2012 Version

Littering Statutes for Political Candidates in North Carolina

§ 14-156. Injuring fixtures and other property of electric-power companies.
It shall be unlawful for any person willfully and wantonly, and without the consent of the owner, to take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, towers, wires, conduits, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof, or in any manner to interrupt the transmission of electrical current over and along any such line, or to take down, remove, injure or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to wantonly or willfully cause injury to any of the property mentioned in this section by means of fire. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1907, c. 919; C.S., s. 4328; 1993, c. 539, s. 94; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 136-32. Regulation of signs.
(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.
(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.
(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.
(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:
(1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
(2) No sign shall be closer than three feet from the edge of the pavement of the road.

(3) No sign shall obscure motorist visibility at an intersection.
(4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
(5) No sign shall be larger than 864 square inches.
(6) No sign shall obscure or replace another sign.
(e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.
(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)

19A NCAC 02E .0415 Advertising signs within right of way
It shall be unlawful for any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the Department of Transportation, on any highway or the right of way thereof, or so as to overhang the right of way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on a n y highway right of way which is situated over any land owned, rented, leased or claimed by such person, firm or corporation . It shall be unlawful for any person, firm or other corporation that has erected, or placed, or permitted to be erected or placed, any advertising or other sign, as herein prohibited, or for any person, firm or corporation owning, renting, leasing or claiming any land over which a highway or highway right of way is situated, and on which highway or highway right of way any advertising or other sign has been erected or placed, to allow such advertising or other signs to remain o n state highway or right of way thereof.
History Note: Authority G.S. 136-18(10); 136-30;
Eff. July 1, 1978.

Print

9.7.1.7 Temporary signs

In addition to the permanent signs, the following temporary signs shall be allowed in each zoning district, in accordance with the standards set forth in this section. All temporary signs may be two (2)-sided, except for construction signs, special event signs, and window signs. Such signs shall be located on a property only with permission of the property owner or the owner's agent. No development permit is required except when expressly stated that one is required.

(A) Real Estate Signs

In all zoning districts, signs advertising the sale, rental or lease of the property on which the sign is located are permitted, provided that:

(1) Maximum Number: 1 sign for lots of less than 5 acres in area and 2 signs for lots of more than 5 acres with street frontage exceeding 400 feet.

(2) Maximum Area: 12 x 18 inches.

(3) Color: Exclusively dark (forest green and white).

(4) Maximum Height: 3 feet.

(5) Illumination: Not permitted.

(6) Time Duration: Such signs shall be removed within 3 days following the sale, rental, or lease.

(7) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.) Any attachment to the sign such as information tubes or boxes shall count toward the square feet recommended.

(B) Construction signs for subdivisions, multi-family and non-residential developments

In all zoning districts, temporary construction site identification signs shall be permitted as follows:

(1) Maximum Number: 1 sign per development entrance not to exceed 2 entrances.

(2) Maximum Area: 16 square feet.

(3) Color: Exclusively dark (forest green and white).

(4) Maximum Height: 6 feet.

(5) Time Duration: Such signs shall not be erected prior to the issuance of a building permit, special use permit, subdivision approval, general concept plan or a site plan approved and shall be removed within 3 days after 80% of the subdivision or all structures within the multi-family or non-residential development has received a final Certificate of Occupancy permit.

(6) Setback from Edge of Pavement: 10 feet (modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs).

(C) Construction Signs for Single-Family Structures

Temporary construction site identification signs connected with the construction or alteration of single-family residential structures on individual lots are permitted, provided that:

(1) Maximum Number: 1 sign for lots of less than 5 acres in area and 2 signs for lots of more than 5 acres with street frontage exceeding 400 feet.

(2) Maximum Area: 12 x 18 inches. Address identification sign, not exceeding 8 x 10 inches, may be attached or separate to such construction sign.

(3) Color: Exclusively dark (forest green and white).

(4) Maximum Height: 3 feet.

(5) Time Duration: Such signs shall not be erected prior to the issuance of a building permit and grading is begun and shall be removed within 3 days after the issuance of a final Certificate of Occupancy.

(6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

(D) Political Signs

Signs for political candidates, parties, or groups supporting the candidacy of any individual for office or encouraging public support of or opposition to any public issues to be voted upon are permitted provided that:

(1) Maximum Area: 6 square feet.

(2) Maximum Height: 4 feet.

(3) Illumination: Not permitted.

(4) Support: Where not attached to a building or other structure, such signs shall be self- supporting.

(5) Time Duration: Political signs may be displayed during a period beginning thirty (30) days prior to the beginning date of "one-stop" early voting under G.S. §163-227.2 and concluding ten (10) days after the election.

(6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.) Political signs located along State highways may be exempt from portions of this section and are in such cases regulated by G.S. §136-32.

(E) Holiday Decorations

Signs, lighting, and displays that are part of customary holiday decorations or annual civic events are permitted provided that:

(1) Duration: Such signs, lighting, or displays shall be on display for no more than sixty (60) successive days.

(2) Such signs, lighting, and displays shall not flash or produce running patterns.

(3) Setback from Edge of Pavement: 10 feet of the edge of pavement (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

(F) Special Event Signs

Signs and banners advertising the place and date of auctions, carnivals, church events, fairs, golf tournaments, horse shows, tennis tournaments, and similar events are permitted provided that:

(1) There shall be no more than one (1) such sign or one (1) such banner that shall be located on the event property;

(2) The on-site sign, including support, shall be no larger than six (6) square feet in surface area and no taller than four (4) feet in height from grade. The banner shall be no larger than thirty-two (32) square feet and such signage may be displayed for no more than thirty (30) days prior to the event. Signs and banners shall be removed within one (1) day after the end of the event by the person who erected the sign;

(3) Off-site signs shall not exceed a surface area of four (4) square feet. Such signs shall remain in place for no longer than three (3) days prior to the event and the signs shall be removed within one (1) day after the end of the event by the person who erected the sign;

(4) Up to four (4) off-site signs are permitted for all events held in Pinehurst. For events deemed by the Village Manager to be of community-wide significance, signage requirements may be waived following the review and approval of the sign plan.

(5) Such sign shall not be located within ten (10) feet of the edge of the pavement. A modification as to use of the ten (10) foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the ten (10) foot setback, for example, by existing plantings such as shrubs;

(6) Any lighting that is erected or utilized to illuminate signs shall only be used during event hours.

(G) Yard Sale/Estate Sales Signs

Signs are permitted provided that:

(1) Maximum Number: 1 sign on lot where sale is located and 4 signs off-site.

(2) Maximum Area: 4 square feet.

(3) Maximum Height: 4 feet.

(4) Illumination: Not permitted.

(5) Time Duration: The signs shall remain in place for no longer than 3 days and in any event must be removed within 1 day of completion of the event.

(6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

(H) Window Signs

In non-residential zoning districts only, signs may be placed on the interior of window glass which is greater than thirty (30) square feet in area, provided that they denote only special events on the premises or special sales and the sign covers no more than 4 square feet of the gross glass area on any window. Not by way of limitation, but an example of such event or sale would be a golf tournament or a temporary sale of merchandise. These signs shall have a thirty (30) day limitation and shall be removed within twenty-four (24) hours of the conclusion of such event.

(I) Open House Signs

Signs advertising an "open house" for the purpose of selling a dwelling are permitted provided that:

(1) Maximum Number: 1 on-site and 4 off-site.

(2) Maximum Area: 12 x 18 inches.

(3) Time Duration: The signs shall be placed the day of the "open house" and must be removed by the end of the first regular work day after completion of the event. In the case of a model home, signs shall be removed when the model home is not occupied.

(4) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

(J) Temporary/New business Signs - Wall and/or Window Signs

New Businesses in non-residential zoning districts only, may obtain a temporary signage permit provided that:

(1) Maximum Number: 1 wall sign or 1 window sign. Signs permitted by Sections 9.7.1.6 and 9.7.1.7 shall not count towards this total.

(2) Maximum Area: 6 square feet.

(3) Color: Sign shall be muted in color.

(4) Content: Sign shall contain only the name of the business and/or the nature of the business and may contain a phone number.

(5) The sign shall be professionally etched, painted or is a professionally printed decal.

(6) Time Duration: The applicant shall obtain development permit from the Village Planner. The development permit will expire ninety (90) days after issuance, and the sign shall be removed. In addition, upon installation of permanent signage, temporary sign shall be removed.

(K) Temporary/New business Signs - Ground Signs

New Businesses in non-residential zoning districts only may obtain a temporary signage permit provided that:

(1) Maximum Number: 1 ground sign.

(2) Maximum Size: 6 square feet.

(3) Maximum Height: 4 feet.

(4) Color: Sign shall be muted in color.

(5) Content: Sign shall contain only the name of the business and/or the nature of the business and may contain a phone number.

(6) The sign shall be professionally etched, painted or is a professionally printed decal.

(7) Time Duration: The applicant shall obtain development permit from the Village Planner. The development permit will expire ninety (90) days after issuance, and the sign shall be removed. In addition, upon installation of permanent signage, temporary sign shall be removed.

(L) Official Notices

Official notices or advertisements that are posted or displayed by or under the direction of any court official in the performance of official or directed duties, or by trustees under deeds of trust or other similar instruments are permitted and not regulated. Such signs shall be temporary in nature.

Focus Area 1: Existing Extra-Territorial Jurisdiction (ETJ)

The Village's existing ETJ to the south and west of the municipal corporate limits represents the single biggest land area opportunity to shape future conservation and development patterns in Pinehurst. The location of the existing southwest ETJ is in the area west of NC Highway 5, south and west of Linden Road, and south of Chicken Plant Road. Approximately 4,000 acres in this Focus Area are represented by 591 different parcels, with 66% of the land undeveloped in 2018.

The Western Connector, a four-lane, controlled access, divided highway that provides a bypass for non-local traffic moving through Pinehurst, is proposed in the Moore County Comprehensive Transportation Plan to one day pass through portions of the existing southwest ETJ. See the "*Moving Around the Village*" section of the Plan for a more thorough discussion of the Western Connector.

During the Community Open House and the public comment period that followed, residents were asked to indicate their preferred development scenario for the ETJ. This Plan recommends the Village continue to allow development at one unit per five acres in this Focus Area, but study the concept of conservation neighborhoods. Conservation neighborhoods are envisioned to be connected, walkable neighborhoods with varying densities and housing types (e.g. single-family, townhomes, apartments) that are self-supported with recreation facilities, neighborhood open spaces, and small-scale retail and office uses. Typically, conservation neighborhoods are required to contain 40% - 50% open space.

The benefits of conservation neighborhoods include the conservation of natural resources and wildlife habitat, infrastructure efficiency, neighborhood walkability, and preservation of rural character. See the discussion on implementing best practices in mixed-use neighborhood design later in this section of the Plan for more information.

Allowing conservation neighborhoods in the southwest ETJ would require the Village to amend the Pinehurst Development Ordinance (PDO). Any amendment to the PDO would need to include strict standards on neighborhood design, density, buffers, and scale to ensure conservation neighborhoods that may be allowed in the future are in keeping with the character of Pinehurst and in the ETJ. In addition, the Village will need to carefully consider environmental factors to ensure watersheds and other valuable natural resources, such as wildlife, are protected to the extent possible. See the "*All Things Green*" section of the Plan for additional information. Finally, the likely impacts of conservation neighborhoods would also need to be evaluated, with thoughtful analysis of the associated impacts on traffic and transportation systems. See the "*Moving Around the Village*" section of the Plan for additional information.

Future conservation neighborhoods in the ETJ would require the extension of water and sewer infrastructure. As discussed in the "*Supporting Infrastructure & Facilities*" section of the Plan,

extension of water and sewer infrastructure is generally the responsibility of the developer. However, it may be appropriate for Village or County officials to pro-actively invest in water and sewer extensions in order to steer development to the most desirable areas.

To ensure any future conservation neighborhoods receive adequate and efficient government services such as solid waste collection and police protection, the Village might implement a mechanism to include these neighborhoods within the corporate limits of the Village. One such way would be to use a tool commonly used in North Carolina to require a voluntary annexation petition when utilities are extended to developments. Because the Village does not operate its own water and sewer utility system, it would need to partner with Moore County to institute such a policy requirement.

► Implementation Strategies:

2.1 Consider allowing conservation based neighborhoods or subdivisions in the ETJ after amending the Pinehurst Development Ordinance to include associated standards.

2.2 Coordinate with Moore County to identify opportunities to amend its current Water and Wastewater Extension Policy and Procedures Manual to require voluntary annexation petitions if/when the Utility extends water and sewer service in the Village's extra-territorial jurisdiction.

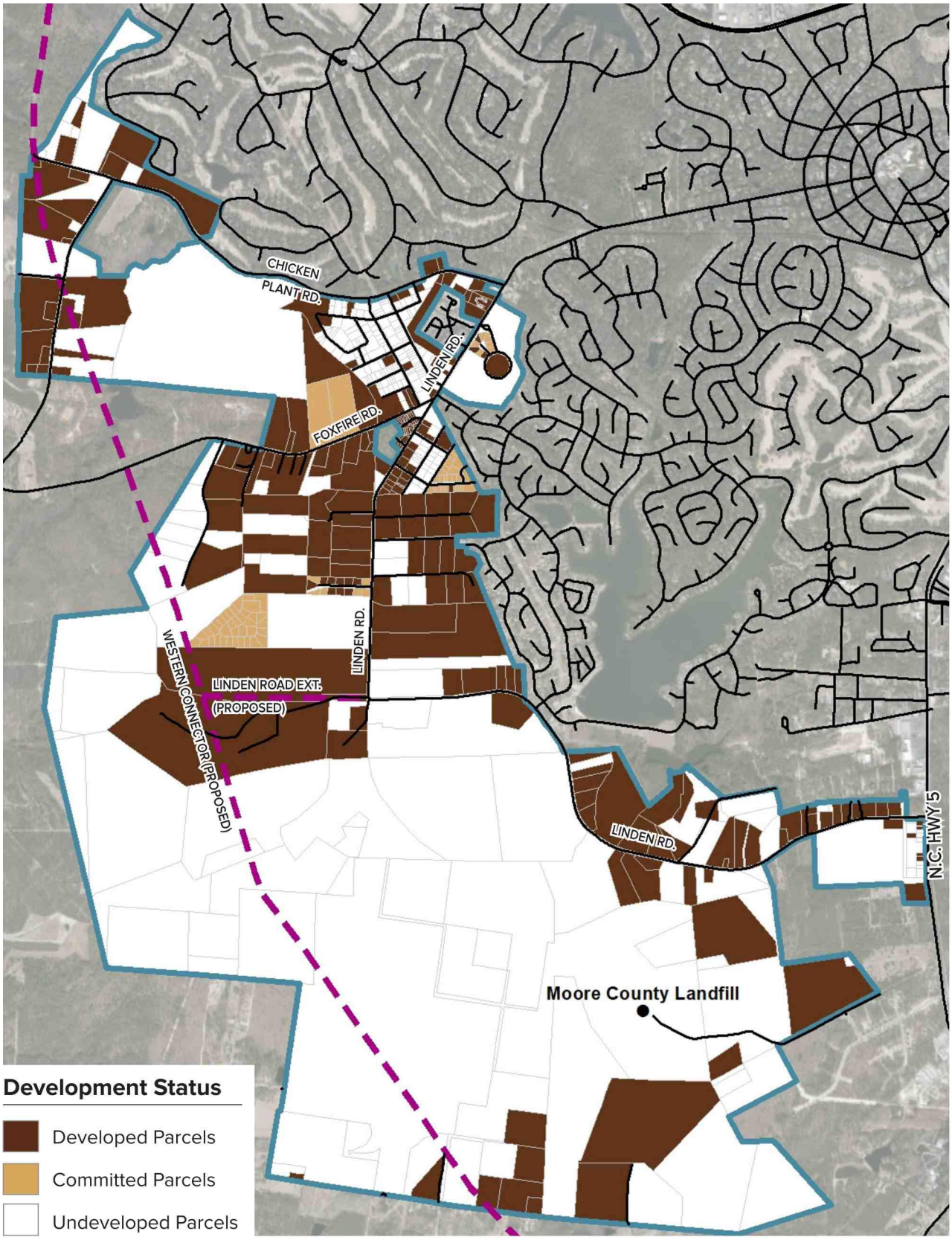
Also see Implementation Strategies 2.10, 2.11, 2.12, 2.13, 2.15, 2.16, 2.17, 2.18, 2.19, and 2.20 in this section of the Plan.

Also see Implementation Strategies 3.1, 3.4, and 3.8 in the "*Places to Live*" section of the Plan.

Also see Implementation Strategies 4.2, 4.5, 4.13, 4.14, and 4.15, in the "*Moving Around the Village*" section of the Plan.

Also see Implementation Strategies 6.11 and 6.12 in the "*Supporting Infrastructure & Facilities*" section of the Plan.

Also see Implementation Strategies 7.3, 7.9, 7.14, 7.15, 7.16, 7.1, 7.17, and 7.18 in the "*All Things Green*" section of the Plan.


CHICKEN PLANT RD.
LINDEN RD.
FOXFIRE RD.
LINDEN RD.
WESTERN CONNECTOR (PROPOSED)
LINDEN ROAD EXT. (PROPOSED)
LINDEN RD.
N.C. HWY 5
Moore County Landfill
Development Status
Developed Parcels
Committed Parcels
Undeveloped Parcels

This scenario illustrates how the existing Extra-Territorial Jurisdiction area to the southwest of the Village limits might develop following the Village's 2010 long-range comprehensive plan and current zoning ordinance. Residential development throughout the area would be very low-density—generally one dwelling unit per five acres. There may be opportunities for conservation neighborhoods or subdivisions in some areas of the ETJ. Existing and committed development in the area would remain unchanged.

Use Allocation	
Open Space (acres)	282
Single-Family Detached (d.u.)	682

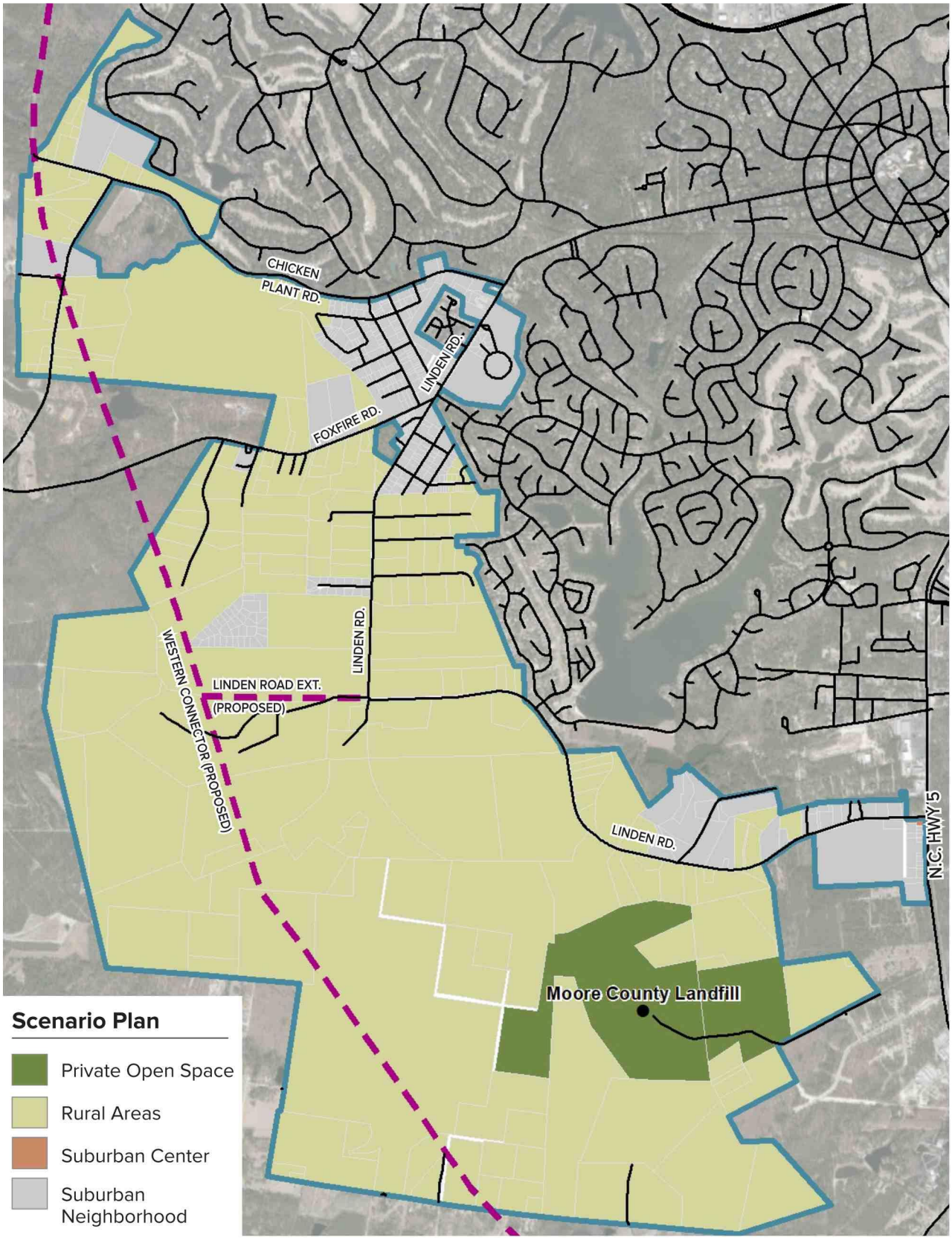
Likely Infrastructure Impacts	
New Students (students)	484
New Water Demand (mgd)	0.18
New Sewer Demand (mgd)	0.15
New Daily Trips (trips)	6,820

Community Character (% of acres)	
Private Open Space	6.3%
Rural	91.2%
Suburban Neighborhood	2.4%
Suburban Center	0.02%

Home Choices	
Single-Family Detached	100.0%
Single-Family Attached	0.0%
Stacked Multi-Family	0.0%

Community Characteristics	
New Residents	1,500
New Employees	0

Special Intensity Allocation	
WS-II BW Watershed (acres)	102
WS-III BW Watershed (acres)	-


CHICKEN PLANT RD.
LINDEN RD.
FOXFIRE RD.
LINDEN RD.
WESTERN CONNECTOR (PROPOSED)
LINDEN ROAD EXT. (PROPOSED)
LINDEN RD.
N.C. HWY 5
Moore County Landfill
Scenario Plan
Private Open Space
Rural Areas
Suburban Center
Suburban Neighborhood

A proposed conventional site plan

A conservation subdivision plan for the same site

Image Credit: Randall Arendt, Conservation Subdivision Handbook , NC State University

This concept drawing is for illustrative purposes only, and is intended to provide an example of the type of Conservation Neighborhood that could occur in the Extra-Territorial Jurisdiction. This illustration depicts a compact, walkable residential development pattern that prioritizes the preservation of open spaces.

ZANETTA

This concept drawing is for illustrative purposes only, and is intended to provide an example of the type of Rural Areas in the Extra-Territorial Jurisdiction. This illustration depicts a large lot residential development pattern that prioritizes rural character and the preservation of open spaces.

Focus Area 2: Highway 5 Commercial Area

New investment in the existing employment center on NC Highway 5, near the intersection of Blake Boulevard, provides interesting options to expand job opportunities in Pinehurst and increase access to facilities and services needed by residents. Approximately 290 acres in the Highway 5 Commercial Area Focus Area are represented by 145 different parcels. 47% of the land was identified as undeveloped in 2018, and additional land may be appropriate for redevelopment or infill development.

During Envision the Village, residents voiced concerns about how development of this Focus Area may impact traffic volumes on NC Highway 5 and Monticello Drive. Despite this, there was a recognition that current development in some portions of this Focus Area is not necessarily in keeping with the character of the Village and could be enhanced as redevelopment occurs.

This Plan recommends the Village consider creating a small area plan for this Focus Area with additional public input to ensure high quality development in keeping with the character of Pinehurst in the future. As discussed in the "*Taking Care of Business*" section of the Plan, the Village recognizes the need for the medical community to expand and the need to provide co-working and creative entrepreneurial spaces in the Village. With limited land designated for non-residential uses in the Village, this Focus Area may be a suitable area to provide adequate office space to support the local economy with an eye toward the workforce of the future. However, strict requirements for scale, density, and buffering requirements would need to be evaluated and considered. This can be accomplished by creating a small area plan, similar to the 2008 New Core Master Plan, which creates one connected master planned area with a primary focus on office, medical, life science, and research facilities with small-scale supporting retail services to create an "Innovation Hub". It could also include a residential component as well.

► Implementation Strategies:

2.3 Create a small area plan for the NC Highway 5 Commercial Area depicted in Focus Area 2 to facilitate redevelopment as an "Innovation Hub" with office, medical, life science, and research facilities supported with small-scale retail services and residential uses.

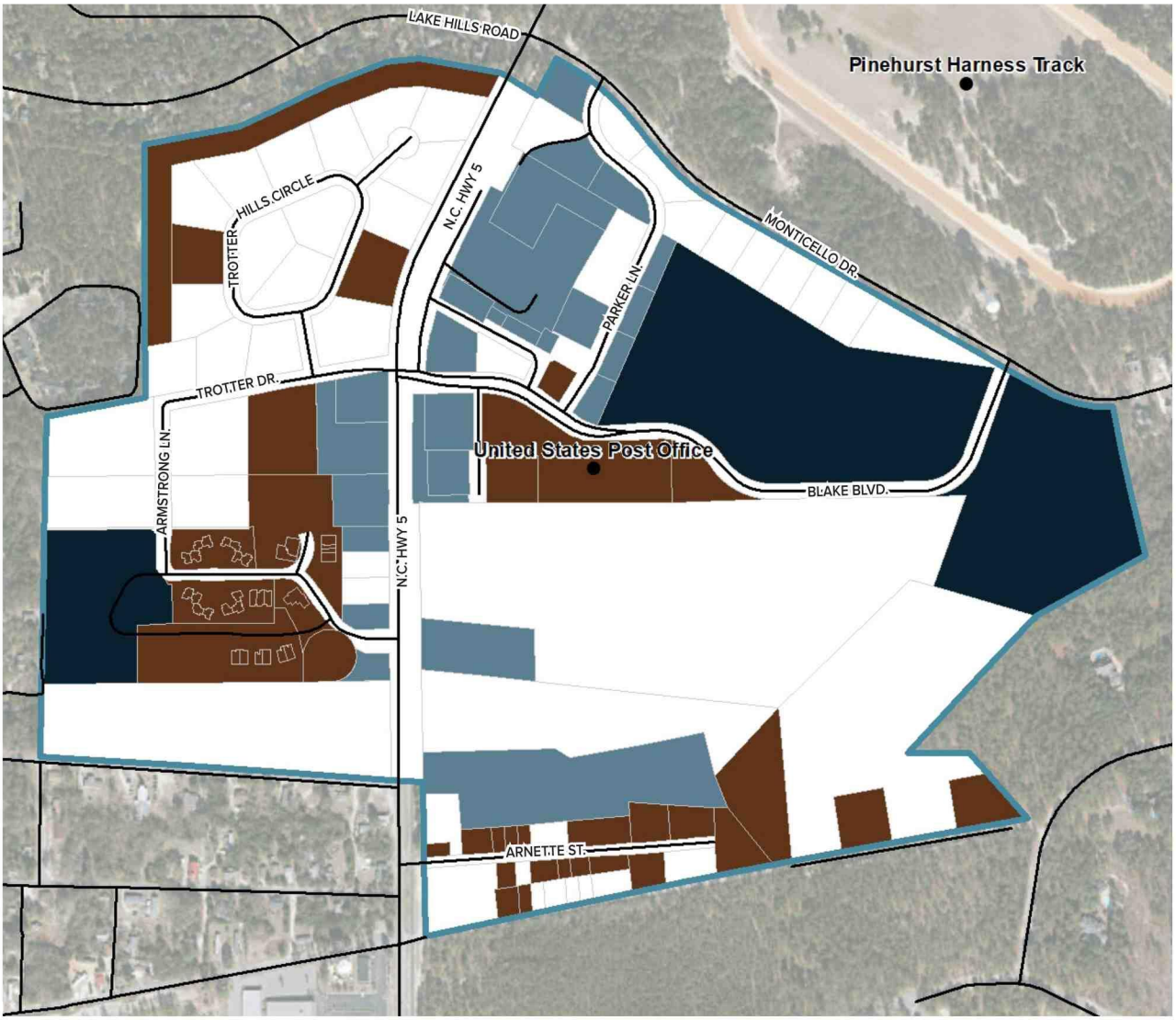
Also see Implementation Strategies 2.10, 2.11, 2.12, 2.13, 2.15, 2.16, 2.17, 2.18, and 2.20 in this section of the Plan.

Also see Implementation Strategies 4.2, 4.3, 4.6, 4.13, 4.14, and 4.15 in the "*Moving Around the Village*" section of the Plan.

Also see Implementation Strategies 5.12 and 5.13 in the "*Taking Care of Business*" section of the Plan.

Also see Implementation Strategies 6.1, 6.11, and 6.12 in the "*Supporting Infrastructure & Facilities*" section of the Plan.

Also see Implementation Strategy 7.14 in the "*All Things Green*" section of the Plan.



Development Status

- Developed Parcels
- Committed Parcels
- Re-development Potential
- Infill Development Potential
- Undeveloped Parcels

This scenario illustrates how the area might develop if it was transformed into an innovation hub, targeting greenfield development, infill development, and re-development opportunities in one connected master plan concept. Primary uses targeted for this area include medical, life science, and research facilities. Supporting uses may include retail, service, and some residential above first-floor, non-residential uses. New buildings in the area may be one to two stories tall. Surrounding residential neighborhoods would be connected to the village via a grid of walkable streets.

Use Allocation	
Single-Family Detached (d.u.)	8
Stacked Multi-Family (d.u.)	181
General Office (s.f.)	351,501
Medical Office (s.f.)	266,841
General Retail (s.f.)	209,976

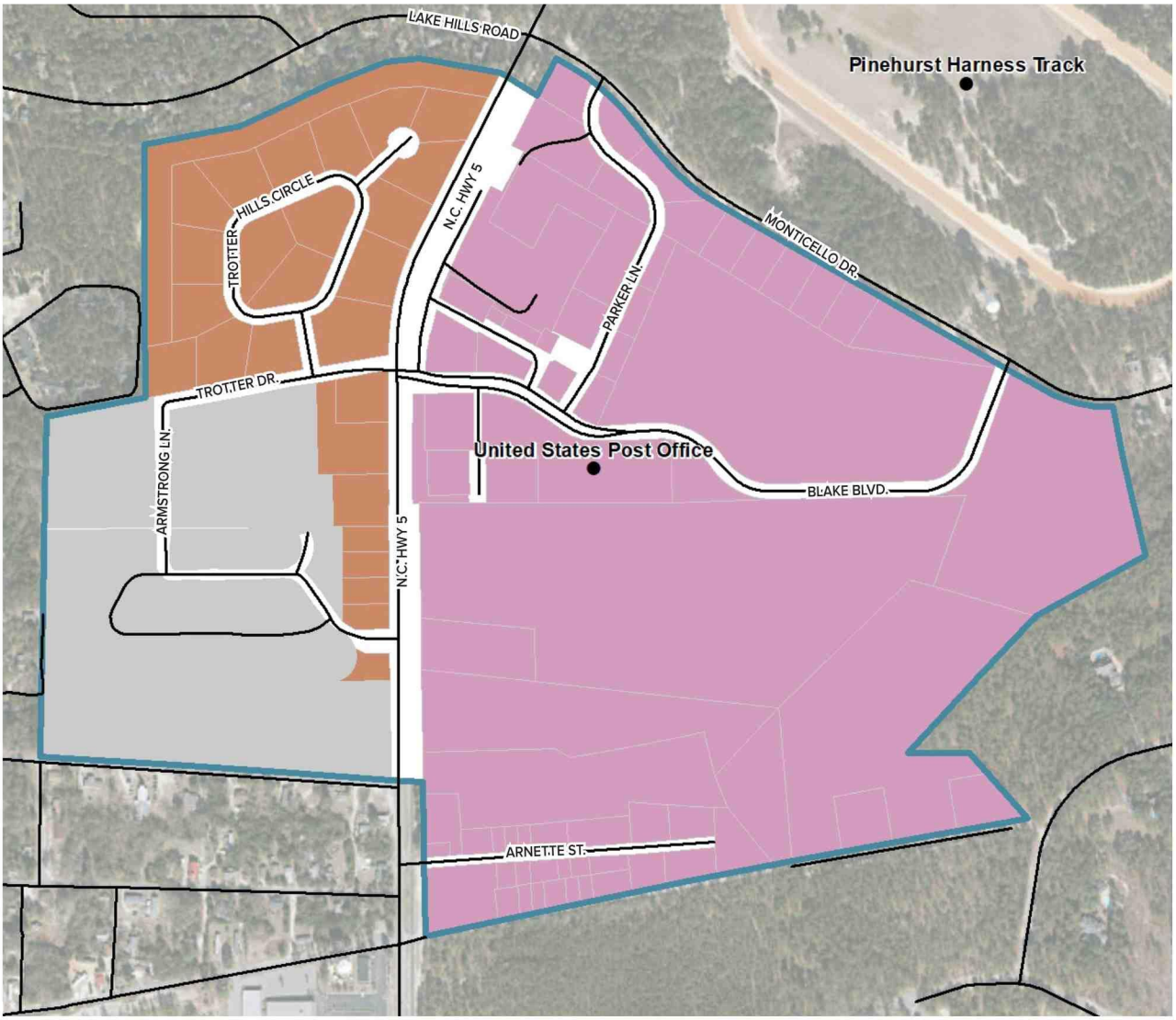
Likely Infrastructure Impacts	
New Students (students)	95
New Water Demand (mgd)	0.11
New Sewer Demand (mgd)	0.10
New Daily Trips (trips)	15,500

Community Character (% of acres)	
Suburban Neighborhood	19.9%
Suburban Center	14.8%
Mixed-Use Center - Stacked Residential	65.3%

Home Choices	
Single-Family Detached	4.2%
Stacked Multi-Family	95.8%

Community Characteristics	
New Residents	275
New Employees	3,137

Special Intensity Allocation	
WS-II BW Watershed (acres)	138
WS-III BW Watershed (acres)	-



Scenario Plan

- Mixed Use Center - Stacked Residential
- Suburban Center
- Suburban Neighborhood

This concept drawing is for illustrative purposes only, and is intended to provide an example of the type of "Innovation Hub" type development that could occur in Focus Area 2. This illustration depicts a mix of uses in a compact, walkable development pattern. A variety of open spaces including parks, plazas and greenways are provided for the enjoyment of residents and employees. The large central park area is intended as a space for gathering and collaboration.

Focus Area 3: Medical District

The medical district in Pinehurst serves the healthcare needs of Moore County residents and the surrounding region. Continued investment in existing facilities and expanding services for the hospital and its surrounding uses are quickly consuming remaining available land. Future demand exists to substantially change the landscape in this portion of the Village with taller buildings, parking structures, and more compact development patterns if the supporting infrastructure and facilities can support it. Approximately 180 acres in the medical district Focus Area are represented by 100 different parcels, with 3% of the land undeveloped in 2018. However, much of the existing land may be available and appropriate for redevelopment or infill development.

As discussed in the "*Taking Care of Business*" section of the Plan, healthcare is by far the largest employment sector in Pinehurst which draws employees and patients from neighboring towns and surrounding counties. The medical district is therefore considered to be a major employment center with a significant concentration of medical care facilities and offices in one central location. Healthcare officials have expressed their desire to expand facilities in this central location to ensure convenient access to patients and employees.

Because the medical district is adjacent to the traffic circle, this employment center significantly contributes to traffic congestion at the circle. Despite this, residents during Envision the Village supported allowing the medical district to contain higher buildings to allow the healthcare market to expand.

Convenient access to quality healthcare is one thing that distinguishes Pinehurst, contributes to the overall high quality of life in the Village, and is a primary reason why many residents choose to live to Pinehurst.

Based on resident input during Envision the Village, supporting the medical community to ensure continued high quality medical care is important to Pinehurst residents and officials, as evidenced by the vast majority of residents who supported allowing taller structures in this Focus Area. This Plan recommends office buildings in this Focus Area be allowed to go up to four stories tall, with buildings in the Hospital District zoning district allowed to be up to six stories tall.

Also, as discussed in the "*Taking Care of Business*" section of the Plan, there is currently a parking shortage in the medical district so the Plan recommends allowing taller parking structures than currently allowed. Because this Focus Area is a major employment center, ensuring convenient parking and safe pedestrian crossings for both employees and patients in the medical district is critically important.

► Implementation Strategies:

2.4 Amend the Pinehurst Development Ordinance to allow up to 4 story buildings in the Office and Professional zoning districts depicted in Focus Area 3.

2.5 Amend the Pinehurst Development Ordinance to allow up to 6 story buildings in the Hospital District zoning districts depicted in Focus Area 3.

2.6 Amend the Pinehurst Development Ordinance to allow taller parking structures in the Hospital District zoning districts depicted in Focus Area 3.

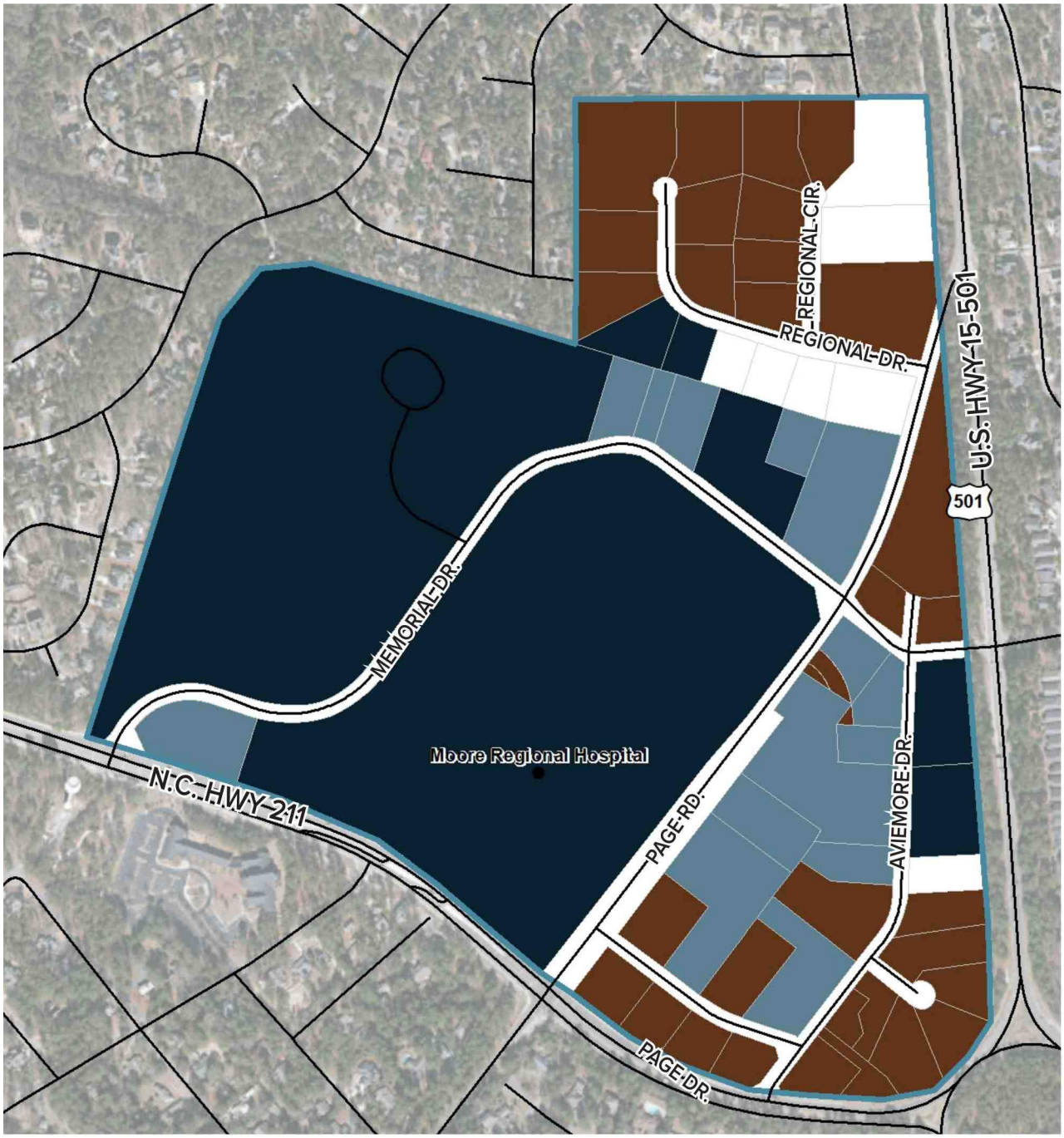
2.7 Consider ways to ensure safe pedestrian crossings on Page Road and Memorial Drive in the Medical District depicted in Focus Area 3.

Also see Implementation Strategies 2.10, 2.11, 2.12 and 2.13 in this section of the Plan.

Also see Implementation Strategies 4.2, 4.3, 4.4, 4.6, and 4.9 in the "*Moving Around the Village*" section of the Plan.

Also see Implementation Strategy 5.12 in the "*Taking Care of Business*" section of the Plan.

Also see Implementation Strategies 6.1, 6.11, and 6.12 in the "*Supporting Infrastructure & Facilities*" section of the Plan.



Development Status

- Developed Parcels
- Re-development Potential
- Infill Development Potential
- Undeveloped Parcels

This area could be redeveloped into a more interconnected medical campus if redevelopment of existing surface parking lots and small areas of vacant land between buildings were targeted for infill development. The scenario assumes the six retail parcels near the traffic circle are redeveloped as general office uses to support the medical campus. New office buildings in the area could be four stories tall with buildings on the west side of Page Road up to six stories. Structured parking will help meet parking needs. A local transit circulator and interconnected sidewalks could connect patients, doctors, etc. with their final destinations on campus.

Use Allocation	
General Office (s.f)	153,239
Hospital/Medical Office (s.f.)	1,225,916

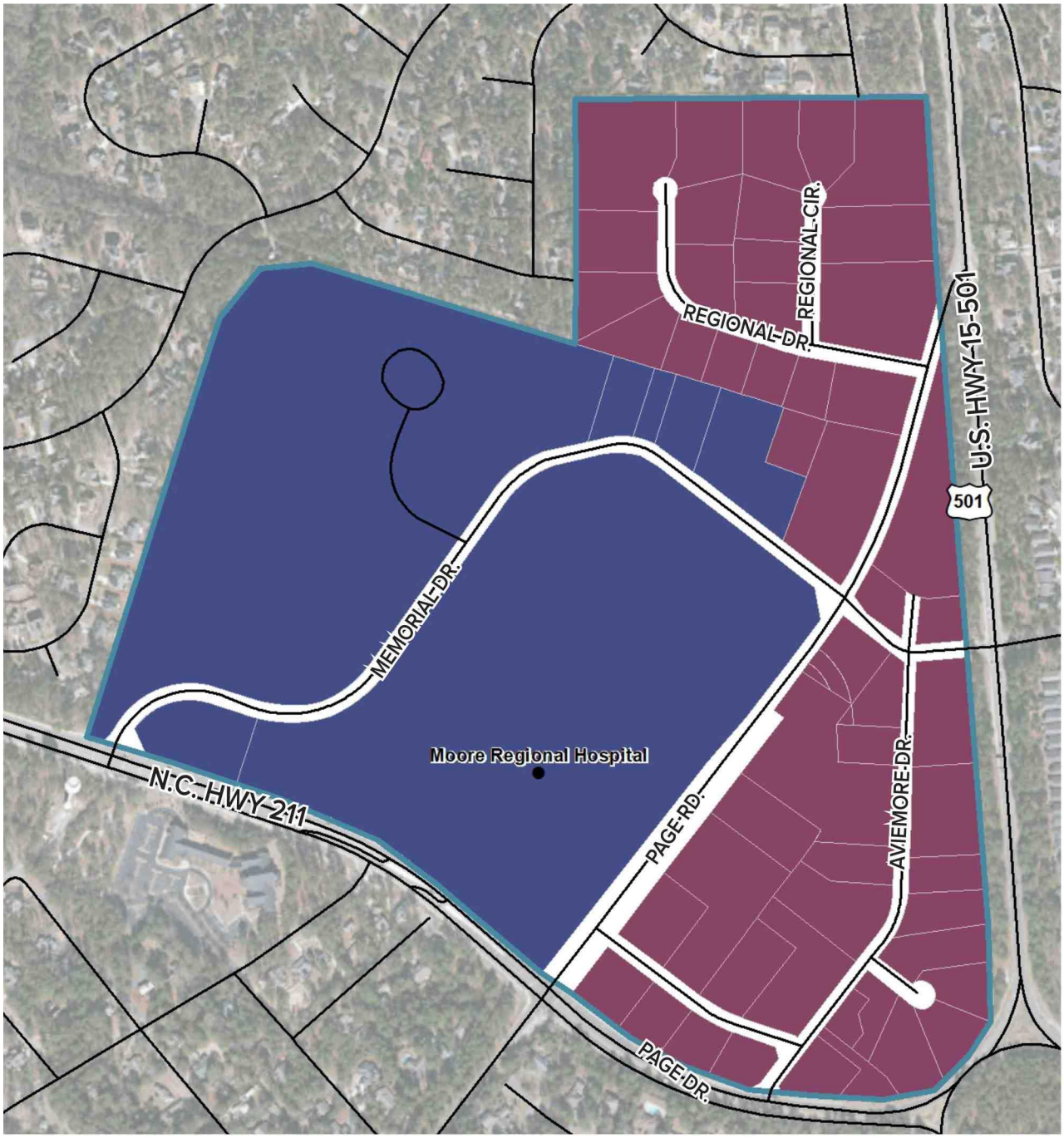
Likely Infrastructure Impacts	
New Students (students)	0
New Water Demand (mgd)	0.12
New Sewer Demand (mgd)	0.12
New Daily Trips (trips)	37,348

Community Character (% of acres)	
Major Employment Center - 4 Stories	43.8%
Major Employment Center - 6 Stories	56.2%

Home Choices
Not Applicable

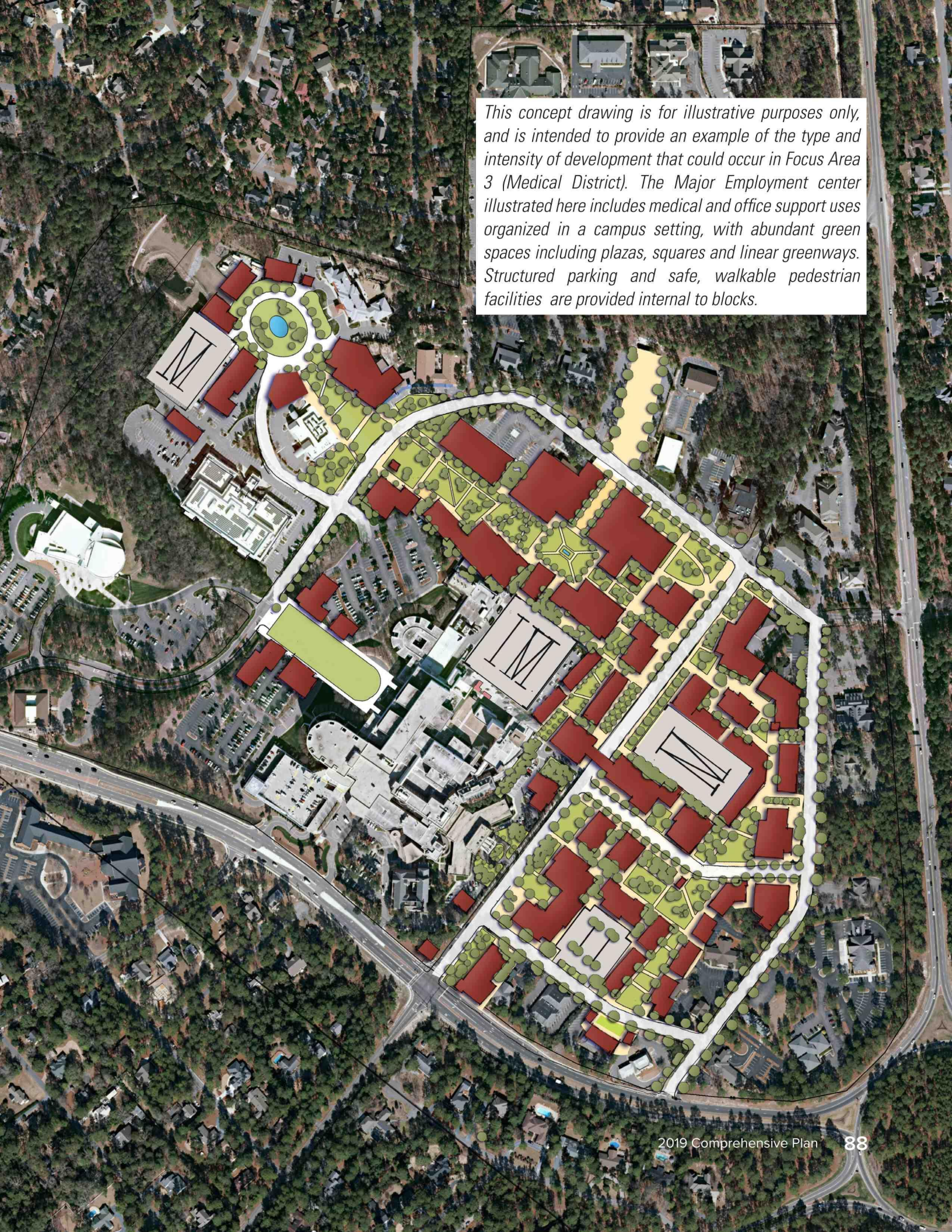
Community Characteristics	
New Residents	0
New Employees	5,599

Special Intensity Allocation	
WS-II BW Watershed (acres)	-
WS-III BW Watershed (acres)	14

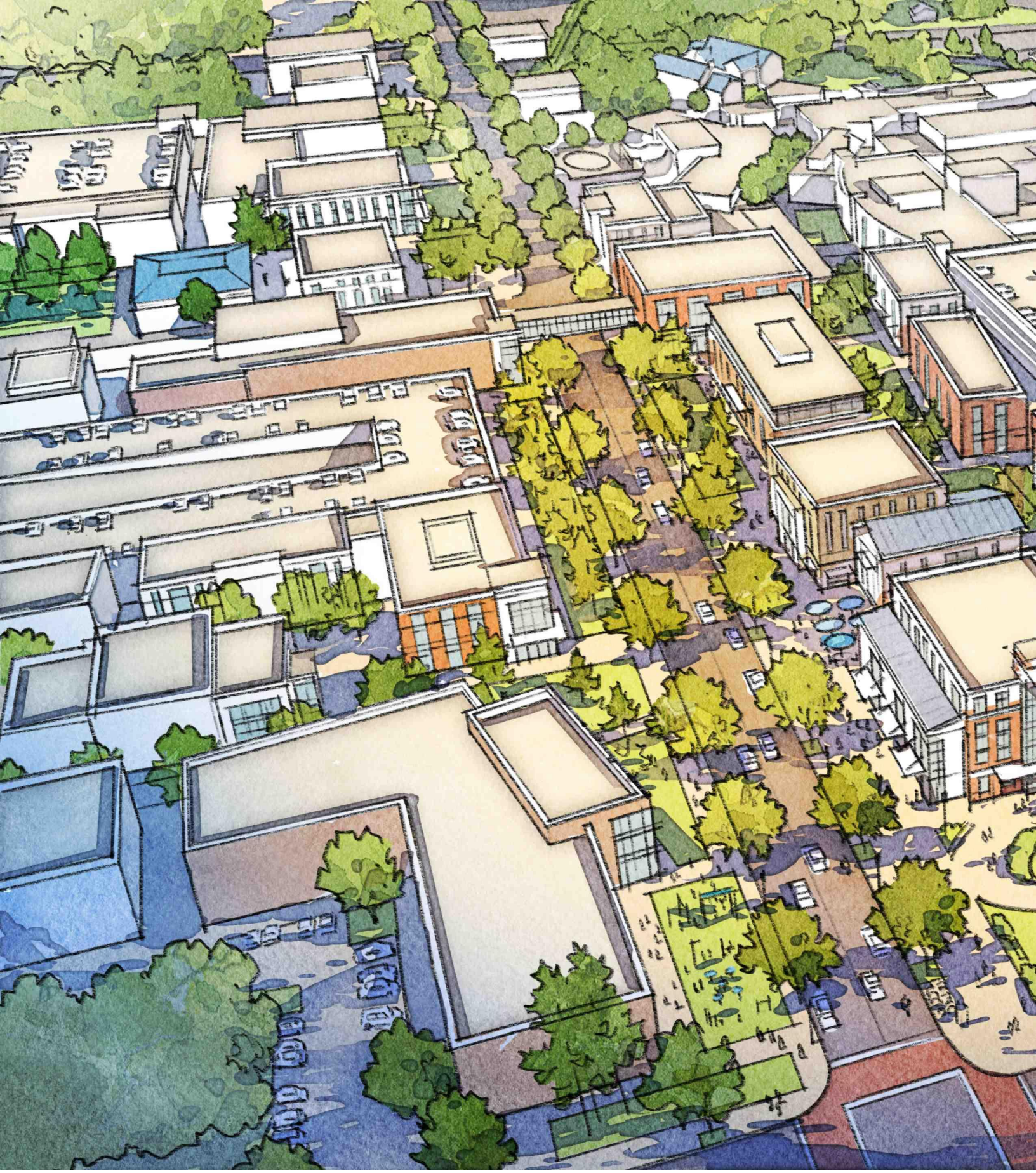


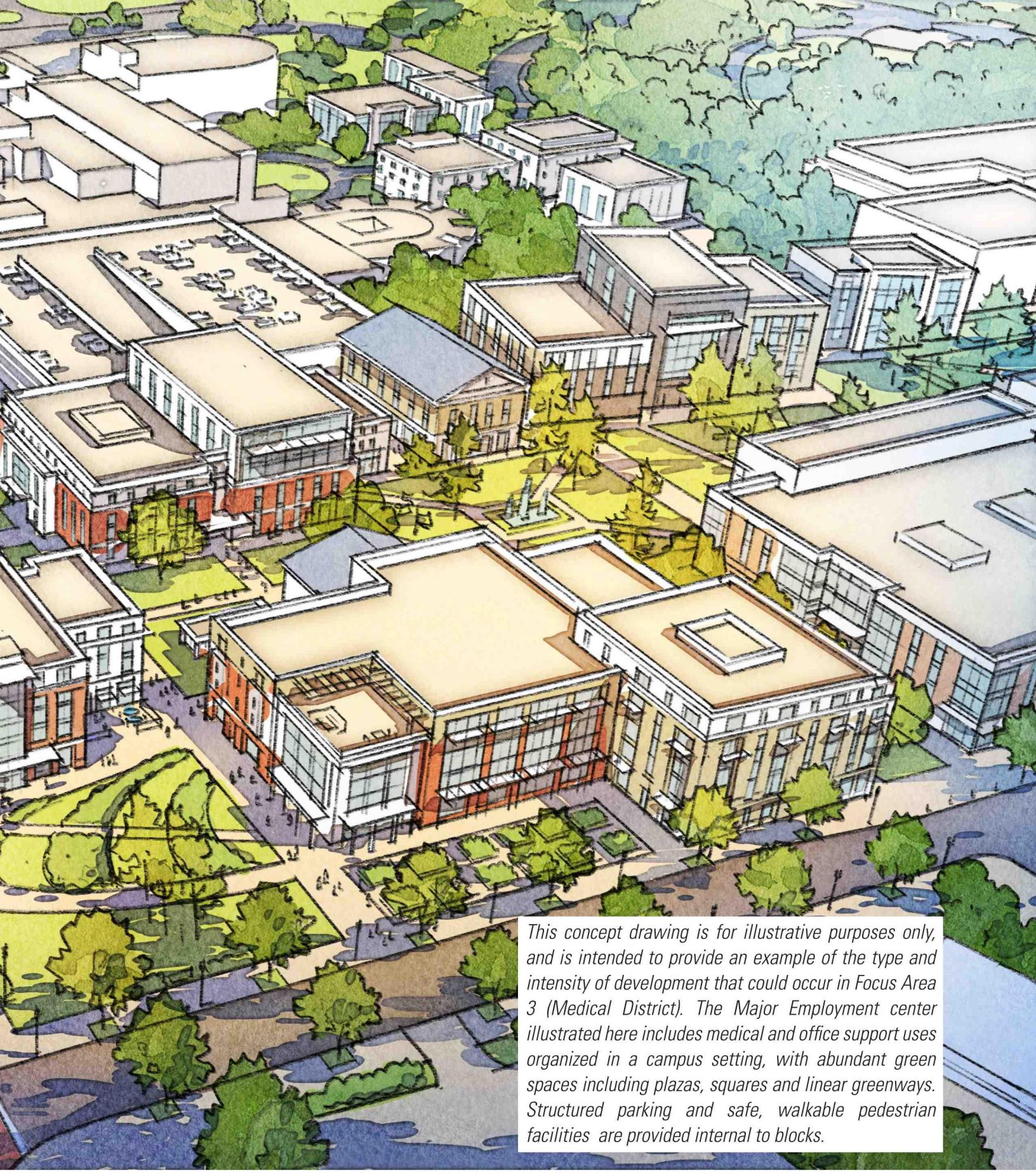
Scenario Plan

- Major Employment Center - 4 Story Max.
- Major Employment Center- 6 Story Max



This concept drawing is for illustrative purposes only, and is intended to provide an example of the type and intensity of development that could occur in Focus Area 3 (Medical District). The Major Employment center illustrated here includes medical and office support uses organized in a campus setting, with abundant green spaces including plazas, squares and linear greenways. Structured parking and safe, walkable pedestrian facilities are provided internal to blocks.





This concept drawing is for illustrative purposes only, and is intended to provide an example of the type and intensity of development that could occur in Focus Area 3 (Medical District). The Major Employment center illustrated here includes medical and office support uses organized in a campus setting, with abundant green spaces including plazas, squares and linear greenways. Structured parking and safe, walkable pedestrian facilities are provided internal to blocks.

Focus Area 5: Highway 211 Commercial Area

Land on NC Highway 211, generally north of the Pinewild neighborhood and near the intersection of Juniper Lake Road, provides a small opportunity to concentrate employment or commercial uses in the northwest extra-territorial jurisdiction (ETJ) of Pinehurst, near Taylortown and West End. The NC Highway 211 Focus Area has the potential to concentrate non-residential development outside of the Village Center. Approximately 67 acres in the Focus Area are represented by 35 different parcels. 100% of the land was identified as undeveloped in 2018.

The vast majority of Pinehurst residents expressed a desire to see the Highway 211 Commercial Area remain as office use as opposed to retail during Envision the Village. As a result, this Plan recommends the area be developed in the future with office uses, or as it is currently zoned.

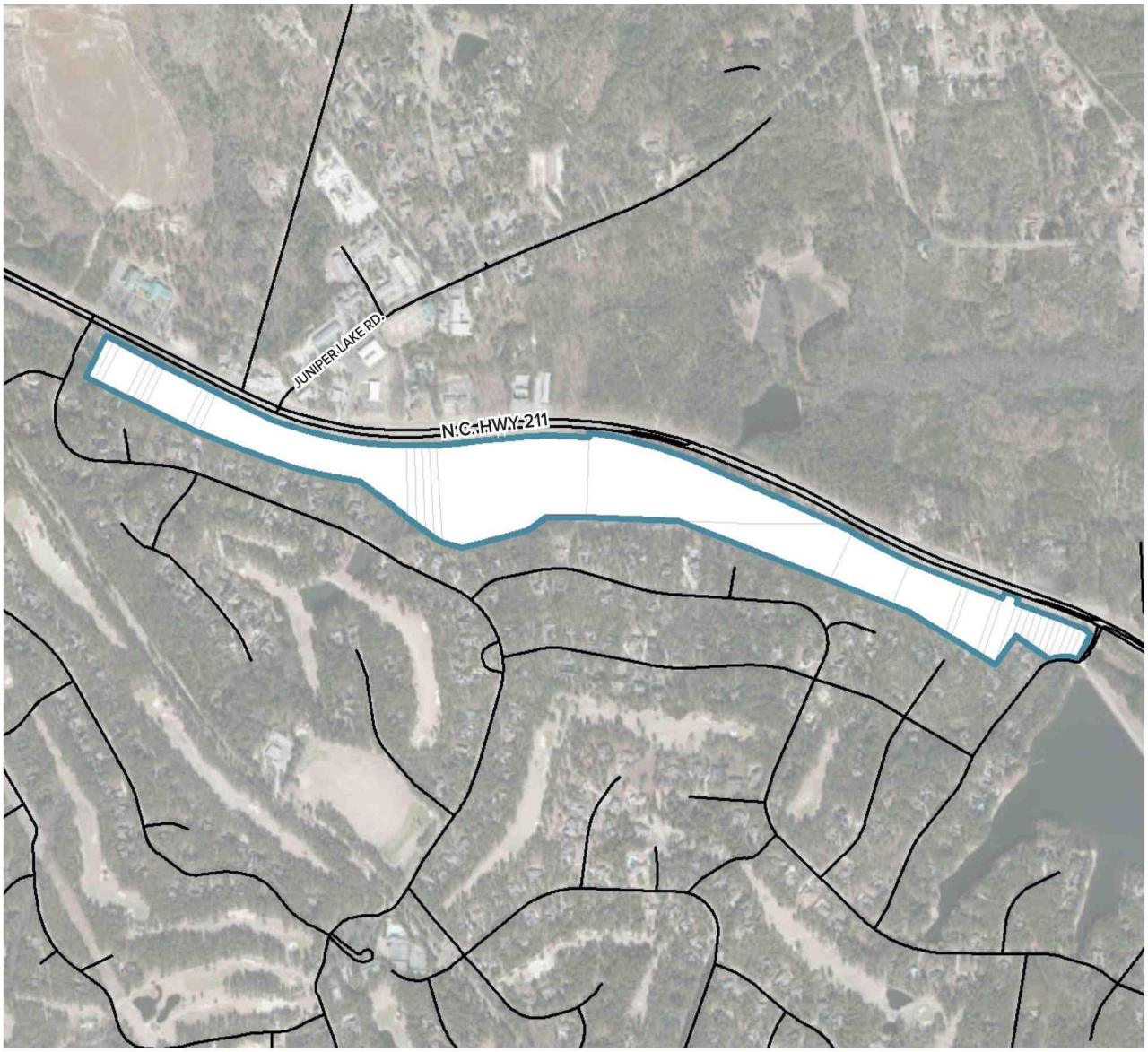
During Envision the Village, the Highway 211 corridor received a lot of discussion. Specifically, the importance of making this corridor more in keeping with the character of Pinehurst. See the discussion on establishing corridor standards in this section of the Plan for more information.

► Implementation Strategies:

See Implementation Strategies 2.10, 2.11, 2.12, 2.13, 2.17, 2.20, and 2.21 in this section of the Plan.

Also see Implementation Strategies 5.12 and 5.13 in the "*Taking Care of Business*" section of the Plan.

Also see Implementation Strategy 6.11 in the "*Supporting Infrastructure & Facilities*" section of the Plan.



Development Status

Undeveloped Parcels

This scenario contemplates how the area might develop following the Village's currently-adopted long-range comprehensive plan and zoning ordinance. General office uses targeted for the site would be similar in style and intensity to Turnberry Woods on Morganton Road. Some medical office uses may be included to complement activities in the Medical District area (Focus Area 3).

Use Allocation	
General Office (s.f.)	627,731

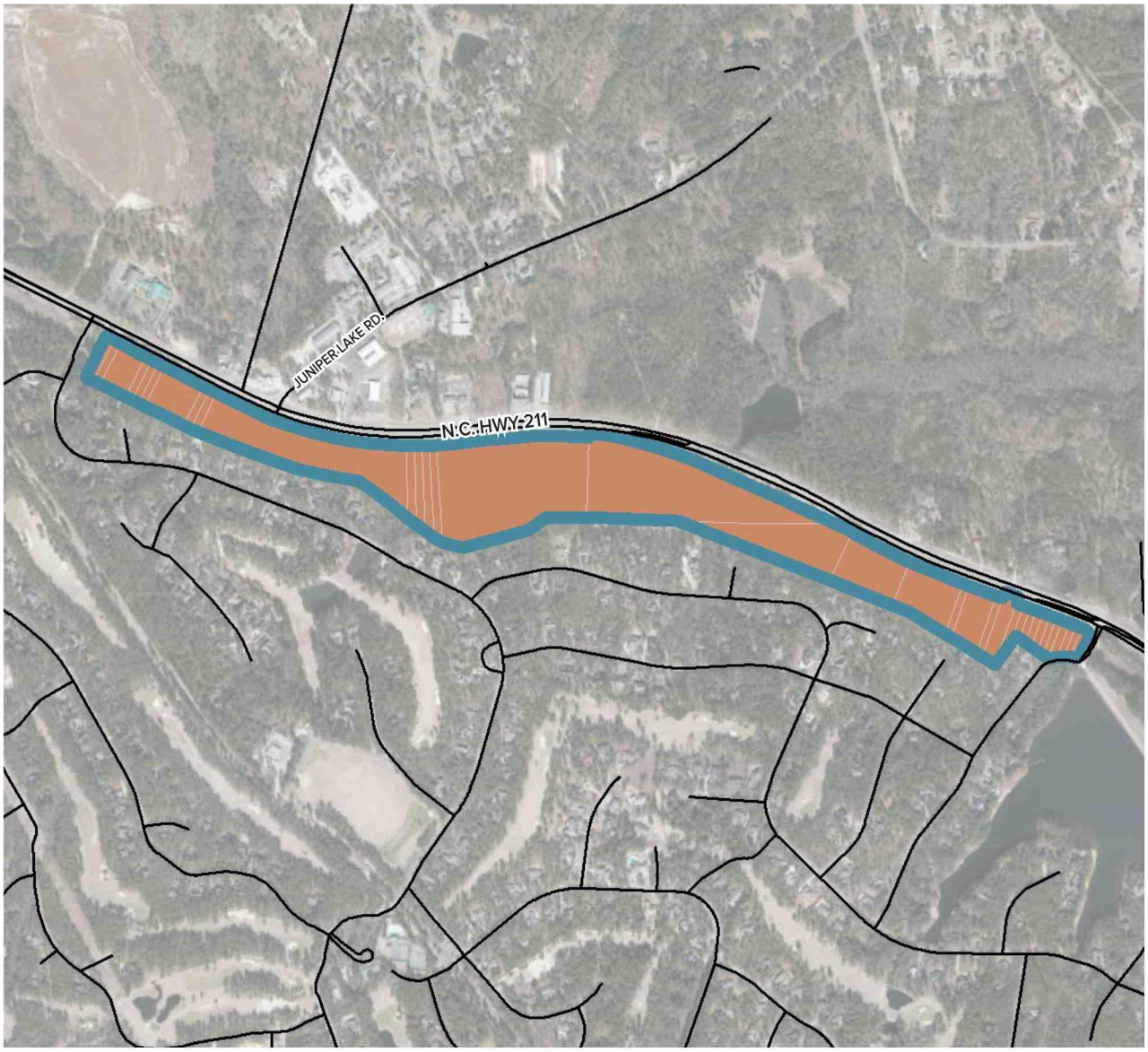
Likely Infrastructure Impacts	
New Students (students)	0
New Water Demand (mgd)	0.06
New Sewer Demand (mgd)	0.06
New Daily Trips (trips)	4,296

Community Character (% of acres)	
Suburban Center	100.0%

Home Choices
Not Applicable

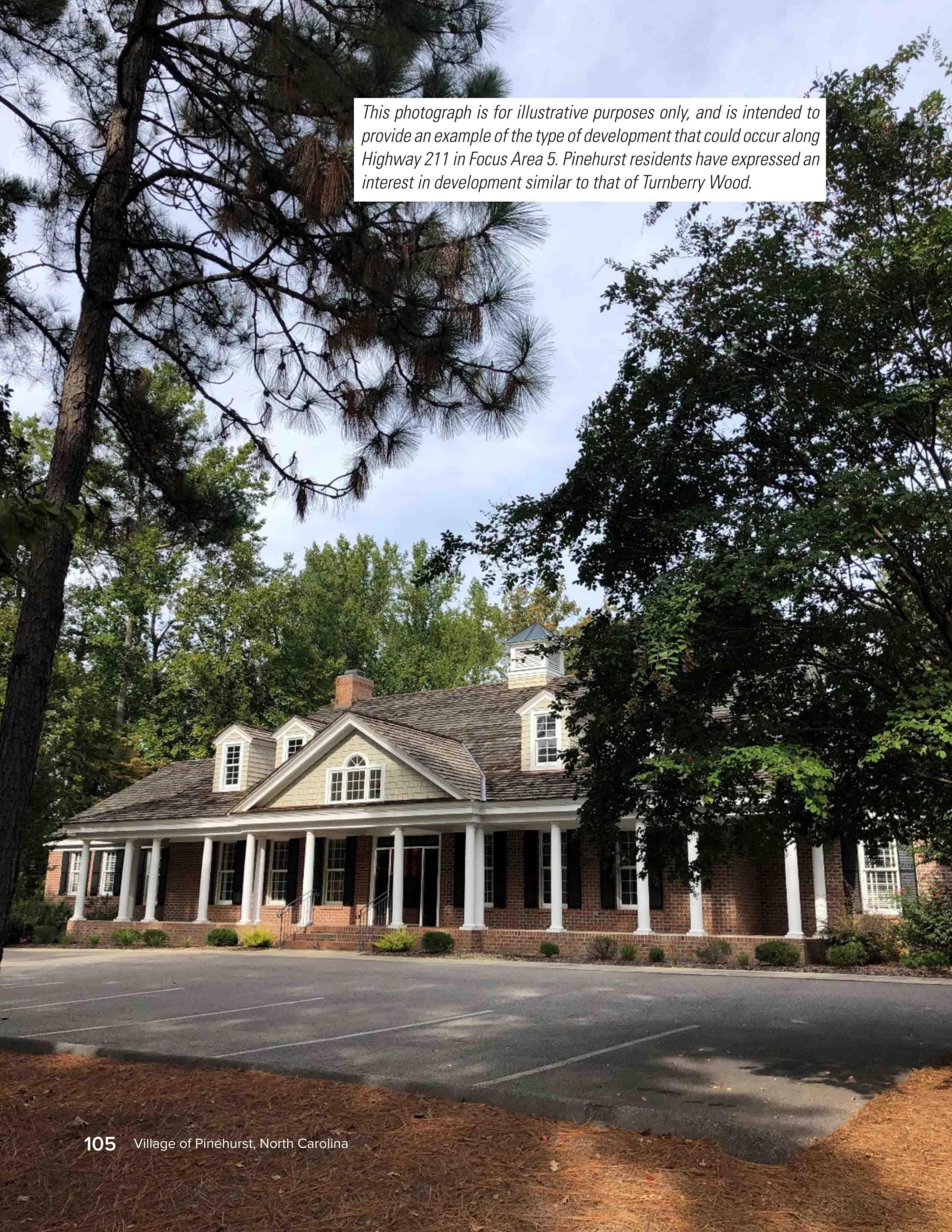
Community Characteristics	
New Residents	0
New Employees	2,599

Special Intensity Allocation	
WS-II BW Watershed (acres)	0
WS-III BW Watershed (acres)	-



Scenario Plan

Suburban Center



This photograph is for illustrative purposes only, and is intended to provide an example of the type of development that could occur along Highway 211 in Focus Area 5. Pinehurst residents have expressed an interest in development similar to that of Turnberry Wood.

Focus Area 4: Village Place/ Rattlesnake Trail Corridor

Village Place and the Rattlesnake Trail corridor offer interesting opportunities to expand the footprint of the Village Center and provide a new front door to the historic downtown area from NC Highway 211. Approximately 100 acres in the focus area are represented by 70 different parcels. 13% of the land was identified as undeveloped in 2018, but significant land may become available in the future for redevelopment or infill development. Property owned by the Village along McCaskill Road (the Public Services Complex) provides the Village with an opportunity to influence development types and intensities in and around this walkable activity center.

During Envision the Village, an overwhelming majority of residents indicated their preference to convert existing development in the Village Place/Rattlesnake Corridor to a more mixed use, walkable destination that is in keeping with the character of the existing Village Center. This is consistent with resident input received throughout the entire Comprehensive Plan process that residents want walkable activity centers that are linked to open spaces and recreational areas and can offer a broader range of housing options beyond the traditional single-family neighborhood

In 2008, the Village adopted the New Core Master Plan, or a small area plan, for a portion of this Focus Area. This plan has guided recent development in this area, including the newly refurbished historic steam plant that now houses the Pinehurst Brewery. This Plan recommends extending the planning area to the Rattlesnake Trail corridor to include this important gateway into the Village off NC Highway 211, which has been widened since the adoption of the New Core Master Plan. It is important that any future redevelopment of this area compliment and support, rather than harm, the cherished and well-loved Village Center. To affect redevelopment of this area, the Village will also need to consider relocating its current Public Services Complex. See the "*Supporting Infrastructure & Facilities*" and "*Taking Care of Business*" sections of the Plan for additional discussion and information.

During Envision the Village, residents expressed an interest in relocating office uses on the first floor in the Village Center to Village Place. They also identified Village Place as an opportunity to re-invigorate the Village with arts related businesses and cultural attractions. As the Village contemplates future uses in this area, it will be important to address the need for parking. Creating an updated small area plan for Village Place, with additional public input, can help articulate the community's vision for this area and help encourage the redevelopment of this often referred to as "blighted" area that is not consistent with the character of Pinehurst today.

► Implementation Strategies:

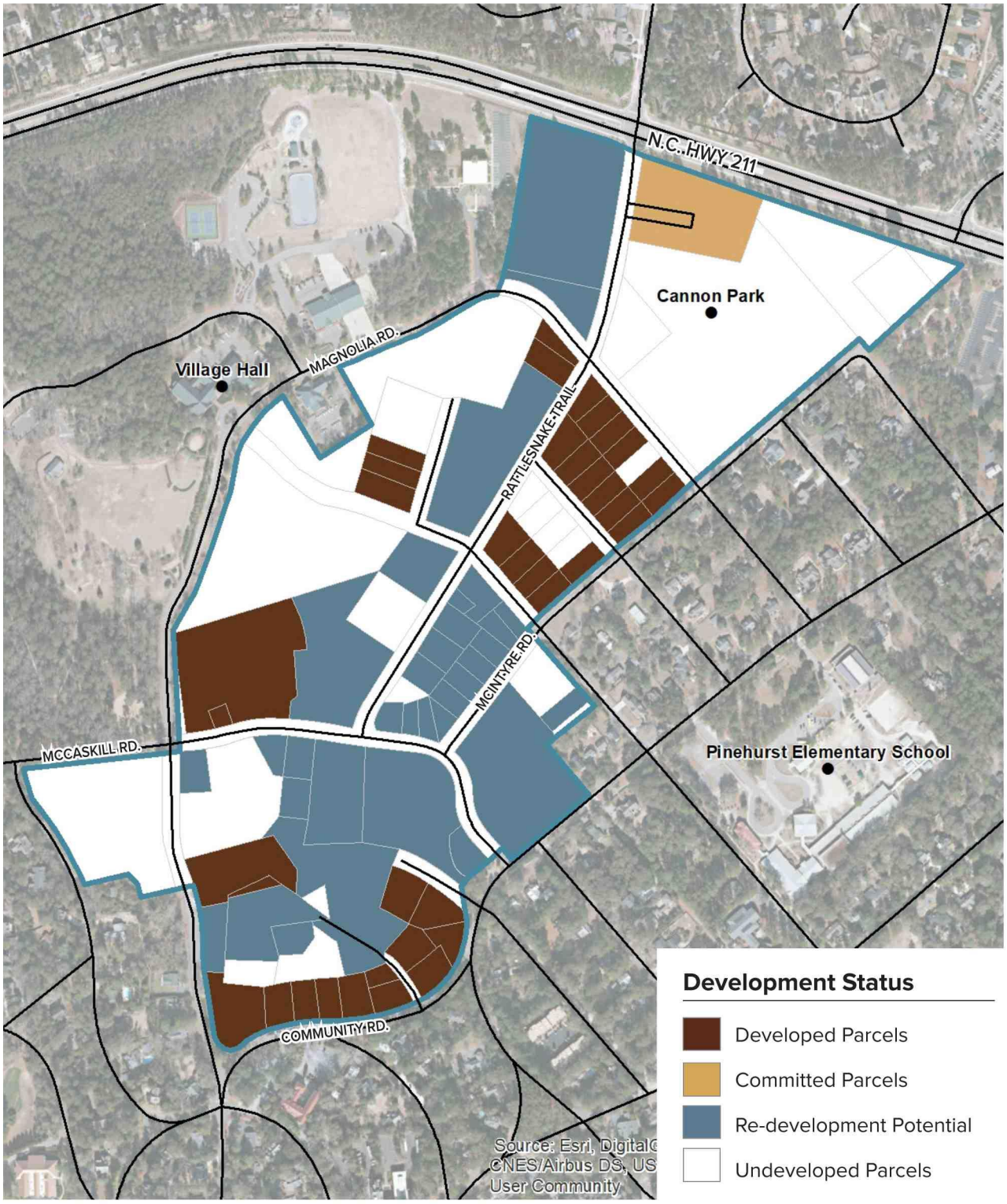
2.8 Create a small area plan for the Village Place/Rattlesnake Trail Corridor depicted in Focus Area 4 to create a mixed-use, walkable destination area that is connected to the Village Center.

Also see Implementation Strategies 2.10, 2.11, 2.12, 2.13, 2.15, 2.16, and 2.20 in this section of the Plan.

Also see Implementation Strategies 4.7, 4.8, 4.9, 4.13, 4.14, and 4.16 in the "*Moving Around the Village*" section of the Plan.

Also see Implementation Strategies 5.1, 5.2, 5.3, 5.4, 5.5, 5.9, 5.11, 5.13, and 5.14 in the "*Taking Care of Business*" section of the Plan.

Also see Implementation Strategy 6.1, 6.5, 6.11 in the "*Supporting Infrastructure & Facilities*" section of the Plan.


N.C. HWY 211
Cannon Park
Village Hall
MAGNOLIA RD.
RATTLESNAKE TRAIL
MCINTYRE RD.
MCCASKILL RD.
Pinehurst Elementary School
COMMUNITY RD.
Development Status
Developed Parcels
Committed Parcels
Re-development Potential
Undeveloped Parcels
Source: Esri, DigitalG
CNES/Airbus DS, US
User Community

This scenario illustrates how the Rattlesnake Trail Corridor area might develop if resources are (re) targeted to make it into a mixed-use, walkable destination in the Village that extends the historic core north along Rattlesnake Trail to NC Hwy. 211. Existing industrial, retail, and multifamily uses in the area would be redeveloped into destinations that reinforce the one-of-a-kind village-character of Pinehurst. New buildings in the scenario are assumed to be one to three stories tall. Parking would be accommodated in a parking deck and series of surface lots and on-street parking. The scenario also assumes completion of the new recreation center at the corner of NC Hwy. 211 and Rattlesnake Trail.

Use Allocation	
Open Space (acres)	26.9
Single-Family Detached (d.u.)	5
Single-Family Attached (d.u.)	11
Stacked Multi-Family (d.u.)	214
General Office (s.f.)	158,140
General Retail (s.f.)	316,280

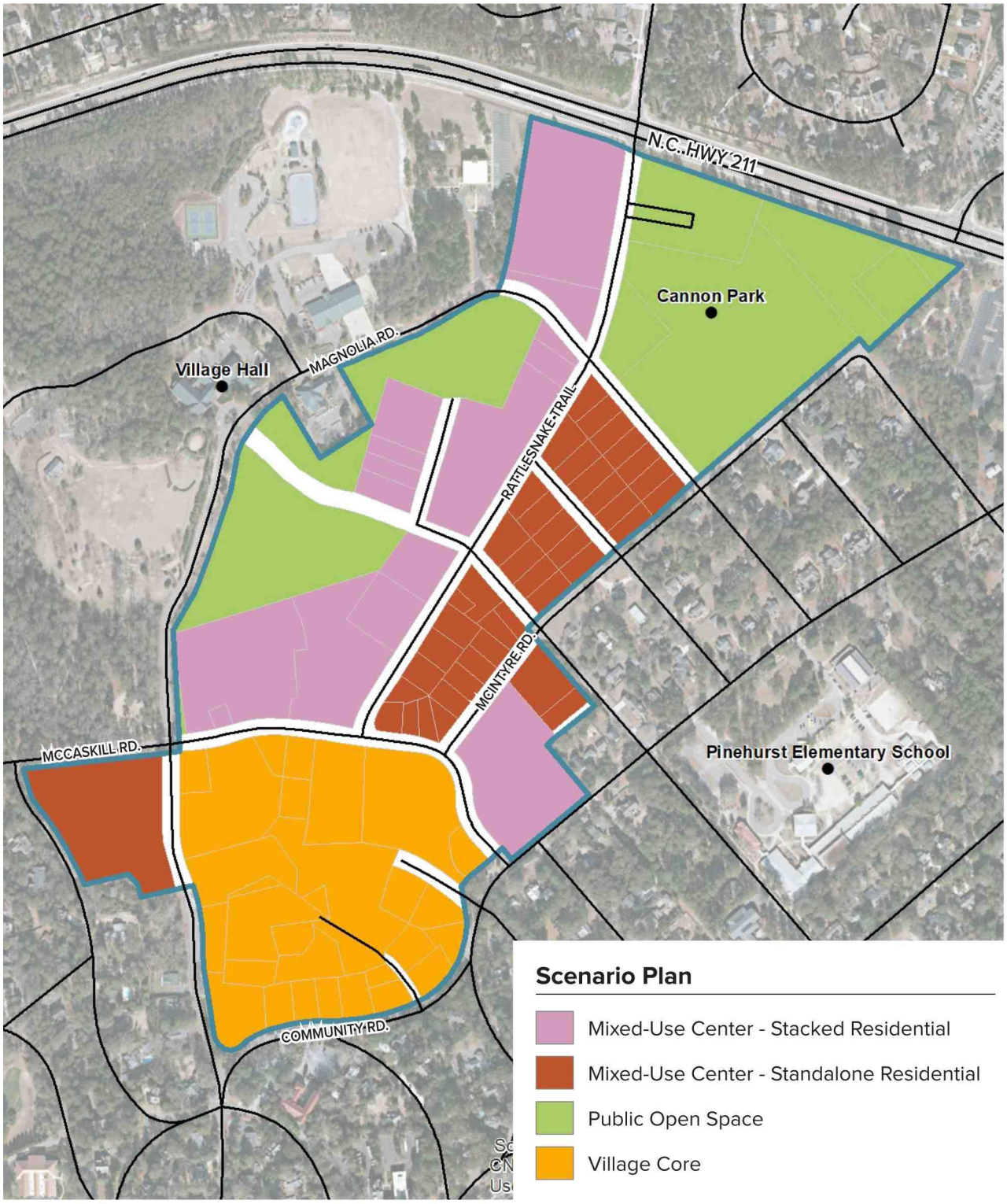
Likely Infrastructure Impacts	
New Students (students)	116
New Water Demand (mgd)	0.08
New Sewer Demand (mgd)	0.07
New Daily Trips (trips)	7,810

Community Character (% of acres)	
Public Open Space	23.3%
Mixed-Use Center - Stacked Residential	30.1%
Mixed-Use Center - Standalone Residential	19.2%
Village Core	27.4%

Home Choices	
Single-Family Detached	2.2%
Single-Family Attached	4.6%
Stacked Multi-Family	93.2%

Community Characteristics	
New Residents	128
New Employees	1,560

Special Intensity Allocation	
WS-II BW Watershed (acres)	17
WS-III BW Watershed (acres)	-


N.C. HWY 211
Cannon Park
Village Hall
MAGNOLIA RD.
RATTLESNAKE TRAIL
MCINTYRE RD.
MCCASKILL RD.
Pinehurst Elementary School
COMMUNITY RD.
Scenario Plan
Mixed-Use Center - Stacked Residential
Mixed-Use Center - Standalone Residential
Public Open Space
Village Core

PINEHURST BREWING COMPANY
PINEHURST

This concept drawing is for illustrative purposes only, and is intended to provide an example of the type of development that could occur in Focus Area 4 (Village Place). This illustration depicts a cottage court surrounding a small neighborhood park, providing a variety of housing and a gathering space for residents.

This concept drawing is for illustrative purposes only, and is intended to provide an example of the type of development that could occur in Focus Area 4 (Village Place/ Rattlesnake Trail Corridor). This plan prioritizes connections to the historic Village Center and creates a northward extension of the Village along Rattlesnake Trail. A variety of civic spaces include parks and squares and pocket parks. Additional parking needs would be accommodated with a mix of surface and structured parking.

ZANETTA

Village of Pinehurst
Prioritization of Strategic Opportunities
FY 2021

Items in **BOLD** are proposed Initiative Action Plans

Low Urgency (2+years)/High Importance to QOL	High Urgency(1-2 years)/High Importance to QOL
Prepare a consolidated multi-modal transportation plan (IAP) Update the Comprehensive Parks & Recreation Master Plan while considering neighborhood open spaces and amenities (Project)	Evaluate, identify, and purchase land for a future third fire station (Project) **Update the Pinehurst Development Ordinance (IAP)** **Pursue regulatory authority around our borders through ETJ extensions, annexation agreements, and amending the water/wastewater agreement with Moore County (IAP)** Develop a comprehensive plan for mitigating future traffic on Highway 5 (Project) Consolidate and align multi-modal transportation planning/engineering (Project) **Prepare a comprehensive stormwater master plan (IAP)** **Implement the GIS strategic plan (in progress IAP)**
Low Urgency (2+ years)/Lower Importance to QOL	**High Urgency (1-2 years)/Lower Importance to QOL**
Partner with others to bring high speed internet and mobile services to the Village (Project) Expand street lighting (Project)	**Prepare a small area plan for Village Place (IAP)** **Create a small area plan for the NC Highway 5 commercial area (IAP)** Identify alternative locations for the Public Services Complex (Project) Implement elements of the 2015 Comprehensive Pedestrian Plan and Bicycle Plan (Project) Create a master plan to develop West Pinehurst Park (Project)

Strategic Opportunities - prospects for new or changed products, services, processes, business models (including strategic alliances), or markets. They arise from outside-the-box thinking, brainstorming, capitalizing on serendipity, research and innovation processes, nonlinear extrapolation of current conditions, and other approaches to imagining a different future.

Initiative Action Plans (IAPs) - defined and measurable activities needed to accomplish our strategic objectives and address our strategic opportunities that involve a significant amount of financial and/or staff resources OR have a significant community impact over the five year period

Projects - department specific activities that can be completed within a shorter period of time, without needing detailed implementation timelines, or requiring significant additional workforce capacity

Village of Pinehurst
Proposed FY 2021-2025 Initiative Action Plans

Proposed FY 2021-2025 Initiative Action Plans (IAPs)
MISSION: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

	Goal We intend to…	Strategic Objective How we will…	Initiative Action Plans	FY21	FY22	FY23	FY24	FY 25
Customer	1 - Safeguard the community	Deliver effective fire and rescue services						
		Deliver effective police services	Police Department Accreditation *(carryforward)*	X				
	2 – Promote high quality development and appearance	Maintain and enhance the appearance of public spaces						
		Manage development and enforce codes and ordinances AOF	Update the Pinehurst Development Ordinance	X	X			
			Extend ETJ Authority	X	X			
			Small Area Plan for Village Place/Rattlesnake Trail Corridor		X			
			Small Area Plan for NC Highway 5 Commercial Area			X		
	3 – Promote a thriving business community	Support businesses and facilitate economic development						
	4 – Promote transportation mobility and connectivity	Provide a safe and effective multi-modal transportation system AOF	Prepare a Consolidated Multi-Modal Transportation Plan				X	X
		Maintain high quality streets						
	5 - Protect the environment	Manage stormwater systems AOF	Comprehensive Stormwater Master Plan	X	X			
		Provide effective and efficient solid waste collection services						
		Reduce, reuse, and recycle resources						
	6 – Promote active living and cultural opportunities	Provide recreation programs and facilities						
		Provide cultural resources and events						
Internal	7 - Professionally manage a high performing organization	Communicate with and engage the community						
		Provide a high level of customer service						
		Continuously improve and innovate	Build Baldrige Framework Systems and Culture *(carryforward)*	X				
			Expand GIS Capabilities *(carryforward)*	X				
		Maintain Village assets						
Workforce	8 - Attract & retain an engaged workforce	Provide a supportive and rewarding work environment	Workforce Learning and Development *(carryforward)*	X				
Financial	9 - Maintain a healthy financial condition	Meet or exceed established financial targets						

Items in red are Areas of Focus (AOF) based on VOP performance levels relative to benchmarks and comparisons, strategic challenges, strategic opportunities, and community survey areas for improvement.

Village of Pinehurst
Council's Opportunities for Improvement and Innovation (OFI)
FY 2021

Type	Years (based on S.O. prioritization)	Opportunities for Improvement and Innovation (OFI)
Project (Strategic Opp)	FY 2021	**Evaluate, identify, and purchase land for a future third fire station**
Project (Strategic Opp)		**Develop a comprehensive plan for mitigating future traffic on Highway 5**
Project (Strategic Opp)		**Consolidate and align multi-modal transportation planning/engineering**
Project (Strategic Opp)		**Create a master plan to develop West Pinehurst Park**
Project (Strategic Opp)	FY 2022	**Identify alternative locations for the Public Services Complex**
Project (Strategic Opp)	FY 2022-2024	**Implement elements of the 2015 Comprehensive Pedestrian Plan and Bicycle Plan**
Project (Strategic Opp)	FY 2023	**Update the Comprehensive Parks & Recreation Master Plan while considering neighborhood open spaces and amenities**
Project (Strategic Opp)	5+ Years	**Partner with others to bring high speed internet and mobile services to the Village**
Project (Strategic Opp)		**Expand street lighting**
Project	TBD	**Study and understand the historic landmark status and its implications** - *Management recommends this as a project on the OFI list*
Project	TBD	**Partner with Moore County on highway corridor standards** - *Management recommends this as a project on the OFI list because this partnership is already in progress.*
Project	TBD	**Consider changing the Fund Balance Policy** - *Management recommends this as a project to propose a change to the policy.*
Project	TBD	PDO Amendment to consider changes to stormwater management for new residential construction
Project	FY 2020	Review PDO at Work Session in January for Comp Plan Focus Areas **High priority**
Project	TBD	Influence NCDOT to fund MCCTP transportation projects in Pinehurst in ways that align with Pinehurst's transportation needs
Project	TBD	Create appreticeship programs or veteran recruitment efforts
Evaluation	TBD	Evaluate parking in downtown and in surrounding areas - Management recommends this as a project on the OFI list due to the pending small area plan and the overlayment of the Magnolia streetscape project with the Brewery parking insufficiency. And partner with others. High priority
Evaluation	TBD	**Consider regulating ST rentals** - *Management recommends this as an evaluation to better understand the risks, benefits, and municipal authority to regulate these.*
Evaluation	TBD	**Evaluate ways to expand recycling** - *Management recommends this as an evaluation to determine ways to expand recycling efforts for Council to consider.*
Evaluation	TBD	**Assess whether the community supports an indoor and/or outdoor performing arts venue** - *Management recommends this as an evaluation to further assess the needs and desires of the community.*
Evaluation	TBD	Evaluate additional resources for economic/business development
Evaluation	TBD	Evaluate ways to take necessary steps to protect the Western Connector Corridor so that development is not approved in the proposed location
Evaluation	TBD	Consider options recommended from Library Services Needs Assessment
Evaluation	TBD	Evaluate ways to preserve open space in and around Pinehurst
Evaluation	TBD	Evaluate ways to incentivize private reinvestment in neighborhoods

Helpful Definitions:		
Opportunities for Improvement and Innovation (OFIs) List		A list of opportunities the VOP will pursue over the 5 year planning period, identified during the strategic planning process. ***They are classified as evaluations, projects, and Initiative Action Plans*** . OFIs are assigned to specific departments to manage and progress is reviewed by Senior Leaders in Quarterly Strategy Sessions. An opportunity on the OFI list may address a Strategic Opportunity.
Evaluations		Service and process evaluations of work and support systems (NOTE: Process evaluations should use either the BIRDIE or ACE evaluation process)
Projects		Department specific activities that can be completed within a shorter period of time, without needing detailed implementation timelines, or requiring significant additional workforce capacity
Initiative Action Plans		Defined and measurable activities needed to accomplish our strategic objectives and address our strategic opportunities that involve a significant amount of financial and/or staff resources OR have a significant community impact over the five year period

Village of Pinehurst
FY 2021 Balanced Scorecard

FY 2021 Balanced Scorecard

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

	Goal We intend to…	Strategic Objective How we will…	KPI #	KPI Description How do we know…	Actual FY 19	Est FY 20	ST Goal FY 21	LT Goal FY 25
Customer	1 - Safeguard the community	Deliver effective fire and rescue services	1.1	% of residents satisfied with fire services	100%	99%	95%	95%
			1.2	% of residents satisfied with how quickly fire personnel respond to emergencies	99%	99%	95%	95%
			1.3	Fire incident rates per 1,000 residents	0.26	0.10	<0.35	<0.35
		Deliver effective police services	1.4	% of residents whose overall feeling of safety in the Village is good or excellent	99%	99%	95%	95%
			1.5	% of residents satisfied with police services	98%	95%	95%	95%
			1.6	Crime rate per 1,000 residents	41	39	<47	<47
	2 – Promote high quality development and appearance	Maintain and enhance the appearance of public spaces	2.1	% of residents who rate the overall appearance of the Village as good or excellent	98%	98%	95%	95%
		Manage development and enforce codes and ordinances AOF	2.2	% of residents satisfied with the enforcement of Village codes and ordinances	84%	85%	85%	85%
			2.3	% of residents satisfied with the quality of new development	77%	75%	85%	85%
			2.4	% of residents satisfied with Village efforts to maintain the quality of neighborhoods	84%	85%	90%	90%
	3 – Promote a thriving business community	Support businesses and facilitate economic development	3.1	% of businesses likely to recommend the Village as a business location	93%	90%	90%	90%
	4 – Promote transportation mobility and connectivity	Provide a safe and effective multi-modal transportation system AOF	4.1	% of residents satisfied with the availability of walkways	70%	70%	70%	72%
			4.2	% of residents satisfied with the availability of greenway/walking trails	94%	94%	90%	90%
			4.3	# of collisions per 1,000 residents	38.9	43.9	<45.0	<45.0
		Maintain high quality streets	4.4	% of residents satisfied with the adequacy of street lighting	75%	73%	70%	70%
			4.5	% residents satisfied with street and right of way maintenance	85%	85%	85%	85%
	5 - Protect the environment	Manage stormwater systems AOF	5.1	% of residents satisfied with the quality of stormwater management	77%	80%	80%	82%
		Provide effective and efficient solid waste collection services	5.2	% of residents satisfied with solid waste services	92%	93%	95%	95%
		Reduce, reuse, and recycle resources	5.3	% of residents satisfied with promotion of natural resource conservation	86%	88%	90%	90%
			5.4	% of refuse diverted from the landfill	27%	22%	22%	22%
	6 – Promote active living and cultural opportunities	Provide recreation programs and facilities	6.1	% of residents satisfied with P&R programs	98%	95%	95%	95%
			6.2	% of residents satisfied with P&R facilities	96%	95%	95%	95%
		Provide cultural resources and events	6.3	% of residents satisfied with Village sponsored cultural arts events	93%	95%	95%	95%
Internal	7 - Professionally manage a high performing organization	Communicate with and engage the community	7.1	% of residents satisfied with Village communications	93%	95%	95%	95%
			7.2	% of residents satisfied with the level of public involvement in local decisions	85%	85%	85%	85%
		Provide a high level of customer service	7.3	% of residents satisfied with customer service provided by VOP staff	97%	97%	95%	95%
		Continuously improve and innovate	7.4	% of residents satisfied with the value received for taxes paid	90%	90%	90%	90%
		Maintain Village assets	7.5	% of depreciable life remaining on assets	42%	46%	40-60%	40-60%
Workforce	8 - Attract & retain an engaged workforce	Provide a supportive and rewarding work environment	8.1	% of employees who agree that overall they are satisfied with their job	97%	97%	95%	95%
			8.2	% of volunteers satisfied with the volunteer experience	100%	97%	95%	95%
Financial	9 - Maintain a healthy financial condition	Meet or exceed established financial targets	9.1	Total General Fund fund balance as a % of actual expenditures	45%	43%	>30%	>30%
			9.2	General Fund operating margin	86%	86%	81%-91%	81%-91%
			9.3	General Fund debt service ratio	2%	2%	<10%	<10%

Items in red are Areas of Focus (AOF) based on VOP performance levels relative to benchmarks and comparisons, strategic challenges, strategic opportunities, and community survey areas for improvement.

Village of Pinehurst
FY 2021 Areas of Focus Mapping

FY 2021 Areas of Focus

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

	Goal We intend to…	Strategic Objective How we will…	Performance Gaps	Strategic Challenges	Strategic Opportunities	Community Survey Areas for Improvement	Areas of Focus
Customer	1 - Safeguard the community	Deliver effective fire and rescue services		5	1		
		Deliver effective police services		5			
	2 – Promote high quality development and appearance	Maintain and enhance the appearance of public spaces		5			
		Manage development and enforce codes and ordinances		**1, 4, 5, 6**	**2, 3, 4, 5**	**1, 3, 4, 5, 10**	**Short Term**
	3 – Promote a thriving business community	Support businesses and facilitate appropriate economic development		5, 6, 8	6, 7		
	4 - Promote transportation mobility and connectivity	**Provide a safe and effective multi-modal transportation system**		**2, 5, 6**	**8, 9, 10, 11, 12**	**6, 7, 9**	**Short Term**
		Maintain high quality streets		5			
	5 - Protect the environment	**Manage stormwater systems**		**5**	**13**	**8**	**Short Term**
		Provide effective and efficient solid waste services		5			
		Reduce, reuse, and recycle resources		5, 6			
	6 - Promote active living and cultural opportunities	Provide recreation programs and facilities	1, 2	5, 6	14, 15	2	
		Provide cultural resources and events		5, 6			
Internal	7 - Professionally manage a high performing organization	Communicate with and engage the community		6			
		Provide a high level of customer service					
		Continuously improve and innovate			16		
		Maintain Village assets					
Workforce	8 - Attract & retain an engaged workforce	Provide a supportive and rewarding work environment		7			
Financial	9 - Maintain a healthy financial condition	Meet or exceed established financial targets		3			

Items in red are Areas of Focus (AOF) based on VOP performance levels relative to benchmarks and comparisons, strategic challenges, strategic opportunities, and community survey areas for improvement. Short Term means to focus Village efforts in FY 2021 and Mid Term means to focus Village efforts in the 5-year planning period.

Village of Pinehurst
FY 2021 Areas of Focus Mapping

The following performance gaps relative to comparisons, strategic challenges, strategic opportunities and community survey areas for improvement were identified by the Village Council and Senior Leaders at the December 2019 Pre-Retreat Meeting and the Village Council Strategic Planning Retreat.

Performance Gaps	Strategic Challenges
1. **Quality of indoor recreation facilities (significant gap)** 2. Quality of youth recreation programs *Performance gaps are greater than or equal to 5% below US/Regional ETC average*	1. Managing the quality of development 2. Minimizing traffic congestion, especially on Hwy 5 3. Increase in the cost of doing business 4. Aging housing stock 5. Responding to increased demand on existing services due to growth 6. Changing service needs due to changing demographics 7. Attracting and retaining highly qualified workforce members (employees and volunteers) 8. Attracting types of businesses to the Village that the community desires
Strategic Opportunities	**Community Survey Areas for Improvement (High Levels of Dissatisfaction - >20%)**
1. Evaluate, identify, and purchase land for a future third fire station 2. Update the Pinehurst Development Ordinance 3. Prepare a small area plan for Village Place 4. Pursue regulatory authority around our borders through ETJ extensions, annexation agreements, and amending the water/wastewater agreement with Moore County. 5. Create a small area plan for the NC Highway 5 commercial area 6. Partner with others to bring high speed internet and mobile services to the Village 7. Identify alternative locations for the Public Services Complex 8. Develop a comprehensive plan for mitigating traffic on Highway 5 9. Consolidate and align multi-modal transportation planning/engineering 10. Expand street lighting 11. Implement elements of the 2015 Comprehensive Pedestrian Plan and Bicycle Plan 12. Prepare consolidated multi-modal plan 13. Prepare a comprehensive stormwater master plan 14. Update the Comprehensive Parks & Recreation Master Plan while considering neighborhood open spaces and amenities 15. Create a master plan to develop West Pinehurst Park 16. Implement the GIS strategic plan (in progress)	1. Quality of new development in Village 2. Availability of recreation indoor facilities 3. Enforcing cleanup of litter & debris on private property 4. Enforcing mowing/cutting of weeds/grass on private property 5. Enforcing parking/prohibiting oversized vehicles in residential neighborhoods 6. Adequacy of street lighting 7. Availability of walkways 8. Quality of stormwater runoff/management system 9. Ease of travel through large traffic circle 10. Code Enforcement (if used service)

Time, Place and Manner Restrictions

By Kevin Francis O'Neill

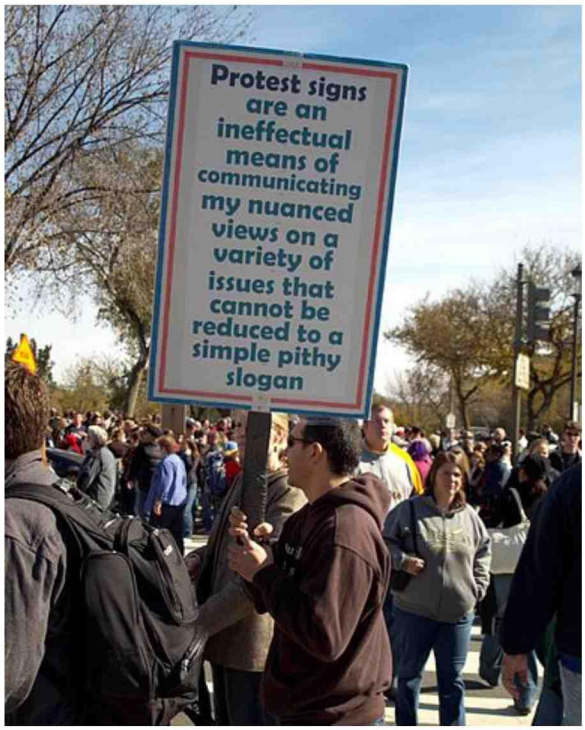
Other articles in Legal Terms and Concepts Related to Speech, Press, Assembly, or Petition

Time, place and manner restrictions are content-neutral limitations imposed by the government on expressive activity.

Such restrictions come in many forms, such as

- imposing limits on the noise level of speech,
- capping the number of protesters who may occupy a given forum,
- barring early-morning or late-evening demonstrations, and
- restricting the size or placement of signs on government property.

Such regulations or licensing laws that require parade or demonstration permits are frequently upheld and represent a common part of the regulatory landscape in most cities and counties.



Time, place and manner restrictions are content-neutral limitations imposed by the government on expressive activity. Such restrictions come in many forms, such as imposing limits on the noise level of speech, capping the number of protesters who may occupy a given forum, barring early-morning or late-evening demonstrations, and restricting the size or placement of signs on government property. Such regulations are frequently upheld and represent a common part of the regulatory landscape in most cities and counties. In this photo, a protestor pokes fun at protest signs. Regulations about the size and placement of such signs are content-neutral limitations frequently upheld in courts. (Image via Wikimedia Commons, CC BY 3.0)

Restrictions can survive First Amendment challenge under a 3-prong test

To survive First Amendment constitutional challenges, such restrictions must satisfy a three-prong test outlined by the Supreme Court in *Ward v. Rock Against Racism* (1989).

1. The regulation must be content neutral.
2. It must be narrowly tailored to serve a significant governmental interest.
3. It must leave open ample alternative channels for communicating the speaker's message.

Restriction based on subject matter is not content-neutral

The first prong, requiring content neutrality, will be violated by any regulation that describes permissible expression in terms of its subject matter.

Police Department of Chicago v. Mosley (1972) provides an example of a time, place and manner regulation that failed the content-neutrality requirement. In *Mosley* an ordinance prohibited all picketing within 150 feet of any school building while classes were in session. However, picketing was allowed if the school was involved in a labor dispute.

Writing for the Court, Justice Thurgood Marshall observed that the ordinance "describes impermissible picketing not in terms of time, place, and manner, but in terms of subject matter. The regulation thus slips from the neutrality of time, place, and circumstance into a concern about content. This is never permitted."

Mosley does not exemplify the only way that a speech restriction can violate the content-neutrality requirement. Even if the regulation does not, as in *Mosley,* expressly discriminate on the basis of subject matter, it can run afoul of the content-neutrality requirement if the circumstances surrounding its enactment or the history of its enforcement reveal a governmental intent to favor or punish particular messages.

Speech restrictions will be deemed content neutral, even if they impinge more severely on a particular speaker or message, so long as the government can credibly justify its regulation as serving purposes that have nothing to do with the content of speech.

Regulation must be narrowly tailored to promote substantial government interest

The second prong of *Ward*'s three-prong test requires that the regulation must be narrowly tailored to serve a significant governmental interest. This narrow tailoring requirement is not nearly as stringent as its language would suggest. The Supreme Court has stressed that this prong does *not* require time, place, and manner restrictions to be the least restrictive or least intrusive means of achieving the government's end.

Instead, according to *Ward,* the requirement of narrow tailoring is satisfied "so long as the . . . regulation promotes a substantial government interest that would be achieved less effectively absent the regulation."

This relaxed conception of narrow tailoring is vividly reflected in the case law. Regulations that fail this test invariably feature broad restraints on traditional forms of expressive activity — imposing, for example, sweeping prohibitions on parades, demonstrations, residential picketing, door-to-door leafleting, or public hand billing. The narrow tailoring requirement will certainly be violated by a categorical ban on any of the foregoing methods of expressive conduct. So, for example, an ordinance would violate the narrow tailoring requirement by banning parades anywhere within a city's central business district on all workdays because it would allow parades only when the downtown streets were bereft of onlookers.

Absent a categorical or substantial ban on a traditional method of expressive activity, courts routinely uphold time, place, and manner restrictions as satisfying the requirement of narrow tailoring.

Speaker must have alternative channels of communication

Under *Ward*'s third prong, the regulation must leave open ample alternative channels for communicating the speaker's message.

Two different themes run through the cases that construe this requirement. First, the Supreme Court has shown a "special solicitude" for inexpensive methods of communication. Accordingly, a speech restriction may run afoul of this requirement if it precludes forms of expression that are much less expensive than feasible alternatives. Second, the ample alternative channels requirement most commonly arises when a speaker identifies one particular place as uniquely suited to conveying a message, but the government insists that the speaker take up position in an alternative location.

The basic test for gauging the sufficiency of alternative channels is whether the speaker is afforded a forum that is accessible and where the intended audience is expected to pass.

In performing this analysis, a court should take account of the speaker's intended audience and the extent to which the chosen location contributes to his or her message. A speech restriction does *not* leave open ample alternative channels if the speaker is left unable to reach the intended audience.

In performing analysis of time, place and manner restrictions, a court should take account of the speaker's intended audience and the extent to which the chosen location contributes to his or her message. A good example of this is Million Youth March, Inc. v. Safir (S.D.N.Y. 1998), where New York City denied a permit request by the Nation of Islam to hold a massive rally in Harlem, insisting that the rally be held instead on Randall's Island. The Nation of Islam brought suit under the First Amendment, challenging the city's imposition of Randall's Island as the only permissible site for the rally. The court stressed that the Randall's Island alternative was constitutionally inadequate because it thwarted the plaintiff 's access to its target audience, the residents of Harlem. In this photo, participants at the Million Youth March react to a speech during the rally Saturday, Sept. 5, 1998, in the Harlem neighborhood of New York. (AP Photo/Adam Nadel, used with permission from the Associated Press)

Court ruled the city did not provide adequate alternative in *Million Youth March* case

A good example of this is *Million Youth March, Inc. v. Safir* (S.D.N.Y. 1998), where New York City denied a permit request by the Nation of Islam to hold a massive rally in Harlem, insisting that the rally be held instead on Randall's Island. Located in the middle of the East River between Manhattan and Queens, Randall's Island was inaccessible by bus or subway and was virtually uninhabited.

The Nation of Islam brought suit under the First Amendment, challenging the city's imposition of Randall's Island as the only permissible site for the rally. In an extensive and instructive three-prong analysis, a federal judge ruled that the city had violated the ample alternative channels requirement.

The court stressed that the Randall's Island alternative was constitutionally inadequate because it thwarted the plaintiff 's access to its target audience,

the residents of Harlem, and because holding the rally in Harlem was part and parcel of the plaintiff's message — a message that focused on ways to improve the lives of African Americans.

As the foregoing discussion shows, proper time, place, and manner analysis requires careful attention to each of *Ward*'s three prongs — and to the particular approach that courts have developed for each of those prongs.

It is important to note that the *Ward* test governs only time, place, and manner restrictions imposed by legislative bodies.

Court requires "stringent" scrutiny of injunctions that restrict speech

Judicial injunctions that impose content-neutral time, place, and manner restrictions are subject to a heightened form of intermediate scrutiny. Observing that "[i]njunctions . . . carry greater risks of censorship and discriminatory application than do general ordinances," the Supreme Court held in *Madsen v. Women's Health Center, Inc.* (1994) that appellate courts should subject content-neutral injunctions to more "stringent" First Amendment scrutiny than comparable legislation — that "when evaluating a content-neutral injunction, we think that our standard time, place, and manner analysis is not sufficiently rigorous."

Announcing a new standard of review for judicially imposed time, place, and manner restrictions, the Court wrote,"[w]e must ask instead whether the challenged provisions of the injunction burden no more speech than necessary to serve a significant government interest." This effectively converts the second prong of *Ward* into a least restrictive means requirement.

Kevin Francis O'Neill. 2009. *Time, Place and Manner Restrictions [electronic resource]*. The First Amendment Encyclopedia, Middle Tennessee State University (accessed Jan 10, 2020). http://www.mtsu.edu/first-amendment/article/1023/time-place-and-manner-restrictions

MIDDLE TENNESSEE STATE UNIVERSITY

2020 PARTNERS AND COLLABORATORS

The term **"partners"** refers to those key organizations or individuals who are working in concert with the Village of Pinehurst to achieve a common goal or to improve performance. Partners are typically formal arrangements for a specific aim or purpose such as to achieve a strategic objective or to deliver a specific product.

The term **"collaborators"** refers to those organizations or individuals who cooperate with the Village of Pinehurst to support a particular activity or event or who cooperate on an intermittent basis when short-term goals are aligned or are the same.

Partners:	**What We Partner On:**	**Council Liaison(s):**	**Two-Way Communication Methods*:**	**Frequency of Communication:**	**Frequency of Reporting Back to Council:**
NCDOT & **TARPO** *	Regional transportation planning and improvements	Hogeman & Drum	MCTC; Informal meetings	As needed	Post meetings via Council Report Item
MCTC	Regional transportation planning and improvements	Strickland			
Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen) *	Regional planning and cooperative services	Drum & Davis	Work Group meetings	Quarterly	
Given Memorial Library *	Public library services	N/A	Board meetings	Monthly	
Partners in Progress	Economic development services	Drum & Strickland	Board meetings	Monthly	
Collaborators:	**What We Collaborate On:**	**Council Liaison(s):**	**Two-Way Communication Methods*:**	**Frequency of Communication:**	**Frequency of Reporting Back to Council:**
Pinehurst Resort	Major golf events; Marketing and promotions	Strickland & Davis	Informal meetings	As needed	As needed
Moore County, NC *	Regional transportation planning; EMS services	Strickland & Davis	Informal meetings	As needed	As needed
Moore County Schools*	Temporary school site; P&R events/programs	Hogeman & Boesch	Informal meetings	As needed	As needed
Triangle J. COG	Inter-governmental issues and policies	Drum & Hogeman	Board meetings	Monthly	Post meetings via Council Report Item
Pinehurst Business Partners	Business in the Village	Boesch & Drum	Board meetings	Monthly	
Convention and Visitors Bureau	Welcome Center services; Marketing	Strickland & Boesch	Informal meetings	As needed	as needed
FirstHealth	P&R/ Health and Fitness	Strickland & Davis	Informal meetings	As needed	As needed
VOP Committees:	**What We Collaborate On:**	**Council Liaison(s):**	**Two-Way Communication Methods*:**	**Frequency of Communication:**	**Frequency of Reporting Back to Council:**
Bicycle and Pedestrian Advisory Committee	Village programs and services	Hogeman & Boesch	Regular meetings	Quarterly	As needed
Neighborhood Advisory Committee	Village programs and services	Mayor & All Councilmembers (Rotate Monthly)	Regular meetings	Monthly	As needed
Beautification Committee	Village programs and services	Boesch & Hogeman	Regular meetings	Monthly	As needed

** Denotes a **KEY** partner or collaborator*

** Communication mechanisms should be two-way and they might involve in person contact, e-mail, the internet, or telephone.*

Note: Moore County Transportation Committee Representative Requires a Resolution

Coates' Canons Blog: Temporary Signs in the Right-of-Way

By Adam Lovelady

Article: https://canons.sog.unc.edu/temporary-signs-in-the-right-of-way/

This entry was posted on October 16, 2018 and is filed under Administration & Enforcement, Campaign Signs, Constitutional & Statutory Limitations, Constitutional Issues, Elections, General Local Government (Miscellaneous), Land Use & Code Enforcement, Ordinances & Police Powers, Streets & Parking, Zoning

It's that time of year again. Leaves are falling and campaign signs are rising. Along with the signs come the questions about the laws and limits for regulating campaign signs. This can be a confusing topic because of the ruling from the U.S. Supreme Court in *Reed v. Town of Gilbert* and because of the overlapping authority between local governments and the North Carolina Department of Transportation (NCDOT).

Legal issues affecting the regulation of campaign signs include:

- Free speech protections limiting the regulation of sign content;
- Differences between regulations on private property and regulations on public property; and
- Differences between regulations on state maintained rights-of-way and municipally maintained rights-of-way.

This blog describes the basic aspects of these legal issues with a focus on regulations in the public right-of-way.

Free Speech Issues

The U.S. Supreme court has ruled that regulations of signs that are based on what the signs say (content-based regulations) are subject to strict scrutiny—a standard that requires compelling government justification and will likely be struck down. In contrast, content-neutral regulations of the time, place, and manner of speech are subject to intermediate scrutiny and are more likely to survive judicial review. Regulation of commercial speech also is subject to intermediate judicial scrutiny.

In *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), the U.S. Supreme Court made clear that categorizing noncommercial signs by the content of the message is content-based regulation subject to strict scrutiny. In that case the town's sign ordinance distinguished between campaign signs, ideological signs, and event-based signs, among other categories. Justice Thomas offered the following example: "If a sign informs its reader of the time and place a book club will discuss John Locke's Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government." *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2227 (2015). The Court found those categories to be unconstitutional content-based restrictions that could not survive strict scrutiny. I wrote more about the *Reed* decision here.

Following the *Reed* case, sign regulations need to treat noncommercial speech equally. So, if a sign regulation is going to permit temporary campaign signs, then it must equally permit temporary signs stating "Jesus Saves," "Anarchy Now," and "Save the Earth." Many local ordinances had (and still have) content-based distinctions that would not withstand constitutional challenge after *Reed*.

Content-neutral regulations that distinguish signs based on the characteristics of the sign generally survive judicial review under intermediate scrutiny. So, for example, reasonable regulations of the size or location of signs are generally acceptable. Distinctions among types of sign construction—monument signs, wall signs, temporary signs, and air-blown signs, for example—also are allowed generally. Such restrictions are based on the characteristics of the sign, not the content of the message. To be clear, these content-neutral regulations still must meet intermediate judicial scrutiny: The

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regulation must further a substantial governmental interest (such as public safety and community aesthetics), that governmental interest must be unrelated to limiting free expression, and the regulation must be no greater than necessary to support the governmental interest.

Even after *Reed*, commercial messages may still be distinguished from noncommercial messages. To be sure, that distinction formally is a content-based distinction, but courts applying the *Reed* decision have re-affirmed that regulations of commercial speech remain subject to intermediate scrutiny under the *Central Hudson* case (447 U.S. 557 (1980)). For application of *Central Hudson* after *Reed*, see for example *Lone Star Sec. & Video, Inc. v. City of Los Angeles,* 827 F.3d 1192 (9th Cir. 2016) and *Geft Outdoor LLC v. Consol. City of Indianapolis & Cty. of Marion, Indiana*, 187 F. Supp. 3d 1002 (S.D. Ind. 2016)(*appeal dismissed sub nom*). As such, a government might permit temporary noncommercial signs (campaign signs and others) but still restrict temporary commercial signs.

In addition to the differences between content-based, content-neutral, and commercial speech regulations, courts have held that regulations may differentiate between signs on private property and signs on public property. As Justice Thomas noted in his opinion for the Court in *Reed*, "on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner." *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2232(2015) (citing *Members of City Council of City of Los Angeles v. Taxpayers for Vincent,* 466 U.S. 789, 817(1984)). The discussion below first outlines considerations for temporary noncommercial signs on private property and then outlines additional considerations for temporary noncommercial signs on public rights-of-way.

Temporary Signs on Private Property

An ordinance or regulation may set reasonable content-neutral limits on noncommercial speech (including political signs) on private property. Such restrictions might include limits on the size, number, and location of temporary noncommercial signs.

Importantly, regulations of temporary noncommercial signs on private property must not be overly restrictive. The U.S. Supreme Court has noted the import of the residential signs because residential signs are inexpensive and convenient, they convey a message with a close connection to the speaker, and there are not adequate substitutes of expression if residents are completely prohibited from posting residential signs. In *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), the city ordinance prohibited homeowners from displaying signs on their property, with limited exceptions. A resident challenged the ordinance when she was prevented from posting a sign protesting the Gulf War. The Court struck down the city's ban of almost all residential signs, but allowed that the city can still address residential signs with reasonable regulations. Similarly in *Arlington County Republican Committee v. Arlington County*, 983 F.2d 587 (4th Cir. 1993), the Fourth Circuit Court of Appeals ruled that limiting property owners to only two campaign signs was overly restrictive.

Can a local government set a time limit on temporary noncommercial signs on private property? Durational limits that are not overly restrictive likely may be used, but local governments should be wary of the potential legal pitfalls. Even before *Reed* courts around the country struck down durational limits that were too short (routinely striking down sign codes that limited campaign signs to less than sixty days). This is a reminder that anytime the government is regulating noncommercial speech it must not be overly restrictive—especially as related to residential property and possible political speech.

The *Reed* decision did not directly address the question of durational limits for noncommercial signs, but did discuss it indirectly. Justice Thomas implies that a regulatory provision related to "whether and when an event is occurring" may be permissible if it permits "citizens to post signs on any topic whatsoever within a set period leading up to an election." 135 S. Ct. at 2231. Along that line of thinking, a local government could establish a set amount of time (for example, ninety days before an election until ten days after the election) and permit a greater amount of temporary noncommercial signage during that time period.

Note, though, that such preference for campaign season may lack the tailoring necessary to justify a sign regulation. If the additional signage is permitted during campaign season, then what is the justification to prohibit a resident from posting a temporary sign during the Easter season, or the summer solstice, or at the start of the school year? While prior caselaw and Justice Thomas' language in *Reed* indicates that time periods tied to campaign season may be permissible, there is

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some lack of clarity around this issue.

Temporary Signs in Public Rights-of-Way

As noted above, courts distinguish between regulations of signs on private property and regulations of signs on public property. This section explores statutory authority and Free Speech considerations for regulations of temporary signs in the public right-of-way in North Carolina.

Rules for NCDOT Rights-of-Way

The State of North Carolina has specific rules for signs in public rights-of-way controlled and maintained by the NC Department of Transportation. General Statute 136-32 outlines a general prohibition on posting signs on public highways and authorizes NCDOT to remove impermissible signs. The statute then sets forth the rules allowing for "political signs." Political signs are permitted in the NCDOT right-of-way during the time period from 30 days prior to the first date of "one-stop" early voting until the tenth day after the primary or election day. (Note that the regulation is for public rights-of-way, not private property, so the shorter time period is likely permissible.)

The statute gives specific parameters for placement of qualifying signs:

- No sign shall be permitted in the right-of-way of a fully controlled access highway.
- No sign shall be closer than three feet from the edge of the pavement of the road.
- No sign shall obscure motorist visibility at an intersection.
- No sign shall be higher than 42 inches above the edge of the pavement of the road.
- No sign shall be larger than 864 square inches.
- No sign shall obscure or replace another sign.

Notably, the individual placing the sign must obtain permission of the owner of the property fronting the right-of-way where the sign is erected, although there is no detail about the form or evidence of such permission.

NCDOT is authorized to remove noncompliant signs. It is a Class 3 misdemeanor for an unauthorized individual to steal, deface, vandalize, or unlawfully remove a political sign placed in compliance with the statute.

This NCDOT rule as written is subject to constitutional challenge under the *Reed* decision. The statute allows "political sign"—defined as "any sign that advocates for political action"—but not other noncommercial signs. This preferential treatment of one category of noncommercial speech is precisely the kind of content-based regulation that the Court struck down in *Reed*.

Local Rules for Municipal Rights-of-Way

Under General Statute 160A-296, North Carolina municipalities have broad authority over their public streets, including the power to regulate the use of the streets and the duty to keep the streets free from unnecessary obstructions. This authority includes the power to regulate signs in the right-of-way.

Moreover, the statute about NCDOT authority, 136-32(f), confirms that cities may use their police powers to adopt regulations of signs in the rights-of-way within their jurisdiction and maintained by the city.

A municipality may prohibit temporary signs in the municipal right-of-way, or permit them subject to certain even-handed, content-neutral restrictions. As with other restrictions, this may include limits on size, location, time-frame, and other content-neutral aspects. A municipality may permit noncommercial temporary signs in the right-of-way, but still restrict commercial temporary signs.

Rules for When There Is No Local Ordinance

If a municipality does not adopt an ordinance prohibiting or regulating the placement of signs in the right-of-way, then the NCDOT rules under G.S. 136-32 apply to municipal rights-of-way. That section does not specifically address enforcement,

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but presumably the municipality would handle enforcement.

There is a common question concerning municipal enforcement of the NCDOT rule: If the NCDOT rule runs afoul of the *Reed* decision, how should the municipality enforce the rule? Some take the stance that although the state law may be challenged as unconstitutional, it is the applicable rule until a court says otherwise or until the General Assembly chooses to amend the statute. That stance, though, leaves the municipality open to legal challenge—your town might be the one that winds up in court. Alternatively, a municipality could use its enforcement discretion and apply the NCDOT rule to noncommercial speech, not just political campaign signs. In practice, most of the temporary signs in the right-of-way during campaign season will be campaign signs. When enforcing the NCDOT rule, the zoning enforcement officer or city transportation staff could pick up any temporary commercial signs, but leave any temporary noncommercial signs such as signs with religious messages, non-campaign political messages, and other noncommercial messages.

Rules for State Roads in a Municipality

What about NCDOT roads within a municipality? G.S. 136-32(b) sets forth the provisions allowing placement of "political signs in the right-of-way of the State highway system." G.S. 136-32(f) makes clear that municipal rules, if adopted, apply to streets "located within the corporate limits of a municipality and maintained by the municipality." With that phrasing, it appears that NCDOT rules would apply to a state road in a municipality unless the municipality maintains the state road. That said, it may be possible for NCDOT to contract with a municipality to handle enforcement along NCDOT-maintained highways within the municipal boundary. G.S. 136-66.1 outlines the responsibilities for streets inside municipalities, including authority for a municipality to undertake certain maintenance and construction duties related to state roads within the municipality.

Summary

Regulation of campaign signs requires some attention to detail. Given the ruling of the U.S. Supreme Court in *Reed v. Town of Gilbert*, a government regulation must treat noncommercial speech equally. So, if a local or state government wants to permit campaign signs it must equally permit other noncommercial signs. Our courts have recognized the importance of residential signs, so officials must be careful not to over-regulate them. With regard to signs in the public rights-of-way in North Carolina, the applicable rules will depend upon the location of the road, the responsibility for maintaining the road, and whether the municipality has adopted local rules.

Links

- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_136/GS_136-32.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-296.pdf

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