VILLAGE COUNCIL
AGENDA FOR WORK SESSION OF JANUARY 24, 2023
ASSEMBLY HALL
395 MAGNOLIA RD. PINEHURST, NC 28374
PINEHURST, NORTH CAROLINA

1. Call to Order.

2. Special Event Discussion

3. Report on meeting with Pinehurst Business Partners merchant members regarding the Downtown Amenity Plan and consider other recommendations

4. Village Place Form Based Code Draft

   Attached please find the Draft Form Based Code for Village Place as reviewed through the Planning & Zoning Board.

   The intent of this work session is to introduce Council to the draft FBC document.

5. PDO Amendments Related to creating Planned Community Neighborhoods

   Staff would like to discuss with Council potential amendments to the PDO related to creating new classifications relative to Planned Community Neighborhoods and Neighborhood Accommodations.

6. Traffic Circle Discussion

7. Other Work Session Business

8. Potential Future Agenda Items

9. Motion to Recess the Work Session and Enter Closed Session

10. Closed Session

    Council will hold a closed session pursuant to NCGS §143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

11. Motion to Adjourn the Closed Session and Re-Enter the Work Session

12. Adjournment.

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.

SPECIAL EVENT DISCUSSION
ADDITIONAL AGENDA DETAILS:

FROM:
Mark Wagner

CC:
Jeff Sanborn

DATE OF MEMO:
1/4/2023

MEMO DETAILS:
Parks and Recreation staff would like to discuss alternative locations for various special events and seek Council approval of our recommendations.

Dave White, Recreation Superintendent, and Megan McDonald, Special Event Coordinator, will be in attendance making the presentation to Council for consideration.

ATTACHMENTS:

	Description
🗋	2023 Event Updates

2023
EVENT UPDATES
STAFF RECOMMENDATIONS

PARADE SAFETY UPDATES

- Updated safety measures due to recent incidents at parades nationwide.

LIVE AFTER 5

- Move Live After 5 from Tufts Memorial Park to the Village Arboretum.

SANDHILLS DOG FAIR

- The Parks & Recreation department will now support the Sandhills Dog Fair. Run by the Pinehurst Business Partners & scheduled for Saturday, April 15 in the Village Arboretum.

CELEBRATING INDEPENDENCE

- Firework celebration on Monday, July 3.
- Pet Parade in the Village on Tuesday, July 4.

Parks & Recreation
210 Rattlesnake Trail
Pinehurst, NC 28374
910-295-2817

REPORT ON MEETING WITH PINEHURST BUSINESS PARTNERS MERCHANT MEMBERS REGARDING THE DOWNTOWN AMENITY PLAN AND CONSIDER OTHER RECOMMENDATIONS

ADDITIONAL AGENDA DETAILS:

FROM:
Jeff Batton

DATE OF MEMO:
1/18/2023

MEMO DETAILS:
On January 12, Mayor Strickland, Councilmember Hogeman and I met with Katrin Franklin (President of Pinehurst Business Partners) and Jim Nash regarding the Downtown Amenity Plan and Market Square related matters.

This agenda item is to report out on that meeting and discuss a concept for improving communications between the Village and downtown stakeholders.

We will also take the opportunity to review and solidify the list of items (attached) from the Downtown Amenity Plan that Council indicated they wished to pursue.

ATTACHMENTS:

	Description
🗋	Downtown Amenities to Pursue

Downtown Amenity Plan
Items to Pursue 1/2023

1. Stormwater Project - Chinquapin to Market Square and down Magnolia Rd.
2. Evaluate Sidewalk expansion along west side of Chinquapin
3. Evaluate conversion of parallel spaces to cart parking
4. All-Way Stop at Magnolia/Chinquapin
5. Add directional parking signs
6. Paint Lampposts, add night sky deflectors
7. Determine additional lighting phases and implement. Once determined develop plans for phase 1.
8. Consider parking addition to west side of Theater Building
9. Road Resurfacing-Restriping. Needs to follow stormwater, all-way stop, cart parking, and parking changes to west side of Theater Building
10. Repaint existing benches/Order new benches
11. Order new trash receptacles and Bike Racks
12. Complete landscaping renovation plan and implement
13. >100 block Magnolia Rd. Streetscape

VILLAGE PLACE FORM BASED CODE DRAFT

ADDITIONAL AGENDA DETAILS:

Attached please find the Draft Form Based Code for Village Place as reviewed through the Planning & Zoning Board.

The intent of this work session is to introduce Council to the draft FBC document.

FROM:
Darryn Burich and Alex Cameron

CC:
Jeff Sanborn

DATE OF MEMO:
1/19/2023

MEMO DETAILS:
The attached Village Place Form Based Code document represents the most recent draft document developed in close collaboration with the Planning and Zoning Board. The FBC is meant to implement the recommendations and visions outlined in the Village Place Small Area Plan. The FBC document forms the basis for future Pinehurst Development Ordinance (PDO) amendments as well as will be able to be used as a guide for future conditional rezoning requests.

Staff has already started drafting the PDO amendments to implement various FBC provisions but before finalizing and scheduling public hearings will need consensus from Council to move forward in that regard.

Please see the attached Village Place FBC for more information.

ATTACHMENTS:

	Description
🗋	Draft FBC Document



VILLAGE OF PINEHURST FORM-BASED CODE

VILLAGE PLACE

JANUARY 2023 | FINAL DRAFT V1

Planning and Zoning Board Approval TBD

Village Council Approval TBD

Design Collective

DUGGAL REAL ESTATE ADVISORS

Moving forward. RKA RAMEY KEMP ASSOCIATES

1895 VILLAGE OF PINEHURST

ACKNOWLEDGMENTS

ELECTED & APPOINTED OFFICIALS

JOHN C. STRICKLAND
Mayor

PATRICK PIZZELLA
Mayor Pro Tempore

LYDIA BOESCH
Treasurer

JEFF MORGAN
Council Member

JANE HOGEMAN
Council Member

KEVIN DRUM
Former Council Member

JUDY DAVIS
Former Council Member

VILLAGE STAFF

JEFF SANBORN
Village Manager

DARRYN BURICH
Planning & Inspections Director

ALEX CAMERON
Planning Supervisor

DESIGN TEAM

DESIGN COLLECTIVE
Baltimore, Maryland

URBAN DESIGN/ PLANNING

Matt D'Amico, PLA
Principal-in-Charge, Facilitator
Cecily Bedwell, AICP, LEED-AP BD+C, NCARB
Project Manager, Lead Planner, Facilitator
MacKenzie Twardus, PLA
Planner, Landscape Architect, Facilitator
Mayte Ortgea-Webbert
Planner, Facilitator
Brian Reetz, PLA, ASLA
Facilitator
Anna Owen Dennis, PLA, ASLA, LEED Green Assoc.
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Jennifer Heinz-Zahner, PLA
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Landscape Designer, Facilitator

RAMEY KEMP ASSOCIATES
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Transportation Planner, Facilitator
Jessica McClure, PE
Traffic Engineering Lead, Facilitator

DUGGAL REAL ESTATE ADVISORS

MARKET & ECONOMIC

Melina Duggal, AICP
Market Analyst, Facilitator

WHAT IS A FORM-BASED CODE?

"A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types

This approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the community plan that a code implements."

Source: Form-Based Codes Institute (FBCI)



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1.0 INTRODUCTION

1.1 OVERVIEW
1.2 PURPOSE & COMPONENTS

1.1 Overview

The Village of Pinehurst identified Village Place as an area well-suited to accommodate growth, advance economic development goals, increase revenues and the tax base, and to support the many quality-of-life needs of existing residents, businesses, and visitors.

In an effort to advance these opportunities and create a Small Area Plan that responds to the Village's 2019 Comprehensive Plan and guides future development initiatives, the Village of Pinehurst hired Design Collective, Duggal Real Estate Advisors, and Ramey Kemp & Associates. This plan will guide decision making on new development and redevelopment, public and private investments, policy and zoning, and many other important topics that will have a long-term impact on the Village.

The Small Area Plan (SAP) report for Village Place documents the planning effort and focus on existing conditions analysis, best practice and precedent research, Concept Design studies, the Final Design plan and recommendations, as well as stakeholder feedback. These reports should be seen as an account of the planning process and the intent and vision established collectively. While this document, *Village Place Form-Based Code* (FBC), is a regulating document, taking the intent and vision established through the SAP planning process and formulating prescriptive development standards that helps ensure the vision becomes reality. This document governs the plan area of Village Place only.

Process

The Small Area Plan effort occurred in the three following phases, with stakeholder involvement in all phases. Work began in November 2020 with adoption projected for 2022. For additional information on the project and process, see the adopted *Village Place Small Area Plan.*

PHASE 1: DATA COLLECTION; EXISTING CONDITIONS INVENTORY AND ANALYSIS

The first step in the process was to fully assess and understand existing conditions; historic, cultural, and environmental assets; neighborhood goals and objectives; realistic market-driven development opportunities; resident and stakeholder concerns and input; constraints and opportunities; and other factors that would inform the Small Area Plan.

Throughout December 2020 and January 2021, the consultant team conducted over 20 key stakeholder interviews, discussing the two plan areas with Village staff, appointed and/or elected officials, agency representatives, committee chairs, residents, local businesses and merchants, golf and tourist industry representatives, major employers, property owners, developers, brokers, and others to further understand their viewpoints. Phase 1 concluded with Public Workshop 1 in February 2021 with approximately 100 attendees.

PHASE 2: PLANNING AND DESIGN

In Phase 2, from March to June 2021, based on the analysis conducted and feedback received during Phase 1, the consultant team designed and compiled Concept Plan Options, Street Sections, Open Space and Street Network Plan Diagrams, Renderings, Precedent Images, and similar for Village Place and Pinehurst South. During this timeframe, the consultant team discussed the two plan areas and concepts with Village staff, appointed and/or elected officials, and key stakeholders and, based on input received, refined the concepts. These concepts were shared in early June 2021 in Public Workshop 2 to solicit further feedback; approximately 59 attendees participated.

PHASE 3: MASTER PLAN REPORT

During Phase Three, the design team presented the final draft plan to the community at a public input event in February 2022. This event provided an opportunity for the public to review and comment on the final draft prior to adoption. The design team then prepared this final master plan report, an illustrated, guiding document that outlines the preferred plan options and supported recommendations for the Village Place Small Area Plan.

Project Goals

The following project goals were identified in the project RFP, issued by the Village for the SAP Planning Process:

1. Create a mixed-use walkable destination area that is connected to the Village Center;
2. Create an implementable plan to make the community's vision for the area a reality in keeping with previous planning efforts and the newly adopted Comprehensive Plan;
3. Economic feasibility, urban design, and improving the public realm (e.g. roadways, sidewalks, parks, plazas, open spaces) are key aspects of this plan that must include specific and achievable actions;
4. Expand the footprint of authentic Pinehurst - immediately north of the historic center of the community - and add a new front door to the historic center from NC Highway 211;
5. Connect the historic Village Center area with Village Place via a "connecting spine(s)" which should include new or extended streets, sidewalks, and paths;
6. Extend the vision of Tufts, Olmsted, and Manning from the Village Center to Highway 211 throughout Village Place and along Rattlesnake Trail;
7. The Plan must be consistent with the foundational principles set forth in the National Historic District Nomination (Nomination) submitted to the National Park Service in 1994. The area should feature:
    a. Abundant landscaping, walking paths and open spaces while
    b. Minimizing traffic and maintaining the human scale of buildings.
8. Guiding Principles 1, 2, 3, and 7 of the 2019 Comprehensive Plan are especially important to the development of the Small Area Plans;
9. Parking for existing uses in the Village Center and surrounding areas will also need to be accommodated here.
10. Care must be taken to consider the interaction of any proposed new use with existing uses in the area, and to consider the impact of any proposed new use on the Village Center and its surrounding neighborhoods; and
11. Provide sufficient and discrete parking for any proposed use will be an important consideration.

Planning Goals

The following planning goals were identified through the development of the *Village Place Small Area Plan*, based on analysis and stakeholder feedback:

1. Promote a mixed-use walkable neighborhood that is reflective of the Village Core, but does not compete with or drain the economic success of it;
2. Recommend mixed-use south of McCaskill that is of a similar scale as the Village Center, while exploring additional mixed-use and infill commercial along Rattlesnake Trail;
3. Incorporate new small Open Spaces, to supplement and connect to the existing larger Open Spaces in and adjacent to Village Place;
4. Explore new infill development with the relocation of the VOP Services Complex; and
5. Provide a connected street network that will help to alleviate traffic congestion on Rattlesnake Trail and cut-through traffic in adjacent residential streets.

Existing Conditions

Illustrative Site Plan

The Existing Illustrative Plan depicts the development and open space patterns that exist in the study area. A 1/4-mile walking radius (5-minute walk) is indicated on the plan for reference.

KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- BUILDING FOOTPRINTS
- PARKS/ OPEN SPACE



1.2 Purpose & Components

Purpose of the Form-Based Code (FBC)

The Small Area Plan (SAP) report is a companion document to this Form-Based Code (FBC) for Village Place. While the SAP report focuses on the existing conditions analysis, best practice and precedent research, Concept Design, and Final Design, as well as stakeholder feedback, it should be seen as an account of the planning process and the intent and vision established collectively. The FBC, on the other hand, is a regulating document, taking the intent and vision established through the SAP planning process and formulating development criteria that help ensure the vision becomes reality.

The intent of this FBC is to provide property owners (whether public or private), developers, builders, future homeowners and business owners, contractors, and designers with criteria for urban design, street design, open space design, architectural design, and signage design. All sections must be adhered to in order to ensure a consistent high-quality environment that 1) respects the Village's historic character established by Olmsted and Manning as well as sound planning principles (see the Village Place SAP, Section 4.2 Guiding Principles) and 2) sustains current and future property owner, homeowner, and business owner expectations.

Moreover, this FBC provides a basis from which the Planning Department and Village Council will evaluate development proposals for compliance.

The FBC is specifically prepared to ensure that all new development fulfills the vision for design excellence and unique neighborhood character as described in the *2019 Comprehensive Plan* and *Village Place Small Area Plan* documents. While individual development will occur over time through the hands and minds of many, certain elements within the Village Place SAP are envisioned to be consistent throughout the Village to create a coherent character. These elements include street lighting, benches, trash and recycling receptacles, tree grates, primary sidewalk material, permanent identification signs, vehicular and pedestrian directions signs, and parking signs.

The *Village Place Form-Based Code* (FBC) is comprehensive, complete, and serves as the development criteria for Village Place. All development in Village Place shall comply with the FBC criteria as determined by the Planning Department and approved by the Village Council. The previously-prepared *2019 Comprehensive Plan* and the *Village Place Small Area Plan* report are and will remain important reference documents, but specific quantitative and/or qualitative design considerations for Village Place are governed exclusively by this FBC, except where in conflict with the *Village of Pinehurst Historic District Standards,* life safety codes, or state or federal regulations; in such cases, the *Historic District Standards,* life safety codes, or state or federal regulations will prevail.

Further, while the process for development review and approval is governed by the *Pinehurst Development Ordinance* (PDO), the zoning regulations (including permitting uses, building heights and setbacks, parking requirements, and similar) are supplanted by the FBC criteria.

All applicable building codes, laws, Acts, life safety codes, ADA, environmental regulations, development approval processes, Village of Pinehurst, State, and Federal regulations and permitting processes, and similar regulations must be adhered to and are not superseded by the *Village Place Form-Based Code*.

The FBC is not a prescription for a specific design mandate. At the discretion of the Village, exceptions to the criteria within the FBC that conform to the goals of the V*illage Place Small Area Plan* may be granted. Any such exceptions shall be consistent with the intent of the FBC to create the best neighborhood possible and must be approved by the Village. Exceptions to the criteria within the FBC may be granted on the basis of unusual programmatic requirements, particular site constraints, or architectural/site design merit as determined by the Village and where shown on appropriately submitted documents.

Sustainability has been elevated as a priority for all elements of design and, therefore, is integrated throughout the FBC. Specific sustainable criteria are incorporated in all sections, including Site Design, Street Design, Landscape Design, Architectural Design, and Sign Design.

Throughout the FBC, the use of the word “shall” identifies mandated criteria. “Must,” “required,” and “mandated” are additional words with the same meaning. The use of the word “encouraged,” “should,” or “recommended” identify criteria which are desired. In some instances, words such as “prohibited” and “not permitted” identify practices, materials, or systems which are not allowed in Village Place.

Throughout this document, illustrative examples and photographs of building types, architectural design styles, open space design, streetscape, and similar are offered. These images are for illustrative purposes only and are not intended to suggest a specific style or design.

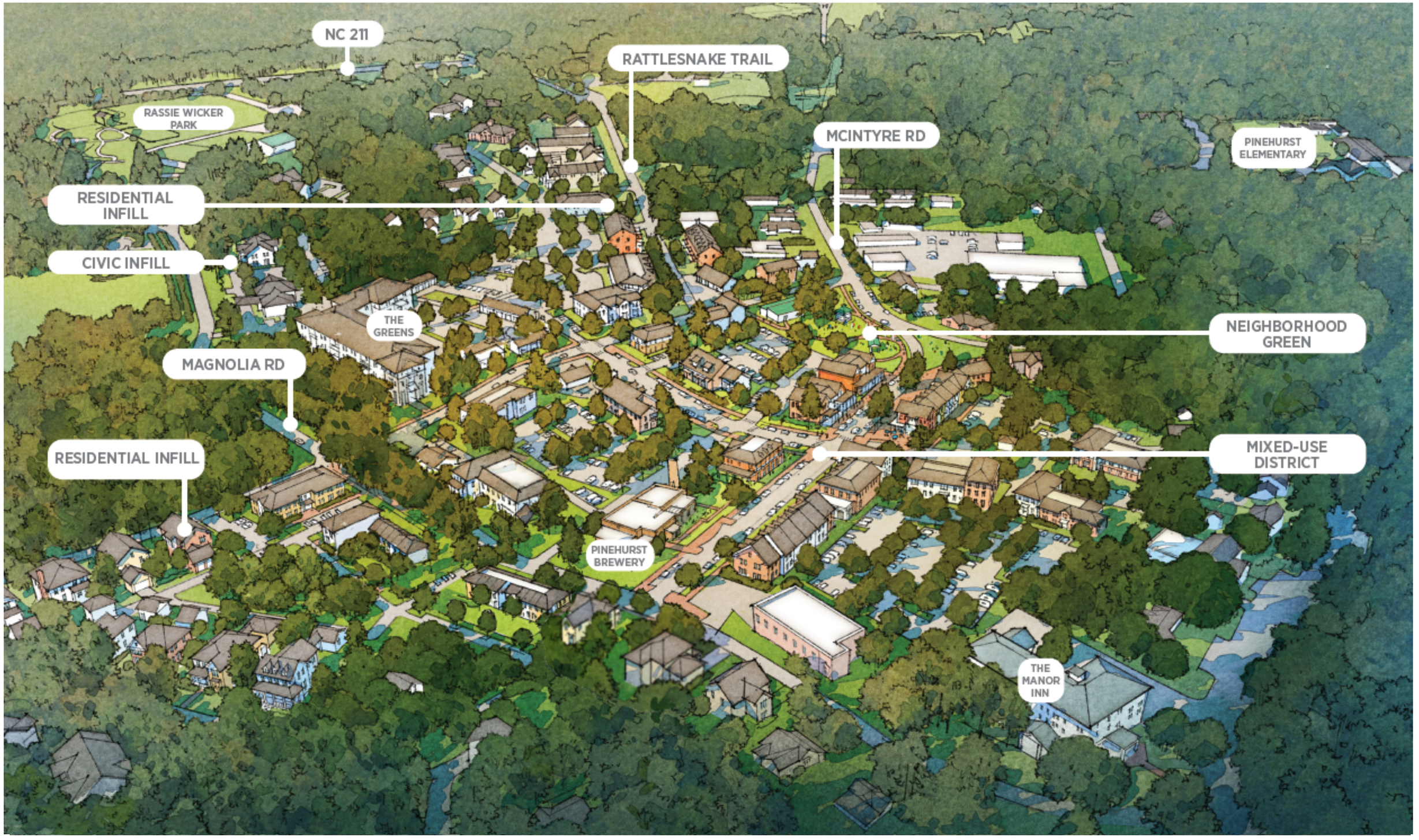
The FBC applies to all development within the boundaries of Village Place only. The FBC criteria may be modified from time to time with the Village Council's approval.

See Section 7.0 for a select glossary of terms used in this document; definitions of terms may vary from those in the PDO.

Components of the Form-Based Code (FBC)

The Form-Based Code criteria comprise the following sections, covering all aspects of the built environment within Village Place:

- 1.0 Introduction
- 2.0 Site Design
- 3.0 Street Design
- 4.0 Landscape Design
- 5.0 Architectural Design
- 6.0 Sign Design
- 7.0 Definitions



VILLAGE PLACE - AERIAL RENDERING

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2.0 SITE DESIGN

2.1 OVERVIEW
2.2 REGULATING PLAN
2.3 LOT STANDARDS
2.4 CORNER LOT AND FRONT ELEVATION STANDARDS

2.1 Overview

Purpose

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

The Project and Planning Goals on page 2 in this document and the Principles highlighted in the Village Place Small Area Plan report informed the Site Design criteria to help ensure a mixed-use walkable neighborhood that is reflective of the character of the Village.

Components

The Site Design criteria comprise the following sections:

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

Detail Plan

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

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



Village Place Illustrative Detail Plan *This plan is illustrative only and subject to change. Source: Design Collective, Inc.*

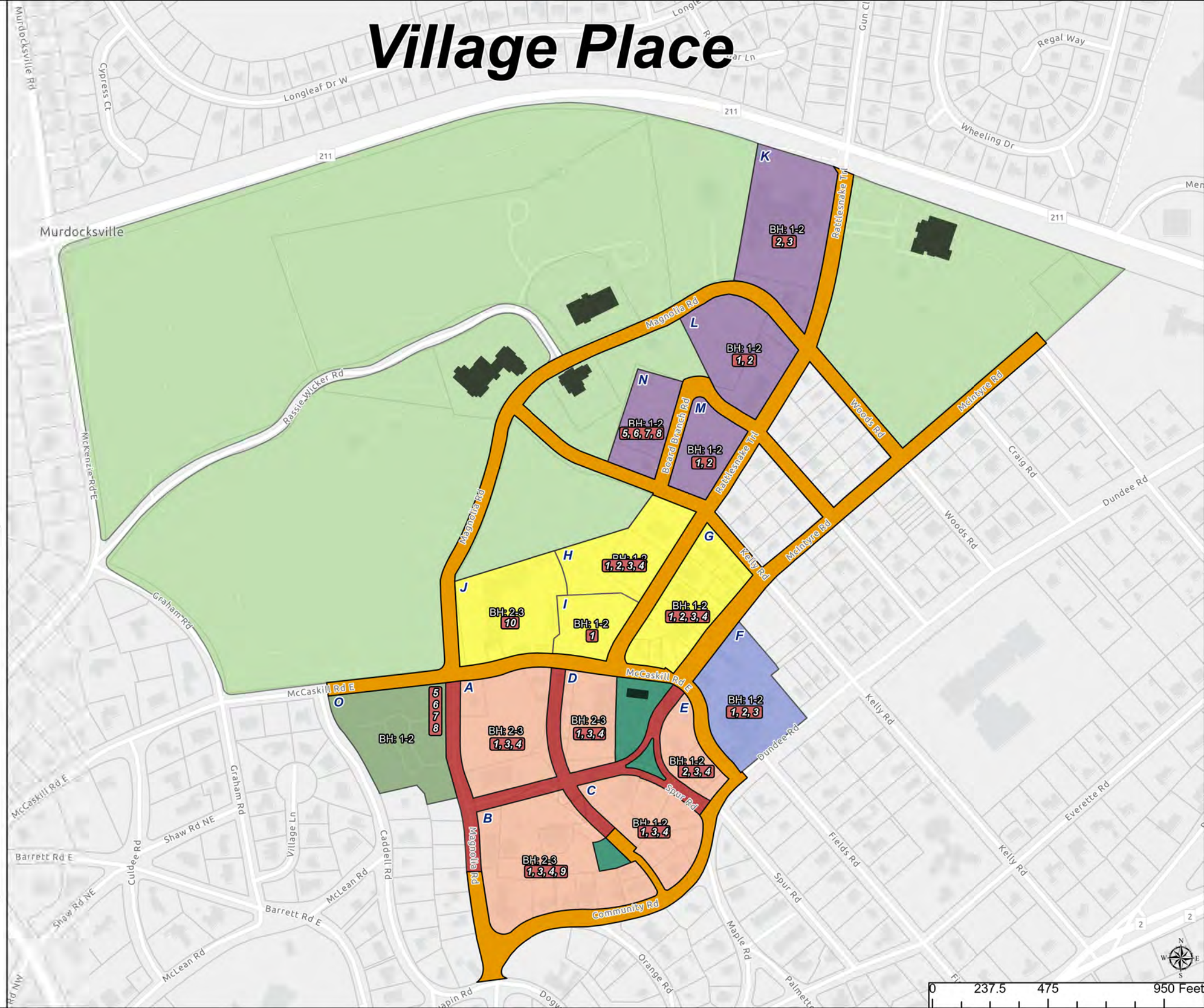
2.2 Regulating Plan

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

- Core Area Blocks
- Clark Cad
- Lower Rattlesnake Area Blocks
- Upper Rattlesnake Blocks
- Traditions Site
- General Frontage
- Active Frontage
- Public Conservation
- Open Space
- Civic Building Monuments

- 1 MIXED-USE
- 2 OFFICE
- 3 RETAIL
- 4 LIVE - WORK
- 5 SFA - TOWNHOUSE
- 6 SFD - COTTAGE
- 7 SFD - VILLA
- 8 SFD - MANOR
- 9 HOTEL
- 10 MULTIFAMILY

2.3 Lot Standards

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

Lot Types

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

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

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

General Provisions

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

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

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

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

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

For driveways accessed directly from streets, the driveway shall be either less than 6 feet in length (and, therefore, not allowing vehicles to park in the driveway) or equal to or greater than 20 feet in length (allowing vehicles to park in the driveway, clear of the street right-of-way).

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

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

Mixed-Use / Commercial Rear-Loaded Lots

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

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

Lot Width	24' min. for Mid-Block Lot; 34' min. for Corner Lot
Lot Depth	60' min.
Building Height	See Regulating Plan
Building Width	24' min.
Building Depth	Varies; no min.
Primary Building Setbacks:	
Front Setback	10' Build-To Line
Side Setback	See lot diagrams to the right
Rear Setback	15' min.; 20' if parking is on-lot to rear of primary structure

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

Accessory Building Setbacks:

Front Setback	5' min. from rear of the primary structure
Side Setback	Shall be located directly behind the principal structure
Rear Setback	15' min.; 20' if parking is on-lot to rear of primary structure

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

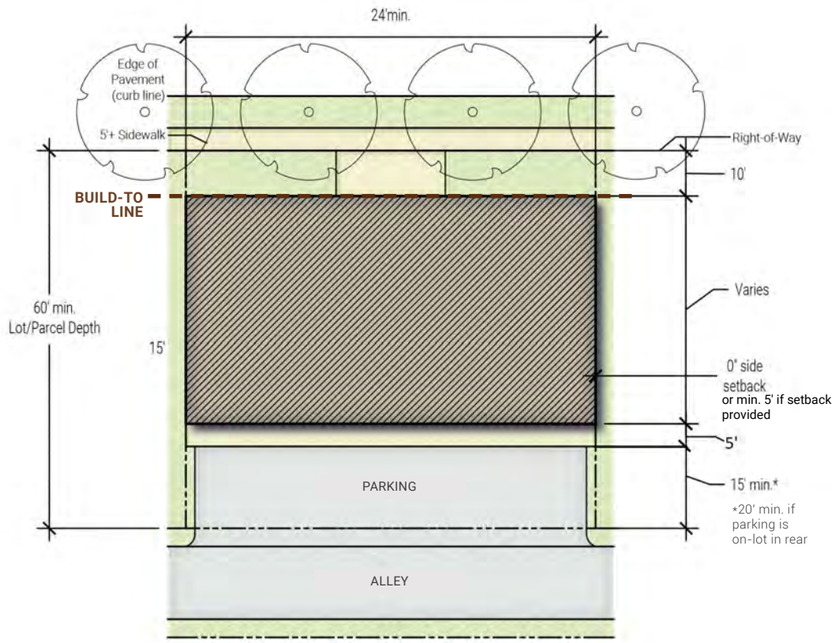
See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

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

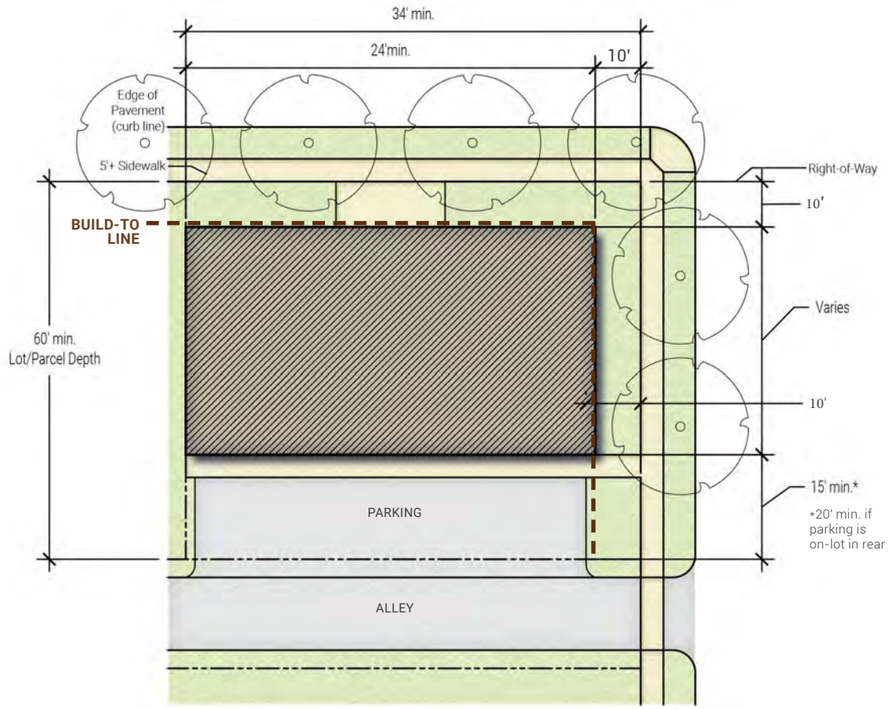
Mid-Block Lots: These lots are flanked by other lots on both sides.

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

Mixed-Use / Commercial Rear-Loaded Mid-Block Lot



Mixed-Use / Comercial Rear-Loaded Corner Lot





Precedent - One-story Retail
Source: unknown



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



Precedent - Commercial Building
Credit: Google Maps Street View

Live/Work Rear-Loaded Lots

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

The standards for Live/Work Lots are as follows:

Lot Width	24' min. for Mid-Block Lot; 34' min. for Corner Lot
Lot Depth	60' min.
Building Height	Minimum 2 stories. See Regulating Plan
Building Width	24' min.
Building Depth	34' min.

Primary Building Setbacks:

Front Setback	10' Build-To Line
Side Setback	See lot diagrams to the right
Rear Setback	15' min.; 20' if parking is on-lot to rear of primary structure

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

Accessory Building Setbacks:

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

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

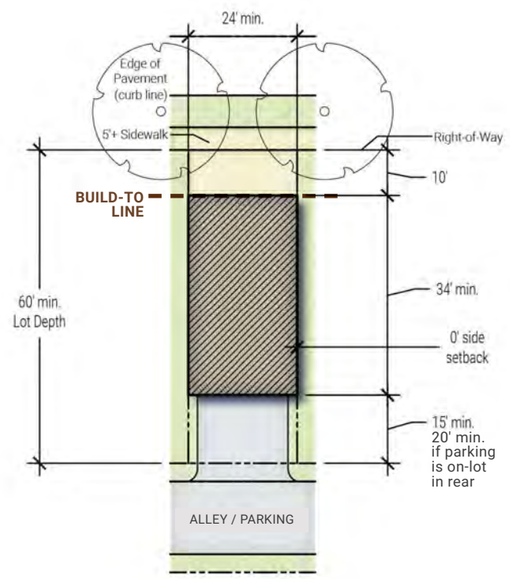
See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

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

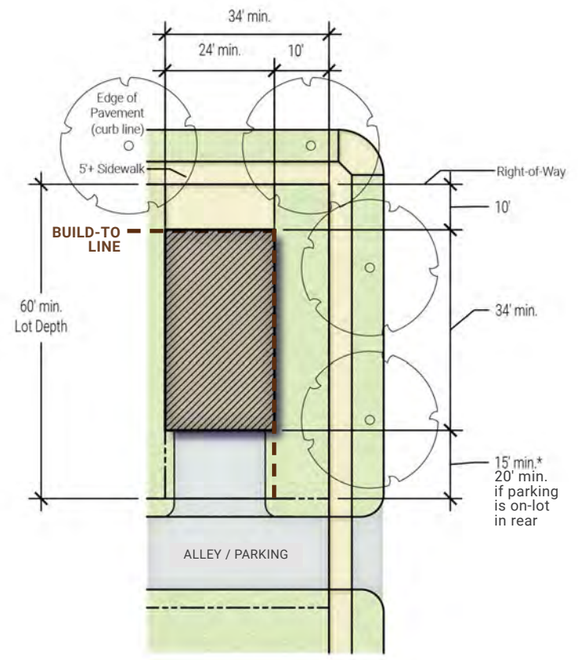
Mid-Block Lots: These lots are flanked by other lots on both sides.

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

Live-Work Integral Garage - Mid-Block



Live-Work Integral Garage - Corner Lot





Precedent - Live/Work - Beaufort, SC

Credit: Missing Middle Housing



Precedent - Live/Work - Mashpee Commons, MA

Credit: Michigan Municipal League

Single-Family Attached (SFA) Rear-Loaded Lots

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

The standards for SFA Lots are as follows:

Lot Width	22' min. for Mid-Block Lot; 37' min. for Corner Lot
Lot Depth	75' min.
Building Height	Minimum 2 Stories. See Regulating Plan
Building Width	22' min.
Building Depth	34' min.

Primary Building Setbacks:

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

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

Accessory Building Setbacks:

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

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

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

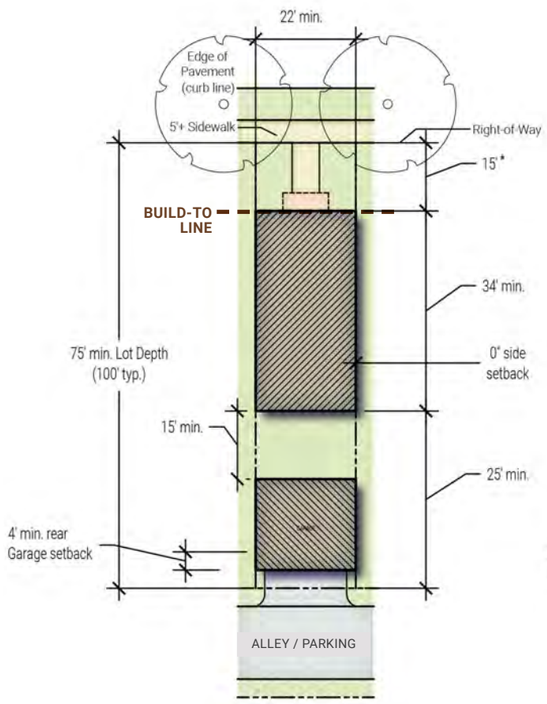
There are three types of Single-Family Attached lots: Mid-Block, Mid-Block End, and Corner lots. Due to their prominent locations and visibility within the community, Corner Lots have unique design criteria and side setbacks (see the diagrams to the right and the criteria on the following pages).

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

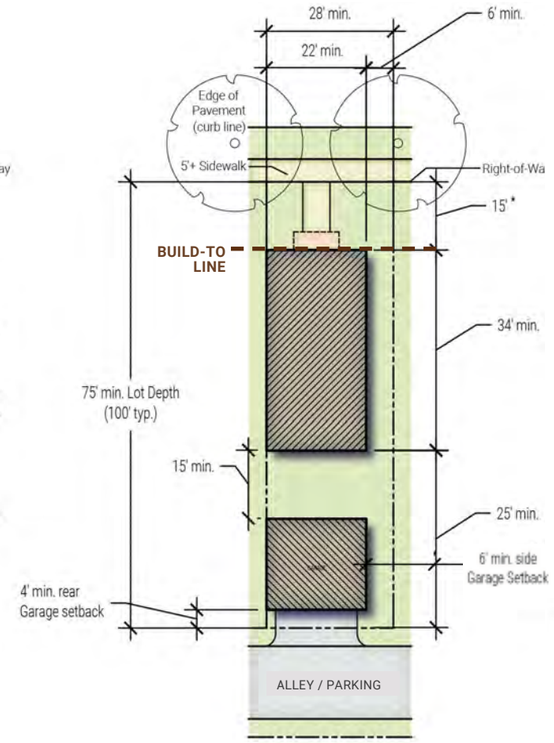
Mid-Block End Lots: These lots are flanked by other lots on both sides, but the building is attached on one side only.

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

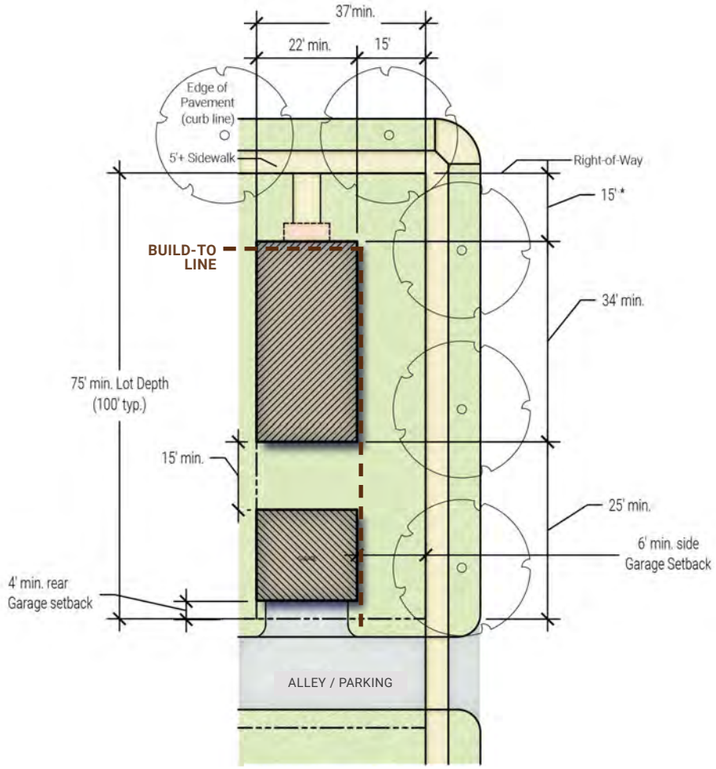
SFA Rear-Loaded Mid-Block Lot



SFA Rear-Loaded Mid-Block End Lot

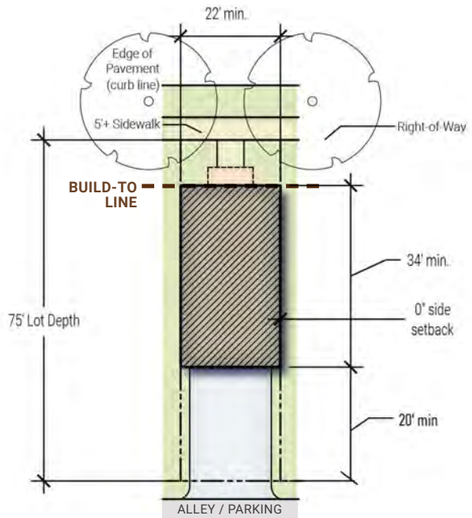


SFA Rear-Loaded Corner Lot



* Maximum porch encroachment 2'

SFA Rear-Loaded - Integral Garage Mid-Block Lot





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



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

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

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

The standards for SFD Cottage Lots are as follows:

Lot Width	34' min. for Mid-Block Lot; 42' min. for Corner Lot
Lot Depth	75' min.
Building Height	See Regulating Plan
Building Width	22' min.
Building Depth	34' min.

Primary Building Setbacks:

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

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

Accessory Building Setbacks:

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

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

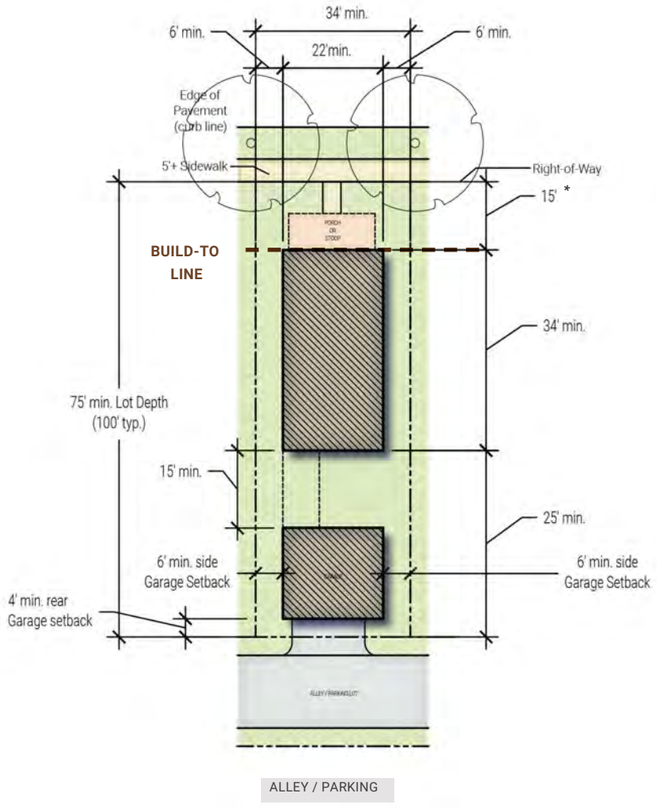
See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

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

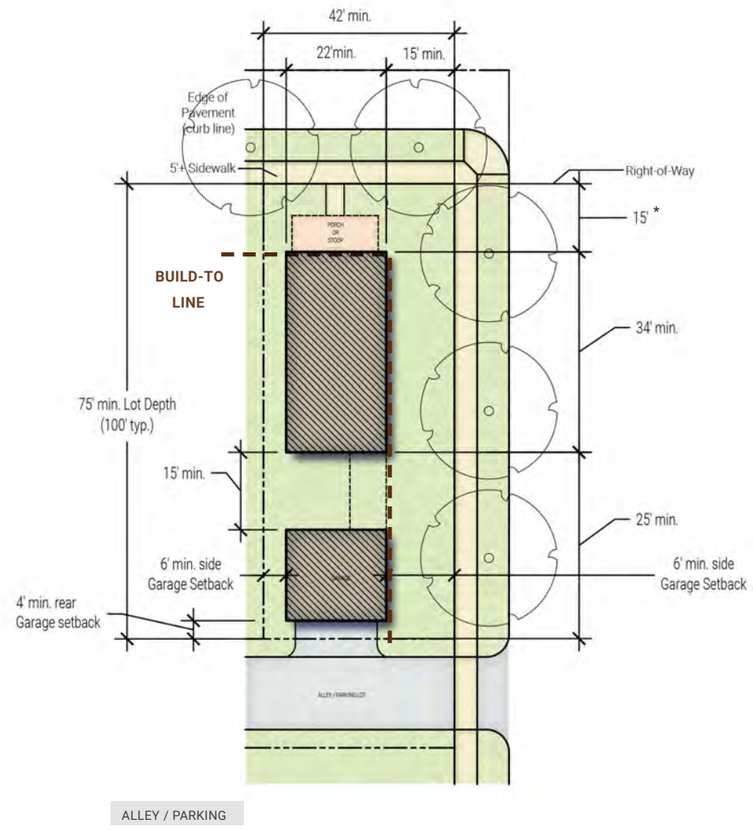
Mid-Block Lots: These lots are flanked by other lots on both sides.

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

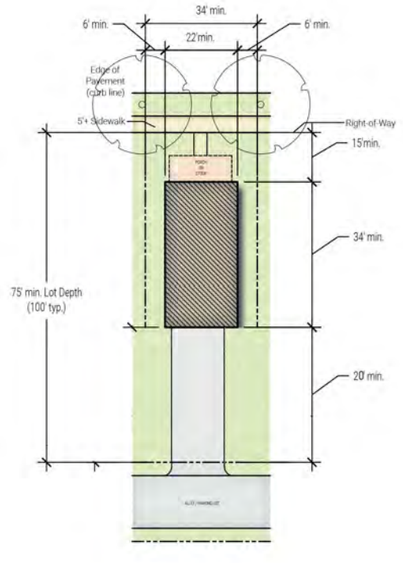
SFD Cottage Rear-Loaded Mid-Block Lot



SFD Cottage Rear-Loaded Corner Lot



Integral Garage



* Maximum porch encroachment 2'



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



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

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

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

The standards for SFD Manor Lots are as follows:

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

Primary Building Setbacks:

Front Setback	20' Build-To Line
Side Setback	See lot diagrams to the right
Rear Setback	25' min.

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

Accessory Building Setbacks:

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

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

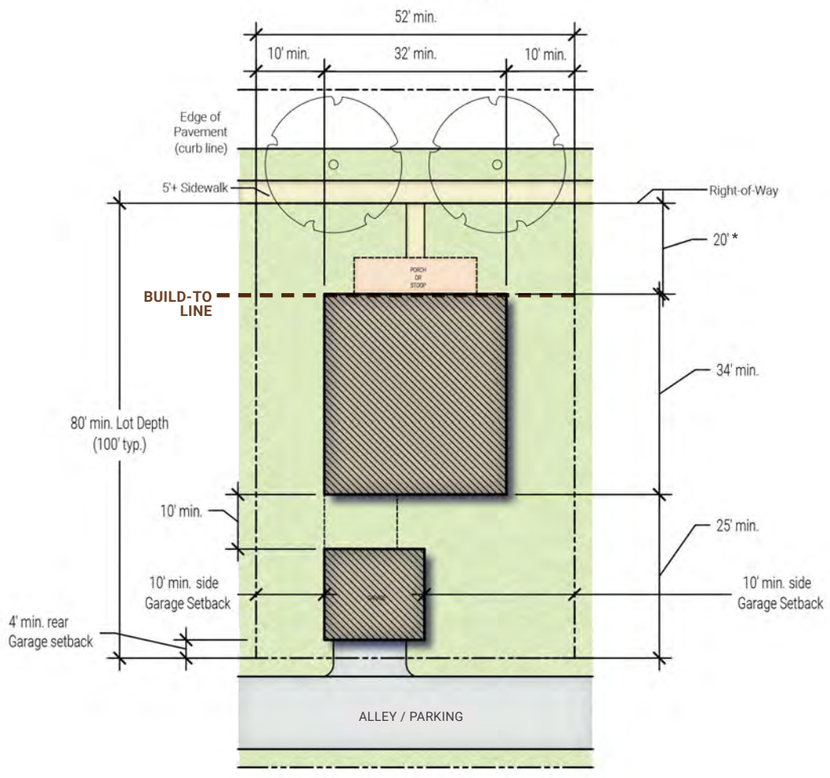
See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

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

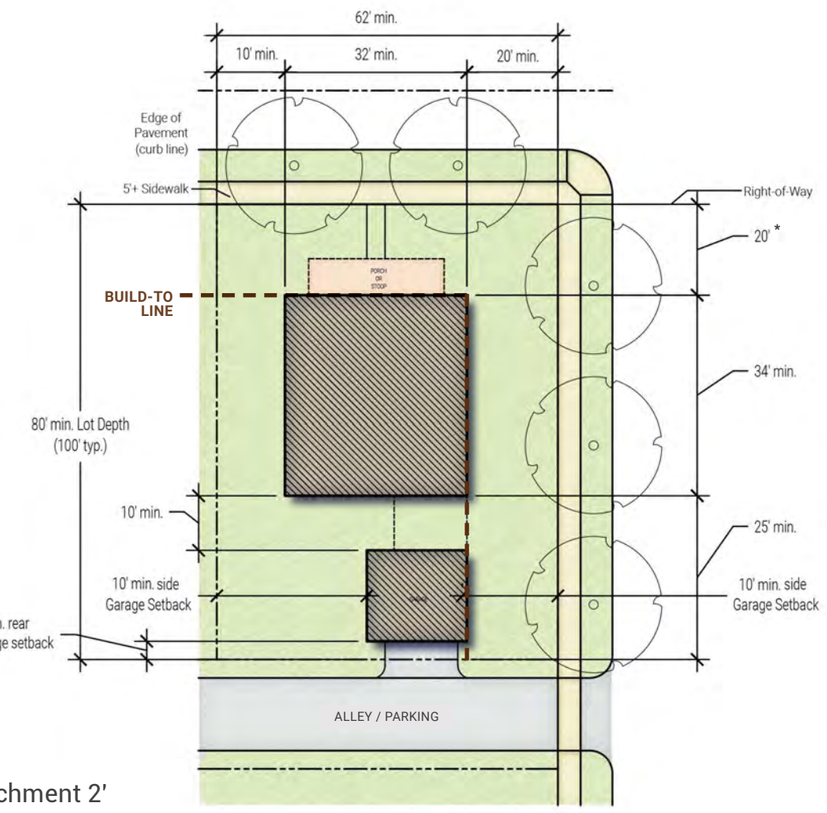
Mid-Block Lots: These lots are flanked by other lots on both sides.

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

SFD Manor Rear-Loaded Mid-Block Lot



SFD Manor Rear-Loaded Corner Lot



* Maximum porch encroachment 2'



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



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

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

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

The standards for SFD Villa Lots are as follows:

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

Primary Building Setbacks:

Front Setback	20' Build-To Line
Side Setback	See lot diagrams to the right
Rear Setback	25' min.

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

Accessory Structure Setbacks:

Front Setback	6' min. back from the facade of the primary structure
Side Setback	See lot diagrams to the right
Rear Setback	10' min.

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

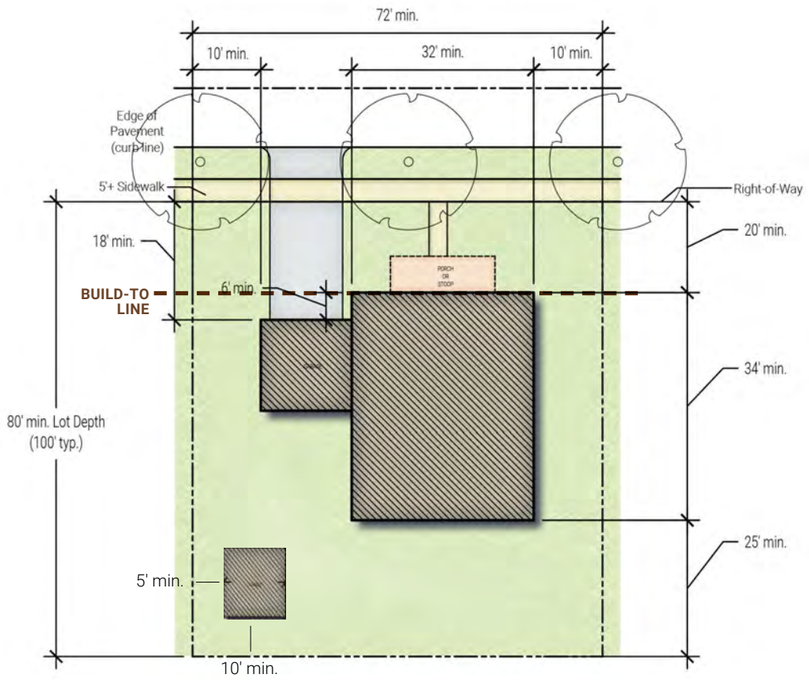
See the General Provisions on page 10, for building elements that may extend into the lot's front and side setbacks.

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

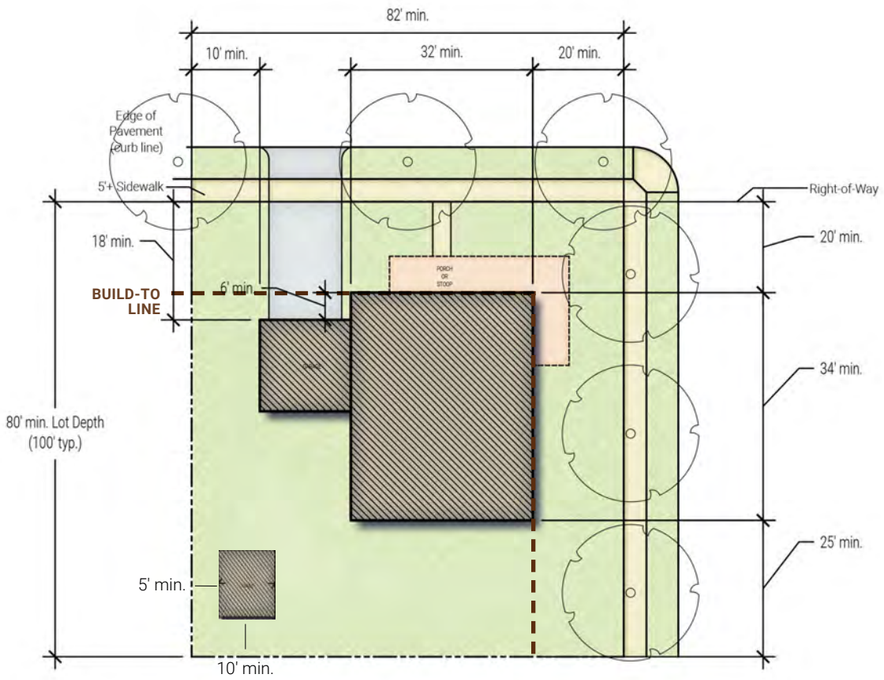
Mid-Block Lots: These lots are flanked by other lots on both sides.

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

SFD Villa Front-Loaded-Loaded Mid-Block Lot



SFD Villa Front-Loaded-Loaded Corner Lot



Porches must wrap a minimum of 2 structural bays on side street yard elevation as illustrated above. See Figure 10 on page 62.

Maximum porch encroachment 2'



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



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

2.4 Corner Lot and Front Elevation Standards

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

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

Further, any building elevation, regardless of lot hierarchy, that fronts a street is known as a "frontage elevation" and requires particular design attention; specific criteria apply to these elevations (see the following pages). For non-frontage side elevations and rear elevations, no unique criteria apply, however, all other relevant design criteria apply (see the Architectural Design in Section 5.0).

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

LOT HIERARCHY

- *Corner Lot*
- *Mid-Block Lot*

ELEVATION TYPES

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

LOT HIERARCHY AND ELEVATION TYPES DIAGRAMS



Corner Lot and Frontage Elevation Standards, continued

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

Corner Lot and Frontage Elevation Requirements*:

» Where masonry is the primary facade material: Where and as used on the frontage entry elevation, masonry (brick or stone to 8" below grade) is required on the frontage non-entry elevation. Further, the masonry shall return a minimum of 12" on the non-frontage side and/or rear elevation(s) or at an inside corner of a protruding element on the frontage entry facade. Garages and other secondary structures may have a masonry watertable in lieu of full brick or stone on the frontage elevation(s).

» Where siding is the primary façade material: A masonry watertable (brick or stone to 8" below grade) is required on the frontage entry elevation and frontage non-entry elevation (if applicable). Further, the masonry watertable shall return a minimum of 12" on the non-frontage side elevation. Garages and other secondary structures fronting streets shall also have a masonry watertable on the frontage elevation. Alternatively, if approved by the Village, a stamped concrete foundation, painted two shades darker than the siding above, may be substituted for the brick/stone watertable.

» Windows: On frontage elevations of primary structures (per 30 lineal feet of frontage on mixed-use/commercial buildings), at least 4 windows of 12 sf min. each or 48 sf min. in total are required. All buildings require a minimum of 2 windows of 12 sf min. each on non-frontage side elevations, located within the front third of the elevation (closest to the street).

» Head features: Trim or masonry head features are required on all windows on all frontage elevations. Trim or masonry head features are required on all doors on all frontage elevations. See also Figure 25 on page 67.

» Window grilles and shutters: Where and as used on the frontage entry elevation, window grilles and shutters are required on the frontage non-entry elevation. See also Figure 25 on page 67.

» Trim: Eave, window, door, base, and other trim shall be consistent, in dimension and detail, on both the frontage entry and the frontage non-entry elevations. Trim may transition appropriately to the minimum criteria requirements on the non-frontage side and rear elevations.

» Porch: On a Residential Corner Lot, if a porch is installed on the frontage entry elevation, the porch shall wrap twice the depth of the front porch on the frontage non-entry elevation. See Figures 9 and 10 on page 62.

» Landscaping: Landscaping shall be required along the foundation of all frontage elevations (i.e., along elevations fronting streets) in a layered, varied, and naturalistic pattern, except where hardscape (paving) extends to the building facade. For all Mixed-Use/Commercial or Live/Work Lots as well as all Residential Corner Lots, a lot-specific landscape plan shall be submitted to the Village Planner for review. On these lots, particular attention shall be paid to the placement of landscape to help screen mechanical equipment, views down alleys (or shared-access driveways), and similar. See Section 4.0 Landscape Design on pages 32-46 for additional requirements.

In addition to the above, all other relevant Form-Based Code criteria apply; in particular, see Section 5.0 Architectural Design on pages 50-68.*

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



Precedent - Mixed-Use Corner Lot - Pinehurst, NC
Source: facebook



Precedent - SFD Cottage Mid-Block Lot with stoop - Maple Lawn, MD
Source: Design Collective



Precedent - SFD Manor Mid-Block Lot with full porch - Maple Lawn, MD
Source: Design Collective

3.0 STREET DESIGN

3.1 OVERVIEW
3.2 COMPLETE STREETS
3.3 STREET TYPES
3.4 MATERIAL AND ELEMENT STANDARDS

3.1 Overview

Purpose

Village Place is envisioned as a safe, walkable neighborhood and an extension of Village Center. Moreover, the streets within Village Place are an important part of the open space system. While not as green or planted as the open spaces, streets provide visual openness and access and are the main way people experience the area. The purpose of the Street Design criteria is to guide the design and character of all streets and alleys (or shared-access driveways) within Village Place, whether public or private.

With this vision in mind, the design of streets within Village Place must consider the mobility and safety of people walking, cycling and riding on golf carts, ensuring that maximizing traffic capacity and speed is not the dominant consideration in street design. The streets and sidewalks should include design elements that provide appropriate visual and physical clues for drivers to indicate that pedestrians and cyclists are integral users of the circulation system within Village Place. It is also essential that the design of streets considers the range of users' mobility and provide appropriate access along and across streets for those with limited mobility.

The Small Area Plan for Village Place has been envisioned and conceived as a pedestrian-friendly environment. Streets have sidewalks on both sides and are lined and shaded with trees. Additionally, the streets are narrow, designed to promote a natural slowing effect, flanked by parallel parking generally on both sides.

Beyond Village Place (and not governed by this Form-Based Code), a system of walkways and bikeways will connect Village Place to other neighborhoods as well as to recreation, commercial, and employment areas.

Throughout the Form-Based Code, the use of the word "shall" identifies mandated criteria. "Must," "required," and "mandated" are additional words with the same meaning. The use of the word "encouraged," "should," or "recommended" identify criteria which are desired. In some instances, words such as "prohibited" and "not permitted" identify practices, materials, or systems which are not allowed within Village Place.

Components

The Street Design criteria include both text and diagrams that specify:

1. General provisions for all streets and alleys (or shared-access driveways), including criteria for vehicle travel lanes, parallel parking, streetscape plantings, sidewalks, and medians;
2. Street Types identifying specific design and dimensional criteria for each of the street types envisioned within Village Place; and
3. Material and Element Standards.

General Provisions

1. The following typical street curb radii standard applies throughout Village Place:
   - Street Curb Radii: 30' min.
   - Alley/Shared Driveway Curb Radii: 10' min.
2. As shown in the Street Sections on the following pages, vehicular travels lane widths shall be:
   - Commercial Street Travel Lane: 10'
   - Residential Street Travel Lane: 10'
3. The following standard applies to alleys (or shared-access driveways) within Village Place:
   - Alley (or shared driveway) Paving Width: 16'* (accommodating a two-way, yield movement)
     * 20' if required for fire access
4. Transitions from one street type to another shall be designed to ensure smooth changes between paving, parking, sidewalks, planting strips, and similar.
5. Where site conditions warrant variations to the Street Type Plans and Sections, the lane widths and sidewalk widths should remain the same while the number of lanes, tree zone width, parking, and similar may vary. At an intersection where two different street types meet (with the exception of alleys or shared-access driveways) or where an existing street meets a new street, the larger curb radius should be used.
6. Streets should have sidewalks on both sides of the street, unless otherwise approved by the Village. Sidewalks shall be designed consistently along the entire length of a block. Additionally, where an alley intersects with a street, the street's sidewalk (in material and alignment) shall continue across the alley entrance (see also page 27).
7. Connections from streets to trails are encouraged.
8. Crosswalks are required at the Rattlesnake Trail and McCaskill Road intersections as well as at the new proposed intersection near Pinehurst Brewing Company; crosswalks shall follow the Design Standards, requiring a white ladder design, to contrast with the street paving if different.

9. Street Plantings:
   i. Street plantings in Village Place should reflect the character of plantings in the Village Center, as originally conceived and cultivated by Olmsted and Manning, with a predominance of evergreen trees and shrubs in irregular groupings. See additional criteria on species and selection on pages 40-43.
   ii. Generally, street tree groupings should be planted at intervals, to provide shading of the sidewalks. In general, street tree groupings should be planted no more than 60 feet apart (excepting at street intersections). Variation in tree spacing is appropriate to the character of Pinehurst, and will vary based on location and adjacent uses, street lighting, underground utilities, and above ground structures (see below for additional criteria).
   iii. Where a single tree is planted (not in a group), the street tree shall be centered within the Tree Zone (see pages 23-25).
   iv. The placement of street trees shall be coordinated with the placement of street lights, such that street trees are located to ensure adequate light levels.
   v. Street trees shall be placed a minimum of 15 feet from all regulatory signs and street intersections when planted between the curb and sidewalk and located with consideration to underground utilities and structures. Street trees may not be planted within 5 feet of a street drain inlet structure, the edge of crosswalks, and/or handicap curb cuts/ramps, nor within 10 feet of an alley entrance or driveway.
   vi. Other streetscape plantings (not including street trees) shall be set back a minimum of 3 feet from the edge of crosswalks and handicap curb cuts/ramps.
   vii. Street trees shall be placed to align, where possible, with lot lines and demising walls of buildings so as to avoid blocking leadwalks to stoops and front porches, doors of buildings, address numbers, and pedestrian passage connections.
   viii. In order to create a comfortable pedestrian environment, street trees shall have their limbs pruned over sidewalks to approximately 8 feet above grade once a mature height is achieved.
   ix. Plant material must not obstruct visibility at intersections. No plant material taller than 30 inches (at maturity) above the curb height shall be allowed in any intersection sight triangle area except single stem trees whose lower branches are pruned to a minimum height of 8 feet above grade.
10. Along streets throughout Village Place, street lighting and street furniture (if proposed) should be consistent, in material, color, and style to present a unified, cohesive public realm (*see page 29 for more information*).

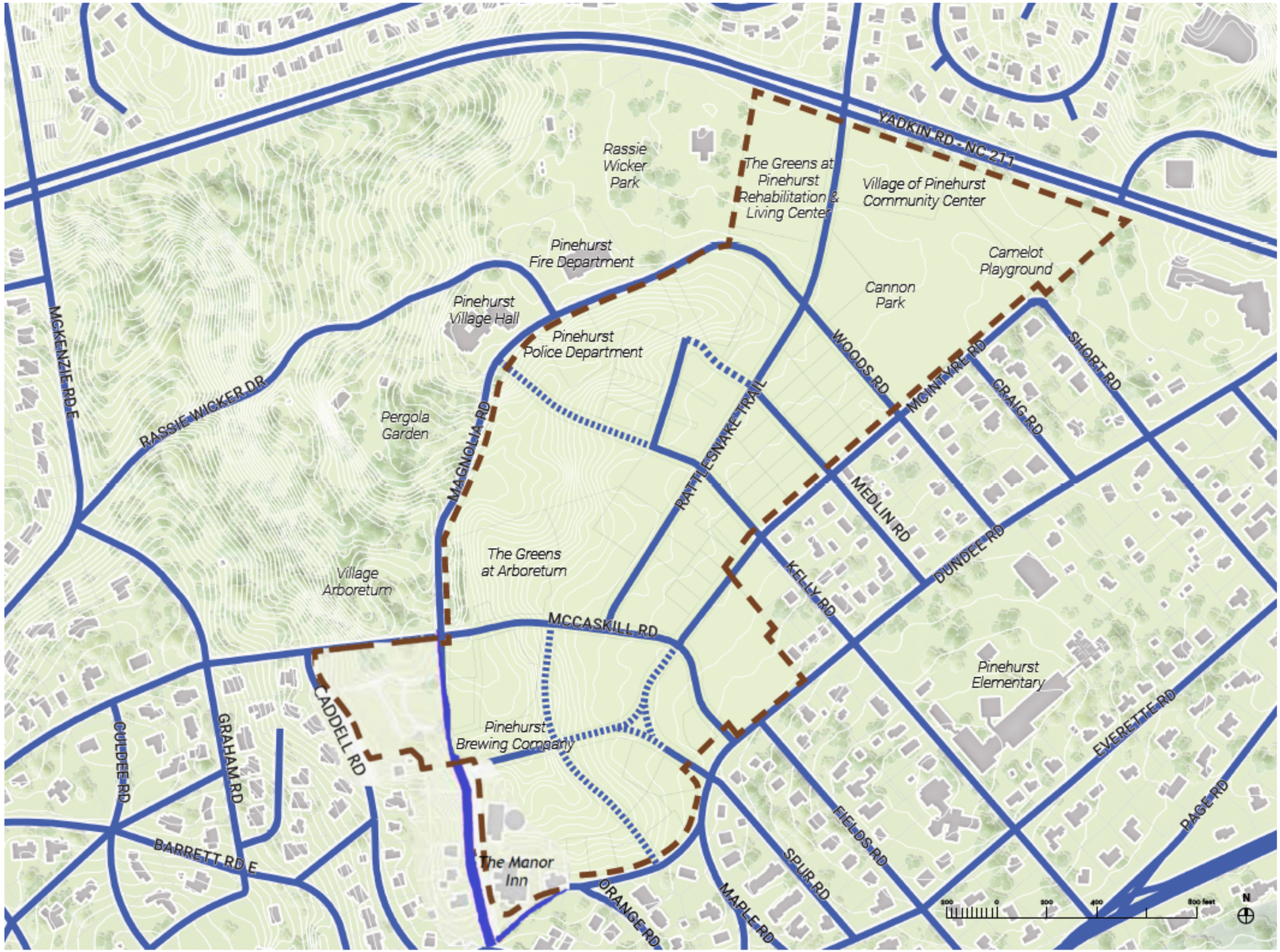
PROPOSED CIRCULATION PLAN

The proposed Circulation Plan for Village Place emphasizes an improved, connected network of streets. This system will provide additional routes for vehicles (as well as for pedestrians, bicycles, and golf carts), thereby reducing traffic stress on a single street. The circulation recommendations include:

- Extension of Medlin Road and Kelly Road
- Two new streets south of McCaskill Road. The north-south street offsets from Rattlesnake Trail and connects to Power Plant Road. The east-west street connects near the Brewery to McIntyre Road.

KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- EXISTING STREETS
- PROPOSED STREETS



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

3.2 Complete Streets

Complete Streets are streets that provide safe and convenient accommodation to all potential users, including pedestrians, cyclists, and motorists alike. Complete Streets recognize that crossing the street, walking to visit neighbors and businesses, and cycling to work are equally important as driving. Since streets will play an important role in the livability of Village Place, they must accommodate all users in an appropriate manner, whether young or old, motorist or cyclist, walker or wheelchair user. Complete Streets, together with necessary physical, design, and visual elements, will enable Village Place to be safer, more livable, and welcoming to everyone.

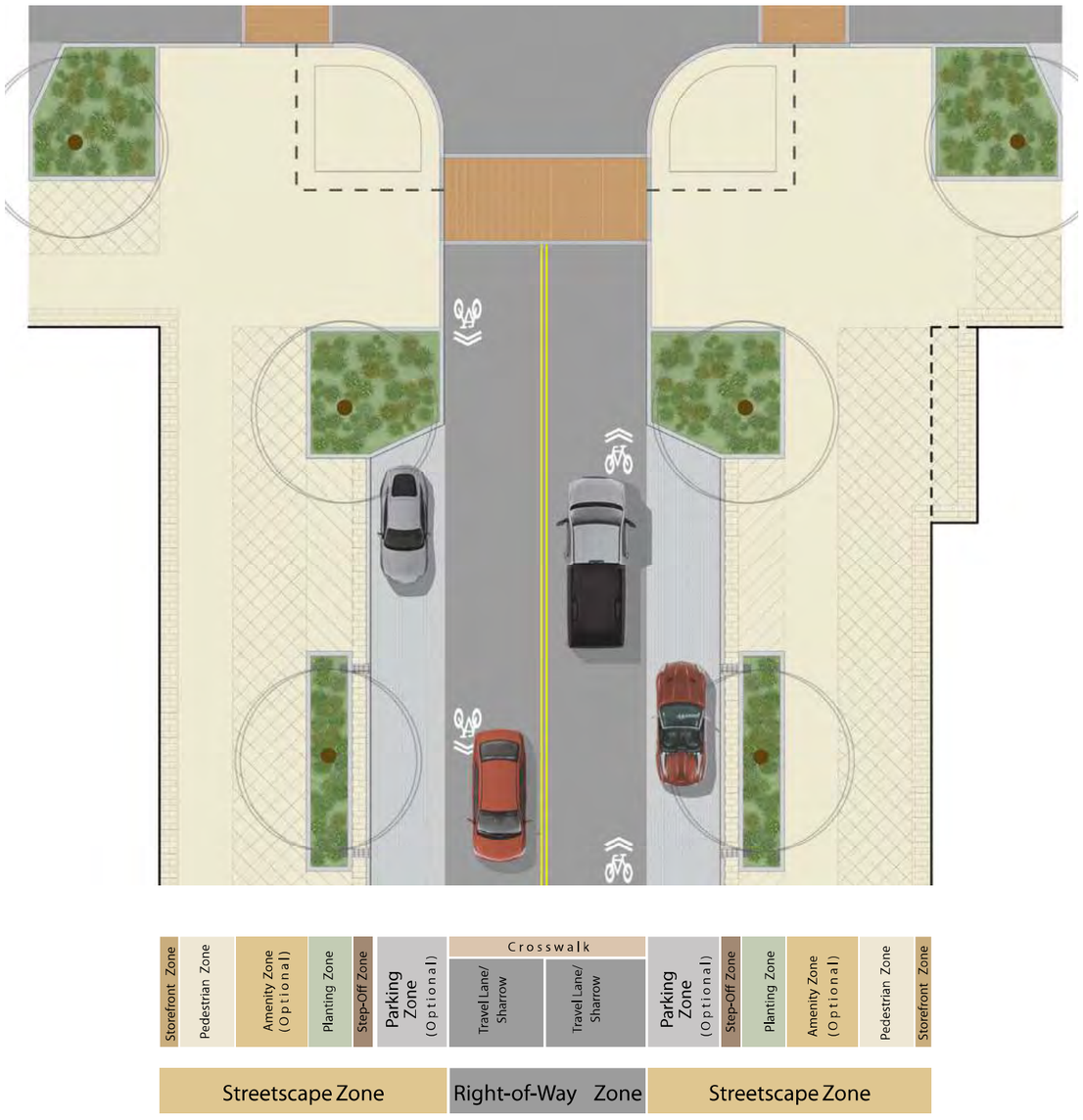
Effective Complete Streets are designed to be compatible with their context. For example, sidewalks should be wider where heavy foot traffic is anticipated, such as adjacent to retail storefronts or a large community gathering space or amenity, compared to a standard 5-foot wide sidewalk in a low-density residential area. Bicycle facilities also should vary per context. Shared-use lanes accommodating both vehicles and bicycles may be appropriate on low-speed residential streets; whereas an off-street shared-use path may be appropriate on wider or commercial streets. On the low-speed streets within Village Place, bicycles can share the roadway with vehicles; whereas, on NC 211 for example, separated bicycles lanes are required for safety.

Additionally, as a component of Complete Streets, sustainable design elements including native plantings, street trees to provide shade, sustainable materials, and efficient lighting contribute to the overall comfort, safety, and natural resource benefits that are part of complete street design.

The Street Design criteria, therefore, address all of the necessary components of Complete Streets, from building face to building face, across a street.

The goals of Complete Streets align with the goals and objectives established in the *Village of Pinehurst Comprehensive Pedestrian Plan 2015*, listed below:

1. Increase “walkability” in the Village of Pinehurst
2. Create a pedestrian network that is an important part of the urban structure
3. Promote walking as a healthy exercise
4. Create a pedestrian environment that is friendly to all users - including seniors, disabled persons, and children
5. Improve connections between disparate parts of the Village
6. Promote pedestrian safety



Complete Streets Diagram

This diagram is for illustrative purposes only.
See the following pages for criteria specific to Pinehurst.

Streetscape Zones

Carrying forward the principle of Complete Streets to provide safe and convenient accommodation to all potential users, including pedestrians, cyclists, and motorists alike, the streetscapes in Village Place are comprised of the following Streetscape Zones, as defined below and shown on the following pages in the Street Sections.

BUILDING ZONE

The Building Zone is the private front yard space. Within Village Place, this zone occurs within a residential lot or commercial parcel and shall be a minimum of 20 feet or 10 feet respectively, per the setback requirements (see pages 10-16). The principal structure sits clear (in back) of this zone, however, porches, stoops, steps, leadwalks, and landscape may occur within this zone. The Building Zone is the transition between the public realm of the street and the private realm of the home or business. See page 70 for more information on the Material and Element standards for this front yard zone.



Credit: Design Collective

PEDESTRIAN ZONE

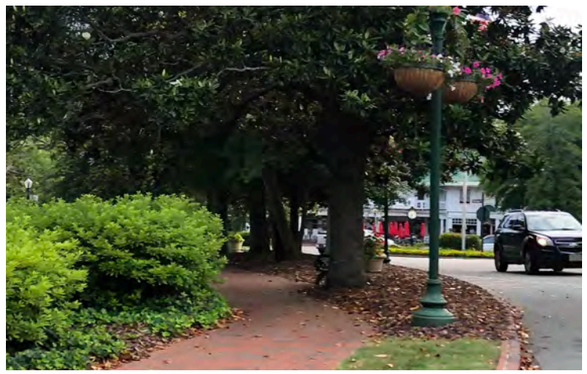
The Pedestrian Zone, within the sidewalk, is a minimum of 5 feet wide and shall remain clear of all street fixtures and furniture including street lights, signs, and similar. This zone is reserved for pedestrian circulation and should be clearly differentiated from other zones by paving materials or other visual cues. Where the Pedestrian Zone crosses a driveway or alley entrance, the pedestrian zone/sidewalk material shall be continuous.



Credit: Design Collective

TREE ZONE

The Tree Zone or streetscape planting zone shall be a minimum of 6’ wide (7' or greater is preferred) and may increase to respond to site conditions. The Tree Zone accommodates permanent features such as planting strips, light poles, and street signage. This zone may also incorporate non-permanent elements, including waste/recycling receptacles, potted plants, mailboxes, and curb step-off pavers. At intersections, this zone may be partially or fully paved to provide access to pedestrian street crossings.



Credit: Design Collective

PARKING (PARALLEL)

Parallel parking along the curb shall be 9 feet wide on Commercial Streets and 8 feet wide on Residential Streets (see following pages for Street Sections) and is planned to be minimally marked. Parallel parking offers an additional buffer between traffic and pedestrians, as well as helps to lower vehicle speeds. Throughout Village Place, parallel parking is typically provided on both sides of the streets for visitor or patron parking. Street sections designed specifically for golf cart parking are recommended at 6 feet wide by 11 feet in length.



Credit: VOP Rentals

TRAVEL LANE

The streets within Village Place are designed to promote slower speeds within narrow 10-foot travel lanes, flanked by parallel parking on both sides.

The travel lanes of all streets within Village Place shall be viewed as shared-use facilities where bicycles and motorized vehicles (including golf carts) use the same travelway.



Credit: Design Collective

AMENITY ZONE (OPTIONAL)

A portion of the public right of way, typically adjacent to the sidewalk but outside the pedestrian walking area, including streetscape elements, landscaping, and street trees. Amenity zones are more often seen in higher density, pedestrian-oriented areas such as retail or mixed-use developments.



Credit: National Association of City Transportation Officials

3.3 Street Types

Street Section - Typical Commercial

The Typical Commercial Street Section is a two-way, two-lane street with parallel parking; street trees and groundcover in stormwater planters or tree pits; a 5' min. clear pedestrian zone; and a storefront zone for tables, chairs, potted plants, and displays. For criteria specific to Rattlesnake Trail, see page 26.

To reflect the character of Village Center, within the Village Place area, brick sidewalks are required where buildings have commercial frontage.* The Village's standard benches and street lights shall also be incorporated (see page 29).

Parallel parking shall be incorporated on both sides of the street, where feasible, to provide additional parking spaces for patrons and visitors.

* For additional criteria and more information on building frontage and setback requirements, see Section 2.0 Site Design on pages 7-16.

See general provisions on page 20 for additional criteria.

STREET SECTION KEY

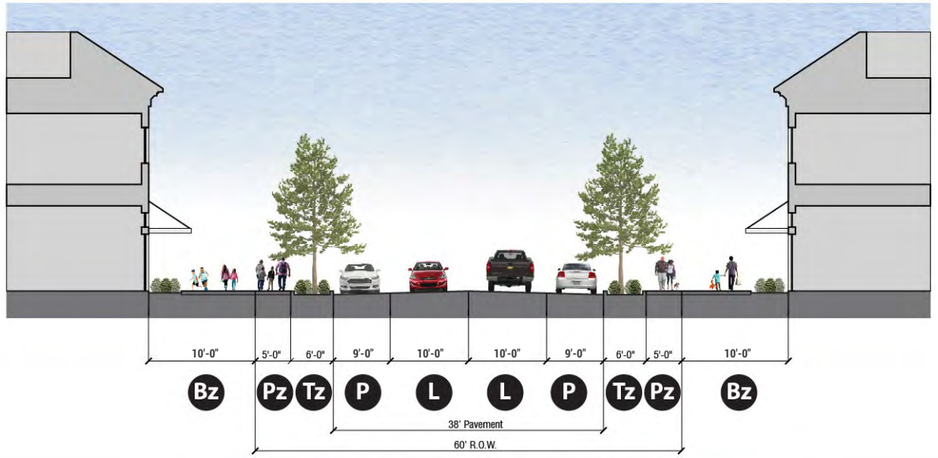
- BZ — BUILDING ZONE
- PZ — PEDESTRIAN ZONE (SIDEWALK)
- TZ — TREE ZONE (PLANTING STRIP)
- P — PARKING (PARALLEL)
- L — TRAVEL LANES (VEHICULAR)

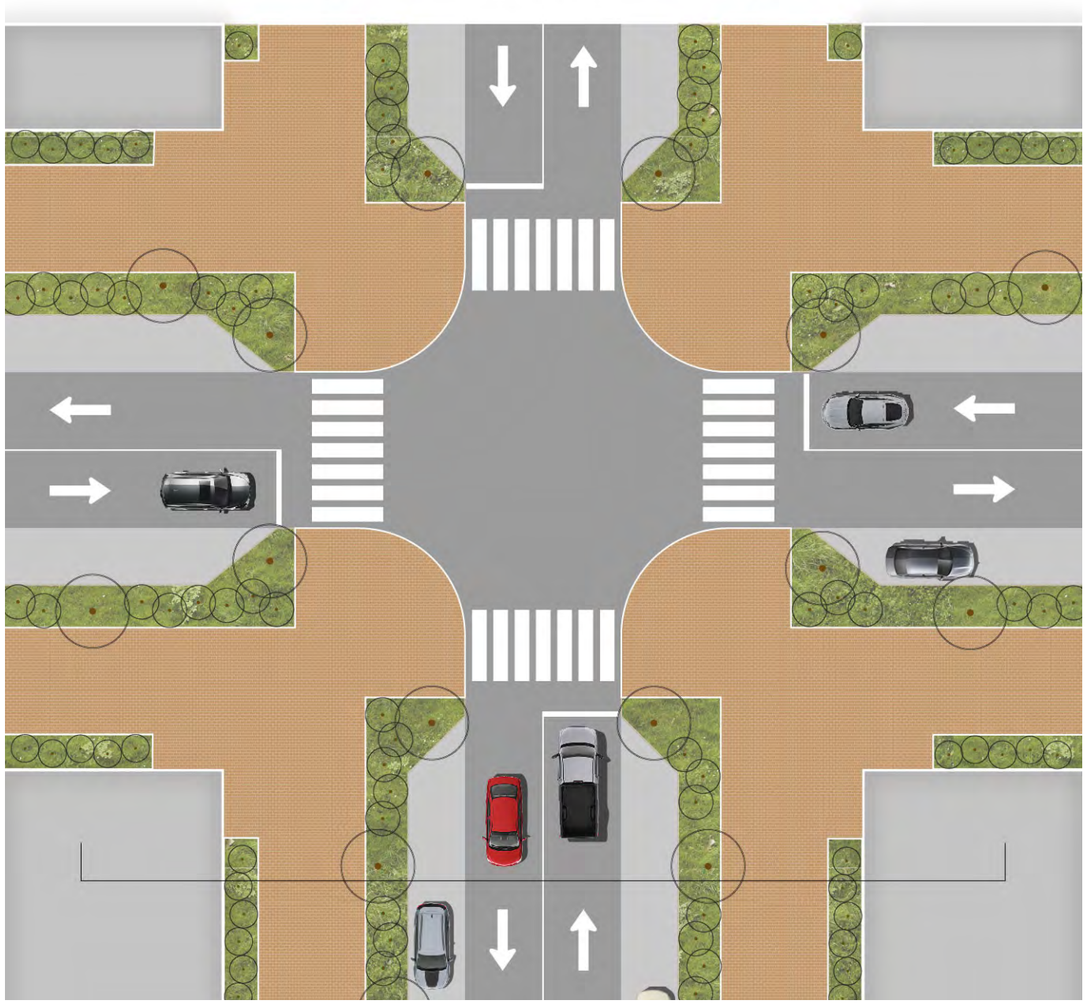


Precedent Streetscape - Market Square, Pinehurst
Credit: VOP Rentals



Precedent Streetscape - Mashpee Commons, MA
Credit: PCA Design, Mashpee Commons, MA





Street Section - Typical Residential

The Typical Residential Street Section is a two-way, two-lane street with parallel parking, street trees, and groundcover in SWM planters or tree lawns and a 5' min. clear pedestrian zone.

In non-commercial areas, sidewalk material shall be specified as sand/clay or concrete, as appropriate to context and per Village policy.

Parallel parking shall be incorporated on both sides of the street, where feasible, to provide additional parking spaces for homeowners and visitors (see page 25).

For additional criteria and more information on building frontage and setback requirements, see Section 2.0 Site Design on pages 7-16.

See General Provisions on page 20 for additional criteria.

STREET SECTION KEY

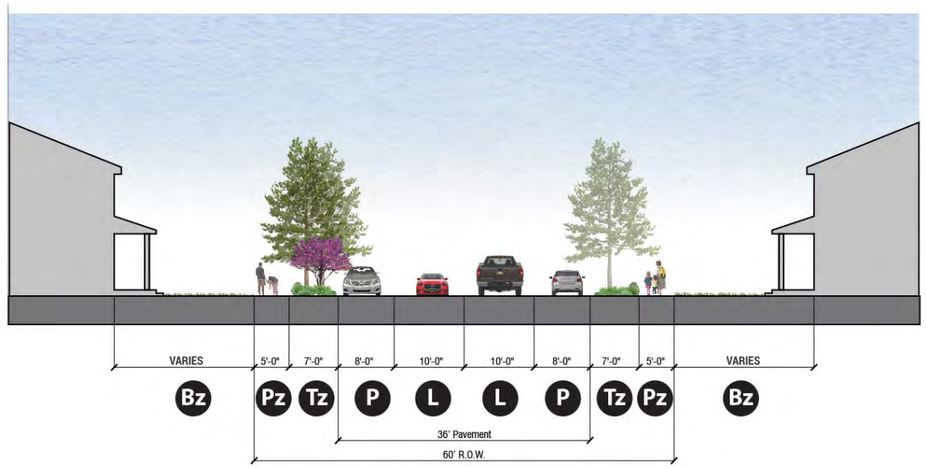
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- PZ — PEDESTRIAN ZONE (SIDEWALK)
- TZ — TREE ZONE (PLANTING STRIP)
- P — PARKING (PARALLEL)
- L — TRAVEL LANES (VEHICULAR)

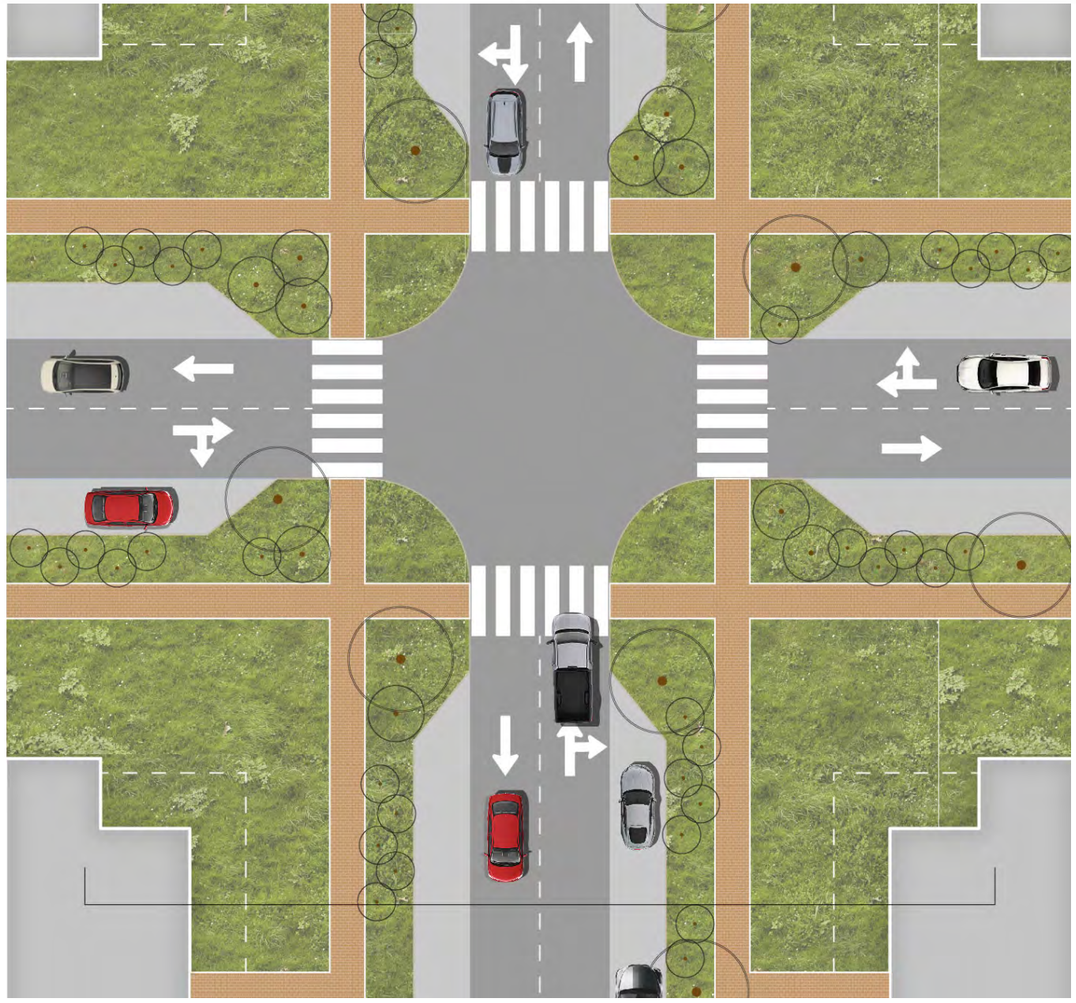


Precedent Residential Streetscape
Source: shortforkfarms.com



Precedent: Residential Streetscape - Kentlands, MD
Source: www.longandfoster.com





Street Section - Rattlesnake Trail

The Proposed Rattlesnake Trail Street Section depicts the addition of a brick sidewalk along the east side as recently installed by the Village, along with clustered evergreens and deciduous trees with groundcover plantings below.

As a gateway to Pinehurst, new development along Rattlesnake Trail should create frontage that frames the street.*

The Village may incorporate parallel parking along Cannon Park to provide additional parking where space is available (additional off-street parking may be needed as well). Further, for private development, along Rattlesnake from NC-211 to McCaskill Road, as redevelopment occurs, parallel parking shall be incorporated on both sides of the street, where feasible, to provide additional parking spaces for patrons and visitors.

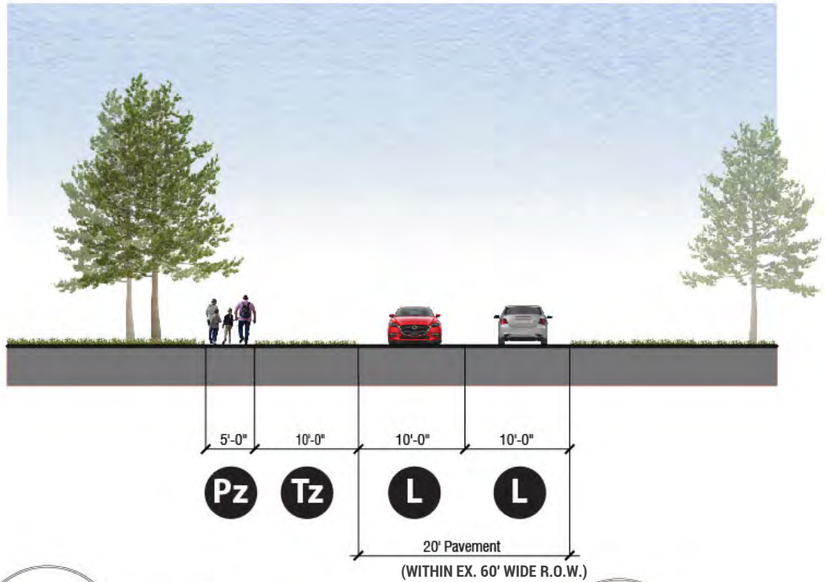
* For additional criteria and more information on frontage and setback requirements, see pages 7-16.

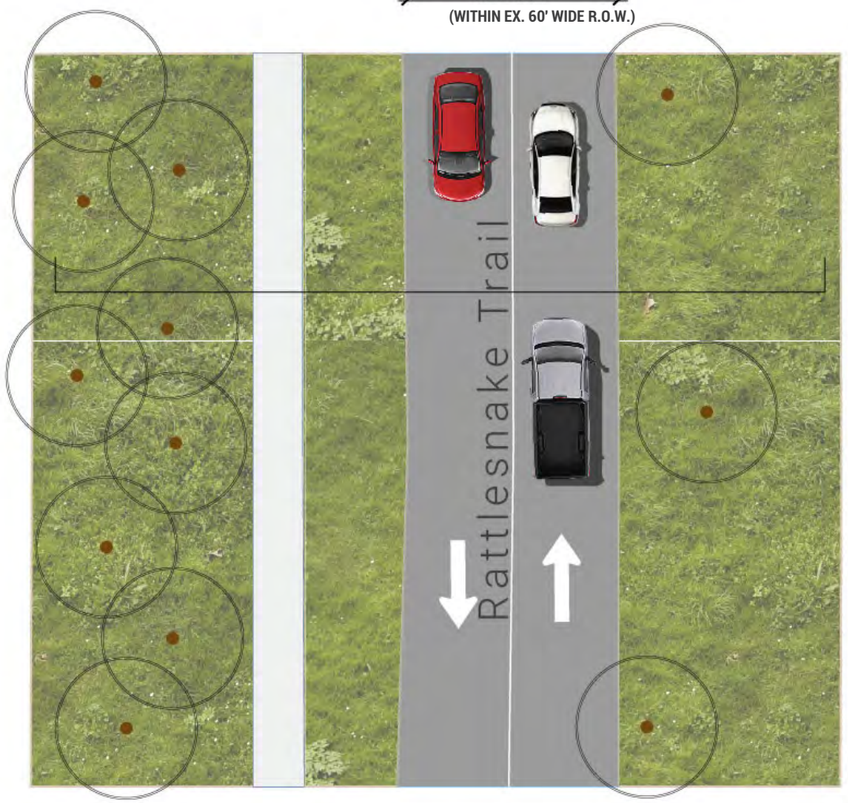
See General Provisions on page 20 for additional criteria.

STREET SECTION KEY

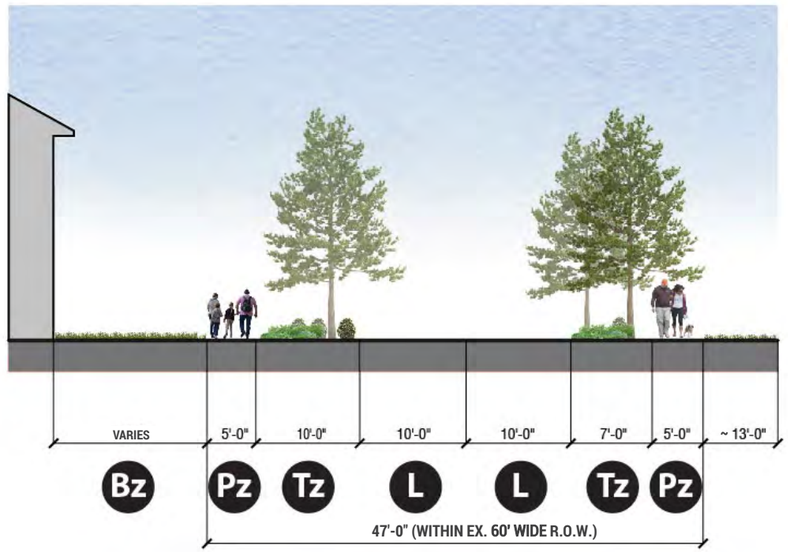
- BZ — BUILDING ZONE
- PZ — PEDESTRIAN ZONE (SIDEWALK)
- TZ — TREE ZONE (PLANTING STRIP)
- P — PARKING (PARALLEL)
- L — TRAVEL LANES (VEHICULAR)

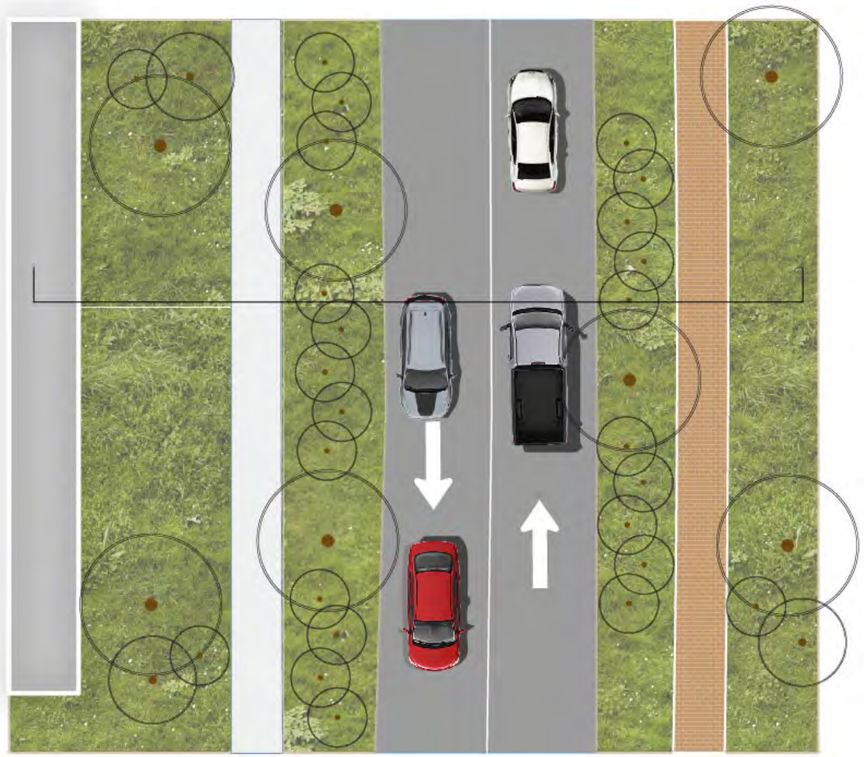
EXISTING





PROPOSED





Street Section
Typical Alley - Residential & Commercial

Alleys (or shared-access driveways) provide access to driveways, service areas, and parking lots and are private (not public). The Typical Alley Street Section within Village Place: shall have a 16'* paving width, within a 24' right-of-way (R.O.W.) accommodating a two-way, yield movement. 20' if required for fire access.

Where an alley intersects a street, the street's sidewalk (in material and alignment) shall continue across the alley entrance, as shown in the photos to the right.

Parking spaces may be accessed directly off an alley, however, the spaces must provide 18' min. of stall length (for head-in, perpendicular spaces) clear of the alley right-of-way. No parked vehicles (except temporarily parked service, delivery, or emergency vehicles) may encroach into the alley right-of-way.

Buildings and landscape shall be placed near the alley entrance to help screen views down alleys from the public realm of streets and open spaces.*

* For additional criteria and more information on frontage and setback requirements, see pages 7-16.

See General Provisions on page 20 for additional criteria.



Precedent: Commercial Alley - Pinehurst, NC
Source: Google



Precedent: Residential Alley - Maple Lawn, MD
Source: Design Collective



Precedent: Residential Alley - Maple Lawn, MD
Source: Design Collective

3.4 Material and Element Standards

The purpose of the Street Design Material and Element Standards is to ensure and maintain a consistent, high-quality streetscape environment within Village Place.

The Material and Element Standards include criteria for the following streetscape elements:

- Travel Lanes (vehicular)
- Parking (parallel)
- Street Lights
- Street
- Street Furnishings

For additional information on streets and alley dimensional and configuration criteria, see pages 23-27.

See General Provisions on page 20 for additional criteria.

Travel Lanes (Vehicular)

Travel lanes within streets that are intended to be dedicated as public right-of-ways, either at the time of construction or at a future date, shall conform to the Village's *Engineering Standards and Specifications Manual* requirements for paving materials and construction details. Where streets are to remain private (rather than dedicated public right-of-ways), alternative sustainable paving systems may be investigated and approved by the Planning Department and Village, but shall be chosen for durability and ease of maintenance. All street travel lanes should be designed to accommodate private vehicles, as well as emergency equipment.

Parking (Parallel)

Parallel parking within streets that are intended to be dedicated as public right-of-ways, either at the time of construction or at a future date, shall conform to the Village's *Engineering Standards and Specifications Manual* requirements for paving materials and construction details. Where parallel parking occurs along streets that are to remain private (rather than dedicated public right-of-ways) or where deemed feasible by the Planning Department and Village, alternative sustainable paving systems may be investigated and approved by the Planning Department and Village, but shall be chosen for durability and ease of maintenance.



Precedent Image: Residential Street - Maple Lawn, MD
Credit: Design Collective



Precedent Image: Parallel Parking - Maple Lawn, MD
Credit: Google Maps



Precedent Image - Street Plantings - Village Center, Pinehurst, NC
Credit: Village of Pinehurst

Street Plantings

Street plantings in Village Place should reflect the character of plantings in the Village Center, as originally conceived and cultivated by Olmsted and Manning, with a predominance of evergreen trees and shrubs in irregular groupings (see image below left).

Materials:
Street trees, shrubs, and other plantings within Village Place, whether between the curb and sidewalk, within medians, or other locations within the streetscape, shall be chosen from the Plant Palette on pages 42-43. To note, the plant species listed in the palette have been selected from Appendix A - Plant Species Native to the Sandhills in the *Pinehurst Development Ordinance*. Other plant species in addition to this list may be acceptable for use as street plantings provided that they meet criteria for size, tolerance to road maintenance, and other similar conditions. Any alternate street planting species shall be approved by the Planning Department and Village.
Details:
Street trees with unbalanced crowns, a poor branching habit, and excessively bent or curved trunks shall be rejected.

For additional criteria on street plantings, see General Provisions on page 20 and the Plant Palette on pages 42-43.

Street Lights

Street lights shall be placed to create an even rhythm and consistent, safe light levels along streets. Pedestrian-scaled street lights of approximately 14 feet in height are required along streets with commercial frontage. Higher poles up to 30 feet in height may be required to adequately light wider streets or intersections, such as at the intersection of Rattlesnake Trail and NC-211. Light levels and quality of light should be appropriate for the street type, character, and use. All other lighting within right-of-ways not listed below (such as bollard lights) should be selected to coordinate, in design, detail, and color, with the street lights and approved by the Village.

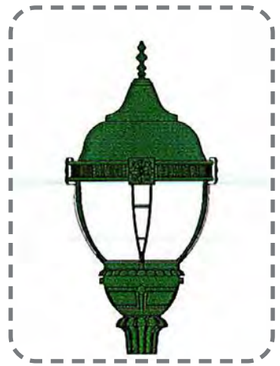
Materials:
For new pedestrian-scaled street lights within Village Place, the fixtures shall match those installed near Village Hall and the Community Center (as shown in the lower left photo) and noted below and/or as approved by the Village, excepting those replacement street lights in/or close to the Village Center which should match the historic street lights (shown to the right).

Duke Energy pole, fixture, and globe (or alternative(s) as approved by the Village):
- Pole: PX W17 10 F4 AB3/12 3T3 ANBK
- Fixture: AT20 A 50M MED PCT TB ANPP
- Globe: AT20 A PCT

All street lighting is encouraged to be Dark Sky compliant, as defined by the International Dark Sky Association (IDA). LED (or other advanced energy efficient lamp) fixtures are recommended to provide a range of 70 to 100 watts for pedestrian-scaled light pole locations. Higher wattage fixtures may be used on the 30' pole locations. LED fixtures shall have a lamp color near 4000 K (similar to natural sunlight during morning or afternoon hours).

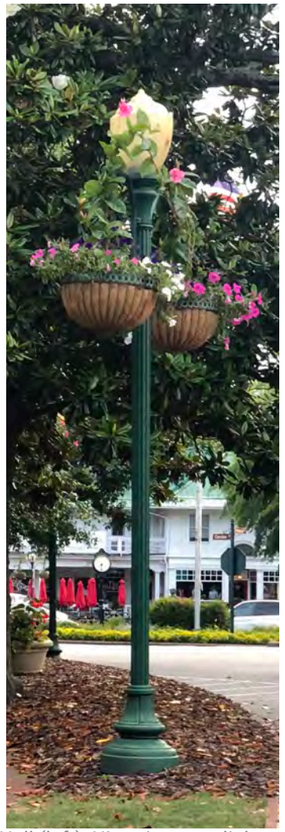
Details:
Street light poles shall be finished in a dark green color to provide a uniform streetscape palette throughout the Village.

In order to ensure that adequate light levels are maintained, street lights shall be located first, followed by street trees (with mature height, canopy, and foliage density taken into consideration), and finally street furnishings.



All street lights shall have a solid cap to minimize the impact of artificial light on the night sky.





Standard street light near Village Hall (left); Historic street light in Village Center (right)

Credit: Google (left); Design Collective (right)

Street Furnishings

It is important that all streetscapes within Village Place represent a consistent built environment that is reflective of the intended character of Pinehurst. While site furnishings in open spaces or on private lots are encouraged to be varied and express an individual aesthetic appropriate to the type and location, street furnishings on the other hand shall be consistent throughout Village Place.

Materials: Street furnishings, including benches, waste/recycling receptacles, bike racks, tree grates, and bollards, within the street right-of-way shall be metal (aluminum, steel, or cast iron) and consistent in material, style, and color with the other street furnishings. Benches, may additionally include recycled plastic for the slats (as shown in the standard bench image to the right). Materials with a high percentage (75% or more) of recycled content are encouraged.

Details:
All streetscape furnishings, unless approved otherwise by the Village, are to be finished in a dark green color.

Tree grates are appropriate along streets where high pedestrian traffic is anticipated, near plazas, community building entries, restaurants, and other such locations.

Waste and recycling receptacles should be coupled together and shall be conveniently located along streets. For sanitation purposes, receptacles shall have a rain guard over the main opening and shall conceal the main recycling or trash container. Selections shall be as approved by the Village.

Benches within the street right-of-way shall be the standard Pinehurst Bench, as approved by the Village, with cast aluminum supports and cedar color recycled plastic slats.

Bike racks shall be installed along streets near open spaces and retail areas to promote bicycling as a means of travel. Locations of bike racks are contingent on site conditions. In all cases, bike racks should be located without interfering with pedestrian movement and building entry. Bike racks shall be permanently installed. Bike racks should enable both the front wheel and frame to be locked securely and the bicycle to remain upright.





Precedent: Tree Grate and Waste/Recycling Receptacle

Credit (right): Victor Stanley (Ironsites)



All streetscape furnishings, unless approved otherwise by the Village, are to be finished in a dark green color

Pinehurst Standard Bench: Victorian 60"Bench with cast aluminum supports and cedar color recycled plastic slats

Credit: Kings River Castings



Precedent: Bike Rack

Credit: Cycle Safe

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4.0 LANDSCAPE DESIGN

4.1 OVERVIEW
4.2 OPEN SPACE TYPES
4.3 MATERIAL & ELEMENT STANDARDS
4.4 LOT LANDSCAPE PLANS

4.1 Overview

Landscape is an integral component of the overall character of Pinehurst and, in the redevelopment of Village Place, will include landscape in open spaces as well as landscape on individual lots/parcels. (For landscape within street right-of-ways, see the Plant Palette on pages 44-45 and the Street Design criteria on pages 20-29.)

Open spaces within Village Place serve multiple purposes for the design, organization, and livability of the neighborhood. Active open spaces should be provided throughout the area, in the form of small plazas, attached greens, and a large Central Green (envisioned in the area south of McCaskill Road. Pedestrian connections shall be provided throughout the plan area to provide pleasant and safe movement. This is especially important to access the Village Center, Village Hall, the Arboretum, Rassie Wicker Park, Cannon Park, and the Elementary School.

The new open spaces in Village Place should be designed as a system of places that link to one another. Variations in open space type, size, use, and design should occur throughout Village Place appropriate to the surrounding uses to allow for a variety of both passive and active recreation.

The *Pinehurst Development Ordinance* (PDO), Section 9.5 Landscaping Requirements shall be used for all minimum dimensional and plant size standards for buffers, screens, and parking lots. However, the design intent shall follow the FBC, and, where a conflict between the FBC and PDO occurs, the FBC criteria shall supercede.

The Village of Pinehurst's *Village Planting Guide* offers additional insight and historical research into Warren Manning's original design approach and plant palette. However, as noted in the *Guide*, "...of the of the ninety-six plant species that Manning originally ordered, collected, or propagated for Pinehurst, only 25% were native to North Carolina." Therefore, the criteria within this Form-Based Code (FBC) purposely deviate from the original plant palette, instead advocating for native and adaptive plant selections only to meet sustainability goals.

Purpose

The primary purpose of the Landscape Design criteria for Village Place is to guide the design and character of open spaces as well as the landscape plantings within lots. Further, the Landscape Palette within this section, on pages 42-43, shall be used for open spaces, lot landscape, and street Tree Zone plantings (for additional Street Design criteria, see pages 20-29).

Components

The Landscape Design Criteria include:

1. General Provisions for Open Space which provide criteria for all of the Open Space types within Village Place;
2. General Provisions for Lots which provide criteria for all Lot types within Village Place;
3. The Open Space + Pedestrian Network plan diagram that shows the proposed locations for open spaces, trails, and sidewalks within Village Place;
4. Open Space Types that provide definitions and design criteria as well as illustrative examples specific to each type; and
5. Material and Element Standards that include criteria for the following components of Open Spaces: hardscape, landscape, site furnishings, and lighting as well as a
6. Plant Palette for landscape within open spaces, lots, and streetscapes (for Street Design criteria, see pages 20-29).

Throughout the Form-Based Code, the use of the word "shall" identifies mandated criteria. "Must," "required," and "mandated" are additional words with the same meaning. The use of the word "encouraged," "should," or "recommended" identify criteria which are desired. In some instances, words such as "discouraged," "avoid," and "not permitted" identify practices, materials, or systems which are not allowed within Village Place.

General Provisions for Open Space

1. A minimum of 8% of the net developable acreage of any lot (excepting infill single-family residential lots), whether public or private, shall be provided as Open Space.
2. Active open spaces should be open and visible, designed to invite people of various ages and mobility.
3. Stainability should be a primary criteria in the design and maintenance of all open spaces.
4. Open spaces should be designed with consideration for adjacent building heights and sun angles during different seasons of the year; plant species should be selected based on site-specific sun exposure (see the Plant Palette on pages 42-43).
5. Open spaces should be designed for their intended function (i.e., the Central Green shall be designed for gatherings on event days as well as passive use on other days; plazas shall be located and designed for high pedestrian use; etc.).
6. Seating should be placed where sitters can watch passersby and/or activities within the open space, appropriate to the use level, and at intervals along trails, paths, and sidewalks to allow for walk breaks.
7. Seating walls, if proposed, should be approximately 16-18 inches in height off grade.
8. Paving materials and installation methods should take accessibility needs into consideration.
9. Views from open spaces should be framed, where appropriate, to visually link to other areas of the community.
10. Open spaces shall be maintained by the property owner.

See the following pages for criteria specific to each type of open space.

General Provisions for Lots

1. As noted in Section 2.3 Corner Lot and Frontage Elevation Standards on page 19: Landscaping shall be required on all Lots, along the foundation of all frontage elevations (i.e., along elevations fronting streets) in a layered, varied, and naturalistic pattern, except where hardscape (paving) comes up to the building facade. For all Mixed-Use/Commercial or Live/Work Lots as well as all Residential Corner Lots, a lot-specific landscape plan shall be submitted to the Village for review. On these lots, particular attention shall be paid to the placement of landscape to help screen mechanical equipment, views down alleys (or shared-access driveways), and similar. (See Section 2.0 Site Design on pages 8-19 for more information on frontage elevations.)
2. As indicated in the *Historic District Standards* fences over 3.5' in height shall be screened with native landscaping on sides visible from the street.

See the Material and Element Standards on pages 40-46 and the Plant Palette on pages 42-43 for additional criteria.

PROPOSED OPEN SPACE + PEDESTRIAN NETWORK

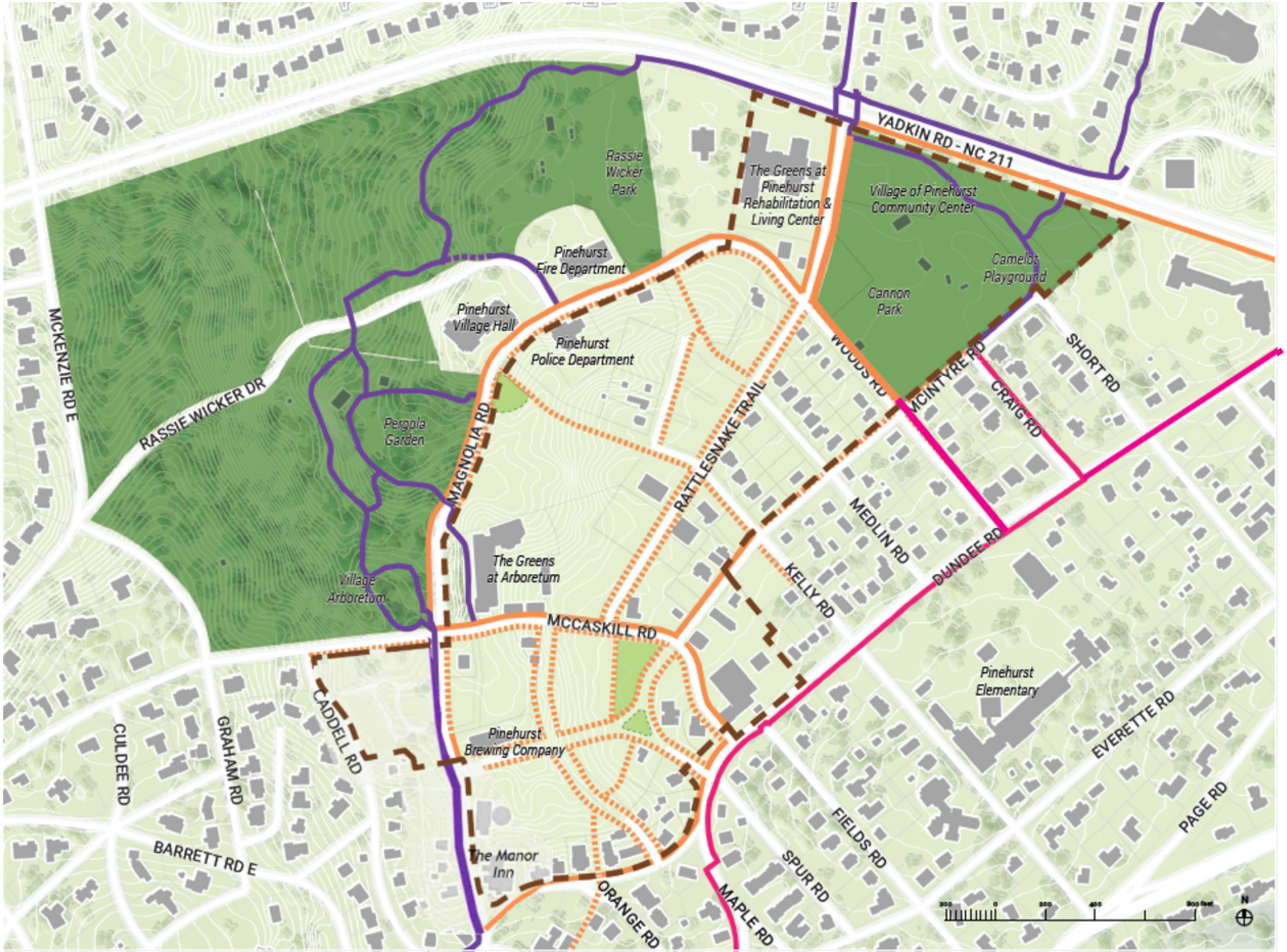
While the existing area of Village Place is well served by Open Space, new development should add to the network, creating new publicly-accessible greens, plazas, and potentially an amphitheater located near the Village Hall and Arboretum.

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

KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- EXISTING GREENWAY TRAILS
- PROPOSED TRAILS
- EXISTING WALKWAY TRAILS
- EXISTING SIDEWALKS
- PROPOSED SIDEWALKS*
- EXISTING PARKS/ OPEN SPACE
- PROPOSED PARKS/ OPEN SPACE

** Proposed sidewalks shall be brick in commercial areas*



Source: Design Collective, Inc.

4.2 Open Space Types

Within Village Place, open space shall be incorporated to enhance the character of the area, adding and connecting to the existing parks to form a network of spaces. This network will create a hierarchy of spaces that, along with the street network, completes the structure of Village Place and enhances the aesthetics and the walkability.

It is important that the type of open space be appropriate to its location, adjacent uses, sized correctly, and designed with the appropriate ratio of hardscape to landscape and amenities.

The open space types within Village Place may include:

1. Central Green
2. Plazas
3. Attached Greens
4. Pedestrian Passages
5. Natural / Buffer Areas

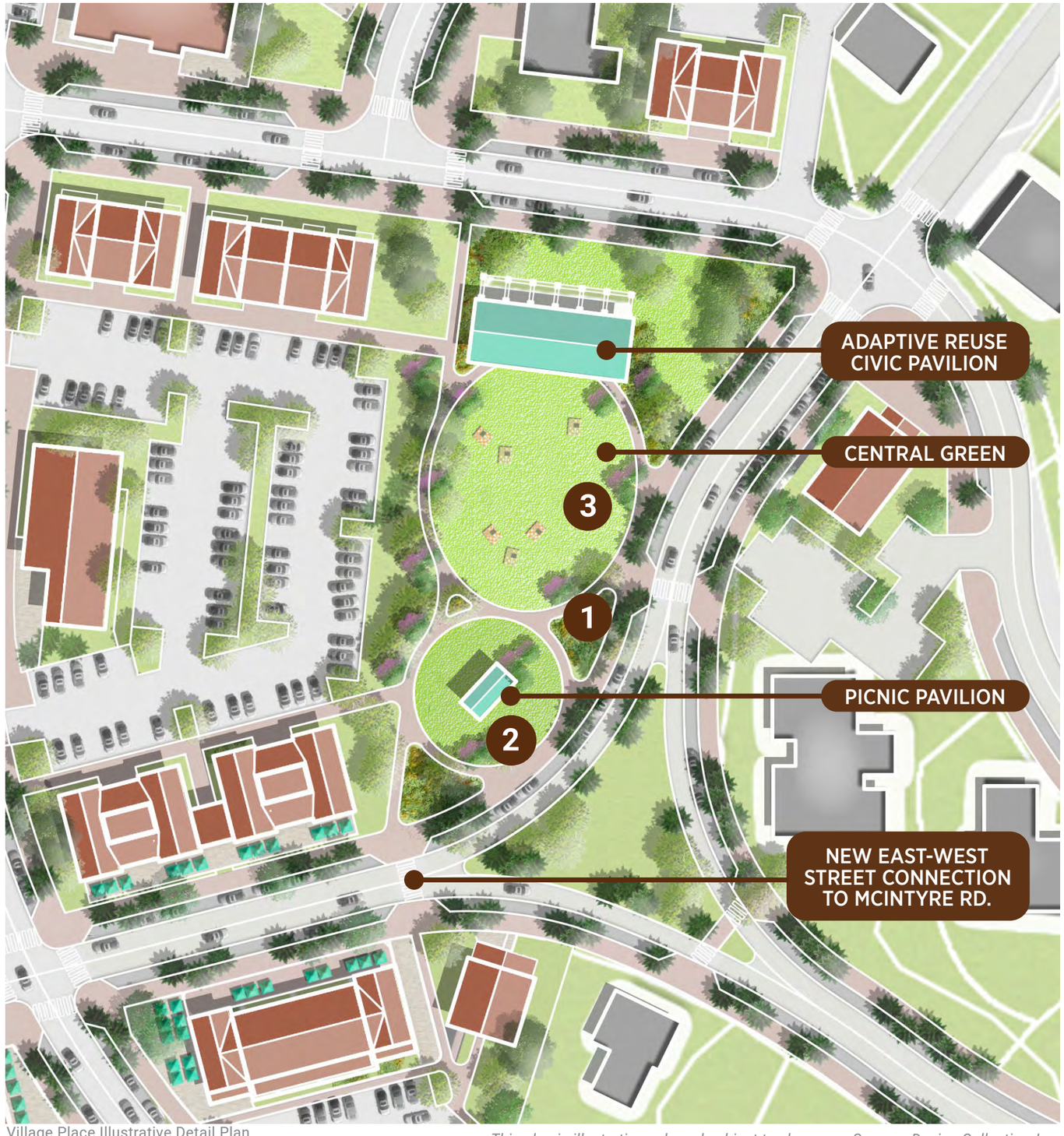
CENTRAL GREEN

In Village Place, the Central Green is located on the site of the current Public Services Facility, near the intersection of Rattlesnake Trail and McCaskill Road. The space fronts on McCaskill Road and a new east-west street connecting to McIntyre Road and the Pinehurst Brewing Company site. A mix of uses surrounds the Green, with Hughes Plumbing Supply located to the west (in the long-term, this use may change or remain).

An illustrative, conceptual plan of the Central Green is shown on the facing page. The final design and even the location may change, however, the design intent of the space shall be carried forward and the design criteria within the FBC shall be followed.

Size: 1-3 acres in size

Character: The design shall consist primarily of lawn areas, trees, and planted landscapes, informally disposed. The amount of hardscape shall be minimized, so that hardscape areas do not appear unoccupied and uninviting when events are not occurring. The Central Green shall minimally contain the following amenities: a large open-air pavilion (potentially using a renovated service building); a small pavilion/shade structure; benches; and a lawn area designed, sized, and arranged to host a variety of events such as small community gatherings, performances, and pick-up games. Swathes of informal, naturalistic plantings shall frame the lawn area and buffer the Green from adjacent streets and uses, however should not obscure views in from the streets and sidewalks.



Village Place Illustrative Detail Plan

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

The images to the right are for precedent reference only.



Lawn with grouped plantings and curvilinear brick walkways
Credit: Friends of City Square Park



Open-air Picnic Pavilion
Credit: Design Collective



Community lawn and gathering space
Credit: Seaport Square



Water feature within garden (potential feature; not shown in plan)
Credit: Design Collective

ATTACHED GREEN

Attached Greens range in size, but are generally smaller than a Central Green. Beyond size, they are distinguished by the fact that lots directly adjoin the open space on one or more sides. As with a Central Green, Attached Greens typically consist of more planted landscape areas than paved hardscape areas, but may include paths or sidewalks for pedestrian crossings and other small areas of hardscape. Attached Greens may occur throughout Village Place, distributed among the neighborhood. Generally, but not always, these greens are located at the ends of blocks. Each should have a unique character or feature to help create an identity for the surrounding area.

Size: Typically at least 2,400 square feet but not more than 2 acres in size.

Character: The design consists primarily of trees and lawn areas, informally disposed, and should not include excessive amounts of hardscape that will generally appear unoccupied and uninviting when not in use. Minimally, Attached Greens shall include a pathway, landscaping, and benches. Attached Greens are available for unstructured recreation and passive reflection. By definition, these greens shall be attached, with lots directly adjoining the open space, on one or more sides.

The two Attached Greens depicted to the right on this and the following page are typical examples. They are representative of two different sizes of attached greens and show illustrative, conceptual plans only as precedents. Final proposed designs for Village Place will vary, however, the design intent of this type of open space shall be carried forward and the design criteria within the FBC shall be followed.



Typical Attached Neighborhood Green - Greenleigh, MD - Midtown
This plan is illustrative only. Source: Design Collective, Inc.



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Typical Attached Neighborhood Green - Greenleigh, MD - Eastside

This plan is illustrative only. Source: Design Collective, Inc.

The images to the right are for precedent reference only.



Precedent: Attached Green - Maple Lawn, MD

Credit: Design Collective



Precedent: Informal lawn and gathering space

Credit: Flickr / Magda Wojtyra



Precedent: Picnic Pavilion - Maple Lawn, MD

Credit: Design Collective



Precedent: Natural plantings with brick paths

Credit: Grass Roots Gardening



Precedent: Micro-bioretention - Baltimore, MD

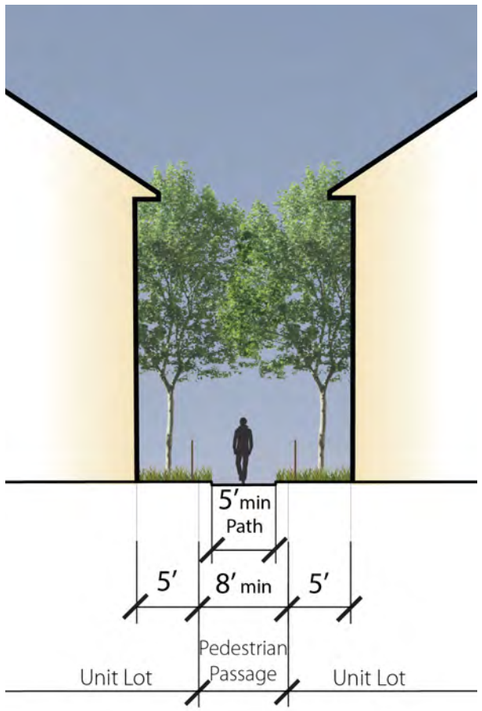
Source: Design Collective

PEDESTRIAN PASSAGES

Pedestrian Passages are linear open spaces that typically make a pedestrian connection along a tree-lined or planted walk from one street to another or to an open space. Pedestrian Passages may be either formal or informal in their design, reflecting the character of the surrounding architecture.

Size: A minimum of 8’ wide with a minimum 5’ wide brick, concrete, gravel, or sand/clay path.

Character: A hardscape pathway within a planted landscape area that may contain trees or other plantings to either side of the pathway.



Pedestrian Passage Typical Section
Credit: Design Collective



Precedent: Mid-block Pedestrian Passage - Fords Landing, VA
Credit: Design Collective



Precedent: Mid-block Pedestrian Passage - Fords Landing, VA
Credit: Design Collective



Precedent: Mid-block Pedestrian Passage - Norfolk, VA
Credit: Design Collective

NATURAL AREAS

Natural Areas are vegetated, typically peripheral open spaces set aside for environmentally-sensitive features such as wetlands or streams, or to provide additional environmental or recreational benefit. Natural Areas typically consist of mostly landscape but may include trails, associated amenities, and stormwater management.

Size: Varies in size based on location and environmental features.

Character: A natural landscape that acts as a vegetated buffer protecting natural habitats and environmental features. Any added plantings shall be informal in arrangement; grasses and perennials should be planted in swaths to emulate naturally-occurring meadows. Trails within the Natural Areas may be paved or unpaved, may include boardwalk or bridge segments, and should accommodate a variety of users including bicyclists, walkers, skaters, and joggers.

See also the *Pinehurst Development Ordinance* (PDO), Section 9.5 Landscaping Requirements for minimum dimensional and plant size standards for buffers, screens, and parking lots.

The images to the left and right are for precedent reference only.



Precedent: Trail and bridge in Natural Area
Source: unknown



Precedent: Sidewalk along Natural Area - Celebration, FL
Credit: Design Collective



Precedent: Layered Buffer Planting along Natural Area
Source: fine-furnished.com

PLAZA

Plazas are open spaces at the intersection of important streets, between buildings along a street or sidewalk, and/or at the front or around important commercial and/or civic buildings. Plazas are set aside for public use and intense pedestrian activity.

Typically, plazas are circumscribed on all sides by building frontages and/or streets. Plazas may contain large areas of durable pavement as well as furniture, public art, fountains, and trees, all formally arranged. Plazas are generally located at the core of a community and/or commercial district and intended for small, passive moments of rest and/or large gatherings and events. Provisions within large plazas for lighting, sound, and similar infrastructure needs should be considered.

Size: 1/8–1 acre

Character: Mostly hardscape; activated by both planned and spontaneous activities; attached minimally on one side.



Precedent: Small Plaza with center lawn - Lyndhurst, OH
Credit: Legacy Village



Precedent: Payne Stewart sculpture - Pinehurst, NC
Source: www.linksmagazine.com



Precedent: Plaza with seating and trees for shade - Reston, VA
Source: Design Collective

4.3 Material and Element Standards

The purpose of the Landscape Material and Element Standards is to ensure and maintain a consistent, high-quality built environment within Village Place.

Throughout Village Place, various tree and plant types shall be employed to denote the different zones and uses of landscape areas. For example, shade trees shall be used to shelter seating areas, long swathes of perennials or grasses may edge movement zones, and grass lawn areas may occur in quiet, informal gathering areas. The hierarchy and character of each open space is encouraged to be expressed through the creative use of different plant materials. Landscape plantings on lots should compliment the architecture and use, but also the overall character of the Village.

In addition to Landscape plantings, hardscape and site furnishings are an important component of open space design that helps express the individual character of the Central Green, Attached Green, Plaza, or Pedestrian Passage. Unlike streetscapes where uniformity of the furnishings and fixtures is desired and appropriate, open spaces should aim to be uniquely memorable.

The Material and Element Standards include criteria for the following components of open spaces:

1. Landscape
2. Hardscape
3. Site Furnishings

Owner / Developers shall submit landscape plans prepared by an appropriately-licensed professional certifying that the landscape plans meet the design intent and criteria specified in this Form-Based Code, including plant species selection or comparable alternatives.

TALL TREES (>30' AT MATURITY):

Tree Crown: Density of tree crowns should be considered when choosing tree species and used appropriately. Crown density and spacing of trees can negatively affect street lighting, cleanliness, shade density, sight lines to buildings, and safety, when used inappropriately. Trees should reflect the intended use of the space and balance between ecological function and aesthetic value. Trees in open spaces should consider the desire for adequate filtered sunlight reaching the ground plane and understory plantings. A variety of species is generally desired to contrast with the uniformity of the street trees.

Soil Compaction: Preventing soil compaction should be considered in tree species selection and placement. Avoidance of excessive movement over tree root zones and the use of root protection materials (such as Silva Cells or other approved systems) should be considered, to allow stormwater infiltration and promote tree longevity.

Color and Texture: Color variation and textural qualities should be noted and considered when selecting certain shade trees. A variety of seasonal color and/or differentiation among open spaces should be considered.

Selection & Pruning: Certain species have been cultivated to be thornless, fruitless, disease and insect resistant, and are preferred in high-use and stressed environments. Trees known for excessive plant litter and weak limbs should be avoided in high-use pedestrian and vehicular areas to prevent injury and utility damage. In these high-use areas, shade tree limbs should be pruned to approximately 8 feet above grade to not impair circulation routes for pedestrians, bicyclists, and maintenance vehicles.

Zone Hardiness: Appropriate hardiness of tree species should reflect the climate zone of the intended planting area. Although the site's climate zone may be consistent, microclimates within the site may exist and will inform specific plant selection based on sun exposure, slope, and soil condition.

Growth Habit: Trees known for root upheaval, water sprouts, or knees should be planted in areas away from pedestrian movement to prevent personal injury or circulation disruption (unless alternative root protection, root barrier, or root growth methods are implemented).



Precedent Image - Tall Tree
Credit: The Tree Center

The scale of the trees' eventual growth (both eventual height and root mass) should be taken into consideration when deciding tree species, spacing, and proximity to buildings, parking, and utilities.

Invasive trees: should be avoided to prevent spread of noxious seeds, roots, or rhizomes (refer to local invasive plant species list).

Biodiversity: A variety of trees should be used to promote local biodiversity and healthy resiliency against insects and diseases. The same tree genus should not be used for more than approximately ten percent of the entire planting design.

Additionally, see the Plant Palette on pages 42-43.

SMALL TREES (10'-30' AT MATURITY:

Tree Crown: The crown and density of specimen/ ornamental trees will vary greatly. Selection and placement/spacing of trees should support the desired design aesthetic, whether in small clumps for accent, in rows to reinforce linear references, or in random/organic patterns to strengthen a natural aesthetic. Specimen trees may be used to denote a place of significance, frame views, accentuate a façade or sculptural piece, or add visual and seasonal variation to a planting area. Specimen/ornamental trees should not be overused. The scale of specimen/ornamental trees; eventual growth (both eventual height and root mass) should be taken into consideration when deciding tree species, spacing, and proximity to buildings, parking, and utilities.

Soil Compaction: Same as noted for Tall Trees.

Color and Texture: "Specimen/ornamental tree" refers to any tree specially noted for its high visual quality of bloom color, foliage color, texture, visibility, or placement in the landscape. Typically, specimen/ornamental trees are lower growing trees, single or multi-stemmed, which can be planted in massings, small clusters, individually, or in large planters. Specimen/ornamental trees are noted for flowers, color, and/or texture. Avoid overuse of specimen/ornamental trees that bloom at the same time of year and consider a staggering of species and bloom times that last for different durations and begin and end at different times.

Zone Hardiness: Same as noted for Tall Trees.

Growth Habit: Invasive trees should be avoided to prevent spread of noxious seeds, roots, or rhizomes (refer to local invasive plant species list). Trees known for root upheaval, water sprouts, or knees, should be planted in areas away from pedestrian movement, to prevent personal injury or circulation disruption (unless alternative root protection, root barrier, or root growth methods are implemented). Those with fragrant flowers may attract stinging insects and should be located an appropriate distance out of reach from pedestrians. Maintenance costs and considerations should be weighed when choosing ornamental tree species that require constant attention.

Biodiversity: Same as noted for Shade Trees.



Precedent Image - Small Tree
Credit: Smart Seeds Emporium



Precedent Image - Large Shrub
Source: fastgrowingtrees.com

SHRUBS:

Design Objective: Planting areas, massings, and large planters are typically the best locations for shrubs. They may be used to control circulation by guiding the movement of pedestrians and cyclists. Shrubs may be used for screening against views, wind, sun, and similar. Shrubs should grow to (or be maintained at) a height that will not obstruct views, block visibility, or create unsafe areas. Shrubs should be spaced for eventual growth and expansion, depending on size of the plant upon installation. Evergreen and deciduous shrubs should be used to create a year-round range of colors, textures, and interest in the landscape. Shrubs used in masses or as hedges should be of the same genus and species and not intermixed. However, intentionally naturalized areas or designs that intend to mimic a more organic or natural environment may be mixed.

Color and Texture: A variety of evergreen and deciduous shrubs are recommended. Leaf color, texture, flowers, as well as growth habit, should be varied and selected to support a particular design aesthetic. A shrub's fragrance, whether pleasant or odious, should be considered; unpleasant fragrant shrubs should be avoided.
Zone Hardiness: Same as noted for Tall Trees.

Growth Habit: Shrubs with poisonous berries or shrubs that attract stinging insects should be located an appropriate distance out of reach from pedestrians and especially children. Importantly, shrub plantings around circulation routes shall avoid thorns, bright berries, and insect-attracting flowers. Invasive plants should be avoided to prevent spread of noxious seeds, roots, or rhizomes (refer to local invasive plant species list).

Biodiversity: Same as noted for Tall Trees. Native and drought tolerant shrubs are desired.

PERENNIALS, FERNS, GRASSES, AND GROUNDCOVERS:

In this section, "grasses" refers to a blend of native and ornamental grasses other than sod. Perennials, ferns, grasses, and groundcovers may be planted in massings, clusters, grids, or borders, but should not be planted alone unless in planters or pots.
A blend of non-invasive, native and exotic grasses should be used to exhibit regional character while adding interest and variety. Grasses that grow above 48" should be avoided for security and wildlife issues.



Precedent Image - Low Shrub
Source: www.provenwinners.com



Precedent Image - Fern
Credit: Wikimedia/Krzysztof Ziarnek, Kenraiz

Growth Habit: Invasive plants should be avoided to prevent spread of noxious seeds, roots, or rhizomes (refer to local invasive plant species list).

PLANT PALETTE

The Plant Palette provides a list of approved trees and plants for Village Place and is derived, but pared down, from the Plant Species Native to the Sandhills in Appendix G of the *Pinehurst Development Ordinance* (PDO). The Plant Palette shall be used for landscape within open spaces, lots, and streetscapes.

The plant palette chart is divided into the following eight (8) categories:

1. Tall Trees (>30' at maturity)
2. Small Trees (10'-30' at maturity)
3. Large Shrubs (6'-12' at maturity)
4. Medium Shrubs (4'-6' at maturity)
5. Low Shrubs (<6' at maturity)
6. Ferns
7. Grasses
8. Perennials

Each category provides the plant's Latin name, common name, height, and any specific notes.

Alternative plant species may be used, with approval from the Village.

Latin Name	Common Name	Native/ Adaptive	Notes
Tall Trees (> 30')			
Acer floridanum	Southern Sugar Maple	native	beautiful bark
Acer rubrum	Red Maple	native	great Fall color
Betula nigra	River Birch	native	beautiful bark/deer resistant
Chamaecyparis thyoides	Atlantic White Cedar	native	evergreen
Fagus grandifolia	American Beech	native	silver bark
Ilex opaca	American Holly	native	evergreen/deer resistant
Taxodium distichum	Bald Cyprus	native	street tree/deer resistant
Juniperus virginiana	Eastern Red Cedar	native	evergreen/deer resistant
Gleditsia triacanthos	Honeylocust	adaptive	street tree/deer resistant
Magnolia grandiflora	Southern Magnolia	native	evergreen/deer resistant
Liquidambar styraciflua	Sweetgum	adaptive	evergreen/street tree
Magnolia virginiana	Sweetbay	native	
Nyssa sylvatica	Blackgum	native	good fall color
Pinus echinata	Shortleaf Pine	native	evergreen/deer resistant
Pinus palustris	Longleaf Pine	native	evergreen/deer resistant
Pinus serotina	Pond Pine	native	evergreen
Pinus taeda	Loblolly Pine	native	evergreen
Platanus occidentalis	Sycamore	native	
Quercus coccinea	Scarlet Oak	native	street tree
Quercus falcate	Southern Red Oak	native	
Quercus pagoda	Cherrybark Oak	native	
Quercus phellos	Willow Oak	native	
Quercus rubra	Red Oak	native	
Quercus stellata	Post Oak	native	
Tilia Americana	Basswood	native	good for pollinators
Ulmus Americana	American Elm	native	street tree/use disease resistant
Small Trees (10-30 ft)			
Alnus serrulata	Alder	native	good for wet soils
Amelanchier arborea	Serviceberry	native	flowering
Amelanchier canadensis	Juneberry	native	flowering
Carpinus caroliniana	American hornbeam	native	
Cercis canadensis	Eastern redbud	native	flowering
Chionanthus virginicus	Fringe Tree	native	flowering
Cornus alternifolia	Pagoda dogwood	adaptive	flowering
Cornus florida	Flowering Dogwood	native	flowering ; use disease resistant
Crataegus spp.	Hawthorn	native	flowering/deer resistant
Halesia carolina	Carolina Silverbell	native	flowering/deer resistant
Hamamelis virginiana	Witch-hazel	native	flowering in Jan/Feb/deer resistant
Magnolia virginiana 'Moon Glow'	Moon Glow Sweetbay	native	evergreen
Magnolia x soulangiana	Magnolia	adaptive	flowering
*Ostrya virginiana**	Hophornbeam	native	
*Oxydendrum arboreum**	Sourwood	native	

* Recommended Street Tree Type

Latin Name	Common Name	Native/ Adaptive	Notes
Large Shrubs (6-12 ft)			
Aesculus pavia	Red Buckeye*	native	deer resistant
Buxus semp. 'Dee Runk'	Fastigate American Boxwood	adaptive	evergreen
Cornus amomum	Silky Dogwood	native	
Ilex 'Conaf'	Oakleaf Holly	adaptive	evergreen
Ilex deciduas	Possumhaw	native	good winter berries
Ilex verticillata	Winterberry	native	good winter berries
Myrica cerifera	Wax Myrtle	native	evergreen/deer resistant
Rhododendron arborescens	Sweet azalea	native	
Rhododendron calendulaceum	Flame azalea	native	
Rhododendron catawbiense	Mountain rosebay	native	evergreen
Rhus copallina	Winged Sumac	native	
Rhus glabra	Smooth Sumac	native	
Viburnum rufidulum	Rusty Blackhaw	native	keep off sidewalks due to fruit
Viburnum x rhytidophylloides 'Allegheny'	Leatherleaf Viburnum	adaptive	evergreen
Medium Shrubs (4-6 ft)			
Camellia japonica	Camellia	adaptive	evergreen
Kalmia latifolia	Mountain laurel	native	evergreen
Rhododendron carolinianum	Carolina Rhododendron	native	evergreen
Rhododendron periclymenoides	Wild or Pinxter azalea	native	
Rhododendron vaseyi	Pinkshell azalea	native	evergreen
Viburnum x rhytidophylloides 'Cree'	Dwarf Leatherleaf Viburnum	adaptive	evergreen
Low Shrubs (Under 4')			
Abelia x grandiflora	Glossy Abelia	adaptive	deer resistant
Buxus mic.'Winter Gem'	Korean Boxwood	adaptive	evergreen
Buxus mic.'Wintergreen'	Korean Boxwood	adaptive	evergreen
Clethera alnifolia	Summersweet Clethra	native	
Cornus sericea	Redosier Dogwood	adaptive	
Hydrangea aborescens	Snowhill Hydrangea	native	flowering
Hypericum prolificum	Shrubby St. John's Wort	native	flowering
Ilex glabra 'Compacta'	Compact Inkberry Holly	adaptive	evergreen
Leucothoe fontanesiana	Drooping leucothoe	native	evergreen
Rosa carolina	Carolina rose	native	flowering
Rosa palustris	Swamp rose	native	flowering
Vaccinium macrocarpon	Cranberry	native	evergreen
Vaccinium pallidum	Lowbush blueberry	native	
Viburnum acerifolium	Maple-leaf Viburnum	native	

Latin Name	Common Name	Native/ Adaptive	Notes
Ferns			
Adiantum pedatum	Maidenhair fern	native	deer resistant
Asplenium platyneuron	Ebony spleenwort	native	evergreen
Athyrium felix-feimina	Lady fern	native	deer resistant
Dennstaedtia punctilobula	Hay-scented fern	native	
Dryopteris marginalis	Wood fern	native	evergreen
Onoclea sensibilis	Sensitive fern	native	
Osmunda cinnamomea	Cinnamon fern	native	deer resistant
Polystichum acrostichoides	Christmas fern	native	evergreen/deer restistant
Grasses			
Andropogon gerardii	Big bluestem	native	
Andropogon virginicus	Broomsedge	native	
Arundinaria gigantea	River cane	native	
Carex pensylvanica	Pennsylvania sedge	native	
Carex plantaginea	Plantain-leaved sedge	native	
Chasmanthium latifolium	River Oats	native	
Panicum virgatum	Switch-grass	native	deer resistant
Schizachyrium scoparium	Little bluestem	native	
Sorghastrum nutans	Indian grass	native	deer resistant
Perennials			
Amsonia spp.	Blue star	adaptive	
Aquilegia canadensis	Wild columbine	native	deer resistant
Asclepias incarnata	Swamp milkweed	native	
Asclepias tuberosa	Butterfly-weed	native	
Aster novea angliae	New England aster	native	
Astilbe spp.	Astilbe	adaptive	
Baptisia spp.	Wild indigo	adaptive	
Chelone lyonii	Pink turtlehead	native	
Coreopsis 'Moonbeam'	Coreopsis	adaptive	deer resistant
Dicentra eximia	Bleeding heart	native	
Echinacea spp.	Coneflower	adaptive	deer resistant
Geranium 'Rozanne'	Wild geranium	adaptive	
Helianthus resinosus	Sunflower	native	
Hemerocallis spp.	Daylily	adaptive	
Heuchera americana	Alumroot	native	
Heuchera 'Palace Purple'	Coral Bells	adaptive	
Hosta spp.	Hosta	adaptive	
Iris cristata	Dwarf crested iris	native	
Liatris spicata	Blazing star	native	
Lobelia cardinalis	Cardinal flower	native	deer resistant
Monarda didyma	Bee-balm	native	deer resistant
Nepeta faassenii	Catmint	adaptive	deer resistant
Pachysandra procumbens	Allegheny spurge	native	
Phlox carolina	Carolina phlox	native	
Phlox divaricata	Wild blue phlox	native	
Phlox paniculata	Garden phlox	native	
Polygonatum biflorum	Solomon's seal	native	
Rudbeckia 'Goldsturm'	Blackeyed susan	adaptive	
Salvia 'May Night'	May Night Salvia	adaptive	deer resistant
Silene virginica	Fire pink	native	
Solidago rugosa	Winkle-leaf goldenrod	native	
Tiarella cordifolia	Foamflower	native	
Vernonia noveboracensis	New York ironweed	native	

HARDSCAPE

Throughout Village Place, various paving types may be employed to denote the different zones and uses of hardscape areas. For example, where a sidewalk adjoins a plaza seating area, a change in paving type differentiates a movement zone from an area of rest. The hierarchy of spaces is encouraged to be reinforced through the creative, yet restrained, use of different paving options by varying material, pattern, color, and/or texture. Unlike the more uniform streetscape, hardscape areas within open spaces are encouraged to differ from and contrast with the typical street sidewalk paving (however, concrete is anticipated as the primary material for both streetscape sidewalks and open space paths). Hardscape areas within open spaces shall contribute to the overall design intent and character of the space and compliment the adjacent architecture.

Materials:
Hardscape shall be constructed of concrete or brick pavers, stone, brushed concrete, or sand/clay. Trails may also be asphalt.

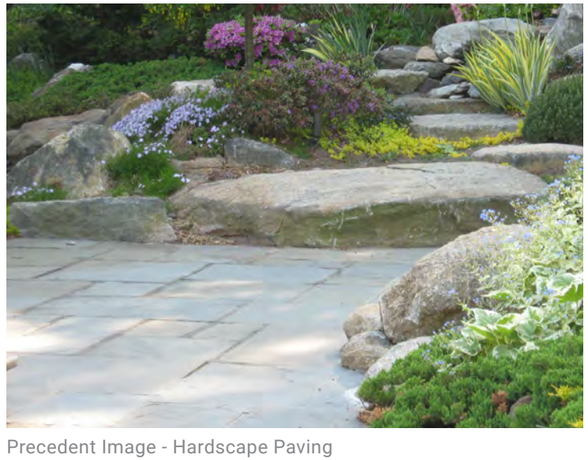
Details:
Hardscape paving materials shall meet all mobility and accessibility requirements. Changes to paving material, pattern, color, and/or texture may occur between different zones and uses of the open space areas.



Precedent Image - Brick path
Credit: Grass Roots Gardening



Precedent Image - Hardscape
Credit: www.japagirlemberlin.com



Precedent Image - Hardscape Paving
Source: i.pinimg.com

SITE FURNISHINGS & FIXTURES

BENCHES, TABLES, AND CHAIRS

Outdoor seating is an important element in a vibrant neighborhood, providing places for social interaction and recreation. When outdoor seating is comfortable, clean, and convenient, visitors will be encouraged to stay and residents will be able to enjoy Village Place. Benches, tables, and chairs within the open spaces, away from the street edge, shall be differentiated from the typical street furnishings. Whereas the street furnishings shall be uniform and consistent throughout Village Place, furnishings within the open spaces may be unique and expressive of the overall composition and character of the space. A variety of styles, materials, and colors are strongly encouraged.

Materials: Benches shall be metal (aluminum, steel, or cast iron), a combination of wood and metal, stone, or other durable material. Materials with a high percentage (75% or more) of recycled content are encouraged. Other materials may be used for benches that serve as public art if approved by the Village.

Details: Benches should be surface-mountable or able to be embedded in paving. Tables and chairs may be either permanently placed/mounted or moveable.



Precedent Image - Outdoor Seating
Source: www.smugmug.com



Precedent Image - Bench with back
Credit: Landscape Forms



Precedent Image - Bench without back
Credit: www.landscapeforms.com

POTS AND PLANTERS

Pots and planters should add interest, color, and pedestrian scale to the open space. Low-maintenance planters with perennial and annual plantings are highly encouraged throughout Village Place, but shall be appropriate to the overall design of the open spaces in which they occur. Moveable pots and planters shall be used where permanent planters may limit the versatility and use of an open space.

Details: Pots and planters shall be of a durable, low maintenance material. Materials with a high percentage (75% or more) of recycled content are encouraged. Pots and planters shall not impede pedestrian circulation or block visibility.

TREE GRATES

Tree grates are appropriate in open spaces with high pedestrian traffic. In Village Place, tree grates should be used primarily within plazas. As part of the streetscape, tree grates shall be consistent throughout Village Place, however, when used in open spaces away from the street edge, tree grates may be of a different design coordinated with the open space character.

Materials: Tree grates shall be metal (steel or cast iron). Materials with a high percentage (75% or more) of recycled content are encouraged.

Details: Tree grates shall be properly maintained and cleaned for the safety of visitors and for the welfare of the trees they protect.



Precedent Image - Planters
Source: st.houzz.com



Precedent Image - Planters
Source: www.secretgardenshop.com



Precedent Image - Tree Grates
Credit: Flickr / Orbmiser

BOLLARDS

Bollards may be used in open spaces to protect pedestrians from vehicles or to add visual interest and provide ground-level lighting.

Details: Bollards shall be of a durable, low maintenance material. Bollards may be permanent or removable, depending on the desired limits of access. Removable bollards are recommended where possible in order to provide maximum flexibility.

SMOKING RECEPTACLES

A non-smoking environment should be a goal of Village Place; however, proper disposal of tobacco products is necessary to avoid littering and fire hazards.

Materials: Smoking receptacles shall be metal.

Details: Any exterior designated smoking areas shall be located at least 25 feet away from building entries, outdoor air intakes, operable windows, and playgrounds.



Precedent Image - Bollards
Credit: www.broxap.com & www.bollards.co.uk



Precedent Image - Bollard
Credit: Il Fiore Rosso



Precedent Image - Smoking/Cigarette Receptacle
Credit: Landscape Forms

WASTE AND RECYCLING RECEPTACLES

Waste and recycling receptacles should be coupled together (or adjaceent to one another) and shall be conveniently located along streets. For sanitation purposes, receptacles shall have a rain guard over the main opening and shall conceal the main recycling or trash container. Waste and recycling receptacles used as standard types for streets may be used in adjacent open spaces (see Street Lights on pages 29) or unique receptacles specific to and coordinating with other other furnishings in the open space may be selected, conforming to the criteria below.

Materials: Waste and recycling receptacles shall be metal or a combination of wood and metal.



Precedent Image - Waste/Recycling Receptacle
Credit: Forms + Surfaces



Precedent Image - Waste Receptacle
Credit: Landscape Forms

LIGHTING

Lighting in open spaces should change in scale and type according to the adjacent use, size, and character of the space. Light fixtures used as standard types for streets should not be employed randomly (out of alignment, away from the street edge) in adjacent open spaces (see Street Lights on pages 29). A variety of lighting types are encouraged in open spaces and may include pole-mounted, string, lantern, bollard, sconce, step, and similar types.

Materials: All light poles and fixture housings shall be metal or durable composite material. All lighting fixtures are encouraged to be Dark Sky compliant, as defined by the International Dark Sky Association (IDA). LED (or other advanced energy efficient lamp) fixtures are recommended to provide a range of 70 to 100 watts for pedestrian-scaled light locations. LED fixtures shall have a lamp color near 4000 K (similar to natural sunlight during morning or afternoon hours).



Precedent Image - Tivoli Garden Lights
Source: 1.bp.blogspot.com



Precedent Image - Bollard Lights
Source: lightandliving.com



Precedent Image - Bench without back
Source: www.simplelifeprattle.com

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5.0 ARCHITECTURAL DESIGN

5.1 OVERVIEW
5.2 BUILDING TYPES
5.3 MATERIAL AND ELEMENT STANDARDS

5.1 Overview

PURPOSE

The primary purpose of the Architectural Criteria in this document is to guide the design and character of all buildings and associated elements in Village Place - *see the Exceptions listed below - in material, configuration, and technique (i.e., what materials are permitted for each component of a building, how materials shall be used, and what finishes or details are acceptable). Importantly, the design and character of the architecture should support the quality goals established for Village Place.

Exceptions:

1. Except Civic buildings which are exempt form the Architectural Design criteria;
2. Except as precluded by the North Carolina Residential Code for One- and Two-Family Dwellings (per Section 160D-702); in such cases, the criteria are encouraged rather than mandated; and
3. Except where in conflict with the Village of Pinehurst *Historic District Standards*, life safety codes, or state or federal regulations; in such cases, the *Historic District Standards,* life safety codes, or state or federal regulations will prevail.

COMPONENTS

The Architectural Design Criteria contain two subsections:

5.2 Building Types
5.3 Material and Element Standards

Section 5.3 Material and Element Standards contain two discreet sets of criteria based on building type. The first set applies to all Commercial/Mixed-Use Building Types and the second set applies to all Residential Building Types (for more information on Building Types, see pages 51-54).

Each set of Material and Element Standards include General Provisions, followed by criteria that apply to specific building components including:

1. Exterior Walls;
2. Building Elements (such as porches, stoops, bays, and decks);
3. Roofs;
4. Doors and Windows: and
5. Frontage and Yard components.

As noted in Section 1.2 on page 4, precedent images are included within this section to support the criteria, are illustrative only, and are not intended to indicate specific design mandates.

5.2 Building Types

This and the following pages summarize the anticipated Building Types in Village Place, as redevelopment and infill occurs, as well as specific criteria that apply per type. For Site Design criteria such as building setbacks, build-to lines, and minimum building widths, see the Lot Standards section on pages 10-16. See the Material and Element Standards on the following pages for additional architectural criteria.

RETAIL (SINGLE-USE)

New stand-alone retail buildings, whether with a single tenant or multiple tenants may be built within Village Place. Small pavilion-scaled buildings with restaurants or shops may be located in or near amenity spaces to provide activity and serve people in adjacent buildings or visiting Pinehurst. Retail buildings may vary in massing but will typically be 1-2 stories in height, up to a maximum of 3 stories, as allowed in the Regulating Plan on page 9 and as their programs necessitate. Although the programs and designs may vary, the goal for Village Place should be to enliven the streetscape and/or amenity space with significant glazing on the ground and upper floors. Solar orientation and shading of glazing should also be considered.



Precedent Image - One-story Retail
Source: unknown

Standards:

1. Where Active Frontage is indicated by the Regulating Plan on page 9, the ground-floor frontage elevations shall be activated with retail and restaurant space. Display cases, semi-transparent glass, or other methods may be used where storefronts with full glazing are not feasible due to specific program requirements. Also see the Urban Design criteria on page 18 for minimum window requirements.
2. Significant glazing shall be incorporated, where possible, in all retail building upper-story frontage elevations.
3. Canopies, awnings, and storefronts shall vary per building and may vary per tenant.
4. Vertical proportions and architectural details appropriate to the architectural character shall be incorporated to enliven the façade and provide greater interest on street frontage elevations.
5. Vehicular and pedestrian visibility from streets and/or amenity spaces shall be established to support viability of the retail tenant.

See the Material and Element Standards on the following pages for additional criteria.

OFFICE (SINGLE-USE)

New stand-alone office buildings, whether with a single tenant or multiple tenants, either as small residential-scaled buildings or larger, multi-floor buildings, may be built within Village Place. Office buildings may vary in massing but will be 1-3 stories in height, as allowed in the Regulating Plan on page 9. Parking is provided to the rear (and sometimes side) in detached or integral garage(s) and/or in a shared surface parking lot.
General as well as Medical Office is anticipated. While many of the type characteristics are similar between General and Medical Office (and both uses may be mixed within one building), Medical Office has some unique design considerations that need to be taken into account and accommodated. For example, Medical Office floor plates may be deeper and/or taller than General Office; drop-off and entry needs to be conveniently located with an elevated focus on accessibility for patients with mobility-, visual-, or hearing-impairments; and parking has a higher demand and turn-over rate compared to General Office.



Precedent Image - One-story Office - Turnberry Wood, So. Pines
Credit - Design Collective

See the Material and Element Standards on the following pages for additional criteria.

Standards:

1. Where Active Frontage is indicated by the Regulating Plan on page 9, the ground-floor frontage elevations shall be activated with retail and restaurant space where feasible and/or building lobby or amenity spaces. Also see the Urban Design criteria on page 18 for minimum window requirements.
2. Significant glazing shall be incorporated, where possible, in all office building upper-story frontage elevations, to reflect the building's use and to provide more natural daylighting for office workers.
3. If multi-storied, walls, piers, and/or columns at the building base should visually transfer the wall load above, to the ground plane and shall relate in alignment to the wall areas above.
4. The office lobby entrance shall be highlighted as a strong, legible element of the façade.
5. If incorporated, canopies and awnings shall vary per building and may vary per tenant.
6. Vertical proportions and architectural details appropriate to the architectural character shall be incorporated to enliven the façade and provide greater interest on street frontage elevations.

HOTEL (SINGLE-USE OR WITH RETAIL)

As a building welcoming visitors to Village Place, a hotel should have a distinctive character from other types. Hotels will typically be 2-3 stories in height, as allowed in the Regulating Plan on page 9. Hotels may (but are not required to) include retail/restaurant space, typically on the ground floor. Guest rooms typically occur on the upper floor(s) and have a residential fenestration pattern. Direct access from parking to the retail and the hotel lobby is desired and shall be welcoming, safe, and well-lit.

Standards:

1. Where Active Frontage is indicated by the Regulating Plan on page 9, the ground-floor frontage elevations shall be activated with retail and restaurant space. Also see the Urban Design criteria on page 18 for minimum window requirements.
2. Guest rooms on the upper levels shall have a residential fenestration pattern as shown on pages 66 and 67.
3. Architectural bays should read in elevation. A strong base should be expressed and shall be delineated from the upper story/stories by a horizontal banding element.
4. Walls, piers, and/or columns at the building base should visually transfer the wall load above, to the ground plane and shall relate in alignment to the wall areas above.
5. The lobby/primary entrance shall have a prominent architectural read and may have a guest drop-off area, either curb-side or with a pull-off lane separated from the street.
6. If incorporated, canopies and awnings shall vary per building and may vary per tenant.
7. Flat roofs may be used to incorporate terraces for additional amenity space, mechanical units, and/or green roof systems.

See the Material and Element Standards on the following pages for additional criteria.



Precedent Image - Two-story Building
Credit: Google Maps Street View



Precedent Image - Three-story Hotel - Woodstock, VT
Source: jetsetmag.com

COMMERCIAL / MIXED-USE

Commercial/Mixed-Use buildings may include retail, restaurant, office space, and/or residential units (often leased to different tenants). In Village Place, Commercial/Mixed-Use buildings will typically be 1-3 stories in height, as allowed in the Regulating Plan on page 9. In Village Place, mixed-use buildings are encouraged and adaptive reuse of building space is anticipated. This building type, found also in the historic Village Core, as well as the other mixed-use building types envisioned, including Hotel with Retail, Multi-family with Retail, and Live-Work units, will help accommodate changes over time.

Standards:

1. The standards listed on page 51 under Retail and Office and on page 53, under Multi-Family apply as relevant to each use. However, the building elevations are not required to, but may, be altered if tenants transition over time from office to retail or vice-versa.

See the Material and Element Standards on the following pages for additional criteria.



Precedent Image - Three-story Mixed-Use- Mashpee Commons, MA
Credit - buildabetterburb.org



Precedent - Two-Story Mixed Use - Market Square, Pinehurst, NC
Credit: VOP Rentals

MULTI-FAMILY (SINGLE-USE OR OVER RETAIL)

Multi-family buildings contain apartments/flats either rented or owned (as condos). Parking is provided to the rear or side in detached or integral garage(s) and/or in a shared surface parking lot. In Village Place, Multi-family building heights will typically be 2-3 stories in height, as allowed in the Regulating Plan on page 9. Where residential units occur on the ground-floor, individual stoop entrances may be incorporated. When retail/restaurant space is incorporated, the dual goals of animating the ground-floor retail while creating a subdued environment for residential living demand thoughtful design. Balconies and rooftop terraces are encouraged. Visitable units that can be lived in or visited by people with mobility impairments are encouraged.

Standards:

1. Where Active Frontage is indicated by the Regulating Plan on page 9, the ground-floor frontage elevations shall be activated with retail and restaurant space where feasible and/or building lobby or amenity spaces. Also see the Urban Design criteria on page 18 for minimum window requirements.
2. Upper floors shall have a subdued and regular residential fenestration pattern, while the ground level may express the individual character of the retail/restaurant tenants if included.
3. Architectural bays should read in elevation.
4. A strong base should be expressed and shall be delineated from the upper story/stories by a horizontal banding element.
5. Walls, piers, and/or columns at the building base should visually transfer the wall load above, to the ground plane and shall relate in alignment to the wall areas above.
6. The lobby/primary entrance shall have a prominent architectural read and may have a drop-off area curb-side.
7. If incorporated, canopies and awnings shall vary per building and may vary per tenant.
8. Flat roofs may be used to incorporate terraces for additional amenity space, mechanical units, and/or green roof systems.
9. Access from parking to the lobby/primary entrance shall be welcoming, safe, and well-lit.



Precedent Image - Mulit-family - Daniel Island, SC
Credit - Daniel Parolek / Island Press

10. Visitable units are encouraged. A residential unit is visitable when it meets the following three basic requirements: on the main living level, one zero-step entrance, doors with 32 inches of clear passage, and one bathroom that you can maneuver into in a wheelchair (to note, a fully accessible bathroom is not required).
11. Outside noise from surroundings, including nearby event spaces, should be considered in residential design; Sound Transmission Class (STC) glass or other measures are encouraged where noise is an issue.

See the Material and Element Standards on the following pages for additional criteria.

LIVE/WORK

Live/Work buildings have ground-floor commercial (retail, restaurant, or office) space with residential units above. Historically, the business owner also occupies/ owns the residential unit above, i.e., one owner per single vertical unit. Typically, 3-7 vertical units are combined in one building. It is also possible to have the residential units and commercial spaces leased independently, by one building owner. Parking is provided to the rear in a detached, linked, or integral garage; on a driveway; or in a shared surface parking lot.

Within Village Place, Live/Work building heights will typically be 2-3 stories in height, as allowed in the Regulating Plan on page 9. When retail/restaurant space is incorporated, the dual goals of animating the ground-floor retail while creating a subdued environment for residential living demand thoughtful design.

Standards:

1. Storefronts shall be provided in all building ground-floor frontage elevations. Display cases, semi-transparent glass, or other methods may be used where storefronts with full glazing are not feasible due to specific program requirements. See the Urban Design criteria on page 18 for minimum window requirements.
2. Upper floors shall have a subdued and regular residential fenestration pattern.
3. Individual vertical units (whether under single proprietorship or not) shall read in elevation.
4. A strong base should be expressed and shall delineated from the upper story/stories by a horizontal banding element.
5. Walls, piers, and/or columns at the building base should visually transfer the wall load above, to the ground plane and shall relate in alignment to the wall areas above.
6. If incorporated, canopies and awnings shall vary per tenant.
7. Flat roofs may be used to incorporate roof decks, mechanical units, and/or green roof systems.
8. Access from rear parking to the storefront entrances and exterior residential entries shall be welcoming, safe, and well-lit.



Precedent Image - Three-story Live-Works - Habersham, SC
Source: missingmiddlehousing.com



Precedent Image - Three-story Live/Works - Mashpee Commons, MA
Source: Michigan Municipal League

See the Material and Element Standards on the following pages for additional criteria.

SINGLE-FAMILY ATTACHED (SFA) RESIDENTIAL (TOWNHOUSE)

Single-Family Attached (SFA)/Townhouses are residential buildings of 2-3 stories, as allowed in the Regulating Plan on page 9. Typically, 3-7 vertical units are combined in one building, typically with each unit on its own lot with parking to the rear in a detached, linked, or integral garage; on a driveway or parking pad; or in a shared surface parking lot. Yard space may occur on 1-3 sides of the lot. While attached rather than detached, a SFA/Townhouse unit is commonly the same size (sf) as a Cottage unit, the smallest of the Single-Family Detached units. SFA/Townhouse units may and are often located to provide a transition between commercial uses and larger (Manor and Villa) Single-Family Detached residential units/lots.

Standards:

1. Stoops or porches shall be provided on the front entry elevation of each unit.
2. See the Urban Design criteria on page 18 for minimum window requirements.
3. All floors shall have a subdued and regular residential fenestration pattern.
4. Individual vertical units should read in elevation.
5. While typically designed with pitched roofs, flat roofs (or portions of flat roof) may be used to incorporate roof decks, mechanical units, and/or green roof systems.
6. Access from rear parking lots (if included) to exterior residential entries shall be welcoming, safe, and well-lit.

See the Material and Element Standards on the following pages for additional criteria.



Precedent Image - Two-story SFA - Baxter Village, NC
Credit - Design Collective

SINGLE-FAMILY DETACHED (SFD) RESIDENTIAL

Single-Family Detached (SFD) are residential buildings of 1-3 stories, as allowed in the Regulating Plan on page 9. Each unit sits on a separate lot, typically each with a front, 2 sides, and a rear yard. Cottages are the smallest (in total sf) of the Single-Family Detached units. Manors and Villas are larger and, for the purposes of this FBC, are distinguished from one another by the placement of and access to the garage (and/or driveway). Manors have rear- or side-loaded garages/driveways. Villas have front-loaded garages/driveways.

Standards:

1. Stoops or porches shall be provided on the front entry elevation of each unit.
2. See the Urban Design criteria on page 18 for minimum window requirements.
3. All floors shall have a subdued and regular residential fenestration pattern.
4. SFD units should be varied and distinct from neighboring units.
5. Primary/main roofs shall be pitched. Portions of flat roof may be used to incorporate roof decks or to transition between pitched roofs (e.g., on a breezeway or link between the house proper and the garage).

See the Material and Element Standards on the following pages for additional criteria.



Precedent Image - Two-story SFD - Maple LAwn, MD
Credit - Design Collective



Precedent Image - One+-story SFD - Daniel Island, SC
Source - www.homefinder.com

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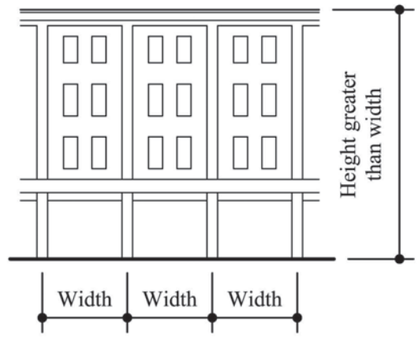
COMMERCIAL / MIXED-USE BUILDING TYPES

GENERAL PROVISIONS

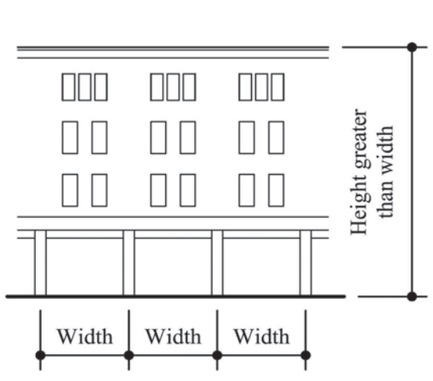
The Following General Provisions apply to all Commercial/ Mixed-Use Building Types:

1. Corner lots (i.e., lots fronting two streets) have two frontages, including two front façades, roofscapes, and yards for the purposes of these criteria. See the required Corner Lot criteria in the Site Design section on pages 17-18.
2. Commercial/Mixed-Use buildings shall front onto the primary street (have primary front entrances on) or open space. Storefronts shall face the primary street or open space and may turn the corner to receive pedestrian circulation from the secondary street, open space, parking area, or pedestrian passage.
3. Particular attention shall be paid to buildings situated at the ends of streets or open spaces. See Figure 11. These buildings shall have special articulation and massing, such as bays, enhanced entry ways, or other unique features.
4. Buildings shall align at the front façade along a block. See the Regulating Plan and Lot Standards on pages 10-16 for additional criteria.
5. Commercial structures exceeding 60 feet in any horizontal dimension shall set up an implicit or explicit system of bays. Implicit systems use window groupings in the base, intervening floors and the cornice area to denote bays. Explicit systems use columns or pilasters on the principal facade to accentuate smaller building increments and/or individual storefronts. Implicit systems use material changes horizontally and at the base of the building or storefront to accentuate smaller building increments. See Figure 1.
6. Buildings should be designed to reduce apparent mass and accentuate vertical proportions.
7. Entrances should be visually clear within the frontage elevation/facade and special by articulation within the base or bays in which they occur. Through lobbies are preferred, where feasible, to provide direct pedestrian circulation from rear parking areas to the primary street or open space. See pages 51-54 for additional entrance criteria specific to each Building Type.
8. Commercial ground floors shall have a minimum interior ceiling height of 12 feet.
9. The frontage of commercial and mixed-use buildings shall have no less than 20% nor more than 60%of the upper level facade as glazed openings and no less than 60% nor more than 85% of the lower level storefront facade shall be glazed openings. See Figure 8.
10. No more than three colors shall be used on the upper level building facade; two primary colors and one trim or highlight color. One (of the two) primary colors shall not be less than 60% of a primary facade, excluding windows, openings and storefront, etc.
11. Variation in exterior siding colors is encouraged on commercial and mixed-use buildings. The exterior siding color shall not repeat on buildings two lots down or across the street, or around the corner. See the Pinehurst Development Ordinance, Section 9.1 and the Village of Pinehurst Color Palette for additional color requirements.
12. A unified, thoughtful approach shall be used in the style selection and placement of all address numbers. In general, all building-mounted address numbers shall be placed to the right side of the main entry door (when facing the building from the street) or mounted above the entry door. The particular quantity and size shall be as required by the building code. Building-mounted address numbers may be direct mounted or applied on a plaque, but, in all cases, they shall be placed appropriately, in concert with the building's architecture, and visible from the street.
13. Further, address numbers shall be legible, in high contrast with the background color (e.g., black numbers on white trim), in a bold sans serif font (e.g., Helvetica).
14. Outdoor lighting fixtures are required on the front building elevation (façade) and on rear building elevations along an alley or off-street parking area. Fixtures shall be LED (or other advanced energy efficient lamp) and Dark Sky compliant, as defined by the International Dark Sky Association (IDA).
15. Flood lights are permitted on commercial lots, but should be discreet and avoid light trespass onto neighboring residential lots or the night sky per the requirements of Section 9.8 of the PDO . Fixtures shall be Dark Sky compliant, as defined by the International Dark Sky Association (IDA).
16. Satellite dishes and accompanying mounting hardware and cables shall be placed on screened flat roofs, the rear or side roof surfaces, or rear elevations only. In instances where signal reception is inadequate in these locations and a satellite dish is still desired, satellite dishes no larger than 18" in diameter may be mounted to a front roof or façade, with Village approval. In such cases, a letter from the installer stating the necessity of the particular location shall be submitted to the Village.
17. Solar panels shall be placed on screened flat roofs surfaces only, out of view from the street or open space.
18. To reduce the visual impact of overhead wires, utility services shall be located underground.

See the following pages for additional criteria.



EXPLICIT SYSTEMS USE COLUMNS OR PILASTERS ON THE PRINCIPAL FACADE TO ACCENTUATE SMALLER INCREMENT BUILDINGS AND STOREFRONTS WITH VERTICAL PROPORTIONS.



IMPLICIT SYSTEMS USE WINDOW GROUPINGS IN THE BASE, INTERVENING FLOORS, AND THE CORNICE AREA TO DENOTE BAYS USING VERTICAL PROPORTIONS.

Figure 1

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

COMMERCIAL / MIXED-USE BUILDING TYPES

STOREFRONT AND SIGNAGE

Construction Materials:

1. Storefront exterior walls shall be stone, cast stone, precast concrete, architectural block, brick, wood clapboard, or cementitious siding.
2. Signs shall be wood, simulated wood, fiberglass, acrylic, cast plastic, aluminum, or enameled steel.
3. Awning frames shall be constructed of metal and covered with canvas, synthetic canvas, or solution-dyed acrylic fabric. All-metal (frame and covering) awnings are permitted with no side or bottom panels.
4. Outside tables, chairs, and benches placed along the building frontage shall be stone, precast concrete, wood, cast aluminum, or powder coated metal.

Configurations and Techniques:

1. The storefront, doors, awnings and signage shall be a unified design to establish an architectural language for the base of the building facade. Also see the Urban Design criteria on page 19 for minimum window requirements.
2. In general, the storefront should be more detailed while the rest of the building should be more restrained.
3. Storefront glazing shall be a minimum of 8" above the sidewalk grade.
4. Storefront glass shall be clear.
5. Sliding doors and windows are not permitted on frontage elevations (facades).
6. Storefront entry doors shall be recessed a minimum of 36" or have an awning installed overhead and located near the center of the storefront, except at corners. See Figure 2.
7. Individual retail or office signage is encouraged to create visual interest for the pedestrian. See Figure 3.
8. A single external wall sign may be applied flush with the elevation above the ground-floor level. The sign shall be a maximum of 24" in height and limited in area by Section 9.7.1.4 of the PDO. See Figure 3
9. Additionally, a single external blade sign may be hung below the second floor window sill perpendicular to the building. These signs may extend from the building a maximum of 42" and may be a max. of 24" in height. See Figure 5.
10. Signs may contain multiple individual signs which refer to tenants of the building.
11. Signs shall be externally lit with decorative visible light sources. Pin letters with concealed halo backlighting are also permitted.
12. Fabric awnings may have side panels but shall not have a bottom (soffit) panel. The vertical drip of an awning may be stenciled with signage a maximum of 8" in height. Awnings shall not be backlit. See Figure 3.
13. Street elevations of corner buildings may be externally lit with decorative visible light sources.
14. Signs flush with a facade shall be designed to be integral with the building, a maximum of 24" in height, and externally lit. Internally illuminated exterior signage is prohibited.

See General Provisions for additional criteria.

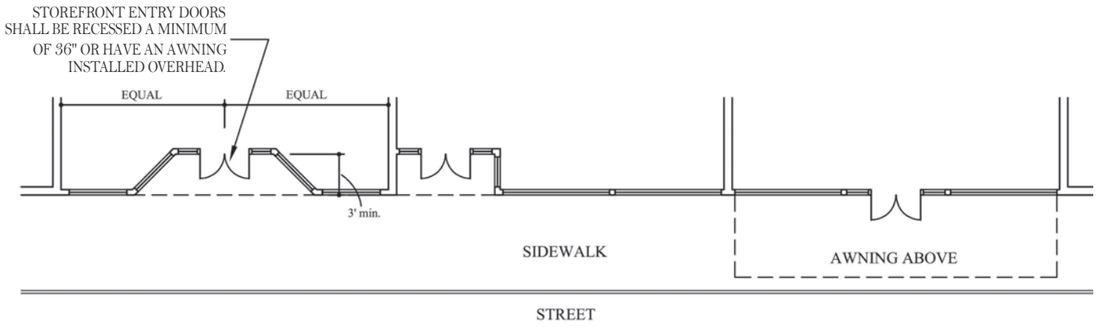


Figure 2

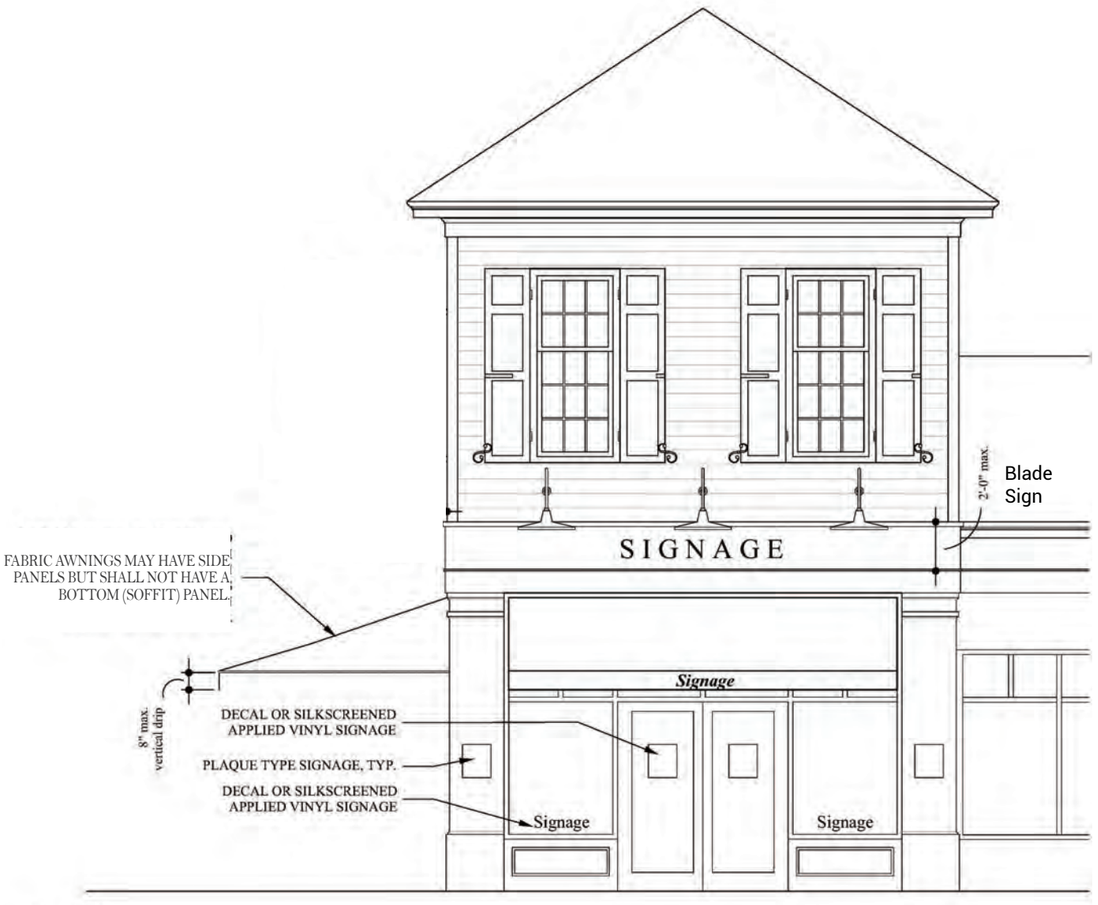


Figure 3

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

COMMERCIAL / MIXED-USE BUILDING TYPES

EXTERIOR WALLS

Construction Materials:

1. Walls shall be stone, cast stone, precast concrete, architectural concrete block, brick, wood clapboard siding, or cementitious siding.
2. Foundation walls shall be stone, brick, or poured concrete with a brick pattern or painted finish.

Configurations:

1. See the Corner Lot and Frontage Elevation Standards on pages 17-18, for additional criteria.
2. Building walls between the foundation and the eave shall be no more than two materials. Material changes shall occur along a horizontal datum or common line. Additionally, the lighter material shall be used above the heavier materials. See Figures 4 and 5.
3. Where and as used on the frontage entry elevation (façade), masonry (brick or stone to 8" below grade) is required on the side/non-entry frontage elevation. Further, the masonry shall return a minimum of 12" on the non-frontage side and/or rear elevation or at an inside corner of a protruding element on the main/entry facade. Accessory buildings may have a masonry watertable in lieu of full brick on the frontage elevation(s). See Figure 9.
4. Precast panels shall be no greater than 100 sf.
5. Walls of siding shall have all openings trimmed in wood (or simulated wood) boards of a minimum 4" nominal width and corners trimmed in wood (or simulated wood) boards of 4"-8" nominal width. Doors may have wider trim.
6. Trim is required where there is a change in material or a change in plane.
7. The color selections of the exterior siding shall not repeat on buildings two lots down or across the street, or around the corner. See also Chapter 9. Design and Development Standards and Processes in the *Pinehurst Development Ordinance*, (PDO) for additional information on and requirements related to the *Village of Pinehurst Color Palette*.

Techniques:

1. Precast concrete, cast stone, stone, architectural concrete masonry units and brick shall be on a running bond pattern. Rustication may occur at the base of the exterior wall using one of the above materials.
2. Precast and cast stone masonry units shall have an etched finish. Pre-cast panels shall be further articulated by reveals with coursing to appear as smaller masonry units.
3. Wood clapboard, wood beaded siding or cementitious siding shall be pre-finished or (field) painted within the approved VOP color pallete.
4. Butt joints may be caulked or covered and shall be painted to match the adjacent material color.
5. Brick shall be in a horizontal running bond pattern with weathered, concave, V-shaped, or grapevine mortar joints not greater than ½" in height. Patterned brick detailing and special brick shapes may be used.
6. Stucco shall be sand finished or steel trowelled.
7. Stone shall be set in an uncoursed, ledgerock pattern or roughly squared pattern. See Figure 14

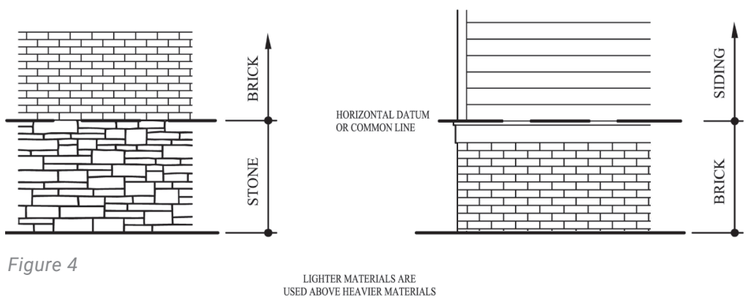


Figure 4



Figure 5

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

COMMERCIAL / MIXED-USE BUILDING TYPES

BUILDING ELEMENTS

Construction Materials:

1. Cornices may be made of stone, cast stone, brick, precast concrete, wood, solid PVC, cementitious fiberboard, fiberglass composite, or polymer composite.
2. Columns and posts shall be made of natural quarry stone, wood, polymer composite, or fiberglass, subject to approval by the Village.
3. Piers and arches shall be stone, precast concrete, cast stone, or brick. Architectural concrete block may be permitted, subject to approval by the Village.
4. Porch railings shall be wood, or solid PVC, steel, wrought iron, or ESP aluminum.
5. Walking surfaces of porches shall be wood or simulated wood such as “Trex” deck or equal.
6. Stoops shall be stone, brick, or concrete. Wood or simulated wood may be used at secondary, non-frontage entrances, with Village approval.
7. Stoop and other metal railings shall be made of steel, wrought iron, or electro-static painted (ESP) aluminum.
8. Sills shall be cut stone, precast, rowlock brick, sill brick, or solid PVC.
9. Balconies may be made of steel, wrought iron, electro-static painted (ESP) aluminum, stone, cast stone, or precast.
10. Railings shall be made of steel, wrought iron, or ESP aluminum.
11. Piers and arches shall be brick, stone, or rusticated block.

Configurations:

1. Arches made of masonry shall not be less than 8" in thickness.
2. Keystones in arches shall have sides radial to the arch.
3. Piers in arches shall be no less than 18" in width and 12" in depth and shall conform to The American Vignola.
4. Columns and pilasters shall be of the Tuscan or Doric orders as prescribed by The American Vignola.
5. Cornices shall project a maximum of 36” inches from the exterior wall and shall conform to The American Vignola. See additional criteria under Roofs on page 62.
6. Porches shall be a minimum of 8’ in depth. Porch openings between columns and piers shall be vertical in proportion.
7. Ballusters shall not exceed 4-1/2" on center.
8. Lintels made of stone or pre-case concrete shall extend horizontally beyond the opening a minimum of 2” but not greater than the dimension equal to the height of the lintel.
9. Brick soldier lintels shall extend a minimum of one brick beyond the opening. See Figure 16.

Techniques:

1. Wood shall be painted or stained, except walking surfaces which may be left unfinished.
2. Railings of steel or wrought iron shall be pre-finished or painted black or dark green.

See General Provisions for additional criteria.

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

COMMERCIAL / MIXED-USE BUILDING TYPES

ROOFS

Construction Materials:

1. Roofs may be pre-finished standing metal seam, copper, slate, artificial slate, or architectural grade asphalt shingles.
2. Gutters and downspouts shall be aluminum, pre-finished metal, or copper. Copper anodized aluminum is not permitted.
3. Splash blocks shall be stone, brick, concrete, fiberglass, or vinyl.
4. Glazing in windows, skylights, and stained-glass shall be glass.

Configurations:

1. Roofs shall be simple and symmetrically pitched, and only in the configuration of gables, hips, and mansards. Shed roofs may be used on secondary massing elements and dormers. Flat roofs may be used on the non street facing facade to incorporate terraces and mechanical units to maximum of 50% of the building's roof square footage.
2. On the primary structure the pitch of the main roof shall be between 8:12 and 14:12. Secondary roofs on the principal structure, as well as on garage and link roofs, may have shallower pitches but shall relate to the principal structure's roof (hips with hips and gables with gables). See Figure 18.
3. Eaves shall have no more than six outside corners. See Figure 19.
4. Shed roofs of building elements shall have the ridge attached to an exterior building wall or primary roof ridge and have a maximum pitch of 4:12.
5. Balustrades on flat roofs are permitted only when the flat roof is occupiable and accessible.
6. Roofs shall overhang a gable end a minimum of 12" measured from the face of the fascia board to the face of building wall.
7. Rake returns are required at gable ends and shall have 2' minimum return of cornice trim. See Figures 12a and 12b.
8. Gable ends shall have profile trim.
9. Skylights shall be flat in profile and not directly visible from a street or open space.
10. Solar Panels: See General Provisions on page 56.
11. Rooftop mechanical equipment (including elevator equipment, HVAC equipment, and similar) shall be concealed in roof wells designed as an integral part of the building or screened with a parapet.
12. Vents, flues, turbines, and other roof penetrations on pitched roofs shall be vertically straight, collected or grouped when possible, and relegated to the rear roof surface.
13. Gutters shall be half-round or ogee ("K") profile.
14. Downspouts shall not be attached to free-standing columns or posts, rather shall run down and attach to the building wall (preferably on non-frontage elevations).

Techniques:

1. Roofs built of standing seam metal shall be pre-finished.
2. Shingle color may be dark gray, charcoal, black, or a black blend.
3. Vents, attic ventilators, turbines, flues and another roof penetrations shall be pre-finished or painted matte black.
4. Gutters and downspouts made of aluminum or pre-finished metal shall coordinate with the color of the adjacent material finish (i.e., gutters and downspouts mounted on light trim material shall be white or off-white; gutters and downspouts on dark brick or stone shall be a dark neutral color). Copper downspouts shall be permitted to age naturally.

See General Provisions for additional criteria.

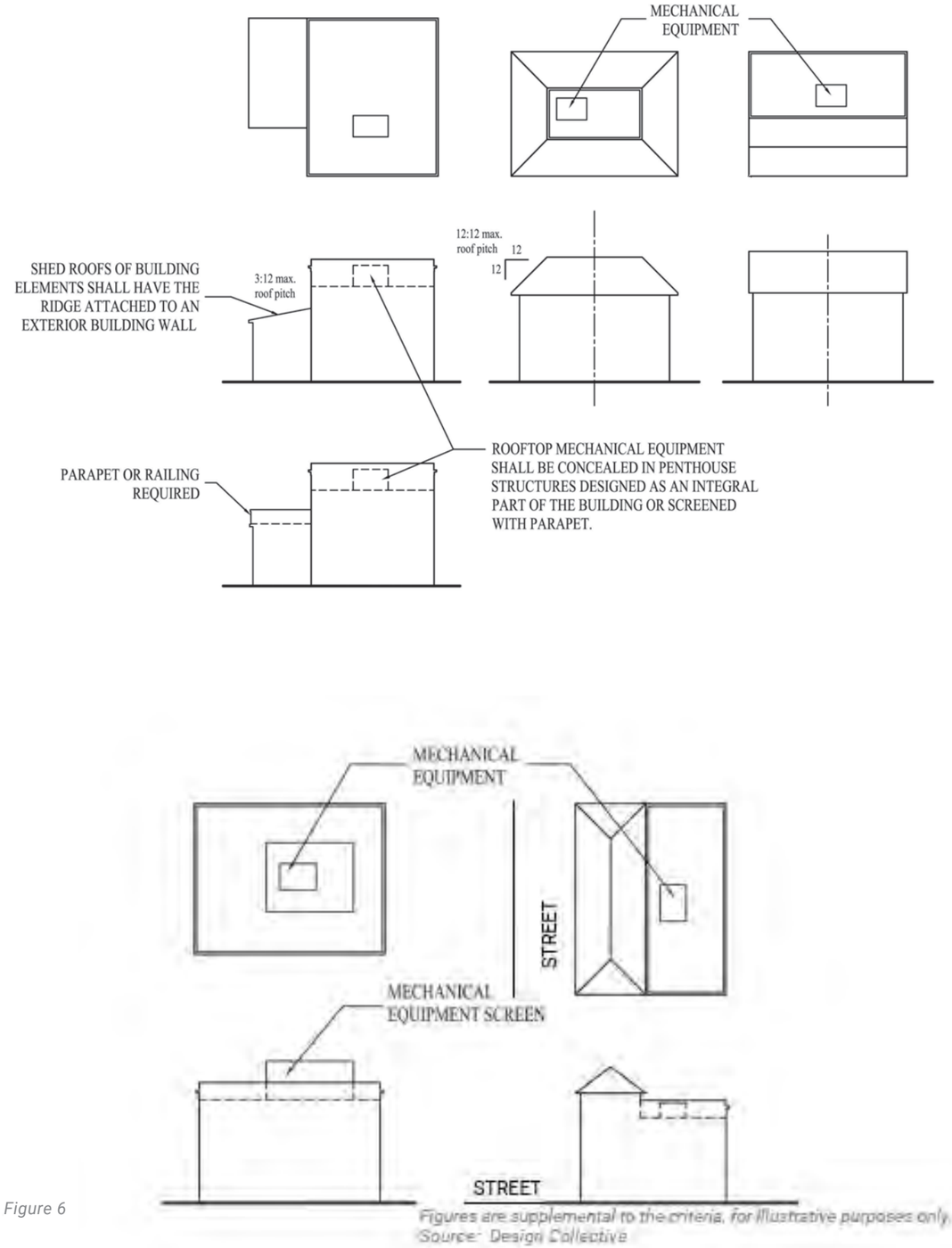


Figure 6

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

COMMERCIAL / MIXED-USE BUILDING TYPES

DOORS AND WINDOWS

See the Storefront & Signage section on page 57, for criteria specific to Storefronts. The following criteria apply to non-storefront windows and doors.

Construction Materials:

1. Window frames shall be embossed steel, extruded aluminum clad, wood, fiberglass or vinyl clad.
2. Glass shall be clear and free of color. One window in each building may be stained glass, art glass, or frosted glass. False windows may have a dark film, frosted film, or dark neutral paint applied to the interior.
3. Shutters shall be wood or solid cellular PVC.
4. Doors shall be built of wood, embossed steel, embossed aluminum, or fiberglass with a brushed paint finish.

Configurations:

1. See the Corner Lot and Frontage Elevation Standards on pages 17-18, for additional criteria.
2. Centerlines of windows shall align vertically within any given facade. See Figure 7.
3. Windows and window lites shall be no wider than square in proportion, accentuating the vertical proportion.
4. Bay windows on facades facing a street shall extend to the ground or be structurally or visually supported by brackets. See Figure 8.
5. Two or more windows paired in the same rough opening shall be separated by a minimum 4" nominal post. See Figure 24.
6. Windows shall be no closer than 2' to building corners, except where windows are paired, one on each wall at the corner with a maximum 8" nominal post.
7. Shutters shall be shaped, sized and proportioned to the windows they serve. See Figures 8 and 25.
8. Shutters shall be operable or provided with adequate hardware to make them appear operable and shall be mounted as if hinged to the window frame or brick surround. See Figures 8 and 25.
9. Doors shall be attached by hinges.
10. A minimum of 18" shelter shall be provided at all public entry doors.

Techniques:

1. Windows shall be single-hung, double-hung, triple-hung, casement, hopper, or fixed.
2. Shutters shall be painted a dark neutral color. White shutters may be used against a dark masonry exterior wall material, with Village approval.

See General Provisions for additional criteria.

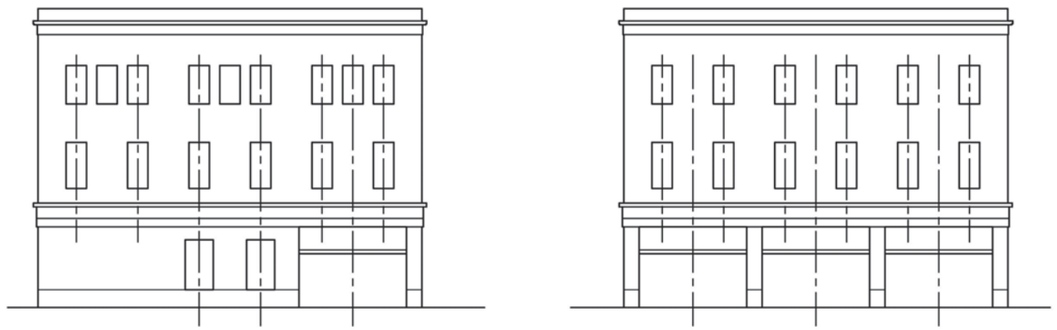


Figure 7



Figure 8

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

RESIDENTIAL BUILDING TYPES

GENERAL PROVISIONS

1. Corner lots (i.e., lots fronting two streets) have two frontages, including two front façades, roofscapes, and yards for the purposes of these criteria. See the required Corner Lot criteria in the Site Design section on pages 17-18.
2. On Corner Lots, full porches on the entry façade shall wrap the non-entry façade a minimum of two structural bays, unless otherwise approved by the Village. See Figures 9 and 10.
3. Particular attention shall be paid to buildings situated at the ends of streets or open spaces. See Figure 11. These buildings shall have special articulation and massing, such as bays, porches or stoops, or other unique features; should be placed such that garage doors are oriented away from the view corridor; and may require additional detail or features as required by the Village.
4. Buildings should align at the front façade along a block. See the required setback and Build-to Line requirements in Section 2.2 Lot Standards on pages 11-16.
5. The frontage elevation (facade) designs as well as color selections of the exterior siding (see also Exterior Walls criteria on the following page) shall not repeat on buildings two lots down or across the street, or around the corner.
6. A unified, thoughtful approach shall be used in the style selection and placement of all address numbers. In general, all building-mounted address numbers shall be placed to the right side of the main entry door (when facing the building from the street) or mounted above the entry door. The particular quantity and size shall be as required by the Post Office. Building-mounted address numbers may be direct mounted or applied on a plaque, but, in all cases, they shall be placed appropriately, in concert with the building's architecture, and visible from the street.
7. Further, address numbers shall be legible, in high contrast with the background color (e.g., black numbers on white trim), in a bold sans serif font (e.g., Helvetica).
8. Outdoor lighting fixtures are required on the front building elevation (façade) and on the alley side (or shared-access driveway) of each rear-load garage or parking area. Fixtures shall be LED (or other advanced energy efficient lamp) and Dark Sky compliant, as defined by the International Dark Sky Association (IDA).
9. Flood lights are permitted on residential lots, but only with a motion detector and timer that turns off after no more than 5 minutes. Flood lights should be discreet and avoid light trespass onto neighboring lots or the night sky. Fixtures shall be LED (or other advanced energy efficient lamp) and Dark Sky compliant, as defined by the International Dark Sky Association (IDA). See Chapter 9.8 in the Pinehurst Development Ordinance, (PDO) for additional requirements.
10. Solar path/garden lights, antennae, statuary, garden benches, play equipment, barbecues, and similar shall be relegated to rear yards only.
11. Satellite dishes and accompanying mounting hardware and cables shall be placed on screened flat roofs, the rear or side roof surfaces, or rear elevations only. In instances where signal reception is inadequate in these locations and a satellite dish is still desired, satellite dishes no larger than 18" in diameter may be mounted to a front roof or façade, with Village approval. In such cases, a letter from the installer stating the necessity of the particular location shall be submitted to the Village.
12. Solar panels shall be placed on screened flat roofs surfaces only, out of view from the street or open space.
13. To reduce the visual impact of overhead wires, utility services shall be located underground.

See General Provisions for additional criteria.

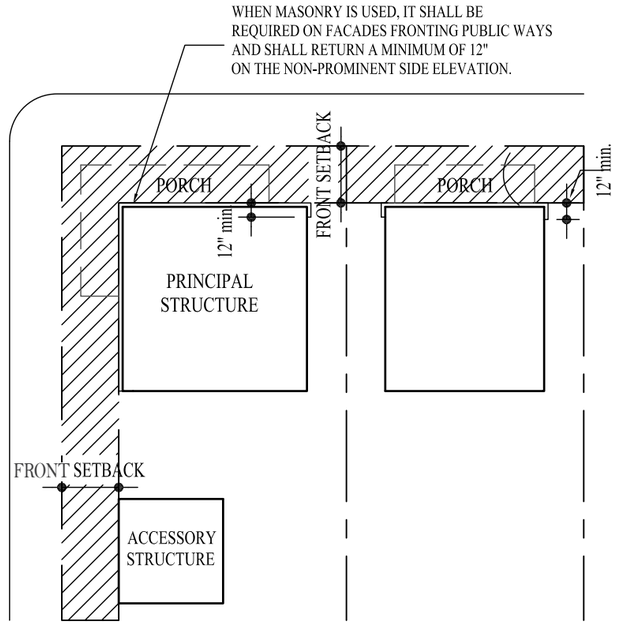


Figure 9

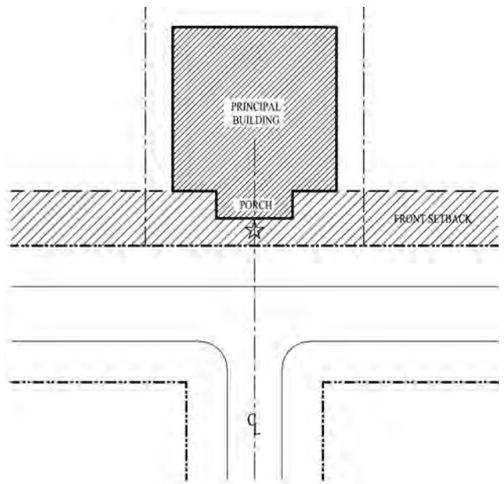


Figure 11

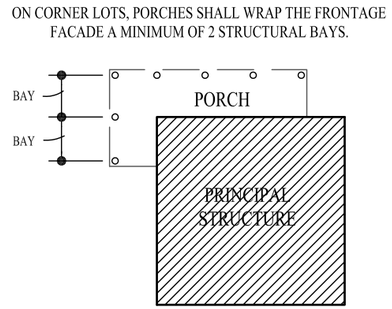


Figure 10

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

RESIDENTIAL BUILDING TYPES

EXTERIOR WALLS

Construction Materials:

1. Foundation walls shall be faced in real brick or real/quarry stone with a minimum nominal thickness of 4", or poured concrete with a brick pattern and painted to match or be one shade darker than the main façade material.
2. Walls shall be brick, stone, or wood clapboard siding, or cementitious siding in a smooth finish (no vinyl siding is permitted). Stucco may be approved, if appropriate to the architectural character, by the Village.
3. Trim shall be a smooth finish cementitious, solid cellular PVC, or other simulated wood as approved by the Village.

Configurations:

1. Where siding is the primary façade material: A masonry watertable (brick or stone to 8" below grade) is required on both the frontage entry and frontage non-entry elevations. See Frontage Elevation criteria on pages 18-19 for additional requirements.
2. The color selections of the exterior siding shall not repeat on buildings two lots down or across the street, or around the corner. See also Chapter 9. Design and Development Standards and Processes in the Pinehurst Development Ordinance, (PDO) for additional information on and requirements related to the Village of Pinehurst Color Palette.
3. Additionally, on masonry elevations, an expression of the base or watertable through a change in plane, brick shape, color, and/or pattern is required on frontage elevations. See Figure 15.
4. Masonry shall return a minimum of 12" on non-frontage side elevations or at an inside corner of a protruding element on the main/entry facade. Masonry returns are encouraged, but not required on rear elevations. See Figure 12a.
5. Building walls between the foundation and the eave shall be no more than two primary materials. Material changes shall occur along a horizontal line. Additionally, the lighter (or lighter appearing) material shall be used above the heavier (or heavier appearing) material. See Figure 15.
6. Wall materials shall be oriented horizontally, unless approved as appropriate to the architectural character by the Village.
7. Walls of siding shall have all openings trimmed in vertical/jamb boards with a 4" minimum nominal width unless otherwise noted below. Windows with installed shutters may omit the 4" jamb boards. Trim boards on rear windows may be a minimum of 2" wide. On frontage elevations, head trim shall be 8" minimum nominal in height and may incorporate a special head feature. On non-frontage side elevations, head trim shall be 4" minimum nominal in height.
8. Sill trim shall project and be differentiated from apron trim.
9. A minimum 10" nominal skirt/band trim board is required where siding meets a foundation wall or a watertable.
10. Corners of siding elevations shall be trimmed in boards of 6" minimum nominal width. Non-frontage side and rear corners may be trimmed in boards of 4" minimum nominal width, subject to Village approval. Doors in siding elevations shall be trimmed in boards of 4" minimum nominal width; wider trim is encouraged.
11. Keystones are not permitted in non-masonry head features.
12. Walls of masonry shall have all openings trimmed in simulated wood brick mould. Lintels and sills shall be made of brick, stone, or precast.
13. Cornices are required with a minimum 10" nominal base trim. Decorative trim may be applied within the frieze of the cornice as approved by the Village. See Figure 13.
14. Cornice returns at gable ends shall be a minimum of 2'. See Figure 12.b.

Techniques:

1. Cementitious siding shall be pre-finished or painted.
2. Butt joints may be caulked or covered and shall be painted to match the siding color.
3. Brick shall be in a horizontal running or Flemish bond pattern with weathered, concave, V-shaped or grapevine mortar joints not greater than 5/8" in height.
4. Mortar shall be glazed, beige, warm grey, or similar.
5. Stucco shall be sand finished or steel trowelled.
6. Stone shall be set in a regularly coursed or roughly coursed pattern. See Figure 14.
7. Trim is required where there is a change in material or a change in plane.

See General Provisions for additional criteria.



Figure 12a

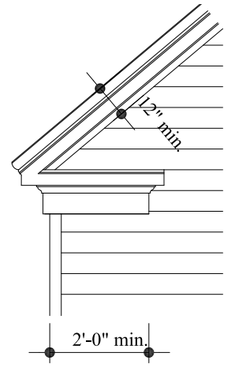


Figure 12b

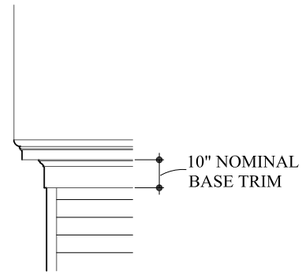


Figure 13

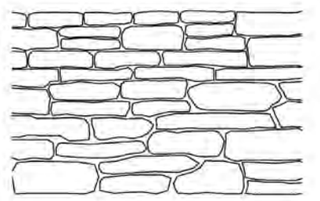


Figure 14



Figure 15

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

BUILDING ELEMENTS

Construction Materials:

1. Porches shall have simulated wood (i.e., Trex, Azek, or similar), brick, or flagstone on walking surfaces. Concrete, bordered by brick on all outside edges may be approved by the Village if it is not directly visible from the street and has been detailed appropriately. Concrete must not be exposed on vertical surfaces.
2. Stoops shall be brick or flagstone on walking surfaces, risers, and sides. Concrete or simulated wood may be used at secondary entrances on non-frontage elevations.
3. Rear yard decks shall have simulated wood products such as Trex, Azek, or similar decking on walking surfaces. Deck walking surfaces may also be pressure-treated wood. For patios, see Frontage and Yard on page 68.
4. Lattice shall be wood, solid cellular PVC, or vinyl.
5. Posts and columns may be made of simulated wood, PVC, or composite material (such as Permacast columns).
6. Railings on porches and stoops shall be made of powder-coated steel, wrought iron, or electro-static painted (ESP) aluminum. PVC railing systems may be approved by the Village where appropriate to architectural character.
7. Masonry piers and arches shall be faced in real brick or real/quarry stone . Rusticated architectural block may be approved by the Village where consistent with the architectural character.
8. In masonry elevations, sills shall be brick, molded brick, cut stone, or precast with proper drip edge projection. In siding elevations, sills and aprons shall be solid cellular PVC or simulated wood. See Doors and Windows on page 68 for additional requirements.
9. No “doghouses” for direct vent fireplaces are permitted on frontage elevations. If fireplaces are installed and require venting on the frontage elevations, brick or stone masonry chimneys are required and vents shall run vertically, up the chimney (i.e., no direct venting on frontage elevations). Additional chimney detail may be required by the Village on frontage elevations. Direct vents and “dog houses” are permitted only on non-frontage, side and rear elevations.
10. Flues shall be tile, terracotta, or metal.
11. Garages, outbuildings, sunrooms, and similar shall match or coordinate with the architecture (in materials and details) of the main/principal building.

Configurations:

1. Decks are only permitted in rear yards and may not extend beyond the side foundation walls of the principal structure.
2. Deck posts that are more than 36” out of grade shall be wrapped in solid cellular PVC, fiberglass composite, or polymer composite trim with appropriate base and cap trim.
3. Patios are allowed in the rear yard only and may not extend beyond the side foundation walls of the principal structure.
4. The undercroft of porches shall be skirted with lattice having openings of 1-1/2” square maximum. Alternatively, louvers of solid cellular PVC may be used. Lattice or louvers shall be placed a minimum of 3/4” behind the surface of the pier and shall be framed with trim. See Figure 10.
5. Porches and stoops shall have a maximum height of 7 risers and a minimum height of 2 risers.
6. Porches on frontage elevations shall be a minimum of 6’ in depth. Stoops shall be a minimum of 4’ in depth.
7. Porch openings between columns and piers shall be vertical in proportion, unless approved otherwise by the Village.
8. Posts shall be no less than 6” nominal in width or depth. See Figure 17.
9. Openings in masonry elevations shall have brick arches, jack arches, or stone/precast lintels.
10. Open arches made of masonry shall not be less than 8” in thickness.
11. Keystones and voussoirs (masonry units that compose an arch) shall have sides radial to the arch.
12. Piers made of masonry shall be no less than 12” in width and 8” in depth and integral when used with a column or post.
13. Columns and pilasters shall be of the Tuscan or Doric orders as prescribed by The American Vignola, unless approved otherwise by the Village. On porches or stoops, full or half-round columns or pilasters are required against the building wall corresponding to the outside, freestanding column or pier. See Figure 17.
14. Lintels made of stone or pre-case concrete shall extend horizontally beyond the opening a dimension equal to the height of the lintel, not to exceed 8”. Precast lintels shall be flush with the wall surface.
15. Brick soldier lintels (i.e., jack arches) shall extend a minimum of one brick beyond the opening and may project between 1/2” and 3/4” beyond the wall surface. See Figure 16.

Techniques:

1. Railings of steel, wrought iron, or aluminum shall be black in color.

See General Provisions for additional criteria.

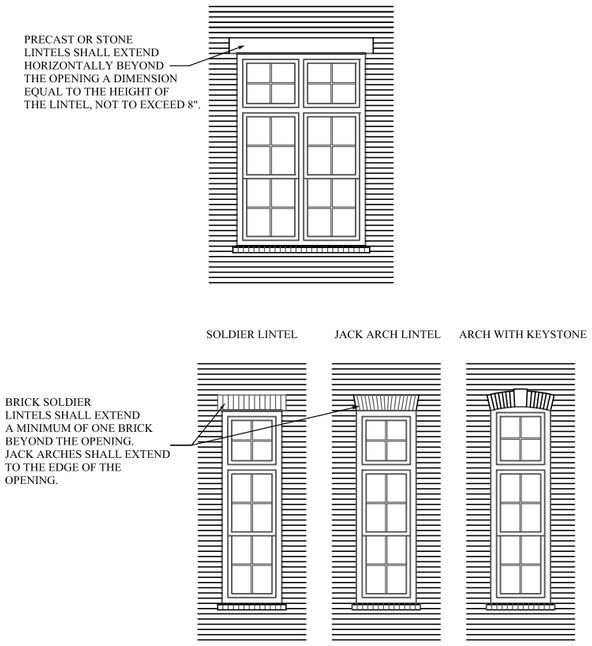


Figure 16

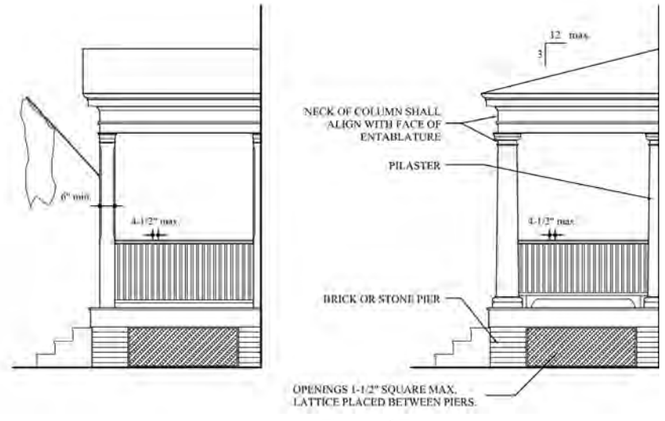


Figure 17

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

RESIDENTIAL BUILDING TYPES

ROOFS

Construction Materials:

1. Roofs may be pre-finished standing metal seam, copper, slate, artificial slate, or architectural grade asphalt shingles.
2. Gutters and downspouts shall be aluminum, pre-finished metal or copper. (Copper anodized aluminum is not permitted).
3. Splash blocks shall be stone, brick, concrete, fiberglass, or vinyl. Gravel may be approved by the Village.
4. Glazing in windows, skylights, and stained-glass shall be glass.

Configurations:

1. Roofs shall be simple and symmetrically pitched, and only in the configuration of gables, hips, and mansards. Shed roofs may be used on secondary massing elements and dormers. Portions of flat roof may be used to incorporate roof decks or to transition between pitched roofs (e.g., on a breezeway or link between the house proper and the garage).
2. On the primary structure the pitch of the main roof shall be between 8:12 and 14:12. Secondary roofs on the principal structure, subject to Village approval, as well as garage and link roofs may have shallower pitches but shall relate to the main house roof (hips with hips and gables with gables). See Figure 18.
3. Eaves shall have no more than six outside corners. See Figure 19.
4. Shed roofs of building elements shall have the ridge attached to an exterior building wall or primary roof ridge and have a maximum pitch of 4:12.
5. Flat roofs and balustrades are permitted only when the flat roof is occupiable and accessible. See Figure 18.
6. Roofs shall overhang a gable end a minimum of 12" measured from the face of the fascia board to the face of the building wall.
7. Rake returns are required at gable ends and shall have 2' minimum return of cornice trim (see also Exterior Walls). See Figure 12b.
8. Gable ends shall have profile trim.
9. Skylights shall be flat in profile and not directly visible from a street or open space.
10. Solar Panels: See General Provisions on page 62.
11. Rooftop mechanical equipment (including elevator equipment, HVAC equipment, and similar) shall be concealed in roof wells designed as an integral part of the building or screened with a parapet.
12. Vents, flues, turbines, and other roof penetrations shall be vertically straight, collected or grouped when possible, and relegated to the rear roof surface.
13. Gutters shall be half-round or ogee ("K") profile.
14. Downspouts shall not be attached to free-standing columns or posts, rather shall run down and attach to the building wall.

Techniques:

1. Roofs built of standing seam metal shall be pre-finished.
2. Shingle color may be dark gray, charcoal, black, or a black blend.
3. Vents, attic ventilators, turbines, flues and another roof penetrations shall be pre-finished or painted matte black.
4. Gutters and downspouts made of aluminum or pre-finished metal shall coordinate with the color of the adjacent material finish (i.e., gutters and downspouts mounted on light trim material shall be white or off-white; gutters and downspouts on dark brick or stone shall be a dark neutral color). Copper downspouts shall be permitted to age naturally.

See General Provisions for additional criteria.

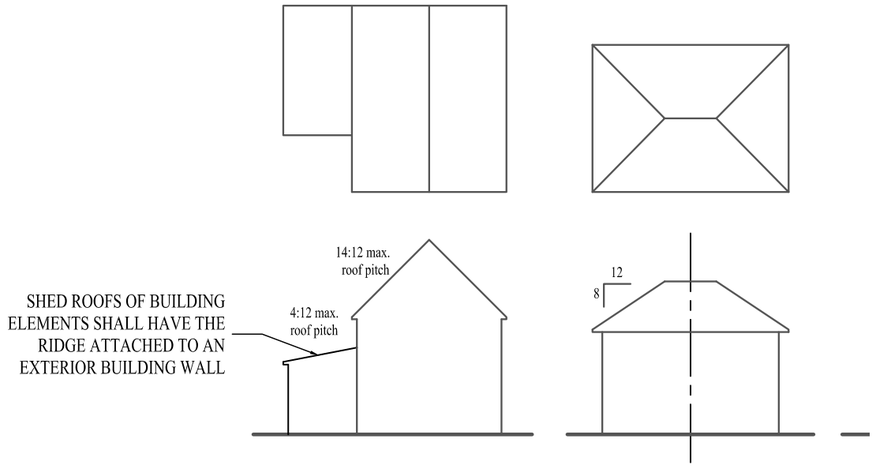


Figure 18

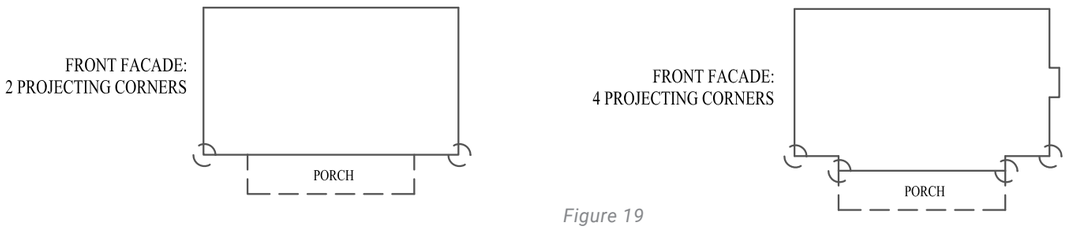


Figure 19

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

DOORS AND WINDOWS

Construction Materials:

1. Windows shall be aluminum clad, fiberglass, or vinyl.
2. Glass shall be clear and free of color. One window in each building may be stained glass, art glass, or frosted glass. False windows may have a dark film, frosted film, or dark neutral paint applied to the interior.
3. Shutters shall be wood, solid cellular PVC, or vinyl with approval from the Village.
4. Doors shall be built of embossed steel or fiberglass.
5. Garage doors shall be built of embossed steel or fiberglass. Glass transoms appropriate to the garage door style may be included (i.e., square-top transoms with square-top doors; arch-top transoms with arch-top doors). Garage doors on frontage elevations (fronting a street) shall be architectural grade, carriage style doors with transom windows. See Figure 28.

Configurations:

1. Windows shall align vertically within any given façade, unless approved otherwise on non-frontage side and rear elevations by the Village. See Figure 20.
2. One window on each frontage elevation may be circular, semi-circular, hexagonal, or octagonal in shape. Windows may be quarter-circular in shape when paired in a gable end. See Figure 20.
3. All houses require a minimum of 2 windows on non-frontage side elevations, located within the front third of the elevation (closest to the street); 2 full-sized, vertically-aligned windows are preferred.
4. Windows and window lites shall be square or vertical in proportion. Windows shall be configured with 9/9, 9/6, 6/6, 6/1, 4/4, 4/1, 2/1, or 1/1 lites. Muntins shall be true divided light or simulated divided light. See Figure 21.
5. Bay windows on frontage elevations shall extend to the ground or visually appear to be structurally supported by brackets. See Figure 23.
6. Single glass panes shall be a no larger than 24 square feet.
7. For residential buildings, total fenestration (rough window openings) on frontage elevations (not including a tower element above the eave) shall not exceed 50% of the total surface area. See Figure 22.
8. Two windows paired in the same rough opening should be separated by a minimum 4” nominal post (mullion). See Figure 24.
9. Windows should be no closer than 2’ to building corners, except where windows are paired, one on each wall at a corner or within rear yard sunrooms or solariums.
10. Storm windows shall be the same material and color matching the windows they serve.
11. Screens shall be a dark neutral color.
12. Shutters shall be applied to all or none of the windows on any given elevation and on both frontage elevations on a Corner Lot. Shutters shall be shaped, sized, and proportioned to the windows they serve, both in height and width. See Figure 18. The Village may approve the elimination of shutters on paired or unique windows.
13. A minimum of 18” shelter shall be provided at main entry doors.
14. Storm doors and screen doors shall be full view, free of decorative trim, and match the color of the exterior trim of the house. See Figure 26.
15. Doors shall be attached by hinges. Double doors on single-family residential units are not permitted on frontage façades without Village approval.
16. Exterior doors shall be a minimum of 3’-0” x 6’-8” with raised or recessed panels. Doors may be set within door surrounds with sidelight panels. See Figure 27.

Techniques:

1. Windows shall be single-hung, double-hung, triple-hung, casement, hopper, or fixed.
2. Shutters shall be painted a dark neutral color.
3. Doors, including garage doors, shall have glass, raised or recessed panels, or both.

See General Provisions for additional criteria.

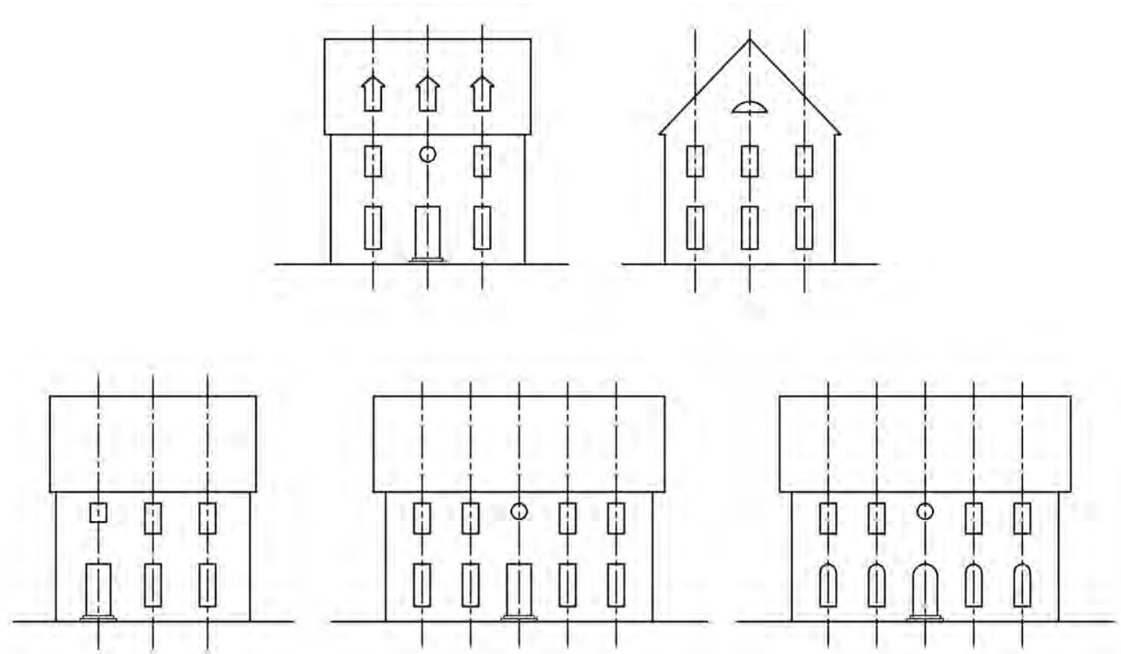


Figure 20

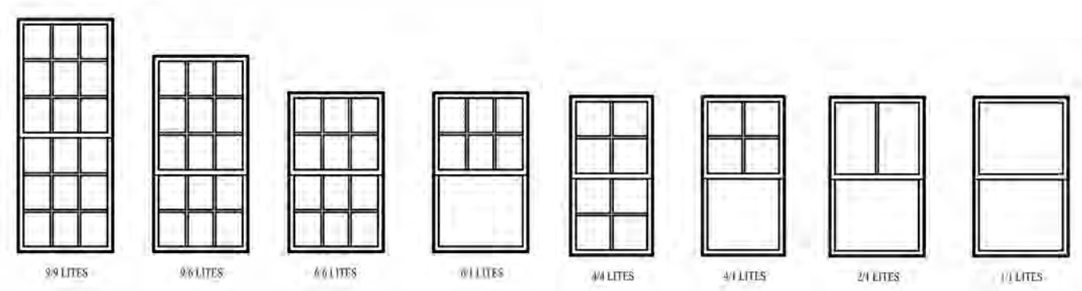


Figure 21

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

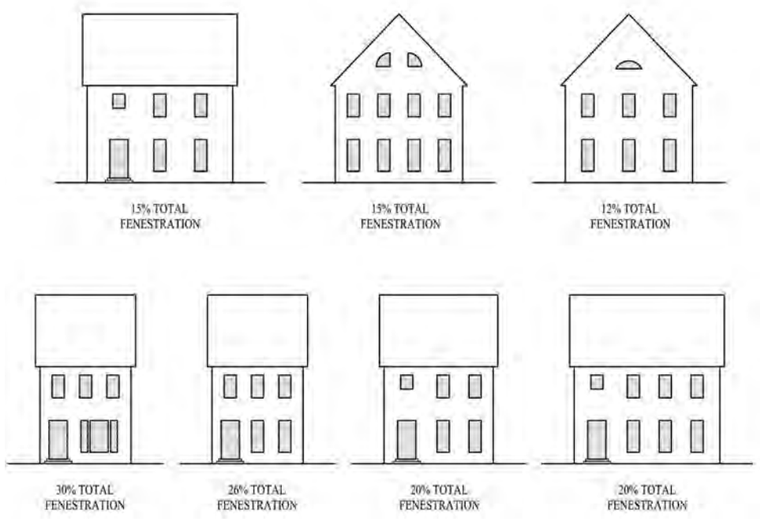


Figure 22

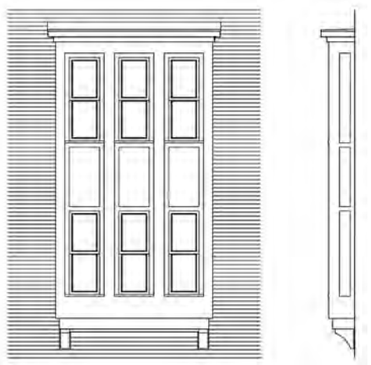


Figure 23

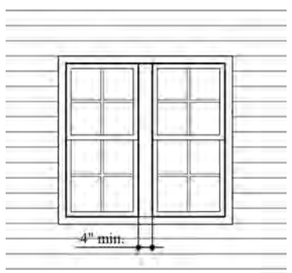


Figure 24

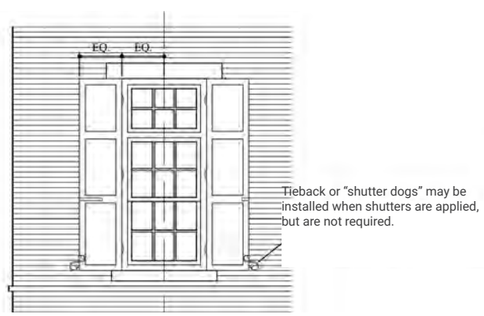


Figure 25

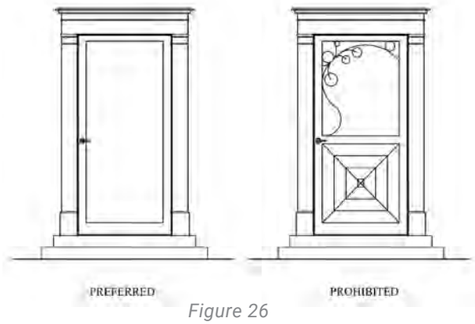


Figure 26

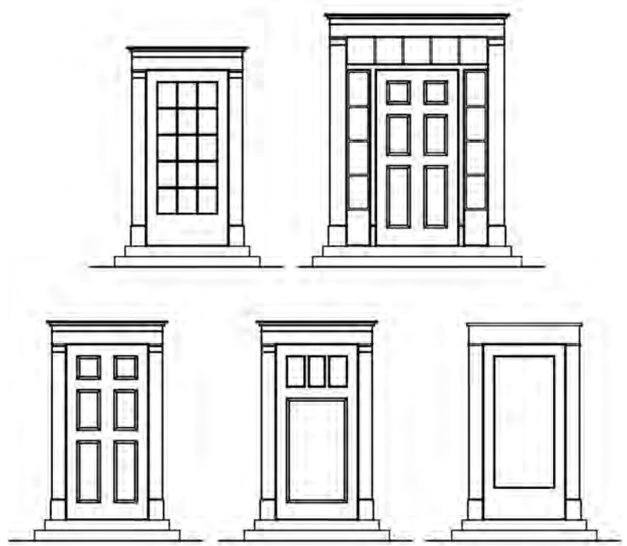


Figure 27

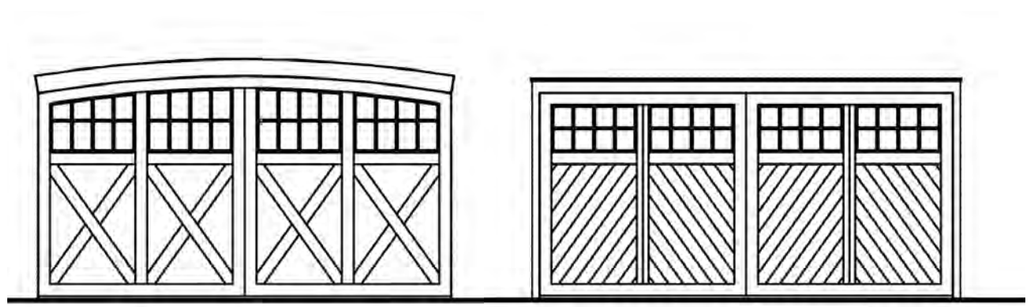


Figure 28

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

RESIDENTIAL BUILDING TYPES

FRONTAGE AND YARD

Construction Materials:

1. Front yard fences shall be wood, solid cellular PVC, wrought iron, steel, or ESP aluminum.
2. Rear yard privacy fences shall be wood, solid cellular PVC, vinyl, wrought iron, steel, or ESP aluminum.
3. Frontage dooryard walls and garden walls shall be brick or stone.
4. Retaining walls shall be brick, stone, or architectural grade, straight-face block.
5. Hedges, when installed along a frontage, shall be planted and maintained to be a continuous mass. See additional Landscape Design criteria on pages 41-43.
6. Leadwalks on lots may be brick, stone (flagstone or slate), concrete pavers, or concrete.
7. Steps attached to stoops or porches shall be brick or flagstone on walking surfaces, risers, and sides. Additionally, steps on non-masonry porches may be simulated wood products such as Trex, Azek, or similar. Concrete or simulated wood may be used at secondary entrances on non-frontage elevations.
8. Front-load driveways may be asphalt, brick pavers, or concrete pavers. Aprons may be concrete. See Figure 31.
9. Rear yard patios shall be brick, flagstone, and/or concrete pavers. Additionally, concrete may be used for rear patios that are not directly visible from a street or open space.

Configurations:

1. Terminal posts in rear-yard privacy fences (at corners, openings, ends, and similar) shall be wider and taller in proportion than other posts (maximum heights per type follow below). Fence posts shall be spaced evenly along a run with 8' maximum spacing.
2. Rear-yard privacy fences shall be a maximum of 6' in height, including any top lattice or spaced picket portion. See Figure 33.
3. Along non-frontage lot lines, privacy fences may be permitted to extend up to 12' forward of the primary structure. See Figure 29.
4. Brick or stone piers may mark the pedestrian entrance to a private yard. See Figure 30.
5. Frontage dooryard, garden, or retaining walls shall be between 18" and 42" in height, with piers up to 48" in height.
6. Lot leadwalks shall connect with street sidewalks and/or driveways. See Figure 30.
7. Brick or stone piers and/or garden walls shall be set 12" minimum and 24" maximum off street sidewalks. See Figure 30.

Techniques:

1. Steel or aluminium fences shall be pre-finished in black.
2. Wood fences shall be painted white, off-white, or dark green or stained white with an opaque stain.
3. Vinyl fences shall be white vinyl with white house trim, almond/beige vinyl with all other/non-white house trim colors.
4. Brick walls shall be capped with coping stone or shaped brick. The cap shall overhang the wall between 1/2" and 1-1/2" to provide an appropriate drip edge. See Figure 32.
5. Dooryard, garden, or retaining walls of brick or stone shall be no less than 8" wide and capped in a rowlock course of brick, cut brick, or dressed coping stone 1-1/2" to 3" thick. See Figure 32. Dooryard or garden walls are encouraged where sidewalk grade is 4' or more lower than the stoop or porch walking surface.
6. Poured concrete shall have a smooth finish.
7. Vinyl fences shall have a smooth finish (i.e., no wood grain).
8. Mulch shall be natural or dyed a dark brown color.

See General Provisions for additional criteria.

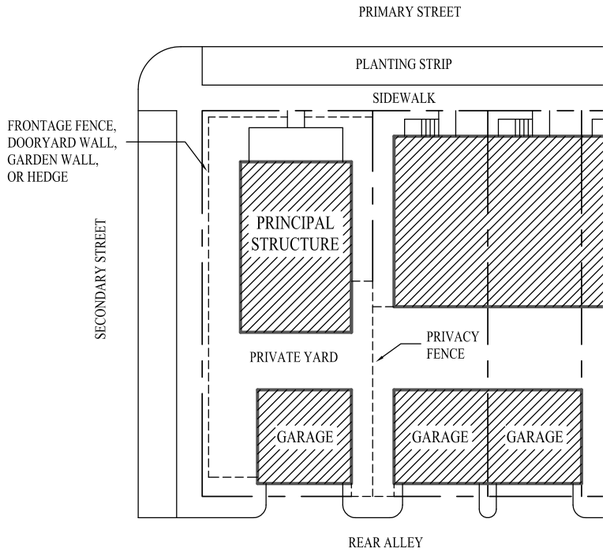


Figure 29

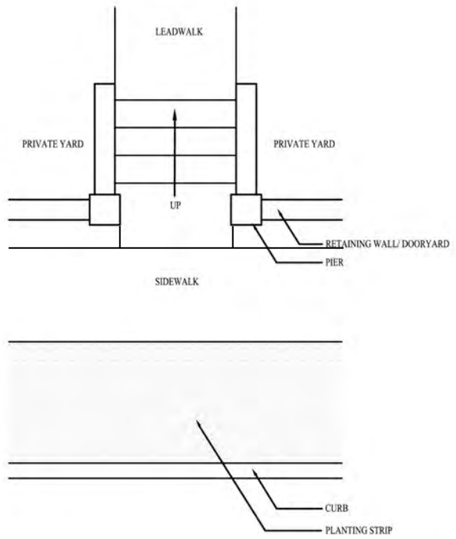


Figure 30

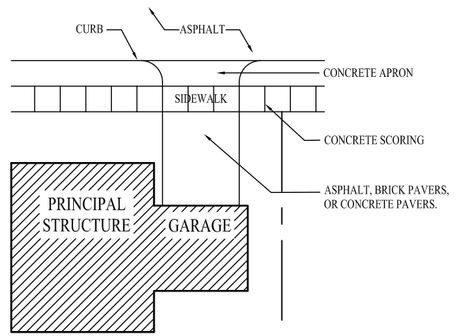


Figure 31

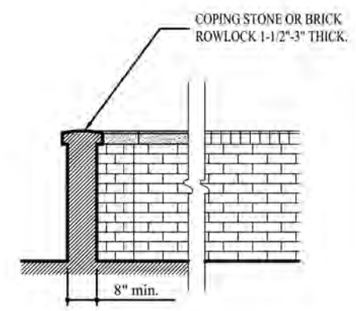


Figure 32

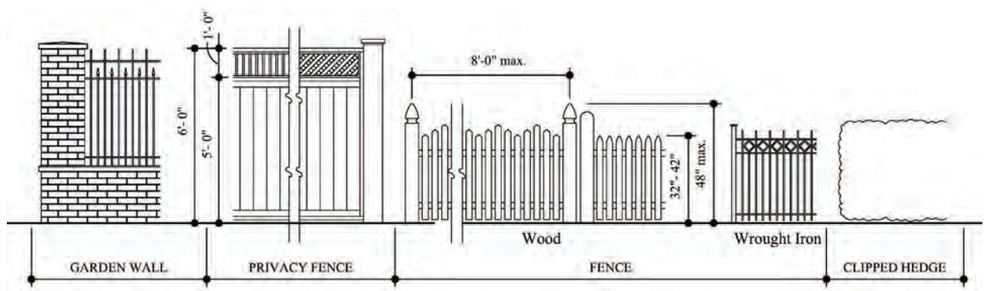


Figure 33

Figures are supplemental to the criteria, for illustrative purposes only.
Source: Design Collective

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6.0 SIGNAGE DESIGN

6.1 OVERVIEW
6.2 MATERIAL AND ELEMENT STANDARDS

6.1 Overview

Purpose

This section comprises standards to help ensure that signs are an integral part of Village Place, welcoming visitors to the community and promoting clear wayfinding. The criteria in the Form-Based Code are aimed at achieving well-designed, coordinated signage. These criteria apply to all signage located within Village Place, whether on private lots or within public realm of streets and open spaces.

Signage should inform, direct, and orient the public in a thoughtful and meaningful way. It should also improve and complement the aesthetic qualities of a building, a streetscape, or landscape while having a positive visual impact on the entire community.

These criteria are intended to convey required standards and to provide visual and textual examples of a variety of signs that represent the community's expectation for quality signage.

Signage dimensional criteria such as maximum square feet are governed by the Pinehurst Development Ordinance (PDO).

Components

The Signage Criteria include General Provisions that provide criteria for all sign types within Village Place. The Sign Types and Standards include specific criteria for each sign type as well as illustrative examples.

General Provisions

The following items listed below are general criteria that apply to all sign types within Village Place. Further criteria specific to each sign type follow the General Provisions.

» Village Place should contain an eclectic mix of signage that provides a layer of authenticity to the community (uniformity in signage is not desired, nor reflective of the existing signage found in Village Center).

» Signs should be designed with the purpose of promoting Village Place to all users while enhancing the pedestrian and cyclist experience.

» Building signs on community or amenity structures should relate to their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the building but also to the streetscape. Building signs should be located in logical "signable areas" which relate to the architecture (e.g., column or architectural bay spacing) of the façade. Signage areas are often, but not always, continuous wall surfaces uninterrupted by doors, windows, or architectural detail. Building signs should enhance and relate to, not obscure, the architectural features of buildings.

» Building signs on single-family residential buildings are not permitted, excepting address numbers.

» Signs are to be kept in good repair such that they are always in clean, working condition and the copy text and graphics are not obscured or damaged.

For building-mounted signage on Commercial/Mixed-Use Buildings, see the Storefront and Signage section on page 57 for additional criteria.

Content & Illumination

» Signs, copy, and graphic elements should fit comfortably into sign area, leaving sufficient margins and negative space. Thickness, height, and color of sign lettering should be visually balanced and in proportion to other signs located on the same building façade.

» Lighted signs shall be illuminated carefully and appropriately to ensure safety.

» Internally illuminated, acrylic or flexible-vinyl faced box signs are not permitted, unless incorporated as a secondary or supportive feature.

» Backlit, halo-lit illumination, or reverse channel letters with halo illumination are encouraged for commercial signage. Such signs convey a subtle and attractive appearance and are very legible under moderate ambient lighting conditions.

» Projecting light fixtures (e.g., gooseneck lights) used for externally-illuminated signs should be simple and unobtrusive in appearance. They should not obscure the graphics of the sign and should be designed as part of the architecture of the sign.

» Sign lighting should be designed and installed to achieve appropriate illumination of the particular sign type and condition. Effort should be made to only illuminate the graphic surfaces, background, and letterforms of the sign, while limiting light spill over to other adjacent uses, buildings, pedestrians, and vehicles and to keep night sky light pollution to a minimum.

» All electrical connections, including junction boxes, transformers, conduit, raceways, and tubing required for any sign items, should not be exposed; they should be concealed and out of public view.

» Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light operated to create an appearance or illusion of writing or printing.

» Sign illumination should promote energy conservation by utilizing energy efficient illumination methods such as LED lighting components.

Sign Design & Materials

» Quality materials and creative design should be used as a means to add visual interest and direct attention rather than bright colors or over-scaled letters.

» Dimensional signs, letterforms, and decorative brackets are encouraged.

» Where sign letters are pin-mounted, they should have dimensional returns to give the appearance of solid dimensional material.

» Internally illuminated plastic letters or plastic box signs are not permitted.

» Signage for Village Place is anticipated to employ a variety of materials and illumination techniques including:

- Painted aluminum/metals
- Natural finish metals, including bronze, aluminum, steel, and stainless steel
- Etched and polished metals
- Cast metals/plaques
- Natural, opaque, hard surface materials, such as brick and stone
- Glass, including frosted, colored, patterned, and clear
- Exterior grade vinyl materials
- Acrylic, poly-resin materials
- High Density Urethane
- LED illumination

6.2 Sign Types and Standards

While the General Provisions apply to all signs within Village Place, the following sign types require particular attention as the identification and directional signage for the community. In this important role of building the community character, further provisions specific to each of the following sign types apply.

- Permanent Identification Signs
- Directional Signs - Vehicular & Pedestrian
- Street Signs
- Banners

For building-mounted signage on Commercial/Mixed-Use Buildings, see the Storefront and Signage section on page 59 for requirements.



Precedent: Historic Distric Sign - *Pinehurst*



Precedent: Flag Signage - Minneapolis, MN
Credit: unknown

Permanent Identification Signs

Located at key perimeter locations, these signs announce the primary entry points (or gateways) to Village Place. This sign type should be part of a coordinated family of signs and should be integrated within an overall wayfinding plan. These signs play an important role in establishing an identity for Village Place that welcomes visitors to the community.

Materials and Standards:

- Shall be designed as an integral part of the community's hardscaping and landscaping.
- Shall be compatible with the architecture of Village Place and Village Center.
- Sign materials may include fabricated aluminum, natural metals, natural stone, masonry, and/or glass.
- Messages on Village Place Identification Signs shall be limited to the name, "Village of Pinehurst" and/or Village Place", but may also include "Welcome to" or similar supporting text.
- Signs may contain internal and/or remote illumination.







Precedent: Entry Monument Signs - Pinehurst, NC



Precedent: Entry Monument Sign - Maple Lawn, MD
Credit: Design Collective



Precedent: Entry Monument Sign - White Marsh, MD
Credit: Design Collective



Precedent: Entry Pier - Maple Lawn, MD
Credit: Design Collective

Vehicular Directional Signs

Along with Pedestrian Directional Signs, Vehicular Directional Signs promote convenient wayfinding within the Village Place
.
Vehiclular Directional Signs will play an active role in providing the primary form of communication for visitors driving within Village Place. These signs will identify paths of travel and directions to primary destinations and amenities for residents and visitors.

Materials and Standards:

- Shall be designed with an emphasis on clarity and legibility for vehicular occupants, taking into account vehicular speeds and sight lines (see below).
- Vehicular directional signage shall be designed to be consistent and uniform within Village Place and signs shall contain a coordinated logotype.
- Directional text shall contain generic uses (such as “Parking”, ”Shops”, “Hotel”, “Restaurants”, and similar wording of a directional nature, excepting for primary civic buildings and amenities whose names may be used.
- Signage panels shall be fabricated of aluminum and be ground and/or post-mounted.
- Any projecting overhead sign item located within the streetscape shall be mounted no less than 8’ above the ground level and shall not overhang the travel lanes or on-street parking.
- Signs should not contain internal illumination, rather they should be illuminated by ambient or remote sources.
- Text for signage shall be fabricated and/or cast painted aluminum letters and applied vinyl.
- All text shall take vehicular speed and sight line visibility into consideration when determining the appropriate font sizes to be used. A minimum text height of 3 inches is recommended. This has a readable distance for maximum impact of 30 feet and a maximum readable distance of 100 feet.



Precedent: Vehicular Directional Sign - Pinehurst, NC



Precedent: Vehicular Directional Sign - *Pinehurst, NC*

Pedestrian Directional Signs

These signs provide directional wayfinding for pedestrian use. Pedestrian Directional Signs may also be used for cyclists, particularly on the shared-use paths or trails within or near Village Place.

Materials and Standards:

- Signs shall be designed and constructed as a family of signs that enhances the pedestrian experience.
- Shall be pedestrian in scale and height (see below).
- Shall be used to direct and inform pedestrians throughout Village Place.
- Pedestrian directional signage should be designed to be consistent and uniform throughout Village Place and shall contain a coordinated logotype.
- Directional text shall contain generic uses (such as “Parking”, ”Shops”, “Hotel”, “Restaurants”, and similar and wording of a directional nature, excepting for primary civic buildings and amenities whose names may be used.
- Signage panels shall be fabricated of aluminum and be ground and/or post-mounted.
- Any projecting overhead sign item located within the streetscape shall be mounted no less than 8’ above the ground level and shall not overhang the travel lanes or on-street parking.
- Signs should not contain internal illumination, rather they should be illuminated by ambient or remote sources.
- Text for signage shall be fabricated and/or cast painted aluminum letters and applied vinyl.
- All text shall take sight line visibility into consideration when determining the appropriate font sizes to be used. A minimum text height of 1inch and maximum cap text height of 3 inches is recommended.



Precedent: Pedestrian Directional Sign - The Grand Rounds, MN
Credit: Valerie's Voice



Precedent: Pedestrian Directional Sign
Credit: unknown

Banner Signs

Banner signs are permanent or temporary signs that add visual interest and color to the streetscape. They are vertically oriented and should be compatible with the overall character and color of the community's graphic identity. Permanent and temporary banner signs along the streetscape may be mounted on street light poles or similar pole structures to provide a simple means of displaying the community's identity and/or promoting special community events, holidays, or seasons.

Materials and Standards:

» Banners shall be scaled for both pedestrians and vehicular occupants.

» Materials may include:
  - Durable, heavy weight exterior grade canvas fabric
  - Exterior grade, digitally printed vinyl and vinyl mesh materials

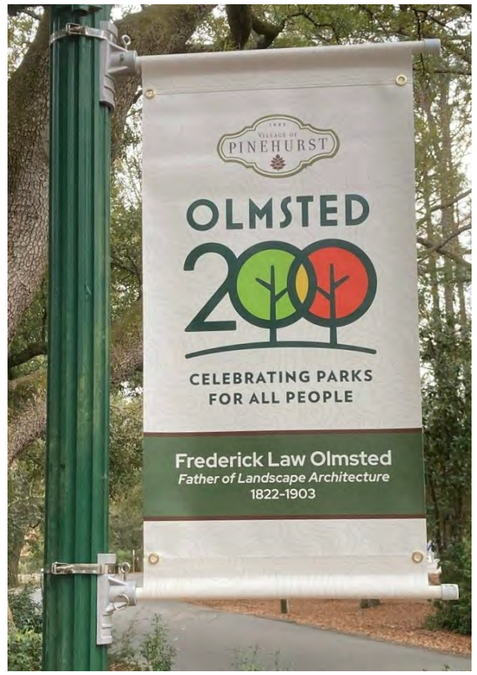
» Size: Banners shall be appropriately scaled to the street light (or other) pole to which they will attach, taking wind load into consideration. Banners shall not exceed sixteen square feet per side.

» Pole-Mounted Banners located within the streetscape shall be mounted no less than 8' above the ground level or 18' above any roadway, driveway, or alley.

» The horizontal clearance between a banner and the curb line shall not be less than 3'.

» Banners shall be coordinated along the streetscape as to size, style, frequency, and placement.

» Pole-Mounted Banners for community events or holidays may be displayed up to 90 days.



Precedent: Banner Sign - Pinehurst, NC
Credit: K Bunton





Precedents: Banner Signs - Beaumont, TX; Richmond, VA
Credit: greentechpanamasa.com, Unknown

Street Name Signs

These signs, attached to poles, offer an opportunity for customization. Including the Village Place logo and/or typeface along with the street name can add to the sense of place and distinguish Village Place.

Materials and Standards:

» Shall be designed with an emphasis on clarity and readability for vehicular occupants, taking into account vehicular speeds and sight lines.

» Street signs shall be designed to be consistent and uniform throughout Village Place.

» Signage panels shall be fabricated of aluminum, post-mounted, and contain white reflective vinyl text.

» An alternative background color other than the normal guide sign color of green may be used for Street Name Signs, however, dark green is a standard color for streetscape elements in Pinehurst and is encouraged.

» Recommended minimum letter heights for post-mounted street signs follow:

At or near Rattlesnake & NC-211 intersection:
Initial Upper-Case Min. Height 6 inches
Lower-Case Min. Height 4.5 inches

All other Commercial and Residential Streets (posted 25 mph or less):
Initial Upper-Case Min. Height 4 inches
Lower-Case Min. Height 3 inches

» Any projecting overhead sign item located within the streetscape shall be mounted no less than 8' above the ground level or 18' above any roadway, driveway, or alley.



Precedent: Street Name Sign - *Pinehurst, NC*



Precedent: Street Name Sign - Baton Rouge, LA
Credit: unknown



Precedent: Street Name Sign - Pinehurst, NC

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7.0 DEFINITIONS

7.1 GLOSSARY OF TERMS

7.1 Glossary of Terms

The definitions in this section are to be applied to the terms used in this *Village Place Form-Based Code* (FBC) only and explain terms used in the FBC that are either not defined in the *Pinehurst Development Ordinance* (PDO) or have a different meaning in the FBC.

Active Frontage: is where retail or restaurant space, lobbies, or building amenities must be located on the ground floor facing the street encompassing a minimum of 60% of the square footage of the building.

Alley: A service roadway that typically has 1 or 2 lanes; is designed to provide access to parking garages, surface parking lots, and/or service areas; and is either publicly or privately owned.

Avenue: A roadway that typically has 2 to 4 lanes and is intended to provide access to and links between two or more points of interest/ community destinations. An Avenue is typically a public right-of-way.

Bioswale: Landscape element designed to remove silt and pollutants from surface runoff water in open areas. Swales are typically lined with stone and are planted with wet/dry tolerant vegetation in order to filter and infiltrate rainwater, allowing for improvements in water quality and reduction in volume before discharge to water bodies.

Block: An increment of urban land, typically circumscribed by Streets and/or perimeter Open Space.

Boulevard: A divided roadway that typically has 4 or more lanes and a center median. A Boulevard is typically a public right-of-way.

Building Frontage: Each linear segment of a building perimeter which adjoins (runs along) a private street, public right-of-way, or public Open Space.

Building Height: In Village Place, Building Height is generally governed by number of stories, not by lineal foot measurements, unless specifically noted in the criteria. When lineal foot measurements are required, Building Height shall be measured from the median grade along the primary Frontage Street (see below) to the eave (bottom edge of sloped roof) or parapet (top edge of flat roof).

Build-to Line (BTL): A line established on a lot to indicate the placement of building structures upon the lot, parallel to the front lot line(s) and/or right-of-way, facing a Street or Open Space. The intent of the build-to-line is to align structures framing a Street or Open Space.

Civic Building: A structure whose principal purpose is a public or civic use, such as a government office or service, school, post office, or community center.

Expression Line: An architectural treatment extending, or offset from, the surface plane of the building wall, or change of material, color or other treatment of the front elevation (facade). Expression Lines typically delineate the transition between floor levels and the base-middle-top of a building.

Frontage Coverage: The percentage of a Lot occupied by a building's front facade elevation(s). The Frontage Coverage is calculated as the sum of the length of the front elevation(s) divided by the Lot length

Front Elevation: The front facade of a built structure parallel to a Street, public right-of-way, and/or public Open Space and typically coinciding with the Build-to Line (BTL).

Frontage Street: The street bordering on a property toward which the front facade and main entrance are oriented.

Layered Landscaping: Landscaping using a wide variety of plants arranged into a staggered foreground, middle-ground and background creating casual, mixed border planting.

Green Roof: A roof that is partially or completely covered with vegetation and a growing medium, typically placed over a drainage layer above the roof's waterproofing. Benefits include reduction in stormwater runoff, increase in roof life span, heat and noise insulation value, reduction of the urban heat island effect, and creation of wildlife habitat.

Lot: A parcel of land publicly or privately owned.

Mixed-Use Building: A structure containing two or more uses, whose ground-floor use is typically, but not limited to, retail, restaurant, office, or building lobby or amenity space, with residential or office space on upper floors.

Open Space: A separate lot or indoor or outdoor area/space designated for plazas, promenades, greens, gardens, parks, and other spaces; intended to support community interactions and gatherings; and accessible to the public (whether publicly or privately owned). Perimeter Open Space refers to open space located at the edge of a neighborhood and/or natural area and is often more informal/naturalistic in shape and design; whereas as Central Open Space occurs closer to the neighborhood core and is often more formal in shape and design.

Porous Pavement: Permeable pavement such as porous asphalt, concrete, and pavers, typically considered for pedestrian walkways, bike paths, plazas, and parking spaces (typically not suitable for heavily traveled vehicular lanes or parking lot aisles). Benefits include water quality treatment and infiltration, storm water flow control, reduction of water pooling/ponding on paved surfaces and reduction of urban heat island effect by cooling paved surfaces.

Private Street: A privately-owned roadway including, Alleys, Driveways, Avenues, Streets, or Boulevards that provide access to and through neighborhood Blocks.

Rainwater Planter: An area designed to capture stormwater runoff from sidewalks, roadways, and other paved areas, in order to reduce peak stormwater flows, volume, and pollution. Plant beds along street edges and walks might be designed as a series of small infiltration beds filled with plants and linked to drainage systems in natural areas by means of covered channels below the pavement.

Storefront: The facade or portion of a building's front elevation, typically located on the ground-floor level with retail and/or office use(s), and typically aligned along the Build-to Line (BTL) with entrance(s) to the business at sidewalk grade.

Street: A roadway that typically has 1 to 4 lanes; designed to provide local access and disperse traffic within or between neighborhoods; and is either publicly or privately owned. Within neighborhoods, Streets typically make up the majority of roadways.

Street Type: A classification based on the a roadway's distinctive character, defined by number of travel and parking lanes, the potential presence of a median, the width and character of the tree/planting zones, the width and character of the sidewalk zones, and any other special treatments.

Vista: A view framed by built structures or landscape.

Vista Terminus [Terminated Vista]: A building, significant feature of a building, or site element that terminates or punctuates a framed view. Civic buildings, sculptural pieces, iconic natural areas, and special building elements serve as the most appropriate view terminators.



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PDO AMENDMENTS RELATED TO CREATING PLANNED COMMUNITY NEIGHBORHOODS

ADDITIONAL AGENDA DETAILS:

Staff would like to discuss with Council potential amendments to the PDO related to creating new classifications relative to Planned Community Neighborhoods and Neighborhood Accommodations.

FROM:
Darryn Burich and Alex Cameron

CC:
Jeff Sanborn

DATE OF MEMO:
1/19/2023

MEMO DETAILS:
Attached please find the potential PDO amendments related to creating Planned Community Neighborhoods. The document as prepared, was developed before Planning and Zoning Board work session on January 5, and January 19 and has not yet been updated to reflect those discussions or other input received. Staff will be working on those updates and will add to this agenda item once finalized for Council consideration.

ATTACHMENTS:

	Description
🗋	Potential PDO Amendments Related to creating Planned Community Neighborhoods
🗋	Planned Community Act 47-F

Proposed Definitions to be Added to PDO Section 10.2 Definitions

Planned Community Neighborhood (PCN) is a contiguous area containing at least twenty (20) acres or twenty (20) dwelling units as included within a platted subdivision or condominium development for which any person or corporation, by virtue of ownership of a lot or dwelling unit within the PCN, is by Declaration governed by a Master Association with powers to enforce and adopt and amend bylaws, rules, and regulations and which property owners within the PCN are obligated to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or common area or other real estate described in the Declaration.

Declaration means any instruments, however denominated, that create a Planned Community Neighborhood.

Neighborhood Housing Accommodation (NHA): is a whole house dwelling occupancy where a Dwelling Unit located within a Planned Community Neighborhood is managed through a Master Association and is leased, offered or made available by short term lease or other financial consideration for a time period or lease term of less than 30 consecutive days.

Executive Board means the body, regardless of name, designated in the Declaration to act on behalf of a Master Association of a Planned Community Neighborhood.

Master Association is a nonprofit organization established pursuant to NCGS 47F-3-101 or 47C-3-10, by Declaration, or its common law equivalent, with powers to enforce, adopt and amend bylaws, rules, and regulations pursuant to NCGS 47F-3-102 or 47C-3-102, or by Declaration and is responsible to maintain or provide for maintenance of all common property and management of all Neighborhood Housing Accomodations within a Planned Community Neighborhood. Enforcement of such powers are for the benefit of lot or dwelling unit owners within the Planned Community Neighborhood.

Association: means an association organized under NCGS 47F-3-101 or 47C-3-101,or by Declaration.

8.5.1a Table of Permitted and Special Uses and Special Requirements

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

Section 8.6 Special Requirements to the Table of Permitted and Special Uses and Special Requirements

SR-10 Neighborhood Housing Accommodation (NHA)

1) After the effective date of this Ordinance, all Neighborhood Housing Accommodations (NHA) shall be required to obtain a Development Permit from the Village. All NHA's, whether lawful nonconforming uses or newly established after the effective date of this Ordinance, shall comply with following standards:
    a. Compliance with SR9 Standards 1) a-k.
    b. Submission of documentation and contact information that the Neighborhood Housing Accommodation is located within a Planned Community Neighborhood as defined in Section 10.2 of this Ordinance.
    c. Submission of documentation of Master Association rules and regulations pertaining to operation of NHA's.
    d. Submission of documentation that the Neighborhood Housing Accommodation has been authorized by the Master Association.
    e. Installation of a Landscape Screen per Section 9.5.1.3 of the PDO along the property line adjacent to residential use not part of the Planned Community Neighborhood.

Existing PDO Special Requirement for reference:

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.

Chapter 47F.

North Carolina Planned Community Act.

Article 1.

General Provisions.

§ 47F-1-101. Short title.

This Chapter shall be known and may be cited as the North Carolina Planned Community Act. (1998-199, s. 1.)

§ 47F-1-102. Applicability.

(a) This Chapter applies to all planned communities created within this State on or after January 1, 1999, except as otherwise provided in this section.

(b) This Chapter does not apply to a planned community created within this State on or after January 1, 1999:

(1) Which contains no more than 20 lots (including all lots which may be added or created by the exercise of development rights) unless the declaration provides or is amended to provide that this Chapter does apply to that planned community; or

(2) In which all lots are restricted exclusively to nonresidential purposes, unless the declaration provides or is amended to provide that this Chapter does apply to that planned community.

(c) Notwithstanding the provisions of subsection (a) of this section, G.S. 47F-1-104 (Variation), G.S. 47F-2-103 (Construction and validity of declaration and bylaws), G.S. 47F-2-117 (Amendment of declaration), G.S. 47F-3-102(1) through (6) and (11) through (17) (Powers of owners' association), G.S. 47F-3-103(f) (Executive board members and officers), G.S. 47F-3-107(a), (b), and (c) (Upkeep of planned community; responsibility and assessments for damages), G.S. 47F-3-107.1 (Procedures for fines and suspension of planned community privileges or services), G.S. 47F-3-108 (Meetings), G.S. 47F-3-115 (Assessments for common expenses), G.S. 47F-3-116 (Lien for assessments), G.S. 47F-3-118 (Association records), and G.S. 47F-3-121 (American and State flags and political sign displays), and G.S. 47F-3-104 (Transfer of Special Declarant Rights) apply to all planned communities created in this State before January 1, 1999, unless the articles of incorporation or the declaration expressly provides to the contrary, and G.S. 47F-3-120 (Declaration limits on attorneys' fees) applies to all planned communities created in this State before January 1, 1999. These sections apply only with respect to events and circumstances occurring on or after January 1, 1999, and do not invalidate existing provisions of the declaration, bylaws, or plats and plans of those planned communities. G.S. 47F-1-103 (Definitions) also applies to all planned communities created in this State before January 1, 1999, to the extent necessary in construing any of the preceding sections.

(d) Notwithstanding the provisions of subsections (a) and (c) of this section, any planned community created prior to January 1, 1999, may elect to make the provisions of this Chapter applicable to it by amending its declaration to provide that this Chapter shall apply to that planned community. The amendment may be made by affirmative vote or

written agreement signed by lot owners of lots to which at least sixty-seven percent (67%) of the votes in the association are allocated or any smaller majority the declaration specifies. To the extent the procedures and requirements for amendment in the declaration conflict with the provisions of this subsection, this subsection shall control with respect to any amendment to provide that this Chapter applies to that planned community.

(e) This Chapter does not apply to planned communities or lots located outside this State. (1998-199, s. 1; 2002-112, s. 2; 2004-109, s. 3; 2005-214, s. 1; 2005-422, s. 9; 2006-226, s. 15(a); 2013-34, s. 6; 2014-57, s. 1.)

§ 47F-1-103. Definitions.

In the declaration and bylaws, unless specifically provided otherwise or the context otherwise requires, and in this Chapter:

(1) "Affiliate of declarant" means any person who succeeds to any special declarant rights and who controls, is controlled by, or is under common control with a declarant. A person "controls" a declarant if the person is any of the following:
   a. A general partner, officer, director, or employer of the declarant.
   b. Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than twenty percent (20%) of the voting interest in the declarant.
   c. Controls in any manner the election of a majority of the directors of the declarant.
   d. Has contributed more than twenty percent (20%) of the capital of the declarant.

   A person "is controlled by" a declarant if the declarant (i) is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than twenty percent (20%) of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent (20%) of the capital of the person. Control does not exist if the powers described in this subdivision are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the common expense liability and votes in the association allocated to each lot.

(3) "Association" or "owners' association" means the association organized as allowed under North Carolina law, including G.S. 47F-3-101.

(4) "Common elements" means any real estate within a planned community owned or leased by the association, other than a lot.

(5) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(6) "Common expense liability" means the liability for common expenses allocated to each lot as permitted by this Chapter, the declaration or otherwise by law.

(7) "Condominium" means real estate, as defined and created under Chapter 47C [of the General Statutes].

(8) "Cooperative" means real estate owned by a corporation, trust, trustee, partnership, or unincorporated association, where the governing instruments of that organization provide that each of the organization's members, partners, stockholders, or beneficiaries is entitled to exclusive occupancy of a designated portion of that real estate.

(9) "Declarant" means any person or group of persons acting in concert who (i) as part of a common promotional plan, offers to dispose of the person's or group's interest in a lot not previously disposed of, or (ii) reserves or succeeds to any special declarant right.

(10) "Declaration" means any instruments, however denominated, that create a planned community and any amendments to those instruments.

(11) "Development rights" means any right or combination of rights reserved by a declarant in the declaration (i) to add real estate to a planned community; (ii) to create lots, common elements, or limited common elements within a planned community; (iii) to subdivide or combine lots or convert lots into common elements; or (iv) to withdraw real estate from a planned community.

(12) Reserved.

(13) "Executive board" means the body, regardless of name, designated in the declaration to act on behalf of the association.

(14), (15) Reserved.

(16) "Leasehold planned community" means a planned community in which all or a portion of the real estate is subject to a lease, the expiration or termination of which will terminate the planned community or reduce its size.

(17) "Lessee" means the party entitled to present possession of a leased lot whether lessee, sublessee, or assignee.

(18) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of law for the exclusive use of one or more but fewer than all of the lots.

(19) "Lot" means a physical portion of the planned community designated for separate ownership or occupancy by a lot owner.

(20) "Lot owner" means a declarant or other person who owns a lot, or a lessee of a lot in a leasehold planned community whose lease expires simultaneously with any lease the expiration or termination of which will remove the lot from the planned community, but does not include a person having an interest in a lot solely as security for an obligation.

(21) "Master association" means an organization described in G.S. 47F-2-120, whether or not it is also an association described in G.S. 47F-3-101.

(22) "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or other legal or commercial entity.

(23) "Planned community" means real estate with respect to which any person, by virtue of that person's ownership of a lot, is expressly obligated by a declaration to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or other real estate described in the declaration. For purposes of this act, neither a cooperative nor a condominium is a planned community, but real estate comprising a condominium or cooperative may be

part of a planned community. "Ownership of a lot" does not include holding a leasehold interest of less that [than] 20 years in a lot, including renewal options.

(24) "Purchaser" means any person, other than a declarant or a person in the business of selling real estate for the purchaser's own account, who by means of a voluntary transfer acquires a legal or equitable interest in a lot, other than (i) a leasehold interest (including renewal options) of less than 20 years, or (ii) as security for an obligation.

(25) "Real estate" means any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests which by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water.

(26) "Reasonable attorneys' fees" means attorneys' fees reasonably incurred without regard to any limitations on attorneys' fees which otherwise may be allowed by law.

(27) Reserved.

(28) "Special declarant rights" means rights reserved for the benefit of a declarant including, without limitation, any right (i) to complete improvements indicated on plats and plans filed with the declaration; (ii) to exercise any development right; (iii) to maintain sales offices, management offices, signs advertising the planned community, and models; (iv) to use easements through the common elements for the purpose of making improvements within the planned community or within real estate which may be added to the planned community; (v) to make the planned community part of a larger planned community or group of planned communities; (vi) to make the planned community subject to a master association; or (vii) to appoint or remove any officer or executive board member of the association or any master association during any period of declarant control.

(29) Reserved. (1998-199, s. 1; 2014-57, s. 2.)

§ 47F-1-104. Variation.

(a) Except as specifically provided in specific sections of this Chapter, the provisions of this Chapter may not be varied by the declaration or bylaws. To the extent not inconsistent with the provisions of this Chapter, the declaration, bylaws, and articles of incorporation form the basis for the legal authority for the planned community to act as provided in the declaration, bylaws, and articles of incorporation, and the declaration, bylaws, and articles of incorporation are enforceable by their terms.

(b) The provisions of this Chapter may not be varied by agreement; however, after breach of a provision of this Chapter, rights created hereunder may be knowingly waived in writing.

(c) Notwithstanding any of the provisions of this Chapter, a declarant may not act under a power of attorney or proxy or use any other device to evade the limitations or prohibitions of this Chapter, the declaration, or the bylaws. (1998-199, s. 1; 2013-34, s. 3.)

§ 47F-1-105. Taxation.

Extraterritorial common property taxed pursuant to G.S. 105-277.8 shall be assessed, pro rata, among the lot owners based on the number of lots in the association. (2012-157, s. 3.)

§ 47F-1-106. Applicability of local ordinances, regulations, and building codes.

A zoning, subdivision, or building code or other real estate use law, ordinance, or regulation may not prohibit a planned community or impose any requirement upon a planned community which it would not impose upon a substantially similar development under a different form of ownership or administration. Otherwise, no provision of this Chapter invalidates or modifies any provision of any zoning, subdivision, or building code or any other real estate use law, ordinance, or regulation. No local ordinance or regulation may require the recordation of a declaration prior to the date required by this Chapter. (1998-199, s. 1.)

§ 47F-1-107. Eminent domain.

(a) If a lot is acquired by eminent domain, or if part of a lot is acquired by eminent domain leaving the lot owner with a remnant which may not practically or lawfully be used for any purpose permitted by the declaration, the award shall compensate the lot owner for his lot and its interest in the common element. Upon acquisition, unless the decree otherwise provides, the lot's allocated interests are automatically reallocated to the remaining lots in proportion to the respective allocated interests of those lots before the taking, exclusive of the lot taken.

(b) Except as provided in subsection (a) of this section, if part of a lot is acquired by eminent domain, the award shall compensate the lot owner for the reduction in value of the lot. Upon acquisition, unless the decree otherwise provides, (i) that lot's allocated interests are reduced in proportion to the reduction in the size of the lot, or on any other basis specified in the declaration, and (ii) the portion of the allocated interests divested from the partially acquired lot are automatically reallocated to that lot and the remaining lots in proportion to the respective allocated interests of those lots before the taking, with the partially acquired lot participating in the reallocation on the basis of its reduced allocated interests.

(c) If there is any reallocation under subsection (a) or (b) of this section, the association shall promptly prepare, execute, and record an amendment to the declaration reflecting the reallocations. Any remnant of a lot remaining after part of a lot is taken under this subsection is thereafter a common element.

(d) If part of the common elements is acquired by eminent domain, the portion of the award attributable to the common elements taken shall be paid to the association. Unless the declaration provides otherwise, any portion of the award attributable to the acquisition of a limited common element shall be apportioned among the owners of the lots to which that limited common element was allocated at the time of acquisition based on their allocated interest in the common elements before the taking.

(e) The court decree shall be recorded in every county in which any portion of the planned community is located. (1998-199, s. 1.)

§ 47F-1-108. Supplemental general principles of law applicable.

The principles of law and equity as well as other North Carolina statutes (including the provisions of the North Carolina Nonprofit Corporation Act) supplement the provisions of this

Chapter, except to the extent inconsistent with this Chapter. When these principles or statutes are inconsistent or conflict with this Chapter, the provisions of this Chapter will control. (1998-199, s. 1.)

§ 47F-1-109. Reserved for future codification purposes.

Article 2.

Creation, Alteration, and Termination of Planned Communities.

§ 47F-2-101. Creation of the planned community.

A declaration creating a planned community shall be executed in the same manner as a deed and shall be recorded in every county in which any portion of the planned community is located. (1998-199, s. 1; 2012-18, s. 1.7.)

§ 47F-2-102. Reserved for future codification purposes.

§ 47F-2-103. Construction and validity of declaration and bylaws.

(a) To the extent not inconsistent with the provisions of this Chapter, the declaration, bylaws, and articles of incorporation form the basis for the legal authority for the planned community to act as provided in the declaration, bylaws, and articles of incorporation, and the declaration, bylaws, and articles of incorporation are enforceable by their terms. All provisions of the declaration and bylaws are severable.

(b) The rule against perpetuities may not be applied to defeat any provision of the declaration, bylaws, rules, or regulations adopted pursuant to G.S. 47F-3-102(1).

(c) In the event of a conflict between the provisions of the declaration and the bylaws, the declaration prevails except to the extent the declaration is inconsistent with this Chapter.

(d) Title to a lot and common elements is not rendered unmarketable or otherwise affected by reason of an insubstantial failure of the declaration to comply with this Chapter. Whether a substantial failure to comply with this Chapter impairs marketability shall be determined by the law of this State relating to marketability. (1998-199, s. 1; 2013-34, s. 4.)

§§ 47F-2-104 through 47F-2-116. Reserved for future codification purposes.

§ 47F-2-117. Amendment of declaration.

(a) Except in cases of amendments that may be executed by a declarant under the terms of the declaration or by certain lot owners under G.S. 47F-2-118(b), the declaration may be amended only by affirmative vote or written agreement signed by lot owners of lots to which at least sixty-seven percent (67%) of the votes in the association are allocated, or any larger majority the declaration specifies or by the declarant if necessary for the exercise of any development right. The declaration may specify a smaller number only if all of the lots are restricted exclusively to nonresidential use.

(b) No action to challenge the validity of an amendment adopted pursuant to this section may be brought more than one year after the amendment is recorded.

(c) Every amendment to the declaration shall be recorded in every county in which any portion of the planned community is located and is effective only upon recordation.

(d) Any amendment passed pursuant to the provisions of this section or the procedures provided for in the declaration are presumed valid and enforceable.

(e) Amendments to the declaration required by this Chapter to be recorded by the association shall be prepared, executed, recorded, and certified in accordance with G.S. 47-41.01 or G.S. 47-41.02. (1998-199, s. 1; 2012-18, s. 1.8; 2013-34, s. 5; 2019-177, s. 4.3.)

§ 47F-2-118. Termination of planned community.

(a) Except in the case of taking of all the lots by eminent domain (G.S. 47F-1-107), a planned community may be terminated only by agreement of lot owners of lots to which at least eighty percent (80%) of the votes in the association are allocated, or any larger percentage the declaration specifies. The declaration may specify a smaller percentage only if all of the lots in the planned community are restricted exclusively to nonresidential uses.

(b) An agreement to terminate shall be evidenced by the execution of a termination agreement, or ratifications thereof, in the same manner as a deed, by the requisite number of lot owners. The termination agreement shall specify a date after which the agreement will be void unless it is recorded before that date. A termination agreement and all ratifications thereof shall be recorded in every county in which a portion of the planned community is situated and is effective only upon recordation.

(c) A termination agreement may provide for sale of the common elements, but may not require that the lots be sold following termination, unless the declaration as originally recorded provided otherwise or unless all the lot owners consent to the sale. If, pursuant to the agreement, any real estate in the planned community is to be sold following termination, the termination agreement shall set forth the minimum terms of the sale.

(d) The association, on behalf of the lot owners, may contract for the sale of real estate in the planned community, but the contract is not binding until approved pursuant to subsections (a) and (b) of this section. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers it had before termination. Proceeds of the sale shall be distributed to lot owners and lienholders as their interests may appear, as provided in the termination agreement.

(e) If the real estate constituting the planned community is not to be sold following termination, title to the common elements vests in the lot owners upon termination as tenants in common in proportion to their respective interests as provided in the termination agreement.

(f) Following termination of the planned community, the proceeds of any sale of real estate, together with the assets of the association, are held by the association as trustee for lot owners and holders of liens on the lots as their interests may appear. All other creditors of the association are to be treated as if they had perfected liens on the common elements immediately before termination.

(g) If the termination agreement does not provide for the distribution of sales proceeds pursuant to subsection (d) of this section or the vesting of title pursuant to subsection (e) of this section, sales proceeds shall be distributed and title shall vest in accordance with each lot owner's allocated share of common expense liability.

(h) Except as provided in subsection (i) of this section, foreclosure or enforcement of a lien or encumbrance against the common elements does not of itself terminate the planned community, and foreclosure or enforcement of a lien or encumbrance against a portion of the common elements other than withdrawable real estate does not withdraw that portion from the planned community. Foreclosure or enforcement of a lien or encumbrance against withdrawable real estate does not of itself withdraw that real estate from the planned community, but the person taking title thereto has the right to require from the association, upon request, an amendment excluding the real estate from the planned community.

(i) If a lien or encumbrance against a portion of the real estate comprising the planned community has priority over the declaration and the lien or encumbrance has not been partially released, the parties foreclosing the lien or encumbrance may, upon foreclosure, record an instrument excluding the real estate subject to that lien or encumbrance from the planned community. (1998-199, s. 1.)

§ 47F-2-119. Reserved for future codification purposes.

§ 47F-2-120. Master associations.

If the declaration for a planned community provides that any of the powers described in G.S. 47F-3-102 are to be exercised by or may be delegated to a profit or nonprofit corporation which exercises those or other powers on behalf of one or more other planned communities or for the benefit of the lot owners of one or more other planned communities, all provisions of this act applicable to lot owners' associations apply to any such corporation. (1998-199, s. 1.)

§ 47F-2-121. Merger or consolidation of planned communities.

(a) Any two or more planned communities, by agreement of the lot owners as provided in subsection (b) of this section, may be merged or consolidated into a single planned community. In the event of a merger or consolidation, unless the agreement otherwise provides, the resultant planned community is, for all purposes, the legal successor of all of the preexisting planned communities, and the operations and activities of all associations of the preexisting planned communities shall be merged or consolidated into a single association which shall hold all powers, rights, obligations, assets, and liabilities of all preexisting associations.

(b) An agreement of two or more planned communities to merge or consolidate pursuant to subsection (a) of this section shall be evidenced by an agreement prepared, executed, recorded, and certified by the president of the association of each of the preexisting planned communities following approval by owners of lots to which are allocated the percentage of votes in each planned community required to terminate that

planned community. Any such agreement shall be recorded in every county in which a portion of the planned community is located and is not effective until recorded.

(c) Every merger or consolidation agreement shall provide for the reallocation of the allocated interests in the new association among the lots of the resultant planned community either (i) by stating the reallocations or the formulas upon which they are based or (ii) by stating the percentage of overall common expense liabilities and votes in the new association which are allocated to all of the lots comprising each of the preexisting planned communities, and providing that the portion of the percentages allocated to each lot formerly comprising a part of the preexisting planned community shall be equal to the percentages of common expense liabilities and votes in the association allocated to that lot by the declaration of the preexisting planned community. (1998-199, s. 1.)

Article 3.

Management of Planned Community.

§ 47F-3-101. Organization of owners' association.

A lot owners' association shall be incorporated no later than the date the first lot in the planned community is conveyed. The membership of the association at all times shall consist exclusively of all the lot owners or, following termination of the planned community, of all persons entitled to distributions of proceeds under G.S. 47F-2-118. Every association created after the effective date of this Chapter shall be organized as a nonprofit corporation. (1998-199, s. 1.)

§ 47F-3-102. Powers of owners' association.

Unless the articles of incorporation or the declaration expressly provides to the contrary, the association may do all of the following:

(1) Adopt and amend bylaws and rules and regulations.
(2) Adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from lot owners.
(3) Hire and discharge managing agents and other employees, agents, and independent contractors.
(4) Institute, defend, or intervene in litigation or administrative proceedings on matters affecting the planned community.
(5) Make contracts and incur liabilities.
(6) Regulate the use, maintenance, repair, replacement, and modification of common elements.
(7) Cause additional improvements to be made as a part of the common elements.
(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, provided that common elements may be conveyed or subjected to a security interest only pursuant to G.S. 47F-3-112.
(9) Grant easements, leases, licenses, and concessions through or over the common elements.
(10) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than the limited common elements and for services provided to lot owners.

(11) Impose reasonable charges for late payment of assessments, not to exceed the greater of twenty dollars ($20.00) per month or ten percent (10%) of any assessment installment unpaid and, after notice and an opportunity to be heard, suspend privileges or services provided by the association (except rights of access to lots) during any period that assessments or other amounts due and owing to the association remain unpaid for a period of 30 days or longer.

(12) After notice and an opportunity to be heard, impose reasonable fines or suspend privileges or services provided by the association (except rights of access to lots) for reasonable periods for violations of the declaration, bylaws, and rules and regulations of the association.

(13) Impose reasonable charges in connection with the preparation and recordation of documents, including, without limitation, amendments to the declaration.

(13a) Impose reasonable charges in connection with the preparation of statements of unpaid assessments, which must be furnished within 10 business days after receipt of the request, in an amount not to exceed two hundred dollars ($200.00) per statement or request, and an additional expedite fee in an amount not to exceed one hundred dollars ($100.00) if the request is made within 48 hours of closing, all of which charges may be collected by the association, its managers, or its agents.

(14) Provide for the indemnification of and maintain liability insurance for its officers, executive board, directors, employees, and agents.

(15) Assign its right to future income, including the right to receive common expense assessments.

(16) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(17) Exercise any other powers necessary and proper for the governance and operation of the association. (1998-199, s. 1; 2004-109, s. 4; 2005-422, s. 1; 2020-90, s. 4(c).)

§ 47F-3-103. Executive board members and officers.

(a) Except as provided in the declaration, in the bylaws, in subsection (b) of this section, or in other provisions of this Chapter, the executive board may act in all instances on behalf of the association. In the performance of their duties, officers and members of the executive board shall discharge their duties in good faith. Officers shall act according to the standards for officers of a nonprofit corporation set forth in G.S. 55A-8-42, and members shall act according to the standards for directors of a nonprofit corporation set forth in G.S. 55A-8-30.

(b) The executive board may not act unilaterally on behalf of the association to amend the declaration (G.S. 47F-2-117), to terminate the planned community (G.S. 47F-2-118), or to elect members of the executive board or determine the qualifications, powers and duties, or terms of office of executive board members (G.S. 47F-3-103(e)), but the executive board may unilaterally fill vacancies in its membership for the unexpired portion of any term. Notwithstanding any provision of the declaration or bylaws to the contrary, the lot owners, by a majority vote of all persons present and entitled to vote at any meeting of the lot owners at which a quorum is present, may remove any member of the executive board with or without cause, other than a member appointed by the declarant.

(c) Within 30 days after adoption of any proposed budget for the planned community, the executive board shall provide to all the lot owners a summary of the budget and a notice of the meeting to consider ratification of the budget, including a statement that the budget may be ratified without a quorum. The executive board shall set a date for a meeting of the lot owners to consider ratification of the budget, such meeting to be held not less than 10 nor more than 60 days after mailing of the summary and notice. There shall be no requirement that a quorum be present at the meeting. The budget is ratified unless at that meeting a majority of all the lot owners in the association or any larger vote specified in the declaration rejects the budget. In the event the proposed budget is rejected, the periodic budget last ratified by the lot owners shall be continued until such time as the lot owners ratify a subsequent budget proposed by the executive board.

(d) The declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by the declarant, may appoint and remove the officers and members of the executive board.

(e) Not later than the termination of any period of declarant control, the lot owners shall elect an executive board of at least three members, at least a majority of whom shall be lot owners. The executive board shall elect the officers. The executive board members and officers shall take office upon election.

(f) The association shall publish the names and addresses of all officers and board members of the association within 30 days of their election. (1998-199, s. 1; 2005-422, ss. 2, 3.)

§ 47F-3-104. Transfer of special declarant rights.

(a) No special declarant right (G.S. 47F-1-103(28)) defined under this Chapter may be transferred except by an instrument evidencing the transfer recorded in every county in which any portion of the planned community is located. Except for the transfer of declarant rights pursuant to subsection (c) of this section, the instrument is not effective unless executed by the transferee.

(b) Upon transfer of any special declarant right, the liability of a transferor declarant is as follows:

(1) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for warranty obligations imposed upon the transferor by this Chapter. Lack of privity does not deprive any lot owner of standing to maintain an action to enforce any obligation of the transferor.

(2) If a successor to any special declarant right is an affiliate of a declarant (G.S. 47F-1-103(1)), the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the planned community.

(3) If a transferor retains any special declarant rights but transfers other special declarant rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant by this Chapter or by the declaration relating to the retained special declarant rights and arising after the transfer.

(4) A transferor has no liability for any act or omission or any breach of a contractual or warranty obligation arising from the exercise of a special declarant right by a successor declarant who is not an affiliate of the transferor.

(c) Unless otherwise provided in a mortgage instrument, deed of trust, or other agreement creating a security interest, in case of foreclosure of a security interest, sale by

a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under Bankruptcy Code or receivership proceedings of any lots owned by a declarant, or real estate in a planned community subject to development rights, or real estate subject to development rights for a planned community, a person acquiring title to all the property being foreclosed or sold, but only upon the person's request in an instrument recorded in every county in which any portion of the planned community is located, succeeds to all special declarant rights (G.S. 47F-1-103(28)) related to that property held by that declarant and requested by the person acquiring title. The judgment or instrument conveying title shall provide for transfer of only the special declarant rights requested. The mortgage, deed of trust, tax lien, or other conveyance to be foreclosed under this subsection shall not be required to contain specific reference to an assignment of special declarant rights but shall be deemed to include the special declarant rights as part of the right, title, and interest encumbered by the mortgage, deed of trust, tax lien, or other conveyance.

(d) Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under Bankruptcy Code or receivership proceedings of all interests in a planned community owned by a declarant, the declarant ceases to have any special declarant rights and the period of declarant control (G.S. 47F-3-103(d)) terminates unless either of the following applies:

(1) The judgment or instrument conveying title provides for transfer of all special declarant rights held by that declarant to a successor declarant.

(2) The declarant transferred special declarant rights related to the appointment of executive board members to another person pursuant to this section prior to the foreclosure or sale.

(e) The liabilities and obligations of a person who succeeds to special declarant rights are as follows:

(1) A successor to any special declarant right who is an affiliate of a declarant is subject to all obligations and liabilities imposed on the transferor by this Chapter or by the declaration.

(2) Unless otherwise specified in the declaration as to the holder of a mortgage instrument, deed of trust, or other agreement creating a security interest, in case of foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under Bankruptcy Code or receivership proceedings, a successor to any special declarant right who is not an affiliate of a declarant, other than a successor described in subdivision (3) or (4) of this subsection, is subject to the obligations and liabilities expressly imposed by this Chapter or the declaration:

a. On a declarant which relate to the successor's exercise or nonexercise of special declarant rights; or

b. On his or her transferor, other than:

1. Misrepresentations by the transferor or any previous declarant;

2. Warranty obligations on improvements made by the transferor or any previous declarant or made before the planned community was created;

3. Obligations and liabilities arising out of contractual agreements between the transferor or any previous declarant and third parties other than the declaration;
4. Breach of any fiduciary obligation by the transferor or any previous declarant or his or her appointees to the executive board; or
5. Any liability or obligation imposed on the transferor or any previous declarant as a result of the transferor's acts or omissions after the transfer.

(3) A successor to only a right reserved in the declaration to maintain sales offices, management offices, signs advertising the planned community, and models, if the successor is not an affiliate of the declarant, may not exercise any other special declarant right and is not subject to any liability or obligation as a declarant.

(4) A successor to all special declarant rights held by a transferor who is not an affiliate of the declarant who succeeded to those rights pursuant to a deed or other instrument of conveyance in lieu of foreclosure or a judgment or instrument conveying title under subsection (c) of this section may declare in a recorded instrument the intention to hold those rights solely for transfer to another person. Thereafter, until transferring all special declarant rights to any person acquiring title to any lot or real estate subject to development rights owned by the successor, or until recording an instrument permitting exercise of all those rights, that successor may not exercise any of those rights other than any right held by his or her transferor to control the executive board in accordance with G.S. 47F-3-103(d) for the duration of any period of declarant control, and any attempted exercise of those rights is void. So long as a successor declarant does not have the right to exercise special declarant rights under this subsection, the successor declarant is not subject to any liability or obligation as a declarant other than liability for his or her acts and omissions under G.S. 47F-3-103(d).

(f) Nothing in this section subjects any successor to a special declarant right to any claims against or other obligations of a transferor declarant other than claims and obligations expressly arising under this Chapter or the declaration.

(g) For purposes of this section, "assignment of declarant rights" shall include any assignment by the declarant of special declarant rights to a person, including, without limitation, an assignment pursuant to this section. (1998-199, s. 1; 2014-57, s. 3.)

§ 47F-3-105. Termination of contracts and leases of declarant.

If entered into before the executive board elected by the lot owners pursuant to G.S. 47F-3-103(e) takes office, any contract or lease affecting or related to the planned community that is not bona fide or was unconscionable to the lot owners at the time entered into under the circumstances then prevailing, may be terminated without penalty by the association at any time after the executive board elected by the lot owners pursuant to G.S. 47F-3-103(e) takes office upon not less than 90 days' notice to the other party. (1998-199, s. 1.)

§ 47F-3-106. Bylaws.

(a) The bylaws of the association shall provide for:

(1) The number of members of the executive board and the titles of the officers of the association;

(2) Election by the executive board of officers of the association;

(3) The qualifications, powers and duties, terms of office, and manner of electing and removing executive board members and officers and filling vacancies;

(4) Which, if any, of its powers the executive board or officers may delegate to other persons or to a managing agent;

(5) Which of its officers may prepare, execute, certify, and record amendments to the declaration on behalf of the association; and

(6) The method of amending the bylaws.

(b) The bylaws may provide for any other matters the association deems necessary and appropriate. (1998-199, s. 1.)

§ 47F-3-107. Upkeep of planned community; responsibility and assessments for damages.

(a) Except as otherwise provided in the declaration, G.S. 47F-3-113(h) or subsection (b) of this section, the association is responsible for causing the common elements to be maintained, repaired, and replaced when necessary and to assess the lot owners as necessary to recover the costs of such maintenance, repair, or replacement except that the costs of maintenance, repair, or replacement of a limited common element shall be assessed as provided in G.S. 47F-3-115(c)(1). Except as otherwise provided in the declaration, each lot owner is responsible for the maintenance and repair of his lot and any improvements thereon. Each lot owner shall afford to the association and when necessary to another lot owner access through the lot owner's lot or the limited common element allocated to the lot owner's lot reasonably necessary for any such maintenance, repair, or replacement activity.

(b) If a lot owner is legally responsible for damage inflicted on any common element or limited common element, the association may direct such lot owner to repair such damage, or the association may itself cause the repairs to be made and recover damages from the responsible lot owner.

(c) If damage is inflicted on any lot by an agent of the association in the scope of the agent's activities as such agent, the association is liable to repair such damage or to reimburse the lot owner for the cost of repairing such damages. The association shall also be liable for any losses to the lot owner.

(d) When the claim under subsection (b) or (c) of this section is less than or equal to the jurisdictional amount established for small claims by G.S. 7A-210, any aggrieved party may request that a hearing be held before an adjudicatory panel appointed by the executive board to determine if a lot owner is responsible for damages to any common element or the association is responsible for damages to any lot. If the executive board fails to appoint an adjudicatory panel to hear such matters, hearings under this section shall be held before the executive board. Such panel shall accord to the party charged with causing damages notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. This panel may assess liability for each damage incident against each lot

owner charged or against the association not in excess of the jurisdictional amount established for small claims by G.S. 7A-210. When the claim under subsection (b) or (c) of this section exceeds the jurisdictional amount established for small claims by G.S. 7A-210, liability of any lot owner charged or the association shall be determined as otherwise provided by law. Liabilities of lot owners determined by adjudicatory hearing or as otherwise provided by law shall be assessments secured by lien under G.S. 47F-3-116. Liabilities of the association determined by adjudicatory hearing or as otherwise provided by law may be offset by the lot owner against sums owing to the association and if so offset, shall reduce the amount of any lien of the association against the lot at issue.

(e) The association shall not be liable for maintenance, repair, and all other expenses in connection with any real estate which has not been incorporated into the planned community. (1998-199, s. 1; 2013-34, s. 2.)

§ 47F-3-107.1. Procedures for fines and suspension of planned community privileges or services.

Unless a specific procedure for the imposition of fines or suspension of planned community privileges or services is provided for in the declaration, a hearing shall be held before the executive board or an adjudicatory panel appointed by the executive board to determine if any lot owner should be fined or if planned community privileges or services should be suspended pursuant to the powers granted to the association in G.S. 47F-3-102(11) and (12). Any adjudicatory panel appointed by the executive board shall be composed of members of the association who are not officers of the association or members of the executive board. The lot owner charged shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars ($100.00) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens under G.S. 47F-3-116. If it is decided that a suspension of planned community privileges or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured. The lot owner may appeal the decision of an adjudicatory panel to the full executive board by delivering written notice of appeal to the executive board within 15 days after the date of the decision. The executive board may affirm, vacate, or modify the prior decision of the adjudicatory body. (1997-456, s. 27; 1998-199, s. 1; 2005-422, s. 4.)

§ 47F-3-108. Meetings.

(a) A meeting of the association shall be held at least once each year. Special meetings of the association may be called by the president, a majority of the executive board, or by lot owners having ten percent (10%), or any lower percentage specified in the bylaws, of the votes in the association. Not less than 10 nor more than 60 days in advance of any meeting, the secretary or other officer specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by United States mail to the mailing address of each lot or to any other mailing address designated in writing by the lot owner, or sent by electronic means, including by electronic mail over the Internet, to an electronic mailing address designated in writing by the lot owner. The notice of any meeting shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget changes, and any proposal to remove a director or officer.

(b) Meetings of the executive board shall be held as provided in the bylaws. At regular intervals, the executive board meeting shall provide lot owners an opportunity to attend a portion of an executive board meeting and to speak to the executive board about their issues or concerns. The executive board may place reasonable restrictions on the number of persons who speak on each side of an issue and may place reasonable time restrictions on persons who speak.

(c) Except as otherwise provided in the bylaws, meetings of the association and the executive board shall be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised. (1998-199, s. 1; 2004-109, s. 6; 2005-422, s. 5.)

§ 47F-3-109. Quorums.

(a) Unless the bylaws provide otherwise, a quorum is present throughout any meeting of the association if persons entitled to cast ten percent (10%) of the votes which may be cast for election of the executive board are present in person or by proxy at the beginning of the meeting.

(b) Unless the bylaws specify a larger percentage, a quorum is deemed present throughout any meeting of the executive board if persons entitled to cast fifty percent (50%) of the votes on that board are present at the beginning of the meeting.

(c) In the event business cannot be conducted at any meeting because a quorum is not present, that meeting may be adjourned to a later date by the affirmative vote of a majority of those present in person or by proxy. Notwithstanding any provision to the contrary in the declaration or the bylaws, the quorum requirement at the next meeting shall be one-half of the quorum requirement applicable to the meeting adjourned for lack of a quorum. This provision shall continue to reduce the quorum by fifty percent (50%) from that required at the previous meeting, as previously reduced, until such time as a quorum is present and business can be conducted. (1998-199, s. 1.)

§ 47F-3-110. Voting; proxies.

(a) If only one of the multiple owners of a lot is present at a meeting of the association, the owner who is present is entitled to cast all the votes allocated to that lot. If more than one of the multiple owners are present, the votes allocated to that lot may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration or bylaws expressly provide otherwise. Majority agreement is conclusively presumed if any one of the multiple owners casts the votes allocated to that lot without protest being made promptly to the person presiding over the meeting by any of the other owners of the lot.

(b) Votes allocated to a lot may be cast pursuant to a proxy duly executed by a lot owner. If a lot is owned by more than one person, each owner of the lot may vote or register protest to the casting of votes by the other owners of the lot through a duly executed proxy. A lot owner may not revoke a proxy given pursuant to this section except by actual notice of revocation to the person presiding over a meeting of the association. A proxy is void if it is not dated. A proxy terminates 11 months after its date, unless it specifies a shorter term.

(c) If the declaration requires that votes on specified matters affecting the planned community be cast by lessees rather than lot owners of leased lots, (i) the provisions of subsections (a) and (b) of this section apply to lessees as if they were lot owners; (ii) lot owners who have leased their lots to other persons may not cast votes on those specified matters; and (iii) lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were lot owners. Lot owners shall also be given notice, in the manner provided in G.S. 47F-3-108, of all meetings at which lessees may be entitled to vote.

(d) No votes allocated to a lot owned by the association may be cast.

(e) The declaration may provide that on specified issues only a defined subgroup of lot owners may vote provided:

(1) The issue being voted is of special interest solely to the members of the subgroup; and

(2) All except de minimis cost that will be incurred based on the vote taken will be assessed solely against those lot owners entitled to vote.

(f) For purposes of subdivision (e)(1) above, an issue to be voted on is not a special interest solely to a subgroup if it substantially affects the overall appearance of the planned community or substantially affects living conditions of lot owners not included in the voting subgroup. (1998-199, s. 1.)

§ 47F-3-111. Tort and contract liability.

(a) Neither the association nor any lot owner except the declarant is liable for that declarant's torts in connection with any part of the planned community which that declarant has the responsibility to maintain.

(b) An action alleging a wrong done by the association shall be brought against the association and not against a lot owner.

(c) Any statute of limitation affecting the association's right of action under this section is tolled until the period of declarant control terminates. A lot owner is not precluded from bringing an action contemplated by this section because the person is a lot owner or a member of the association. (1998-199, s. 1.)

§ 47F-3-112. Conveyance or encumbrance of common elements.

(a) Portions of the common elements may be conveyed or subjected to a security interest by the association if persons entitled to cast at least eighty percent (80%) of the votes in the association, or any larger percentage the declaration specifies, agree in writing to that action; provided that all the owners of lots to which any limited common element is allocated shall agree in order to convey that limited common element or subject it to a security interest. The declaration may specify a smaller percentage only if all the lots are restricted exclusively to nonresidential uses. Distribution of proceeds of the sale of a limited common element shall be as provided by agreement between the lot owners to which it is allocated and the association. Proceeds of the sale or financing of a common element (other than a limited common element) shall be an asset of the association.

(b) The association, on behalf of the lot owners, may contract to convey common elements or subject them to a security interest, but the contract is not enforceable against the association until approved pursuant to subsection (a) of this section. Thereafter, the association has all powers necessary and appropriate to effect the conveyance or encumbrance, free and clear of any interest of any lot owner or the association in or to the common element conveyed or encumbered, including the power to execute deeds or other instruments.

(c) Any purported conveyance, encumbrance, or other voluntary transfer of common elements, unless made pursuant to this section is void.

(d) No conveyance or encumbrance of common elements pursuant to this section may deprive any lot of its rights of access and support. (1998-199, s. 1.)

§ 47F-3-113. Insurance.

(a) Commencing not later than the time of the first conveyance of a lot to a person other than a declarant, the association shall maintain, to the extent reasonably available:

(1) Property insurance on the common elements insuring against all risks of direct physical loss commonly insured against including fire and extended coverage perils. The total amount of insurance after application of any deductibles shall be not less than eighty percent (80%) of the replacement cost of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies; and

(2) Liability insurance in reasonable amounts, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(b) If the insurance described in subsection (a) of this section is not reasonably available, the association promptly shall cause notice of that fact to be hand-delivered or sent prepaid by United States mail to all lot owners. The declaration may require the association to carry any other insurance, and the association in any event may carry any other insurance it deems appropriate to protect the association or the lot owners.

(c) Insurance policies carried pursuant to subsection (a) of this section shall provide that:

(1) Each lot owner is an insured person under the policy to the extent of the lot owner's insurable interest;

(2) The insurer waives its right to subrogation under the policy against any lot owner or member of the lot owner's household;

(3) No act or omission by any lot owner, unless acting within the scope of the owner's authority on behalf of the association, will preclude recovery under the policy; and

(4) If, at the time of a loss under the policy, there is other insurance in the name of a lot owner covering the same risk covered by the policy, the association's policy provides primary insurance.

(d) Any loss covered by the property policy under subdivision (a)(1) of this section shall be adjusted with the association, but the insurance proceeds for that loss are payable to any insurance trustee designated for that purpose, or otherwise to the association, and not to any mortgagee or beneficiary under a deed of trust. The insurance trustee or the association shall hold any insurance proceeds in trust for lot owners and lienholders as their interests may appear. Subject to the provisions of subsection (h) of this section, the proceeds shall be disbursed first for the repair or restoration of the damaged property, and lot owners and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored, or the planned community is terminated.

(e) An insurance policy issued to the association does not prevent a lot owner from obtaining insurance for the lot owner's own benefit.

(f) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any lot owner, mortgagee, or beneficiary under a deed of trust. The insurer issuing the policy may not cancel or refuse to renew it until 30 days after notice of the proposed cancellation or nonrenewal has been mailed to the association, each lot owner, and each mortgagee or beneficiary under a deed of trust to whom certificates or memoranda of insurance have been issued at their respective last known addresses.

(g) Any portion of the planned community for which insurance is required under subdivision (a)(1) of this section which is damaged or destroyed shall be repaired or replaced promptly by the association unless (i) the planned community is terminated, (ii) repair or replacement would be illegal under any State or local health or safety statute or ordinance, or (iii) the lot owners decide not to rebuild by an eighty percent (80%) vote, including one hundred percent (100%) approval of owners assigned to the limited common elements not to be rebuilt. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense. If any portion of the planned community is not repaired or replaced, (i) the insurance proceeds attributable to the damaged common elements shall be used to restore the damaged area to a condition compatible with the remainder of the planned community, (ii) the insurance proceeds attributable to limited common elements which are not rebuilt shall be distributed to the owners of the lots to which those limited common elements were allocated, or to lienholders, as their interests may appear, and (iii) the remainder of the proceeds shall be distributed to all the lot owners or lienholders, as their interests may appear, in proportion to the common expense liabilities of all the lots. Notwithstanding the provisions of this subsection, G.S. 47F-2-118 (termination of the planned community) governs the distribution of insurance proceeds if the planned community is terminated.

(h) The provisions of this section may be varied or waived in the case of a planned community all of whose lots are restricted to nonresidential use. (1998-199, s. 1.)

§ 47F-3-114. Surplus funds.

Unless otherwise provided in the declaration, any surplus funds of the association remaining after payment of or provision for common expenses, the funding of a reasonable operating expense surplus, and any prepayment of reserves shall be paid to the lot owners in proportion to their common expense liabilities or credited to them to reduce their future common expense assessments. (1998-199, s. 1.)

§ 47F-3-115. Assessments for common expenses.

(a) Except as otherwise provided in the declaration, until the association makes a common expense assessment, the declarant shall pay all common expenses. After any assessment has been made by the association, assessments thereafter shall be made at least annually.

(b) Except for assessments under subsections (c), (d), and (e) of this section, all common expenses shall be assessed against all the lots in accordance with the allocations set forth in the declaration. Any past-due common expense assessment or installment thereof bears interest at the rate established by the association not exceeding eighteen percent (18%) per year. For planned communities created prior to January 1, 1999, interest may be charged on any past-due common expense assessment or installment only if the declaration provides for interest charges, and where the declaration does not otherwise specify the interest rate, the rate may not exceed eighteen percent (18%) per year.

(c) To the extent required by the declaration:

(1) Any common expense associated with the maintenance, repair, or replacement of a limited common element shall be assessed against the lots to which that limited common element is assigned, equally, or in any other proportion that the declaration provides;

(2) Any common expense or portion thereof benefiting fewer than all of the lots shall be assessed exclusively against the lots benefitted; and

(3) The costs of insurance shall be assessed in proportion to risk and the costs of utilities shall be assessed in proportion to usage.

(d) Assessments to pay a judgment against the association may be made only against the lots in the planned community at the time the judgment was entered, in proportion to their common expense liabilities.

(e) If any common expense is caused by the negligence or misconduct of any lot owner or occupant, the association may assess that expense exclusively against that lot owner or occupant's lot.

(f) If common expense liabilities are reallocated, common expense assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated common expense liabilities. (1998-199, s. 1.)

§ 47F-3-116. Lien for sums due the association; enforcement.

(a) Any assessment attributable to a lot which remains unpaid for a period of 30 days or longer shall constitute a lien on that lot when a claim of lien is filed of record in the office of the clerk of superior court of the county in which the lot is located in the manner provided in this section. Once filed, a claim of lien secures all sums due the association through the date filed and any sums due to the association thereafter. Unless the declaration provides otherwise, fees, charges, late charges, and other charges imposed pursuant to G.S. 47F-3-102, 47F-3-107, 47F-3-107.1, and 47F-3-115 are subject to the claim of lien under this section as well as any other sums due and payable to the association under the declaration, the provisions of this Chapter, or as the result of an arbitration, mediation, or judicial decision.

(b) The association must make reasonable and diligent efforts to ensure that its records contain the lot owner's current mailing address. No fewer than 15 days prior to filing the lien, the association shall mail a statement of the assessment amount due by first-class mail to the physical address of the lot and the lot owner's address of record with the association and, if different, to the address for the lot owner shown on the county tax records for the lot. If the lot owner is a corporation or limited liability company, the statement shall also be sent by first-class mail to the mailing address of the registered agent for the corporation or limited liability company. Notwithstanding anything to the contrary in this Chapter, the association is not required to mail a statement to an address known to be a vacant lot on which no dwelling has been constructed or to a lot for which there is no United States postal address.

(c) A claim of lien shall set forth the name and address of the association, the name of the record owner of the lot at the time the claim of lien is filed, a description of the lot, and the amount of the lien claimed. A claim of lien may also appoint a trustee to conduct a foreclosure, as provided in subsection (f) of this section. The first page of the claim of lien shall contain the following statement in print that is in boldface, capital letters, and no smaller than the largest print used elsewhere in the document:

"THIS DOCUMENT CONSTITUTES A LIEN AGAINST YOUR PROPERTY, AND IF THE LIEN IS NOT PAID, THE HOMEOWNERS ASSOCIATION MAY PROCEED WITH FORECLOSURE AGAINST YOUR PROPERTY IN LIKE MANNER AS A MORTGAGE UNDER NORTH CAROLINA LAW."

The person signing the claim of lien on behalf of the association shall attach to and file with the claim of lien a certificate of service attesting to the attempt of service on the record owner, which service shall be attempted in accordance with G.S. 1A-1, Rule 4(j), for service of a copy of a summons and a complaint. If the actual service is not achieved, the person signing the claim of lien on behalf of the association shall be deemed to have met the requirements of this subsection if service has been attempted pursuant to both of the following: (i) G.S. 1A-1, Rule 4(j)(1)c, d, or e and (ii) by mailing a copy of the lien by regular, first-class mail, postage prepaid to the physical address of the lot and the lot owner's address of record with the association, and, if different, to the address for the lot owner shown on the county tax records and the county real property records for the lot. In the event that the owner of record is not a natural person, and actual service is not achieved, the person signing the claim of lien on behalf of the association shall be deemed to have met the requirements of this subsection if service has been attempted once pursuant to the applicable provisions of G.S. 1A-1, Rule 4(j)(3) through G.S. 1A-1, Rule 4(j)(9). Notwithstanding anything to the contrary in this Chapter, the association is not required to mail a claim of lien to an address which is known to be a vacant lot on which no dwelling has been constructed or to a lot for which there is no United States postal address. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within three years after the filing of the claim of lien in the office of the clerk of superior court.

(d) A claim of lien filed under this section is prior to all liens and encumbrances on a lot except (i) liens and encumbrances, specifically including, but not limited to, a mortgage or deed of trust on the lot, recorded before the filing of the claim of lien in the office of the clerk of superior court and (ii) liens for real estate taxes and other governmental assessments and charges against the lot. This subsection does not affect the priority of mechanics' or materialmen's liens.

(e) The association shall be entitled to recover the reasonable attorneys' fees and costs it incurs in connection with the collection of any sums due. A lot owner may not be required to pay attorneys' fees and court costs until the lot owner is notified in writing of the association's intent to seek payment of attorneys' fees, costs, and expenses. The notice must be sent by first-class mail to the physical address of the lot and the lot owner's address of record with the association and, if different, to the address for the lot owner shown on the county tax records for the lot. The association must make reasonable and diligent efforts to ensure that its records contain the lot owner's current mailing address. Notwithstanding anything to the contrary in this Chapter, there shall be no requirement that notice under this subsection be mailed to an address which is known to be a vacant lot on which no dwelling has been constructed or a lot for which there is no United States postal address. The notice shall set out the outstanding balance due as of the date of the notice and state that the lot owner has 15 days from the mailing of the notice by first-class mail to pay the outstanding balance without the attorneys' fees and court costs. If the lot owner pays the outstanding balance within this period, then the lot owner shall have no obligation to pay attorneys' fees, costs, or expenses. The notice shall also inform the lot owner of the opportunity to contact a representative of the association to discuss a payment schedule for the outstanding balance, as provided in subsection (i) of this section, and shall provide the name and telephone number of the representative.

(f) Except as provided in subsection (h) of this section, the association, acting through the executive board, may foreclose a claim of lien in like manner as a mortgage or deed of trust on real estate under power of sale, as provided in Article 2A of Chapter 45 of the General Statutes, if the assessment remains unpaid for 90 days or more. The association shall not foreclose the claim of lien unless the executive board votes to commence the proceeding against the specific lot.

The following provisions and procedures shall be applicable to and complied with in every nonjudicial power of sale foreclosure of a claim of lien, and these provisions and procedures shall control to the extent they are inconsistent or in conflict with the provisions of Article 2A of Chapter 45 of the General Statutes:

(1) The association shall be deemed to have a power of sale for purposes of enforcement of its claim of lien.

(2) The terms "mortgagee" and "holder" as used in Article 2A of Chapter 45 of the General Statutes shall mean the association, except as provided otherwise in this Chapter.

(3) The term "security instrument" as used in Article 2A of Chapter 45 of the General Statutes shall mean the claim of lien.

(4) The term "trustee" as used in Article 2A of Chapter 45 of the General Statutes shall mean the person or entity appointed by the association under subdivision (6) of this subsection.

(5) After the association has filed a claim of lien and prior to the commencement of a nonjudicial foreclosure, the association shall give to the lot owner notice of the association's intention to commence a nonjudicial foreclosure to enforce its claim of lien. The notice shall contain the information required in G.S. 45-21.16(c)(5a).

(6) The association shall appoint a trustee to conduct the nonjudicial foreclosure proceeding and sale. The appointment of the trustee shall be included in the claim of lien or in a separate instrument filed with the clerk of court in the county in which the planned community is located as an exhibit to the notice of hearing. The association, at its option, may from time to time remove a trustee previously appointed and appoint a successor trustee by filing a Substitution of Trustee with the clerk of court in the foreclosure proceeding. Counsel for the association may be appointed by the association to serve as the trustee and may serve in that capacity as long as the lot owner does not contest the obligation to pay or the amount of any sums due the association, or the validity, enforcement, or foreclosure of the claim of lien, as provided in subdivision (12) of this subsection. Any trustee appointed pursuant to this subsection shall have the same fiduciary duties and obligations as a trustee in the foreclosure of a deed of trust.

(7) If a valid debt, default, and notice to those entitled to receive notice under G.S. 45-21.16(b) are found to exist, then the clerk of court shall authorize the sale of the property described in the claim of lien by the trustee.

(8) If, prior to the expiration of the upset bid period provided in G.S. 45-21.27, the lot owner satisfies the debt secured by the claim of lien and pays all expenses and costs incurred in filing and enforcing the association assessment lien, including, but not limited to, advertising costs, attorneys' fees, and the trustee's

commission, then the trustee shall dismiss the foreclosure action and the association shall cancel the claim of lien of record in accordance with the provisions of G.S. 45-36.3. The lot owner shall have all rights granted under Article 4 of Chapter 45 of the General Statutes to ensure the association's satisfaction of the claim of lien.

(9) Any person, other than the trustee, may bid at the foreclosure sale. Unless prohibited in the declaration or bylaws, the association may bid on the lot at a foreclosure sale directly or through an agent. If the association or its agent is the high bidder at the sale, the trustee shall allow the association to pay the costs and expenses of the sale and apply a credit against the sums due by the lot owner to the association in lieu of paying the bid price in full.

(10) Upon the expiration of the upset bid period provided in G.S. 45-21.27, the trustee shall have full power and authority to execute a deed for the lot to the high bidder.

(11) The trustee shall be entitled to a commission for services rendered which shall include fees, costs, and expenses reasonably incurred by the trustee in connection with the foreclosure, whether or not a sale is held. Except as provided in subdivision (12) of this subsection, the trustee's commission shall be paid without regard to any limitations on compensation otherwise provided by law, including, without limitation, the provisions of G.S. 45-21.15.

(12) If the lot owner does not contest the obligation to pay the amount of any sums due the association or the validity, enforcement, or foreclosure of the claim of lien at any time after the expiration of the 15-day period following notice as required in subsection (b) of this section, then attorneys' fees and the trustee's commission collectively charged to the lot owner shall not exceed one thousand two hundred dollars ($1,200), not including costs or expenses incurred. The obligation to pay and the amount of any sums due the association and the validity, enforcement, or foreclosure of the claim of lien remain uncontested as long as the lot owner does not dispute, contest, or raise any objection, defense, offset, or counterclaim as to the amount or validity of any portion of the sums claimed due by the association or the validity, enforcement, or foreclosure of the claim of lien. Any judgment, decree, or order in any action brought under this section shall include costs and reasonable attorneys' fees for the prevailing party.

(13) Lot owners shall be deemed to have the rights and remedies available to mortgagors under G.S. 45-21.34.

(g) The provisions of subsection (f) of this section do not prohibit or prevent an association from pursuing judicial foreclosure of a claim of lien, from taking other actions to recover the sums due the association, or from accepting a deed in lieu of foreclosure. Any judgment, decree, or order in any judicial foreclosure or civil action relating to the collection of assessments shall include an award of costs and reasonable attorneys' fees for the prevailing party, which shall not be subject to the limitation provided in subdivision (f)(12) of this section.

(h) A claim of lien securing a debt consisting solely of fines imposed by the association, interest on unpaid fines, or attorneys' fees incurred by the association solely associated with fines imposed by the association may only be enforced by judicial

foreclosure, as provided in Article 29A of Chapter 1 of the General Statutes. In addition, an association shall not levy, charge, or attempt to collect a service, collection, consulting, or administration fee from any lot owner unless the fee is expressly allowed in the declaration, and any claim of lien securing a debt consisting solely of these fees may only be enforced by judicial foreclosure, as provided in Article 29A of Chapter 1 of the General Statutes.

(i) The association, acting through its executive board and in the board's sole discretion, may agree to allow payment of an outstanding balance in installments. Neither the association nor the lot owner is obligated to offer or accept any proposed installment schedule. Reasonable administrative fees and costs for accepting and processing installments may be added to the outstanding balance and included in an installment payment schedule. Reasonable attorneys' fees may be added to the outstanding balance and included in an installment schedule after the lot owner has been given notice, as required in subsection (e) of this section. Attorneys' fees incurred in connection with any request that the association agrees to accept payment of all or any part of sums due in installments shall not be included or considered in the calculation of fees chargeable under subdivision (f)(12) of this section.

(j) Where the holder of a first mortgage or first deed of trust of record or other purchaser of a lot obtains title to the lot as a result of foreclosure of a first mortgage or first deed of trust, the purchaser and its heirs, successors, and assigns shall not be liable for the assessments against the lot which became due prior to the acquisition of title to the lot by the purchaser. The unpaid assessments shall be deemed to be common expenses collectible from all the lot owners, including the purchaser, its heirs, successors, and assigns. For purposes of this subsection, the term "acquisition of title" means and refers to the recording of a deed conveying title or the time at which the rights of the parties are fixed following the foreclosure of a mortgage or deed of trust, whichever occurs first. (1998-199, s. 1; 2005-422, s. 6; 2009-515, s. 1; 2011-362, s. 1; 2013-202, s. 3.)

§ 47F-3-116.1. Validation of certain nonjudicial foreclosure proceedings and sales.

All nonjudicial foreclosure proceedings commenced by an association before October 1, 2013, and all sales and transfers of real property as part of those proceedings pursuant to the provisions of this Chapter or provisions contained in the declaration of the planned community, are declared to be valid, unless an action to set aside the foreclosure is commenced on or before October 1, 2013, or within one year after the date of the sale, whichever occurs last. (2013-202, s. 4.)

§ 47F-3-117. Reserved for future codification purposes.

§ 47F-3-118. Association records.

(a) The association shall keep financial records sufficiently detailed to enable the association to comply with this Chapter. All financial and other records, including records of meetings of the association and executive board, shall be made reasonably available for examination by any lot owner and the lot owner's authorized agents as required in the

bylaws and Chapter 55A of the General Statutes. If the bylaws do not specify particular records to be maintained, the association shall keep accurate records of all cash receipts and expenditures and all assets and liabilities. In addition to any specific information that is required by the bylaws to be assembled and reported to the lot owners at specified times, the association shall make an annual income and expense statement and balance sheet available to all lot owners at no charge and within 75 days after the close of the fiscal year to which the information relates. Notwithstanding the bylaws, a more extensive compilation, review, or audit of the association's books and records for the current or immediately preceding fiscal year may be required by a vote of the majority of the executive board or by the affirmative vote of a majority of the lot owners present and voting in person or by proxy at any annual meeting or any special meeting duly called for that purpose.

(b) The association, upon written request, shall furnish to a lot owner or the lot owner's authorized agents a statement setting forth the amount of unpaid assessments and other charges against a lot. The statement shall be furnished within 10 business days after receipt of the request and is binding on the association, the executive board, and every lot owner. The association, its managers, or its agents may charge a reasonable fee for providing statements of unpaid assessments, not to exceed two hundred dollars ($200.00) per statement or request, and an additional expedite fee in an amount not exceeding one hundred dollars ($100.00) if the request for a statement is made within 48 hours of closing.

(c) In addition to the limitations of Article 8 of Chapter 55A of the General Statutes, no financial payments, including payments made in the form of goods and services, may be made to any officer or member of the association's executive board or to a business, business associate, or relative of an officer or member of the executive board, except as expressly provided for in the bylaws or in payments for services or expenses paid on behalf of the association which are approved in advance by the executive board. (1998-199, s. 1; 2005-422, s. 7; 2020-90, s. 4(d).)

§ 47F-3-119. Association as trustee.

With respect to a third person dealing with the association in the association's capacity as a trustee under G.S. 47F-2-118 following termination or G.S. 47F-3-113 for insurance proceeds, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers, and a third person, without actual knowledge that the association is exceeding or improperly exercising its powers, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee. (1998-199, s. 1.)

§ 47F-3-120. Declaration limits on attorneys' fees.

Except as provided in G.S. 47F-3-116, in an action to enforce provisions of the articles of incorporation, the declaration, bylaws, or duly adopted rules or regulations, the court may award reasonable attorneys' fees to the prevailing party if recovery of attorneys' fees is allowed in the declaration. (1998-199, s. 1.)

§ 47F-3-121. American and State flags and political sign displays.

Notwithstanding any provision in any declaration of covenants, no restriction on the use of land shall be construed to:

(1) Regulate or prohibit the display of the flag of the United States or North Carolina, of a size no greater than four feet by six feet, which is displayed in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended, governing the display and use of the flag of the United States unless:

a. For restrictions registered prior to October 1, 2005, the restriction specifically uses the following terms:

1. Flag of the United States of America;
2. American flag;
3. United States flag; or
4. North Carolina flag.

b. For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of the United States or North Carolina flag only if the restriction specifically states: **"THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA OR STATE OF NORTH CAROLINA"**.

This subdivision shall apply to owners of property who display the flag of the United States or North Carolina on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others.

(2) Regulate or prohibit the indoor or outdoor display of a political sign by an association member on property owned exclusively by the member, unless:

a. For restrictions registered prior to October 1, 2005, the restriction specifically uses the term "political signs".

b. For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of political signs only if the restriction specifically states: **"THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF POLITICAL SIGNS"**.

Even when display of a political sign is permitted under this subdivision, an association (i) may prohibit the display of political signs earlier than 45 days before the day of the election and later than seven days after an election day, and (ii) may regulate the size and number of political signs that may be placed on a member's property if the association's regulation is no more restrictive than any applicable city, town, or county ordinance that regulates the size and

number of political signs on residential property. If the local government in which the property is located does not regulate the size and number of political signs on residential property, the association shall permit at least one political sign with the maximum dimensions of 24 inches by 24 inches on a member's property. For the purposes of this subdivision, "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot. This subdivision shall apply to owners of property who display political signs on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others. (2005-422, s. 8; 2006-226, s. 15(b).)

§ 47F-3-122. Irrigation of landscaping.

Notwithstanding any provision in any declaration of covenants, no requirement to irrigate landscaping shall be construed to:

(1) Require the irrigation of landscaping, during any period in which the U.S. Drought Monitor, as defined in G.S. 143-350, or the Secretary of Environmental Quality has designated an area in which the association is located as an area of severe, extreme, or exceptional drought and the Governor, a State agency, or unit of local government has imposed water conservation measures applicable to the area unless:

a. For declarations of covenants registered prior to October 1, 2008, the covenant specifically requires the irrigation of landscaping notwithstanding water conservation measures imposed by the Governor, a State agency, or unit of local government. The association may not fine or otherwise penalize an owner of land for violation of an irrigation requirement during a period of a drought as designated under this subdivision, unless the covenant specifically authorizes fines or other penalties.

b. For covenants registered on or after October 1, 2008, the covenant must specifically state that any requirement to irrigate landscaping is suspended to the extent the requirement would otherwise be prohibited during any period in which the Governor, a State agency, or unit of local government has imposed water conservation measures. The association may not fine or otherwise penalize an owner of land for violation of an irrigation requirement during a drought designated under this subdivision, unless the covenant authorizes the fines or other penalties. This authorization must be written on the first page of the covenant in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the declarations of covenants.

(2) For purposes of this section, the term "landscaping" includes lawns, trees, shrubbery, and other ornamental or decorative plants. (2008-143, s. 19(b); 2015-241, s. 14.30(v).)

TRAFFIC CIRCLE DISCUSSION
ADDITIONAL AGENDA DETAILS:

FROM:
Kelly Chance

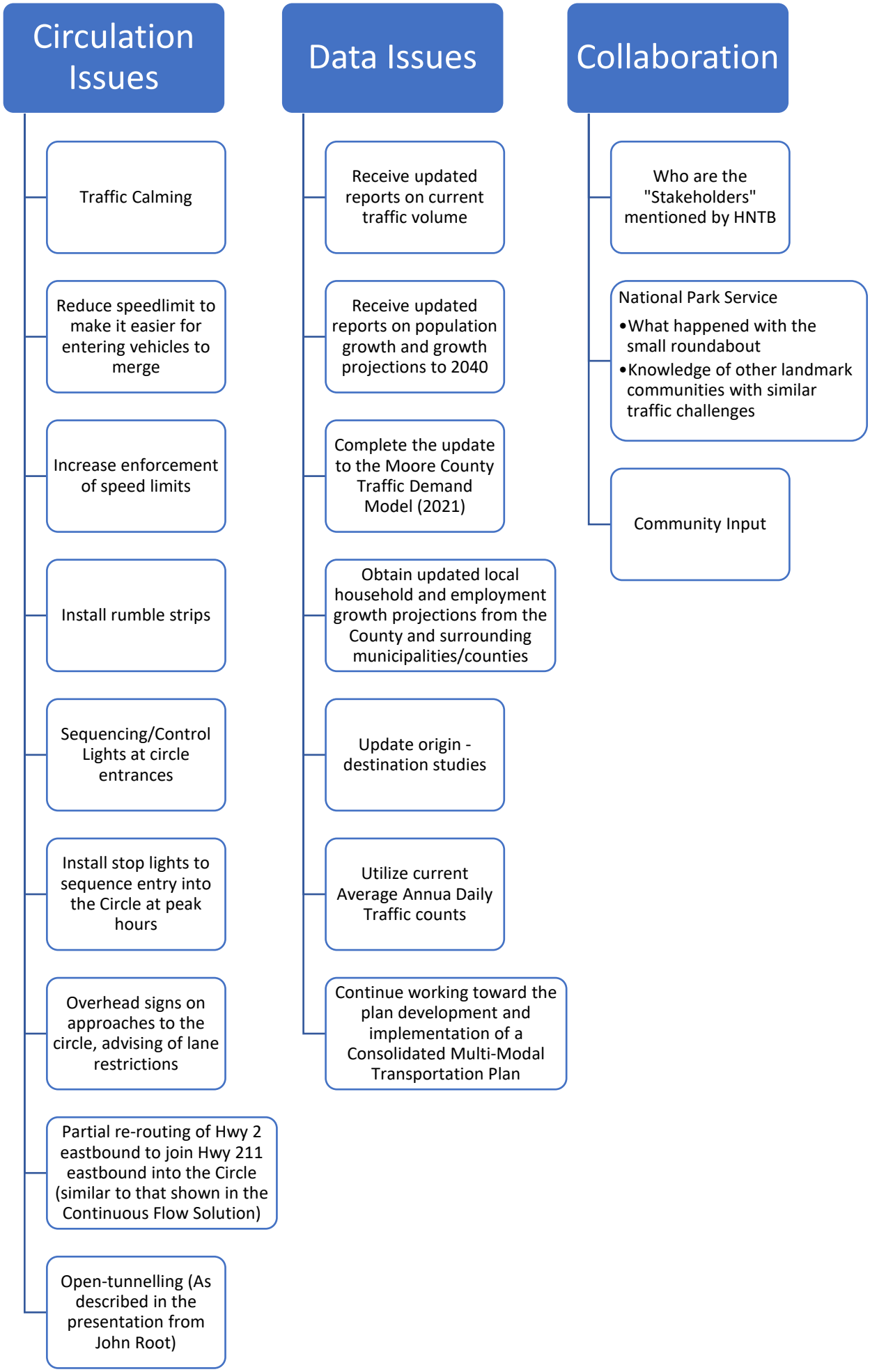
CC:
Jeff Sanborn and Village Council

DATE OF MEMO:
1/19/2023

MEMO DETAILS:
This item for discussion is a continuation of the January 10, 2023, Council meeting discussion on the proposed Traffic Circle options. Discussion points have been collected from Councilmembers and are included in the attachment.

ATTACHMENTS:

	Description
🗋	Traffic Circle Discussion Points


Circulation Issues
Traffic Calming
Reduce speedlimit to make it easier for entering vehicles to merge
Increase enforcement of speed limits
Install rumble strips
Sequencing/Control Lights at circle entrances
Install stop lights to sequence entry into the Circle at peak hours
Overhead signs on approaches to the circle, advising of lane restrictions
Partial re-routing of Hwy 2 eastbound to join Hwy 211 eastbound into the Circle (similar to that shown in the Continuous Flow Solution)
Open-tunnelling (As described in the presentation from John Root)
Data Issues
Receive updated reports on current traffic volume
Receive updated reports on population growth and growth projections to 2040
Complete the update to the Moore County Traffic Demand Model (2021)
Obtain updated local household and employment growth projections from the County and surrounding municipalities/counties
Update origin - destination studies
Utilize current Average Annua Daily Traffic counts
Continue working toward the plan development and implementation of a Consolidated Multi-Modal Transportation Plan
Collaboration
Who are the "Stakeholders" mentioned by HNTB
National Park Service
•What happened with the small roundabout
•Knowledge of other landmark communities with similar traffic challenges
Community Input