the new block “J” in Pinehurst South as well as listing Religious Institutions, Community Shared Facilities and Civic Cultural Facilities as permitted through a conditional zoning approval.

After discussion, the Planning and Zoning Board unanimously recommended the Village Council adopt the proposed amendments with the addition of Civic Cultural Facilities permitted through a conditional zoning approval in block “J”. In making their recommendation to Village Council, the Planning and Zoning Board found that the proposed amendments are consistent with the 2019 Comprehensive Plan specifically Implementation Strategies 2.13, 2.15, 2.16, and 2.17.

Plan Consistency

2019 Comprehensive Plan

The 2019 Comprehensive Plan identified five “Focus Areas” which represent the most important areas to influence development and could have the most significant impact on shaping the Pinehurst of the future. Pinehurst South was identified as Focus Area 2 (page 77) and Village Place Focus Area 4 (page 91). Additionally, the 2019 Comprehensive Plan includes several Implementation Strategies the Village should consider regarding these two areas. Those Implementation Strategies are:

- 2.3: Create a small area plan for the NC Highway 5 Commercial Area depicted in Focus Area 2 to facilitate redevelopment as an “Innovation Hub” with office, medical, life science, and research facilities supported with small-scale retail services and residential uses. (pg. 77)
- 2.8: Create a small area plan for the Village Place/Rattlesnake Trail Corridor depicted in Focus Area 4 to create a mixed use, walkable destination area that is connected to the Village Center. (pg. 91)
- 2.13: Consider the adoption of character-based zoning and Pattern Books to promote high quality design and development. (pg. 111)
- 2.15: Consider amending the Pinehurst Development Ordinance to allow mixed use development centers identified in the Focus Areas. (pg. 111)

- 2.16: Consider changes to the Pinehurst Development Ordinance to allow a broader range of housing types, including attached and multi-family housing in the mixed-use Focus Areas and in areas around employment centers. (pg. 111)
- 2.17: Review the zoning regulations for areas identified for future development to ensure that the zoning permits the desired scale of development. Conversely, ensure that the zoning in place for any new areas identified for development does not permit undesirable building patterns. (pg. 111)
- 2.18: Explore ways to enhance the overall quality of new housing in the Village. (pg. 115)
- 4.13: Explore opportunities for transportation network improvements in any new or redevelopment. (pg. 150)
- 4.14: Consider amending the Pinehurst Development Ordinance to require parking to be located in the rear of the buildings in mixed-use and conservation neighborhoods. (pg. 151)
- 5.2: Explore ways to create a commercial spine connecting Village Place and the Village Center. (pg. 166)
- 5.5: Continue to promote first floor retail and destination uses on the street level, with office and residential uses on upper levels. (pg. 166)
- 5.13: Identify appropriate areas for office uses in the Village, encouraging new office spaces in employment centers. (pg. 177)

These amendments are consistent with all the Implementation Strategies listed above.

Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans

These amendments would set forth specific regulations on lot dimensions, building setbacks and build to lines, building height, uses (building types), open space, etc. that are specified within the adopted Form Based Guidance Plan, specifically those in Section 2 Site Design. These development standards will also help carry out the goals of the Small Area Plans. Additionally, with the conditional zoning approval in the proposed amendments Village Council can consider consistency with this plan in making decisions on proposed development like with the 2019 Comprehensive Plan.

Village Council Review and Action

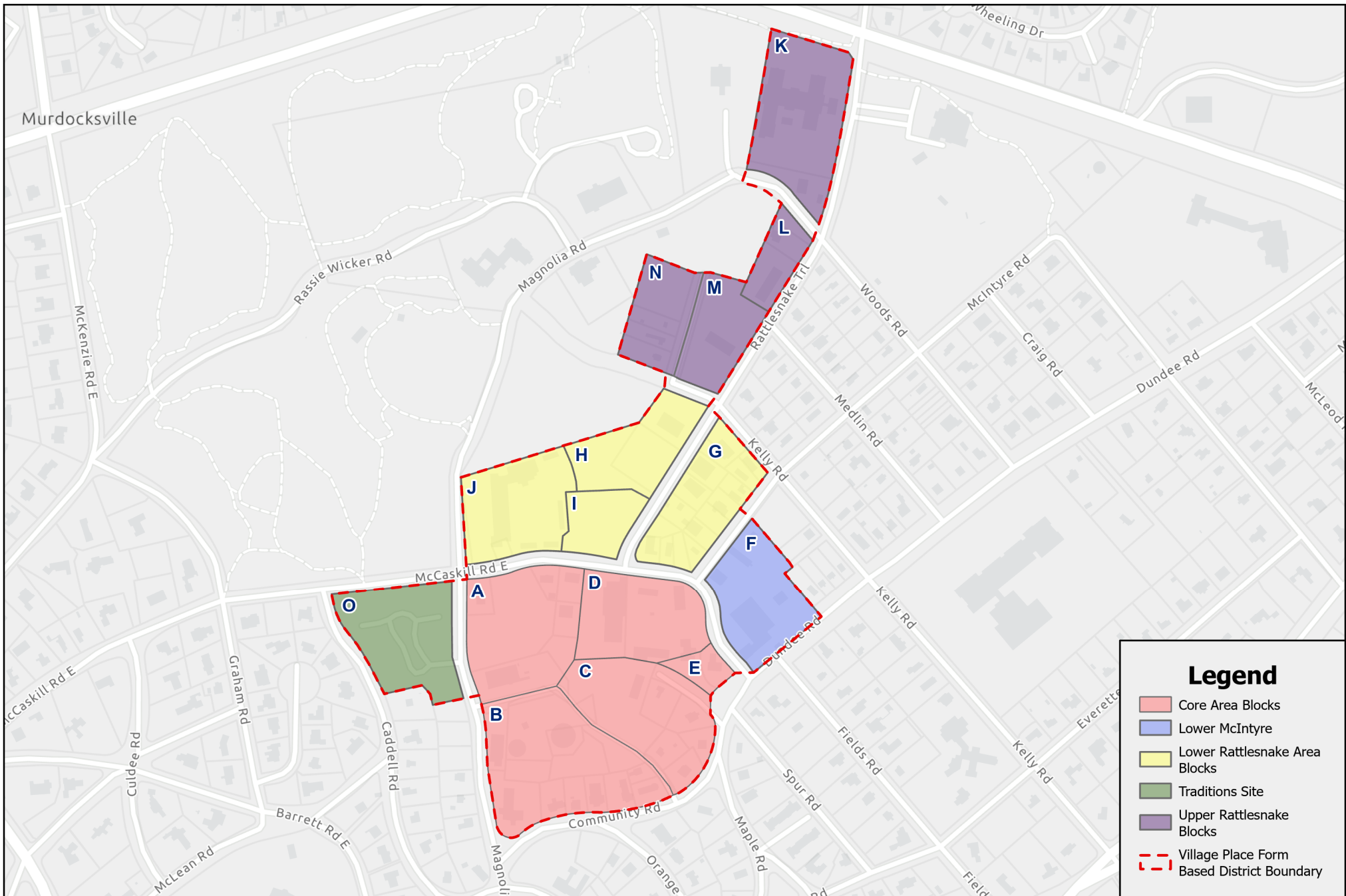
Before acting on any proposed text amendment, Village Council shall hold a public hearing and receive public comment on the proposal. Village Council shall consider the recommendation of the Planning and Zoning Board, the report and recommendation of staff, comments made at the public hearing, and the adopted Comprehensive Plan. After holding the public hearing and considering the aforementioned information, Village Council may:

- Continue the public hearing to a specific time, date and place in order to receive additional input, etc.
- Close the public hearing but defer action to another meeting
- Adopt the proposed amendments
- Adopt the amendments with revisions
- Reject the amendments
- Refer the proposal back to the Planning and Zoning Board for further consideration

Conclusion

With the Small Area Plans and Form Based Guidance Plans adopted by Council, amendments to the Zoning Map and PDO must be done in order to implement the plans. Staff believes that these amendments follow the adopted plans vision by creating the two new zoning districts with subdistricts (blocks) and regulates the uses (building types), building heights, residential density, open space requirements, and other dimensional

criteria (lot size, setbacks, etc.) Also, by requiring the conditional zoning approval process, this allows staff, the Planning and Zoning Board and ultimately Village Council the ability to review proposals for development in-line with the other standards in the adopted plans (architectural requirements, street design, recreation, etc.). This also allows for opportunities to place specific conditions that could restrict or lax some of the standards based on site specific conditions that may exist with a particular development. In doing so, this also provides for a greater understanding of what development will look like in these areas for property owners, residents, developers, staff and the Council. If adopted, these standards and provisions should be evaluated after a period of time and any necessary revisions be considered. As these amendments are consistent with the adopted plans and can help guide future development in the two areas while providing flexibility, staff recommends that Village Council adopt the proposed map and text amendments.



Legend

- Core Area Blocks
- Lower McIntyre
- Lower Rattlesnake Area Blocks
- Traditions Site
- Upper Rattlesnake Blocks
- Village Place Form Based District Boundary

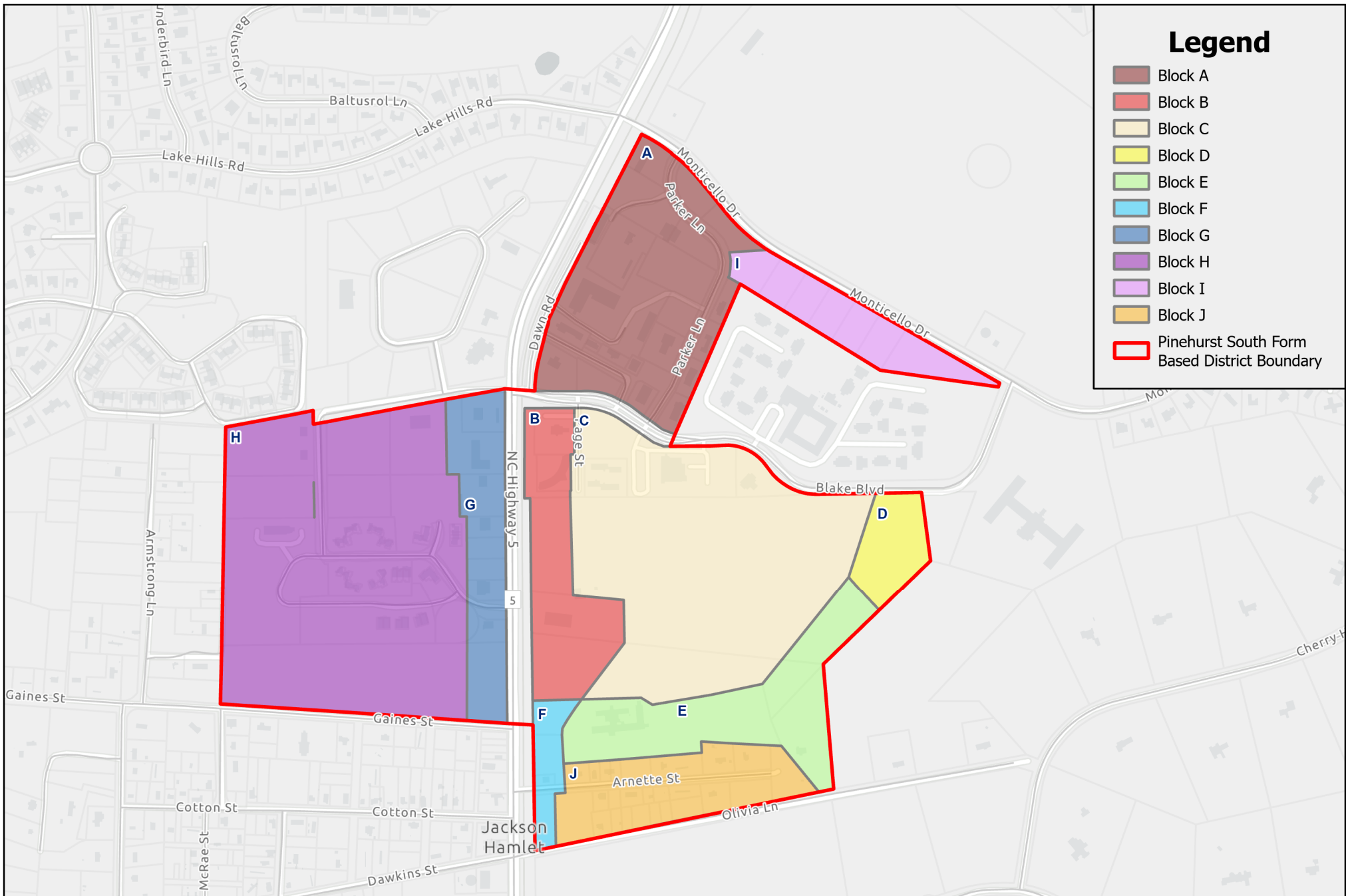
0 125 250 500 750 1,000 Feet

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

4/27/2023

Proposed Village Place Form Based District

N



Legend

- Block A
- Block B
- Block C
- Block D
- Block E
- Block F
- Block G
- Block H
- Block I
- Block J
- Pinehurst South Form Based District Boundary

0 150 300 600 900 1,200 Feet

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

4/19/2023

Proposed Pinehurst South Form Based District



Section 8.2 General Use and Form Based Districts Zoning Districts

General Use Zoning Districts are created to provide comprehensive land use regulations throughout the jurisdiction of this Ordinance. There are nineteen (19) General Use Zoning Districts and two (2) Form Based Districts that provide for a variety of uses that are appropriate to the character of the individual districts throughout the jurisdiction of this Ordinance.

8.2.1 (PC) Public Conservation District

(A) The Public Conservation District is established as a district in which the primary use of the land is reserved for the general public for recreation, parks, natural or man-made bodies of water, forests and other similar open space uses, and other government uses that provide public services to the residents of Pinehurst. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or properties otherwise restricted for public recreational use.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards Chapter 9

8.2.2 (RD) Recreation Development District

(A) The Recreational Development District is established as a district in which the primary use of the land is predominantly reserved for privately owned recreation, clubhouses and support structures, natural or man-made bodies of water, resort complexes and other similar uses. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or properties otherwise restricted for private recreational use.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards - Chapter 9

8.2.3 (R-210) Residential District

(A) The R-210 Residential District is established as a district in which the principal uses of the land are for low-density residential and light agricultural purposes. Development in this district is restricted due to lack of available utilities, watershed protection restrictions and for the protection of agricultural lands.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards - Chapter 9

8.2.4 Medium Density Residential Districts

Residential District (R-30)

Residential District (R-20)

Residential District (R-15)

(A) The R-15, R-20, and R-30 Residential District is established as a district in which the principal use of land is for medium-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately medium-density residential nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards - Chapter 9

8.2.5 High Density Residential Districts

Residential District (R-10)

Residential District (R-8)

Residential District (R-5)

(A) The R-5, R-8 and R-10 Residential District is established as a district in which the principal use of land is for high-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.6 (R-MF) Residential Multi-Family District

(A) The Residential Multi-Family District is established as a district in which the principal use of land is for multi-family and/or single-family dwellings. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.7 (NC) Neighborhood Commercial District

(A) The Neighborhood Commercial District is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts.

This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.8 Reserved

8.2.9 (H) Hotel

(A) The Hotel District is established as a district in which the principal use of land is for hotels and their associated villas or cottages. This district is intended to provide lodging facilities for visitors while minimizing any adverse impact on neighboring residential areas.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.10 (HD) Hospital Development District

(A) The Hospital Development District is established as a district in which the principal use of land is for hospitals, surgical centers or other health professional services and their supporting uses. This district is further intended to encourage the development of regional and community-wide providers of health care services while minimizing any adverse impacts on neighboring residential and historic areas.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.11 (OP) Office Professional Development District

(A) The Office Professional District is intended to provide for limited office and retail development as a spatial development between business districts and residential land uses.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.12 (VCP) Village Cottage Professional District

(A) The Village Cottage Professional District is intended to provide for limited office and retail development and a wide variety of housing types in pedestrian-scaled, residential-style structures.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.13 (VR) Village Residential

(A) The Village Residential District is established as a district in which the principal use of land is for multi-family and single-family dwellings in close proximity to the Village Center or other commercial nodes.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.14 (VMU) Village Mixed Use District

(A) The Village Mixed-Use District is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.15 (VC) Village Commercial District

(A) The Village Commercial District accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

Section 8.2.16 Form-Based Districts

Form-based districts are implemented similar to general zoning districts but with a few unique features including a regulating plan that divides the areas into blocks that specify types of buildings and number of building stories. Subdistrict zoning tables identify uses on a block-by-block basis. Implementation steps for planning a project in one of these districts is as follows.

1. Review the Form-Based District Regulating Plan in this section to determine the location of the project. Determine the block letter and the maximum allowed number of building stories.
2. Using the block letter, review the associated Form-Based District Table of Permitted and Special Uses and Special Requirements in Section 8.5.1b and 8.5.1c to determine which uses are allowed in that block.
3. Review Dimensional Table 9.2b to identify dimensional criteria based on the lot type being proposed.
4. Refer to the associated form-based code plan to evaluate appropriate architectural and other design features.
5. Remembering to address other PDO requirements such as landscaping and other design and development standards, prepare a General Concept Plan in accordance with Appendix C of this document for review by staff. Include criteria for submittal of subdivisions in Appendix D and conditional zoning, when appropriate.
6. Staff will review the materials and work with the applicant to establish a schedule for review by the Technical Review Committee, Planning & Zoning Board, and Village Council. Permits that are a use by right will be approved by staff.

8.2.16.A (VP FBD) Village Place Form Based District

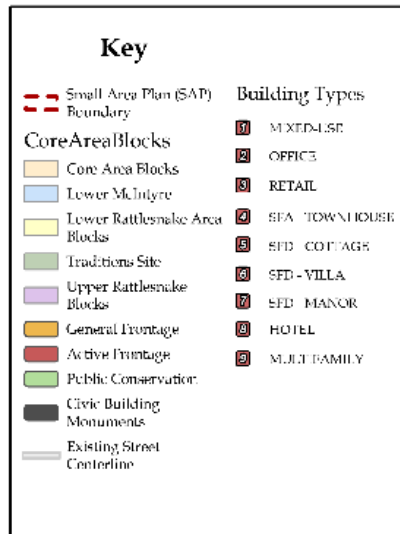
1. The Village Place Form Based District is based on the Village Place Small Area Plan and Form Based Code plans adopted by the Village. Village Place is an area well-suited to accommodate growth, and support quality of life needs of residents, businesses, and visitors. New development will integrate the built environment, improve the public realm, create a mixed-use walkable destination connected to the Village Center, and incorporate urban design standards.
2. See Table of Permitted and Special Uses – Section 8.5
3. See Table of Dimensional Requirements – Section 9.2
4. For additional specific design and development standards see the adopted Village Place Small Area Plan and Form Based Code.
5. For other applicable design and development standards, see Chapter 9.

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

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

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

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



Village Place Form Based District Regulating Plan

8.2.16.B (PS FBD) Pinehurst South Form Based District

1. The Pinehurst South Form Based District is based on the Pinehurst South Small Area Plan and Form Based Code plans adopted by the Village. Pinehurst South is an area well-suited to accommodate growth, and support quality of life needs of residents, businesses, and visitors. Development within Pinehurst South will integrate the built environment, improve the public realm, create a mixed-use walkable destination area, incorporate urban design standards, create a connecting spine of streets, sidewalks, and paths, and integrate a live, work and play area while minimizing traffic impacts.
2. See Table of Permitted and Special Uses – Section 8.5
3. See Table of Dimensional Requirements – Section 9.2
4. For specific design and development standards see the adopted Pinehurst South Small Area Plan and Form Based Code.
5. For other applicable design and development standards, see Chapter 9.

2.2 Regulating Plan

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

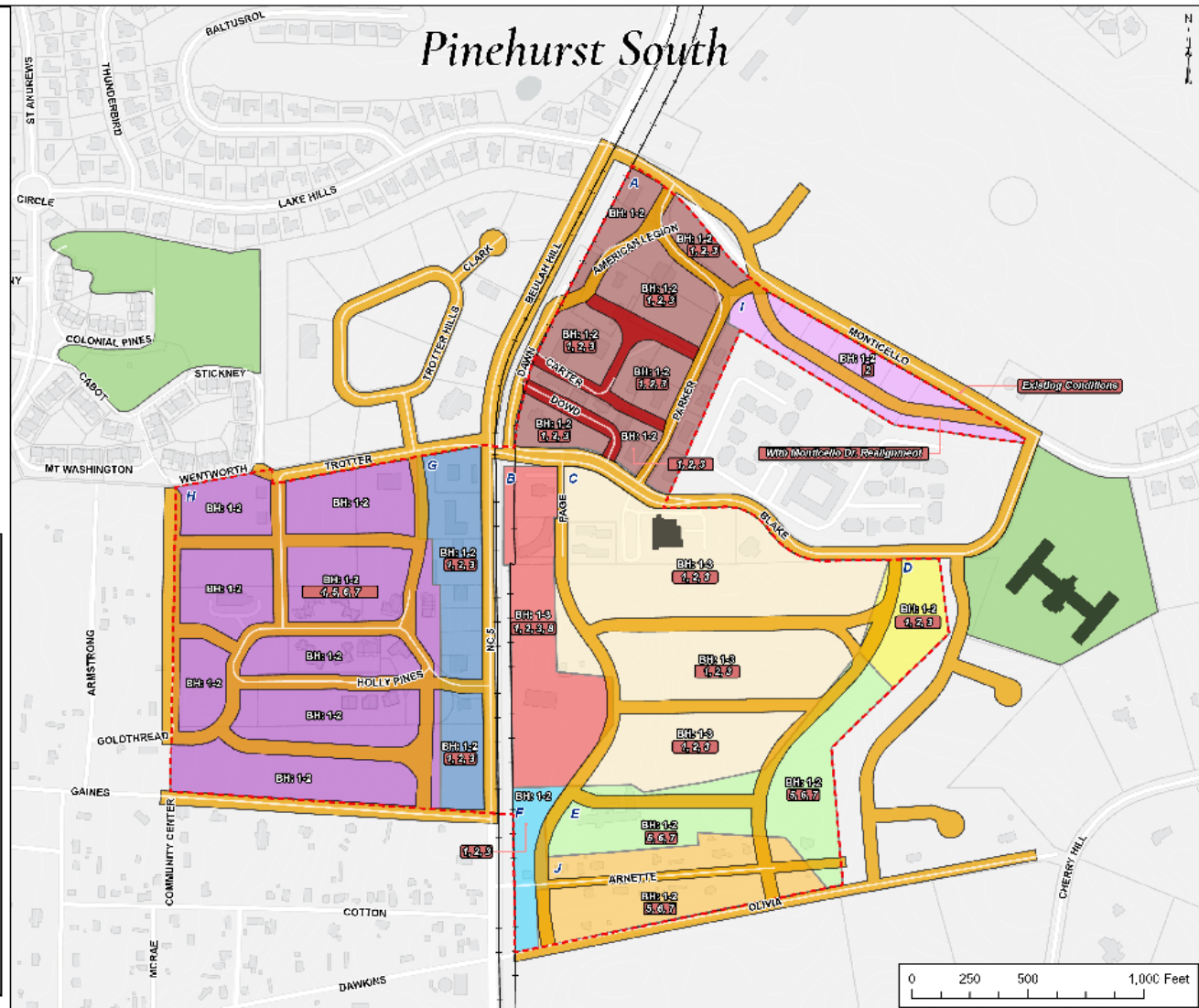
The Regulating Plan defines the boundary within which the FBC criteria apply, as shown by the SAP Boundary as a brown dashed line. The Regulating Plan also indicates allowed Uses and Building Heights within subareas. For Building Heights for example, "BH: 1-2" indicates that buildings shall be either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

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

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

Key

	General Frontage		Active Frontage		Public Conservation
	Civic Building		Monuments		MIXED USE
	Block A		Block B		OFFICE
	Block C		Block D		RETAIL
	Block E		Block F		SFA TOWNHOUSE
	Block G		Block H		SFD COITAGE
	Block I		Block J		SFD - VILLA
	Block K		Block L		SFD MANOR
	Block M		Block N		HOTEL
	Existing Street		Centerline		Pinehurst South Form Based District Boundary
	Railroads				



Pinehurst South Form Based District Regulating Plan

Section 8.3 Overlay Zoning Districts

Overlay Zoning Districts are created to provide additional development standards for identified areas. Certain Overlay Zoning Districts are also available to allow flexibility in design for certain types of developments. Overlay Zoning Districts combine with the regulatory provisions of the underlying General or Conditional Zoning Districts to provide additional or different standards.

~~8.3.1 Pinehurst South Overlay Districts~~

~~8.3.1.1 Purpose and Intent~~

~~—The Pinehurst South Business Area is composed largely of office, retail, financial and service uses. This district has developed over the past several decades. The current underlying zoning districts in this area make many of the existing buildings non-conforming in regard to setbacks and impervious surfaces requirements.~~

~~—The purpose of this overlay district is to preserve and enhance the small-scale commercial character while providing for low-impact business opportunities and to allow for some of the better development patterns found within the area to continue as the area is developed. This overlay district is established to prevent unsightly conditions as a result of development which may destroy or detract from the natural character, beauty and conditions and to exercise such reasonable control over land within the district as may be necessary to accomplish the objective.~~

~~—It is to encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan.~~

~~8.3.1.2 Conflict with Other Code Sections~~

~~—The definitions and regulations set forth in this section shall apply to the Pinehurst South Business Overlay District. Wherever there is a conflict or inconsistency between the Pinehurst South Business Overlay District regulations and other definitions and regulations of the Pinehurst Development Ordinance (PDO), those regulations set forth in this article shall govern development and redevelopment within Pinehurst South Business Overlay District.~~

~~8.3.1.3 Plan Approvals Required~~

~~—All development within the Pinehurst South Business Overlay District shall require submission of a site plan or a preliminary subdivision plat in accordance with this Ordinance, and approval of such plan or plat by the appropriate Village authority.~~

~~8.3.1.4 Pinehurst South Business Overlay District Requirements~~

~~—(A) Nonconforming buildings:~~

~~—If a nonconforming building or structure located within the Pinehurst South Business Overlay District is destroyed by any means, it may be built back within its existing footprint as long as it complies with the NC State Building and Fire Code and other applicable regulations.~~

~~—A structure that is nonconforming due to encroaching into a required setback may be added onto so long as the addition does not further encroach into the setback(s) of the existing structure and does not create a new encroachment into another setback or violate any other regulations of this Ordinance.~~

~~—(B) Ingress and Egress:~~

~~—Wherever possible, ingress and egress between various properties shall be shared in an attempt to minimize curb cuts. The Village of Pinehurst encourages adjacent landowners to enter into agreements providing access easements to accomplish this goal.~~

~~—(C) Parking Location:~~

~~—All parking within the Pinehurst South Business Overlay District shall be located to the side or rear of buildings or located on the street.~~

~~—(D) On Street Parking:~~

~~—Where on street parking is provided that directly fronts a parcel, that on street parking may be counted toward meeting the required number of parking spaces for the uses on that parcel.~~

~~—(E) Shared Parking:~~

~~—The use of shared parking shall comply with the requirements in Section 9.4.1.3.~~

~~—(F) Lot Dimensional Requirements:~~

~~All development shall comply with the following development standards:~~

~~Minimum Lot Width at the Street Line: 50 ft.~~

~~Minimum Street Yard Setback: 10 ft. from the public sidewalk~~

~~Minimum Side Yard Setback: 10 ft.~~

~~Minimum Rear Yard Setback: 10 ft.~~

~~All other dimensional requirements shall be determined by the underlying zoning district.~~

~~8.3.1.5 Pinehurst South Business Overlay District Permitted Uses~~

~~—When determining if a use is permitted within the Pinehurst South Business Overlay District one shall refer to Table 9.2a and the General Use Zoning District requirements.~~

~~8.3.1.6 Compliance with all other regulations~~

~~—All development within the Pinehurst South Business Overlay District shall comply with all applicable sections of the Pinehurst Development Ordinance and Engineering Standards including but not limited to signage, landscaping, watershed regulations, street design, stormwater.~~

8.3.~~2~~1 Historic Preservation Overlay District

8.3.~~2~~1.1 Purpose and Intent

Historic areas are some of the most valued and important assets of the Village of Pinehurst, having local, state, and national importance. The establishment of Historic Preservation Districts is for the purpose of preserving the Village's heritage; safeguarding its character by preserving the district as a whole and any property therein that embodies important elements of its social, economic, cultural, political, or architectural history. The establishment of the Historic Preservation district is also for the purpose of promoting the conservation of such districts for the education, pleasure, and enrichment of residents of the district, the Village, and others; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the district as a whole, thus contributing to the improvement of the general health and welfare of the Village and the residents of the district.

8.3.~~2~~1.2 Historic Districts Established

Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, material, feeling, and/or association. No district shall be designated, amended, or repealed until the following has been carried out:

(A) An investigation and report initiated by the Historic Preservation Commission describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared;

(B) The Department of Cultural Resources, acting through the State Historical Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Village Council within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Village Council of any responsibility for awaiting such analysis, and the Village Council may at any time thereafter take any necessary action to adopt or amend this Zoning Ordinance with respect to Historic Districts;

(C) The Village Council shall also refer the report and the proposed boundaries to the Planning and Zoning Board for its recommendations prior to taking action to amend the Zoning Ordinance;

(D) With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by this Section shall be prepared by the Historic Preservation Commission and shall be referred to the Planning and Zoning Board for its review and comment according to the procedures set forth herein. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of this Section;

(E) Upon receipt of these reports and recommendation, the Village Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Zoning Ordinance provision.

8.3.~~21~~.3 Certificate of Appropriateness Required

(A) From and after the designation of a historic district and the adoption of Review Criteria and Design Standards by the Historic Preservation Commission and approved by the Village Council, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), no above-ground utility structure, nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. Such a certificate shall be issued by the Commission and/or Village Planner prior to the issuance of a development permit. Such certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Section. A Certificate of Appropriateness shall be required whether or not a building permit is required;

(B) Publication dispensers shall be required to comply with the Local Historic District Standards, and a Certificate of Appropriateness must be obtained prior to display.

8.3.~~21~~.4 Certificate of Appropriateness Procedure

(A) An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Village Planner. Applications for Certificate of Appropriateness for major work shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content.

(B) The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data has been submitted. Nothing shall prevent the applicant from filing, along with the application, additional relevant information bearing on the application;

(C) Applications that are categorized or fall within the category description of normal maintenance or minor work within the Local Historic District Standards, will be approved or denied on a staff level. If staff does not approve the application or if the work is questionable as to whether it is consistent with the Standards, then the application will be heard at the next PHPC meeting as a regular agenda item.

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

(E) The Commission shall take action on the application and in doing so, shall apply the Review Criteria contained in this section and within the Local Historic District Standards and Guidelines;

(F) The Commission's action on the application shall be approval, approval with modifications and/or conditions, delay of demolition, or denial;

(G) Prior to the final action on an application, the Commission, using the Review Criteria, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district;

(H) The Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications and/or conditions, delay of demolition, or denial;

(I) If the Commission fails to take final action upon any application within one hundred eighty (180) days after the complete application is submitted to the Village Planner for historic approval, the application shall be deemed to be approved unless the applicant consents to extend this period of time;

(J) If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed construction, reconstruction, alteration, restoration or moving.

8.3.~~21~~.5 Review Criteria

(A) Intent:

(1) It is the intention of these regulations to insure, that construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district shall be congruous with the special character of the district. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of the same or to impose architectural styles from particular historical periods. In considering new construction, the Commission and/or the Village Planner shall encourage design that is harmonious with the character of the district;

(2) In granting a Certificate of Appropriateness, the Commission and/or the Village Planner shall take into account the historical or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity;

(3) The Commission or Village Planner shall take no action under this Ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features that would be incongruous with the special character of the historic district or landmark.

(B) Exterior Form and Appearance:

(1) The following criteria shall be considered, when relevant, by the Commission or Village Planner reviewing applications for a Certificate of Appropriateness. All applications for Certificate of Appropriateness shall be subject to review based upon the Design Standards then in effect. These standards are set forth in a manual prepared by the Commission and approved by Village Council:

- (a) Lot coverage, defined as the percentage of the lot area covered by primary structures;
- (b) Setback, defined as the distance from the lot lines to the building(s);
- (c) Building height;
- (d) Spacing of buildings, defined as the distance between adjacent buildings;
- (e) Exterior building materials;
- (f) Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- (g) Surface textures;
- (h) Roof shapes, forms and materials;
- (i) Use of local or regional architectural traditions;

(j) General form and proportions of buildings and structure, and relationship of any additions to the main structure;

(k) Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;

(l) Orientation of the building to the street;

(m) Scale, determined by the size of the units of construction and architectural detail in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;

(n) Proportion of width to height of the total building façade;

(o) Archaeological sites and resources associated with standing structures;

(p) Appurtenant fixtures and other features such as lighting;

(q) Structural condition and soundness;

(r) Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape mass, building façades, or combinations of these;

(s) Ground cover or paving;

(t) Maintenance of pedestrian scale and orientation, as well as provision for safe pedestrian movement;

(u) Color (new construction, additions, alterations, and repainting only and not for existing residences);

(v) Effect of trees and other landscape elements.

(2) The Secretary of the Interior's "Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness;

(3) Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

8.3.21.6 Certain Changes Not Prohibited

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district that does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature that the Building Inspector, Zoning Enforcement Officer or similar official shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration, of any existing, aboveground utility structure without approval by the Commission.

8.3.21.7 Delay in Demolition

(A) An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The Commission shall reduce the period of delay if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal;

(B) In the case of demolition action by the Village, the application for such a certificate will first be reviewed by the Commission and secondly by the Village Council for final order of demolition or removal;

(C) If the Commission has voted to recommend the designation of an area as a historic district and the final designation has not been made by the Village Council, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to one hundred eighty (180) days or until the Village Council takes final action on the designation, whichever occurs first.

8.3.~~21~~.8 Application Review by Commission

As part of its review procedure, the Commission may view the premises and seek the advice of the Department of Cultural Resources or such other expert advice as it may deem appropriate.

8.3.~~21~~.9 Appeal of Decision

(A) In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Zoning Board of Adjustment;

(B) Written notice of the intent to appeal must be sent to the Commission, postmarked within thirty (30) days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Zoning Board of Adjustment shall be heard by the Superior Court of Moore County;

(C) The State of North Carolina shall, for property of the State or its agencies, have a right of appeal to the North Carolina Historical Commission, thirty (30) days from the date of the decision. The decision of the State Historical Commission shall be final and binding upon both the State and the Commission.

8.3.~~21~~.10 Compliance

(A) Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Village Planner. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of one (1) year shall be considered as a failure to comply with a Certificate of Appropriateness and may require new application and approval;

(B) Nothing contained in the Ordinance shall prohibit, impair, or limit in any way the power of the Village Council to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of any

provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

8.3.~~21~~.11 State Recommendations

The districts shall not be established or the authority and powers of a Historic Preservation Commission be implemented until the Department of Cultural Resources shall have been given opportunity, in accordance with the provision of the North Carolina NCGSS to make recommendations with respect to the establishment of the districts.

8.3.2 Reserved

Section 8.4 Conditional Zoning Districts

8.4.1 Purpose and Intent

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional District is a means by which such special conditions can be imposed in the furtherance of the purposes of this Ordinance. In addition, Conditional Districts ensure that development is consistent with adopted plans including the Comprehensive Plan, Small Area Plans and Form Based Guidance Plans. The Conditional District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional District Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification.

8.4.2 Conditional Districts

For each General Use and Form Based District establish in Section 8.2, there is also established a corresponding Conditional District as follows:

- (A) PC-CD - Public Conservation Conditional District;
- (B) R-210 CD - Residential Conditional District;
- (C) R-15 CD - Residential Conditional District;
- (D) R-20 CD - Residential Conditional District;
- (E) R-30 CD - Residential Conditional District;
- (F) R-5 CD - Residential Conditional District;
- (G) R-8 CD - Residential Conditional District;
- (H) R-10 CD - Residential Conditional District;
- (I) R-MF-CD - Residential Multi-Family Conditional District;

- (J) VR-CD - Village Residential Conditional District;
- (K) RD-CD - Recreation Development Conditional District
- (L) OP-CD - Office and Professional Development Conditional District;
- (M) H-CD - Hotel Conditional District;
- (N) HD-CD - Hospital Development Conditional District;
- (O) VC-CD - Village Commercial Conditional District;
- (P) VCP-CD - Village Cottage Professional Conditional District
- (Q) VMU-CD-Village Mixed Use Conditional District
- (R) NC-CD - Neighborhood Commercial Conditional District.
- (S) VP FBD-CD – Village Place Form Based Conditional District.
- (T) PS FBD-CD – Pinehurst South Form Based Conditional District

Section 8.5 Tables 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) "CZ" indicates that a specific use, development or subdivision may only be permitted through a conditional zoning district that is parallel to the underlying zoning district (see Section 8.2 and 8.4). The conditional zoning district designation must be approved before the use may be established, development permit issued, and conformance with all applicable development and design standards achieved as provided in this ordinance. All nonconforming uses and structures shall be governed under Section 2.3 of this ordinance.

(CD) 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~~E) 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~~F) In the event a use is not listed, the Village Planner may determine if a materially similar use exists and is defined by this ordinance. If a materially similar land use is determined by the Village Planner, the determination shall be made in writing and all applicable regulations and standards with that use shall apply to the unlisted use. Such determinations by the Village Planner may be appealed pursuant to Chapter 5 of this ordinance.

If a use is not listed and a materially similar use does not exist, an application may be filed to amend this ordinance pursuant to Chapter 6. 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																		
OFFICE/ SERVICE	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
Banks, Credit Unions, Financial Services											X			X	X		X	X, SR	<u>921</u>
Business Support Services											X			X	X		X	X	
Crematoria																			
Dry Cleaning & Laundry Services											X			X	X, SR		X, SR	X, SR	10
Funeral Home											X			X					
Medical Clinic											X		X	X					
<u>Medical Office</u>											<u>X</u>		<u>X</u>	<u>X</u>					
<u>Office</u>											<u>X</u>			<u>X</u>	<u>X</u>		<u>X</u>	<u>X, SR</u>	<u>21</u>

Personal Services											X			X	X		X	X	
Personal Services, Restricted																			
Post Office											X						X	X	
Professional Services											X			X	X		X	X, SR	9
Radio/TV Studio											X			X	X		X		
Small Equipment Repair/Rental											X								
Small Engine Repair / Sales											X								
Veterinary Services / Indoor Kennels											X, SR			X, SR					11

X Permitted by Right

SU Special Use Permit

SR Special Requirement

8.5.1b Village Place Form Based District Table of Permitted and Special Uses and Special Requirements

[illegible]

[illegible]

<u>Alcoholic Beverage Sales Store</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>	<u>CZ</u>							
<u>Amusements, Indoor</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>							
<u>Amusements, Outdoor</u>																
<u>Billiard/Pool Hall</u>																
<u>Bar/Tavern/Night Club</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>							
<u>Garden Center</u>						<u>CZ</u>										
<u>General Retail</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>					<u>13</u>
<u>Golf Course</u>																
<u>Internet Sweepstakes Facilities</u>																
<u>Outside Sales</u>						<u>CZ, SR</u>										<u>14</u>
<u>Pawnshops</u>																
<u>Racetrack</u>																
<u>Restaurant</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>		<u>CZ, SR</u>					<u>15</u>
<u>Shooting Range</u>																
<u>Theater, Indoor (Movie or Live Performance)</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>									
<u>CIVIC</u>	<u>A*</u>	<u>B*</u>	<u>C*</u>	<u>D*</u>	<u>E*</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>O*</u>	<u>SR</u>
<u>Civic/Cultural Facilities</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>									
<u>Community Shared Facilities</u>														<u>CZ</u>	<u>CZ</u>	<u>16</u>
<u>Conference/Convention Center</u>																
<u>Country Club</u>																
<u>Municipal Public Service Facility</u>																
<u>Private Club</u>																
<u>Public Safety Station</u>																<u>16</u>
<u>Recreation Facilities, Indoor</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				

<u>INDUSTRY/ WHOLESALE/ STORAGE</u>	<u>A*</u>	<u>B*</u>	<u>C*</u>	<u>D*</u>	<u>E*</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>O*</u>	<u>SR</u>
<u>Artisan Workshops</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				
<u>Industry, Manufacturing</u>																
<u>Landfill/Waste Recovery Facilities</u>																<u>22</u>
<u>Recycling Collection Stations Municipal</u>																
<u>Storage – Outdoor Storage Yard</u>																
<u>Storage – Self Service</u>																
<u>Storage – Warehouse, Indoor Storage</u>																
<u>AGRICULTURE</u>	<u>A*</u>	<u>B*</u>	<u>C*</u>	<u>D*</u>	<u>E*</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>O*</u>	<u>SR</u>
<u>Agriculture, Livestock</u>																<u>25</u>
<u>Farming/Animal Production</u>																<u>25</u>
<u>Horse Farm & Training Track</u>																<u>26</u>
<u>Nurseries</u>																
<u>Gardens (Community and Private)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Kennels, Outdoor</u>																
<u>Swine Farms</u>																
<u>INFRASTRUCTURE</u>	<u>A*</u>	<u>B*</u>	<u>C*</u>	<u>D*</u>	<u>E*</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>O*</u>	<u>SR</u>

[illegible]

<u>Dwelling - Accessory</u>														<u>X, SR</u>	<u>X, SR</u>	<u>109</u>
<u>Accessory Structure</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>110</u>
<u>Bulkheads on Lakes</u>																<u>111</u>
<u>Docks on Lakes</u>																<u>112</u>
<u>Floats/Rafts and Mooring Buoy</u>																<u>113</u>
<u>TEMPORARY USE</u>	<u>A*</u>	<u>B*</u>	<u>C*</u>	<u>D*</u>	<u>E*</u>	<u>F*</u>	<u>G*</u>	<u>H</u>	<u>I*</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>O*</u>	<u>SR</u>
<u>Boat Storage</u>																<u>200</u>
<u>Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>201</u>
<u>Temporary Expansion of School Facilities</u>																<u>202</u>
<u>Temporary Real Estate Offices</u>														<u>X, SR</u>	<u>X, SR</u>	<u>203</u>
<u>Model Homes</u>														<u>X, SR</u>	<u>X, SR</u>	<u>204</u>
<u>Yard Sales</u>														<u>X, SR</u>	<u>X, SR</u>	<u>205</u>
<u>Temporary Uses Other</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>206</u>

X Permitted by Right

SU Special Use Permit

SR Special Requirement

CZ Conditional Zoning

* Indicates a block with active frontage. See Regulating Plan for more information.

8.5.1c Pinehurst South Form Based District Table of Permitted and Special Uses and Special Requirements

<u>USE TYPES</u>	<u>PINEHURST SOUTH FORM BASED DISTRICT BLOCKS</u>										
<u>SUBDIVISIONS</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Subdivisions – Major and Minor</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	
<u>RESIDENTIAL</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Dwelling-Single Family</u>					<u>CZ</u>			<u>CZ</u>		<u>X, SR</u>	<u>1</u>
<u>Dwelling-Two Family</u>								<u>CZ</u>			<u>1</u>
<u>Dwelling-Multifamily</u>											<u>3</u>
<u>Dwelling-Townhouse/ Clustered Dwellings</u>								<u>CZ</u>			<u>2</u>
<u>Family Care Home (6 or fewer residents)</u>					<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>4</u>
<u>Halfway Homes</u>											
<u>Dwelling -Mixed Use</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				<u>5</u>
<u>Manufactured Housing</u>										<u>X, SR</u>	<u>6</u>
<u>Manufactured Home Park</u>											
<u>LODGING</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Bed and Breakfast Homes</u>											<u>7</u>
<u>Boarding or Rooming House</u>											
<u>Dormitory</u>											
<u>Hotel</u>		<u>CZ</u>									<u>8</u>
<u>Recreational Vehicle Park</u>											
<u>Short Term Rental</u>											<u>9</u>
<u>Neighborhood Lodging Accommodation</u>					<u>CZ</u>			<u>CZ</u>		<u>CZ</u>	<u>10</u>

<u>OFFICE/SERVICE</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Banks, Credit Unions, Financial Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		<u>21</u>
<u>Business Support Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Crematoria</u>											
<u>Dry Cleaning & Laundry Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				<u>23</u>
<u>Funeral Home</u>	<u>CZ</u>										
<u>Medical Clinic</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Medical Office</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Office</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Personal Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Personal Services, Restricted</u>											
<u>Post Office</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		<u>21</u>
<u>Professional Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		<u>21</u>
<u>Radio/TV Studio</u>									<u>CZ</u>		
<u>Small Equipment Repair/Rental</u>		<u>CZ</u>	<u>CZ</u>			<u>CZ</u>					
<u>Small Engine Repair / Sales</u>		<u>CZ</u>	<u>CZ</u>			<u>CZ</u>					
<u>Veterinary Services / Indoor Kennels</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		<u>11</u>

<u>COMMERCIAL/ ENTERTAINMENT</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Sexually Oriented Business</u>											<u>12</u>
<u>Alcoholic Beverage Sales Store</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				
<u>Amusements, Indoor</u>		<u>CZ</u>	<u>CZ</u>			<u>CZ</u>					
<u>Amusement, Outdoor</u>											
<u>Billiard/Pool Hall</u>											
<u>Bar/Tavern/Night Club</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				
<u>Garden Center</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				

<u>General Retail</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				<u>13</u>
<u>Golf Course</u>											
<u>Internet Sweepstakes Facilities</u>											
<u>Outside Sales</u>											<u>14</u>
<u>Pawnshops</u>											
<u>Racetrack</u>											
<u>Restaurant</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>	<u>CZ, SR</u>		<u>CZ, SR</u>	<u>CZ, SR</u>				<u>15</u>
<u>Shooting Range</u>											
<u>Theater, Indoor (Movie or Live Performance)</u>											

<u>CIVIC</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Civic/Cultural Facilities</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>			<u>CZ</u>	
<u>Community Shared Facilities</u>								<u>CZ, SR</u>			<u>16</u>
<u>Conference/Convention Center</u>		<u>CZ</u>									
<u>Country Club</u>											
<u>Municipal Public Service Facility</u>											
<u>Private Clubs</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				
<u>Public Safety Station</u>	<u>CZ, SR</u>	<u>CZ, SR</u>		<u>CZ, SR</u>		<u>CZ, SR</u>	<u>CZ, SR</u>		<u>CZ, SR</u>		
<u>Recreation Facilities, Indoor</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				
<u>Recreation Facilities, Outdoor</u>			<u>CZ, SR</u>								<u>17</u>
<u>Religious Institution</u>					<u>CZ, SR</u>	<u>CZ, SR</u>		<u>CZ, SR</u>		<u>CZ, SR</u>	<u>18</u>
<u>Park</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	

<u>EDUCATION/INSTITUTION</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Residential Care Facilities (More than 6 Residents)</u>									<u>CZ</u>		
<u>Child/Adult Day Care Center</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				

<u>Community Support Facility</u>							<u>CZ</u>		<u>X</u>		<u>19</u>
<u>Hospital</u>											
<u>Schools - Elementary & Secondary</u>											<u>18</u>
<u>Schools- Vocational/Technical</u>											
<u>Studio - art, dance, martial arts, music</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				

<u>AUTOMOTIVE</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Fueling Station</u>							<u>CZ, SR</u>				<u>20</u>
<u>Heavy Equipment/ Manufactured Home Rental/Sales</u>											
<u>Vehicle. Rental/Leasing/Sales</u>											
<u>Vehicle Service- Maintenance Repair/Body Work</u>											

<u>INDUSTRY/ WHOLESALE/ STORAGE</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Artisan Workshops</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				
<u>Industry, Manufacturing</u>											
<u>Landfill/Waste Recovery Facilities</u>											<u>22</u>
<u>Recycling Collection Stations Municipal</u>											
<u>Storage -Outdoor Storage Yard</u>											
<u>Storage-Self Service</u>											
<u>Storage -Warehouse, Indoor Storage</u>											
<u>Wholesaling and Distribution</u>											

<u>AGRICULTURE</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
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<u>Ice Vending</u>											
<u>Home Occupation</u>					<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>104</u>
<u>Outdoor Swimming Pools and Spas</u>					<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>105</u>
<u>Pet Houses and Pet Runs</u>					<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>106</u>
<u>Playground Equipment</u>	<u>X, SR</u>	<u>X, SR</u>			<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>107</u>
<u>Accessory Buildings</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>108</u>
<u>Dwelling - Accessory</u>					<u>SU, SR</u>			<u>SU, SR</u>		<u>SU</u>	<u>109</u>
<u>Accessory Structure</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>110</u>
<u>Bulkheads on Lakes</u>											<u>111</u>
<u>Docks on Lakes</u>											<u>112</u>
<u>Floats/Rafts and Mooring Buoy</u>											<u>113</u>

<u>TEMPORARY USE</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Boat Storage</u>											<u>200</u>
<u>Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>201</u>
<u>Temporary Expansion of School Facilities</u>											<u>202</u>
<u>Temporary Real Estate Offices</u>											<u>203</u>
<u>Model Homes</u>					<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>204</u>
<u>Yard Sales</u>					<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>205</u>

<u>Temporary Uses Other</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>206</u>
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X Permitted by Right

SU Special Use Permit

SR Special Requirement

CZ Conditional Zoning

* Indicates a block with active frontage. See Regulating Plan for more information.

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-1 Dwelling, Single Family-Two Family

~~(1)~~ ~~—(1)—~~In VCP and VMU Districts between any single-family residential use and non-residential use, a minimum of a Class 1 buffer shall be placed between uses by the non-residential user on the non- residential property.

(2) In Block J of the Pinehurst South Form-Based District, development and redevelopment of existing lots of record shall conform to the standards of the R-5 district in 9.2a Table of Dimensional Requirements.

SR-2 Dwelling, Townhouse/Clustered Dwellings

(1) The common open space provided with the townhouse unit development shall be no less than twenty-five percent (25%) of the gross land area.

(2) The minimum setbacks required around the perimeter of the development tract shall be as required by the Table of Dimensional Requirements 9.2 a.

(3) The front wall on any unit or group of contiguous units shall not be set back beyond the rear wall of any adjacent unit or group of contiguous units where both face the same street or vehicle accommodation area;

(4) A townhouse unit lot frontage may be on open space properly restricted through a responsible entity to ensure adequate access. The minimum size for a townhouse or cluster dwelling unit is one thousand five hundred (1,500) heated square feet.

(5) The minimum lot width for a townhouse unit is twenty (20) feet.

SR-3 Dwelling, Multi-Family

(1) The minimum size for a multi-family dwelling is one thousand five hundred (1,500) heated square feet.

SR-4 Family Care Home (6 or fewer residents)

(1) Shall be a single-family dwelling;

(2) No family care home shall be located within one-half mile radius of an existing family care home measured from property line to property line.

(3) The following steps must be followed in order to obtain approval from the Village to operate a Family Care Home:

(a) Applicant submits a letter of intent.

(b) Applicant asks for a Zoning Verification Letter prior to receiving a State license. Fees in accordance with the adopted fee schedule apply.

(c) Obtain Development Permit after receiving a State license.

(4) In the event a development permit is issued for a family care home which invalidates another applicant's zoning verification letter, that applicant shall be notified.

SR-5 Dwelling, Mixed Use

(1) The dwelling units shall be located within the principal building, except in the VCP, VMU, or VC Districts where they may also be located in an accessory structure in the rear yard.

(2) The dwelling units shall not be located on the ground floor of the principal building.

SR-6 Manufactured Housing

(1) A continuous, permanent masonry underpinning such as brick, stone, stucco, split-face block (but not common concrete block), not pierced except for required ventilation and access, shall be installed under the mobile home;

(2) The tongue, axles, transport lights, and removable towing apparatus shall be removed subsequent to final placement.

SR-7 Bed and Breakfast Homes

(1) The use shall be located in a structure that was constructed as a single-family dwelling, and contains a minimum of three (3) and a maximum of nine (9) adult guest rooms. If the structure was not originally constructed as single-family dwelling a special use permit is required.

(2) A floor plan illustrating the entire facility shall be provided, showing ingress and egress from each room. Each room must have access to a hall or exterior door;

(3) No more than two (2) adult guests per room will be permitted at any one (1) time. No more than eight (8) total guestrooms will be permitted. The owner must be a permanently domiciled resident of the Bed and Breakfast;

(4) Meals served on the premises for paying guests shall be limited to breakfast;

(5) No alcoholic beverages shall be sold on the premises;

(6) Only one (1) unlighted sign will be permitted, which shall have maximum dimensions of two (2) feet high by three (3) feet wide, and not more than three and one-half (3½) feet tall at its highest point above ground level;

(7) Any interior modification shall be described in the application;

(8) Off street parking shall be provided in conformance with this Ordinance;

(9) Special events for guests such as wedding receptions, parties, etc., shall not be permitted;

(10) There shall be no less than one (1) bathroom consisting of a bath or shower, toilet, and sink for each guestroom.

SR-8 Hotel

(1) At least fifty percent (50%) of the level of the primary entrance shall not be used for guest rooms based on area square footage of that level.

SR-9 Short Term Rental

(1) After the effective date of this Ordinance, all applicants seeking to establish any new short-term rentals shall be required to obtain a Development Permit from the Village. All nonconforming short term rental dwelling units operated prior to the effective date of this Ordinance are not required to obtain any Development Permit or any other type of permit or permission as a condition to rent and are not required to register their short-term rental with the Village but may request issuance of a Nonconforming Use Certificate as set forth in subsection 2.3.2 of this Ordinance. All short-term rentals, whether lawful nonconforming uses or new short-term rentals established after the effective date of this Ordinance, shall comply with the following standards:

(a) A minimum of one (1) operable smoke detector shall be provided per bedroom (North Carolina State Building Code and 42-A-31(6) Vacation Rental Act);

(b) A minimum one (1) operable carbon monoxide detector shall be provided per level or floor of the dwelling unit. (42-A-31(6) Vacation Rental Act)

(c) Bedrooms and other habitable rooms shall meet the minimum light and ventilation requirements of Section 153.18 of the Pinehurst Municipal Code.

(d) Bedrooms shall meet the minimum size requirements of Section 153.19 of the Pinehurst Municipal Code.

(e) Ceiling Height. At least one-half of the floor area of every bedroom shall have a ceiling height of not less than seven feet and six inches (Section 153.19 (B) Pinehurst Municipal Code).

(f) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the applicable provisions of the North Carolina State Building Code.

(g) To lessen congestion in the streets and to prevent the overcrowding of land as authorized by G.S 160D-701. A minimum of one (1) parking space per bedroom shall be provided on code-approved surfaces and locations.

(h) Cooking facilities are not permitted in any bedroom. For the purposes of this regulation, cooking facilities include any refrigerator in excess of seven (7) cubic feet; any stovetop range that operates on 220-volt electric service, any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance which contains more than two cooking surfaces or burners. This regulation shall not apply to single dwelling unit room rentals with a sleeping area, living area, and kitchen/eating area consolidated into one room.

(i) To ensure that the owners of short-term rentals provide fit and habitable housing as required by G.S. 42A-17(b), and to prevent the overcrowding of land, the avoidance of undue concentrations of population, to lessen congestion in the streets, and to prevent overcrowding of the lodging premises, and as authorized by G.S. 160D-701, the maximum occupancy per unit shall be based on two (2) adult guests per bedroom.

(j) Accessory Dwelling Units may be permitted for short term rental where Accessory Dwelling Units and Short Term Rentals are both permitted by right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements.

(k) Rental rules, including the maximum number of guests per stay, trash disposal procedures and sanitation schedules, noise ordinance hours, parking, and other listed SR-9 requirements shall be conspicuously posted at the main entrance along with the owner or property manager and emergency contact information.

SR-10 Drycleaning and Laundry Services

- (1) Coin operated laundries are not allowed in VCP, VMU or VC districts.

SR-11 Veterinary Services/Indoor Kennels

(1) All indoor kennels shall be within a completely enclosed building with no outside facilities (except as provided for in item #3 below) or accessory structures for animals, unless otherwise permitted in the district in which it is located.

(2) Veterinary clinics shall be designed so that sound emitted through the exterior walls, roofs, and enclosed areas where animals are treated or kept shall not exceed forty-five (45) decibels as measured at the property line.

(3) Veterinary clinics and/or indoor kennels which include outdoor spaces, runs, or other facilities shall require a special use permit.

SR-12 Sexually Oriented Business

(1) No business shall locate within two thousand (2,000) feet of any other sexually orientated business, as measured in a straight line from property line to property line;

(2) No sexually orientated business shall be located within: one thousand (1,000) feet of a church or any establishment with an on-premise ABC license; five thousand (5,000) feet of a public or private elementary school or secondary school, child day care or nursery school; seven hundred (700) feet of a public park, residence and/or residentially zoned property; or two thousand (2,000) feet from a nursing home. These distances shall be measured on a straight line from property line to property line, with no consideration as to intervening structures, roads, or landforms;

(3) There shall not be more than one sexually orientated business on the same property or in the same building, structure, or portion thereof;

(4) No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any sexually orientated business;

(5) Except for the signs permitted by this Ordinance, no other advertisements, displays, signs or other promotional materials shall be visible to the public from pedestrian sidewalks, walkways, or vehicular use areas.

SR-13 General Retail

(1) No single retail use shall exceed twelve thousand (12,000) square feet in gross floor area unless a special use permit is obtained.

(2) In the VCP District, no single retail use shall exceed one thousand six hundred (1,600) square feet in gross floor area.

SR-14 Outside Sales

- (1) General Standards

(a) Outside sales must be clearly secondary to the primary use within the associated permanent structure.

(b) Outside sales shall not occupy required parking areas and shall not take up an area greater than twenty-five percent (25%) of the total building area of the primary use within the associated permanent structure.

(2) Displays on Public Sidewalks: Merchandise for sale may be placed on the public sidewalk in front of the business where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of five (5) feet). Such displays shall be removed from the sidewalk when the business is not open. Such sales may also be subject to other village ordinances.

(3) Outside sales in the VC, VMU and VCP zoning districts shall require a special use permit.

(4) Display of merchandise for outside sales in the front yard shall not exceed a maximum of twelve (12) feet from the front face of the building.

(5) Nurseries, and garden centers are not subject to 1, 2, and 4 requirements listed above.

SR-15 Restaurants

(1) Drive-through windows and curbside service are prohibited;

(2) No exterior playground or play equipment intended for children shall be permitted.

(3) Restaurants in the VCP District shall be limited to a maximum of one thousand six hundred (1,600) square feet.

SR-16 Community Shared Facilities, Public Safety Station

(1) Community Shared Facilities and Public Safety Stations shall have a minimum lot size of twenty thousand (20,000) square feet.

SR-17 Recreation Facilities, Outdoor [RD, R-210, NC, HC]

(1) Screening:

(a) Athletic fields, common area recreation facilities and similar facilities shall be screened from adjoining residential properties in accordance with Section 9.5.

(2) Operational Standards:

(a) Lights and loudspeaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m. unless special permission is received from the Village Planner.

(b) Facility usage is limited to indoor activities before 6:00 a.m. or after 10:00 p.m. unless special permission is received from the Village Planner.

(c) No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within two hundred (200) feet of any residentially zoned property except as needed for routine maintenance of the grounds or facility playfield.

(4) All exterior lighting shall be shielded such that light is not directed toward adjacent residential property.

SR-18 Religious Institutions and Schools

(1) Such facilities shall be located on sites of five (5) acres or greater and shall have direct primary access to a major collector or thoroughfare street.

SR-19 Community Support Facility (OP)

(1) These uses may be principal or accessory uses.

(2) No such use may be located within a quarter mile (1320 feet) of another such use measured as a straight line as measured from property lines.

SR-20 Fueling Stations

(1) The store shall contain less than three thousand five hundred (3,500) square feet of gross floor area;

(a) Gas pumps, auto wash facilities and dumpsters shall not be located between the building and a public street or in any required building setback.

(b) Gas pump canopies shall not exceed the height of the roof of the primary building it serves. The gas pump canopy, auto wash structure and facility, dumpster enclosure and other accessory structures shall be similar in architectural style and color as the principal building.

(c) Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.

SR-21 Banks, Credit Unions, Financial Services, Professional Services

(1) Such uses shall not be permitted on the ground floor of the principal building.

SR-22 Landfill/Waste Recovery Facilities (PC)

(1) No New Facilities Shall be Established: No new Landfill/Waste Recovery Facilities shall be established after the effective date of this Ordinance, but the existing Moore County Landfill shall be permitted to operate according to State law and the provisions below.

(2) Screening: Modifications to the existing Moore County Landfill shall comply with all appropriate dimensional and landscape requirements.

SR-23 Reserved

SR-24 Reserved

SR-25 Farming/Animal Production (R-210)

(1) Livestock in the Village Limits: the keeping of livestock shall conform to the Village of Pinehurst Municipal Code in addition to applicable County, State and Federal regulations.

(2) Structures for Livestock:

(a) Structures for livestock must meet the yard and setback requirements of the district for a principal structure. Said structures may be located in the front, side, or rear yard.

(b) Best management practices shall be applied in using and maintaining structures for livestock, including stables, so as to eliminate or minimize nuisances and adverse impacts to the maximum extent possible.

(3) This use category shall preclude commercial hog and chicken production.

SR-26 Horse Farm and Training Track

(1) Structures for Horses:

(a) Structures for horses must meet the yard and setback requirements of the district for a principal structure. Said structures may be located in the front, side, or rear yard.

(b) Best management practices shall be applied in using and maintaining structures for horses, including stables, so as to eliminate or minimize nuisances and adverse impacts to the maximum extent possible.

SR-27 Parking Structure

(1) Building Design in VC and VMU Districts: When an above-ground parking structure fronts a public street, where feasible, parking structures should be wrapped on their exterior with other uses to conceal the parking structure and create an active streetscape, such as retail, restaurants, etc. If concealing the structure is not feasible due to lot size, required or needed deck size, topography, or other conditions as determined by the Village Planner, then the building wall or walls facing the public street shall be designed so as to resemble a building in (active) use with elements such as window indentions, brick patterns and articulated surfaces.

(2) Height Limit for Structures: Parking structures shall be limited to two (2) levels, except in the Hospital District in which parking structures shall be limited to three (3) levels.

SR-28 Telecommunications Facilities

(1) Exterior Appearance Height and Setback

(a) The exterior appearance of all non-tower buildings shall have the appearance of a residential dwelling, including but not limited to, pitched roof(s) and frame or brick veneer construction. Towers shall be required to be of the latest technology and utilize "stealth" technology to blend into the surrounding environment. For example, a tower located in a wooded area should be designed to have the appearance of a pine tree.

(b) The lighting on the proposed tower shall be no more than is required by applicable Federal and State regulations.

(c) All proposed telecommunication towers shall be no more than one hundred twenty-five (125) feet in height.

(d) Tower shall be a minimum of three hundred (300) feet from any property line, and two hundred (200) feet minimum from any occupied structure.

(2) Electromagnetic Exposure and Radio Interference

(a) Output power levels from the tower and/or associated antennae shall not exceed the current federally approved levels for exposure to electromagnetic radiation.

(b) There shall be no leakage or interference that will affect surrounding properties. Radio, television or other electro-magnetic transmission(s) or reception on other properties will not be disturbed or diminished;

(3) Use of Facilities

(a) Associated buildings locations in any residential district may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(b) No advertising sign or logo is permitted on any tower or antenna;

(c) Upon cessation of use, the permit holder shall take down the tower and all associated equipment within sixty (60) days.

(4) Co-Location Requirements

(a) All towers shall be designed structurally, electrically, mechanically and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to

accept antennas mounted at varying heights. All towers shall be designed to allow co-location of public safety service equipment at usual and customary commercial rates, and these spaces shall be in addition to the antenna sites required for additional users as mentioned in this section. The exact design of public safety service equipment will be determined upon receipt of an application after consultation with the Police Chief and Fire Chief;

(b) A Development Permit shall not be granted unless it is found that the proposed equipment cannot be accommodated on existing or approved towers or alternative structures with a one-half ($\frac{1}{2}$) mile radius of the proposed location due to one (1) or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved towers, building or other structures, as documented by a qualified and licensed NC professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;

3. Existing or approved towers, buildings, or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed NC professional engineer;

4. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building, or other structure.

(5) General Requirements

(a) FCC License Required: The applicant must demonstrate that it is licensed by the FCC to provide fixed or mobile wireless communication services or, if the applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one or more FCC licensees to utilize the proposed wireless telecommunication facility. Written evidence of licensing by the FCC is required to be submitted to the Village Planner annually. Failure to provide such evidence shall cause the Certificate of PDO Compliance to be revoked.

(b) Insurance Required: Prior to issuance of a Certificate of PDO Compliance, the applicant shall be required to provide certificate of insurance demonstrating it has a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the telecommunication tower. The applicant shall be required to maintain such coverage in full force and effect until such time as all aboveground portions of the tower (not including any part of the foundation) have been removed.

(c) Wireless Service Provider Agreement Required: The applicant must supply a letter of intent agreeing to make all of its telecommunication facilities available to providers of functionally equivalent services at usual and customary commercial rates or the duration of time that the facility is in operation. Verification shall be provided demonstrating that the applicant has an executed lease for the property that allows that landowner and/or the applicant to enter into leases or subleased with other wireless service providers.

(d) Annual Report Required: An annual report must be submitted to the Village Planner that includes, but is not limited to, documentation of current FCC licensing, the names of users of the tower, and how many additional users can be accommodated on the tower.

(e) Additional Engineering Review May Be Required

1. The siting of Telecommunications Facilities may involve complex technical issues that require review and input by outside experts. The Village Planner may require the applicant to pay the reasonable costs of a third-party technical study of a proposed Telecommunications Facility requiring a variance to the provisions set forth in this section. Selection of expert(s) to review the proposal shall be at the sole discretion of the Village Planner.

2. If an applicant for a Telecommunications Facility claims that one or more standards of this Ordinance are inconsistent with federal law as applied to a particular property, or would prohibit the effective provision of wireless communications within the relevant market area, the Village Planner may require that the application be reviewed by a qualified engineer and a report prepared and presented on the matter to the Village Council. Any costs shall be charged to the applicant.

SR-29 Utilities - Moore County and Village of Pinehurst

(A) These uses are permitted and exempt from site plan review and development standards. Therefore, no site plan approval is needed.

(B) These uses must comply with the Historic Preservation Overlay District requirements and obtain all required approvals for such.

(C) These uses must comply with the Village of Pinehurst Flood Damage Prevention Ordinance and obtain all required approvals for such.

(D) Any time that Moore County contemplates a public utility projects of any kind in the Pinehurst Zoning Area (excluding emergency repair work), before plans are drafted, the County must give thirty (30) days written notice to the Village Manager and Village Attorney describing the proposed project.

(E) Moore County must provide thirty (30) days written notice to the Village Planner, Village Manager, and Village Attorney prior to applying to the Village for approval of a public utilities project within the Pinehurst Zoning Area.

(Ord. 14-35, passed 09-24-2014; Ord. 17-09, passed 6-27-2017)

SR-30 Small/Micro Wireless Facility

(A) Small/Micro Wireless Facilities shall not be located on residential properties.

(B) The maximum height for small/micro wireless facilities shall be fifty (50) feet in non-residential areas and forty (40) feet in residential areas or 10 foot taller than existing poles as of July 1, 2017, whichever is greater.

(C) Where feasible, small/micro wireless facilities shall be located on existing utility poles. Where not feasible to locate on an existing pole, decorative poles shall be installed to match new lighting and stop light installations made by the Village of Pinehurst in the historic district.

(D) All supporting utilities and infrastructure shall be located underground in a vault or similar structure.

(E) When located within Village of Pinehurst Right-of-Way, pedestrian facilities, vehicular facilities (including driveways and sight triangles) and stormwater facilities shall not be negatively impacted.

(F) When a facility is abandoned or no longer in use the antenna and equipment shall be removed within 180 days.

(G) When located within Village of Pinehurst Right-of-Way, a Right-of-Way Encroachment Agreement is required.

(H) When located outside of NCDOT right-of-way, a development permit is needed.

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

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

(Ord. 18-03, passed 2-27-2018; Ord. 21-12, passed 07-27-2021; Ord. 22-15, passed 10-26-2022)

Section 8.7 Accessory Uses

SR-100 Beekeeping

(A) Purpose: The purpose of this section is to provide for the keeping of honey bees in the zoned areas. It is intended to enable property owners to keep honey bees, and to safely maintain them within populated areas. It is not intended to prohibit, restrict, or regulate the keeping of animals within areas allowing agricultural uses.

(B) Standards for Beekeeping

(1) Permit Required: No person shall keep, maintain, or allow to be kept any colony of honey bees within the Village of Pinehurst without a permit. Any person desiring a permit shall make application to the Village of Pinehurst and the permit shall be approved provided the applicant is in compliance with the requirements of this section.

(2) Number of Hives: No more than five (5) hives may be located on a single parcel).

(3) Ground Location: All hives shall be placed at ground level.

(4) Location: All hives shall be located in the rear yard only.

(5) Setbacks from Property Lines: All hives shall be kept a minimum of twenty (20) feet from a property line.

(6) General Maintenance: Hives shall be removed if the owner no longer maintains the hive or if removal is necessary to protect the health, safety and welfare of the public.

SR-101 Cemetery

(1) Must be Associated with a Church: All such uses must be located on the same tract of land as a religious institution, or an immediately adjacent parcel to a religious institution under the same ownership.

(2) Minimum Yard Requirements

(a) The minimum yard required for all in ground burial plots and any other structures is thirty (30) feet from any exterior property line or the required district principal building setback, whichever is greater. Gatehouses at cemetery entrance shall be excluded from any minimum yard requirement provided they meet the sight triangle requirement for driveways in Section 9.1 (G).

(b) Above ground internment facilities shall conform to principal building setbacks.

(3) Religious institutions in PC District are limited to columbaria only.

SR-102 Farmers Market (PC, HD, VC)

(A) General Standards: Farmer's Markets are an allowed accessory use according to the following provisions:

- (1) Such uses shall not be placed in any required yard or setback.
- (2) Existing uses on the property shall not be negatively affected in any way by the operation of the farmers' market;
- (3) Adequate facilities, such as parking and restrooms shall be provided for the farmers' market and all existing uses on the property.
- (4) No required landscaped areas or screen areas shall be encroached upon or occupied by the farmers' market.
- (5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.
- (6) The actual hours of operation of the market shall be limited to two (2) days a week for no more than eight (8) hours and in all instances shall cease by 9 p.m.
- (7) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

SR-103 Concealed Wireless Telecommunications Facility (All Districts)

(1) Concealed Wireless Telecommunications Facilities shall be permitted in all zoning districts as an accessory use provided the following conditions are met:

- (a) In order to be considered an accessory use, a Concealed Wireless Telecommunications Facility must be clearly incidental and subordinate to the main use of a structure.
- (b) Antennas associated with a Concealed Wireless Telecommunications Facility shall be concealed from exterior view.
- (c) The addition of antenna, support or other equipment shall not add more than ten (10) feet in height to the attached structure unless a variance is obtained from the Zoning Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this Ordinance unless appropriate approvals are obtained.
- (d) Electronic equipment associated with Concealed Wireless Telecommunication Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.
- (e) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunications facilities shall be colored or concealed in a manner as to render them unobtrusive.
- (f) Antennas associated with a Concealed Wireless Telecommunications Facility may not be co-located on a tower or other support structure used by an amateur radio operator.
- (g) Antennas associated with a Concealed Wireless Telecommunications Facility shall not be located upon a Single Family Dwelling or Multi-Family Dwelling.
- (h) Should the existing support structure require to be replaced and/or rebuilt it shall comply with all applicable codes including but not limited to these provisions.

(i) Any modifications to an existing structure associated with the installation of a Concealed Wireless Telecommunications Facility shall comply with all limitations, requirements, and standards contained in other provisions of this Ordinance including, but not limited to, the receipt of approvals that may be required by Section 8.3.2 of this Ordinance should the Concealed Wireless Telecommunications Facility be located within a Historic Preservation District. All other applicable local, state, and federal approvals and permits shall also be obtained.

(j) A structural analysis shall be performed by a licensed professional engineer in the State of North Carolina in accordance with the current revision to ANSI EIA/TIA-222 certifying that the structure is capable of supporting the proposed loading.

(k) Prior to installation of a Concealed Wireless Telecommunications Facility, a copy of the operators FCC license shall be submitted to the Village Planner. If the party installing the Concealed Wireless Telecommunications Facility is not an FCC licensee, the party must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Concealed Wireless Telecommunications Facility and must submit a copy of each wireless service provider's FCC license.

SR-104 Home Occupations:

A home occupation shall be permitted as an accessory use to any dwelling unit, provided that:

(1) The principal person or persons providing the business or service resides in the dwelling on the premises;

(2) The area used for the business or service does not exceed thirty percent (30%) of the combined floor area of the principal dwelling unit.

(3) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building;

(4) The property contains no outdoor display or storage of goods or services which are associated with the home occupation;

(5) The home occupation causes no change in the external appearance of the existing buildings and structures on the property;

(6) No additional parking areas other than driveways are allowed;

(7) Wholesale or retail transactions of goods do not occur on the premises;

(8) Home occupations may only employ those who reside on the premises and one additional employee who does not reside on the premises.

(9) The home occupation does not create any disturbing noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception;

(10) Shipping deliveries and pick-ups (excluding US Postal Service) are limited to ten (10) per week.

(11) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood;

(12) Child/Adult Daycare Home Occupations shall be permitted as accessory to any dwelling unit, provided that the following additional conditions are met, as well as the other conditions to this Section:

(a) If an outdoor play area is provided, it is fenced with a privacy type fence that is a minimum height of four (4) feet;

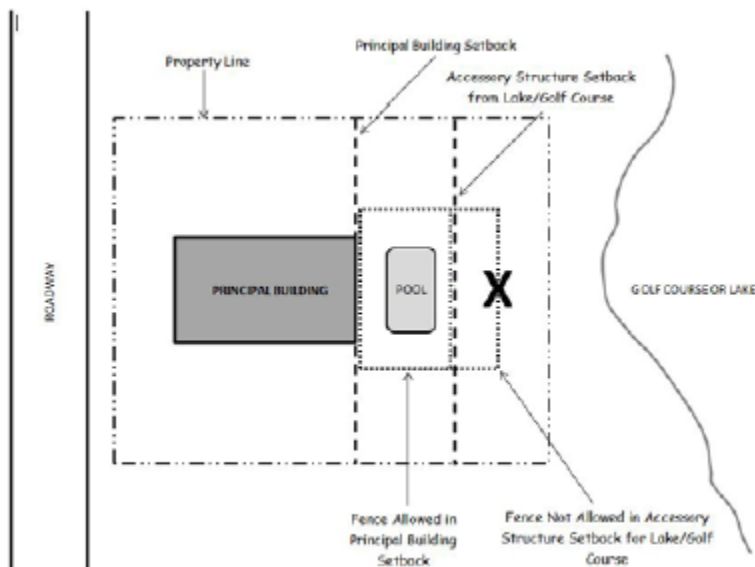
(b) No more than five (5) children shall be present at any given time.

(13) Prior to establishing the home occupation, the operator shall receive the approval of the Village Planner, who shall approve the home occupation upon finding that the proposed business complies with all of the above standards. The Village Planner shall notify all adjacent property owners prior to approving day care centers as a home occupation.

SR-105 Swimming Pools and Spas/Hot Tubs

(1) Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (6) below.

(2) In residential zoning districts, all swimming pools as defined in Section 10.2 of this Ordinance shall be constructed only within the building envelope setbacks for accessory structures in the rear or side yard. Required fences for swimming pools located on golf courses or adjoining lakes may be located within the principal building setback but shall not be fenced in the accessory building or structure setback from lakefront or golf course indicated in Section 9.2a Table of Dimensional Requirements;



(3) All building construction related to swimming pools (bath houses) shall be set back as provided in Subsection (2) above. Walks may extend no more than four (4) feet into building setbacks for accessory structures;

(4) Hot tub/spas shall be setback as provided in Subsection 2 above.

(5) Any pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of unsanitary conditions. Pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of unsanitary conditions, potential injury, or possible drowning. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

(6) Seasonal Swimming Pools as defined in Section 10.2 of this document are permitted to be installed above ground with the following standards:

(a) Structure shall only be erected from May 1 to September 30.

(b) Structure shall only be allowed in the rear yard and maintain a ten (10) foot setback from all property lines.

(c) From October 1 to April 30 the structure shall be removed and stored in a location not visible from a street or adjacent property.

(d) Seasonal swimming pools containing greater than twenty-four (24) inches of water shall meet all applicable requirements of the NC Building Code.

(e) A Development Permit is required each season that the structure is erected and a sketch plan shall be submitted along with the application showing the proposed location of the Seasonal Swimming Pool.

SR-106 Pet Houses, Pet Runs

Pet houses and pet runs are permitted in the side and rear yards in any residential zoning district. Pet houses shall meet the accessory structures setback requirements of the zoning district in which they are located.

SR-107 Playground Equipment

All swing sets and children's playground equipment shall be located in the rear or side yard and must be located no closer than ten (10) feet from the property line. No development permit is required.

SR-108 Accessory Building

(1) Accessory building(s) shall be permitted in all districts provided that the following conditions are met:

(a) The accessory building is of a permanent construction, architecturally compatible and of similar materials as the principal building;

(b) The accessory building is located within the building envelope setbacks for accessory structures (table 9.2a) in the rear or side yard only, except in R-210;

(c) The total gross floor area of the accessory building shall be no more than thirty percent (30%) of the principal dwelling. When there is more than one (1) accessory building on the site, the sum of the building area of the accessory buildings may not exceed thirty percent (30%) of the area of the principal dwelling.

SR-109 Accessory Dwelling

(1) An accessory dwelling may be within, attached, or separate from the principal building;

(2) The principal use of the lot shall be a detached dwelling, built to the standards of the North Carolina State Building Code;

(3) No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit;

(4) The accessory dwelling shall be owned by the same person as the principal dwelling;

(5) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling, except where access is available from another public way and where impacts on adjacent properties are minimized.

(6) An accessory dwelling shall not exceed thirty percent (30%) of the heated floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater.

(7) A detached accessory dwelling structure may be dwelling area only or may combine the dwelling with a garage, workshop, studio, or similar use, provided that the total floor area of the structure does not exceed the thirty percent (30%) limitation for an accessory building as set forth in SR-108;

(8) A detached accessory dwelling shall be located in the established side or rear yard and meet the standards for accessory building setbacks.

(9) In the Historic District accessory dwellings shall not require a special use permit; however, all special requirements shall apply.

SR-110 Accessory Structure

(1) Arbors, Trellises, Pergolas and Gazebos

(a) Arbors associated with fences may encroach into setbacks, including the front yard, as long as the height of the arbor is no greater than twelve (12) feet and no more than fifty (50) square feet in size.

(b) Arbors, trellises, pergolas, gazebos and like structures shall be located in the side or rear yard and may be located within any side rear or lake accessory structure setback.

(2) Storage Shed (No dimension greater than twelve (12) feet) in R-210, R-30, R-20, R-15, R-10, R-8, R-5, R-MF, VCP, VR, VMU

(a) Storage sheds are only allowed in the rear yard.

(b) Such sheds shall be located no closer than five (5) feet from any property line unless adjacent to a golf course or lake in which case the accessory building or structure setback from lakes and golf courses shall apply.

(c) Such sheds are limited to a maximum of one (1) per property.

(d) Such sheds shall be compatible in style and color with the principal structure.

(3) Accessory buildings and structures are allowed in the front yard in the R-210 district, but must meet the front yard setback requirement.

SR-111 Bulkheads on Lakes

(1) Bulkheads may be constructed subject to a development permit;

(2) The height of the bulkheads shall be no more than three (3) feet above the design elevation of any lake. (For example, the design elevation at the top of the spillway on Lake Pinehurst is four hundred ten (410) feet above sea level; therefore, a bulkhead may be constructed on Lake Pinehurst that is no more than four hundred thirteen (413) feet above sea level);

(3) Bulkheads must be located in such a way as to accommodate the cover of below-surface utilities;

(4) Bulkheads to be constructed adjacent to another bulkhead shall be similar in height and located so as to avoid the accumulation of debris and shall be designed to transition into the existing bulkhead both vertically and horizontally. The bulkhead material shall be pressure treated wood, stone, brick, concrete with decorative veneer, or similar material;

(5) Bulkheads and/or docks may be constructed on lakeside properties on which no principal structure exists.

SR-112 Docks on Lakes

A property owner may place one (1) float/raft and/or one (1) mooring buoy of a permanent or inflatable construction in their privately owned lake bed, in such a manner that the three hundred sixty (360) degree swing from anchor of the object (and boats attached, thereto) remain within the area of

their privately owned lake bed, and it shall be so positioned as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake. No zoning permit is required.

SR-114 Fuel and Propane Tanks (of capacity greater than fifty (50) pounds)

(1) Propane tanks greater than fifty (50)-pound capacity in residential zoned property shall be placed underground and must be at least ten (10) feet from the property lines. The exposed "cap" on the underground tank shall be painted in dark brown or forest green;

(2) Permanent propane tanks are not permitted on vacant lots;

(3) All above ground propane or fuel tanks shall be placed in the side or rear yard and shall be screened from adjacent properties and streets rights of way with opaque fencing or vegetation.

(Ord. 14-35, passed 09-24-2014; Ord. 16-07, passed 04-26-2016)

Section 8.8 Temporary Uses (All Districts)

8.8.1 Permit Required

Unless otherwise provided, all permitted temporary uses listed in this section shall require a temporary use permit that shall be reviewed and issued by the Village Planner subject to the procedures outlined in Section 8.8. The following uses may be established in any zoning district (unless otherwise specified) as temporary uses, subject to approval by the Village Planner in accordance with the requirements below, the filing deadlines established in the application form, and the land development standards established for the district in which the temporary use is proposed.

8.8.2 Temporary Uses Not Listed

If a temporary use permit is sought for a use other than a specific use listed above, the Village Planner shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use in the proposed district and is not otherwise prohibited by law, the Village Planner shall determine whether a materially similar use exists in this section. Should the Village Planner determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Village Planner's decision shall be recorded in writing. Should the Village Planner determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question through the text amendment process established in Chapter 6.

SR-200 Boat Storage (No Zoning Permit Required)

(1) In all zoning districts except R-210, all boats out of water shall be stored in a totally enclosed garage or other building except that temporary parking of a boat out of water is allowed for seven (7) days in any month on private property with the consent of the property owner. Parking for any period of time in a twenty-four (24)-hour period shall count as one (1) day;

(2) In all non-residential zoning districts and in the R-210 district, all boats out of water shall either be stored in an enclosed building or be stored in a rear or side yard. If stored in a yard, the vehicles shall be screened from view at any property line;

(3) Owners of lake shore property may store boats out of water along the lake shore provided that all of the following conditions are met:

- (a) The boat(s) are owned by the resident of the property;
- (b) The boat(s) are stored no closer than fifteen (15) feet from any property line;
- (c) The boat(s) are stored in the yard abutting the lake shore;
- (d) The boat(s) are not stored on a trailer;
- (e) The boat(s) are in good repair and usable condition;
- (f) The boat(s) do not exceed an overall hull length of fourteen (14) feet.

(4) Where the Village Code provides other regulations for such vehicles, the most restrictive provision shall apply.

SR 201 Temporary Facilities During Replacement of Existing Facilities or Until Permanent Establishment of New Facilities

(1) Purpose and Scope: Temporary buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

(a) Temporary offices for construction and security personnel during the construction of a development for which the Village has issued a development or building permit. Each general contractor and major subcontractor is allowed one (1) 10 x 40 ft. maximum size temporary office building and two (2) additional 10 x 40 ft. maximum size storage buildings. The security personnel are allowed one (1) 10 x 40 ft. maximum size temporary building;

(b) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within one (1) year after approval of the temporary building. The Village Planner may approve a written request for an extension of an additional ninety (90) days for good cause shown, provided that substantial progress has been made toward constructing permanent replacement facilities. Failure to obtain a building permit within the time frame allowed will revoke approval for the temporary building.

(2) Standards and requirements for approval: In addition to the above limitations, all such temporary buildings shall meet the following standards and requirements:

(a) In addition to any other off-street parking required on the site, off-street parking shall be provided for the temporary building in accordance with the requirements set forth in this Ordinance, as determined by the use and size of the temporary building;

(b) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Planning and Inspections Department prior to installation of the temporary building;

(c) A simplified site plan, containing sufficient information to show compliance with the above standards shall be submitted to, and approved by the Village Planner, prior to installation of the temporary building.

(3) Duration: Such temporary buildings may remain on the site for no more than twelve (12) months or until construction is complete, whichever comes first. This period may be renewed for another twelve (12)-month period, for good cause shown, upon approval of a written request submitted to the Village thirty (30) days prior to the expiration of the permit. In no event, however, shall such extensions allow

the temporary building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the Village issues the last Certificate of Occupancy for the development.

SR 202 Temporary Expansion of School Facilities

(1) Purpose and Scope: Temporary buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as expansion space for existing schools.

(2) Standards and Requirements for Approval: In addition to the above limitations, under- skirting shall be installed around the entire temporary building. All temporary buildings shall be underpinned and tied down;

(3) Duration: Such temporary buildings may remain on the site for no more than twelve (12) months. This period may be renewed for additional twelve (12) month periods, for good cause shown, upon approval of a written request for such an extension by the Village Planner submitted at least thirty (30) days prior to the expiration of the permit.

SR 203 Temporary Real Estate Sales Offices

(1) Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Village Planner as a temporary use, provided that:

(a) The real estate sales office is located on a lot that was approved by the Village as part of the subdivision or development;

(b) The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located;

(c) There is no more than one temporary real estate sales office in the development;

(d) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance;

(e) Landscaping shall be provided in accordance to the requirements set forth for office development in Section 9.5 of this Ordinance;

(f) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of the sales office.

(2) Such a temporary office may remain until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the temporary office fails to comply with the provisions of this Section, the Village Planner may revoke approval of the temporary office;

(3) The use as a temporary real estate sales office shall be terminated upon expiration of the subdivision site plan for the development.

SR 204 Model Homes

(1) Model home(s) shall be allowed within a new residential development, subject to approval by the Village as a temporary use, provided that:

(a) The model home(s) is located on a lot that was approved by the Village as part of the subdivision or development;

(b) The home will be converted to residential use after it is used as a model home(s);

(c) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance;

(d) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of a model home as a real estate sales office.

(2) Model home(s) are permitted in any subdivision or site-planned development to show different styles and sizes. Model home(s) may be used for real estate sales purposes until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the model home(s) fails to comply with the provisions of this Section, the Village staff may revoke approval of the model home(s).

SR-205 Yard Sales

(1) No more than two (2) sales shall be held on the same premises during any calendar year;

(2) No yard sale shall commence prior to 7:00 am or extend beyond 6:00 pm;

(3) No yard sale shall have a duration greater than two (2) consecutive days. Any yard sale event shall be considered as one (1) yard sale for the purposes of the number of annual sales;

(4) Signage shall be in accordance with Section 9.7.1.7 (G) of this Ordinance.

SR-206 Temporary Uses Other

(A) General Standards:

(1) Such uses shall not be placed in any required yard or setback.

(2) Existing uses on the property shall not be negatively affected in any way by the operation of the temporary use;

(3) Adequate facilities, such as parking and restrooms, shall be provided for the temporary use and all existing uses on the property.

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the temporary use.

(5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.

(6) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

(7) Such uses shall have a maximum duration of two weeks. Longer duration may be allowed with the approval of the Village Manager if the use is deemed of community wide significance.

Section 9.2 Tables of Dimensional Requirement

All uses and structures in the general use zoning districts shall comply with the dimensional requirements listed in Table 9.2 a, except as may be otherwise provided by this Ordinance. Minimum lot sizes listed in the Table below are subject to modification based on open space requirements, subdivision requirements, or alternate design provisions within this Ordinance. Watershed protection overlay districts may require lower impervious coverage.

All uses and structures within the Village Place and Pinehurst South Form Based Districts shall comply with the dimensional requirements in Table 9.2b. Modification to those requirements may also be subject to open space requirements, subdivision requirements, or alternate design provisions within this Ordinance. Watershed protection overlay districts may require lower impervious coverage or allowed density.

9.2a Table of Dimensional Requirements

USE TYPES	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	VCP	OP	VR	VMU	VC
Minimum Lot Size (3)	-	5 ac	5 ac	30,000 sf	20,000 sf	15,000 sf	10,000 sf	8,000 sf	5,000 sf	5,500 sf	10,000 sf	1 ac	15 ac	8,000 sf (2)	20,000 sf	5,500 sf	20,000 sf	5000 sf
Minimum Lot Width at Setback Line (3)	-		100'	100'	80'(4)	75' (4)	75' (4)	60' (4)	40' (4)	50' (1)	-	-	400'		100'	-		-
Minimum Lot Width at Street Line	50'	200'	60'	20'	20'	20'	20'	20'	20'	36' (1)	75'	100'	100'	25'	75'	25'	25'	25'
Minimum Front Yard Setback(3)	40'	100'	100'	40'	40'	30'	30'	20'	20'	30' (1)	25'	40'	75'	20'	25'	10'	0' min -10' max	0'min - 10' max
Minimum Side Yard Setback (3)	25'	50'	40'	20'	15' (4)	15' (4)	15' (4)	10' (4)	10' (4)	0' (1) & (5)	10'	20'	50'	0'(6)	15'	0'(6)	0' (6)	0'(6)
Side Street Setback(3)	25'	50'	50'	20'	20'	20'	20'	15'	15'	20' (1)	15'	20'	75'	10'	20'	10'	0' min -10' max	10' min - 10'max
Minimum Rear Yard Setback (3)	25'	50'	50'	30'	30'	30'	25'	20'	20'	25' (1)	20'	30'	75'	20'	20'	20'	5'	5'
Lakefront/Golf Course Setback from the Property Line	60'	-	60'	60'	30'	30'	30'	30'	30'	30'/60'	30'	30'	30'	30'	30'	30'	30'	30'
Maximum Building Height	35'	50'	35'	35'	35'	35'	35'	35'	35'	35'	35'	50'	75'	35'	35'	35'	50'	50'
Maximum Lot Covered by Impervious Surface (3), (7) and (8)	12%	24%	24%	30%	35%	37.5%	40%	42.5% (8)	45%	60%	70%	70%	70%	70%	70%	70%	70%	90%
Maximum Residential Density (DWQ)		-		-	-	-	-	-	-	6 units per acre		-		-		8 units per acre	-	-

USE TYPES	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	VCP	OP	VR	VMU	VC
Minimum Accessory Building or Structure Side Setback from Property Line	20'	50'	15'	10'	10'	10'	10'	10'	5'	15' (1)	10'	20'	25'	10'	10'	5'	5'	5'
Minimum Accessory Building or Structure Rear Setback from Property Line	20'	50'	15'	10'	10'	10'	10'	10'	10'	15' (1)	10'	20'	25'	10'	10'	10'	5'	5'
Minimum Accessory Building or Structure Setback from Lakefront or Golf Course	30'	30'	30'	30'	30'	30'	30'	30'	30'	30' (1)	30'	30'	30'	30'	30'	30'	30'	30'
Minimum Accessory Building or Structure Setback from Public or Private Street Right(s) of Way (ROW)	25'	50'	50'	20'	20'	20'	20'	15'	15'	20' (1)	15'	20'	25'	10'	20'	10'	10'	10'

Table of Dimensional Requirements Abbreviations:

- Setback requirements shall apply to the perimeter of the parent tract or tracts prior to development.
- All development shall be treated as multi-family (apartments or condo) or townhouse development (detached or attached).
- See Section 9.17.1.11a for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10 or R-8 Districts meeting the Required Open Space regulations of this Ordinance.
- Corner lots are required to add five (5) feet to the minimum lot width at setback line; and are required to add five (5) feet for the corner street side setback
- 0' (15' minimum if detached)
- 0' (5' minimum if detached)
- Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.
- The maximum lot covered by impervious surface in the R-8 Zoning District shall not prevent a newly constructed single story home from having up to 2,400 sq. ft. under roof. In order to minimize impervious surface when this provision is used, the only other impervious surface that may be placed on the property is a driveway not exceeding 18' in width, a sidewalk going directly from the driveway to the front door and a patio not to exceed 64 sq. ft. Additionally, a front load garage shall be placed at the front setback. This provision shall not apply to the expansion of an existing single story home. All other regulations still apply.

9.2b Table of Dimensional Requirements for Village Place and Pinehurst South Form Based Districts

[illegible]

<u>Minimum Separation of Accessory Structure from Primary Structure (3)</u>	<u>5'</u>	<u>5'</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Accessory Structure Rear Setback (3)</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Accessory Structure Side Setback (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>10' (3)</u>	<u>10' (3)</u>	<u>10' (3)</u>	<u>10' (3)</u>
<u>Minimum Amount of Open Space Per Overall Development</u>	<u>8%</u>	<u>8%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>
<u>Maximum Residential Density (gross) Village Place Form Based District</u>			<u>12 units per acre</u>	<u>12 units per acre</u>	<u>12 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>
<u>Maximum Residential Density (gross) Pinehurst South Form Based District</u>			<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>

(1) If a setback between buildings is desired, it shall be a minimum of 5'

(2) If parking is on-lot in rear, the setback increases to 20'

(3) Accessory structures to be located completely behind primary structures

Appendix F of the Pinehurst Development Ordinance

~~Reference of Plant Species Native to the Sandhills and/or Included in Water Conserving Requirements~~

~~Listed on the following pages are plant species specifically native to the Sandhills of North Carolina, their soil moisture and light requirements, their benefit to wildlife, and example of leaf foliage. Many of these plant species can be found on lots previous to clearing and can be transplanted by the owner if their location is threatened by development. Otherwise, check with a local nursery for their availability.~~

~~Latin Name~~	~~Common Name~~	~~Soil Moisture/Light (1)~~	~~Wildlife Value(2)~~
~~Latin Name~~	~~Common Name~~	~~Soil Moisture/Light (1)~~	~~Wildlife Value(2)~~
~~Tall Trees (> 30') (Canopy)~~			
~~Acer floridanum~~	~~Southern Sugar Maple~~	~~M/F-S~~	~~S~~
~~Acer rubrum~~	~~Red Maple~~	~~W-D/F-P~~	~~S~~
~~Betula nigra~~	~~River Birch~~	~~W-D/F~~	~~S,L~~
~~Carya glabra~~	~~Pignut Hickory~~	~~D/F-S~~	~~S,L~~
~~Carya ovata~~	~~Shagbark Hickory~~	~~M-D/F-S~~	~~S~~
~~Carya tomentosa or C. alba~~	~~Mockernut Hickory~~	~~D/F-S~~	~~S,L~~
~~Celtis laevigata~~	~~Sugarberry~~	~~M/F-S~~	~~F,L~~
~~Chamaecyparis thyoides~~	~~Atlantic White Cedar~~	~~W-M/F-P~~	~~C,L~~
~~Diospyros virginiana~~	~~Persimmon~~	~~M-D/F-P~~	~~F,~~
~~Fagus grandifolia~~	~~American Beech*~~	~~M/P-S~~	~~S~~
~~Ilex opaca~~	~~American Holly*~~	~~W-D/F-S~~	~~C,F,N,L~~
~~Juniperus virginiana~~	~~Eastern Redcedar*~~	~~D/F~~	~~C,F,L~~
~~Liquidambar styraciflua~~	~~Sweetgum~~	~~W-M/F-P~~	~~S~~
~~Liriodendron tulipifera~~	~~Yellow Poplar~~	~~M/F-P~~	~~S,H,N,L~~
~~Magnolia grandiflora~~	~~Southern Magnolia~~	~~M/P-S~~	~~C,S~~
~~Magnolia virginiana~~	~~Sweetbay~~	~~W-M/F-P~~	~~S,L~~
~~Nyssa sylvatica~~	~~Blackgum~~	~~D/F-P~~	~~F~~
~~Oxydendrum arboreum~~	~~Sourwood~~	~~D/F-S~~	~~N~~
~~Pinus echinata~~	~~Shortleaf Pine~~	~~D/F-P~~	~~C,S,L~~
~~Pinus palustris~~	~~Longleaf Pine~~	~~M-D/F~~	~~C,S~~

~~-~~

~~Latin Name~~	~~Common Name~~	~~Soil Moisture/Light (1)~~	~~Wildlife Value(2)~~
~~Latin Name~~	~~Common Name~~	~~Soil Moisture/Light (1)~~	~~Wildlife Value(2)~~
~~Tall Trees (> 30') (Canopy)~~			
~~Pinus serotina~~	~~Pond Pine~~	~~W-M/P~~	~~C,S~~
~~Pinus taeda~~	~~Loblolly Pine~~	~~W-D/F~~	~~C,S,L~~

<i>Platanus occidentalis</i>	Sycamore	W-M/F-P	S
<i>Quercus alba</i>	White Oak	M-D/F-P	S,L
<i>Quercus coccinea</i>	Scarlet Oak	D/F-P	S,L
<i>Quercus falcate</i>	Southern Red Oak	M-D/F-P	S,L
<i>Quercus michauxii</i>	Swamp Chestnut Oak	M/F-P	S,L
<i>Quercus nigra</i>	Water Oak	M-D/F-P	S,L
<i>Quercus phellos</i>	Willow Oak	W-M/F-P	S,L
<i>Quercus rubra</i>	Red Oak	M/F-P	S,L
<i>Quercus velutina</i>	Black Oak	M-D/F-P	S,L
<i>Tilia Americana</i>	Basswood	M/F-S	S,N,L
Small Trees/Shrubs (10-30 ft) (Understory)			
<i>Aesculus pavia</i>	Red Buckeye*	M/P	H
<i>Aesculus sylvatica</i>	Painted Buckeye*	M/P	H
<i>Alnus serrulata</i>	Alder	W-M/F-P	S,L
<i>Amelanchier arborea</i>	Serviceberry	M-D/F-S	F,N,L
<i>Amelanchier canadensis</i>	Juneberry	W-D/F-P	F,N,L
<i>Aralia spinosa</i>	Devil's Walking Stick*	M/F-P	F,N
<i>Asimina triloba</i>	Pawpaw*	M/F-S	F,L
<i>Carpinus caroliniana</i>	Ironwood	W-M/P-S	S,L
<i>Castanea pumila</i>	Chinquapin	D/F-P	S
<i>Celtis laevigata</i>	Hackberry	D/F-P	F,L
<i>Cercis canadensis</i>	Eastern redbud	M-D/F-P	S,N
<i>Cornus floridana</i>	Flowering Dogwood	M-D/F-P	F,N,L
<i>Cyrilla racemiflora</i>	Titi	W-M/F-S	C,N
<i>Halesia carolina</i>	Carolina Silverbell	M/P-S	N
<i>Hamamelis virginiana</i>	Witch-hazel	M/F-S	S

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Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Small Trees/Shrubs (10-30 ft) (Understory)			
<i>Ilex deciduas</i>	Possumhaw*	W-D/F-P	F,N,L
<i>Ilex verticillata</i>	Winterberry*	W-M/F-S	F,N,L
<i>Ilex vomitoria</i>	Yaupon*	W-D/F-S	C,F,N,L

<i>Morus rubra</i>	Red Mulberry*	M-D/F-S	F,L
<i>Myrica cerifera</i>	Wax Myrtle	W-D/F-P	C,F,L
<i>Ostrya virginiana</i>	Hophornbeam	M-D/F-S	F,L
<i>Prunus angustifolia</i>	Chickasaw Plum*	D/F	F,N,L
<i>Prunus caroliniana</i>	Carolina Laurel Cherry*	M-D/F-P	C,F,N
<i>Rhus copallina</i>	Winged Sumac	M-D/F-P	F,N,L
<i>Sambucus canadensis</i>	Elderberry*	W-M/F-P	F
<i>Sassafras albidum</i>	Sassafras	M-D/F-P	F,L
<i>Symplocos tinctoria</i>	Sweetleaf	M-D/F-S	S,N,L
<i>Viburnum rufidulum</i>	Rusty Blackhaw	D/F-S	F,L
Vines			
<i>Ampelopsis arborea</i>	Peppervine*	W-M/F-P	F
<i>Bignonia capreolata</i>	Crossvine	M-D/F-P	H
<i>Campsis radicans</i>	Trumpet creeper*	M-D/F-P	H
<i>Centrosema virginianum</i>	Spurred Butterfly Pea	D/F-P	S,N,L
<i>Clitoria mariana</i>	Butterfly Pea	D-F-P	S,N,L
<i>Desmodium nudiflorum</i>	Naked Tick-trefoil	D/F-P	S,N,L
<i>Desmodium strictum</i>	Pine Barren Tick-trefoil	D/F-P	S,N,L
<i>Desmodium tortuosum</i>	Tick-trefoil	D/F-P	S,N,L
<i>Gelsemium sempervirens</i>	Carolina Jessamine*	M/F-P	H,N
<i>Lonicera sempervirens</i>	Coral Honeysuckle	M/F-P	H
<i>Parthenocissus quinquefolia</i>	Virginia Creeper*	M-D/F-S	F
<i>Passiflora incarnata</i>	Passionflower	M-D/F-P	H,N,L
<i>Smilax</i> spp.	Greenbrier	W-D/F-P	C,F
<i>Vitis</i> spp.	Grape	W-D/F-P	F

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Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Ferns			
<i>Polystichum acrostichoides</i>	Christmas Fern	M/S-P	C
<i>Osmunda cinnamomea</i>	Cinnamon Fern	W-M/S-P	C,L
Herbs and Wildflowers			
<i>Apocynum cannabinum</i>	Hemp Dogbane*	M-D/F-P	N
<i>Aquilegia canadensis</i>	Columbine	M-D/P-S	S,H,N
<i>Arisaema triphyllum</i>	Jack-in-the-Pulpit*	W-M/P-S	F

<i>Asclepias amplexicaulis</i>	Clasping Milkweed	D/F-P	N,L
<i>Asclepias incarnata</i>	Swamp Milkweed*	W-M/F-P	N,L
<i>Asclepias tomentosa</i>	Sandhills Milkweed	D/F-P	N,L
<i>Asclepias tuberosa</i>	Butterfly Weed*	D/F-P	N,L
<i>Asclepias variegata</i>	White Milkweed*	M-D/F-P	N,L
<i>Baptisia tinctoria</i>	Yellow Wild Indigo*	D/F-P	L
<i>Carphephorus bellidifolius</i>	Sandy-woods Chaffhead	D/F-P	N,L
<i>Ceanothus americanus</i>	New Jersey Tea	M-D/F-P	S,N,L
<i>Chamaecrista fasciculata</i>	Partridge Pea*	M-D/F	S,L
<i>Cirsium horridulum</i>	Yellow Thistle	M-D/F	S,H,N,L
<i>Cirsium repandum</i>	Sandhills Thistle	M-D/F-P	S,H,N,L
<i>Coreopsis angustifolia</i>	Narrow-leaved Coreopsis	M/F-P	S,N
<i>Coreopsis auriculata</i>	Eared Coreopsis	M/F-P	S,N
<i>Coreopsis lanceolata</i>	Lance-leaved Coreopsis	D/F	S,N
<i>Coreopsis verticillata</i>	Threadleaf Coreopsis	D/F-P	S,N
<i>Desmodium spp.</i>	Beggarlice	M-D/F-P	S,L
<i>Eupatorium fistulosum</i>	Joe-pye-weed	M/F	S,N,L
<i>Euphorbia corollata</i>	Flowering Spurge	M-D/F-P	S,N
<i>Gentiana autumnalis</i>	Pine Barrens Gentian	D/F-P	N
<i>Helianthus angustifolius</i>	Swamp Sunflower	W-M/F	S,N
<i>Heliopsis helianthoides</i>	Ox-eye	M-D/F-P	S,N
<i>Hibiscus moscheutos</i>	Rose Mallow	M/F-P	H,N

Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Herbs and Wildflowers			
<i>Houstonia caerulea</i>	Bluets	M-D/F-S	N
<i>Hypericum hypericoides</i>	St. Andrew's Cross	D-M/F-P	S,N
<i>Impatiens capensis</i>	Jewelweed	W-M/P-S	H,N
<i>Ipomea coccinea</i>	Red Morning Glory	D/F	S,H,N
<i>Ipomea purpurea</i>	Common Morning Glory	D/F	S,H,N
<i>Ipomopsis rubra</i>	Standing Cypress	D/F	H,N
<i>Iris cristata</i>	Crested Iris*	M/P-S	H
<i>Iris verna</i>	Dwarf Iris	M-D/F-P	H
<i>Liatris graminifolia</i>	Grass-leaf Gayfeather	D/F-P	N,L
<i>Liatris regimontis</i>	Blue Ridge Gayfeather	D/F-P	N,L
<i>Liatris spicata</i>	Blazing Star	W-M/F	N
<i>Lobelia cardinalis</i>	Cardinal Flower*	W-M/F-S	H,N

~~Lobelia puberula~~	~~Blue Lobelia*~~	~~W-D/F-P~~	~~H,N~~
~~Mitchella repens~~	~~Partridgeberry~~	~~M/F-S~~	~~F~~
~~Monarda punctata~~	~~Horsemint~~	~~D/F-P~~	~~H,N~~
~~Oenothera fruticosa~~	~~Sundrops~~	~~M-D/F-P~~	~~S,H,N~~
~~Penstemon canescens~~	~~Hairy Beardtongue~~	~~M-D/F-P~~	~~H,N,L~~
~~Penstemon laevigatus~~	~~Smooth Beardtongue~~	~~M/F-S~~	~~H,N,L~~
~~Phlox Carolina~~	~~Carolina Phlox~~	~~W-D/F-P~~	~~N~~
~~Phlox divaricata~~	~~Blue Phlox~~	~~M/P-S~~	~~N~~
~~Phlox pilosa~~	~~Prairie Phlox~~	~~D/F-P~~	~~N~~
~~Phlox subulata~~	~~Moss Pink~~	~~D/F~~	~~N~~
~~Phytolacca americana~~	~~Pokeweed*~~	~~M-D/F~~	~~F,S~~
~~Rudbeckia fulgida~~	~~Orange Coneflower~~	~~M/F~~	~~S,N~~
~~Rudbeckia hirta~~	~~Black-eyed Susan~~	~~M-D/F~~	~~S,N~~
~~Salvia lyrata~~	~~Lyreleaf Sage~~	~~M-D/F-S~~	~~H,N~~
~~Silene virginica~~	~~Fire Pink~~	~~M-D/P-S~~	~~S,H,N~~
~~Solidago spp.~~	~~Goldenrod~~	~~M-D/F-P~~	~~S,N~~
~~Stillingia sylvatica~~	~~Queen's Root~~	~~D/F-P~~	~~S,N~~
~~Tephrosia virginiana~~	~~Goat's Rue~~	~~D/F-P~~	~~S,L~~
~~Vicia caroliniana~~	~~Wood Vetch~~	~~D/F-P~~	~~S,L~~
~~Viola pedata~~	~~Bird-foot Violet~~	~~D/F-P~~	~~L~~
~~Viola primulifolia~~	~~Primrose-leaved Violet~~	~~D/F-P~~	~~N,L~~
~~Grasses~~			
~~Andropogon glomeratus~~	~~Brushy Bluestem~~	~~M/F~~	~~C,S,L~~
~~Andropogon ternarius~~	~~Splitbeard Bluestem~~	~~D/F~~	~~C,S,L~~
~~Aristida stricta~~	~~Wiregrass~~	~~D/F-P~~	~~C,S~~
~~Arundinaria gigantea~~	~~Switchcane~~	~~W-D/F-S~~	~~C,S,L~~
~~Panicum virgatum~~	~~Switchgrass~~	~~M/F-P~~	~~C,S,L~~

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~~1 Soil moisture: W = wet; M = moist; D = dry/ Light requirements: F = full sun; P = partial shade; S = shade.~~

~~2 Wildlife Value: C = winter cover; F = fleshy fruit; S = hard mast, seed or catkin; H = Hummingbird nectar; N = butterfly and other insect nectar; L = butterfly larvae host plant.~~

~~* Leaves, twigs, stems, flowers, nectar, fruits or seeds mildly to severely toxic to humans if ingested.~~

Plant Palette

The Plant Palette provides a list of approved trees and plants and should be used for landscaping within open spaces, lots, buffers, screens, streetscapes, etc. as required by this ordinance.

<u>LatinName</u>	<u>Common Name</u>	<u>Native/ Adaptive</u>	<u>Notes</u>
<u>Tall Trees(>30')</u>			
<u>Acer floridanum</u>	<u>Southern Sugar Maple</u>	<u>native</u>	<u>beautiful bark</u>
<u>Acer rubrum</u>	<u>Red Maple</u>	<u>native</u>	<u>great Fall color</u>
<u>Betula nigra</u>	<u>River Birch</u>	<u>native</u>	<u>beautiful bark/deer resistant</u>
<u>Chamaecyparis thyoides</u>	<u>Atlantic White Cedar</u>	<u>native</u>	<u>evergreen</u>
<u>Fagus grandifolia</u>	<u>American Beech</u>	<u>native</u>	<u>silver bark</u>
<u>Ilex opaca</u>	<u>American Holly</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Taxodium distichum</u>	<u>Bald Cypress</u>	<u>native</u>	<u>street tree/deer resistant</u>
<u>Juniperus virginiana</u>	<u>Eastern Red Cedar</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Gleditsia triacanthos</u>	<u>Honey Locust</u>	<u>adaptive</u>	<u>street tree/deer resistant</u>
<u>Magnolia grandiflora</u>	<u>Southern Magnolia</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Liquidambar styraciflua</u>	<u>Sweetgum</u>	<u>adaptive</u>	<u>evergreen/street tree</u>
<u>Magnolia virginiana</u>	<u>Sweetbay</u>	<u>native</u>	
<u>Nyssa sylvatica</u>	<u>Blackgum</u>	<u>native</u>	<u>good fall color</u>
<u>Pinus echinata</u>	<u>Shortleaf Pine</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Pinus palustris</u>	<u>Longleaf Pine</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Pinus serotina</u>	<u>Pond Pine</u>	<u>native</u>	<u>evergreen</u>
<u>Pinus taeda</u>	<u>Loblolly Pine</u>	<u>native</u>	<u>evergreen</u>
<u>Platanus occidentalis</u>	<u>Sycamore</u>	<u>native</u>	
<u>Quercus coccinea</u>	<u>Scarlet Oak</u>	<u>native</u>	<u>street tree</u>
<u>Quercus falcata</u>	<u>Southern Red Oak</u>	<u>native</u>	
<u>Quercus pagoda</u>	<u>Cherrybark Oak</u>	<u>native</u>	
<u>Quercus phellos</u>	<u>Willow Oak</u>	<u>native</u>	

<u>Quercus rubra</u>	<u>Red Oak</u>	<u>native</u>	
<u>Quercus stellata</u>	<u>Post Oak</u>	<u>native</u>	
<u>Tilia aAmericana</u>	<u>Basswood</u>	<u>native</u>	<u>good for pollinators</u>
<u>Ulmus Aamericana</u>	<u>American Elm</u>	<u>native</u>	<u>street tree/use disease resistant</u>
<u>Small Trees (10-30 ft)</u>			
<u>Alnus serrulata</u>	<u>Alder</u>	<u>native</u>	<u>good for wet soils</u>
<u>Amelanchier arborea</u>	<u>Serviceberry</u>	<u>native</u>	<u>flowering</u>
<u>Amelanchier canadensis</u>	<u>Juneberry</u>	<u>native</u>	<u>flowering</u>
<u>Carpinus caroliniana</u>	<u>American hornbeam</u>	<u>native</u>	
<u>Cercis canadensis</u>	<u>Eastern redbud</u>	<u>native</u>	<u>flowering</u>
<u>Chionanthus virginicus</u>	<u>Fringe Tree</u>	<u>native</u>	<u>flowering</u>
<u>Cornus alternifolia</u>	<u>Pagoda dogwood</u>	<u>adaptive</u>	<u>flowering</u>
<u>Cornus florida</u>	<u>Flowering Dogwood</u>	<u>native</u>	<u>flowering ; use disease resistant</u>
<u>Crataegus spp.</u>	<u>Hawthorn</u>	<u>native</u>	<u>flowering/deer resistant</u>
<u>Halesia carolina</u>	<u>Carolina Silverbell</u>	<u>native</u>	<u>flowering/deer resistant</u>
<u>Hamamelis virginiana</u>	<u>Witch-hazel</u>	<u>native</u>	<u>flowering in Jan/Feb/deer resistant</u>
<u>Magnolia virginiana 'Moon Glow'</u>	<u>Moon Glow Sweetbay</u>	<u>native</u>	<u>evergreen</u>
<u>Magnolia x soulangiana</u>	<u>Magnolia</u>	<u>adaptive</u>	<u>flowering</u>
<u>Ostrya virginiana*</u>	<u>Hophornbeam</u>	<u>native</u>	
<u>Oxydendrum arboreum*</u>	<u>Sourwood</u>	<u>native</u>	

*** Recommended Street Tree Type**

<u>Latin Name</u>	<u>Common Name</u>	<u>Native</u>	<u>Notes</u>
<u>Large Shrubs (6-12 ft)</u>			
<u>Aesculus pavia</u>	<u>Red Buckeye*</u>	<u>native</u>	<u>deer resistant</u>

<u><i>Buxus semp. 'Dee Runk'</i></u>	<u>Fastigate American Boxwood</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Cornus amomum</i></u>	<u>Silky Dogwood</u>	<u>native</u>	
<u><i>Ilex 'Conaf'</i></u>	<u>Oakleaf Holly</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Ilex deciduas</i></u>	<u>Possumhaw</u>	<u>native</u>	<u>good winter berries</u>
<u><i>Ilex verticillata</i></u>	<u>Winterberry</u>	<u>native</u>	<u>good winter berries</u>
<u><i>Myrica cerifera</i></u>	<u>Wax Myrtle</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u><i>Rhododendron arborescens</i></u>	<u>Sweet azalea</u>	<u>native</u>	
<u><i>Rhododendron calendulaceum</i></u>	<u>Flame azalea</u>	<u>native</u>	
<u><i>Rhododendron catawbiense</i></u>	<u>Mountain rosebay</u>	<u>native</u>	<u>evergreen</u>
<u><i>Rhus copallina</i></u>	<u>Winged Sumac</u>	<u>native</u>	
<u><i>Rhus glabra</i></u>	<u>Smooth Sumac</u>	<u>native</u>	
<u><i>Viburnum rufidulum</i></u>	<u>Rusty Blackhaw</u>	<u>native</u>	<u>keep off sidewalks due to fruit</u>
<u><i>Viburnum x rhytidophylloides 'Allegheny'</i></u>	<u>Leatherleaf Viburnum</u>	<u>adaptive</u>	<u>evergreen</u>
<u>Medium Shrubs (4-6 ft)</u>			
<u><i>Camellia japonica</i></u>	<u>Camellia</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Kalmia latifolia</i></u>	<u>Mountain laurel</u>	<u>native</u>	<u>evergreen</u>
<u><i>Rhododendron carolinianum</i></u>	<u>Carolina Rhododendron</u>	<u>native</u>	<u>evergreen</u>
<u><i>Rhododendron periclymenoides</i></u>	<u>Wild or Pinxter azalea</u>	<u>native</u>	
<u><i>Rhododendron vaseyi</i></u>	<u>Pinkshell azalea</u>	<u>native</u>	<u>evergreen</u>
<u><i>Viburnum x rhytidophylloides 'Cree'</i></u>	<u>Dwarf Leatherleaf Viburnum</u>	<u>adaptive</u>	<u>evergreen</u>
<u>Low Shrubs (Under 4')</u>			
<u><i>Abelia x grandiflora</i></u>	<u>Glossy Abelia</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Buxus mic. 'Winter Gem'</i></u>	<u>Korean Boxwood</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Buxus mic. 'Wintergreen'</i></u>	<u>Korean Boxwood</u>	<u>adaptive</u>	<u>evergreen</u>

<u><i>Clethera alnifolia</i></u>	<u>Summersweet Clethra</u>	<u>native</u>	
<u><i>Cornus sericea</i></u>	<u>Redosier Dogwood</u>	<u>adaptive</u>	
<u><i>Hydrangea aborescens</i></u>	<u>Snowhill Hydrangea</u>	<u>native</u>	<u>flowering</u>
<u><i>Hypericum prolificum</i></u>	<u>Shrubby St. John's Wort</u>	<u>native</u>	<u>flowering</u>
<u><i>Ilex glabra 'Compacta'</i></u>	<u>Compact Inkberry Holly</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Leucothoe fontanesiana</i></u>	<u>Drooping leucothoe</u>	<u>native</u>	<u>evergreen</u>
<u><i>Rosa carolina</i></u>	<u>Carolina rose</u>	<u>native</u>	<u>flowering</u>
<u><i>Rosa palustris</i></u>	<u>Swamp rose</u>	<u>native</u>	<u>flowering</u>
<u><i>Vaccinium macrocarpon</i></u>	<u>Cranberry</u>	<u>native</u>	<u>evergreen</u>
<u><i>Vaccinium pallidum</i></u>	<u>Lowbush blueberry</u>	<u>native</u>	
<u><i>Viburnum acerifolium</i></u>	<u>Maple-leaf Viburnum</u>	<u>native</u>	
<u>LatinName</u>	<u>Common Name</u>	<u>Native /</u>	<u>Notes</u>
<u>Ferns</u>			
<u><i>Adiantum pedatum</i></u>	<u>Maidenhair fern</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Asplenium platyneuron</i></u>	<u>Ebony spleenwort</u>	<u>native</u>	<u>evergreen</u>
<u><i>Athyrium felix-feimina</i></u>	<u>Lady fern</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Dennstaedtia punctilobula</i></u>	<u>Hay-scented fern</u>	<u>native</u>	
<u><i>Dryopteris marginalis</i></u>	<u>Wood fern</u>	<u>native</u>	<u>evergreen</u>
<u><i>Onoclea sensibilis</i></u>	<u>Sensitive fern</u>	<u>native</u>	
<u><i>Osmunda cinnamomea</i></u>	<u>Cinnamon fern</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Polystichum -acrostichoides</i></u>	<u>Christmas fern</u>	<u>native</u>	<u>evergreen/deerrestistant</u>
<u>Grasses</u>			
<u><i>Andropogon gerardii</i></u>	<u>Big bluestem</u>	<u>native</u>	
<u><i>Andropogon virginicus</i></u>	<u>Broomsedge</u>	<u>native</u>	

<u><i>Arundinaria gigantea</i></u>	<u>River cane</u>	<u>native</u>	
<u><i>Carex pensylvanica</i></u>	<u>Pennsylvania sedge</u>	<u>native</u>	
<u><i>Carex plantaginea</i></u>	<u>Plantain-leaved sedge</u>	<u>native</u>	
<u><i>Chasmanthium latifolium</i></u>	<u>River Oats</u>	<u>native</u>	
<u><i>Panicum virgatum</i></u>	<u>Switch-grass</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Schizachyrium- scoparium</i></u>	<u>Little bluestem</u>	<u>native</u>	
<u><i>Sorghastrum nutans</i></u>	<u>Indian grass</u>	<u>native</u>	<u>deer resistant</u>
<u>Perennials</u>			
<u><i>Amsonia spp.</i></u>	<u>Blue star</u>	<u>adaptive</u>	
<u><i>Aquilegia canadensis</i></u>	<u>Wild columbine</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Asclepias incarnata</i></u>	<u>Swamp milkweed</u>	<u>native</u>	
<u><i>Asclepias tuberosa</i></u>	<u>Butterfly-weed</u>	<u>native</u>	
<u><i>Aster novea angliae</i></u>	<u>New England aster</u>	<u>native</u>	
<u><i>Astilbe spp.</i></u>	<u>Astilbe</u>	<u>adaptive</u>	
<u><i>Baptisia spp.</i></u>	<u>Wild indigo</u>	<u>adaptive</u>	
<u><i>Chelone lyonii</i></u>	<u>Pink turtlehead</u>	<u>native</u>	
<u><i>Coreopsis 'Moonbeam'</i></u>	<u>Coreopsis</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Dicentra eximia</i></u>	<u>Bleeding heart</u>	<u>native</u>	
<u><i>Echinacea spp.</i></u>	<u>Coneflower</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Geranium 'Rozanne'</i></u>	<u>Wild geranium</u>	<u>adaptive</u>	
<u><i>Helianthus resinosus</i></u>	<u>Sunflower</u>	<u>native</u>	
<u><i>Hemerocallis spp.</i></u>	<u>Daylily</u>	<u>adaptive</u>	
<u><i>Heuchera americana</i></u>	<u>Alumroot</u>	<u>native</u>	
<u><i>Heuchera 'Palace Purple'</i></u>	<u>Coral Bells</u>	<u>adaptive</u>	

<u><i>Hosta spp.</i></u>	<u>Hosta</u>	<u>adaptive</u>	
<u><i>Iris cristata</i></u>	<u>Dwarf crested iris</u>	<u>native</u>	
<u><i>Liatris spicata</i></u>	<u>Blazing star</u>	<u>native</u>	
<u><i>Lobelia cardinalis</i></u>	<u>Cardinal flower</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Monarda didyma</i></u>	<u>Bee-balm</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Nepeta faassenii</i></u>	<u>Catmint</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Pachysandra procumbens</i></u>	<u>Allegheny spurge</u>	<u>native</u>	
<u><i>Phlox carolina</i></u>	<u>Carolina phlox</u>	<u>native</u>	
<u><i>Phlox divaricata</i></u>	<u>Wild blue phlox</u>	<u>native</u>	
<u><i>Phlox paniculata</i></u>	<u>Garden phlox</u>	<u>native</u>	
<u><i>Polygonatum biflorum</i></u>	<u>Solomon's seal</u>	<u>native</u>	
<u><i>Rudbeckia 'Goldsturm'</i></u>	<u>Black-eyed Susan</u>	<u>adaptive</u>	
<u><i>Salvia 'May Night'</i></u>	<u>May Night Salvia</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Silene virginica</i></u>	<u>Fire pink</u>	<u>native</u>	
<u><i>Solidago rugosa</i></u>	<u>Winkle-leaf goldenrod</u>	<u>native</u>	
<u><i>Tiarella cordifolia</i></u>	<u>Foamflower</u>	<u>native</u>	
<u><i>Vernonia noveboracensis</i></u>	<u>New York ironweed</u>	<u>native</u>	



**DISCUSS AND CONSIDER ORDINANCE #23-13 FOR AMENDMENTS TO
THE VILLAGE OF PINEHURST ZONING MAP AND DEVELOPMENT
ORDINANCE**

ADDITIONAL AGENDA DETAILS:

FROM:

Alex Cameron

CC:

Jeff Sanborn

DATE OF MEMO:

5/18/2023

MEMO DETAILS:

For Council's consideration Ordinance #23-13 is attached which would amend the Zoning Map and Pinehurst Development Ordinance (PDO).

ATTACHMENTS:

Description

📎 Ordinance #23-13

ORDINANCE #23-13

AN ORDINANCE AMENDING THE VILLAGE OF PINEHURST ZONING MAP AND DEVELOPMENT ORDINANCE TO IMPLEMENT THE VILLAGE PLACE AND PINEHURST SOUTH SMALL AREA PLANS AND FORM BASED GUIDANCE PLANS

WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance (PDO) and Map on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, Article 7 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, on October 22, 2019 the Village Council of the Village of Pinehurst adopted a new Comprehensive Plan and found the Implementation Strategies and recommendations of the Plan are reasonable and in the best interest of the public; and

WHEREAS, the 2019 Comprehensive Plan identified five Focus Areas which represent the most important areas to influence development and could have the most significant impact on shaping the Pinehurst of the future; and

WHEREAS, Focus Area 2 was identified as Highway 5 Commercial area (Pinehurst South) and Focus Area 4 identified as Village Place/Rattlesnake Trail Corridor (Village Place); and

WHEREAS, the 2019 Comprehensive Implementation Strategy 2.3 on page 77 states “Create a small area plan for the NC Highway 5 Commercial Area depicted in Focus Area 2 to facilitate redevelopment as an “Innovation Hub” with office, medical, life science, and research facilities supported with small-scale retail services and residential uses”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 2.8 on page 91 states “Create a small area plan for the Village Place/Rattlesnake Trail Corridor depicted in Focus Area 4 to create a mixed use, walkable destination area that is connected to the Village Center”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 2.13 on page 111 states “Consider the adoption of character-based zoning and Pattern Books to promote high quality design and development ; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 2.15 on page 111 states “Consider amending the Pinehurst Development Ordinance to allow mixed use development centers identified in the Focus Areas”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 2.16 on page 111 states “Consider changes to the Pinehurst Development Ordinance to allow a broader range of housing types, including attached and multi-family housing in the mixed-use Focus Areas and in areas around employment centers ; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 2.17 on page 111 states “Review the zoning regulations for areas identified for future development to ensure that the zoning permits the desired scale of development. Conversely, ensure that the zoning in place for any new areas identified for development does not permit undesirable building patterns”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 2.18 on page 115 states “Explore ways to enhance the overall quality of new housing in the Village”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 4.13 on page 150 states “Explore opportunities for transportation network improvements in any new or redevelopment”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 4.14 on page 151 states “Consider amending the Pinehurst Development Ordinance to require parking to be located in the rear of the buildings in mixed-use and conservation neighborhoods”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 5.2 on page 166 states “Explore ways to create a commercial spine connecting Village Place and the Village Center”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 5.5 on page 166 states “Continue to promote first floor retail and destination uses on the street level, with office and residential uses on upper levels”; and

WHEREAS, the 2019 Comprehensive Implementation Strategy 5.13 on page 177 states “Identify appropriate areas for office uses in the Village, encouraging new office spaces in employment centers”; and

WHEREAS, a public hearing was held at 4:30 p.m. on May 23, 2023 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction; and

WHEREAS, the Planning and Zoning Board held a duly advertised public hearing on May 4, 2023 and unanimously recommended Village Council adopt the proposed Text and Map Amendments to the Pinehurst Development Ordinance and Zoning Map to Implement the Village Place and Pinehurst South Form Based Codes; and

WHEREAS, Village Council held a public hearing on May 23, 2023, in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance and the recommendation made by the advisory Pinehurst Planning and Zoning Board, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to the contents of any proposed text amendments to be made by the Village Council; and

WHEREAS, the Pinehurst Village Council has determined that it is reasonable and is in the best interest of the Village of Pinehurst and its extraterritorial jurisdiction, and that these amendments are consistent with the 2019 Comprehensive Plan, the Village Place and Pinehurst South Small Area Plans and Form Based Guidance Plans and that the Official Zoning Map and Pinehurst Development Ordinance be further amended, making the amendments set forth in this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 23rd day of May, 2023, make the following amendments to the Official Zoning Map and Pinehurst Development Ordinance:

SECTION 1. The Village of Pinehurst Zoning Map is hereby amended as attached hereto as **EXHIBIT A** and **EXHIBIT B** and made part hereof.

SECTION 2. The Village of Pinehurst Development Ordinance Chapters and Sections is amended as follows.

Section 8.2 General Use and Form Based Districts Zoning Districts

General Use Zoning Districts are created to provide comprehensive land use regulations throughout the jurisdiction of this Ordinance. There are nineteen (19) General Use Zoning Districts and two (2) Form Based Districts that provide for a variety of uses that are appropriate to the character of the individual districts throughout the jurisdiction of this Ordinance.

8.2.1 (PC) Public Conservation District

(A) The Public Conservation District is established as a district in which the primary use of the land is reserved for the general public for recreation, parks, natural or man-made bodies of water, forests and other similar open space uses, and other government uses that provide public services to the residents of Pinehurst. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or properties otherwise restricted for public recreational use.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards Chapter 9

8.2.2 (RD) Recreation Development District

(A) The Recreational Development District is established as a district in which the primary use of the land is predominantly reserved for privately owned recreation, clubhouses and support structures, natural or man-made bodies of water, resort complexes and other similar uses. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or properties otherwise restricted for private recreational use.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2 a

(D) See Design/Development Standards - Chapter 9

8.2.3 (R-210) Residential District

(A) The R-210 Residential District is established as a district in which the principal uses of the land are for low-density residential and light agricultural purposes. Development in this district is restricted due to lack of available utilities, watershed protection restrictions and for the protection of agricultural lands.

- (B) See Table of Permitted and Special Uses - Section 8.5
- (C) See Table of Dimensional Requirements - Section 9.2 a
- (D) See Design/Development Standards - Chapter 9

8.2.4 Medium Density Residential Districts

Residential District (R-30)

Residential District (R-20)

Residential District (R-15)

(A) The R-15, R-20, and R-30 Residential District is established as a district in which the principal use of land is for medium-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately medium-density residential nature of the areas included within the district.

- (B) See Table of Permitted and Special Uses - Section 8.5
- (C) See Table of Dimensional Requirements - Section 9.2 a
- (D) See Design/Development Standards - Chapter 9

8.2.5 High Density Residential Districts

Residential District (R-10)

Residential District (R-8)

Residential District (R-5)

(A) The R-5, R-8 and R-10 Residential District is established as a district in which the principal use of land is for high-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

- (B) See Table of Permitted and Special Uses - Section 8.5
- (C) See Table of Dimensional Requirements - Section 9.2a
- (D) See Design/Development Standards - Chapter 9

8.2.6 (R-MF) Residential Multi-Family District

(A) The Residential Multi-Family District is established as a district in which the principal use of land is for multi-family and/or single-family dwellings. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

- (B) See Table of Permitted and Special Uses - Section 8.5
- (C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.7 (NC) Neighborhood Commercial District

(A) The Neighborhood Commercial District is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts. This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.8 Reserved

8.2.9 (H) Hotel

(A) The Hotel District is established as a district in which the principal use of land is for hotels and their associated villas or cottages. This district is intended to provide lodging facilities for visitors while minimizing any adverse impact on neighboring residential areas.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.10 (HD) Hospital Development District

(A) The Hospital Development District is established as a district in which the principal use of land is for hospitals, surgical centers or other health professional services and their supporting uses. This district is further intended to encourage the development of regional and community-wide providers of health care services while minimizing any adverse impacts on neighboring residential and historic areas.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.11 (OP) Office Professional Development District

(A) The Office Professional District is intended to provide for limited office and retail development as a spatial development between business districts and residential land uses.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.12 (VCP) Village Cottage Professional District

(A) The Village Cottage Professional District is intended to provide for limited office and retail development and a wide variety of housing types in pedestrian-scaled, residential-style structures.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.13 (VR) Village Residential

(A) The Village Residential District is established as a district in which the principal use of land is for multi-family and single-family dwellings in close proximity to the Village Center or other commercial nodes.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.14 (VMU) Village Mixed Use District

(A) The Village Mixed-Use District is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

8.2.15 (VC) Village Commercial District

(A) The Village Commercial District accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories.

(B) See Table of Permitted and Special Uses - Section 8.5

(C) See Table of Dimensional Requirements - Section 9.2a

(D) See Design/Development Standards - Chapter 9

DRAFT

Section 8.2.16 Form-Based Districts

Form-based districts are implemented similar to general zoning districts but with a few unique features including a regulating plan that divides the areas into blocks that specify types of buildings and number of building stories. Subdistrict zoning tables identify uses on a block-by-block basis. Implementation steps for planning a project in one of these districts is as follows.

1. Review the Form-Based District Regulating Plan in this section to determine the location of the project. Determine the block letter and the maximum allowed number of building stories.
2. Using the block letter, review the associated Form-Based District Table of Permitted and Special Uses and Special Requirements in Section 8.5.1b and 8.5.1c to determine which uses are allowed in that block.
3. Review Dimensional Table 9.2b to identify dimensional criteria based on the lot type being proposed.
4. Refer to the associated form-based code plan to evaluate appropriate architectural and other design features.
5. Remembering to address other PDO requirements such as landscaping and other design and development standards, prepare a General Concept Plan in accordance with Appendix C of this document for review by staff. Include criteria for submittal of subdivisions in Appendix D and conditional zoning, when appropriate.
6. Staff will review the materials and work with the applicant to establish a schedule for review by the Technical Review Committee, Planning & Zoning Board, and Village Council. Permits that are a use by right will be approved by staff.

8.2.16.A (VP FBD) Village Place Form Based District

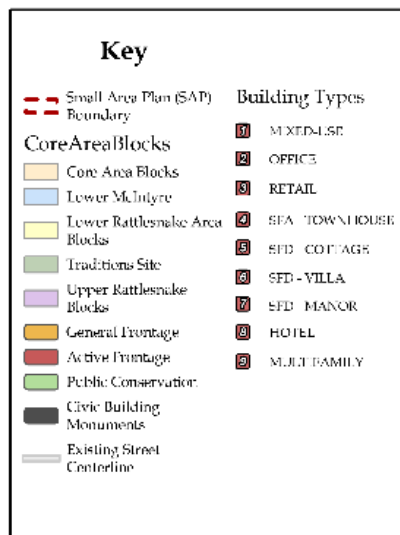
1. The Village Place Form Based District is based on the Village Place Small Area Plan and Form Based Code plans adopted by the Village. Village Place is an area well-suited to accommodate growth, and support quality of life needs of residents, businesses, and visitors. New development will integrate the built environment, improve the public realm, create a mixed-use walkable destination connected to the Village Center, and incorporate urban design standards.
2. See Table of Permitted and Special Uses – Section 8.5
3. See Table of Dimensional Requirements – Section 9.2
4. For additional specific design and development standards see the adopted Village Place Small Area Plan and Form Based Code.
5. For other applicable design and development standards, see Chapter 9.

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

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

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

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



8.2.16.B (PS FBD) Pinehurst South Form Based District

1. The Pinehurst South Form Based District is based on the Pinehurst South Small Area Plan and Form Based Code plans adopted by the Village. Pinehurst South is an area well-suited to accommodate growth, and support quality of life needs of residents, businesses, and visitors. Development within Pinehurst South will integrate the built environment, improve the public realm, create a mixed-use walkable destination area, incorporate urban design standards, create a connecting spine of streets, sidewalks, and paths, and integrate a live, work and play area while minimizing traffic impacts.
2. See Table of Permitted and Special Uses – Section 8.5
3. See Table of Dimensional Requirements – Section 9.2
4. For specific design and development standards see the adopted Pinehurst South Small Area Plan and Form Based Code.
5. For other applicable design and development standards, see Chapter 9.

2.2 Regulating Plan

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

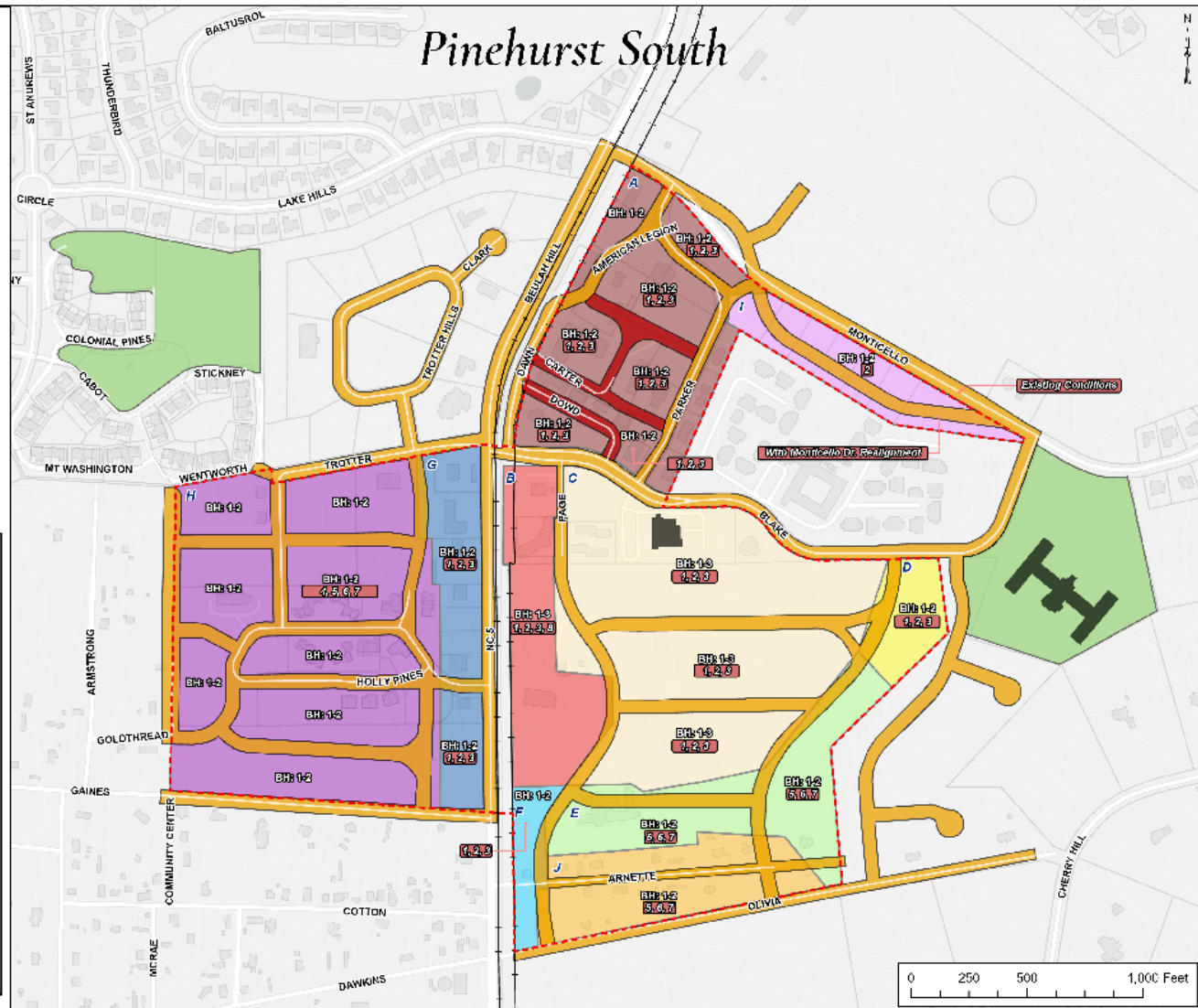
The Regulating Plan defines the boundary within which the FBC criteria apply, as shown by the SAP Boundary as a brown dashed line. The Regulating Plan also indicates allowed Uses and Building Heights within subareas. For Building Heights for example, "BH: 1-2" indicates that buildings shall be either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

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

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

Key

	General Frontage		MIXED USE
	Active Frontage		OFFICE
	Public Conservation		RETAIL
	Civic Building		SFA TOWNHOUSE
	Block A		SFD COITAGE
	Block B		SFD VILLA
	Block C		SFD MANOR
	Block D		HOTEL
	Block E		
	Block F		
	Block G		
	Block H		
	Block I		
	Block J		
	Existing Street		
	Centerline		
	Railroads		
	Pinehurst South Form Based District Boundary		



Pinehurst South Form Based District Regulating Plan

Section 8.3 Overlay Zoning Districts

Overlay Zoning Districts are created to provide additional development standards for identified areas. Certain Overlay Zoning Districts are also available to allow flexibility in design for certain types of developments. Overlay Zoning Districts combine with the regulatory provisions of the underlying General or Conditional Zoning Districts to provide additional or different standards.

~~8.3.1 Pinehurst South Overlay Districts~~

~~8.3.1.1 Purpose and Intent~~

~~—The Pinehurst South Business Area is composed largely of office, retail, financial and service uses. This district has developed over the past several decades. The current underlying zoning districts in this area make many of the existing buildings non-conforming in regard to setbacks and impervious surfaces requirements.~~

~~—The purpose of this overlay district is to preserve and enhance the small-scale commercial character while providing for low-impact business opportunities and to allow for some of the better development patterns found within the area to continue as the area is developed. This overlay district is established to prevent unsightly conditions as a result of development which may destroy or detract from the natural character, beauty and conditions and to exercise such reasonable control over land within the district as may be necessary to accomplish the objective.~~

~~—It is to encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan.~~

~~8.3.1.2 Conflict with Other Code Sections~~

~~—The definitions and regulations set forth in this section shall apply to the Pinehurst South Business Overlay District. Wherever there is a conflict or inconsistency between the Pinehurst South Business Overlay District regulations and other definitions and regulations of the Pinehurst Development Ordinance (PDO), those regulations set forth in this article shall govern development and redevelopment within Pinehurst South Business Overlay District.~~

~~8.3.1.3 Plan Approvals Required~~

~~—All development within the Pinehurst South Business Overlay District shall require submission of a site plan or a preliminary subdivision plat in accordance with this Ordinance, and approval of such plan or plat by the appropriate Village authority.~~

~~8.3.1.4 Pinehurst South Business Overlay District Requirements~~

~~—(A) Nonconforming buildings:~~

~~—If a nonconforming building or structure located within the Pinehurst South Business Overlay District is destroyed by any means, it may be built back within its existing footprint as long as it complies with the NC State Building and Fire Code and other applicable regulations.~~

~~—A structure that is nonconforming due to encroaching into a required setback may be added onto so long as the addition does not further encroach into the setback(s) of the existing structure and does not create a new encroachment into another setback or violate any other regulations of this Ordinance.~~

~~—(B) Ingress and Egress:~~

~~—Wherever possible, ingress and egress between various properties shall be shared in an attempt to minimize curb cuts. The Village of Pinehurst encourages adjacent landowners to enter into agreements providing access easements to accomplish this goal.~~

~~—(C) Parking Location:~~

~~—All parking within the Pinehurst South Business Overlay District shall be located to the side or rear of buildings or located on the street.~~

~~—(D) On Street Parking:~~

~~—Where on street parking is provided that directly fronts a parcel, that on street parking may be counted toward meeting the required number of parking spaces for the uses on that parcel.~~

~~—(E) Shared Parking:~~

~~—The use of shared parking shall comply with the requirements in Section 9.4.1.3.~~

~~—(F) Lot Dimensional Requirements:~~

~~All development shall comply with the following development standards:~~

~~Minimum Lot Width at the Street Line: 50 ft.~~

~~Minimum Street Yard Setback: 10 ft. from the public sidewalk~~

~~Minimum Side Yard Setback: 10 ft.~~

~~Minimum Rear Yard Setback: 10 ft.~~

~~All other dimensional requirements shall be determined by the underlying zoning district.~~

~~8.3.1.5 Pinehurst South Business Overlay District Permitted Uses~~

~~—When determining if a use is permitted within the Pinehurst South Business Overlay District one shall refer to Table 9.2a and the General Use Zoning District requirements.~~

~~8.3.1.6 Compliance with all other regulations~~

~~—All development within the Pinehurst South Business Overlay District shall comply with all applicable sections of the Pinehurst Development Ordinance and Engineering Standards including but not limited to signage, landscaping, watershed regulations, street design, stormwater.~~

8.3.2-1 Historic Preservation Overlay District

8.3.21.1 Purpose and Intent

Historic areas are some of the most valued and important assets of the Village of Pinehurst, having local, state, and national importance. The establishment of Historic Preservation Districts is for the purpose of preserving the Village's heritage; safeguarding its character by preserving the district as a whole and any property therein that embodies important elements of its social, economic, cultural, political, or architectural history. The establishment of the Historic Preservation district is also for the purpose of promoting the conservation of such districts for the education, pleasure, and enrichment of residents of the district, the Village, and others; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the district as a whole, thus contributing to the improvement of the general health and welfare of the Village and the residents of the district.

8.3.21.2 Historic Districts Established

Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, material, feeling, and/or association. No district shall be designated, amended, or repealed until the following has been carried out:

(A) An investigation and report initiated by the Historic Preservation Commission describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared;

(B) The Department of Cultural Resources, acting through the State Historical Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Village Council within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Village Council of any responsibility for awaiting such analysis, and the Village Council may at any time thereafter take any necessary action to adopt or amend this Zoning Ordinance with respect to Historic Districts;

(C) The Village Council shall also refer the report and the proposed boundaries to the Planning and Zoning Board for its recommendations prior to taking action to amend the Zoning Ordinance;

(D) With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by this Section shall be prepared by the Historic Preservation Commission and shall be referred to the Planning and Zoning Board for its review and comment according to the procedures set forth herein. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of this Section;

(E) Upon receipt of these reports and recommendation, the Village Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Zoning Ordinance provision.

8.3.~~21~~.3 Certificate of Appropriateness Required

(A) From and after the designation of a historic district and the adoption of Review Criteria and Design Standards by the Historic Preservation Commission and approved by the Village Council, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), no above-ground utility structure, nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. Such a certificate shall be issued by the Commission and/or Village Planner prior to the issuance of a development permit. Such certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Section. A Certificate of Appropriateness shall be required whether or not a building permit is required;

(B) Publication dispensers shall be required to comply with the Local Historic District Standards, and a Certificate of Appropriateness must be obtained prior to display.

8.3.~~21~~.4 Certificate of Appropriateness Procedure

(A) An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Village Planner. Applications for Certificate of Appropriateness for major work shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content.

(B) The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data has been submitted. Nothing shall prevent the applicant from filing, along with the application, additional relevant information bearing on the application;

(C) Applications that are categorized or fall within the category description of normal maintenance or minor work within the Local Historic District Standards, will be approved or denied on a staff level. If staff does not approve the application or if the work is questionable as to whether it is consistent with the Standards, then the application will be heard at the next PHPC meeting as a regular agenda item.

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

(E) The Commission shall take action on the application and in doing so, shall apply the Review Criteria contained in this section and within the Local Historic District Standards and Guidelines;

(F) The Commission's action on the application shall be approval, approval with modifications and/or conditions, delay of demolition, or denial;

(G) Prior to the final action on an application, the Commission, using the Review Criteria, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district;

(H) The Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications and/or conditions, delay of demolition, or denial;

(I) If the Commission fails to take final action upon any application within one hundred eighty (180) days after the complete application is submitted to the Village Planner for historic approval, the application shall be deemed to be approved unless the applicant consents to extend this period of time;

(J) If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed construction, reconstruction, alteration, restoration or moving.

8.3.~~21~~.5 Review Criteria

(A) Intent:

(1) It is the intention of these regulations to insure, that construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district shall be congruous with the special character of the district. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of the same or to impose architectural styles from particular historical periods. In considering new construction, the Commission and/or the Village Planner shall encourage design that is harmonious with the character of the district;

(2) In granting a Certificate of Appropriateness, the Commission and/or the Village Planner shall take into account the historical or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity;

(3) The Commission or Village Planner shall take no action under this Ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features that would be incongruous with the special character of the historic district or landmark.

(B) Exterior Form and Appearance:

(1) The following criteria shall be considered, when relevant, by the Commission or Village Planner reviewing applications for a Certificate of Appropriateness. All applications for Certificate of Appropriateness shall be subject to review based upon the Design Standards then in effect. These standards are set forth in a manual prepared by the Commission and approved by Village Council:

(a) Lot coverage, defined as the percentage of the lot area covered by primary structures;

(b) Setback, defined as the distance from the lot lines to the building(s);

(c) Building height;

(d) Spacing of buildings, defined as the distance between adjacent buildings;

(e) Exterior building materials;

- (f) Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- (g) Surface textures;
- (h) Roof shapes, forms and materials;
- (i) Use of local or regional architectural traditions;
- (j) General form and proportions of buildings and structure, and relationship of any additions to the main structure;
- (k) Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- (l) Orientation of the building to the street;
- (m) Scale, determined by the size of the units of construction and architectural detail in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
- (n) Proportion of width to height of the total building façade;
- (o) Archaeological sites and resources associated with standing structures;
- (p) Appurtenant fixtures and other features such as lighting;
- (q) Structural condition and soundness;
- (r) Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape mass, building façades, or combinations of these;
- (s) Ground cover or paving;
- (t) Maintenance of pedestrian scale and orientation, as well as provision for safe pedestrian movement;
- (u) Color (new construction, additions, alterations, and repainting only and not for existing residences);
- (v) Effect of trees and other landscape elements.

(2) The Secretary of the Interior's "Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness;

(3) Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

8.3.21.6 Certain Changes Not Prohibited

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district that does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature that the Building Inspector, Zoning Enforcement Officer or similar official shall certify in

writing to the Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration, of any existing, aboveground utility structure without approval by the Commission.

8.3.21.7 Delay in Demolition

(A) An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The Commission shall reduce the period of delay if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal;

(B) In the case of demolition action by the Village, the application for such a certificate will first be reviewed by the Commission and secondly by the Village Council for final order of demolition or removal;

(C) If the Commission has voted to recommend the designation of an area as a historic district and the final designation has not been made by the Village Council, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to one hundred eighty (180) days or until the Village Council takes final action on the designation, whichever occurs first.

8.3.21.8 Application Review by Commission

As part of its review procedure, the Commission may view the premises and seek the advice of the Department of Cultural Resources or such other expert advice as it may deem appropriate.

8.3.21.9 Appeal of Decision

(A) In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Zoning Board of Adjustment;

(B) Written notice of the intent to appeal must be sent to the Commission, postmarked within thirty (30) days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Zoning Board of Adjustment shall be heard by the Superior Court of Moore County;

(C) The State of North Carolina shall, for property of the State or its agencies, have a right of appeal to the North Carolina Historical Commission, thirty (30) days from the date of the decision. The decision of the State Historical Commission shall be final and binding upon both the State and the Commission.

8.3.21.10 Compliance

(A) Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Village Planner. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of one (1) year shall be considered as a failure to comply with a Certificate of Appropriateness and may require new application and approval;

(B) Nothing contained in the Ordinance shall prohibit, impair, or limit in any way the power of the Village Council to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of any provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

8.3.21.11 State Recommendations

The districts shall not be established or the authority and powers of a Historic Preservation Commission be implemented until the Department of Cultural Resources shall have been given opportunity, in accordance with the provision of the North Carolina NCGSs to make recommendations with respect to the establishment of the districts.

8.3.2 Reserved

Section 8.4 Conditional Zoning Districts

8.4.1 Purpose and Intent

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional District is a means by which such special conditions can be imposed in the furtherance of the purposes of this Ordinance. In addition, Conditional Districts ensure that development is consistent with adopted plans including the Comprehensive Plan, Small Area Plans and Form Based Guidance Plans. The Conditional District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional District Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification.

8.4.2 Conditional Districts

For each General Use and Form Based District establish in Section 8.2, there is also established a corresponding Conditional District as follows:

- (A) PC-CD - Public Conservation Conditional District;
- (B) R-210 CD - Residential Conditional District;
- (C) R-15 CD - Residential Conditional District;

- (D) R-20 CD - Residential Conditional District;
- (E) R-30 CD - Residential Conditional District;
- (F) R-5 CD - Residential Conditional District;
- (G) R-8 CD - Residential Conditional District;
- (H) R-10 CD - Residential Conditional District;
- (I) R-MF-CD - Residential Multi-Family Conditional District;
- (J) VR-CD - Village Residential Conditional District;
- (K) RD-CD - Recreation Development Conditional District
- (L) OP-CD - Office and Professional Development Conditional District;
- (M) H-CD - Hotel Conditional District;
- (N) HD-CD - Hospital Development Conditional District;
- (O) VC-CD - Village Commercial Conditional District;
- (P) VCP-CD - Village Cottage Professional Conditional District
- (Q) VMU-CD-Village Mixed Use Conditional District
- (R) NC-CD - Neighborhood Commercial Conditional District.
- (S) VP FBD-CD – Village Place Form Based Conditional District.
- (T) PS FBD-CD – Pinehurst South Form Based Conditional District

Section 8.5 Tables 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) "CZ" indicates that a specific use, development or subdivision may only be permitted through a conditional zoning district that is parallel to the underlying zoning district (see Section 8.2 and 8.4). The conditional zoning district designation must be approved before the use may be established, development permit issued, and conformance with all applicable development and design standards achieved as provided in this ordinance. All nonconforming uses and structures shall be governed under Section 2.3 of this ordinance.

(~~C~~D) 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~~E) 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~~F) In the event a use is not listed, the Village Planner may determine if a materially similar use exists and is defined by this ordinance. If a materially similar land use is determined by the Village Planner, the determination shall be made in writing and all applicable regulations and standards with that use shall apply to the unlisted use. Such determinations by the Village Planner may be appealed pursuant to Chapter 5 of this ordinance.

If a use is not listed and a materially similar use does not exist, an application may be filed to amend this ordinance pursuant to Chapter 6. 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																		
OFFICE/ SERVICE	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
Banks, Credit Unions, Financial Services											X			X	X		X	X, SR	<u>921</u>
Business Support Services											X			X	X		X	X	
Crematoria																			
Dry Cleaning & Laundry Services											X			X	X, SR		X, SR	X, SR	10
Funeral Home											X			X					
Medical Clinic											X		X	X					
<u>Medical Office</u>											<u>X</u>		<u>X</u>	<u>X</u>					
<u>Office</u>											<u>X</u>			<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u> , <u>SR</u>	<u>21</u>

Personal Services											X			X	X		X	X	
Personal Services, Restricted																			
Post Office											X						X	X	
Professional Services											X			X	X		X	X, SR	9
Radio/TV Studio											X			X	X		X		
Small Equipment Repair/Rental											X								
Small Engine Repair / Sales											X								
Veterinary Services / Indoor Kennels											X, SR			X, SR					11

X Permitted by Right

SU Special Use Permit

SR Special Requirement

8.5.1b Village Place Form Based District Table of Permitted and Special Uses and Special Requirements

[illegible]

<u>Dormitory</u>																
<u>Hotel</u>		<u>CZ</u>														<u>8</u>
<u>Recreational Vehicle Park</u>																
<u>Short Term Rental</u>																<u>9</u>
<u>Neighborhood Lodging Accommodation</u>														<u>CZ, SR</u>	<u>CZ, SR</u>	<u>10</u>
<u>OFFICE/SERVICE</u>	<u>A*</u>	<u>B*</u>	<u>C*</u>	<u>D*</u>	<u>E*</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>O*</u>	<u>SR</u>
<u>Banks, Credit Unions, Financial Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>	<u>CZ</u>			<u>21</u>
<u>Business Support Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>	<u>CZ</u>			
<u>Crematoria</u>																
<u>Dry Cleaning & Laundry Services</u>						<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>					<u>23</u>
<u>Funeral Home</u>																
<u>Medical Clinic</u>											<u>CZ</u>	<u>CZ</u>	<u>CZ</u>			
<u>Medical Office</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>	<u>CZ</u>			
<u>Office</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>	<u>CZ</u>			
<u>Personal Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>	<u>CZ</u>			
<u>Personal Services, Restricted</u>																
<u>Post Office</u>																<u>21</u>
<u>Professional Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>	<u>CZ</u>			<u>21</u>
<u>Radio/TV Studio</u>																
<u>Small Equipment Repair/Rental</u>						<u>CZ</u>										
<u>Small Engine Repair/Sales</u>																
<u>Veterinary Services/ Indoor Kennels</u>							<u>CZ</u>	<u>CZ</u>			<u>CZ</u>					<u>11</u>

[illegible]

[illegible]

[illegible]

[illegible]

<u>Home Occupation</u>														<u>X, SR</u>	<u>X, SR</u>	<u>104</u>
<u>Outdoor Swimming Pools and Spas</u>		<u>X, SR</u>							<u>X, SR</u>	<u>X, SR</u>				<u>X, SR</u>	<u>X, SR</u>	<u>105</u>
<u>Pet Houses and Pet Runs</u>														<u>X, SR</u>	<u>X, SR</u>	<u>106</u>
<u>Playground Equipment</u>														<u>X, SR</u>	<u>X, SR</u>	<u>107</u>
<u>Accessory Buildings</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>108</u>
<u>Dwelling - Accessory</u>														<u>X, SR</u>	<u>X, SR</u>	<u>109</u>
<u>Accessory Structure</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>110</u>
<u>Bulkheads on Lakes</u>																<u>111</u>
<u>Docks on Lakes</u>																<u>112</u>
<u>Floats/Rafts and Mooring Buoy</u>																<u>113</u>
<u>TEMPORARY USE</u>	<u>A*</u>	<u>B*</u>	<u>C*</u>	<u>D*</u>	<u>E*</u>	<u>F*</u>	<u>G*</u>	<u>H</u>	<u>I*</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>O*</u>	<u>SR</u>
<u>Boat Storage</u>																<u>200</u>
<u>Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>201</u>
<u>Temporary Expansion of School Facilities</u>																<u>202</u>
<u>Temporary Real Estate Offices</u>														<u>X, SR</u>	<u>X, SR</u>	<u>203</u>
<u>Model Homes</u>														<u>X, SR</u>	<u>X, SR</u>	<u>204</u>

<u>LODGING</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Bed and Breakfast Homes</u>											<u>7</u>
<u>Boarding or Rooming House</u>											
<u>Dormitory</u>											
<u>Hotel</u>		<u>CZ</u>									<u>8</u>
<u>Recreational Vehicle Park</u>											
<u>Short Term Rental</u>											<u>9</u>
<u>Neighborhood Lodging Accommodation</u>					<u>CZ</u>			<u>CZ</u>		<u>CZ</u>	<u>10</u>

<u>OFFICE/SERVICE</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Banks, Credit Unions, Financial Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		<u>21</u>
<u>Business Support Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Crematoria</u>											
<u>Dry Cleaning & Laundry Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>				<u>23</u>
<u>Funeral Home</u>	<u>CZ</u>										
<u>Medical Clinic</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Medical Office</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Office</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Personal Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		
<u>Personal Services, Restricted</u>											
<u>Post Office</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		<u>21</u>
<u>Professional Services</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CZ</u>	<u>CZ</u>		<u>CZ</u>		<u>21</u>
<u>Radio/TV Studio</u>									<u>CZ</u>		
<u>Small Equipment Repair/Rental</u>		<u>CZ</u>	<u>CZ</u>			<u>CZ</u>					
<u>Small Engine Repair / Sales</u>		<u>CZ</u>	<u>CZ</u>			<u>CZ</u>					

[illegible]

<u>Floats/Rafts and Mooring Buoy</u>											<u>113</u>
<u>TEMPORARY USE</u>	<u>A*</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>SR</u>
<u>Boat Storage</u>											<u>200</u>
<u>Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>201</u>
<u>Temporary Expansion of School Facilities</u>											<u>202</u>
<u>Temporary Real Estate Offices</u>											<u>203</u>
<u>Model Homes</u>					<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>204</u>
<u>Yard Sales</u>					<u>X, SR</u>			<u>X, SR</u>		<u>X, SR</u>	<u>205</u>
<u>Temporary Uses Other</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>X, SR</u>	<u>206</u>

X Permitted by Right

SU Special Use Permit

SR Special Requirement

CZ Conditional Zoning

* Indicates a block with active frontage. See Regulating Plan for more information.

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-1 Dwelling, Single Family-Two Family

- (1) — ~~(1)~~ In VCP and VMU Districts between any single-family residential use and non-residential use, a minimum of a Class 1 buffer shall be placed between uses by the non-residential user on the non- residential property.
- (2) In Block J of the Pinehurst South Form-Based District, development and redevelopment of existing lots of record shall conform to the standards of the R-5 district in 9.2a Table of Dimensional Requirements.

Section 9.2 Tables of Dimensional Requirement

All uses and structures in the general use zoning districts shall comply with the dimensional requirements listed in Table 9.2 a, except as may be otherwise provided by this Ordinance. Minimum lot sizes listed in the Table below are subject to modification based on open space requirements, subdivision requirements, or alternate design provisions within this Ordinance. Watershed protection overlay districts may require lower impervious coverage.

All uses and structures within the Village Place and Pinehurst South Form Based Districts shall comply with the dimensional requirements in Table 9.2b. Modification to those requirements may also be subject to open space requirements, subdivision requirements, or alternate design provisions within this Ordinance. Watershed protection overlay districts may require lower impervious coverage or allowed density.

9.2a Table of Dimensional Requirements

USE TYPES	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	VCP	OP	VR	VMU	VC
Minimum Lot Size (3)	-	5 ac	5 ac	30,000 sf	20,000 sf	15,000 sf	10,000 sf	8,000 sf	5,000 sf	5,500 sf	10,000 sf	1 ac	15 ac	8,000 sf (2)	20,000 sf	5,500 sf	20,000 sf	5000 sf
Minimum Lot Width at Setback Line (3)	-		100'	100'	80'(4)	75' (4)	75' (4)	60' (4)	40' (4)	50' (1)	-	-	400'		100'	-		-
Minimum Lot Width at Street Line	50'	200'	60'	20'	20'	20'	20'	20'	20'	36' (1)	75'	100'	100'	25'	75'	25'	25'	25'
Minimum Front Yard Setback(3)	40'	100'	100'	40'	40'	30'	30'	20'	20'	30' (1)	25'	40'	75'	20'	25'	10'	0' min -10' max	0'min - 10' max
Minimum Side Yard Setback (3)	25'	50'	40'	20'	15' (4)	15' (4)	15' (4)	10' (4)	10' (4)	0' (1) & (5)	10'	20'	50'	0'(6)	15'	0'(6)	0' (6)	0'(6)
Side Street Setback(3)	25'	50'	50'	20'	20'	20'	20'	15'	15'	20' (1)	15'	20'	75'	10'	20'	10'	0' min -10' max	10' min - 10'max
Minimum Rear Yard Setback (3)	25'	50'	50'	30'	30'	30'	25'	20'	20'	25' (1)	20'	30'	75'	20'	20'	20'	5'	5'
Lakefront/Golf Course Setback from the Property Line	60'	-	60'	60'	30'	30'	30'	30'	30'	30'/60'	30'	30'	30'	30'	30'	30'	30'	30'
Maximum Building Height	35'	50'	35'	35'	35'	35'	35'	35'	35'	35'	35'	50'	75'	35'	35'	35'	50'	50'
Maximum Lot Covered by Impervious Surface (3), (7) and (8)	12%	24%	24%	30%	35%	37.5%	40%	42.5% (8)	45%	60%	70%	70%	70%	70%	70%	70%	70%	90%
Maximum Residential Density (DWQ)		-		-	-	-	-	-	-	6 units per acre		-		-		8 units per acre	-	-

USE TYPES	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	VCP	OP	VR	VMU	VC
Minimum Accessory Building or Structure Side Setback from Property Line	20'	50'	15'	10'	10'	10'	10'	10'	5'	15' (1)	10'	20'	25'	10'	10'	5'	5'	5'
Minimum Accessory Building or Structure Rear Setback from Property Line	20'	50'	15'	10'	10'	10'	10'	10'	10'	15' (1)	10'	20'	25'	10'	10'	10'	5'	5'
Minimum Accessory Building or Structure Setback from Lakefront or Golf Course	30'	30'	30'	30'	30'	30'	30'	30'	30'	30' (1)	30'	30'	30'	30'	30'	30'	30'	30'
Minimum Accessory Building or Structure Setback from Public or Private Street Right(s) of Way (ROW)	25'	50'	50'	20'	20'	20'	20'	15'	15'	20' (1)	15'	20'	25'	10'	20'	10'	10'	10'

Table of Dimensional Requirements Abbreviations:

- Setback requirements shall apply to the perimeter of the parent tract or tracts prior to development.
- All development shall be treated as multi-family (apartments or condo) or townhouse development (detached or attached).
- See Section 9.17.1.11a for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10 or R-8 Districts meeting the Required Open Space regulations of this Ordinance.
- Corner lots are required to add five (5) feet to the minimum lot width at setback line; and are required to add five (5) feet for the corner street side setback
- 0' (15' minimum if detached)
- 0' (5' minimum if detached)
- Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.
- The maximum lot covered by impervious surface in the R-8 Zoning District shall not prevent a newly constructed single story home from having up to 2,400 sq. ft. under roof. In order to minimize impervious surface when this provision is used, the only other impervious surface that may be placed on the property is a driveway not exceeding 18' in width, a sidewalk going directly from the driveway to the front door and a patio not to exceed 64 sq. ft. Additionally, a front load garage shall be placed at the front setback. This provision shall not apply to the expansion of an existing single story home. All other regulations still apply.

9.2b Table of Dimensional Requirements for Village Place and Pinehurst South Form Based Districts

[illegible]

<u>Minimum Separation of Accessory Structure from Primary Structure (3)</u>	<u>5'</u>	<u>5'</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Accessory Structure Rear Setback (3)</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Accessory Structure Side Setback (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>5' (3)</u>	<u>10' (3)</u>	<u>10' (3)</u>	<u>10' (3)</u>	<u>10' (3)</u>
<u>Minimum Amount of Open Space Per Overall Development</u>	<u>8%</u>	<u>8%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>
<u>Maximum Residential Density (gross) Village Place Form Based District</u>			<u>12 units per acre</u>	<u>12 units per acre</u>	<u>12 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>
<u>Maximum Residential Density (gross) Pinehurst South Form Based District</u>			<u>10 units per acre</u>	<u>10 units per acre</u>	<u>10 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>	<u>7 units per acre</u>

(1) If a setback between buildings is desired, it shall be a minimum of 5'

(2) If parking is on-lot in rear, the setback increases to 20'

(3) Accessory structures to be located completely behind primary structures

Appendix F of the Pinehurst Development Ordinance

Reference of Plant Species Native to the Sandhills and/or Included in Water Conserving Requirements

Listed on the following pages are plant species specifically native to the Sandhills of North Carolina, their soil moisture and light requirements, their benefit to wildlife, and example of leaf foliage. Many of these plant species can be found on lots previous to clearing and can be transplanted by the owner if their location is threatened by development. Otherwise, check with a local nursery for their availability.

Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Tall Trees (> 30') (Canopy)			
Acer floridanum	Southern Sugar Maple	M/F-S	S
Acer rubrum	Red Maple	W-D/F-P	S
Betula nigra	River Birch	W-D/F	S,L
Carya glabra	Pignut Hickory	D/F-S	S,L
Carya ovata	Shagbark Hickory	M-D/F-S	S
Carya tomentosa or C. alba	Mockernut Hickory	D/F-S	S,L
Celtis laevigata	Sugarberry	M/F-S	F,L
Chamaecyparis thyoides	Atlantic White Cedar	W-M/F-P	C,L
Diospyros virginiana	Persimmon	M-D/F-P	F,
Fagus grandifolia	American Beech*	M/P-S	S
Ilex opaca	American Holly*	W-D/F-S	C,F,N,L
Juniperus virginiana	Eastern Redcedar*	D/F	C,F,L
Liquidambar styraciflua	Sweetgum	W-M/F-P	S
Liriodendron tulipifera	Yellow Poplar	M/F-P	S,H,N,L
Magnolia grandiflora	Southern Magnolia	M/P-S	C,S
Magnolia virginiana	Sweetbay	W-M/F-P	S,L
Nyssa sylvatica	Blackgum	D/F-P	F
Oxydendrum arboreum	Sourwood	D/F-S	N
Pinus echinata	Shortleaf Pine	D/F-P	C,S,L
Pinus palustris	Longleaf Pine	M-D/F	C,S

-			
Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Tall Trees (> 30') (Canopy)			
Pinus serotina	Pond Pine	W-M/P	C,S
Pinus taeda	Loblolly Pine	W-D/F	C,S,L

<i>Platanus occidentalis</i>	Sycamore	W-M/F-P	S
<i>Quercus alba</i>	White Oak	M-D/F-P	S,L
<i>Quercus coccinea</i>	Scarlet Oak	D/F-P	S,L
<i>Quercus falcate</i>	Southern Red Oak	M-D/F-P	S,L
<i>Quercus michauxii</i>	Swamp Chestnut Oak	M/F-P	S,L
<i>Quercus nigra</i>	Water Oak	M-D/F-P	S,L
<i>Quercus phellos</i>	Willow Oak	W-M/F-P	S,L
<i>Quercus rubra</i>	Red Oak	M/F-P	S,L
<i>Quercus velutina</i>	Black Oak	M-D/F-P	S,L
<i>Tilia Americana</i>	Basswood	M/F-S	S,N,L
Small Trees/Shrubs (10-30 ft) (Understory)			
<i>Aesculus pavia</i>	Red Buckeye*	M/P	H
<i>Aesculus sylvatica</i>	Painted Buckeye*	M/P	H
<i>Alnus serrulata</i>	Alder	W-M/F-P	S,L
<i>Amelanchier arborea</i>	Serviceberry	M-D/F-S	F,N,L
<i>Amelanchier canadensis</i>	Juneberry	W-D/F-P	F,N,L
<i>Aralia spinosa</i>	Devil's Walking Stick*	M/F-P	F,N
<i>Asimina triloba</i>	Pawpaw*	M/F-S	F,L
<i>Carpinus caroliniana</i>	Ironwood	W-M/P-S	S,L
<i>Castanea pumila</i>	Chinquapin	D/F-P	S
<i>Celtis laevigata</i>	Hackberry	D/F-P	F,L
<i>Cercis canadensis</i>	Eastern redbud	M-D/F-P	S,N
<i>Cornus floridana</i>	Flowering Dogwood	M-D/F-P	F,N,L
<i>Cyrilla racemiflora</i>	Titi	W-M/F-S	C,N
<i>Halesia carolina</i>	Carolina Silverbell	M/P-S	N
<i>Hamamelis virginiana</i>	Witch-hazel	M/F-S	S

Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Small Trees/Shrubs (10-30 ft) (Understory)			
<i>Ilex deciduas</i>	Possumhaw*	W-D/F-P	F,N,L
<i>Ilex verticillata</i>	Winterberry*	W-M/F-S	F,N,L

<i>Ilex vomitoria</i>	Yaupon*	W-D/F-S	C,F,N,L
<i>Morus rubra</i>	Red Mulberry*	M-D/F-S	F,L
<i>Myrica cerifera</i>	Wax Myrtle	W-D/F-P	C,F,L
<i>Ostrya virginiana</i>	Hophornbeam	M-D/F-S	F,L
<i>Prunus angustifolia</i>	Chickasaw Plum*	D/F	F,N,L
<i>Prunus caroliniana</i>	Carolina Laurel Cherry*	M-D/F-P	C,F,N
<i>Rhus copallina</i>	Winged Sumac	M-D/F-P	F,N,L
<i>Sambucus canadensis</i>	Elderberry*	W-M/F-P	F
<i>Sassafras albidum</i>	Sassafras	M-D/F-P	F,L
<i>Symplocos tinctoria</i>	Sweetleaf	M-D/F-S	S,N,L
<i>Viburnum rufidulum</i>	Rusty Blackhaw	D/F-S	F,L
Vines			
<i>Ampelopsis arborea</i>	Peppervine*	W-M/F-P	F
<i>Bignonia capreolata</i>	Crossvine	M-D/F-P	H
<i>Campsis radicans</i>	Trumpet creeper*	M-D/F-P	H
<i>Centrosema virginianum</i>	Spurred Butterfly Pea	D/F-P	S,N,L
<i>Clitoria mariana</i>	Butterfly Pea	D-F-P	S,N,L
<i>Desmodium nudiflorum</i>	Naked Tick-trefoil	D/F-P	S,N,L
<i>Desmodium strictum</i>	Pine Barren Tick-trefoil	D/F-P	S,N,L
<i>Desmodium tortuosum</i>	Tick-trefoil	D/F-P	S,N,L
<i>Gelsemium sempervirens</i>	Carolina Jessamine*	M/F-P	H,N
<i>Lonicera sempervirens</i>	Coral Honeysuckle	M/F-P	H
<i>Parthenocissus quinquefolia</i>	Virginia Creeper*	M-D/F-S	F
<i>Passiflora incarnata</i>	Passionflower	M-D/F-P	H,N,L
<i>Smilax</i> spp.	Greenbrier	W-D/F-P	C,F
<i>Vitis</i> spp.	Grape	W-D/F-P	F

Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Ferns			
<i>Polystichum acrostichoides</i>	Christmas Fern	M/S-P	C
<i>Osmunda cinnamomea</i>	Cinnamon Fern	W-M/S-P	C,L
Herbs and Wildflowers			
<i>Apocynum cannabinum</i>	Hemp Dogbane*	M-D/F-P	N
<i>Aquilegia canadensis</i>	Columbine	M-D/P-S	S,H,N

<i>Arisaema triphyllum</i>	Jack-in-the-Pulpit*	W-M/P-S	F
<i>Asclepias amplexicaulis</i>	Clasping Milkweed	D/F-P	N,L
<i>Asclepias incarnata</i>	Swamp Milkweed*	W-M/F-P	N,L
<i>Asclepias tomentosa</i>	Sandhills Milkweed	D/F-P	N,L
<i>Asclepias tuberosa</i>	Butterfly Weed*	D/F-P	N,L
<i>Asclepias variegata</i>	White Milkweed*	M-D/F-P	N,L
<i>Baptisia tinctoria</i>	Yellow Wild Indigo*	D/F-P	L
<i>Carphephorus bellidifolius</i>	Sandy woods Chaffhead	D/F-P	N,L
<i>Ceanothus americanus</i>	New Jersey Tea	M-D/F-P	S,N,L
<i>Chamaecrista fasciculata</i>	Partridge Pea*	M-D/F	S,L
<i>Cirsium horridulum</i>	Yellow Thistle	M-D/F	S,H,N,L
<i>Cirsium repandum</i>	Sandhills Thistle	M-D/F-P	S,H,N,L
<i>Coreopsis angustifolia</i>	Narrow-leaved Coreopsis	M/F-P	S,N
<i>Coreopsis auriculata</i>	Eared Coreopsis	M/F-P	S,N
<i>Coreopsis lanceolata</i>	Lance-leaved Coreopsis	D/F	S,N
<i>Coreopsis verticillata</i>	Threadleaf Coreopsis	D/F-P	S,N
<i>Desmodium spp.</i>	Beggarlice	M-D/F-P	S,L
<i>Eupatorium fistulosum</i>	Joe-pye-weed	M/F	S,N,L
<i>Euphorbia corollata</i>	Flowering Spurge	M-D/F-P	S,N
<i>Gentiana autumnalis</i>	Pine Barrens Gentian	D/F-P	N
<i>Helianthus angustifolius</i>	Swamp Sunflower	W-M/F	S,N
<i>Heliopsis helianthoides</i>	Ox-eye	M-D/F-P	S,N
<i>Hibiscus moscheutos</i>	Rose Mallow	M/F-P	H,N

Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Latin Name	Common Name	Soil Moisture/Light (1)	Wildlife Value(2)
Herbs and Wildflowers			
<i>Houstonia caerulea</i>	Bluets	M-D/F-S	N
<i>Hypericum hypericoides</i>	St. Andrew's Cross	D-M/F-P	S,N
<i>Impatiens capensis</i>	Jewelweed	W-M/P-S	H,N
<i>Ipomea coccinea</i>	Red Morning Glory	D/F	S,H,N
<i>Ipomea purpurea</i>	Common Morning Glory	D/F	S,H,N
<i>Ipomopsis rubra</i>	Standing Cypress	D/F	H,N
<i>Iris cristata</i>	Crested Iris*	M/P-S	H
<i>Iris verna</i>	Dwarf Iris	M-D/F-P	H
<i>Liatris graminifolia</i>	Grass-leaf Gayfeather	D/F-P	N,L
<i>Liatris regimontis</i>	Blue Ridge Gayfeather	D/F-P	N,L

<i>Liatris spicata</i>	Blazing Star	W-M/F	N
<i>Lobelia cardinalis</i>	Cardinal Flower*	W-M/F-S	H,N
<i>Lobelia puberula</i>	Blue Lobelia*	W-D/F-P	H,N
<i>Mitchella repens</i>	Partridgeberry	M/F-S	F
<i>Monarda punctata</i>	Horsemint	D/F-P	H,N
<i>Oenothera fruticosa</i>	Sundrops	M-D/F-P	S,H,N
<i>Penstemon canescens</i>	Hairy Beardtongue	M-D/F-P	H,N,L
<i>Penstemon laevis</i>	Smooth Beardtongue	M/F-S	H,N,L
<i>Phlox Carolina</i>	Carolina Phlox	W-D/F-P	N
<i>Phlox divaricata</i>	Blue Phlox	M/P-S	N
<i>Phlox pilosa</i>	Prairie Phlox	D/F-P	N
<i>Phlox subulata</i>	Moss Pink	D/F	N
<i>Phytolacca americana</i>	Pokeweed*	M-D/F	F,S
<i>Rudbeckia fulgida</i>	Orange Coneflower	M/F	S,N
<i>Rudbeckia hirta</i>	Black-eyed Susan	M-D/F	S,N
<i>Salvia lyrata</i>	Lyreleaf Sage	M-D/F-S	H,N
<i>Silene virginica</i>	Fire Pink	M-D/P-S	S,H,N
<i>Solidago spp.</i>	Goldenrod	M-D/F-P	S,N
<i>Stillingia sylvatica</i>	Queen's Root	D/F-P	S,N
<i>Tephrosia virginiana</i>	Goat's Rue	D/F-P	S,L
<i>Vicia caroliniana</i>	Wood Vetch	D/F-P	S,L
<i>Viola pedata</i>	Bird-foot Violet	D/F-P	L
<i>Viola primulifolia</i>	Primrose-leaved Violet	D/F-P	N,L
Grasses			
<i>Andropogon glomeratus</i>	Brushy Bluestem	M/F	C,S,L
<i>Andropogon ternarius</i>	Splitbeard Bluestem	D/F	C,S,L
<i>Aristida stricta</i>	Wiregrass	D/F-P	C,S
<i>Arundinaria gigantea</i>	Switchcane	W-D/F-S	C,S,L
<i>Panicum virgatum</i>	Switchgrass	M/F-P	C,S,L

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1 Soil moisture: W = wet; M = moist; D = dry/ Light requirements: F = full sun; P = partial shade; S = shade.

2 Wildlife Value: C = winter cover; F = fleshy fruit; S = hard mast, seed or catkin; H = Hummingbird nectar; N = butterfly and other insect nectar; L = butterfly larvae host plant.

*Leaves, twigs, stems, flowers, nectar, fruits or seeds mildly to severely toxic to humans if ingested.

Plant Palette

The Plant Palette provides a list of approved trees and plants and should be used for landscaping within open spaces, lots, buffers, screens, streetscapes, etc. as required by this ordinance.

<u>LatinName</u>	<u>Common Name</u>	<u>Native/ Adaptive</u>	<u>Notes</u>
Tall Trees(>30')			
<u>Acer floridanum</u>	<u>Southern Sugar Maple</u>	<u>native</u>	<u>beautiful bark</u>
<u>Acer rubrum</u>	<u>Red Maple</u>	<u>native</u>	<u>great Fall color</u>
<u>Betula nigra</u>	<u>River Birch</u>	<u>native</u>	<u>beautiful bark/deer resistant</u>
<u>Chamaecyparis thyoides</u>	<u>Atlantic White Cedar</u>	<u>native</u>	<u>evergreen</u>
<u>Fagus grandifolia</u>	<u>American Beech</u>	<u>native</u>	<u>silver bark</u>
<u>Ilex opaca</u>	<u>American Holly</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Taxodium distichum</u>	<u>Bald Cypress</u>	<u>native</u>	<u>street tree/deer resistant</u>
<u>Juniperus virginiana</u>	<u>Eastern Red Cedar</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Gleditsia triacanthos</u>	<u>Honey Locust</u>	<u>adaptive</u>	<u>street tree/deer resistant</u>
<u>Magnolia grandiflora</u>	<u>Southern Magnolia</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Liquidambar styraciflua</u>	<u>Sweetgum</u>	<u>adaptive</u>	<u>evergreen/street tree</u>
<u>Magnolia virginiana</u>	<u>Sweetbay</u>	<u>native</u>	
<u>Nyssa sylvatica</u>	<u>Blackgum</u>	<u>native</u>	<u>good fall color</u>
<u>Pinus echinata</u>	<u>Shortleaf Pine</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Pinus palustris</u>	<u>Longleaf Pine</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u>Pinus serotina</u>	<u>Pond Pine</u>	<u>native</u>	<u>evergreen</u>
<u>Pinus taeda</u>	<u>Loblolly Pine</u>	<u>native</u>	<u>evergreen</u>
<u>Platanus occidentalis</u>	<u>Sycamore</u>	<u>native</u>	
<u>Quercus coccinea</u>	<u>Scarlet Oak</u>	<u>native</u>	<u>street tree</u>
<u>Quercus falcata</u>	<u>Southern Red Oak</u>	<u>native</u>	
<u>Quercus pagoda</u>	<u>Cherrybark Oak</u>	<u>native</u>	

<u><i>Quercus phellos</i></u>	<u>Willow Oak</u>	<u>native</u>	
<u><i>Quercus rubra</i></u>	<u>Red Oak</u>	<u>native</u>	
<u><i>Quercus stellata</i></u>	<u>Post Oak</u>	<u>native</u>	
<u><i>Tilia americana</i></u>	<u>Basswood</u>	<u>native</u>	<u>good for pollinators</u>
<u><i>Ulmus americana</i></u>	<u>American Elm</u>	<u>native</u>	<u>street tree / use disease resistant</u>
<u>Small Trees (10-30 ft)</u>			
<u><i>Alnus serrulata</i></u>	<u>Alder</u>	<u>native</u>	<u>good for wet soils</u>
<u><i>Amelanchier arborea</i></u>	<u>Serviceberry</u>	<u>native</u>	<u>flowering</u>
<u><i>Amelanchier canadensis</i></u>	<u>Juneberry</u>	<u>native</u>	<u>flowering</u>
<u><i>Carpinus caroliniana</i></u>	<u>American hornbeam</u>	<u>native</u>	
<u><i>Cercis canadensis</i></u>	<u>Eastern redbud</u>	<u>native</u>	<u>flowering</u>
<u><i>Chionanthus virginicus</i></u>	<u>Fringe Tree</u>	<u>native</u>	<u>flowering</u>
<u><i>Cornus alternifolia</i></u>	<u>Pagoda dogwood</u>	<u>adaptive</u>	<u>flowering</u>
<u><i>Cornus florida</i></u>	<u>Flowering Dogwood</u>	<u>native</u>	<u>flowering ; use disease resistant</u>
<u><i>Crataegus spp.</i></u>	<u>Hawthorn</u>	<u>native</u>	<u>flowering / deer resistant</u>
<u><i>Halesia carolina</i></u>	<u>Carolina Silverbell</u>	<u>native</u>	<u>flowering / deer resistant</u>
<u><i>Hamamelis virginiana</i></u>	<u>Witch-hazel</u>	<u>native</u>	<u>flowering in Jan / Feb / deer resistant</u>
<u><i>Magnolia virginiana 'Moon Glow'</i></u>	<u>Moon Glow Sweetbay</u>	<u>native</u>	<u>evergreen</u>
<u><i>Magnolia x soulangiana</i></u>	<u>Magnolia</u>	<u>adaptive</u>	<u>flowering</u>
<u><i>Ostrya virginiana*</i></u>	<u>Hophornbeam</u>	<u>native</u>	
<u><i>Oxydendrum arboreum*</i></u>	<u>Sourwood</u>	<u>native</u>	

* Recommended Street Tree Type

<u>Latin Name</u>	<u>Common Name</u>	<u>Native /</u>	<u>Notes</u>
<u>Large Shrubs (6-12 ft)</u>			

<u><i>Aesculus pavia</i></u>	<u>Red Buckeye*</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Buxus semp. 'Dee Runk'</i></u>	<u>Fastigate American Boxwood</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Cornus amomum</i></u>	<u>Silky Dogwood</u>	<u>native</u>	
<u><i>Ilex 'Conaf'</i></u>	<u>Oakleaf Holly</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Ilex deciduas</i></u>	<u>Possumhaw</u>	<u>native</u>	<u>good winter berries</u>
<u><i>Ilex verticillata</i></u>	<u>Winterberry</u>	<u>native</u>	<u>good winter berries</u>
<u><i>Myrica cerifera</i></u>	<u>Wax Myrtle</u>	<u>native</u>	<u>evergreen/deer resistant</u>
<u><i>Rhododendron arborescens</i></u>	<u>Sweet azalea</u>	<u>native</u>	
<u><i>Rhododendron calendulaceum</i></u>	<u>Flame azalea</u>	<u>native</u>	
<u><i>Rhododendron catawbiense</i></u>	<u>Mountain rosebay</u>	<u>native</u>	<u>evergreen</u>
<u><i>Rhus copallina</i></u>	<u>Winged Sumac</u>	<u>native</u>	
<u><i>Rhus glabra</i></u>	<u>Smooth Sumac</u>	<u>native</u>	
<u><i>Viburnum rufidulum</i></u>	<u>Rusty Blackhaw</u>	<u>native</u>	<u>keep off sidewalks due to fruit</u>
<u><i>Viburnum x rhytidophylloides 'Allegheny'</i></u>	<u>Leatherleaf Viburnum</u>	<u>adaptive</u>	<u>evergreen</u>
<u>Medium Shrubs (4-6 ft)</u>			
<u><i>Camellia japonica</i></u>	<u>Camellia</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Kalmia latifolia</i></u>	<u>Mountain laurel</u>	<u>native</u>	<u>evergreen</u>
<u><i>Rhododendron carolinianum</i></u>	<u>Carolina Rhododendron</u>	<u>native</u>	<u>evergreen</u>
<u><i>Rhododendron periclymenoides</i></u>	<u>Wild or Pinxter azalea</u>	<u>native</u>	
<u><i>Rhododendron vaseyi</i></u>	<u>Pinkshell azalea</u>	<u>native</u>	<u>evergreen</u>
<u><i>Viburnum x rhytidophylloides 'Cree'</i></u>	<u>Dwarf Leatherleaf Viburnum</u>	<u>adaptive</u>	<u>evergreen</u>
<u>Low Shrubs (Under 4')</u>			
<u><i>Abelia x grandiflora</i></u>	<u>Glossy Abelia</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Buxus mic. 'Winter Gem'</i></u>	<u>Korean Boxwood</u>	<u>adaptive</u>	<u>evergreen</u>

<u><i>Buxus mic. 'Wintergreen'</i></u>	<u>Korean Boxwood</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Clethera alnifolia</i></u>	<u>Summersweet Clethra</u>	<u>native</u>	
<u><i>Cornus sericea</i></u>	<u>Redosier Dogwood</u>	<u>adaptive</u>	
<u><i>Hydrangea aborescens</i></u>	<u>Snowhill Hydrangea</u>	<u>native</u>	<u>flowering</u>
<u><i>Hypericum prolificum</i></u>	<u>Shrubby St. John's Wort</u>	<u>native</u>	<u>flowering</u>
<u><i>Ilex glabra 'Compacta'</i></u>	<u>Compact Inkberry Holly</u>	<u>adaptive</u>	<u>evergreen</u>
<u><i>Leucothoe fontanesiana</i></u>	<u>Drooping leucothoe</u>	<u>native</u>	<u>evergreen</u>
<u><i>Rosa carolina</i></u>	<u>Carolina rose</u>	<u>native</u>	<u>flowering</u>
<u><i>Rosa palustris</i></u>	<u>Swamp rose</u>	<u>native</u>	<u>flowering</u>
<u><i>Vaccinium macrocarpon</i></u>	<u>Cranberry</u>	<u>native</u>	<u>evergreen</u>
<u><i>Vaccinium pallidum</i></u>	<u>Lowbush blueberry</u>	<u>native</u>	
<u><i>Viburnum acerifolium</i></u>	<u>Maple-leaf Viburnum</u>	<u>native</u>	
<u>LatinName</u>	<u>Common Name</u>	<u>Native /</u>	<u>Notes</u>
Ferns			
<u><i>Adiantum pedatum</i></u>	<u>Maidenhair fern</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Asplenium platyneuron</i></u>	<u>Ebony spleenwort</u>	<u>native</u>	<u>evergreen</u>
<u><i>Athyrium felix-feimina</i></u>	<u>Lady fern</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Dennstaedtia punctilobula</i></u>	<u>Hay-scented fern</u>	<u>native</u>	
<u><i>Dryopteris marginalis</i></u>	<u>Wood fern</u>	<u>native</u>	<u>evergreen</u>
<u><i>Onoclea sensibilis</i></u>	<u>Sensitive fern</u>	<u>native</u>	
<u><i>Osmunda cinnamomea</i></u>	<u>Cinnamon fern</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Polystichum -acrostichoides</i></u>	<u>Christmas fern</u>	<u>native</u>	<u>evergreen/deer resistant</u>
Grasses			
<u><i>Andropogon gerardii</i></u>	<u>Big bluestem</u>	<u>native</u>	

<u><i>Andropogon virginicus</i></u>	<u>Broomsedge</u>	<u>native</u>	
<u><i>Arundinaria gigantea</i></u>	<u>River cane</u>	<u>native</u>	
<u><i>Carex pensylvanica</i></u>	<u>Pennsylvania sedge</u>	<u>native</u>	
<u><i>Carex plantaginea</i></u>	<u>Plantain-leaved sedge</u>	<u>native</u>	
<u><i>Chasmanthium latifolium</i></u>	<u>River Oats</u>	<u>native</u>	
<u><i>Panicum virgatum</i></u>	<u>Switch-grass</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Schizachyrium- scoparium</i></u>	<u>Little bluestem</u>	<u>native</u>	
<u><i>Sorghastrum nutans</i></u>	<u>Indian grass</u>	<u>native</u>	<u>deer resistant</u>
<u>Perennials</u>			
<u><i>Amsonia spp.</i></u>	<u>Blue star</u>	<u>adaptive</u>	
<u><i>Aquilegia canadensis</i></u>	<u>Wild columbine</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Asclepias incarnata</i></u>	<u>Swamp milkweed</u>	<u>native</u>	
<u><i>Asclepias tuberosa</i></u>	<u>Butterfly-weed</u>	<u>native</u>	
<u><i>Aster novea angliae</i></u>	<u>New England aster</u>	<u>native</u>	
<u><i>Astilbe spp.</i></u>	<u>Astilbe</u>	<u>adaptive</u>	
<u><i>Baptisia spp.</i></u>	<u>Wild indigo</u>	<u>adaptive</u>	
<u><i>Chelone lyonii</i></u>	<u>Pink turtlehead</u>	<u>native</u>	
<u><i>Coreopsis 'Moonbeam'</i></u>	<u>Coreopsis</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Dicentra eximia</i></u>	<u>Bleeding heart</u>	<u>native</u>	
<u><i>Echinacea spp.</i></u>	<u>Coneflower</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Geranium 'Rozanne'</i></u>	<u>Wild geranium</u>	<u>adaptive</u>	
<u><i>Helianthus resinosus</i></u>	<u>Sunflower</u>	<u>native</u>	
<u><i>Hemerocallis spp.</i></u>	<u>Daylily</u>	<u>adaptive</u>	
<u><i>Heuchera americana</i></u>	<u>Alumroot</u>	<u>native</u>	

<u><i>Heuchera 'Palace Purple'</i></u>	<u>Coral Bells</u>	<u>adaptive</u>	
<u><i>Hosta spp.</i></u>	<u>Hosta</u>	<u>adaptive</u>	
<u><i>Iris cristata</i></u>	<u>Dwarf crested iris</u>	<u>native</u>	
<u><i>Liatris spicata</i></u>	<u>Blazing star</u>	<u>native</u>	
<u><i>Lobelia cardinalis</i></u>	<u>Cardinal flower</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Monarda didyma</i></u>	<u>Bee-balm</u>	<u>native</u>	<u>deer resistant</u>
<u><i>Nepeta faassenii</i></u>	<u>Catmint</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Pachysandra procumbens</i></u>	<u>Allegheny spurge</u>	<u>native</u>	
<u><i>Phlox carolina</i></u>	<u>Carolina phlox</u>	<u>native</u>	
<u><i>Phlox divaricata</i></u>	<u>Wild blue phlox</u>	<u>native</u>	
<u><i>Phlox paniculata</i></u>	<u>Garden phlox</u>	<u>native</u>	
<u><i>Polygonatum biflorum</i></u>	<u>Solomon's seal</u>	<u>native</u>	
<u><i>Rudbeckia 'Goldsturm'</i></u>	<u>Black-eyed Susan</u>	<u>adaptive</u>	
<u><i>Salvia 'May Night'</i></u>	<u>May Night Salvia</u>	<u>adaptive</u>	<u>deer resistant</u>
<u><i>Silene virginica</i></u>	<u>Fire pink</u>	<u>native</u>	
<u><i>Solidago rugosa</i></u>	<u>Winkle-leaf goldenrod</u>	<u>native</u>	
<u><i>Tiarella cordifolia</i></u>	<u>Foamflower</u>	<u>native</u>	
<u><i>Vernonia noveboracensis</i></u>	<u>New York ironweed</u>	<u>native</u>	

SECTION 3. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance

SECTION 4. Severability: Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall affect the validity of any ordinance as a whole or any part thereof which is not specifically declared to be invalid. If any court of competent jurisdiction invalidates the application of any provision of this ordinance, then such judgement shall not affect the remaining portions not specifically included in that judgment.

SECTION 5. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

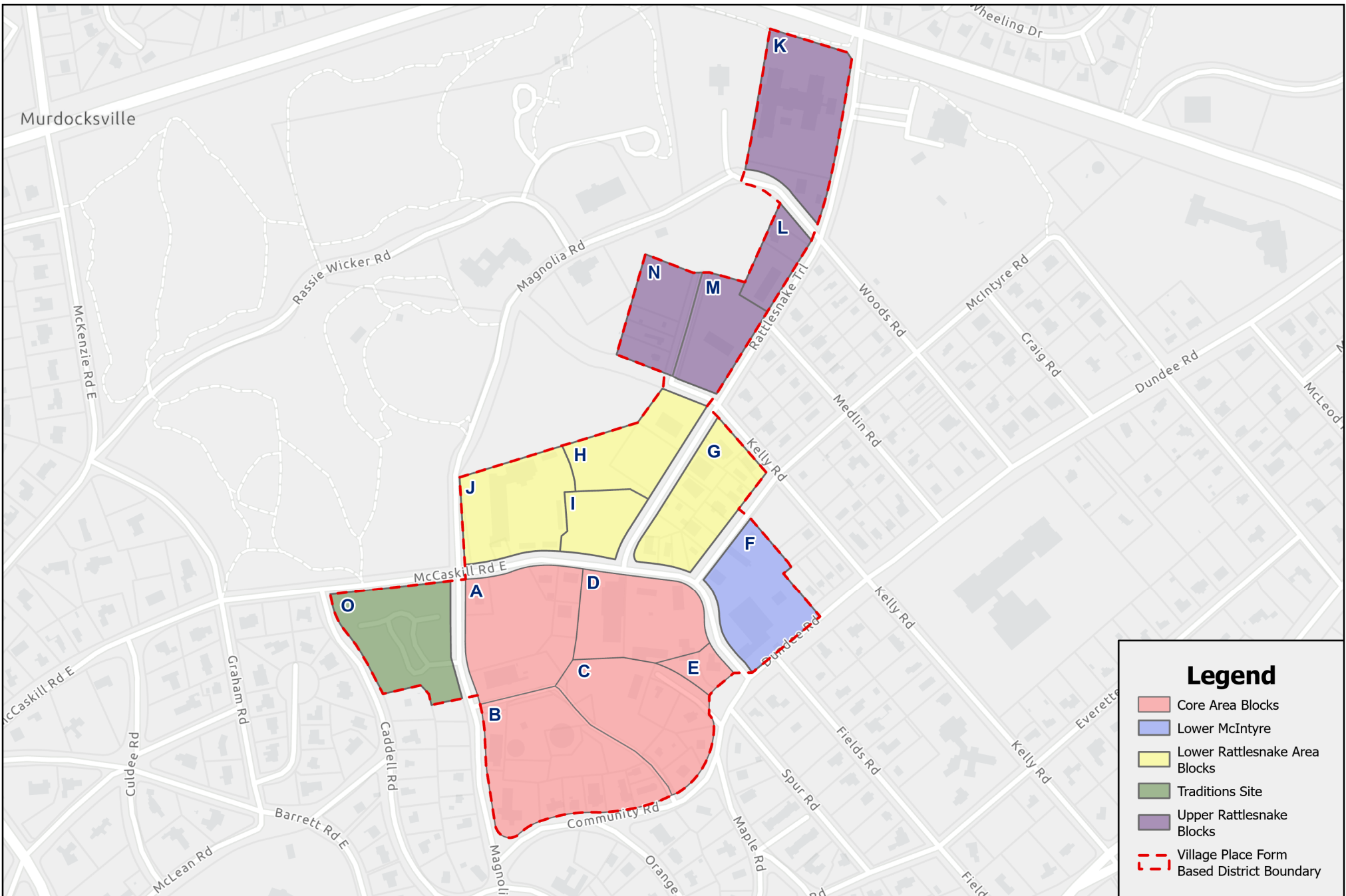
Attest:

Kelly Chance, Village Clerk

Approved as to Form:

Michael J. Newman, Village Attorney

DRAFT



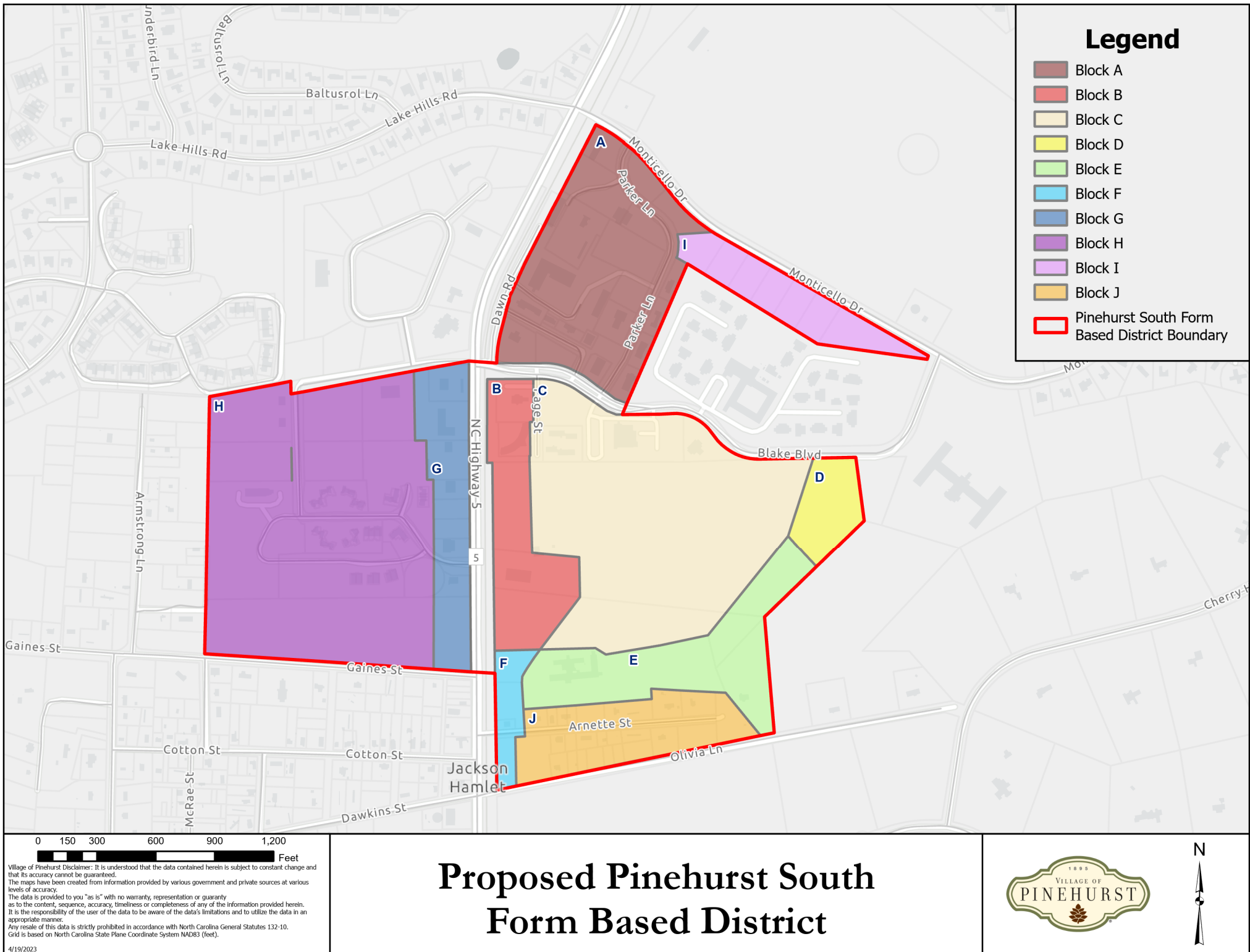
0 125 250 500 750 1,000 Feet

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

4/27/2023

Proposed Village Place Form Based District







**DISCUSS AND CONSIDER RESOLUTION #23-17 RATIFYING, ACCEPTING
& APPROVING CHARTER RESOLUTION OF CENTRAL PINES
REGIONAL COUNCIL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- ☐ Resolution 23-17 Approving Charter Resolution of Central Pines Regional Council
- ☐ TJCOG Charter

RESOLUTION #23-17:

**A RESOLUTION RATIFYING, ACCEPTING AND APPROVING THE AMENDED CHARTER
RESOLUTION OF CENTRAL PINES REGIONAL COUNCIL (FORMERLY TRIANGLE J
COUNCIL OF GOVERNMENTS).**

THAT WHEREAS, the Councils of Governments system was created by the State of North Carolina in 1970 by Governor Bob Scott designating seventeen Regional Councils to serve across the state and Triangle J Council of Governments (TJCOG), formerly the Research Triangle Regional Planning Commission, as the regional entity serving Chatham, Durham, Johnston, Lee, Moore, Orange, and Wake counties, and the municipalities within those counties; and

WHEREAS, the TJCOG Board of Delegates approved an organization rebrand process in its Fiscal Year 2022-2023 budget to identify and implement a new name, logo, and brand for the organization, and rebranding consultant Carrboro Creative was selected to conduct the process in the Fall of 2022; and

WHEREAS, the proposed rebrand, including a name change from Triangle J Council of Governments to Central Pines Regional Council was presented to the TJCOG Officers, TJCOG Executive Committee, and TJCOG Board of Delegates in December, February, and March of 2023 for consideration; and

WHEREAS, the TJCOG Executive Committee and TJCOG Board of Delegates unanimously approved the name Central Pines Regional Council and approved a proposed amended charter to reflect this change; and

WHEREAS, the charter is TJCOG's governing document and must be endorsed by all member governments when they join the organization and by a minimum of 2/3 when amendments to the document are made; and

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in regular meeting assembled this 23rd day of May 2023, that it does hereby ratify, accept, and approve the amended Charter Resolution reflecting the organization's new name of Central Pines Regional Council. Further, the Village Council authorizes that the new name will be effective July 1, 2023, or once 2/3 of the member governments approve the Charter amendment, if it is after July 1, 2023.

THIS RESOLUTION passed and adopted this 23rd day of May 2023.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

Central Pines Regional Council

Charter Resolution

WHEREAS, together with the other county and municipal governmental units adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves and to act in concert with reference to regional matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or planning development; and

WHEREAS, Central Pines Regional Council is the primary regional organization for its member units of local government and, where feasible, every effort should be made for member units to direct related programs to Central Pines Regional Council rather than to other agencies; now, therefore, be it

RESOLVED, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Part 2, the following Resolution is adopted for the establishment of a regional council.

ARTICLE I

Short Title - Binding Effect. This Resolution is the "Charter" of this Regional Council; and said Charter, together with all amendments thereto, is binding upon and shall ensure the benefit of all governmental units adopting it.

ARTICLE II

Name. The name of the regional council hereby established is the Central Pines Regional Council.

ARTICLE III

Purpose. The purposes of the Council are:

- 1) To serve as a forum for discussion of governmental problems of mutual interest and concern;

2) To develop and formalize policy recommendations concerning specific matters having an areawide significance which may include but are not limited to the following:

- a) human resource development and human relations.
- b) housing, public and private.
- c) health care and hospital services.
- d) recreation.
- e) sanitation and refuse disposal.
- f) communications.
- g) transportation.
- h) water, sanitary sewer, electric power and other utility services.
- i) air, water and other environmental development.
- j) commercial and industrial development.
- k) law enforcement.
- l) welfare.
- m) fire protection and prevention.
- n) regional land use planning.
- o) workforce development and training,
- p) conservation and development of natural resources.
- q) emergency management. and
- r) community and economic development.

3) To promote inter-governmental cooperation;

4) To provide organizational machinery to insure effective communication and coordination among the participating governmental units and other governmental units.

5) To serve as a vehicle for the collection and distribution of information concerning matters of areawide interest;

6) To review, upon request of any governmental unit within the Central Pines Region, applications of that unit for any grant in aid, federal, state or private; and

7) To provide services to local governments and residents in the area known as the Central Pines Region where appropriate and authorized.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a manner that is mutually satisfactory and shall respect the autonomy of all local governments within the Central Pines Region.

ARTICLE IV

Membership

- 1) The initial membership of the Regional Council shall consist of the general purpose governmental units of and in the counties of Chatham, Durham, Johnston, Lee, Orange, and Wake, known as the Central Pines (formerly Triangle J) Region, which adopted a resolution pursuant to N.C.G.S. 160A-470 on or before June 30, 1972.
- 2) Membership was extended to the general purpose governmental units of and in Moore county in 2001.
- 3) Any municipality or county in the Central Pines Region that is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon a majority vote of approval by the Board of Delegates. Notice of such application for admission shall be given to existing members of the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken.
- 4) All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council.
- 5) Any special purpose governmental agency in the Central Pines region involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of the Board of Delegates. The affiliate member shall pay no assessment, but the Council may charge each affiliate member a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations of the Council.

ARTICLE V

Withdrawal. Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least sixty (60) days prior to the end of the fiscal year.

ARTICLE VI

Governing Board.

- 1) The governing board of the Central Pines Regional Council shall be known as the Board of Delegates, which shall be constituted as described below.
- 2) The Board of Delegates shall consist of one delegate from each member governmental unit. Each governmental unit may designate any number of alternate delegates. All delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governing bodies in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner described by the Bylaws of the Council.
- 3) The term of office of each delegate shall commence upon the date of his/her appointment and certification to the Council by the governing body of the member governmental unit he or she represents; and such terms shall expire when the appointing body has appointed his or her successor and certified such successor to the Council, unless he or she shall sooner resign, or cease to be an elected member of said governing body, in which case his or her term shall expire on the effective date of such event. Each member shall certify to the Council the name of its delegate and any alternate(s) prior to the first Board of Delegates meeting of the calendar year. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may serve as a voting member of the Board of Delegates.
- 4) The delegates shall be reimbursed, upon submittal of proper receipts, for direct expenses incurred in connection with discharging their duties as delegates to the Central Pines Regional Council.
- 5) It is the intent of this Charter that all delegates to the Council shall have demonstrated an interest in the sound development of the Central Pines Region.

ARTICLE VII

Meeting. Regular meetings of the Board of Delegates shall be held, as provided in the Bylaws to receive reports from its standing committees and to conduct necessary business. The Chair may cancel the regular meeting if he or she determines that there is no need for the

meeting. Special meetings of the Board of Delegates may be called by the Chair, or by any three members thereof. All meetings shall be open to the public.

At least 48 hours written notice of any meeting shall be given to all delegates of the Board of Delegates. It shall state the time, place, and purpose of the meeting, and may be sent by electronic means. At least twenty-four (24) hours written notice (including electronic notice) shall be given of any committee meeting to all committee members. Any member may waive notice of this requirement for himself/herself.

ARTICLE VIII

Quorum and Voting Requirements.

- 1) Except as provided in Paragraph 4 of this Article, each member governmental unit shall be entitled to one vote on all matters coming before the Board of Delegates or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegate, or in his or her absence, by an alternate delegate of the member government.
- 2) The quorum shall be established in the Bylaws. The affirmative vote of a simple majority of members present at any meeting at which a quorum is present shall be required for any action or recommendation of the Board or any Committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters.
- 3) Voting shall be by voice, by show of hands, or, upon the request of any three delegates, by a poll of the delegates.
- 4) At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 units within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.
- 5) Proxy voting is not allowed.

- 6) The provisions in this Article VIII apply to all committees and boards of the Council except to the extent such committee or board has adopted different measures.

ARTICLE IX

Board of Delegates

- 1) At the first regular meeting of the Board of Delegates, and annually thereafter as provided by the Bylaws, the Board of Delegates shall elect a Chair, a First Vice Chair, a Second Vice Chair and a Secretary-Treasurer to serve as officers for one year or until their successors have been duly elected. The Board of Delegates may also elect such additional officers as the Board of Delegates finds to be necessary in the proper performance of its duties.
- 2) The Chair shall preside at all meetings of the Board of Delegates and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Board of Delegates. The Chair shall have the same voting rights as other members.
- 3) The Chair may appoint such advisory committees as he or she finds necessary or desirable.
- 4) The First Vice Chair shall perform all of the duties of the Chair in the absence of the Chair, or in the event of the inability of the Chair to act, and shall perform such other duties as the Board of Delegates may delegate to him or her. The Second Vice Chair shall perform all of the duties of the First Vice Chair in the absence of the First Vice Chair or in the event of the inability of the First Vice Chair to act.
- 5) All other officers elected by the Board of Delegates shall perform such duties as may be prescribed by the Board of Delegates.

ARTICLE X

Finance Matters:

- 1) On or before the 15th day of May each year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year. The Council shall notify member governments of anticipated member assessment on or before the 15th day of April each year.

- 2) The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit by a method established in the Bylaws and reviewed periodically by the Board of Delegates.
- 3) A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.
- 4) Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budget, and after adoption of its own budget, shall forward to the budget officer its share of the budget.
- 5) All local appropriations to the Council shall be made in accordance with the Local Government Budget and Fiscal Control Act, as may be appropriate.
- 6) The finance officer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever, and also perform other duties as prescribed by G.S. 159-25. Finance officers shall be bonded as required by G.S. 159.29. All monies received for the Council shall be deposited into an official depository of the Council for the exclusive use of the Council, and shall be paid out only by check signed by the finance officer and countersigned by the Executive Director or another official designated by the Council. Funds shall be disbursed only when they are within the amount of appropriations made according to the budget of the Council.
- 7) The Board of Delegates may designate a Council employee or, with the agreement of the governing body involved, designate one of the city or county accountants as the finance officer to perform the duties as described in the Local Government Budget and Fiscal Control Act insofar as post-budget approval of expenditures is concerned.
- 8) It shall be the duty of the Board of Delegates to require that all financial records and accounts of the Council be audited annually by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local governmental accounts. A copy of the annual audit shall be forwarded to each member county and municipality and to the secretary of the Local Government Commission.

ARTICLE XI

Committee Structure.

- 1) The Board of Delegates may establish an Executive Committee, other committees of the Board itself, and technical and advisory committees.
- 2) Executive Committee. The Executive Committee shall consist of two delegates from each county in the Region. The officers of the Council and the immediate past Chair shall automatically be members, and will thereby occupy that number of the two seats allotted to their county. Each county government will occupy one seat on the committee. The other seat from each county will be occupied by a municipal delegate from that county. The municipal delegate will be chosen by a vote of all the municipal delegates from that county unless that seat is automatically assigned as provided above. If there are more eligible delegates than available seats for those delegates to serve on the Executive Committee due to the automatic assignments provided above, then the number of Executive Committee members shall be temporarily increased to allow all eligible delegates to serve on the Executive Committee.
- 3) Technical and Advisory Committees. The Chair may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process.

ARTICLE XII

Annual Report. The Council shall prepare and submit an annual written report of its activities, including a financial statement, to the participating governmental units.

ARTICLE XIII

Powers, Duties and Functions of the Council. Within the limits of funds and personnel available, the Council:

- 1) Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize, this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerated in Section 160A-475 (any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference.

2) Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:

- (a) To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning member shall be entitled to be represented on said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member of representation on any particular committee granted herein above is asserted, the Chair of the Council shall designate the membership of all committees.
- (b) To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in the Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other municipality or county or other governmental or quasi-governmental unit or agency, (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants or services, received from any source, to or from any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to funds budgeted or appropriated for their use by the Council.
- (c) To meet with, consult with, and act in concert with any county or municipality, any agency of the State or Federal government, any civic organization, or any private organization in the furtherance of the purposes and objects within its jurisdiction.
- (d) To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with the provisions of Chapter

160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto).

- (e) To contract with any person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds.
- (f) To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter of the laws of North Carolina.
- (g) To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health, safety, welfare, housing, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions establishing such agencies, consistent with powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with the Charter.
- (h) To contract with and provide services to local governmental units within the Central Pines Region.
- (i) To serve as an informational clearinghouse and, as a reviewing agency with respect to Federal, State and local services or resources available to assist in the solution of problems.
- (j) To request and receive contributions of research assistance from its own agencies, private research organizations, civil foundations, institutions of higher learning, and other organizations.
- (k) To purchase, lease, rent or otherwise acquire real and personal property to the extent necessary to discharge the other powers, duties and functions set forth herein and to the extent such purchases are authorized by general or special budgets and are within the limits of funds appropriated for or provided to the Council by the participating governmental units and others for such purposes.

- (l) To act as the official reviewing agency of the participating governmental units for all programs, Federal, State, or private, requiring regional review.

It is the desire of the membership of this Council to avoid duplication of governmental functions, particularly in the planning and development of future programs in areas of governmental responsibility, and to that end this Council is created, should function, and these powers are given.

ARTICLE XIV

Amendments. Amendments to this Charter shall become effective when adopted by resolution of two-thirds (2/3rds) of the participating governmental units in the Regional Council.

ARTICLE XV

Dissolution. The Council may be dissolved at the end of any fiscal year only (1) upon the adoption of a dissolution resolution by the governing bodies of all member governmental units, or (2) the withdrawal from the Council of all but one (1) of the member governmental units. If such dissolution is affected by resolution of all member governments, such resolutions shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

Amended: July 1, 1975
 February 18, 1976
 April 28, 1982
 February 14, 1985
 March 27, 1996
 April 25, 2018
 Date, 2023