Village Council
Agenda for Regular of November 18, 2025
Assembly Hall
395 Magnolia Road, Pinehurst, NC 28374
Pinehurst, North Carolina
4:30 PM

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Commendations
   A. Fire Department Staff Commendations
4. Reports
   A. Manager
   B. Council
5. Motion to Approve Consent Agenda

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

   A. Approval of Village Council Meeting Minutes

   1. October 30, 2025, Special Meeting Minutes

   End of Consent Agenda
6. Proclamation
   A. Small Business Saturday Proclamation for November 29, 2025
7. Resolution of Appreciation
   A. Consider Resolution 25-54 Honoring Mr. Paul Sale
8. Resolution
   A. Consider Resolution 25-38 Appointing Mr. Leslie (Les) Fleisher to the Planning & Zoning Board and Board of Adjustment
9. Public Comments
10. Public Hearing

A. Continuation of the Public Hearing for the New Pinehurst Development Ordinance from the October 30, 2025, Special Meeting

The purpose of this public hearing is to receive public comment on the new proposed Pinehurst Development Ordinance (PDO). The new PDO is a result of a goal in the 2019 Comprehensive Plan. The primary goals of the comprehensive update are to implement recommendations of the 2019 Comprehensive Plan, update development and design standards, remove inconsistencies, update standards to include legislative changes, and new graphics and illustrations. The new Pinehurst Development Ordinance will apply to all properties within the Village limits and extraterritorial jurisdiction (ETJ).

11. Ordinances

A. Consider Ordinance 25-18 Adopting the new Pinehurst Development Ordinance (PDO)

B. Consider Ordinance 25-17 Amending the Name of the "Zoning Board of Adjustment" to the "Board of Adjustment" in the Village of Pinehurst Municipal Code

12. Resolution

A. Consider Resolution 25-53 Authorizing the Sale of Certain Real Property at Public Auction (Torrey Pines & Longleaf NW)

13. Regular Business

A. Consider Bids for the Fiscal Year 2026 Resurfacing Project

B. FY 2026 Financial Dashboard as of and for the Quarter Ended September 30, 2025

C. FY 2026 Performance Dashboard as of and for the Quarter Ended September 30, 2025

14. Other Business

15. Motion to Adjourn

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.
Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative,Teamwork, and Improvement.

Fire Department Staff Commendations
ADDITIONAL AGENDA DETAILS:

FROM: J. Carlton Cole, Asst. Village Manager of Operations
CC: Village Council; Doug Willardson; Derrick Clouston
DATE OF MEMO: 10/08/2025

MEMO DETAILS

Over the past 12 months Pinehurst Fire Department was involved with three incidents that resulted in reviving patients through Cardio-Pulmonary Resuscitation (CPR). Our staff is being awarded the department's Certificate of Commendation and Life Saving Ribbon for their efforts.

Recognizing that cardiac arrests are one of the most trying, difficult, and exhausting calls faced by Firefighter/EMTs – it is the intent of our agency to recognize those employees involved. Following the standard established by the EMS System Medical Director, a CPR save stipulates that a cardiac arrest patient who has been revived with CPR must be released from the hospital, as verified by EMS through discharge records.

02/06/2025 Incident # 2025009700
Responders: Captain Ethan Owens
Firefighter Logan Felder
Firefighter Jared Osborne
Battalion Chief Adam Coles

03/06/2025 Incident # 2025017341
Responders: Lieutenant Brian Sneed
Firefighter Kael Freese

05/04/2025 Incident # 2025035384
Responders: Captain Josh Anliker
Firefighter Brett Chapman
Lieutenant Doug Cole
Battalion Chief Jennifer Black

ATTACHMENTS

1. Life Saving Commendation - Anliker 2025
2. Life Saving Commendation - Black 2025
3. Life Saving Commendation - Chapman 2025
4. Life Saving Commendation - Cole 2025
5. Life Saving Commendation - Coles 2025
6. Life Saving Commendation - Felder 2025
7. Life Saving Commendation - Freese 2025
8. Life Saving Commendation - Osborne 2025
9. Life Saving Commendation - Owens 2025
10. Life Saving Commendation - Sneed 2025

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Captain Josh Anliker

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

_____

Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Battalion Chief Jennifer Black

As Fire Chief, I do by these presents confer upon her the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Firefighter Brett Chapman

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Lieutenant Doug Cole

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Battalion Chief Adam Coles

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Firefighter Logan Felder

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Firefighter Kael Freese

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Firefighter Jared Osborne

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Captain Ethan Owens

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

PINEHURST FIRE DEPARTMENT

Instilling special confidence in the integrity, learning and zeal of

Lieutenant Brian Sneed

As Fire Chief, I do by these presents confer upon him the

LIFE SAVING COMMENDATION

On the 18th day of November, two thousand and twenty-five

In recognition of your exceptional performance and professionalism during the resuscitation of a pulseless victim. Your skill, composure, and commitment to excellence reflect great credit upon yourself and the Pinehurst Fire Department, resulting in the preservation of a human life.

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Derrick Clouston
Fire Chief

October 30, 2025, Special Meeting Minutes
ADDITIONAL AGENDA DETAILS:

FROM: Shannon Konstantinou, Village Clerk
CC: Village Council; Doug Willardson
DATE OF MEMO: 10/29/2025

MEMO DETAILS

ATTACHMENTS
1. 10.30.2025 DRAFT Special Meeting Minutes

Village Council
Minutes for the Special Meeting of October 30, 2025
Assembly Hall
395 Magnolia Road
Pinehurst, North Carolina
05:00 p.m.

The Village of Pinehurst Village Council held a Special Meeting at 05:00 p.m., Thursday, October 30, 2025, in the Assembly Hall of Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

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The following were in attendance in Assembly Hall:
Mr. Patrick Pizzella, Mayor
Dr. Jeff Morgan, Councilmember
Ms. Barb Ficklin, Councilmember
Mr. John Taylor, Mayor Pro Tem
Mr. Jack Farrell, Councilmember
Mr. Doug Willardson, Village Manager
Ms. Shannon Konstantinou, Village Clerk
Ms. JoEllen Richter, IT Technician

And approximately 25 members of the audience in attendance, in addition to 4 staff and 2 press.

1. **Call to Order.**
   Mayor Pizzella called the Village Council meeting to order at 05:00 p.m.

2. **Invocation and Pledge of Allegiance.**
   A. **Invocation by Mr. Hugh Tudor Foley, Retired Pastor**
   B. **Pledge of Allegiance by Village Council and Staff**

3. **Reports:**
   Village Manager
   - Mr. Doug Willardson reported on the November 14, 2025, "Stay Out of the Rough: Fraud Prevention Town Hall" to be hosted by the Pinehurst Police Department from 3 – 5 p.m. in Assembly Hall.

   Village Council
   - Mayor Pizzella reported on a recent tour of the SanStone Health and Rehabilitation facility construction site and on a recent Pinehurst Police Department Daily Report.

   - Councilmember Morgan reported on the October 22, 2025, Central Pines Regional Council Board of Delegates meeting; the November 14, 2025, "Stay Out of the Rough: Fraud Prevention Town Hall"; and the October 21, 2025, Ruth Pauley Lecture Series by Lt. Gen. John N.T. "Jack" Shanahan, USAF (Ret.), titled "Artificial Intelligence and National Security".

- Mayor Pro Tem Taylor reported on a recent tour of the SanStone Health and Rehabilitation facility construction site; the October 28, 2025, NCDOT Public Meeting on the Pinehurst Traffic Circle redesign noting the Public Comment period is open until November 12, 2025, (https://publicinput.com/pinehursttrafficcircle); and on Early Voting in Carthage through November 01, 2025.

- Councilmember Ficklin reported on the October 15, 2025, Moore 100 Members meeting; the October 18, 2025, Holly Arts Festival; the October 27, 2025, Pinehurst Business Partners meeting; and the Beautification Committee's annual wreath and bow inspection in preparation for the upcoming Downtown holiday decorating event.

- Councilmember Farrell reported on the October 20, 2025, Neighborhood Advisory Committee meeting; the November 15, 2025, Moore County Solid Waste 17th Annual Residential Household Hazardous Waste & Paper Shredding Event at Pinecrest High School; the November 08, 2025, annual Veterans Day Ceremony at the Moore County Veterans Memorial in Carthage; the October 27, 2025, Bicycle and Pedestrian Advisory Committee meeting; and the recently approved Moore County Land Use Plan noting useful data such as revenue generation and water / sewer maps being found in the Plan.

4. Motion to Approve Consent Agenda.

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

A. Approval of Village Council Meeting Minutes
- October 14, 2025, Regular Meeting Minutes
- October 14, 2025, Work Session Minutes

End of Consent Agenda.
Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Taylor, Council unanimously approved all items listed and considered routine on the Consent Agenda by a vote of 5-0.

5. Proclamation

A. Hospice Week Proclamation 2025
Mayor Pizzella recognized Ms. Tina Gibbs, FirstHealth Hospice and Palliative Care Director, and Ms. Maggie Bonecutter, FirstHealth Hospice and Palliative Care Liaison, who were in attendance and read aloud the Hospice Week Proclamation 2025 proclaiming November 09-15, 2025, as "Hospice Week" within the Village of Pinehurst.

M A Y O R A L P R O C L A M A T I O N
VILLAGE OF PINEHURST

WHEREAS, hospice provides high-quality, compassionate care for patients and families facing life-limiting illnesses, empowering them to live as fully as possible; and

WHEREAS, hospice focuses on comprehensive pain and symptom management, emotional and spiritual support, and caregiver training, attending to the physical, emotional, and spiritual needs of each patient and family; and

WHEREAS, hospice professionals—including physicians, nurses, nurse assistants, social workers, spiritual counselors, bereavement counselors, and volunteers—make the wishes of each patient a

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priority, treating every stage of human life with dignity and respect; and

WHEREAS, these services are provided in the comfort of a patient's home or care facility, allowing them to be surrounded by loved ones and maintain their independence; and

WHEREAS, hospice encourages advanced care planning and discussions about healthcare wishes; and

WHEREAS, recognizing hospice care helps raise community awareness of these services and where to find end-of-life support.

NOW THEREFORE, I, Patrick Pizzella, Mayor of the Village of Pinehurst, do hereby proclaim November 09 – 15, 2025, as "Hospice Week" in the Village of Pinehurst and encourage all citizens to learn more about hospice care.

6. Public Comments.

Mr. Bill Colmer, Pinehurst resident, invited everyone to the Sandhills Chapter of the Military Officers Association of America's Veterans' Day Service on November 11, 2025, at the Community Presbyterian Church located at 125 Everette Road, Pinehurst, NC beginning at 11 a.m.

Mr. Bruce Geddes and Mr. Jason Kaufman, Pinehurst ETJ residents, spoke in opposition to the proposed redesign of the Pinehurst Traffic Circle and provided a handout of an email sent to Council outlining their concerns.

7. Public Hearing.

A. Public Hearing for the New Pinehurst Development Ordinance

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Taylor, Council unanimously approved to recess the Special Meeting and enter into the Public Hearing by a vote of 5-0 at 05:25 p.m.

Mr. Alex Cameron, Planning & Inspections Director, and Ms. Cindy Szwarckop, Community Planning & Entitlement Consultant with Kimley-Horn, reviewed and discussed a Pinehurst Development Ordinance (PDO) Village Council PDF presentation highlighting PDO Update (Why Is the Update Needed? and Primary Goals), Schedule & Key Tasks, The Focus Group, Community Meeting, Summary of Changes, New Chapter Structure, Graphics, Neighborhood Meetings, Recent Revisions – Open Space, Recent Revisions – HCOD, Recent Revisions – Undisturbed Buffers, Planning & Zoning Board 10/2/25, and Next Steps.

Council provided positive feedback on the proposed PDO Update, thanked everyone involved for their hard work, and discussed certain language contained within the proposed PDO Update.

Mayor Pizzella opened the Public Hearing for comments from the audience.

Mr. Bill Colmer, Pinehurst resident and Planning & Zoning Board Member, spoke mostly in favor of the proposed PDO Update and asked Council to review the document to ensure it supports the ideals set out in the 2019 Comprehensive Plan.

Ms. Christine Daniel, Pinehurst resident, asked Council to consider flood mitigation measures as part of the planned Flood Damage Prevention Ordinance proposed for consideration and adoption concurrently with the proposed PDO Update and spoke mostly in favor of the proposed PDO Update.

Ms. Virginia Douglas, Pinehurst ETJ resident, asked for clarification on whether the proposed PDO Update was also applicable to properties within the Extra-Territorial Jurisdiction (ETJ) and whether a

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redline version of the proposed PDO Update is available.

Mr. Willardson stated the proposed PDO Update does apply to properties within the ETJ and a redline version is not available due to the current and proposed PDO documents being drastically different.

Council discussed how legislation at the State-level impacts the Village's ability to impose or change certain regulations set forth in the PDO.

Council deliberated whether to close the Public Hearing or leave the Public Hearing open and continue it to the next Village Council Regular Meeting.

Upon a motion by Councilmember Morgan, seconded by Councilmember Farrell, Council unanimously approved to continue the Public Hearing to the November 18, 2025, Council Regular Meeting to be held in Assembly Hall at 04:30 p.m. by a vote of 5-0 at 06:17 p.m.

Council noted minor adjustments to fencing and use of netting contained in the proposed PDO Update, which hope address concerns residents have expressed regarding deer damaging foliage on their properties, and an upcoming proposed change to the Pinehurst Municipal Code to amend the name of the "Zoning Board of Adjustment" to the "Board of Adjustment".

8. Resolutions.

A. Consider Resolution 25-47 Updating the Neighborhood Advisory Committee Policy

Mr. Willardson reviewed a memo outlining the reasons behind the updates to the Neighborhood Advisory Committee Policy.

Upon a motion by Councilmember Ficklin, seconded by Councilmember Morgan, Council unanimously approved Resolution 25-47 updating the Neighborhood Advisory Committee Policy by a vote of 5-0.

RESOLUTION #25-47:

A RESOLUTION UPDATING THE NEIGHBORHOOD ADVISORY COMMITTEE POLICY FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA.

WHEREAS, on April 11, 2023, the Village of Pinehurst Village Council adopted a Neighborhood Advisory Committee Policy; and

WHEREAS, the policy needs to be updated to reflect the newly adopted term limit as established in Resolution 25-46 Appointed Advisory Board Term Limits Policy; and

WHEREAS, the policy also needs to be updated to reflect changes in Village staff responsibilities in support of the Neighborhood Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a Regular Meeting assembled this 30th day of October 2025 that the Neighborhood Advisory Committee Policy is hereby updated with said policy attached hereto as Attachment A and made a part hereof, the same as if included verbatim.

THIS RESOLUTION passed and adopted this 30th day of October 2025.

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	VILLAGE OF PINEHURST **STANDARD PROCEDURE**

SUBJECT: Neighborhood Advisory Committee Policy	Effective Date: 04/2023
Department: Administration	Policy No.: 53
Prepared by: Administration	Revised: 10/2025
Approved by: Village Council	# of Pages: 4

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PURPOSE: The purpose of this policy is to: Define the purpose, membership, membership requirements, member expectations and Village support to members of the Neighborhood Advisory Committee.

POLICY: It is the policy of the Village of Pinehurst Council maintain a Neighborhood Advisory Committee (NAC) to foster and enhance effective two-way communications between Village Government and Village residents aimed at building and protecting quality of life for residents, businesses, and visitors.

COMMITTEE GOALS:

- Collaboratively build effective communications means between all committee members and the neighborhoods they represent.
- Use effective neighborhood communications means to distribute notes from presentations and discussions that take place at monthly NAC meetings.
- Use those effective neighborhood communications means to collect input and feedback from residents.
- Communicate and discuss trends and common themes related to resident perceptions that can help Village Government better achieve its quality of life mission.
- Comply with North Carolina public records and open meetings law requirements.

MEMBERSHIP: Membership of the NAC will be made up of one representative from each of the geographically defined neighborhoods included in the NAC Neighborhood Map (attached). Members must be permanent residents of the neighborhood they represent. Appointed members may identify an alternate member who can represent the neighborhood when the appointed member is not available. The NAC Neighborhood Map may be adjusted as needed by vote of the Village Council. Members will be individually appointed by the Village Council upon recommendation by a committee made up of the Village Manager and designated Village staff. The recommendation will give appropriate deference to candidates recommended by homeowners associations or other neighborhood organizing bodies. The degree of that deference will correspond to the degree to which said organizing body represents all residents within the Village's defined neighborhood.

RECRUITMENT: Designated Village staff will notify each NAC member when their term is nearing completion. If eligible for another term and the member desires to continue to serve, that member will normally be nominated to the Village Council for reappointment. When considering reappointment, the Village Council will consider the members contributed value the NAC process, attendance, and compliance with other expectations at a minimum. In cases where the incumbent member cannot serve an additional term or desires not to, designated Village staff will advertise the vacancy to solicit new volunteers. In cases where a member of the NAC does not desire to complete their term, designated Village staff will similarly advertise to solicit new volunteers.

NEW MEMBER ORIENTATION, TERMS, TERM LIMITS AND TERMINATIONS: Upon appointment, all new members will participate in a brief on-boarding process that is similar to onboarding requirements for other appointed volunteers board and committee members. Completion of on-boarding and signature of a volunteer agreement will be accomplished prior to participation on the NAC. Members will be appointed to three-year terms. Each member may be reappointed to a maximum of two consecutive terms, for a total of six years. Members having expired their limit of terms or otherwise having left the NAC must wait a minimum of one year until being reappointed to the NAC. Member terms will all expire after the June meeting of the calendar year the term is designated to end, regardless of what date said term began on.

ALTERNATE MEMBERS: Members may have an alternate neighborhood resident attend NAC meetings in their place a maximum of three times per calendar year. Alternate members will not be required to brief a neighborhood report at meetings they attend, but will take part in other discussions and take notes on presentations for the primary member.

PHASING IN OF MEMBERSHIP AND TERM LIMITS CONCURRENT TO ENACTMENT OF THIS POLICY: Prior to this policy implementation, no term limits existed. Numerous current members have already exceeded the six-year term limit or are nearing that point. Meanwhile, several new neighborhoods are recognized by the geographical neighborhood framework that this policy puts in place. Finally, four current NAC members share neighborhoods (two neighborhoods with two representatives each). Recognizing these facts, a phased approach to implementing term limits will be used. That phased approach will be in accordance with the attached exhibit. Unknown future membership changes caused by members not fulfilling their full term limits will alter the implementation of this plan in ways that cannot be projected, especially in the later years.

VILLAGE SUPPORT TO NAC MEMBERS: All NAC members will be given a neighborhood specific email account to be used for correspondence related to NAC duties. These neighborhood specific email accounts will be passed along to subsequent neighborhood NAC representatives. NAC members will also receive staff support in building and maintaining neighborhood distribution lists. Finally, Village staff will endeavor to provide any briefing product, policy document or other program descriptive document that can help NAC members communicate important information to residents within their neighborhoods.

PUBLIC RECORDS LAW REQUIREMENTS: NAC members are public officials. As such, all NAC member communications are subject to North Carolina public records law. Use of Village provided email for all NAC related business will make compliance with public records law relatively simple, and is highly recommended. Use of other communications means does not eliminate or modify requirements to comply with public records law. In accordance with state law, any documents or archived communications related to NAC business may not be deleted or thrown away until allowable under the North Carolina Records Retention Schedule. NAC members will comply with

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any request made by the Village Clerk or other requestors pursuant to ensuring Village compliance with public record laws as a condition of appointment.

NAC MEETING PROCEDURES:

- NAC meetings will generally be held monthly, in accordance with an adopted schedule that may be modified by the Mayor as needs arise.
- NAC meetings will be chaired by the Mayor, or the Mayor's designated other Council Member.
- Any Council Member may join any NAC meeting as a participating member.
- NAC meetings are meeting of a public body, and are subject to all North Carolina open meeting requirements.
- Each NAC meeting shall have an agenda, published by the designated staff member.
- Appointed NAC members should be prepared to make a report to the committee at each meeting. Member reports should summarize sentiments, issues, concerns and positive feedback that they are hearing from neighborhood residents. Summarized input is far more valuable than personal observations.
- Committee members must be courteous to other members of the Committee, elected officials and staff.
- Members are encouraged to participate in discussion, while trying to refrain from dominating the conversation.
- The Village Manager will ensure a staff member is present to take notes and prepare minutes.
- The Village Manager, in consultation with the Mayor is responsible for scheduling briefing by staff or other parties concerning topics that are important to residents as a whole, so that NAC members can communicate key points to members of their neighborhood.

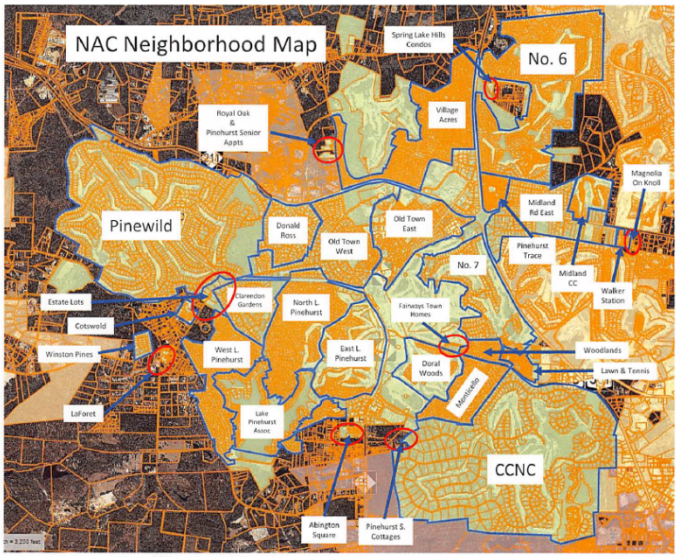
POLICY UPDATE

This policy shall be reviewed in accordance with the Village's overall policy update schedule and framework as determined by the Village Manager or directed by Village Council.

Exhibit 1. Neighborhood Advisory Committee Map of Neighborhoods
Exhibit 2. Neighborhood Advisory Committee Phased Term Limit

NAC Membership 'Neighborhoods' Map

1. Pinewild
2. No. 6 (+ Spring Lake Hills)
3. CCNC
4. No. 7
5. Village Acres (+ Royal Oak & Sen Appts)
6. Lake Pinehurst Association
7. Donald Ross
8. Pinehurst Trace
9. Doral Woods
10. Clarendon Gardens
11. Monticello
12. Old Town East
13. Old Town West
14. West Lake Pinehurst
15. North Lake Pinehurst
16. East Lake Pinehurst
17. Linden Rd West
    a. Cotswold
    b. Winston Pines
    c. Estate Lots
    d. LaForet
18. East Midland Rd
    a. Midland Rd East
    b. Walker Station
    c. Midland CC
    d. Magnolia on Knoll
19. North Morganton Rd
    a. Lawn & Tennis
    b. Woodlands
    c. Fairways Town Homes
20. Pinehurst South (Evolving)
    a. Abington Square
    b. Pinehurst S. Cottages
    c. Future Development in Pinehurst South



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Neighborhood Advisory Committee Phased Term Limit Recommendation

	2023 New Neighborhood Designation	Current Representative Residing In	Term Began	6 year exp of current member	Phased Term Limit Expiration Recommendation						
					2023	2024	2025	2026	2027	2028	2029
1	Pinewild	Larry Rotondo	2020	2026				X			
2	Pinehurst No.6/Spring Lake Hills	Kevin Fitzpatrick	2023	2029							X
3	CCNC	Barbara Reining	2022	2028						X	
4	Pinehurst No. 7				X						X
5	Village Acres/Royal Oak/Pinehurst Senior Appartments	Kevin McKinney	2023	2029							X
6	Donald Ross	Tony Elms	2016	2022		X					
7	Pinehurst Trace	Ed Balkovic	2018	2024			X				
8	Doral Woods	Bert Higgins	2016	2022		X					
9	Clarendon Gardens	Lee Thomas	2018	2024			X				
10	Monticello	Tom Campbell	2016	2022		X					
11	Old Town East				X						X
	Old Town West	Debbie Lalor	2016	2022	XX	X					
12		Charlie Collini	2018	2024			X				
	Lake Pinehurst Association	Jeff Heintz	2021	2027					X		
13	West Lake Pinehurst				X						X
14	North Lake Pinehurst				X						X
15	East Lake Pinehurst				X						X
16	Linden Rd West/Cotswold/Winston Pines/Linden Estate Lots/LaForet	Paul Spurgeon	2023	2029							X
17	East Midland Rd/Walker Station/Midland CC/Magnolia on Knoll	Beverly Braunschiedel	2015	2021		X					
	Norht Morganton Rd/Lawn & Tennis/Woodlands/Fairwa	Lee Smith	2019	2025	XX						
18	ys Town Homes	Greg Linville	2022	2028						X	
19	Pinehurst South/Abington Square/Pinehurst S. Cottages				X						X

No current member available, must immediately recruit
XX Current redundancy of members, recommended timing of redundancy elimination
X Recommended phased ending of term limits on current members
X New Recruit Effort

9. Regular Business.

A. Presentation of the FY 2025 Annual Comprehensive Financial Report and Audit Results

Ms. Dana Van Nostrand, Financial Services Director, and Mr. Chad Cook, CPA and Director with Forvis Mazars, reviewed and discussed the Results of the 2025 Financial Statement Audit Report highlighting Overview & Responsibilities, Other Information Accompanying the Audited Financial Statements, Qualitative Aspects of Significant Accounting Policies & Practices, Significant Accounting Policies & Alternative Treatments – Details, Adjustments Identified by Audit, and Other Required Communications.

Council, Ms. Van Nostrand, and Mr. Cook discussed how changes in regulations impacted completing this year's audit report as compared to previous years.

Council thanked Ms. Van Nostrand and the Finance Department for continuing to uphold an excellent financial standard for the Village.

Mayor Pizzella recessed the Special Meeting for a five-minute break at 06:34 p.m.

Mayor Pizzella reconvened the Special Meeting at 06:41 p.m.

B. Discussion Regarding the Traffic Circle Following NCDOT Public Meeting

Council provided feedback on the October 28, 2025, NCDOT Pinehurst Traffic Circle Public Meeting at the Fair Barn from 3-7 p.m., discussed the evolution of the proposed redesign of the Pinehurst Traffic Circle, and shared some lingering concerns with the most recent version of the redesign.

Mayor Pizzella proposed Council consider designating Mayor Pro Tem Taylor and an additional Councilmember at the December 2025 Regular Meeting to review the public comments on the proposed redesign of the Pinehurst Traffic Circle and begin meeting with representatives from NCDOT to settle on a practical solution for the redesign.

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Councilmember Farrell also noted NCDOT will be holding a Public Meeting on the improvements to be made at the intersection of Morganton Rd. and NC-5 within the next couple of weeks.

C. Discussion on Ideas to Proactively Address Visitor Behaviors at Short-Term Rentals in Pinehurst

Mr. Willardson reviewed and discussed a memo on three potential approaches to proactively manage and influence visitor behavior while staying at an STR, including Owner Communication, Neighborhood Signage, and Voluntary "Gold Standard" Program.

Council agreed to pursuing implementation of Owner Communication and Neighborhood Signage and gathering further feedback / information on a Voluntary "Gold Standard" Program.

10. Other Business.

Mr. Willardson verified the NCDOT Public Meeting on the improvements to be made at the intersection of Morganton Rd. and NC-5 will be held on Thursday, November 13, 2025, at the Pinehurst Elementary School from 5 – 7 p.m.

11. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Taylor, seconded by Councilmember Ficklin, Council unanimously approved to adjourn the Regular Meeting by a vote of 5-0 at 07:28 p.m.

Respectfully Submitted,

Shannon Konstantinou
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org
Vision: The Village of Pinehurst is a charming, vibrant community, which reflects our rich history and traditions.
Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative, Teamwork, and Improvement

DRAFT

Small Business Saturday Proclamation for November 29, 2025
ADDITIONAL AGENDA DETAILS:

FROM: Shannon Konstantinou, Village Clerk
CC: Village Council; Doug Willardson
DATE OF MEMO: 10/29/2025

MEMO DETAILS

Staff requests Council approval of a *Mayoral Proclamation* recognizing November 29, 2025, as *Small Business Saturday* in the Village of Pinehurst. The proclamation highlights the vital role small businesses play in supporting local jobs, strengthening the community, and driving economic growth. Encouraging residents and visitors to shop locally aligns with the Village's ongoing efforts to promote a thriving and resilient local economy.

Recommendation: Approve the *Mayoral Proclamation* declaring November 29, 2025, as *Small Business Saturday* in Pinehurst.

ATTACHMENTS

1. Small Business Saturday Proclamation 2025_DRAFT

M A Y O R A L P R O C L A M A T I O N
VILLAGE OF PINEHURST

WHEREAS, the Village of Pinehurst, North Carolina, celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, there are over 36 million small businesses in the United States, accounting for 99.9% of all U.S. businesses: and

WHEREAS, small businesses employ 62.3 million people, accounting for 45.9% of all private-sector employees; and

WHEREAS, 68 cents of every dollar spent at a small business in the United States stays in the local community and every dollar spent at small businesses creates an additional 50 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

WHEREAS, the Village of Pinehurst supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in Regular Meeting assembled this 18th day of November 2025, as follows:

We, the Village Council, do hereby proclaim Saturday, November 29th, 2025, as Small Business Saturday and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the Village of Pinehurst, this the 18th day of November 2025.

_____

Patrick Pizzella, Mayor

Consider Resolution 25-54 Honoring Mr. Paul Sale
ADDITIONAL AGENDA DETAILS:

FROM: Shannon Konstantinou, Village Clerk
CC: Village Council; Doug Willardson
DATE OF MEMO: 10/27/2025

MEMO DETAILS

Staff requests Council consideration of a *Resolution Honoring the Service of Mr. Paul Sale* for his contributions to the Village of Pinehurst as a member of the Bicycle and Pedestrian Advisory Committee (BPAC).

Mr. Sale served on BPAC from October 24, 2017, through August 31, 2025, offering consistent dedication, expertise, and a passion for improving pedestrian and bicycle safety and connectivity throughout the Village. His leadership and guidance helped shape the implementation of the 2015 Comprehensive Bicycle and Pedestrian Plans and the development of the 2025 Multi-Modal Plan.

Recommendation: Adopt the *Resolution Honoring the Service of Mr. Paul Sale* to recognize and thank him for his years of committed volunteer service to the Pinehurst community.

ATTACHMENTS

1. DRAFT Resolution 25-54 Honoring Mr. Paul Sale

A Resolution Honoring the Service of
Mr. Paul Sale

WHEREAS, Mr. Paul Sale has been a dedicated and invaluable member of the Village of Pinehurst community; and

WHEREAS, Mr. Sale has generously volunteered his time and expertise to serve on the Bicycle and Pedestrian Advisory Committee (BPAC); and

WHEREAS, Mr. Sale served with distinction on the Bicycle and Pedestrian Advisory Committee from October 24, 2017, to August 31, 2025; and

WHEREAS, Mr. Sale's dedication to enhancing the quality of life for residents in the Village of Pinehurst community is demonstrated by his service on the Bicycle and Pedestrian Advisory Committee; and

WHEREAS, Mr. Sale provided essential advice and feedback to Village leadership as the 2015 Comprehensive Bicycle Plan and Comprehensive Pedestrian Plans were implemented.

Now, Therefore, Be It Resolved by the Village Council of the Village of Pinehurst, North Carolina, in a Regular Meeting assembled this 18th day of November 2025 as follows:

Section 1. That the Village Council hereby expresses, on behalf of the citizens of the Village of Pinehurst, its sincere gratitude and appreciation to Mr. Paul Sale for his exemplary service and dedication to the community.

Section 2. That a copy of this resolution be spread upon the permanent minutes of the Village of Pinehurst and a copy thereof, duly executed by the Mayor, be presented to Mr. Sale as a token of our esteem.

This Resolution passed and adopted this 18th day of November 2025.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Patrick Pizzella, Mayor

Resolution 25-54

Consider Resolution 25-38 Appointing Mr. Leslie (Les) Fleisher to the Planning & Zoning Board and Board of Adjustment

ADDITIONAL AGENDA DETAILS:

FROM: Shannon Konstantinou, Village Clerk
CC: Village Council; Doug Willardson
DATE OF MEMO: 07/30/2025

MEMO DETAILS

Staff requests Council approval of a *Resolution Regarding an Appointment to the Pinehurst Planning & Zoning Board and Board of Adjustment* to fill a current vacancy on the Boards.

Mr. Leslie “Les” Fleisher has been recommended for appointment based on his extensive professional background and relevant expertise. He has worked as an attorney and has significant experience collaborating with developers, giving him a strong understanding of land use law, zoning principles, and the development review process. His knowledge and perspective will serve the Village well as the Boards evaluate planning, zoning, and quasi-judicial matters.

Recommendation: Adopt the *Resolution* appointing Mr. Leslie (Les) Fleisher to the Planning & Zoning Board and Board of Adjustment effective January 1, 2026, for a term ending December 31, 2029.

ATTACHMENTS

1. DRAFT Resolution 25-38 Appoint P&Z-BOA (Fleisher)

RESOLUTION #25-38:

A RESOLUTION REGARDING AN APPOINTMENT TO THE PINEHURST PLANNING & ZONING BOARD AND BOARD OF ADJUSTMENT.

THAT WHEREAS, the Village of Pinehurst has established a Planning & Zoning Board and a Board of Adjustment as required by its Development Ordinance and authorized by North Carolina General Statutes 160D-301 and 160D-302; and

WHEREAS, on the 13th day of March 2012, the Village Council of the Village of Pinehurst adopted Ordinance #12-10 to amend Chapter 31 of the Pinehurst Municipal Code to combine the Planning & Zoning Board and the Board of Adjustment; and

WHEREAS, there is a need to fill a vacancy on the Boards.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in the Regular Meeting assembled this 18th day of November 2025 that the following appointment is hereby made to the Planning & Zoning Board and the Board of Adjustment for the term indicated:

Mr. Leslie (Les) Fleisher is appointed as a member of the Planning & Zoning Board and the Board of Adjustment effective January 1, 2026, to serve at the pleasure of the Council until the end of his term on December 31, 2028.

THIS RESOLUTION passed and adopted this 18th day of November 2025.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Patrick Pizzella, Mayor

Attest:

_____
Shannon Konstantinou, Village Clerk

DRAFT

Continuation of the Public Hearing for the New Pinehurst Development Ordinance from the October 30, 2025, Special Meeting

ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to receive public comment on the new proposed Pinehurst Development Ordinance (PDO). The new PDO is a result of a goal in the 2019 Comprehensive Plan. The primary goals of the comprehensive update are to implement recommendations of the 2019 Comprehensive Plan, update development and design standards, remove inconsistencies, update standards to include legislative changes, and new graphics and illustrations. The new Pinehurst Development Ordinance will apply to all properties within the Village limits and extraterritorial jurisdiction (ETJ).

FROM: Shannon Konstantinou, Village Clerk
CC: Village Council; Doug Willardson; Alex Cameron
DATE OF MEMO: 11/07/2025

MEMO DETAILS

This item is a continuation of the public hearing from the October 30, 2025, Special Meeting to receive additional public comment on the proposed *Pinehurst Development Ordinance (PDO)*.

Based on comments received on the previous draft, a few minor revisions have been made. An updated revised version of the ordinance, presented in underline/strike through format, as well as a clean copy dated November 13, 2025, is attached for review.

ATTACHMENTS

1. 20251113_Combined PDO_DRAFT_StrikethroughUnderline_V3
2. 20251113_Combined PDO_DRAFT_V3



PINEHURST DEVELOPMENT ORDINANCE

Draft #1 – September 23, 2025

Draft #2 – October 20, 2025

Draft #3 – November 13, 2025

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CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 TITLES AND EFFECTIVE DATE

This ordinance, effective as of xx/xx/xxxx, shall be known and may be cited as the Development Ordinance of the Village of Pinehurst, North Carolina. This Ordinance may also be known and referred to as the Pinehurst Development Ordinance (PDO).

SECTION 1.2 STATEMENT OF INTENT OF THIS ORDINANCE

A. The following Statement of Intent shall apply to and guide the implementation and enforcement of the entire Ordinance.

1. The Village of Pinehurst (Village) is a residential and resort community, the major industries of which are recreation, tourism, and a regional medical center along with the land uses that provide the goods and services needed for the convenience of the community. For the purpose of this Ordinance, Village and Pinehurst may be used interchangeably.

2. It shall be the primary goal of this Ordinance to preserve the Village's unique visual content.

3. In all decisions affecting land use, it shall be Village policy to encourage adherence to this goal by protecting its Village Center with its shops and homes and by encouraging any further development of the Village of Pinehurst as a residential, and resort community.

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4. Activities and land use not compatible with a residential and resort area, such as intense industrial uses, extensive commercial districts, structures and signs that are not in context with the Village, shall be prohibited.

5. Managed growth is desirable but protection of the desirable qualities of the Village is paramount to continue meeting the primary goals as defined in this Section.

6. The Village will manage its growth and development by creating land use regulations that consider the area's character, enhance property values, and promote appropriate land use.

B. The regulations contained in this Ordinance have been adopted in accordance with the Village of Pinehurst, North Carolina Comprehensive Plan, and all other adopted ~~v~~Village plans and policies, to accomplish the following goals:

1. Preserve and enhance the unique historic character and ambience of the community, especially the historic Village Center.

2. Guide development in an appropriate and sustainable way that will protect natural resources, reduce waste and climate impacts, and promote overall environmental health.

3. Support fiscally sustainable development patterns that generate new jobs and tax revenues with lower economic and social costs.

4. Provide adequate provision of transportation, water, sewage, schools, parks and other public infrastructure.

5. Ensure that the transportation system supports community structure, enhances community character and operates effectively.

6. Preserve and enhance Pinehurst's residential neighborhoods while addressing the housing needs of current and future residents.

7. Establish meaningful open space and trails system that supports pedestrian and bicycle connectivity throughout the community and allows residents to become active participants in the public realm.

8. Promote the health, wellness, and safety of Pinehurst's residents.

SECTION 1.3 GENERAL PURPOSES AND AUTHORITY

This PDO is adopted pursuant to the authority granted by the North Carolina General Statutes (NCGS), including primarily NCGS 160A and 160D and other provisions in NCGS, the Village Charter, and local legislation that grant specific authority to the Village to regulate land use and development.

SECTION 1.4 OFFICIAL MAP OF ZONING DISTRICTS AND EXTRATERRITORIAL JURISDICTION LINE

The Official Zoning Map and ETJ (extraterritorial jurisdiction) boundary, including all details, is part of this Ordinance. Any changes to the Official Zoning Map must follow the procedures set forth in *Chapter 3. Decision Making Bodies* of this Ordinance.

SECTION 1.5 JURISDICTION AND APPLICABILITY

A. **Jurisdiction.** All lands within the corporate limits of the Village and the Village's ETJ as identified on the Zoning Map are subject to this PDO.

B. **No Land Developed or Subdivided.** Unless exempted, no land shall be developed or subdivided without compliance with this Ordinance and all other applicable Village, State, and federal regulations.

C. **Lots of Record.** No lot of record which did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, which does not conform to the applicable requirements of this Ordinance.

D. **Land Use.** No use which did not exist on the effective date of this Ordinance shall be established which does not conform to the applicable requirements of this Ordinance.

E. **No Removal of Trees.** Unless exempted, no existing trees shall be removed without compliance with this Ordinance~~-~~, where applicable~~and all other Village, State, and federal regulations~~.

F. **No Grading or Excavation.** Unless exempted, no land shall be cleared, graded, filled, or excavated without compliance with this Ordinance and all other Village, State, and federal regulations.

G. **Terms, Conditions, Provisions and Prohibitions.** The terms, conditions, provisions, and prohibitions of this Ordinance shall be held to be the minimum requirements for the promotion of public safety, health, convenience, prosperity, and general welfare of the Village of Pinehurst, North Carolina.

SECTION 1.6 CONFLICTING PROVISIONS

A. This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance, or regulation, the provisions which are more restrictive, or which impose higher standards or requirements shall govern.

   1. For example, wherever the provisions of this Ordinance require greater width or size of setbacks or buffers, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied or impose other standards which are higher than those set forth in another statute, ordinance, or regulation, then the provisions of this Ordinance shall govern.

   2. By further example, wherever the provisions of any other statute, ordinance, or regulation require a greater width or size of setbacks or buffers, a lower height of building, a lesser number of stories, or a greater percentage of the lot to be left unoccupied or impose other standards which are higher than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation shall govern.

B. This Ordinance does not override any easement, covenant, or private agreement. However, if the Ordinance's regulations are stricter or have higher standards than those agreements, the Ordinance's requirements will apply. The Ordinance does not change or cancel any private covenant or deed restriction, but those agreements do not exempt anyone from this Ordinance.

C. Unless deed restrictions, covenants, or other contracts directly involve the Village as a party in interest, the Village shall have no administrative responsibility for enforcing deed restrictions or covenants.

SECTION 1.7 THE COMPREHENSIVE LONG-RANGE PLAN

SECTION 1.7.1 IMPLEMENTATION OF THE COMPREHENSIVE PLAN

This PDO is intended to implement the Comprehensive Long-Range Plan. Amendments to this PDO should be consistent with the Comprehensive Long-Range Plan. If the Comprehensive Plan is amended, this PDO should be amended as necessary to ensure consistency with the amended Comprehensive Plan.

SECTION 1.7.2 AMENDMENTS TO COMPREHENSIVE LONG-RANGE PLAN

The Comprehensive Plan shall be amended when a rezoning is approved that is inconsistent with the Comprehensive Plan in accordance with NCGS § 160D-605.

SECTION 1.7.3 LEGAL EFFECT OF THE COMPREHENSIVE LONG-RANGE PLAN

Except as provided in *Section 1.10. Transitional Rules* all development within the Village and its ETJ shall be in accordance with the applicable provisions of the Comprehensive Long Range Plan, as adopted or amended by the Village Council.

SECTION 1.8 ENGINEERING STANDARDS AND SPECIFICATIONS MANUAL

The Village of Pinehurst Engineering Standards and Specifications Manual, along with all notations, references, and other information contained therein, shall be the basis of establishing minimum design standards for site and development infrastructure not otherwise contained in this Ordinance.

SECTION 1.9 SEVERABILITY

SECTION 1.9.1 SEVERABILITY

If a court of competent jurisdiction holds any section, subsection, sentence, clause, or phrase of this PDO to be invalid for any reason, such judgement shall not affect the validity of the remaining portions of the PDO.

SECTION 1.9.2 DEVELOPMENT PERMIT CONDITIONS SEVERABILITY

If a court of competent jurisdiction holds any condition attached to a development permit or approval granted in accordance with this PDO to be invalid for any reason, such judgement shall not affect the validity of any other conditions of the permit or approval not specifically included in the judgement.

SECTION 1.9.3 INTERPRETATION SEVERABILITY

If a court of competent jurisdiction invalidates the application of any provision of this PDO to a development, such judgement shall not affect the application of that provision to any other development not specifically included in the judgement.

SECTION 1.10 TRANSITIONAL RULES

The standards in this section address existing violations, nonconformities, and applications in process at the time this Ordinance is made effective.

A. **Prior Approval.**

1. Any development approvals granted before xx/xx/xxxx, shall remain valid until their expiration date.
2. Developments with valid approvals or permits can proceed according to the terms of their approval and the standards in place at the time of approval, if the permit is still valid and has not expired.
3. If an approval expires or is revoked, any new development on the site must follow the current procedures and standards of this Ordinance.
4. An applicant is considered to have started an approved development when they apply for and actively pursue other necessary permits or approvals from the Village, State, or federal agencies.
5. If there is a legal challenge, the timelines for starting or ending development based on an approved application are paused.
6. If a previously approved application proposes development that doesn't comply with this Ordinance, the subsequent development, while permitted, will be considered nonconforming and must follow the rules in *Chapter 2. Nonconformities*.

B. **Existing Unlawful Uses and Structures.** If a structure or use meets the requirements of this Ordinance, any previous noncompliance or violations of the preceding ordinance is no longer relevant.

C. **Uses Rendered Non-Conforming.** If a lot was used for a lawful use before the effective date of this Ordinance, and the Ordinance or any amendment no longer allows that use, it is now considered a nonconforming use and must follow the rules in *Chapter 2. Nonconformities*.

D. **Buildings, Structures and Lots Rendered Non-Conforming.** If any building, structure, or lot existed before the effective date of this Ordinance or any amendment took effect and doesn't meet the new standards, it is now considered nonconforming and must follow the rules in *Chapter 2. Nonconformities*.

E. **Non-Conforming Uses Generally.** To be considered a nonconforming use, both the way the use was conducted, and its purpose must have been lawful and must follow the rules in *Chapter 2. Nonconformities*.

SECTION 1.11 GENERAL RULES FOR INTERPRETATION

The following rules apply for interpreting the terms and provisions of this Ordinance:

A. The provisions of this Ordinance are the minimum requirements to promote and protect public health, safety, and general welfare, and should be interpreted to achieve the purposes of this Ordinance.

B. If different parts of this Ordinance have conflicting requirements for a use or structure, the stricter rules apply. However, if there is a conflict between Overlay Zoning District rules and general Zoning District rules in *Chapter 6. Zoning Districts and Dimensional Standards,* the overlay zoning district rules apply, regardless of whether they are stricter or less strict.

C. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, table, image or map contained herein, the text shall take precedence.

D. Any action that this Ordinance allows a specific Village official to perform can also be performed by a designee of that official.

E. Notwithstanding Subsection D, elected and appointed officials are considered agents of the Village within the scope defined in *Chapter 3. Decision Making Bodies* of this Ordinance and the Code of the Village of Pinehurst. These officials include but are not limited to the Village Council, the Planning and Zoning Board, the ~~Zoning Board of Adjustment~~Board of Adjustment, and the Historic Preservation Commission.

CHAPTER 2 NONCONFORMITIES

SECTION 2.1 PURPOSE AND SCOPE

The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, and lots that were established prior to the effective date of this Ordinance that do not conform to its requirements. Such uses of land, vacant lots, structures, and improvements are collectively referred to as “nonconformities”. While many nonconformities may continue, the intent of this Section is to recognize the interests of property owners in continuing to use the land, and to preclude the expansion of a nonconformity or the reconstruction or re-establishment of a substantially destroyed or discontinued nonconformity.

A. **Determination of a Nonconformity.** The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns the property upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations.

B. **Ownership Changes.** No change of title or possession of property shall be construed to prevent the continuance of the nonconformity.

C. **Increases in Nonconformity.** A nonconformity shall not be expanded, intensified, or enlarged except as provided in this Section.

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SECTION 2.2 NONCONFORMING USES

A. Within the Village, some uses may be nonconforming. These uses were allowed when they were first constructed and used but do not meet current zoning regulations. These nonconforming uses may continue as they were originally constructed and/or used, provided the original use has not been discontinued for longer than the periods specified in subsection (F) for types of nonconforming uses.

B. **Extension of Use.** A nonconforming use of land shall not be enlarged, extended, or intensified in any way except as provided below.

C. **Continuation, Maintenance and Minor Repair.** The continuation of a nonconforming use of land and the maintenance or minor repair of a structure with a nonconforming use are permitted, provided that these actions do not extend, expand, or increase the intensity of the nonconforming use. For the purposes of this Section, maintenance or minor repair is defined as:

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

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

3. The addition of landscaping that increases the visual attractiveness of the property.

4. Repairs required to remedy unsafe conditions which cause a threat to public safety.

D. **Damage or Destruction.** If a nonconforming use of land containing a nonconforming use is destroyed by any means other than Acts of God, to an extent greater than fifty percent (50%) of its replacement cost at the time of destruction, the use shall not be reestablished in any way that does not conform to the requirements of this Ordinance including off-street parking, landscaping, and signage. However, if the destruction is a result of Acts of God the use and or structure can be reestablished to the previous extent.

E. **Change of Use.** Any nonconforming use of land may be changed to a conforming use by obtaining all necessary approvals and permits required by this Ordinance for the intended or resulting use, building, structure, or lot.

F. **Cessation of Use.**

1. If a nonconforming use is discontinued for 120 consecutive days or more, the property shall thereafter be occupied and used only for a conforming use. If a nonconforming use of property is discontinued but reestablished within 120 days, then the nonconforming use may continue as long as the nonconformity does not change or increase.

2. Nonconforming Banks, Credit Unions, Financial Services and Professional Services located within the VC (Village Commercial) Zoning District have a 30 day limit for discontinuation of that use and the space may only be re-occupied by a conforming use.

3. If a nonconforming short term rental dwelling unit is not used for 365 days or more, the use shall be deemed to have been discontinued and shall thereafter be used only for a conforming use.

G. **Signs for Nonconforming Uses.** Wall signs shall not be erected on any nonconforming use in any residential district. Nonconforming uses may repair and maintain their existing signage in accordance with *Section 2.4. Nonconforming Signs* and construct new signage in accordance with *Chapter 13. Sign Standards.*

SECTION 2.3 NONCONFORMING STRUCTURES

A. **Expansion or Enlargement.** A nonconforming structure shall not be enlarged, extended or intensified in any way that increases the existing nonconformity or nonconformities, except as provided below.

B. **Maintenance or Minor Repair.** The maintenance or minor repair of a nonconforming structure is permitted, if it does not extend, expand, or increase the size or intensity of the nonconforming structure. For the purposes of this Section, maintenance or minor repair shall mean:

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

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

3. The addition of landscaping that increases the visual attractiveness of the property.

4. Repairs required to remedy unsafe conditions which cause a threat to public safety.

C. **Damage or Destruction.** If a nonconforming structure, with the exception of a single-family home, is destroyed or damaged by any means other than Acts of God by more than fifty percent (50%) of its replacement cost at the time of destruction, then such structure shall not be restored, nor any use of the structure be reestablished in any way which does not conform to the requirements of this Ordinance including off-street parking, landscaping, and signage. However, if the destruction is a result of Acts of God the use and or structure can be re-established to the previous extent.

1. **Structures within a Multi-Family Development.** For structures located within a multi-family development, the fifty percent (50%) shall be measured with reference to the total number of units.

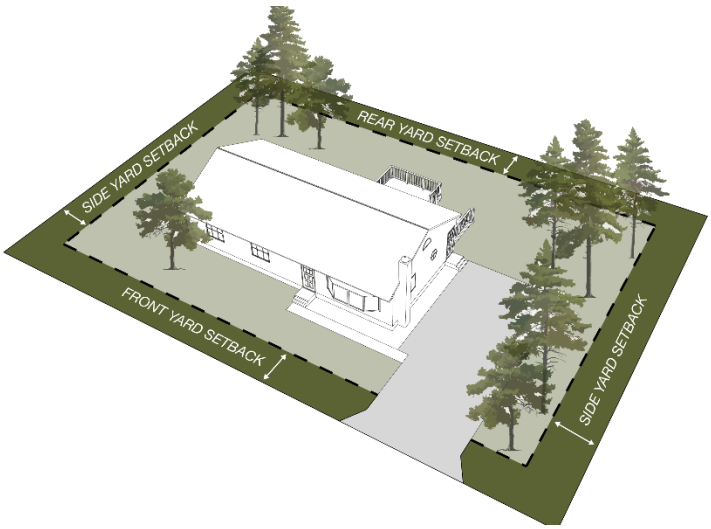
2. **Single-Family Dwellings.** A nonconforming single-family dwelling which is damaged or destroyed to an extent of fifty percent (50%) of assessed value or more may be rebuilt to its previously permitted form.

3. **Historic District Dwellings.** Notwithstanding the aforesaid, existing legally constructed nonconforming single family and duplex dwellings located within the Historic Preservation Overlay District may be rebuilt if they are destroyed by any means as long as the heated and unheated enclosed square footage of the structure is not increased. If the existing structure is also nonconforming in regard to setbacks it shall comply with the setback regulations at the time it is reconstructed. These dwellings shall also be allowed to construct additional outdoor living spaces, porches and decks so as to be afforded the same opportunity to improve the livability and appearance as conforming single-family homes in the Historic Preservation Overlay District.

D. **Section Not Applicable to Nonconforming Signs.** This Section shall not apply to nonconforming signs, the continuation, replacement, removal, expansion, maintenance, and repair of which are governed by *Section 2.4. Nonconforming Signs.*

E. **Existing Single-Family Dwellings.** Single-family dwellings and their accessory structures with setbacks made legal nonconformities by the adoption of this Ordinance are exempt from the requirements of this Section if the proposed addition or alteration will either meet the current setback requirements or will not further encroach into any required setback than the existing structure. This shall not apply to enclosing existing nonconforming decks and patios not under roof if the deck or

patio is the furthest projection into the setback. All other requirements including impervious surface shall be met.



SECTION 2.4 NONCONFORMING SIGNS

A. **Continuation.** Except as set forth in *Chapter 13. Sign Standards* of this Ordinance, requiring removal of a sign when the establishment it serves is discontinued, nonconforming signs may be continued subject to the limitations set forth in this Section.

B. **Enlargement or Alteration.** A nonconforming sign, including its permanent message or its structure, shall not be extended, enlarged, moved, or otherwise altered unless the sign is made to conform to the applicable requirements of this Ordinance, except as outlined in (E) and (F) below.

C. **Damage or Destruction.** When a nonconforming sign is demolished or damaged to the extent that more than fifty percent (50%) of its surface area requires replacement, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

D. **Repair or Maintenance.** When the repair or maintenance of a nonconforming sign exceeds fifty percent (50%) of the sign area, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

E. **Legal Nonconforming Residential Neighborhood Development.** Signs located at the entrance to the development made nonconforming by their placement within Village of Pinehurst Public Rights of Way may be replaced. These replacement signs shall conform to all other regulations including size and height and shall be

constructed to meet NCDOT and Village of Pinehurst requirements for vehicular safety. No sign shall be replaced under this provision without the approval of the Village Manager or designee. The Village Manager may dictate a location that deviates from the original location if in their opinion this would be in the best interest of the public. An individual or entity desiring to construct the new signage shall also be required to obtain a Right-of-Way Encroachment Permit.

F. Non-Conforming signs serving multi-tenant developments may change out tenant names if no more than one-half (50 percent) of the message is changing.

SECTION 2.5 NONCONFORMING LOTS OF RECORD

A. **Development Prohibited.** No use or structure shall be established on a lot of record which does not conform to the lot area and lot width requirements established in this Ordinance for the zoning district in which it is located, except as otherwise set forth in (B) and (C) below.

B. **Residential Use.** Notwithstanding the limitation in Subsection (A) above, a nonconforming lot may be used provided that:

1. The lot is in a district for which the use is permitted.

2. Development of the lot will follow dimensional requirements of the applicable zoning districts with the exception of minimum lot size and minimum lot width. All other dimensional criteria must be met.

C. **Non-Residential Uses.** Notwithstanding the limitation in Subsection (A) above, a nonconforming lot may be used for non-residential purposes, provided that:

1. The lot is in a district in which the use is permitted.

2. Development of the lot will follow dimensional requirements of the applicable zoning districts except for minimum lot size and minimum lot width. All other dimensional criteria must be met.

CHAPTER 3 DECISION MAKING BODIES

SECTION 3.1 PURPOSE

A. **Purpose.** This Chapter defines the development review and decision-making entities of the Village of Pinehurst as well as the approval process for all development applications, and is comprised of the following components:

1. **Summary Development Process Table.** The summary table describes all development application review processes in this Ordinance and the review and decision-making bodies which decide them.

2. **Review and Decision-Making Bodies.**

   (1) **Village Council.**

   (2) **Planning and Zoning Board.**

   (3) ~~**Zoning Board of Adjustment**~~**Board of Adjustment.**

   (4) **Historic Preservation Commission.**

   (5) **Village Staff.**

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SECTION 3.2 SUMMARY DEVELOPMENT PROCESS TABLE

The Summary Development Process table lists each development review process under this Ordinance and the review and decision-making bodies involved in the decision-making process. Processes are organized by Administrative, Quasi-judicial, and Legislative processes, as defined in *Chapter 15. Definitions.*

Table 3.1 Summary Development Process Table

Review Process	Section	Review and Decision-Making Bodies				
		Village Planner	Historic Preservation Commission	Planning and Zoning Board	~~Zoning Board of Adjustment~~Board of Adjustment	Village Council
Administrative Process						
Minor Site Plan	Section 4.3.8.D	**D**				
Major Site Plan	Section 4.3.8.E	**RR**		**RR**		**D**
Preliminary Major Subdivisions	Section 4.3.9.C	**RR**		**RR**		**D**
Minor Subdivisions	Section 4.3.9.D	**D**				
Expedited Subdivisions	Section 4.3.9.E	**D**				
Exempt Subdivisions	Section 4.3.9.F	**D**				
Final Major Subdivisions	Section 4.3.9.I	**D**				
Temporary Use Permit	Section 4.3.10	**D**				
Development Permit	Section 4.3.11	**D**				
Zoning/Building Permit	Section 4.3.12	**D**				
Certificate of Occupancy	Section 4.3.13	**D**				
Minor Certificate of Appropriateness	Section 6.4.1.C	**D**				
Quasi-Judicial Process						

Review Process	Section	Review and Decision-Making Bodies				
		Village Planner	Historic Preservation Commission	Planning and Zoning Board	~~Zoning Board of Adjustment~~Board of Adjustment	Village Council
Variance	Section 4.3.6	**R**			**D**	
Special Use Permit	Section 4.3.7	**R**				**D**
Quasi-Judicial Process						
Appeals*	Section 4.3.15	**R**			**D**	
Major Certificate of Appropriateness	Section 6.4.1.C	**R**	**D**			
Legislative Process						
Ordinance Amendment	Section 4.3.2	**RR**		**RR**		**D**
Zoning Map Amendment	Section 4.3.3	**RR**		**RR**		**D**
Key: R= Review, RR = Review and Recommend, D = Final Decision						
*The ~~ZBOA~~BOA shall hear and pass upon appeals from and shall review any disputed order, requirements, decision, or determination made by the Village Planner.						

SECTION 3.3 REVIEW AND DECISION-MAKING BODIES

SECTION 3.3.1 VILLAGE COUNCIL

A. **Powers and Duties.** Without limiting any authority granted to the Village Council by State law or by other ordinances of the Village, the Village Council shall have the following powers and duties with respect to this Ordinance:

1. To adopt amendments to the text of this Ordinance.
2. To adopt amendments to the Official Zoning Map, such as to zone or rezone property into a general use district, conditional district, or overlay district.
3. To adopt amendments to the Comprehensive Plan and other plans of the Village.

4. To adopt design standards for the Historic Preservation Overlay District or other districts.

5. To approve or deny requests for major subdivision preliminary plats, special uses, and general concept plans associated with major site plans; and

6. Such additional powers and duties as may be set forth for the Village Council elsewhere in this Ordinance.

SECTION 3.3.2 PLANNING AND ZONING BOARD

A. **Powers and Duties.** The Planning and Zoning Board shall have the following powers and duties:

1. To review and make recommendations to the Village Council on all proposed amendments to this Ordinance and to the official Zoning Map, General Concept Plans for Major Site Plans, and preliminary plats for Major Subdivisions.

2. To help create or update plans and policies for the Village's coordinated and harmonious development, when requested by the Village Council, in accord with the goals of *Section 1.2 Statement of Intent of This Ordinance*.

3. To regularly review this Ordinance and recommend changes to the Village Council.

4. To carry out any other responsibilities assigned to the Planning and Zoning Board elsewhere in this Ordinance or other Village Ordinances.

SECTION 3.3.3 ~~ZONING BOARD OF ADJUSTMENT~~BOARD OF ADJUSTMENT

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

1. To hear and decide applications for approval of variances from the terms of this Ordinance, in accordance with the procedures and standards set forth in *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance.

2. To hear and decide appeals from any order, requirement, permit, decision, or determination issued or made by Village officials in enforcing any provision of this Ordinance, in accordance with the procedures and standards set forth in *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance.

3. To carry out any other responsibilities assigned to the ~~Zoning Board of Adjustment~~Board of Adjustment elsewhere in this Ordinance or other Village Ordinances.

SECTION 3.3.4 HISTORIC PRESERVATION COMMISSION

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

1. Undertake an inventory of properties of historical, architectural, and/or cultural significance.

2. Recommend to the Village Council areas to be designated by ordinance as "Historic Districts"; and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks".

3. Conduct an educational program with respect to historic properties and districts within the jurisdiction of this Ordinance.

4. Cooperate with State, federal, and local governments in pursuance of the purposes of this Section. The Village Council or the Commission when authorized by the Council may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with the State or Federal law.

5. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

6. Prepare and recommend the official adoption of a preservation element as part of the Village Comprehensive Plan.

7. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Section.

8. Such additional powers and duties may be set forth for the HPC elsewhere in this Ordinance and other ordinances of the Village.

9. Recommend design standards for the Historic Preservation Overlay District to the Village Council.

SECTION 3.3.5 VILLAGE STAFF AND DEPARTMENTS

A. **Village Planner.**

1. The Village Planner, or their designee, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(1) To review and comment on all applications for development approval for compliance with the terms of this Ordinance.

(2) The Village Planner is granted the authority to interpret, administer and enforce the provisions of this Ordinance. The Village Planner may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon them by this Ordinance.

(3) To provide the Village Council, the Planning and Zoning Board, the ~~Zoning Board of Adjustment~~Board of Adjustment, and the Historic Preservation Commission with the reports and recommendations regarding matters before those bodies, either as required by this Ordinance or upon the request of the body.

(4) To determine and enforce compliance with any conditions attached by the Village Council, Planning and Zoning Board, Historic Preservation Commission or the ~~Zoning Board of Adjustment~~Board of Adjustment to its approval of a special use, variance, subdivision plat, site plan, conditional district rezoning or certificate of appropriateness.

(5) To advise the Planning and Inspections Department in its inspections of buildings, structures, and the use and development of land.

(6) To interpret, administer, and enforce compliance with the terms of this Ordinance.

(7) Such additional powers and duties as may be set forth for the Village Planner elsewhere in this Ordinance and other ordinances of the Village.

2. It shall be the duty of the Village Planner to administer and enforce the provisions of *Section 6.4.3. Watershed Protection Overlay District - WPOD*. The Village Planner shall keep records of the jurisdiction's compliance with local watershed regulations.

B. **Planning and Inspections Department.** The Planning and Inspections Department, under the direction and supervision of the Village Planner, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. To review and comment on all applications for development approval which are submitted to the Department.

2. To issue and revoke development permits, building permits, and certificates of occupancy, in accordance with *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance and to make and maintain records of them.

3. To conduct inspections of buildings, structures, and the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances and codes of the Village and the State, including all conditions of approval related to development.

4. To review, inspect, and approve Village acceptance of subdivision and site plan improvements.

5. To consult with the Village Engineer on the calculated amounts of guarantees required for the installation of improvements, and to determine the sufficiency of improvement guarantee funds.

6. To consult with the Village Engineer on the National Flood Insurance Program.

7. To review all applications for approval of development within the Watershed Protection District for compliance with the provisions in *Section 6.4.3. Watershed Protection Overlay District - WPOD* of this Ordinance regarding watershed protection.

8. To obtain certification from a registered professional engineer or architect when a structure is required to be flood proofed.

9. To maintain all records pertaining to the provisions of Developments in Flood Hazard Areas and Flood Damage Prevention and to hold them open for public inspection.

10. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances and Building Codes of the Village and the State.

C. **Village Engineer.** The Village Engineer, or their designee, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. To review and comment on all applications for development approval which are submitted to the Engineer.

2. To prepare and maintain standard engineering design specifications for streets, storm drainage facilities, water and sewer, sidewalks, and other improvements.

3. To conduct inspections of the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances and codes of the Village and State, including all conditions of approval related to development.

4. To review and approve the design specifications for subdivision and site plan improvements.

5. To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed development on the Village's transportation and utility systems.

6. To prepare and maintain the Engineering Standards and Specifications Manual.

7. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the Village.

8. Deviations from the Engineering Standards can be allowed by the Village Engineer provided the intent and purpose of the standards are not compromised.

D. **Technical Review Committee (TRC).** The TRC shall serve as a review and recommendation group, assisting the Village Manager, Village Planner, and Village Council, where appropriate, with the review of development permit applications. The TRC will provide advice and recommendations on planning, environmental, engineering, transportation, utilities, and other technical aspects and evaluate the comments and reports from other local, regional or state agencies and from the applicant or other qualified parties.

1. The TRC shall meet at the request of the Village Planner.

2. The applicant may be invited to attend meetings of the TRC.

3. The TRC's recommendations shall be provided as conditions of approval or denial of the application.

4. TRC members shall include, but not be limited to, the Village Planner, representatives from Fire, Police, Public Services, Village Engineer, Building Official and Moore County Utilities.

SECTION 3.4 CONFLICT OF INTEREST

A. **Village Council**

1. A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

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

B. **Appointed Board**

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

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

other associational relationship with an affected person, or a financial interest in the outcome of the matter.

C. **Staff**

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

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

CHAPTER 4 APPROVALS, VARIANCES, AND ADMINISTRATIVE APPEALS

SECTION 4.1 ADMINISTRATION

A. To accomplish the purposes of this Ordinance and to ensure compliance with these regulations, the following administrative responsibilities are assigned:

   1. The Village Planner and the Planning and Zoning Board are responsible for making recommendations to the Village Council regarding zoning and land use matters as required by this Ordinance.

   2. The Village Planner and designees shall enforce and administer the regulations of this Ordinance.

B. The ~~Zoning Board of Adjustment~~Board of Adjustment, Planning and Zoning Board, Village Manager, and the Village Planner, among other boards and committees, may seek needed legal advice of the attorney for the Village of Pinehurst as needed.

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SECTION 4.2 GENERAL ADMINISTRATION STANDARDS AND REQUIREMENTS

SECTION 4.2.1 GENERAL

Whenever the authorized board approves an application for a special use permit or a variance pursuant to *Section 3.3.3. ~~Zoning Board of Adjustment~~Board of Adjustment* or *Section 4.3.7. Special Use Permit*, or as a conditional district zoning pursuant to *Section 4.3.3.E~~F~~ Conditional District Rezone*, the Village Planner shall obtain the applicant's/landowner's written consent to conditions related to a special use permit or conditional rezoning, and shall cause issuance of any necessary building permit and certificate of occupancy in accordance with the terms of such approval. All other conditions are to be met prior to the issuance of building permits, certificates of occupancy, or other period of time as determined by the Village Planner.

SECTION 4.2.2 VESTED RIGHTS AND PERMIT CHOICE

A. **Purpose**

1. NCGS § 160D-108 provides mechanisms by way of statutory vested rights for a project to move forward as originally approved. Statutory vested rights run with the land and are not affected by changes in ownership. These rights are subject to development progressing in accordance with all applicable terms and conditions of approval.
2. Permit choice is provided as an option for establishing the development standard to be used when regulations are in the process of changing during application review.

B. **Permit Choice.** If an application is submitted for development subject to this Ordinance, and the Ordinance is amended between the time the application is submitted and a development approval decision is made, or a development permit decision has been challenged and found to be wrongfully denied or after an illegal condition is imposed, NCGS § 143-755 applies.

1. If a permit application is submitted for any type of development and a rule or Ordinance is amended, between the time the application was submitted and a permit decision is made, the Applicant may choose which adopted version of the rule or Ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.

2. If the Applicant chooses the version of the Ordinance applicable at the time of the complete application, the Applicant shall not be required to await the outcome of the amendment to the Ordinance prior to acting on the development permit.

3. If a development permit application is placed on hold at the request of the Applicant for a period of six (6) consecutive months or more, or the Applicant fails to respond to comments or provide additional information reasonably requested by the Village or State government for a period of six (6) consecutive months or more, the application review is discontinued and the development regulations in effect at the time the permit processing is resumed apply to the application.

C. **Establishment of Vested Right.**

1. A vested right shall be deemed established upon the valid approval or approval with conditions by the Village Council, Appointed Boards or Committees, or the Village Planner, in compliance with all provisions of this Ordinance, as applicable, of a site-specific vesting plan, following notice and public hearing.

2. The Village Council may approve a site-specific vesting plan upon such terms and conditions as authorized in Section 4.2.2.D.4, and upon making such findings as are required for approval by this Ordinance.

3. Notwithstanding *Section 4.2.2. Vested Rights and Permit Choice*, approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

4. A site-specific development plan shall be deemed approved upon the effective date of approval by the approving authority or ordinance relating thereto, and only to the extent of that approval.

5. The establishment of a vested right shall not preclude the application of overlay standards that impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the local jurisdiction, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific vesting plan upon the expiration or termination of the vested right in accordance with this Section.

6. A vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

D. **Duration of Vested Rights.**

1. Table 4.1 establishes the term of duration of specific statutory vested rights.

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

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

4. A Site-Specific Vesting Plan is a plan that describes with reasonable certainty the type and intensity of use for specific parcel(s) and includes information such as site boundaries; topographic and natural features; location of proposed buildings, structures and improvements; and dimensional requirements. Site-Specific Vesting Plans include the following:

   (1) Plans approved subject to conditional zoning.

   (2) Preliminary plats.

   (3) Plans approved as part of planned developments.

   (4) Commercial and multifamily site plans.

   (5) Plans associated with special use permits.

5. For the purposes of this Section, a multi-phased development is one that:

   (1) Contains at least twenty-five (25) acres.

   (2) Occurs in more than one phase.

   (3) Is subject to a master development plan showing the type and intensity of each phase.

   (4) Multi-phased developments may be vested for a period of seven (7) years from approval of the initial phase of development.

6. Except for multi-phased developments, the Village Council may provide for rights to be vested for a period exceeding two years but not exceeding five (5) years where warranted due to circumstances such as size and phasing of the project, market and economic conditions, and the level of investment made.

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

Table 4.1 Duration of Vested Rights

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

E. **Subsequent Changes Prohibited; Exceptions**

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

   (1) Written consent of the landowner.

   (2) Upon findings by ordinance after notice and a Quasi-Judicial hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project proceeds according to the site-specific vesting plan.

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

   (4) Upon findings, by ordinance after notice and a Quasi-Judicial hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a

difference in the approval of the site-specific vesting plan or the phased development plan.

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

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

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

F. **Voluntary Annexation.**

1. A petition for annexation filed with the Village under NCGS § 160A-31 or NCGS § 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under NCGS § 160D-202(k).

2. A statement that declares that no zoning vested right has been established or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

SECTION 4.2.3 MINOR AND MAJOR MODIFICATIONS

In reaching a decision as to whether proposed modifications are to be considered Minor or Major, the Village Planner shall review the proposed modifications pursuant to the following table. If the modification is not determined to be a Minor Modification by the Village Planner, it will be considered a Major Modification and will be approved subject to the requirements in the applicable sections.

Table 4.2 Major and Minor Modifications

Land Development Regulation Standard	Minor Modification	Major Modification
General		
Any modification in a stipulation or condition specifically required by the Board		✓
Scrivener errors that do not alter the location or boundary of any lot or easement	✓	
Any other modifications that are not specifically set forth in this table as a minor modification		✓
Corrections to the Final Plat to match the applicable Preliminary Plat	✓	
Revising the terms and conditions of the applicable zoning district on the Final Plat	✓	
Site Standards		
A decrease in minimum Lot Area by 20 percent or more		✓
An increase in maximum Lot Coverage by 5 percent or more		✓
An increase in maximum Block Length by 15 percent or more		✓
Moving a side or rear lot line in common with abutting lot on a Final Plat, so long as the resulting lots and setbacks remain in compliance with the Ordinance	✓	
A decrease in minimum Front, Side, or Rear Setback by 15 percent or more		✓
An increase in maximum permitted Encroachment into Setback by 15 percent or more		✓

Land Development Regulation Standard	Minor Modification	Major Modification
A modification to the location of provided open space, provided the applicant demonstrates all applicable Open Space Standards are still met	✓	
A modification made to the final grade on previously approved and recorded documents of not more than 10 percent	✓	
On the Final Plat, the combination of 2 lots to create 1 lot that is larger than the original lots being joined, so long as the resulting lot and development otherwise complies with the Ordinance and the lot(s) have not already been combined with any other lot in such a manner	✓	
Building Standards		
An increase in maximum Building Height by 10 percent or more		✓
An increase in maximum Accessory Structure Height by 10 percent or more		✓
Development Standards		
An increase over the maximum Number Of Required Parking Spaces by 25 percent or less	✓	
An increase in maximum Lighting Height by 15 percent or more		✓
An increase in maximum permitted sign height by 15 percent or more		✓
A modification to the Minimum Landscape Requirements by 15 percent or more		✓
An alteration of the type of landscaping provided, provided all Landscape Screening requirements are met	✓	
A modification of the Tree Replacement Schedule wherein no more than 20 inches of tree planting is either added or removed due to changes in tree removal or retention	✓	

Land Development Regulation Standard	Minor Modification	Major Modification
On the Final Plat, the enlargement of a recorded non-residential lot to include abutting land that was part of the applicable Preliminary Plat, but which abutting land has not yet been included in a recorded Final Plat	✓	
Access		
A modification in the location of a street or access point by not more than 10 feet, provided the applicant demonstrates that all other applicable requirements are still met	✓	
The introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access		✓

SECTION 4.3 REVIEW PROCESSES

SECTION 4.3.1 DEVELOPMENT REVIEW PROCEDURES

A. **Purpose and Intent.**

1. This Section describes the standard procedural steps and rules generally applicable to all development applications reviewed under this Ordinance.

2. The procedures provided in this Section are utilized by the Village for the processing of applications for development permits or approvals.

3. It is the intent of this Section to establish a uniform set of procedures for development applications to be more effective and efficient for applicants, adjacent properties, elected officials, and the Village Planner.

4. The use of property may not be substantially changed, and substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to this Ordinance.

5. Any deviation from these procedures, other than those required by statute, shall not be grounds for invalidating an otherwise valid decision.

B. **Preapplication Meeting.** Although not required in all circumstances, applicants are strongly encouraged to attend a Preapplication Meeting with the Village Planner. It

is understood that information provided by staff in Preapplication Meetings is not binding and for informational purposes only. Applicants are encouraged to provide staff with information to assist staff in providing guidance.

C. **Applications.**

1. Development applications reviewed under this Section may be filed only by the owner of the property on which the use is to be located, an agent of the owner, or contract purchaser specifically authorized by the owner to file such application, or any unit of government which is not the owner of the property but proposes to acquire the property by purchase, gift, or condemnation. Where an agent, lessee, or contract purchaser files the application, the agent, lessee, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.
2. The Village Planner shall establish application content and forms. The Planner may change requirements for submission of required information when, in the Planner's opinion, such information is otherwise available or is not necessary to review the application.
3. The Village Council shall establish application fees, which shall be identified in the Village's adopted fee schedule. Village Council may amend and update those fees as necessary. Requests for approval of the different permits and approvals required by this Ordinance are subject to the payment of the appropriate application processing fee(s) as specified in the most recent Village of Pinehurst Fee Schedule.
4. No application shall be considered for review until it is deemed complete. If the application is incomplete, the Planner shall notify the applicant of any deficiencies. A complete application shall:
   (1) Contain all information and materials as required in the application form as designated by the Village Planner.
   (2) Provide the number of copies required per the application.
   (3) Be signed by the person with authority to file the application.
   (4) Be legible and printed to scale.
   (5) Include information in sufficient detail to evaluate whether the application complies with the applicable review standards in this Ordinance.
   (6) Include the required fee for the particular type of application.

D. **Neighborhood Meetings.**

1. **Neighborhood Meeting Required.** In advance of filing an application for the following applications, a mandatory Neighborhood Meeting is required. Substantial changes to the application may warrant additional Neighborhood Meetings.

   (1) All rezoning applications.

   (2) Major Site Plan.

   (3) Major Subdivision.

   (4) Conditional Zoning Districts.

   (5) All other projects determined to have significant community impact by the Village Planner.

2. **Notice Requirements.**

   (1) All property owners within three hundred (300) feet, excluding right-of-way, and Homeowner Associations within a quarter (0.25) mile shall be mailed notice of the Neighborhood Meeting.

   (2) Notices shall be mailed a minimum of fourteen (14) days prior to the Neighborhood Meeting.

   (3) The notice shall contain the required information in Appendix G.

3. **Meeting Elements.** Plans, information, and data related to the application shall be presented at the Neighborhood Meeting. A complete list of information required to be presented is located in Appendix G.

4. **Meeting Summary.** A summary of the Neighborhood Meeting must be submitted with the application. A complete list of what should be included in the summary is located in Appendix G.

E. **Staff Review of Applications.**

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

2. The Village Planner shall determine whether any initial application required under any Section of this Chapter is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant of

any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Village Planner shall schedule the application for consideration before the appropriate body and/or schedule a public hearing, if required.

3. An application shall be deemed complete if it is submitted in the required number and form, includes all requested information, and is accompanied by the applicable fee. A determination of application completeness shall be made within thirty (30) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within twenty (20) working days, the application shall be considered withdrawn.

F. **Quasi-Judicial and Legislative Public Hearings.**

1. **Public Meetings and Public Hearings.** Public Meetings and Public Hearings shall comply with the Quasi-Judicial and Legislative provisions below.

2. **Public Notice Requirements.**

Table 4.3 Public Hearing Notification Requirements

Process	Section Number	Quasi-Judicial Hearing	Legislative Hearing	Published Notice	Mailed Notice	Posted Notice
Ordinance Amendment	Sec. 4.3.2		Yes	Yes	Yes	Yes
Rezoning	Sec. 4.3.3		Yes	Yes	Yes	Yes
Variance	Sec. 4.3.6	Yes		No	Yes	Yes
Special Use Permit	Sec. 4.3.7	Yes		No	Yes	Yes
Appeal	Sec 4.3.15	Yes		No	Yes	Yes

(1) **Published Notice Requirements.** Prior to the hearing, a notice of the hearing shall be posted once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time, not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(2) **Mailed Notice Requirements.** The owners of all parcels of land abutting the subject site shall be mailed a notice of the hearing by first-class mail to the last address listed on the Moore County Tax Registry. Properties are considered abutting even if separated by a street, railroad or other transportation corridor. The notice shall be deposited in the mail not less than ten (10) days nor more than twenty-five (25) days before the hearing ~~before the Council's legislative hearing;~~.

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

(3) **Posted Notice Requirements.** At least ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

3. **Quasi-Judicial Hearings.** The ~~Zoning Board of Adjustment~~Board of Adjustment shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or for any other quasi-judicial decision.

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

(2) **Presentation of Evidence.** The applicant, the local government, and any person who would have standing to appeal the decision under *Section 4.3.1.H. Standing* shall have the right to participate as a party at the Quasi-Judicial hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Board. Objections regarding jurisdictional and quasi-judicial issues, including, but

not limited to, the timeliness of an appeal or the standing of a party, may be made to the Board. The Board Chair shall rule on any objections, and the chair's rulings may be appealed to the full Board. These rulings are also subject to judicial review pursuant to NCGS § 160D-1402.

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

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

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

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

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

(8) **Decisions.** The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be in writing, reflect the Board's determination of contested facts and their application to the applicable standards, and be approved by the Board and signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board or such other office or official as the development regulation specifies. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(9) **Judicial Review.** Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to NCGS § 160D-1402. Appeals shall be filed within the times specified in NCGS § 160D-1405(d).

4. **Legislative Hearing Procedures.** The procedures and requirements set forth in this Section shall apply to all legislative public hearings regarding text amendments, the rezoning of property to a conditional district, general use zoning district, overlay zoning district, general concept plans for major site plan approvals and major subdivision preliminary plats;

(1) **Complete Application.** When the Village Planner has determined that an application is complete and that a public hearing is required by this Ordinance, the Village Planner shall schedule a date, time, and place for a public hearing before the Planning and Zoning Board.

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

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

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

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

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

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

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

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

i. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.

ii. An option or contract to purchase the property that is the subject of the decision being appealed.

iii. An applicant before the decision-making board whose decision is being appealed.

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

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

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

6. **Conditions of Approval.** Conditions of approval shall comply with the following:

(1) Conditions of approval are limited to a conditional rezoning or quasi-judicial processes.

(2) Conditions of approval shall be limited to conditions necessary to ensure compliance with the PDO, or to prevent or mitigate adverse effects from the proposed development, within the scope of powers delegated to local jurisdictions by the State of North Carolina.

(3) Any condition of approval shall be set forth in any official notice of decision or permit approval.

(4) Conditions of approval may be proposed by applicant, Village staff, or the particular review/approval authority.

(5) Only those conditions mutually agreed upon by the applicant and the deciding board may be incorporated into a conditional district rezoning.

7. **Timing.**

(1) **Continued Hearings.** The Board may continue a Quasi-Judicial hearing that has been convened without further advertisement. If a Quasi-Judicial hearing is set for a given date and a quorum of the Board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

G. **Simultaneous Processing of Applications.**

1. **Simultaneous Processing of Applications for Different Permits and Approvals for the Same Development.**

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

(2) Notwithstanding (1) above, no application for the rezoning of property shall be accepted or processed while an application for a development permit is pending for the same property, nor shall an application for a development permit be accepted or processed while an application for rezoning is pending for the same property.

2. **Simultaneous Processing of Voluntary Annexation Petitions**

(1) **Where the Property is Located Within the Extraterritorial Jurisdiction.** Where the owner or developer of a property located in the extraterritorial jurisdiction, but not within the Village limits, wishes the Village to annex the property into the Village's corporate boundaries, as well as to approve proposed development on the property, then a voluntary annexation petition shall be submitted at the same time as an application for all development

permits and must be submitted prior to the Village Council's approval of the site plan or preliminary subdivision plat.

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

SECTION 4.3.2 PINEHURST DEVELOPMENT ORDINANCE TEXT AMENDMENTS

A. **Purpose and Scope.** The Village Council, in accordance with the procedures set forth in this Chapter, may amend the text of this Ordinance.

1. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village.

2. Under no circumstances shall the Village Council adopt such amendments, supplements or changes that would cause this Ordinance to violate any State or Federal laws. All amendments related to such State and Federal laws must be filed with the appropriate government agencies when required.

B. **Initiation of Amendments.** An amendment to the text of this Ordinance may be initiated by the Village Council or the Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction of this Ordinance.

C. **Filing and Content of Applications**

1. The Village Planner will not accept an application for an amendment that would include an increase in density or intensity of uses unless:

(1) All adjacent property owners have been contacted by the applicant and have been given an opportunity to meet with the applicant at a reasonable time and place.

(2) The applicant submits a summary report indicating the results of the meeting.

(3) No member of the Planning and Zoning Board or Village Council may participate in a neighborhood meeting in an official capacity. The applicant may conduct additional neighborhood meetings during the amendment process at the applicant's discretion.

D. **Review.**

Figure 4.1 Process for Text Amendments



1. **Staff Review.** Prior to the Public Hearing, the Village Planner and other appropriate Village Staff shall prepare a report to the Planning and Zoning Board and the Village Council. This report shall include a discussion of all plans and policies that have been adopted by the Village and are relevant to the proposed amendment, a summary of any neighborhood meetings along with a recommendation by the Village Planner regarding whether to approve or deny the proposed amendment.

2. **Review by Planning and Zoning Board.** The Planning and Zoning Board shall consider each proposed amendment and shall make recommendations to the Village Council regarding whether to approve or deny each proposed amendment. In considering each proposed amendment, the Planning and Zoning Board shall conduct a Public Hearing on the application. After review, the Planning and Zoning Board will formulate a recommendation and forward it to the Village Council for consideration. At the time of recommendation, the Planning and Zoning Board shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long Range Plan.

3. **Review and Action by the Village Council.**

(1) A text amendment may be adopted only after the Village Council has conducted a legislative public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the

legislative public hearing shall be conducted in accordance with *Section 4.3.1.G. Legislative Hearing Procedures* of this Ordinance and as required by this Ordinance.

(2) Before acting on any proposed amendment, the Village Council shall consider the recommendation of the Planning and Zoning Board, the report and recommendation submitted by the Village Planner and the comments made at the public hearing.

(3) Upon reviewing such information, the Village Council may:

i. Adopt the proposed amendment by Ordinance.

ii. Reject the proposed amendment.

iii. Refer the proposed amendment back to the Planning and Zoning Board or a committee of the Village Council for further consideration.

(4) At the time of any action to either approve or deny the Village Council shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long-Range Plan.

E. **Effect.** Any changes to the PDO text shall be made effective immediately after approval of the application by the Village Council.

SECTION 4.3.3 REZONES

A. **Purpose and Scope.** The Village Council, in accordance with the procedures set forth in this Chapter, may rezone property (that is, amend the classifications of property appearing on the Official Zoning Map).

1. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Zoning Map that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village.

2. Under no circumstances shall the Village Council adopt such amendments, supplements or changes that would cause this Ordinance to violate any State or Federal laws. All amendments related to such State and Federal laws must be filed with the appropriate government agencies when required.

B. **Initiation of Amendments.** A rezoning may be initiated by the Village Council, Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser

specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction of this ordinance. An application for rezoning to a conditional district may only be initiated by the owner(s) of all of the property included or upon their written authorization.

C. **Filing and Content of Applications**

Figure 4.2 Process for Rezonings



1. The Village Planner will not accept an application for an amendment to rezone property or properties that would include an increase in density or intensity of uses unless:

   (1) All adjacent property owners have been contacted by the applicant and have been given an opportunity to meet with the applicant at a reasonable time and place.

   (2) The applicant submits a summary report indicating the results of the meeting.

   (3) No member of the Planning and Zoning Board or Village Council may participate in a neighborhood meeting in an official capacity. The applicant may conduct additional neighborhood meetings during the amendment process at the applicant's discretion.

2. An application for rezoning to a general use district shall not be converted into an application for rezoning to a conditional district at any point in the application review process, nor shall an application for rezoning to a conditional district be converted into an application for rezoning to a general use district. Rather, the applicant must submit a new application for rezoning to the other district in accordance with the requirements of this Chapter.

D. **Review.**

1. **Staff Review.** Prior to the public hearing, the Village Planner and other appropriate Village Staff shall prepare a report to the Planning and Zoning Board and the Village Council. This report shall include a discussion of all plans and policies that have been adopted by the Village and are relevant to the

proposed amendment, a summary of any neighborhood meetings, along with a recommendation by the Village Planner regarding whether to approve or deny the proposed amendment.

2. **Review by Planning and Zoning Board.** The Planning and Zoning Board shall consider each proposed amendment and map amendment and shall make recommendations to the Village Council regarding whether to approve or deny each proposed amendment. In considering each proposed amendment, the Planning and Zoning Board shall conduct a Public Hearing on the application. After review, the Planning and Zoning Board will formulate a recommendation and forward it to the Village Council for consideration. At the time of recommendation, the Planning and Zoning Board shall make a statement on if the proposed amendment is consistent with the Comprehensive Long-Range Plan.

3. **Review and Action by the Village Council.**

   (1) A text amendment or rezoning may be adopted only after the Village Council has conducted a legislative public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the legislative public hearing shall be conducted in accordance with *Section 4.3.1.G. Legislative Hearing Procedures* of this Ordinance and as required by this Ordinance.

   (2) Before acting on any proposed amendment, the Village Council shall consider the recommendation of the Planning and Zoning Board, the report and recommendation submitted by the Village Planner and the comments made at the public hearing.

   (3) Upon reviewing such information, the Village Council may:

      i. Adopt the proposed amendment by Ordinance.

      ii. Reject the proposed amendment.

      iii. Refer the proposed amendment back to the Planning and Zoning Board or a committee of the Village Council for further consideration.

   (4) At the time of any action to either approve or deny the Village Council shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long-Range Plan.

E. **Conditional District Rezone.** It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Conditional District rezonings are provided as a voluntary alternative method of petitioning the Village Council for a zoning map amendment. In accordance with NCGS § 160D-703(b), the owner or their authorized agent is authorized to submit a rezoning application that proposes conditions and/or use limitations that are more restrictive than would otherwise be allowed in the corresponding general use zoning district. Requests for the rezoning of property to a Conditional District shall be considered and treated the same as any other rezoning in accordance with the procedures set forth in *Section 4.3.3. Rezones*, except as modified by this Section.

1. **Application Procedures**

(1) **Applicant and Property.** Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included.

(2) **Minimum Standards.** All requirements of the corresponding general use district shall be met as minimum standards for any Conditional District except as specified in *Section 4.3.3.EF.4.2. Exception to Modifications*.

(3) **Uses Allowed.** Within an approved Conditional District, no use shall be permitted except those allowed in the corresponding general use district as permitted uses, uses permitted with special requirements, or uses permitted with a Special Use Permit as indicated in *Section 6.6. Table of Permitted Special Uses and Special Requirements*. Where an intended use is a special use, the authorization of a Conditional District pursuant to this section shall preclude any requirement for obtaining a Special Use Permit in a separate procedure. The intended special uses shall be made part of the application.

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

2. **Formal Review.**

(1) **Procedure.** The procedure for approval, including review procedures, required public notification, and appeals, shall follow the procedure outlined in *Section 4.3.1. Development Review Procedures*, except as otherwise indicated below.

(2) **Changes to Conditional District Application.**

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

ii. An application for rezoning to a Conditional District shall not be converted into an application for rezoning to a general use district at any point in the application review process, nor shall an application for rezoning to a general use district be converted into an application for rezoning to a Conditional District. Rather, the applicant must submit a new application for rezoning to the other district in accordance with the requirements of this Chapter.

(3) **Fair and Reasonable Conditions.** In approving a Conditional District rezoning, the Village Council may impose such additional reasonable and appropriate safeguards upon the Conditional District General Concept Plan and application as it may deem necessary in order that the purpose and intent of this Ordinance are served. Such conditions may include, but are not limited to, the location, nature, hours of operation, and extent of the proposed use(s). The applicant will have a reasonable opportunity to consider, respond and agree to any conditions and site-specific standards proposed by the Village Council prior to final action.

3. **Effect of Approval/Changes**. The applicant may proceed with development only after approval of the Conditional District General Concept Plan by Village Council, followed by approval of any necessary Site Plans or Subdivision Plats, except that all subsequent approvals shall be completed by the Village Planner. The development and use of all land within the Conditional District shall be in keeping with the approved General Concept Plan and all applicable provisions therein.

(1) **Approval of Phasing.** Proposed phases of development shall be shown on the General Concept Plan. Each phase of development shall adhere to all applicable provisions and standards of this Section and the applicable Conditional District General Concept Plan. Each completed phase shall comply with the minimum standards of this Ordinance.

(2) **Substantial Changes.** Any substantial change to an approved General Concept Plan as noted below shall be reviewed by the Planning and Zoning Board and approved or denied by the Village Council as an amended Conditional District. The following changes to a Conditional District General Concept Plan shall require approval by the Village Council:

i. Land area being added or removed from the Conditional District.

ii. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.

iii. A change in land use or development type beyond that permitted by the approved General Concept Plan.

iv. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

v. When there is an increase in the total number of residential dwelling units originally authorized by the approved General Concept Plan.

vi. When the total floor area of a commercial or industrial classification is increased more than ten percent (10%) beyond the total floor area last approved by Village Council.

vii. When the total height of a structure is increased more than ten percent (10%) beyond the total height last approved by the Village Council.

viii. When perimeter buffers and shown perimeter landscape areas are modified in any way except for like replacements of materials or planting stock.

ix. When open space is decreased or impervious area is increased.

x. When the proposed change has a discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(3) **Additional Changes.** All other changes to a Conditional District General Concept Plan shall receive approval by the Village Planner. However, if in the judgment of the Village Planner, the requested changes alter the basic development concept of the Conditional District, the Village Planner may require concurrent approval by the Village Council following the same process as the original Conditional District approval.

~~(4) **Revocation of Conditional Districts**~~

~~i. The Applicant shall secure a valid building or development permit(s) within two (2) years from date of approval of the Conditional District unless otherwise specified. If such project is not complete or a valid building or development permit is not in place at the end of the two (2) year period, the Village Planner shall notify the applicant of either scenario. Within sixty (60) calendar days of notification, the Village Planner shall make a recommendation concerning the revocation of the Conditional District to the Village Council. The Village Council may then revoke the Conditional District or extend the life of the Conditional District for a specified period of time. The revocation of a Conditional District shall follow the same procedure as was needed for approval as outlined in *Chapter 4.3.3.EF. Conditional District Rezone*. Upon revocation the subject property zoning shall revert back to its previous zoning classification.~~

~~ii. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to comply with any condition, the project shall be remanded back to the Village Council for a new proceeding.~~

4. **Standards for Conditional Districts (CD)**

(1) **Standards.** Within a Conditional District (CD), petitioners may place additional requirements or standards onto themselves and their property or ask that certain use allowances identified in the specific zoning category or provisions in Chapters 2 through 14 be decreased. If no specific request is made by the petitioner to seek a change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

(2) **Exception to Modifications.** The applicant may request variations in the specific provisions detailed in Chapters 6, 7, 8, 10, 11, 12, 13 & 14 as part of a Conditional District application except as stipulated in Table 4.4:

Table 4.4 Conditional District Modification Exemptions

Chapter(s)	Title	Limitations to Modifications:
6 & 7	Zoning	Permitted uses may not be added unless the use proposed is not currently defined or contemplated by the PDO. Permitted uses may be removed from the petition.
6.7 & 7.4	Special Requirements	
6.7, 7.4, 6.8, & 7.6.3	General Standards Open Space	Amount required may not be reduced.
11	Parking	
8	Landscaping Requirements	Like replacements of materials or planting stock.
13	Signs	Signage may exceed the permitted amount by no more than 50%.
12	Lighting	
14	Water & Sewer Requirements	No modifications
10	Fences	
14	Design Standards for SF Dwellings	
4.3.8	Site Plan Development Standards	
14.	Subdivision Standards	

(3) **Approval Inclusions.** With Conditional District Approval, Special Non-Residential Intensity Allocation shall be granted in accordance with adopted Village Policies. If development approvals are not obtained or expired the issuance of the Special Non-Residential Intensity Allocation shall be rescinded.

SECTION 4.3.4 FORM BASED DISTRICT APPROVAL

A. **General.**

1. Uses requiring Conditional Zoning approval shall follow the Conditional Zoning requirements of *Section 4.3.3.~~F~~ E Conditional District Rezone*.

2. Uses that are permitted by right shall be approved by staff.

B. **Form Based District Application Requirements.** Form Based District Applications shall be consistent with the requirements of *Chapter 7. Form Based Districts* and the adopted Form Based Guidance Documents, as well as the following:

1. Prepare a General Concept Plan in accordance with Appendix C of this document for review by staff. Include criteria for submittal of subdivisions in Appendix D and conditional zoning, when appropriate.

2. Staff will review the materials and work with the applicant to establish a schedule for review by the Technical Review Committee, Planning & Zoning Board, and Village Council, as required.

SECTION 4.3.5 DEVELOPMENT AGREEMENTS

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

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

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

1. A description of the property and the names of legal and equitable property owners.

2. Time duration of the agreement.

3. Development uses permitted including population densities, intensities, building types, placement on site and design.

4. A description of public facilities:

   (1) Who will provide the facility?

   (2) When the facility will be provided.

(3) A schedule demonstrating when services will be provided concurrently with the development requiring the service.

(4) Determination of project deliverables by the developer that trigger successful performance for the requirement of the service.

5. A description of land reserved or dedicated for public purposes.

6. Any other terms regarding public health, safety, or welfare.

7. Any provisions for the preservation and restoration of historic structures.

8. A development schedule may be provided including commencement and completion dates.

9. The agreement may contain penalties for material breach of the agreement.

10. Other matters agreed to by the parties within the scope consistent with this Ordinance.

C. **Parties to the Agreement.** The development agreement may include other local government or regional utility authorities but must specify which local government is responsible for overall administration.

D. **Procedural Requirements.**

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

(1) Location of the subject property.

(2) Proposed uses.

(3) Location noting where a copy of the proposed agreement may be obtained.

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

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

E. **Breach and Cure.**

1. The Village Planner is authorized to review the agreement annually to ensure good-faith compliance.

2. If the developer has committed a material breach of the agreement, the developer shall be notified in writing as to the nature of the breach, the evidence supporting the finding and a time-period in which to correct the breach.

3. If the developer fails to correct the material breach within the established time-period, the Village may unilaterally terminate or modify the agreement subject to appeal to the ~~Zoning Board of Adjustment~~Board of Adjustment.

4. The agreement is enforceable by any party to the agreement, and action for injunctive relief may be filed to enforce the terms of the agreement.

F. **Amendment or Termination.** A development agreement may be amended or terminated by mutual consent of the parties.

SECTION 4.3.6 VARIANCES

A. **Purpose and Scope.**

1. **Purpose.** The variance process administered by the ~~Zoning Board of Adjustment~~Board of Adjustment is intended to provide relief from the zoning requirements of this Ordinance in those cases where strict application of a particular zoning requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. No change in permitted uses may be authorized by variance.

B. **Provisions Which May Not be Varied by the ~~Zoning Board of Adjustment~~Board of Adjustment**. In no event shall the ~~Zoning Board of Adjustment~~Board of Adjustment grant a variance:

1. That would allow the establishment of a use which is not otherwise allowed in a zoning district, or which would change the zoning district classification of any or all of the affected property.

2. From any written conditions attached by the Village Council to an approval of a special use, subdivision plat, site plan, and conditional district or from the stated terms of an approved master land use plan for a planned development.

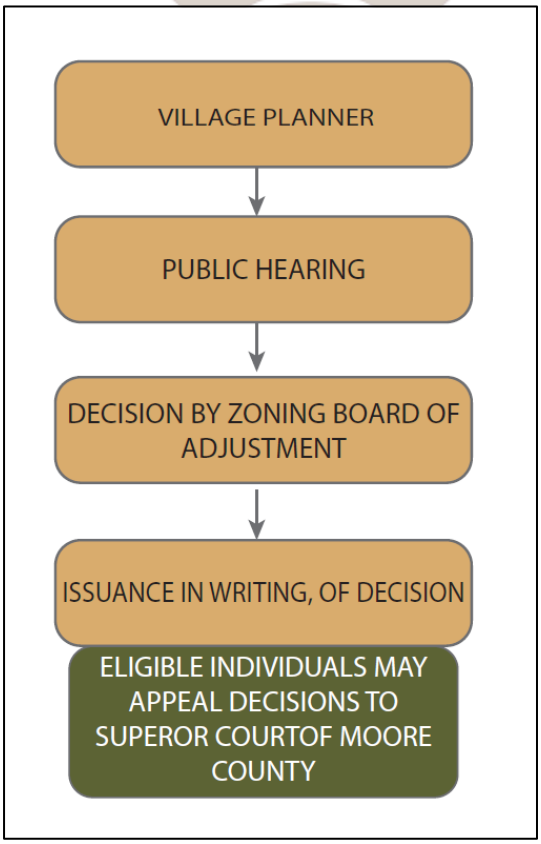
C. **Application Requirements; Determination of Completeness.**

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

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

3. After determining that the application is complete, the Village Planner shall transmit to the ~~Zoning Board of Adjustment~~Board of Adjustment, prior to the hearing on the application, the application pertaining to such variance.

Figure 4.3 Process for Variance



D. **Action by the ~~Zoning Board of Adjustment~~Board of Adjustment.**

1. Upon receiving the application materials from the Village Planner, the ~~Zoning Board of Adjustment~~Board of Adjustment shall hold a quasi-judicial public hearing on the proposed variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance.

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

3. After conducting the public hearing, the ~~Zoning Board of Adjustment~~Board of Adjustment may:

   (1) Have the authority to subpoena witnesses and may request additional information.

   (2) Continue the public hearing on the requested variance.

(3) Conduct an additional public hearing on the requested variance.

(4) Grant the requested variance.

(5) Deny the requested variance.

(6) Grant the requested variance with conditions. In granting any variance, the ~~Zoning Board of Adjustment~~Board of Adjustment may attach appropriate conditions, provided that the conditions are reasonably related to the purpose and objectives of this Ordinance. The Board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this Ordinance.

4. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the standards set forth in *Section 4.3.6.E. Standards of Review* below, stating the reasons for such findings. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

E. **Standards of Review.** In accordance with NCGS § 160D-705, the Board of Adjustment shall vary any of the provisions of this Ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

F. **Previously Granted Variances**

1. Any development for which a variance has been granted prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development nonconforming, may be carried out in accordance with the granted variance and shall be deemed lawfully existing under the terms of this Ordinance, provided that:

   (1) A building permit has been validly issued for the development prior to the effective date of this Ordinance, or the amendment thereto which renders the development non-conforming and has not expired or been revoked.

   (2) All features of the development that are not the specific subject of the variance shall conform to all applicable requirements of this Ordinance.

2. If the requirements of (1) above have not been met, then the previously granted variance shall become null and void. Development of the property therefore must meet all applicable requirements of this Ordinance, except where the person has applied for and received a new variance pursuant to the procedures and standards set forth in *Section 4.3.6 Variances* of this Ordinance.

G. **Effect of Approval or Denial**

1. After the ~~Zoning Board of Adjustment~~Board of Adjustment approves a variance, the applicant shall follow the procedures set forth in *Chapter 4* for the approval of all permits, certificates, and other approvals required in order to proceed with development of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance granted to the applicant by the ~~Zoning Board of Adjustment~~Board of Adjustment.

2. The ~~Zoning Board of Adjustment~~Board of Adjustment shall refuse to hear a variance request that has previously been denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

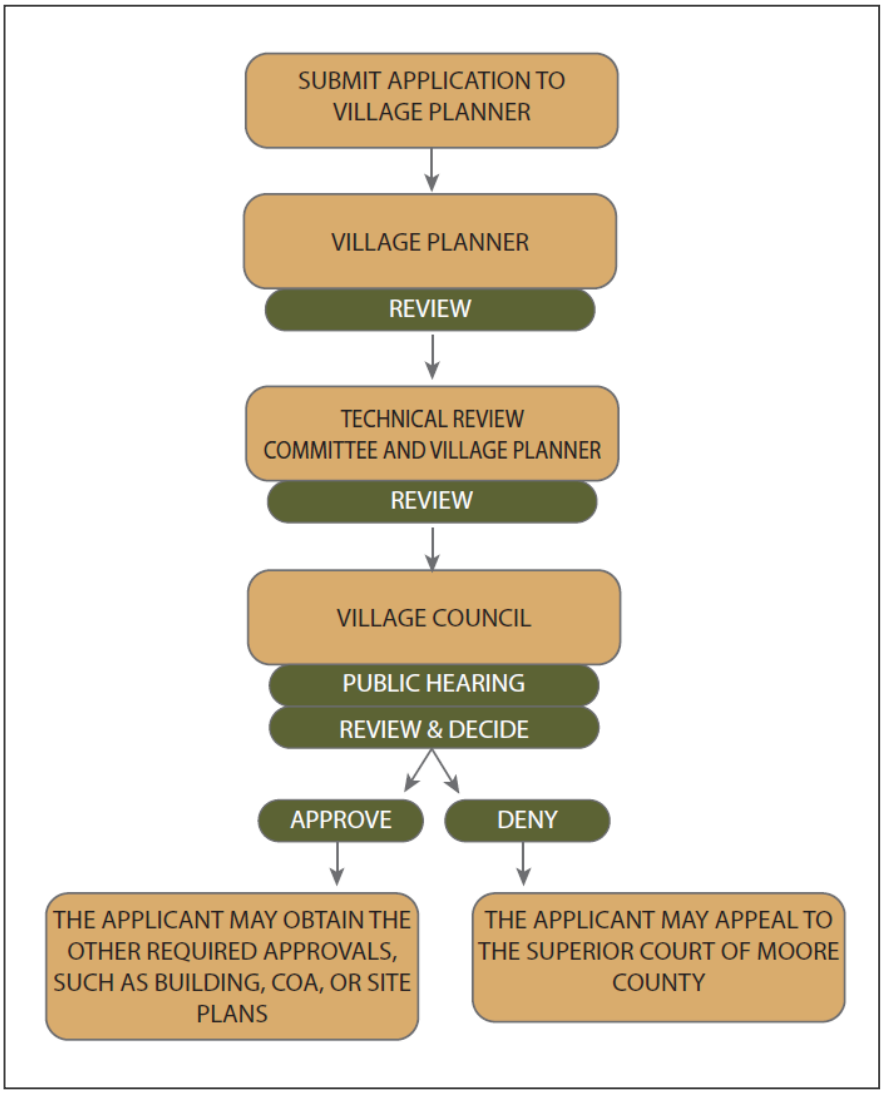
SECTION 4.3.7 SPECIAL USE PERMIT

A. **Purpose and Applicability; Special Uses.**

1. The classification of special uses is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Village as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.

2. Accordingly, any use designated as a special use in an individual zoning district as shown on the use tables in *Chapters 6 & 7* shall not be established without the approval of the Village Council in accordance with the procedures and requirements set forth in this Section. Final approval of special use permits shall be the responsibility of the Village Council.

Figure 4.4 Process for Special Use Permits



B. **Special Uses Requiring Variances.** If the proposed special use involves one or more structures or elements which do not conform to the regulations of the district in which the special use is to be located, then no special use

approval shall be granted unless the applicant has corrected such nonconforming elements or the ~~Zoning Board of Adjustment~~Board of Adjustment has first granted variances with respect to such nonconforming features pursuant to *Section 4.3.6 Variances* of this Ordinance.

C. **Lapse of Special Use Approval for Failure to Obtain Site Plan Approval.** Approvals of special uses shall be automatically conditioned on the subsequent approval of the site plan when required under *Section 4.3.8. Major and Minor Site Plan Approvals* of this Ordinance. Accordingly, the approval of any special use shall lapse and become null and void where the applicant has failed to receive final site plan approval within twelve (12) months of the date of approval of the special use. At the request of the applicant the Village Council may grant an additional six (6) months.

D. **Action on Special Uses.**

1. **Review by the Village Council.** The Village Council shall review the application and conduct a Quasi-Judicial Public Hearing. Notice of public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance. The Village Council shall review the application materials and General Concept Plan if required, the general purpose and standards set forth in this Section for the approval of special uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received by the Village Council at the Public Hearing.

2. **Action by the Village Council.** At the conclusion of the Quasi-Judicial Public Hearing, the Village Council shall approve, approve with conditions, deny or take any other action consistent with its usual rules of procedure on the Special Use Permit Application. Any approval or denial of the application shall state the findings of fact that establish whether the proposed use meets or does not meet each of the standards set forth in *Section 4.3.7.E. Standards of Review* below and all other requirements set forth by this Chapter for the proposed special use. The decision on the application shall be by a simple majority vote of the members of the Village Council. The Council is required to take action within sixty (60) days from the date of the public hearing.

3. **Appeals to Courts.** Appeal from the decision of the Village Council in regard to special use permits shall be by petition for certiorari to the Moore County Superior Court. Any such petition to the Superior Court shall be filed with the Court Clerk no later than thirty (30) days after the date the decision of the

Village Council is filed with the Village Planner, or after the date a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Village Council at the public hearing, whichever is later. The copy of the decision shall be delivered to the aggrieved party either by personal service or registered or certified mail, return receipt requested.

E. **Standards of Review.** The Village Council shall not approve the special use unless and until it makes the following findings, based on the evidence and testimony received at the Quasi-Judicial Public Hearing or otherwise appearing in the record of the case:

1. The proposed special use meets all required conditions and specifications.
2. The proposed special use is in harmony with the area, or compatible with the neighborhood.
3. The proposed special use will not materially endanger public health or safety.
4. The proposed special use will not substantially injure the value of adjoining property or be a public necessity.
5. The proposed special use will be in general conformity with the Comprehensive Long-Range Plan.

F. **Conditions Attached to Approval.** In approving the special use, the Village Council may attach such conditions to the approval as it deems necessary to have the proposed use meet the standards set forth for the proposed special use below and elsewhere in this Ordinance, and to protect the public health, safety, and general welfare. All such conditions shall be stated on the form for approving the application. Such conditions may be stricter than any requirement or limitation stated elsewhere in this Ordinance for the proposed use. Such conditions may include, but are not limited to, the following:

1. Limitations on the size, bulk and location of structures.
2. Requirements for landscaping, signs and outdoor lighting.
3. The provision of adequate site ingress and egress.
4. Dedication of rights-of-way for streets or utilities.
5. Provision of open space and/or active recreational space and facilities.

6. Limitations on the duration of the approval and the time period within which the use will be developed.

7. Limitations on hours of operation.

8. The mitigation of environmental impacts.

9. Other conditions deemed reasonable.

G. **Effect of Approval or Denial**

1. **Subsequent Permits and Approvals.** Approval of the application for a special use by the Village Council constitutes approval of the special use and authorizes the applicant to apply for site plan approval, if required, and such other permits or approvals which the Village may require for the proposed development. The Village Planner shall review applications for these permits for compliance with the terms of the special use approval granted by the Village Council. A Development Permit, Certificate of Appropriateness, or other approval shall be issued or valid only for work that complies with the terms of the special use approval.

2. **Transferability of Approval.** A special use approval is not transferable from one (1) property to another but may be transferred to a successor-in-interest to the property.

3. ~~**Resubmission of Denied Applications.** No application for approval of a special use shall be filed with, or accepted by, the Village Planner, which is identical or substantially similar to an application, which has been denied by the Village Council within the previous three hundred sixty-five (365) days. This waiting period requirement may be waived in an individual case, for good cause shown, by the affirmative vote of a simple majority of the members of the Village Council.~~

H. **Changes to Terms and Conditions of Approval.** Any changes to the terms or conditions of approval of the special use shall require separate review by the Village Planner and approval of a new special use permit by the Village Council if the changes are considered to be major. Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied in the manner set forth in this Section.

1. **Approval of Phasing.** Proposed phases of development shall be shown on the General Concept Plan. Each phase of development shall adhere to all applicable provisions and standards of this Section and the applicable Special

Use General Concept Plan. Each completed phase shall comply with the minimum standards of this Ordinance where practical and any conditions attached to the special use permit.

2. **Major Changes.** Any major change to an approved General Concept Plan shall be reviewed and approved or denied by the Village Council as an amended Special Use Permit.

3. **Additional Changes.** All other changes to a Special Use General Concept Plan shall receive approval by the Technical Review Committee and the Village Planner. However, if in the judgment of the Village Planner, the requested changes alter the basic development concept of the Special Use Permit, the Village Planner may require concurrent approval by the Village Council following the same process as the original Special Use approval.

SECTION 4.3.8 MAJOR AND MINOR SITE PLAN APPROVALS

A. **Site Plan Approval Required; Minor Site Plans and Major Site Plans.**

1. A site plan showing the proposed development of the property must be approved by the Village Council or Village Planner in accordance with the procedures and requirements of this Section before a development permit may be issued:

(1) **Uses Requiring Site Plan Approval Before Development.** Any use or development of property except for:

i. Temporary uses that are regulated by this Ordinance.

ii. A change in use which does not:

a. Require any physical changes to the building exterior or property.

b. Cause any change in utility infrastructure.

c. Require street or sidewalk construction.

2. **Three Types of Site Plans Required–Single Family Dwelling, Minor and Major.**

(1) **Single Family Dwelling.** Single family site plan for the development of property for single family residential purposes including accessory uses to the principal use of the single-family dwelling, approval of which shall be the responsibility of the Village Planner as outlined in *Section 14.2. Design Standards for Single Family Dwellings*.

(2) **Minor Site Plans.** Site plans for any non-residential development or multi-family development with a land disturbing activity not exceeding three (3) acres shall be deemed minor site plans, approval of which shall be the responsibility of the Village Planner upon recommendation of the Technical Review Committee as outlined in *Section 4.3.8.D. Consideration of Minor Site Plans*.

(3) **Major Site Plans.** All other site plans shall be deemed major site plans, approval of which shall be the responsibility of the Village Council in accordance with the requirements of *Section 4.3.8.E. Consideration of Major Site Plans* below. Major Site Plans that are in accordance with an approved General Concept Plan shall be reviewed as Minor Site Plans.

B. **Coordination of Site Plan Approval With Other Review Processes.**

1. It is the intention of this Section to provide processes for reviewing and approving site plans along with other required reviews at the same time to the maximum extent possible. Therefore, an application for the approval of a site plan may be submitted at the same time as an application for the approval of other development permit requirements for the same development. The review and processing of the applications shall be coordinated and consolidated as much as possible. However, the Village Planner and the Planning and Zoning Board shall render separate reports and recommendations.

2. The Village Council may render a separate decision on each individual application, recognizing the applications as distinct and subject to different standards for approval.

C. **Application Requirements for Both Minor and Major Site Plans.**

1. The applicant shall submit a major site plan application in order to obtain approval for a major site plan. The requirements for a major site plan application are found in Appendix D (See *Section 4.3.8.E. Consideration of Major Site Plans* for General Concept Plan submittal). The applicant shall submit a minor site plan application in order to obtain approval for a minor site plan. The requirements for a minor site plan application are found in Appendix D.

2. During the review of the site plan, the Village Planner, the Planning and Zoning Board, or the Village Council, may require such additional information as may be necessary to review the submitted site plan.

D. **Consideration of Minor Site Plans.**

1. **Village Planner Review.**

(1) The application and site plan shall be reviewed by the Village Planner and the Technical Review Committee for compliance with the standards and requirements set forth in this Ordinance. The developer at their discretion may submit a sketch plan for initial review and comment. The comments of the Village Planner and the Technical Review Committee shall be provided to the applicant by the Village Planner.

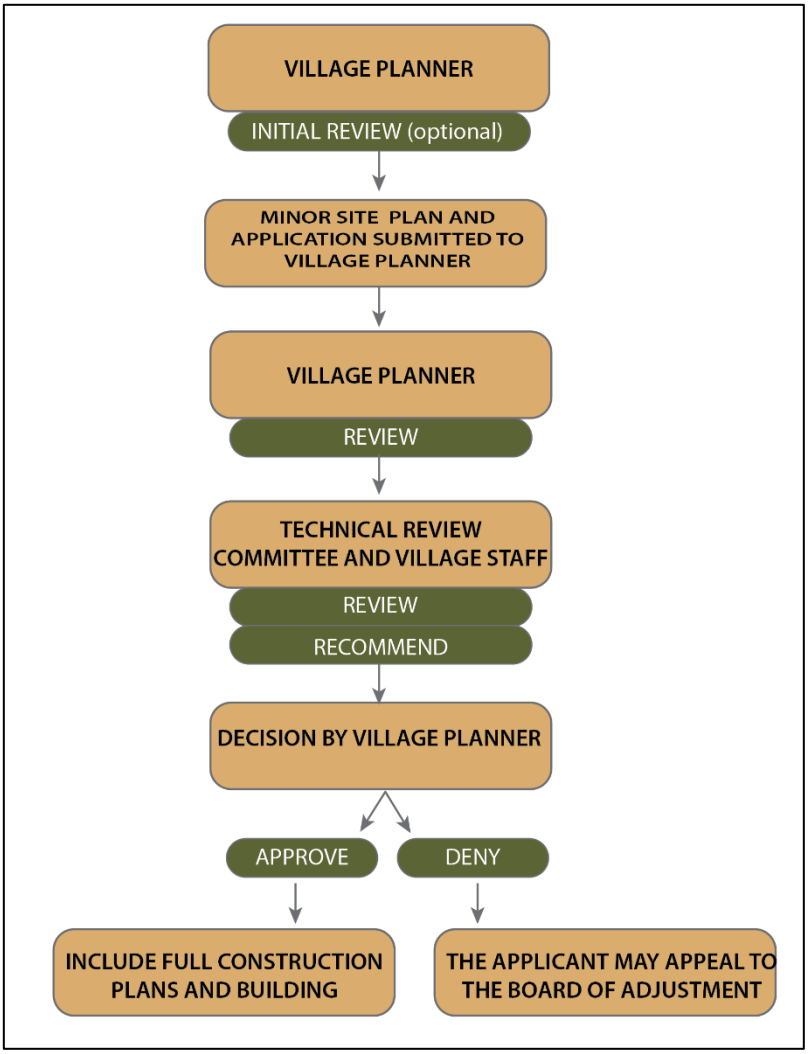
(2) The applicant may resubmit the site plan along with a written response to these comments for further review by the Village Planner and the Technical Review Committee. The Village Planner and other Village Staff shall review the resubmitted site plan and then submit its comments about the resubmitted site plan to the applicant.

(3) The process continues until the site plan is determined to be approved or denied. If the Village Planner denies approval of the site plan, the reasons shall be stated in writing.

2. **Action by the Village Planner on Minor Site Plans.**

(1) Failure of the Village Planner to act or provide comments on a minor site plan within forty- five (45) days of receiving the site plan and recommendations from the Technical Review Committee shall be deemed approval of the site plan, authorizing the

Figure 4.5 Process for Minor Site Plan Approval



applicant to proceed with development of the property in accordance with the site plan submitted to the Village Planner. This time limit shall not apply where the delay in site plan approval is caused by the applicant's failure to obtain any special use approval required for the proposed development. Resubmission of a minor site plan restarts the forty-five (45) day period for the Village Planner to act;

(2) In the event the Village Planner denies a minor site plan, an appeal may be filed with the Board of Adjustment within ten days of the denial.

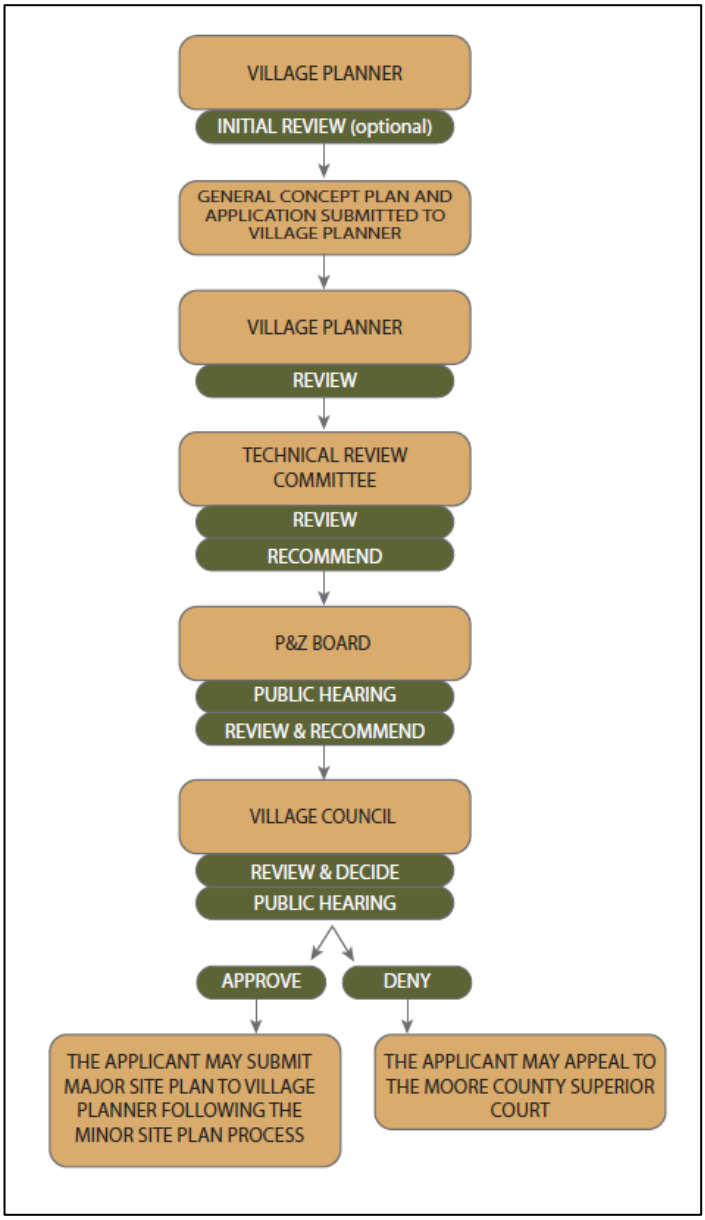
E. **Consideration of Major Site Plans.**

1. **Review by Staff and the Planning and Zoning Board on Major Site Plans.**

(1) The application and General Concept Plan shall be reviewed by the Village Planner and the Technical Review Committee for general compliance with the standards and requirements set forth in this Ordinance. The developer at their discretion may submit a sketch plan for initial review and comment. The comments of the Village Planner and the TRC shall then be provided to the applicant.

(2) The applicant may resubmit the General Concept Plan along with a written response to these comments for further review by the Village Planner and Technical Review Committee. The Village Planner shall review the resubmitted plan and then submit its comments about the resubmitted site plan to the applicant.

Figure 4.6 Process for Major Site Plan Approval



(3) The process continues until the General Concept Plan is ready to be presented to the Planning and Zoning Board for review.

(4) The Village Planner shall transmit the General Concept Plan materials to the Planning and Zoning Board, along with the recommendations of the Village Planner and the Technical Review Committee from the completion of staff review prior to a regularly scheduled meeting of the Board.

(5) The Planning and Zoning Board shall conduct a public hearing in accordance with *Section 4.3.1.F Quasi-Judicial and Legislative Public Hearings* of this Ordinance and review the General Concept Plan, the recommendations of the Village Planner and the Technical Review Committee, and the requirements of this Ordinance, and formulate a recommendation to the Village Council for appropriate action on the site plan. Failure of the Planning and Zoning Board to make a recommendation to the Village Council within ninety (90) days of the first public meeting in which the item is on the agenda for consideration by the Board shall be considered a favorable recommendation.

2. **Action by Village Council on Major Site Plans.** The application, the General Concept Plan, the recommendation of the Planning and Zoning Board, along with the staff report of recommendation of the Village Planner and other pertinent materials shall then be forwarded to the Village Council for action after a public hearing is held by the Village Council in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance. The Village Council shall review this information and either approve, approve with conditions, or reject the site plan:

(1) The Village Council may approve a General Concept Plan only if it meets the standards and requirements set forth in this Ordinance and provides for the dedications and improvements, or payments and guarantees in lieu thereof, required by this Section.

(2) If the Village Council rejects the General Concept Plan, then the reasons therefor shall be stated in the record of action on the General Concept Plan.

(3) Failure of the Village Council to act on the General Concept Plan, the recommendation of the Planning and Zoning Board, and staff report of recommendation of the Village Planner within ninety (90) days of being placed on an agenda for consideration, shall be deemed approval of the General Concept Plan, authorizing the applicant to proceed with preparing full site plan (Appendix D) drawings of the property in accordance with the

General Concept Plan submitted to the Village Council. This time limit shall not apply where the delay in General Concept Plan approval is caused by the applicant's failure to obtain any special use approval required for the proposed development or where the applicant consents to such a delay.

(4) Upon approval of the General Concept Plan by the Village Council, the applicant shall prepare and submit site plans in accordance with Appendix D. Said site plans shall be reviewed using the minor site plan process. Upon Village Planner approval of the site plan, the major site plan shall be deemed approved.

F. **Effect and Duration of Major and Minor Site Plan Approval.**

1. Approval of the site plan and final construction drawings shall authorize the applicant to proceed with any applications for permits and approvals required in order to develop the property in conformity with the approved site plan. A permit, certificate, or other approval may be issued by the Village only if it conforms to the approved site plan and final construction drawings.

2. A development permit and building permit may be issued for any building or structure on the property, and a building or structure on the property may be occupied, only where the applicant has complied with the approved site plan and final construction drawings, and made all dedications and improvements required by this Ordinance. A Certificate of Occupancy shall be issued only upon completion of the terms of the development permit and the building permit.

3. An approved site plan shall become null and void if the applicant has failed to make substantial progress on the site within two (2) years after the date of approval by the Village Planner or Village Council. Substantial progress means at least one-half of the gross floor area of the site-planned development must be completed within the first two (2) years. The entire site must be completed within five (5) years of the first approval date of the site plan. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the site plan unless the approving body finds that all of the following have been met:

(1) A written request for extension has been made to the approving authority at least thirty (30) days before the expiration of the approved site plan.

(2) Unconstructed portions of the site plan conform to all ordinances, policies and plans of the Village in effect at the time of the requested extension.

4. The approving body may grant a single, one (1)-year extension of this time limit, provided that the conditions above have been met.

G. **Recording of Plat for Dedications.** The applicant shall record with the Moore County Register of Deeds an as-built plat containing a metes and bounds description of any and all lands and rights-of-way dedicated as part of the approved site plan. Such plats shall be recorded within thirty (30) days after the date the as-built plan is approved by the Village Planner and Village Engineer. Failure to satisfy this requirement shall render approval of the site plan null and void.

H. **Timing and Inspection of Required Improvements.**

1. **Level Required for Certificates of Occupancy.** The Planning and Inspections Department shall not issue a final Certificate of Occupancy for the development until and unless the developer has installed all improvements, landscaping and other elements in accordance with the requirements of this Ordinance and the approved site plan.

2. **Inspection.** Prior to approval of any Certificates of Occupancy, the Village Engineer and Village Planner shall inspect all improvements for conformance with the requirements of this Ordinance and the approved site plan. The Village Engineer and Village Planner shall have fifteen (15) days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in accordance with such requirements or to provide the applicant with a list specifying all defects, deficiencies, and required repairs.

3. **Correction of Defects and Deficiencies.** Any such list of defects, deficiencies, and required repairs shall be delivered to the applicant in person or by first class mail and shall require that the defects and deficiencies stated therein shall be satisfactorily corrected within sixty (60) days of the date the list was mailed. If the applicant fails to correct all defects and deficiencies and to make all required repairs within this sixty (60) day period, then the necessary improvements and repairs may be completed by the Village at the expense of the applicant, using funds from any guarantees provided by the applicant;

4. **Completion of Work.** Upon completion of the required improvements, the applicant may apply to the Village Planner for a Certificate of Occupancy. If the Village Planner finds that the improvements conform to the requirements of this Ordinance and the approved site plan, then the Planning and Inspections Department shall issue such certificate. The Village reserves the right to withhold development permits, building permits, or certificates of compliance until all improvements have been completed and accepted.

I. **Acceptance of Improvements for Village Maintenance.** The installation of improvements shall in no case bind the Village to accept any such improvements for public maintenance or operation thereof, until the Village Engineer and Village Planner, in accordance with this Section and the Village of Pinehurst Engineering Standards and Specifications Manual, has inspected and approved the improvements as meeting all applicable requirements.

SECTION 4.3.9 SUBDIVISION AND PLAT APPROVALS

A. **Plat Approval Required.**

1. A development permit shall be issued for any development which is a constituent of a major or minor subdivision, and a plat for a major subdivision, or minor subdivision may be recorded with the Moore County Register of Deeds, only after a plat for such subdivision or phase of such subdivision has been approved, all required dedications of land have been made, all required improvements have been installed and inspected, or financial guarantees put in place and a warranty on improvements in accordance with *Sections 14.4.12. Historic Properties and Natural Assets*, *Section 14.4.13. Timing and Inspection of Improvements* and the Village Engineer Standards and Specification Manual has been provided to the Village by the developer. All improvements shall be made in accordance with the procedures and requirements of this Section.

2. The Village shall not accept and maintain any street, water or sewer line, nor shall the Village extend or connect any street lighting, right-of-way dedication, easement, drainage improvement to any subdivision of land or erect a street sign until and unless a plat for such subdivision has been approved and recorded in accordance with the requirements set forth in this Section and the requirements of the Village of Pinehurst Engineering Standards and Specifications Manual are met.

3. Nothing in this Section or elsewhere in this Ordinance shall be interpreted to allow the consecutive subdivision of land into not more than five (5) lots in order to avoid making dedications and improvements for streets and other facilities otherwise required by the Village for subdivisions; no such subdivisions shall be approved or permitted by the Village Council or the Village Manager.

4. No plat shall be recorded for any division of land exempt from this Ordinance unless an exempt subdivision plat is prepared with the appropriate Certificate of Exemption, as shown in Appendix E, is signed by the Village ~~Manager~~Planner and the fee for such exempt subdivision plat is paid.

5. Any person who transfers or sells any land located within the corporate limits or extraterritorial jurisdiction of the Village by reference to a plat which has not been approved by the Village and recorded with the Moore County Register of Deeds, shall be guilty of a misdemeanor even if the instrument of transfer contains a metes and bounds description. The Village also may enjoin such transfer or sale by filing an action for an injunction.

B. **Actions by Moore County Register of Deeds.** The Village shall file a copy of this Ordinance with the Moore County Register of Deeds. The Review Officer shall not authorize, and the Register of Deeds shall not thereafter file or record a plat of subdivision located within the corporate limits or extraterritorial jurisdiction of the Village without the approval of the Village as required in this Section. The landowner shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the corporate limits or extraterritorial jurisdiction of the Village. The filing or recording of a plat of a subdivision without the approval of the Village as required by this section, shall be null and void. The Clerk of the Superior Court of Moore County shall not order or direct the recording of a plat where such recording would conflict with this Section.

C. **Major Subdivisions**

1. **Approval Required.** All plats for major subdivisions shall be reviewed and approved pursuant to the procedures and requirements set forth in *Section 4.3.9.C. Major Subdivisions* through *Section 4.3.9.I. Final Plat Approval* below. A major subdivision is any subdivision that does not qualify as an exempt or minor subdivision as defined herein.

2. **Summary of Procedures.** The approval of plats for major subdivisions is a multi-step process.

   (1) A proposed preliminary plat (Appendix E) is first submitted to the Village Planner.

   (2) The Village Planner and Technical Review Committee reviews the application for completeness and errors and provides written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. The Planning and Zoning Board shall conduct a public hearing in accordance with *Section 4.3.1.F Quasi-Judicial and Legislative Public Hearings* of this ordinance and then review the preliminary plat along with the comments

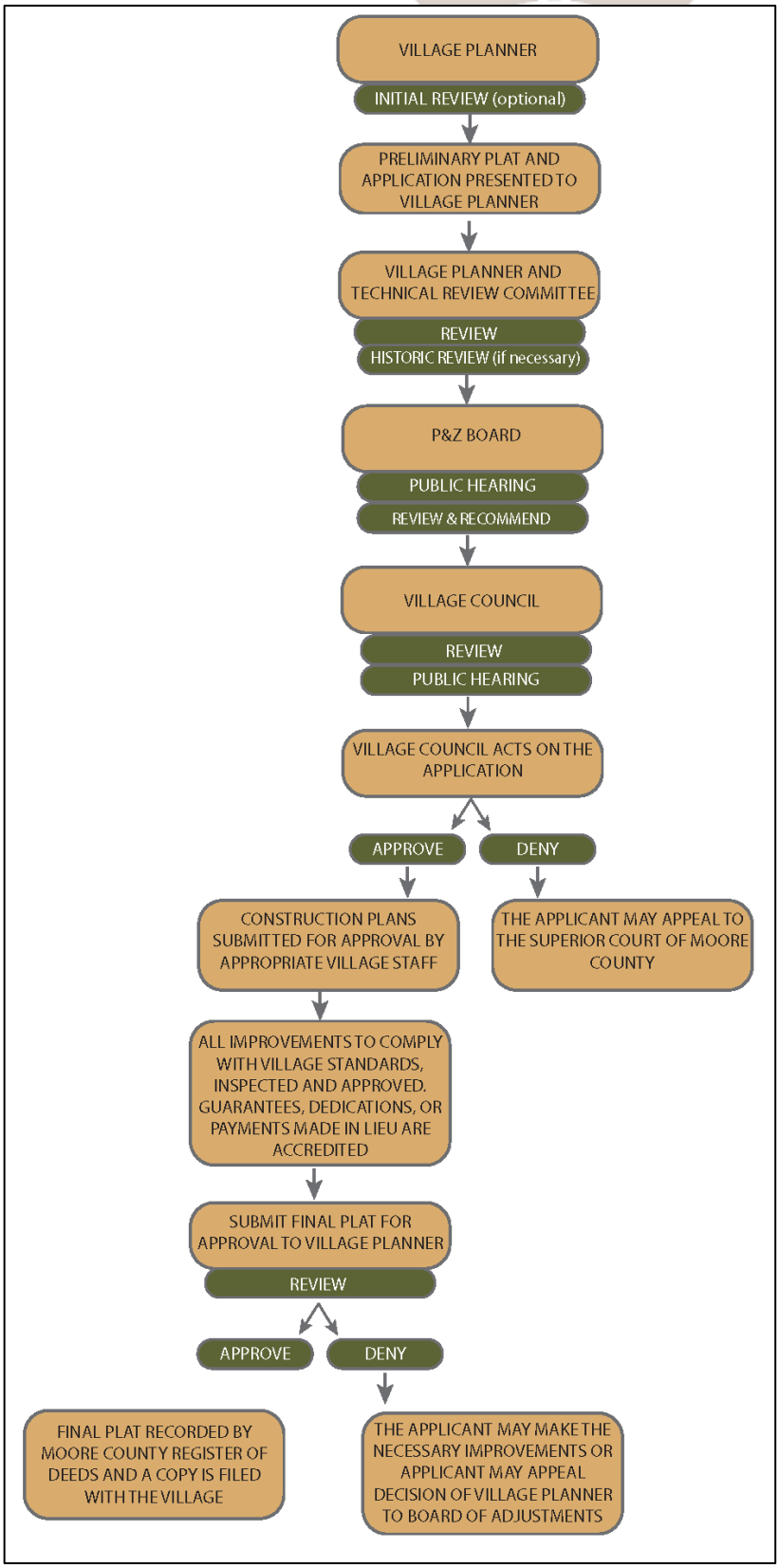
and recommendations of the Village Planner. This process continues until compliance is determined.

(3) The Planning and Zoning Board then submit its recommendations regarding the preliminary plat to the Village Council.

(4) Once the Planning and Zoning Board has submitted its recommendation on a proposed subdivision to the Village Council, the Village Council shall conduct a public hearing in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance and then review the preliminary plat and the Planning and Zoning Board's recommendations, and approve, conditionally approve, or reject the preliminary plat.

(5) Prior to the submittal of the preliminary plat to the Village Planner, the subdivider, at their

Figure 4.7 Process for Major Subdivision Approval



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

3. After the Village Council approves the preliminary plat and the Village Engineer approves construction plans for all proposed public improvements, the applicant then proceeds to make land dedications and install improvements on the property in accordance with the approved preliminary plat.

   (1) Upon carrying out the improvements, the applicant submits a final plat for approval by the Village Planner. The final plat is approved when the applicant has properly made all dedications and properly installed all improvements that are required by this Ordinance and the approved preliminary plat and construction plans.

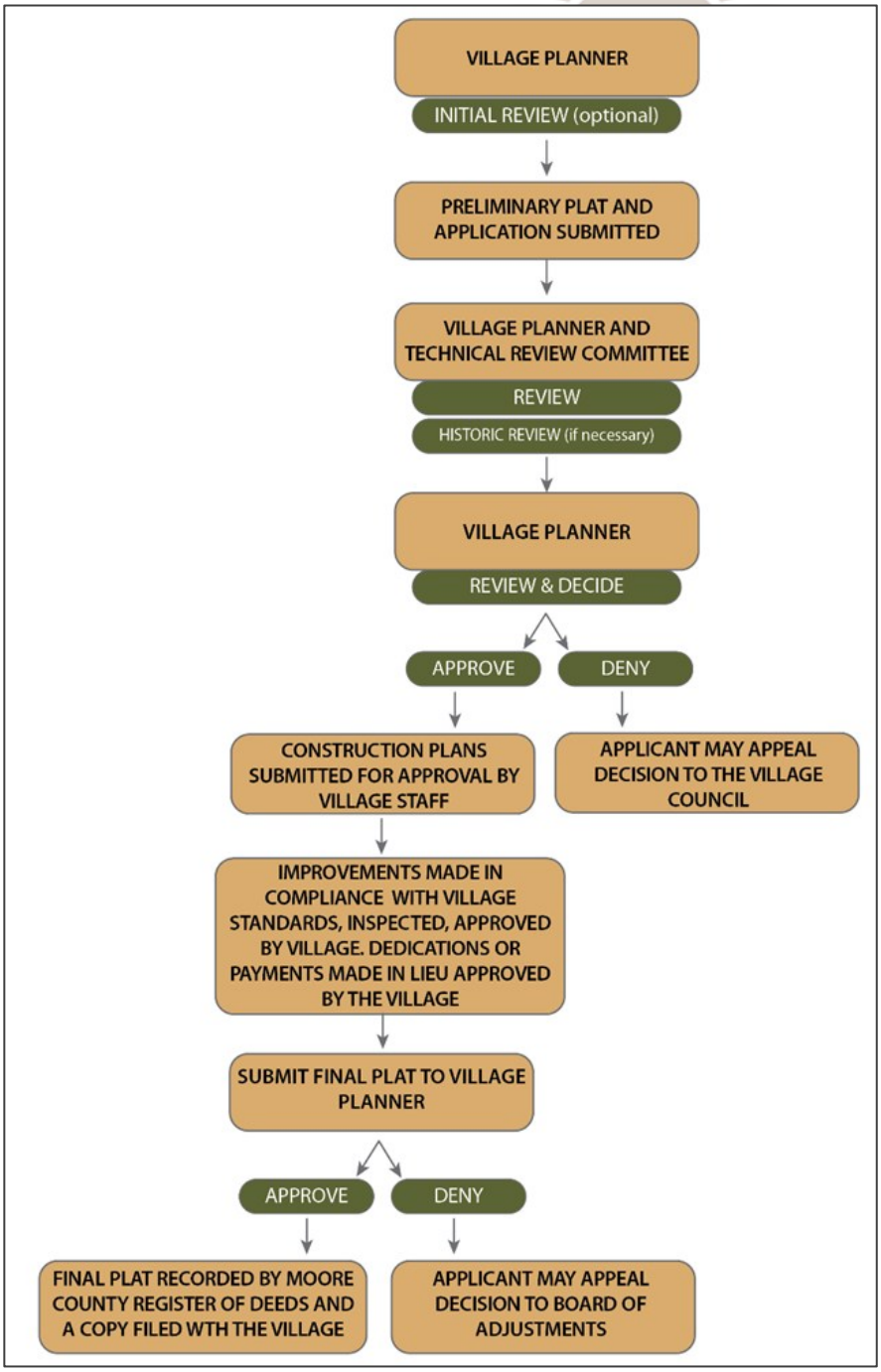
D. Minor Subdivisions

1. **Approval Required.** All plats for minor subdivisions shall be reviewed and approved pursuant to the procedures and requirements set forth in *Section 4.3.9.D Minor Subdivisions* through *Section 4.3.9.I. Final Plat Approval* below.

2. **Summary of Procedure.** The approval of plats for minor subdivisions is a multi-step process.

   (1) A proposed preliminary plat (Appendix E) is first submitted to the Village Planner. The Village Planner reviews with the Technical Review Committee the application for completeness and errors and provides written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. Approval of a Preliminary Plat may be given by the Village Manager provided the requirements of *Section 4.3.9.H. Preliminary Plat Approval* are met.

Figure 4.8 Process for Minor Subdivision Approval



(2) Prior to the submittal of the preliminary plat to the Village Planner, the subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

(3) After the Village ~~Manager~~ Planner approves the preliminary plat and the Village Engineer approves construction plans for all proposed public improvements, the applicant may then proceed to install improvements on the property in accordance with the approved preliminary plat and construction plans. If no improvements are required or proposed construction plans are not required.

(4) Upon carrying out the improvements if any, the applicant shall submit a final plat (Appendix E) for approval by the Village ~~Manager~~Planner. The Final Plat is approved when the applicant has properly made all dedications or any necessary payments of money in lieu of land dedication or other fees due and properly installed all improvements, or a financial guarantee put in place per *Section 14.4.14. Financial Guarantees* which are required by this Ordinance and the approved preliminary plat and construction plans.

E. **Expedited Minor Subdivisions.** Exception for the Division of a Tract of Land in Single Ownership. The Village shall require only a final plat for recordation for the division of a tract of land if all of the following criteria are met:

1. The tract or parcel is owned by one person or legal entity.
2. The parcel proposed for division is not greater than ten (10) acres and no street right-of-way dedication is involved.
3. The area of the tract or parcel to be divided is greater than five (5) acres.
4. After division, no more than five lots will exist.
5. After division, all of the lots will meet the following three standards:

   (1) The lot dimension size requirements.

   (2) The use of the lots conform with the standards of this Ordinance.

   (3) A permanent means of practicable ingress and egress is recorded for each lot.

F. **Exempt Subdivisions.**

1. Exempt Subdivisions comply with the following criteria:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

(2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

(3) The public acquisition ~~of~~ or purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

(5) The division of a tract into plots or lots used as a cemetery.

2. **Application Requirements.** The Exempt Subdivision Plat shall be prepared with the appropriate Certificate of Exemption, as shown in Appendix E, and signed by the Village ~~Manager~~Planner.

3. **Approval.** Exempt subdivisions shall be reviewed and approved by the Village Planner.

G. **Subdivision Approval Associated with a General Concept Plan**

1. **Application Requirements.**

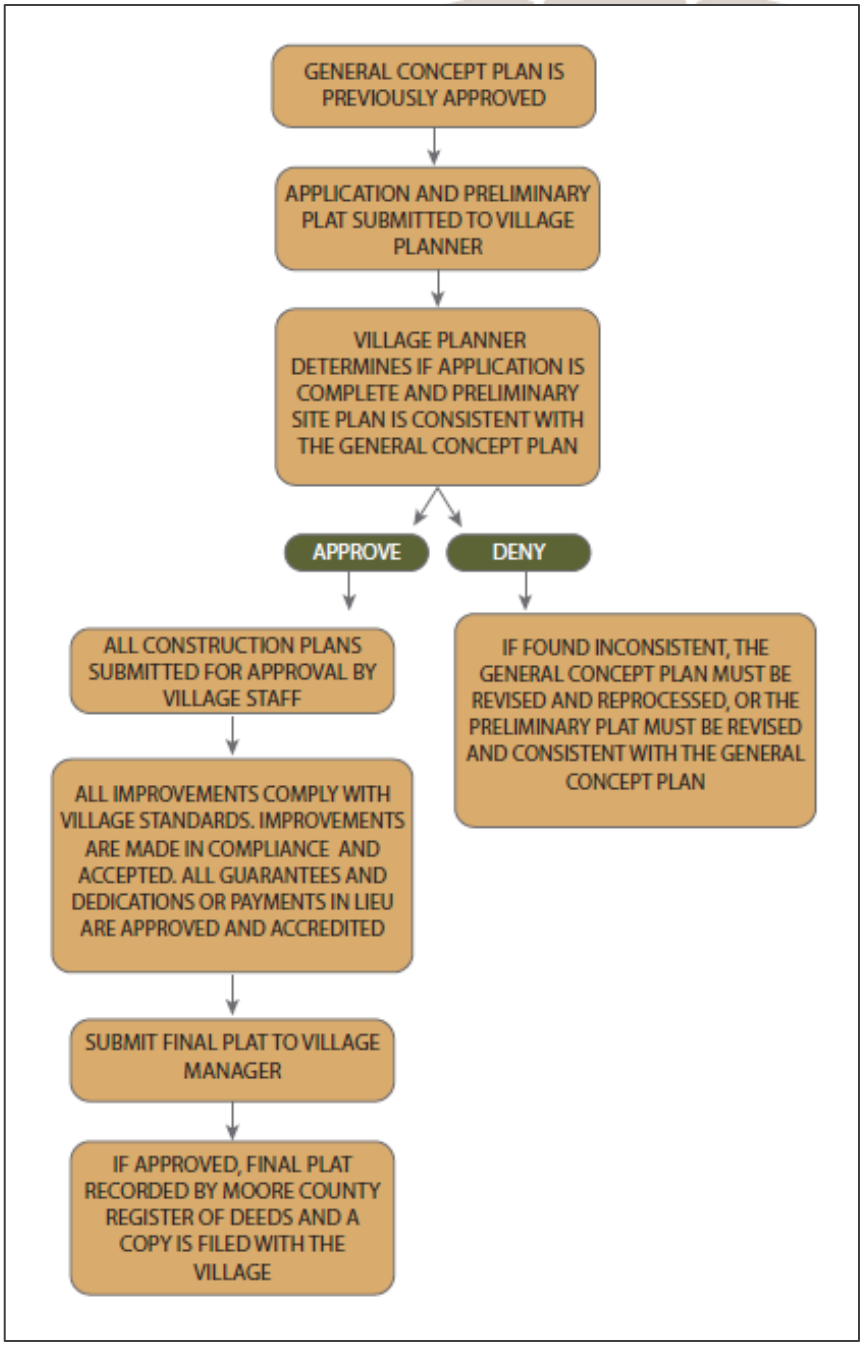
(1) When a property has been rezoned following the procedures of this Ordinance with an associated General Concept Plan the process and approval of the Preliminary Plat shall be administered by the Village Planner.

H. **Preliminary Plat Approval**

1. **Application Requirements.**

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

Figure 4.9 Process for a Subdivision with General Concept Plan Approval



2. **Village Planner's Review.**

(1) The Village Planner and other applicable agencies shall review the preliminary plat for compliance with the development standards set forth in this Ordinance. The comments of the Village Planner which may include necessary or suggested revisions to the submitted plat, shall then be provided to the applicant by the Village Planner.

(2) The applicant shall review these comments, may adjust the plat accordingly, and then resubmit the preliminary plat along with a written response to the comments of the Village Planner.

(3) As part of the above review, the Village Planner shall transmit the proposed preliminary plat for review to the Technical Review Committee.

3. **Minor Subdivisions.**

(1) **Review and Action by the Village ~~Manager~~Planner.** Upon receipt of the application and preliminary plat for minor subdivisions, the Village ~~Manager~~ Planner shall review the plat, the comments of the Village Staff and Technical Review Committee and shall approve or deny the preliminary plat.

(2) **Appeal of Denial to Village Council.** In the event the Village ~~Manager~~ Planner denies a minor subdivision, an appeal may be filed with the Village Council within ten (10) days of denial. If an appeal is filed, the Village Council shall review the minor subdivision in accordance with the procedural provisions for major subdivisions, and may affirm, reverse or modify the ~~Manager's~~ Planner's denial.

4. **Major Subdivisions**.

(1) **Review and Action by the Planning and Zoning Board.** The Village Planner shall forward the application and preliminary plat to the Planning and Zoning Board along with the recommendations of the Technical Review Committee after the Village Planner has deemed compliance with the requirements of this Ordinance.

i. The Planning and Zoning Board shall review the preliminary plat, the recommendations of the Technical Review Committee, and the requirements of this Ordinance and shall formulate a recommendation to the Village Council for appropriate action on the preliminary plat. The recommendation of the Planning and Zoning Board shall be in writing.

ii. The Planning and Zoning Board may request the applicant to revise the preliminary plat before it is submitted to the Village Council for approval.

(2) **Action by Village Council.**

i. The recommendations of the Planning and Zoning Board and the Technical Review Committee shall then be forwarded to the Village Council for action. Along with the application for preliminary plat the Village Council shall review this information and either approve, conditionally approve, or reject the preliminary plat.

ii. Approval of the preliminary plat shall authorize the applicant to proceed with obtaining construction plan approval from the Village Engineer and obtaining construction permits for the necessary improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to *Section 4.3.9.I. Final Plat Approval* below.

iii. If the Village Council approves a plat with conditions, the following requirements shall apply:

a. All conditions, and the reasons for requiring the conditions, shall be stated in the record of approval of the preliminary plat. Such conditions may include, but are not limited to, the following matters:

(i) The configuration of lots and streets.

(ii) The arrangement of utility networks on the property.

(iii) The location of dedicated land and rights-of-way.

(iv) The payment of fees in lieu of such dedications.

(v) The location of required improvements.

b. Upon obtaining construction plan approval from the Village Engineer and any necessary construction permits, the applicant is authorized to proceed with construction of the improvements indicated on the preliminary plat, but approval of the final plat is also contingent on satisfying the conditions imposed by the Village Council.

iv. If the Village Council rejects the preliminary plat, then the reasons therefor shall be stated in the record of action on the preliminary plat,

along with recommendations for ways to revise the preliminary plat so that it could be approved.

v. Failure of the Village Council to act on the preliminary plat within ninety (90) days of the first Village Council meeting in which the application is made an agenda item, the plat and recommendations from the Planning and Zoning Board, shall be deemed approval of the preliminary plat, authorizing the applicant to proceed with the approval of the construction plans of the improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to *Section 4.3.9.I. Final Plat Approval*.

I. Final Plat Approval

1. **Applicable Requirements.** Within the time limit stated in subsection (3) below, the applicant shall file an application using the Village's Online Permit Center along with the associated fee for final plat approval, for that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, with the Village Planner on a form prescribed by the Village, along with the prescribed fee, and shall include the information shown on the preliminary plat and the information listed in Appendix E, as may be amended from time to time by the Village Council.

2. **Forms for Final Certification.** The appropriate certificates and notes shown in Appendix E shall be placed on this final plat.

3. **Failure to Apply for Final Plat Approval - Time Limit.** Failure to file an application for final plat approval within the time period shall render the preliminary plat null and void. At least one-half (1/2) of the lots must be provided with all of the required infrastructure within the first two (2) years of the approval date of the subdivision plat. The entire subdivision plat must be completed within five (5) years of the first approval date of the subdivision plat. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the subdivision plat unless the approving body finds that all of the following have been met:

   (1) A written request for extension has been made to the Village Planner for General Concept Plans, ~~the Village Manager for~~ Minor Subdivisions, or ~~the Village Council for~~ Major Subdivisions at least thirty (30) days before the expiration of the approved site plan.

(2) Unconstructed portions of the subdivision conform to all ordinances, policies and plans of the Village in effect at the time of the requested extension.

4. **Application Requirement.** The application shall contain or be accompanied by such information, final plat, other plans, and final certifications as required on the application form.

5. **Required Dedications and Improvements.** Prior to approval of the final plat, all improvements shall be installed on the property or financial guarantees put in place per *Sections 14.4.14. Financial Guarantees* and all dedications or payment in lieu thereof shall be completed.

6. **Village Planner Review and Approval of Final Plat.**

(1) Approval of the final plat shall be the responsibility of the Village Planner. The final plat shall be approved if it is in substantial conformity with the preliminary plat and the applicant has carried out the improvements shown on the preliminary plat or provided financial guarantees per *Section 14.4.14. Financial Guarantees* and made all dedications or payments in lieu thereof, as indicated in the approved preliminary plat. The Technical Review Committee shall review the final plat for compliance with these requirements.

(2) If all conditions and requirements for approval of the final plat have been met, the Village Planner shall mark approval on all copies of the final plat, and then the Village Clerk shall sign the plat for recording. The Village Planner shall return the approved and signed copies to the applicant~~, two (2) of which the applicant shall file with the Moore County Register of Deeds, one (1) for the Village and the other for the Register's records~~.

7. **Effect of Approval of Final Plat.**

(1) After obtaining approval of the final plat, the approved plat shall be recorded within thirty (30) days, or the plat shall become null and void.

(2) The recording of the approved plat with the Register of Deeds shall authorize the subdivider, or any subsequent developer of the property, to proceed with applications for a development permit on the individual parcels.

J. **Revisions to Approved Plats.** Any amendment or revision to a recorded final major or minor subdivision plat or portion thereof, shall be accomplished in the

same manner as for original approval of a plat as required by the sections above, except for the following minor amendments:

1. **Allowable Changes.** Upon the request of the applicant, the Village Planner may approve the following minor changes to an approved subdivision plat without further review by the Planning and Zoning Board, or Village Council:

   (1) Combination or recombination of existing platted lots so that the total number of lots is not increased and the amended plat represents the same general lot relationships as shown in the plat prior to amendment provided, however, that:

      i. No lot or tract of land shall be created or sold which is smaller than the size shown on the approved plan, except when such lot or tract is re-subdivided to provide additional acreage to immediately contiguous lots or tracts, which will remain in single ownership.

      ii. The location, function and size of drainage, easements or rights-of-way shall not be changed in any substantive way so as to impair their function as designed.

      iii. Street alignment and block sizes shall not be changed.

      iv. The property line between the back of the lots shall not be changed.

      v. The rear portion of the lots shall not be subdivided from the front part.

      vi. Open space perimeter shall not be modified to change conditions to abutting platted lots.

   (2) Minor field alterations to accommodate physical site conditions involving interior features of the site design, including relocation of easements, utilities and infrastructure, which represents the same general lot and easement relationships, topography, landscaping, and minimum utility standards.

   (3) Where a subdivision is required to have a perimeter buffer and where the approved plant materials are unavailable, substitution of the approved plant materials for alternate plant materials, which will accomplish the intent of this Ordinance and the approved preliminary and final plat.

   (4) Changes to the phasing of development.

2. **Revised Subdivision Plats Required.** New subdivision plats are required to show the proposed changes as allowed in (1) above.

3. **Review by Village Planner.** The Village Planner shall submit all such requests to the Technical Review Committee in order to determine the potential impact of the requested change in any requirement or code administered by other agencies of the Village.

4. **Standards of Review.** Before approving any such change, the Village Planner shall make the following findings:

   (1) That all changes conform to the minimum required standards for the zoning district in which the property is located.

   (2) That all additions, alternations, and expansions shall be compatible with the existing or approved lots, easements and infrastructure, open space and common areas.

   (3) That any additional required landscaping shall be comparable to the approved subdivision plat and shall follow Village specifications and guidelines.

   (4) That the effect of the landscaping, buffers, or screening on the site, or on the approved subdivision plat is not diminished.

   (5) That the number of access points to streets is neither increased, decreased, nor substantially relocated.

   (6) That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles.

   (7) That the change will result in better or equal performance of the overall objectives of the approved subdivision plat and specific zoning district classification.

   (8) That the changes do not otherwise violate any provision of this Ordinance, the Village Code, or other applicable laws.

   (9) That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

5. **Appeal.** The applicant shall have the right to appeal the decision of the Village Planner to the Village Council. Before the Village Council makes a decision, the

Planning and Zoning Board shall render its opinion on the merits of the appeal to the Village Council.

SECTION 4.3.10 TEMPORARY USE PERMIT

A. **Development Permit for Temporary Uses Required.** No use that is classified as a temporary use in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary use development permit from the Village Planner.

B. **Required Permit.** No tent, trailer, or other temporary structure governed by the State Building Code shall be occupied or used in conjunction with a temporary use until and unless the applicant has received a temporary use development permit and then received a building permit for each separate structure or building from the Planning and Inspections Department.

SECTION 4.3.11 DEVELOPMENT PERMIT

A. **Development Permit Required.** A development permit is the controlling form of approval for the use of land and development within the jurisdiction of this Ordinance and is a prerequisite for receiving a building permit.

1. A development permit may be issued for development involving multiple activities on a property or for a single purpose such as change of use, or to place a single sign. Issuance of a development permit shall be contingent upon the applicant having received all other permits and approvals related to the land development activities proposed to take place on the property, excepting the building permit.

2. A list of typical permits and approvals that may be required prior to the issuance of a development permit are set forth in *Section 4.3.11~~2~~.F. Prerequisite Permits, Approvals, and Reviews for a Development Permit*.

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

B. **Development Permit Application.** Each application for a development permit shall be accompanied by the number of copies of a plan as set forth by this Ordinance and/or the appropriate application to be submitted in accordance with the electronic submittal requirements of Appendix A through E of this Ordinance. The plan shall be

drawn in accordance to the required plan type as outlined in Appendix A through E of this Ordinance.

C. **Term of a Development Permit.** The issuance of a development permit shall confer with it the right to undertake and complete the development of property under the terms and conditions of such permit provided that such action as authorized by the permit is commenced within three hundred and sixty-five (365) days of issuance and provided that all other permits have been obtained. If the action has not commenced within the 365-day time period, the applicant can apply for renewal or the development permit shall be void. Where a valid vested rights certificate has been issued, the term of a development permit for the area contained within the vested rights certificate shall be for the term of the vested rights certificate.

D. **Previously Issued Building Permits.**

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

   (1) The permit was validly issued.

   (2) The permit has not expired.

   (3) The permit has not been revoked.

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

E. **Appeal of Development Permit Denial.** If the development permit is denied, the applicant may appeal the action of the Village Planner to the ~~Zoning Board of Adjustment~~Board of Adjustment as provided for in *Section 4.4. Appeals of Administrative Decisions*.

F. **Prerequisite Permits, Approvals, and Reviews for a Development Permit.** The following typical permits, approvals, and reviews are required in order to receive a development permit, depending upon the type of the development:

1. **From the Village.**

   (1) Variance/Administrative Appeal (Sections 4.3.6 & 4.4)

(2) Text Amendment/Rezoning (Sections 4.3.2 & 4.3.3)

(3) Signage Plan (Chapter 13)

(4) Floodplain Development Permit

(5) Landscaping Plan (Chapter 8)

(6) Exterior Lighting Plan (Chapter 12)

(7) Subdivision Approval with NCGO1 Construction Stormwater Permit (Chapter 9)

(8) Site Plan Approval (Section 4.3.8)

(9) Special Use Permit (Section 4.3.7)

(10) Historic District Certificate of Appropriateness (Section 6.4.1)

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

(12) Right-of-way Encroachment

(13) Other applicable permits as required

2. **From other agencies.**

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

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

(3) Airport Zone Permit (Moore County)

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

(5) Right-of-way Encroachment

(6) U.S. Fish and Wildlife Approval (RCW) and/or a biological assessment from an environmental consultant concluding no impacts for RCW habitat.

(7) U.S. Army Core of Engineers (ACOE)

(8) Other applicable permits as required

3. Compliance with the Engineering Standards and all other applicable conditions contained in this Ordinance.

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

1. Terms under which a development permit may be revoked include:

   (1) Any substantial departure from the approved application, plans, or specifications.

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

   (3) False statements or misrepresentations made in securing the approval.

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

2. Revocation of a development permit by the Village Planner may be appealed as provided in *Section 4.4. Appeals of Administrative Decisions* and pursuant to NCGS § 160D-405.

SECTION 4.3.12 BUILDING PERMIT

A. **Permit required.** Upon receiving a development permit, application shall be made to the Planning and Inspections Department for a building permit in situations where the North Carolina Building Code requires a building permit. No building permit will be issued except in conformance with a valid development permit.

B. **Conflict with Pinehurst Municipal Code/North Carolina Building Code.** Where any provision of this Section is found to be in conflict with any provision of the North Carolina Building Code or Village of Pinehurst Municipal Code, the adopted Building Codes and Municipal Code shall control.

SECTION 4.3.13 CERTIFICATE OF OCCUPANCY

A. **Certificate of Occupancy Required**

1. No building or structure will be occupied prior to the completion of all required inspections, including compliance with the development permit and all conditions of approval.

2. A building or structure will not be occupied or a change made in the use or nature of a building or part of a building until the Building Inspector has issued a Certificate of Occupancy.

B. **Temporary Certificate of Occupancy.** The Building Inspector may issue a Temporary Certificate of Occupancy, which shall be valid only for the period of time stated in the certificate, for a specified portion or portions of a building, which may safely be occupied prior to final completion of the entire building and/or site. Conditions that are attached to the Temporary Certificate of Occupancy must be completed prior to the expiration of the certificate.

1. When such conditions have not been completed prior to the expiration date of the conditional certificate, the Certificate of Occupancy shall immediately expire.

2. Upon receipt of a written application to the Building Inspector stating satisfactory reasons for the failure to complete work within the given time period, the Inspector may renew the certificate for a specified period of time, not to exceed ninety (90) days.

C. **Approval Procedure.** At the conclusion of all work done under a permit, the appropriate inspectors shall make the final inspections, and if an inspector finds that the completed work complies with all applicable laws and with the terms of the permit, the Building Inspector shall cause a Certificate of Occupancy to be issued.

SECTION 4.3.14 ADMINISTRATIVE MODIFICATION OF DIMENSIONAL STANDARDS

A. In keeping with the purpose of these regulations to accomplish coordinated, balanced, and harmonious development in a manner which will best promote the health, safety, and general welfare of the Village while avoiding undue and unnecessary hardships, the Village Planner is authorized to approve certain requests for deviation from dimensional standards.

B. **Required Application Information.** General Concept Plan (Appendix C) (may be modified by Village Planner as appropriate) and any other relevant information to demonstrate undue and unnecessary hardship.

C. **Conditions for Modification of Setbacks.** Requests for deviation from required setbacks set forth in this Ordinance by up to ten percent (10%) of the required setbacks or twenty-four (24) inches, whichever is less, may be considered upon determination that one (1) or more of the following conditions exists:

1. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing, legally established wall or walls of a principal structure already within the minimum setback area.

2. Any part of the proposed structure that would encroach into the minimum setback area is less than fifty percent (50%) of the width of the affected building facade(s).

3. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.

4. The proposed structure will allow the preservation of significant existing vegetation.

5. An unintentional error was made in the location of a building foundation not exceeding one (1) foot due to either field construction or survey error.

D. **Limitation on Administrative Discretion.** The Village Planner has no discretion to modify any requirements found in *Section 6.7. Special Requirements (SR) to the Table of Permitted and Special Uses* and *Section 7.4. Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements*.

E. **All Decisions to be in Writing.** Prior to rendering a decision, the Village Planner shall notify the Village Manager in writing of any minor deviation for approval.

F. **Administrative Authority is Permissive Only.** The authority given to the Village Planner to grant such modification shall be construed to be permissive and not mandatory and the Village Planner may decline to make such modification. Nothing in this Section shall be construed as limiting the Village Planner's duties and rights under this Chapter, or an applicant's right to appeal the decision of the Village Planner to the ~~Zoning Board of Adjustment~~Board of Adjustment.

G. **Public Notification.** None required

H. **Appeals.** In the event that the Village Planner declines to make a modification to the dimensional standards, the applicant shall have the right to submit an application to the ~~Zoning Board of Adjustment~~Board of Adjustment to grant a variance to these requirements or to submit an application to appeal the Village

Planner's ruling in accordance with *Sections 4.3.6. Variances* and *4.4. Appeals of Administrative Decisions*.

SECTION 4.3.15 APPEALS

A. **General.** The ~~Zoning Board of Adjustment~~Board of Adjustment shall consider appeals and shall review disputed orders, requirements, decisions, or determinations made by the Village Planner. All matters that are considered under appeal by the ~~Zoning Board of Adjustment~~Board of Adjustment shall follow all application procedures and pay all required fees prior to the appeal being accepted.

B. **Appeals of ~~Zoning Board of Adjustment~~Board of Adjustment Decisions**. Any appeal from the decision of the ~~Zoning Board of Adjustment~~Board of Adjustment shall be to the Superior Court of Moore County by petition for a writ of certiorari consistent with the requirements of NCGS § 160D-1402. Any such petition to the Superior Court shall be filed no later than thirty (30) days after the date the decision of the ~~Zoning Board of Adjustment~~Board of Adjustment is filed in the Village Planner's office. The copy of the decision shall be delivered either by personal delivery, electronic mail or first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

SECTION 4.4 APPEALS OF ADMINISTRATIVE DECISIONS

SECTION 4.4.1 PURPOSE AND SCOPE

A. Appeals to the ~~Zoning Board of Adjustment~~Board of Adjustment from the decisions of the Village's administrative staff on actions and/or decisions pursuant to this Ordinance or other ordinances that regulate land use or development are allowed under this Ordinance in order to ensure that any enforcement action taken by such an administrative office pursuant to duties assigned by this Ordinance, is consistent with the terms and purposes of this Ordinance and any related policies or ordinances adopted by the Village.

B. All questions arising in connection with the enforcement of the zoning provisions of this Ordinance shall be presented first to the Village Planner, that such questions shall be presented to the ~~Zoning Board of Adjustment~~Board of Adjustment only on appeal from the decisions of those departments, and that recourse from the decision of the ~~Zoning Board of Adjustment~~Board of Adjustment shall be to the courts.

C. The duties of the Village Council in connection with this Ordinance shall not include the hearing or passing upon disputed questions that may arise in connection with the enforcement thereof.

SECTION 4.4.2 DECISIONS WHICH MAY BE APPEALED

Any order, requirement, permit, decision, determination, or refusal made by any administrative officer in enforcing the provisions of this Ordinance may be appealed to the ~~Zoning Board of Adjustment~~Board of Adjustment. The official who made the decision shall give written notice to the owner of the property.

SECTION 4.4.3 PERSONS WHO MAY FILE AN APPEAL

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

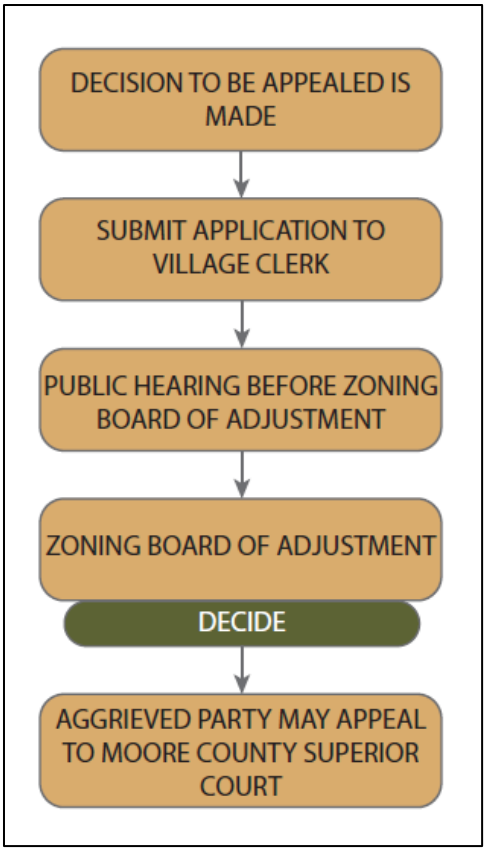
SECTION 4.4.4 FILING OF APPEAL

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

1. The application shall be filed no later than thirty (30) days after the date of the contested action has been provided in writing. Any other person with standing to appeal shall have thirty (30) days from the receipt from any source of actual or constructive notice of the decision in which to file.

2. The application shall contain or be accompanied by the information required on the application form and shall state the decision or determination being appealed and the reasons that the Applicant believes the decision or determination was made in error.

Figure 4.9 - Process for Administrative Appeals



B. **Complete Application.** The Village Planner shall determine whether the appeal application is complete. If the Village Planner determines that the application is not complete, then the applicant shall be notified in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the

appeal for consideration at a quasi-judicial public hearing before the ~~Zoning Board of Adjustment~~Board of Adjustment.

1. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

C. **Stay of Proceeding.** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the ~~Zoning Board of Adjustment~~Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court.

1. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the ~~Zoning Board of Adjustment~~Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed.

2. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

D. Subject to the provisions of section (C) of this subsection, the ~~Zoning Board of Adjustment~~Board of Adjustment shall hear and decide the appeal within a reasonable time.

E. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited to matters stated in the notice of appeal. If any party or the Village would be unduly prejudiced by the presentation of matters not presented in the Notice of Appeal, the Board shall continue the hearing. The ~~Zoning Board of Adjustment~~Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the officials who made the decision.

F. The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The Ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

SECTION 4.4.5 ACTION BY THE ~~ZONING BOARD OF ADJUSTMENT~~BOARD OF ADJUSTMENT

A. Upon receiving the application materials from the Village Planner, the ~~Zoning Board of Adjustment~~Board of Adjustment shall hold a quasi-judicial public hearing on the appeal. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1. Development Review Procedures* of this Ordinance.

B. Either at the public hearing or a subsequent meeting, the ~~Zoning Board of Adjustment~~Board of Adjustment shall adopt a resolution reversing, affirming, or modifying the contested action.

C. In reversing, affirming, or modifying the contested action, the ~~Zoning Board of Adjustment~~Board of Adjustment shall have all relevant powers of the administrative officer from whom the appeal was taken.

D. The ~~Zoning Board of Adjustment~~Board of Adjustment shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the terms of this Ordinance or related policies adopted by the Village.

E. The ~~Zoning Board of Adjustment~~Board of Adjustment shall not reverse or modify the contested action unless there is a concurring vote of a majority of the members.

SECTION 4.4.6 EFFECT OF REVERSAL OR MODIFICATION

In the event that the ~~Zoning Board of Adjustment~~Board of Adjustment reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the ~~Zoning Board of Adjustment~~Board of Adjustment.

CHAPTER 5 ENFORCEMENT

SECTION 5.1 DUTIES OF ADMINISTRATIVE OFFICERS, ~~ZONING BOARD OF ADJUSTMENT~~BOARD OF ADJUSTMENT, COURTS, AND VILLAGE COUNCIL REGARDING ENFORCEMENT OF THIS ORDINANCE

A. The Village Planner is hereby authorized to enforce the provisions of this Ordinance. Appeal from any such enforcement decision shall be made to the ~~Zoning Board of Adjustment~~Board of Adjustment.

B. From the decision of the ~~Zoning Board of Adjustment~~Board of Adjustment, recourse shall be had to the courts as provided by law.

C. The duties of the Village Council regarding this Ordinance shall be only to consider and pass upon proposed amendments to or repeal of this Ordinance or parts thereof.

SECTION 5.2 PENALTIES FOR VIOLATIONS

A. **Assessment of Civil Penalties.** Any person, firm, or corporation violating any provisions of this Ordinance shall be subject to a civil penalty in the amount of five hundred dollars ($500) to be recovered by the Village in a civil action in the nature of debt. No civil penalty shall be assessed

Chapter 5. Enforcement 102
Section 5.1 Duties of Administrative Officers, Zoning Board of Adjustment, Courts, and Village Council Regarding Enforcement of this Ordinance . 102
Section 5.2 Penalties for Violations 102
Section 5.3 Notice of Violation and Citation Procedure 103
Section 5.4 Injunctive Relief and Other Remedies 104
Section 5.5 Violations of Approved Plans 105

until the person alleged to be in violation has been notified of the violation by the Village Planner. Each day that a violation continues shall constitute a separate and distinct violation or offense.

B. **Referral to Attorneys.** If payment is not received within thirty (30) days after written demand for payment is made, the Village Planner may refer the matter to the Village Attorney who is authorized to institute a civil action in the name of the Village of Pinehurst in the appropriate division of the General Court of Justice for recovery of the penalty.

C. **Stop Work Orders For Any Plan Violations.** In addition to the civil penalties listed above, the Village Planner has the authority to issue a stop work order for any construction, reconstruction, demolition, grading, alteration, or repair to a building, structure, plant or landscaping in violation of this Ordinance.

SECTION 5.3 NOTICE OF VIOLATION AND CITATION PROCEDURE

A. **Notice Required Before Penalty.** No penalty shall be assessed pursuant to Section *5.2. Penalties for Violations* above unless and until the person or property owner alleged to be in violation has been notified of the violation in accordance with this Section.

B. **Notice of Violation and Opportunity to Cure.** Whenever the Village Planner has reasonable cause to believe that a person is violating or a property is in violation of any of the provisions of this Ordinance or any plan, order, or condition which has been approved, issued, or imposed pursuant to this Ordinance, the Village Planner shall promptly notify that person or property owner of the violation.

1. Such Notice of Violation shall be in writing and shall be served by regular mail or certified mail, or by posting notice on the property in a conspicuous place on the property.

2. The Notice of Violation shall describe the violation, shall identify the provision or provisions of this Ordinance which are being violated, shall specify what actions must be taken to correct the violation (including an order to stop any and all work which violates this Ordinance), and shall warn that more severe measures (such as a civil penalty) may be assessed or brought against the person if he or she fails to take appropriate action to cure or correct the violation.

3. If the violation is cured or corrected within the time period specified in the notice of violation, then the Village shall take no further action against the person.

C. **Extension of Time to Cure.** Upon receipt of a written or verbal request for an extension of time to cure or correct the violation, the Village Planner may grant a single extension of time, not to exceed a period of thirty (30) days.

D. **Citation for Violation.** Any person who, after being given a notice of violation pursuant to Subsection (B) above, does not comply with this Ordinance within the time period set forth in the notice of violation, and who continues such violation, shall be subject to the civil penalties set forth in *Section 5.2. Penalties for Violation.*

1. The Village shall serve a written citation to the alleged violator by regular or certified mail, or by posting notice on the property in a conspicuous place on the property.

2. The citation shall again describe the nature of the violation and any actions that the alleged violator must take to cure or correct the violation and shall specify the amount of any civil penalty that shall be levied against the alleged violator.

E. **Action for Recovery of Penalty and for Corrective Action.** If payment is not made, or the violation is not cured or corrected, within that time, then the matter may be referred to the Village Attorney who is authorized to institute a civil action in the name of the Village of Pinehurst in the appropriate division of the General Court of Justice for recovery of penalty.

SECTION 5.4 INJUNCTIVE RELIEF AND OTHER REMEDIES

A. The Village Attorney, on behalf of the Village of Pinehurst, in addition to other remedies, may institute an injunction action, court order, or other appropriate proceeding to prevent, enjoin, abate, or remove any development, situation, or other activity that violates this Ordinance.

B. In addition to other remedies provided by law, whenever the Village Planner has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, the Village Planner may refer the matter to the Village Attorney.

C. The institution of an action for injunctive or other relief under this Section shall not relieve any party to such proceedings from any civil penalty prescribed by this Chapter for violations of this Ordinance.

SECTION 5.5 VIOLATIONS OF APPROVED PLANS

A. **Stop Work Order.** A stop work order may be issued by any appropriate authority for violations of approved plans and the owner of the property may be subject to any other penalties described in this Chapter, until compliance is met.

B. **Conditional or Temporary Violations of Certificates of Occupancy.** If a conditional or temporary Certificate of Occupancy expires, or if the required work is not completed within the allowed time, then the conditional or temporary permit is void and any continued operation shall be in violation of this Ordinance.

C. **Violations after Development.** If a final Certificate of Occupancy is issued and the required work is later found to be out of compliance by the Village, then the owner will be subject to all the penalties of this Ordinance.

CHAPTER 6 ZONING DISTRICTS AND DIMENSIONAL STANDARDS

SECTION 6.1 RULES GOVERNING THE INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

A. When district boundaries are roughly following street, alley, railroad, or highway lines (including their centerlines), those lines are considered the boundaries.

B. Where district boundaries are shown as following lot lines, the lot lines are considered the boundaries. However, a surveyed plat by a registered land surveyor can be submitted to the Village of Pinehurst to prove that certain properties along these boundaries are not within a specific zoning district.

C. If zoning district boundaries are more than 25 feet away from any parallel lot line, their location should be determined using the scale on the Zoning Map.

D. If zoning district boundaries are 25 feet or less from any parallel lot line, the lot line is considered the boundary.

Chapter 6. Zoning Districts and Dimensional Standards 106
Section 6.1 Rules Governing the Interpretation of Zoning District Boundaries 106
Section 6.2 Standards of Measurement 107
Section 6.3 General Use Zoning Districts 113
Section 6.4 Overlay Zoning Districts 128
Section 6.5 Conditional Zoning Districts 144
Section 6.6 Table of Permitted and Special Uses and Special Requirements 145
Section 6.7 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements 157
Section 6.8 Design And Development Standards And Processes 185

E. When a parcel is in more than one zoning district, each portion of the lot shall be subject to the regulations applicable to the zoning district where it is located.

F. In the case of uncertainty over boundaries, the Village Planner will interpret the Official Zoning Map. This decision can be appealed to the ~~Zoning Board of Adjustment~~Board of Adjustment.

SECTION 6.2 STANDARDS OF MEASUREMENT

SECTION 6.2.1 DENSITY

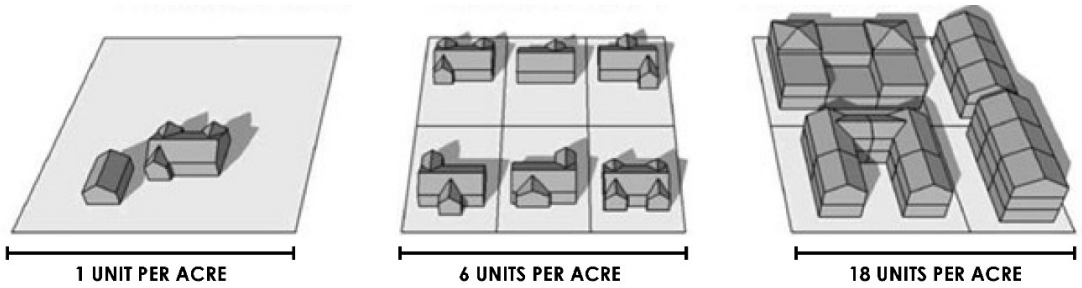
A. **Standard for Dimensional Calculations.** Numbers used to establish dimensional requirements shall be rounded ~~up~~ to the nearest whole number.

B. **Calculation of Permitted Density**. Permitted density shall be measured by dwelling units per gross acre (du/ac). For example, if a development of ten (10) acres is entitled to ten (10) dwelling units per acre, the maximum permitted density within the development is one hundred (100) dwelling units.

1. Maximum density and/or intensity is not guaranteed subject to compatibility of uses or districts, onsite features, and other standards as regulated by this Ordinance.

2. Accessory dwelling units associated with residential uses shall not be counted towards the maximum permitted density.

Figure 6.1 Density



SECTION 6.2.2 STANDARDS OF GENERAL APPLICABILITY

A. Standards of general applicability shall include the subsections below. These standards shall be defined and make up the requirements of each district's development standards table.

B. **Building Height.** Building height shall be measured from the finished or established grade elevation following land-disturbing activities.

1. **Exceptions to the Height Limits.**

(1) The following are not to be included in the calculation of building height:

i. Basements

ii. Spires

iii. Steeples

iv. Chimneys

v. Antennae attached to buildings

vi. Communication towers

vii. Water tanks

viii. Elevator Shafts

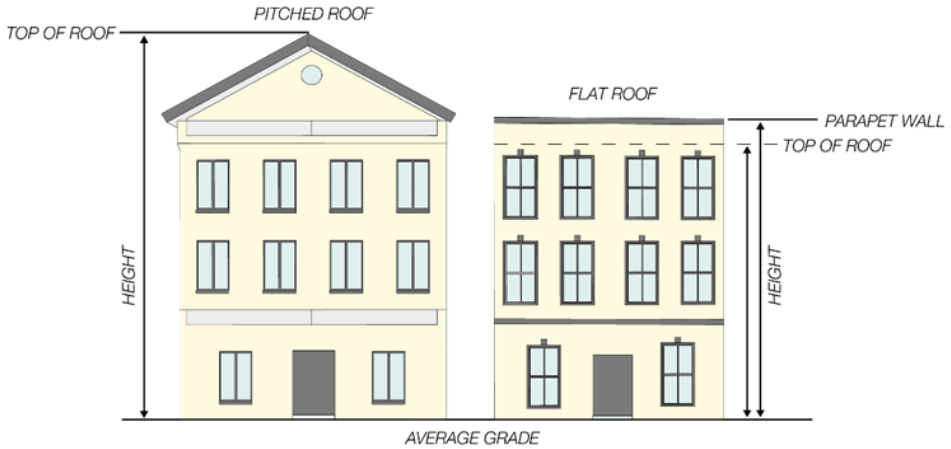
ix. Flyways

x. Cupolas

xi. Other similar appurtenance as approved by the Village Planner

(2) Flagpoles and other structures not specifically listed here are subject to the height restriction for the Zoning District or as otherwise noted in the Ordinance, whichever is more restrictive (*Section 13.6.B. Flags, Etc.*).

C. **Maximum Height.** Building height is the vertical distance from the average grade along the front to the highest point of the roof.



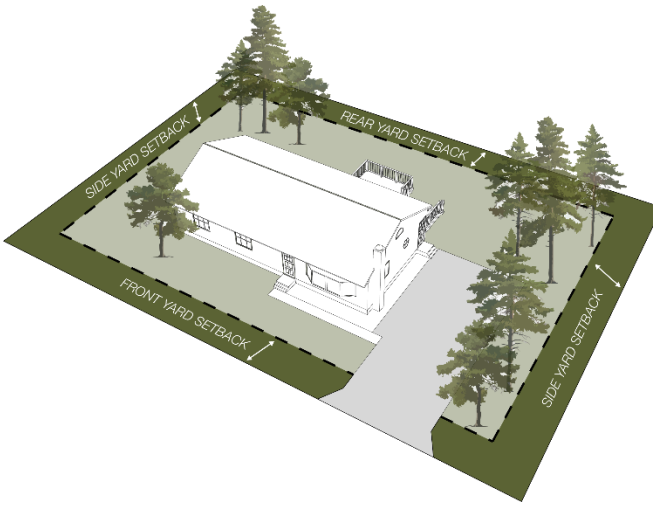
D. **Building Placement (Setbacks).** Building Placement (Setbacks) shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line.

1. Setbacks are designated by a front setback requirement, side setback requirements, rear setback requirement, and lake and/or golf course setbacks where applicable. Provisions for setbacks for accessory structures are designated in *Section 6.3. General Use Zoning Districts*.

2. For the purpose of calculating setback requirements and yards, three configurations of lots exist: interior/inside lots, corner lots, and through lots.

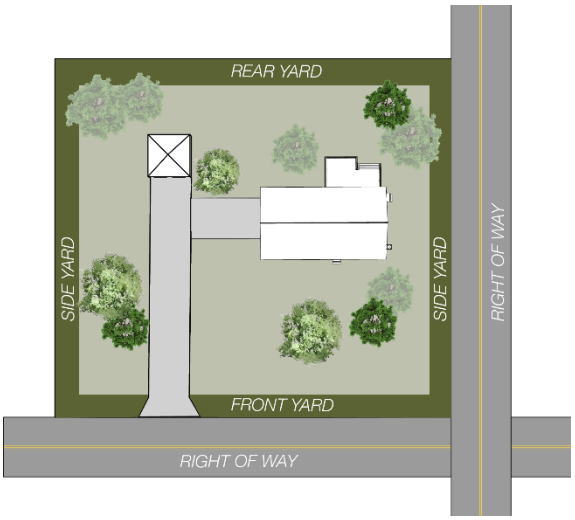
(1) **Interior/Inside Lot.** A lot bounded by a street on only one side. The street yard shall be recognized as the primary (i.e. front) yard. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.

Figure 6.4 Setback – Interior Lot



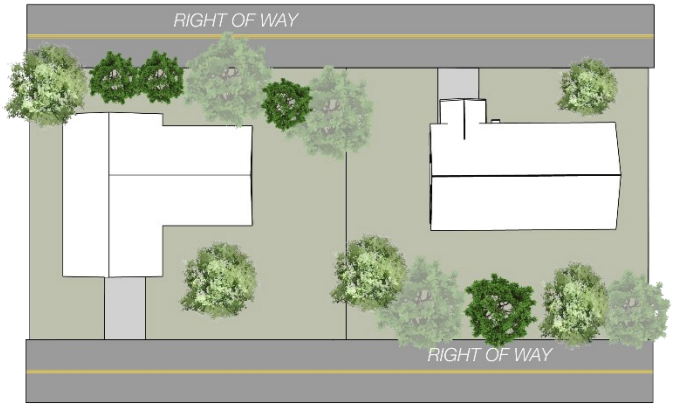
(2) **Corner Lot**. A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. The building's orientation, driveway and entrance should align with this primary front yard but may also be allowed on the other street-facing side.

Figure 6.5 Corner Lot



(3) **Through Lot**. A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front yard, which shall dictate its front setback requirements. Orientation of the building, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non-primary front yard. Additional side or rear yard setbacks may be required for a through lot. If one of the streets is designated as a local street or alleyway, garage access may be permitted from the local street or alleyway.

Figure 6.6 Through Lot



E. **Street Frontage.** Any lot that is to be created or any existing lot on which a structure (or structures) is to be erected, or a use is to be established shall abut one of the following:

1. An improved public street maintained by the Village of Pinehurst, other jurisdiction, or NCDOT.

2. An existing improved private street shown on the latest Village of Pinehurst Powell Bill Map.

3. An improved and recognized private street located within the Village of Pinehurst ETJ as shown on a map approved by the Village Council.

F. **Allowable Encroachments into Required Yards:**

1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Section and the Zoning District in which it is located, except as otherwise established in this Ordinance for particular uses.

2. The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

   (1) Eaves, overhangs, and building steps may project up to three (3) feet into any required setback.

   (2) Condensing units of HVAC equipment, generators and other similar mechanical equipment may encroach a maximum of five (5) feet into side and rear yard setbacks only and shall be no closer than three (3) feet to the property line.

   (3) Sidewalks/walkways may encroach into any setback.

   (4) Residential driveways may encroach into any setback that does not abut a golf course or a lake.

   (5) Canvas awnings may project a maximum of six (6) feet.

   (6) Other accessory uses and buildings may encroach, as set forth in other applicable sections of this Ordinance.

   (7) Non-residential driveways, parking lots, loading areas, and sidewalks may encroach into any setback.

   (8) Patios and uncovered decks attached to principal structures, similar structures, inclusive of steps, may encroach up to five (5) feet into the side and rear setbacks, including golf course and lakefront setbacks, of a given

property. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

(9) On grade patios, on grade decks and similar structures may be located within ten (10) feet of any lakeshore property line but must meet the side setbacks for the proposed structure. See *Section 6.7.2.K. SR-110 Accessory Structure.*

G. **Permeable Surfaces.** Approved permeable surfaces may receive up to 50% reduction in the calculation of impervious surface area if designed, installed, and maintained in accordance with the NCDEQ Stormwater Design Manual, Section C-5 (Permeable Pavement). The applicant shall submit manufacturer specifications and design criteria for the selected permeable surface material.

SECTION 6.3 GENERAL USE ZONING DISTRICTS

General Use Zoning Districts are created to provide comprehensive land use regulations throughout the jurisdiction of this Ordinance. There are nineteen (19) General Use Zoning Districts that provide for a variety of uses that are appropriate to the character of the individual districts throughout the jurisdiction of this Ordinance. In the General Dimensional Requirements Table for each zoning district, the "P" stands for Principal Use, and the "A" stands for Accessory Building or Accessory Structure.

SECTION 6.3.1 (PC) PUBLIC CONSERVATION DISTRICT

A. The Public Conservation District is established as a district in which the primary use of the land is reserved for the public for recreation, parks, natural or man-made bodies of water, forests and other similar open space uses, and other government uses that provide public services to the residents of Village of Pinehurst. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or property otherwise restricted for public recreational use. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the PC District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (acre)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P	A	P	A	P	A		
-	-	50	40	25	20	25	20	25	25	60	30	12	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.2 (RD) RECREATION DEVELOPMENT DISTRICT

A. The Recreational Development District is established as a district in which the primary use of the land is predominantly reserved for privately owned recreation, clubhouses and support structures, natural or man-made bodies of water, resort complexes and other similar uses. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or property otherwise restricted for private recreational use. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the RD District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		Max Impervious Surface Cover[1] (%)	Max Height (ft)
				P	A	P	A	P	A	P	A		
5 acres	-	200	100	50	50	50	50	50	50	-	30	24	50

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.3 (R-210) RESIDENTIAL DISTRICT

A. The R-210 Residential District is established as a district in which the principal uses of the land are for low-density residential and light agricultural purposes. Development in this district is restricted due to lack of available utilities, watershed protection restrictions and for the protection of agricultural lands. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-210 District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover [1,2] (%)	Max Height (ft)
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
5 acres	100	60	100	50	15	40	15	50	50	60	30	24	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10 or R-8 Districts meeting the Required Open Space regulations of this Ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.4 MEDIUM DENSITY RESIDENTIAL DISTRICTS

A. The R-15, R-20, and R-30 Residential Districts are established as districts in which the principal use of land is for medium-density residential uses. These districts are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* or the list of permitted uses in the R-15, R-20, and R-30 districts.

B. **General Dimensional Requirements**

Zoning District	Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover[1,2] (%)	Max Height (ft)
	Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
					P	A	P	A	P	A	P	A	
R-30	30,000	100	20	40	30	10	20	10	20	20	60	30	30	35
R-20	20,000	80	20	40	30	10	15	10	20	20	30	30	35	35
R-15	15,000	75	20	30	30	10	15	10	20	20	30	30	37.5	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10, or R-8 Districts meeting the Required Open Space regulations of this ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.5 HIGH DENSITY RESIDENTIAL DISTRICTS

A. The R-5, R-8 and R-10 Residential Districts are established as districts in which the principal use of land is for high-density residential uses. These districts are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-5, R-8, and R-10 districts.

B. **General Dimensional Requirements**

Zoning District	Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover[1,2] (%)	Max Height (ft)
	Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
					P	A	P	A	P	A	P	A	
R-10	10,000	75	20	30	25	10	15	10	20	20	30	30	40	35
R-8	8,000	60	20	20	20	10	10	10	15	15	30	30	42.5	35
R-5	5,000	40	20	20	20	10	10	5	15	15	30	30	45	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10, or R-8 Districts meeting the Required Open Space regulations of this ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.6 (R-MF) RESIDENTIAL MULTI-FAMILY DISTRICT

A. The Residential Multi-Family District is established as a district in which the principal use of land is for multi-family and/or single-family dwellings. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-MF district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks[1]										Max Impervious Surface Cover[3] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[2]	A	P	A	P	A		
5,500	50	36	30	25	15	0	15	20	20	30/60	30	60	35

Footnotes:

1. Setback requirements shall apply to the perimeter of the parent tract or tracts prior to development.
2. Fifteen (15) foot minimum if detached.
3. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Supplemental Dimensional Requirements**

1. **Maximum Residential Density.** Six (6) dwelling units per acre.

SECTION 6.3.7 (NC) NEIGHBORHOOD COMMERCIAL DISTRICT

A. The Neighborhood Commercial District is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts. This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the NC district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks								Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
10,000	-	75	25	20	10	10	10	15	15	30	30	70	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.8 (H) HOTEL

A. The Hotel District is established as a district in which the principal use of land is for hotels and their associated villas or cottages. This district is intended to provide lodging facilities for visitors while minimizing any adverse impact on neighboring residential areas. Refer to *Table 6.3.Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the H district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		Max Impervious Surface Cover[1] (%)	Max Height (ft)
				P	A	P	A	P	A	P	A		
1 acre	-	100	40	30	20	20	20	20	20	30	30	70	50

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.9 (HD) HOSPITAL DEVELOPMENT DISTRICT

A. The Hospital Development District is established as a district in which the principal use of land is for hospitals, surgical centers or other health professional services and their supporting uses. This district is further intended to encourage the development of regional and community-wide providers of health care services while minimizing any adverse impacts on neighboring residential and historic areas. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the HD district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P	A	P	A	P	A		
15 acres	400	100	75	75	25	50	25	75	25	30	30	70	75

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.10 (OP) OFFICE PROFESSIONAL DEVELOPMENT DISTRICT

A. The Office Professional District is intended to provide for limited office and retail development as a spatial development between business districts and residential land uses. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the OP district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks								Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
20,000	100	75	25	20	10	15	10	20	20	30	30	70	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.11 (VCP) VILLAGE COTTAGE PROFESSIONAL DISTRICT

A. The Village Cottage Professional District is intended to provide for limited office and retail development and a wide variety of housing types in pedestrian-scaled, residential-style structures. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VCP district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks										Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)				
				P	A	P[1]	A	P	A	P	A			
8,000	-	25	20	20	10	0	10	10	10	30	30		70	35

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Village Cottage Professional District Design Standards.** The Village Cottage Professional District shall be developed in a way that is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. In addition, reference should be made to the design guidelines and the Village of Pinehurst Historic District Standards.

SECTION 6.3.12 (VR) VILLAGE RESIDENTIAL

A. The Village Residential District is established as a district in which the principal use of land is for multi-family and single-family dwellings near the Village Center or other commercial nodes. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VR district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks										Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)				
				P	A	P[1]	A	P	A	P	A			
5,500	-	25	10	20	10	0	5	10	10	30	30		70	35

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Supplemental Dimensional Requirements**

1. **Maximum Residential Density.** Eight (8) dwelling units per acre

D. **Village Residential District Design Standards.** The Village Residential District shall be developed in a high-density residential fashion, providing pedestrian access to the Village Center and compatible in design to the residential development adjacent to the existing Village Center. In addition, reference should be made to the design guidelines and the Local Historic District Standards.

SECTION 6.3.13 (VMU) VILLAGE MIXED USE DISTRICT

A. The Village Mixed-Use District is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VMU district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[1]	A	P	A	P	A		
20,000	-	25	0 min 10 max	5	5	0	5	0 min 10 max	10	30	30	70	50

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Village Mixed Use District Design Standards.** The Village Mixed Use District shall be developed in a way that it is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. In addition, reference should be made to the design guidelines and the Local Historic District Standards.

1. Façade materials shall consist of brick, shake, wood clapboard, or a similar synthetic material. No more than fifteen percent (15%) of exterior materials along a given block front shall be shake. This requirement does not apply to any structure regulated by the North Carolina Residential Building Code.
2. Upper and lower floors shall be distinguished through a change in material and/or color or the addition of balconies, bays, awnings, or other accent features.

3. Windows are required, where they allow views to interior activity areas or displays. However, glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.

4. Exterior building colors shall be consistent with the Village Center and be found in the Village of Pinehurst color palette.

5. When used, façade lighting shall provide a sense of safety without excessive light and glare.

6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.

7. Architectural ornaments along the roof line, such as molding entablature or friezes, are required.

8. Sidewalks shall be provided and provide access along the street front. Mid-block pedestrian pathways are required. Pathways should be brick and must clearly delineate the pathway separate from any driving surface. They shall be designed to link the sidewalk at the street side of the building to parking areas in the rear.

9. Public spaces and plazas shall be incorporated to create a pedestrian-friendly environment.

10. Street furniture, outdoor eating areas, and sitting areas shall be incorporated at the ground floor.

SECTION 6.3.14 (VC) VILLAGE COMMERCIAL DISTRICT

A. The Village Commercial District accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be situated at street level, with residential uses in rear or upper stories. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VC district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[1]	A	P	A	P	A		
5,000	-	25	0 min 10 max	5	5	0	5	0 min 10 max	10	30	30	90	50

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.4 OVERLAY ZONING DISTRICTS

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

SECTION 6.4.1 HISTORIC PRESERVATION OVERLAY DISTRICT

A. **Purpose and Intent**

1. Historic areas are some of the most valued and important assets of the Village of Pinehurst, having local, state, and national importance. The establishment of Historic Preservation Districts is for the purpose of preserving the Village's heritage; safeguarding its character by preserving the district as a whole and any property therein that embodies important elements of its social, economic, cultural, political, or architectural history.

2. The establishment of the Historic Preservation District is also for the purpose of:

   (1) Promoting the conservation of such districts for the education, pleasure, and enrichment of residents of the district, the Village, and others.

   (2) Fostering civic beauty.

   (3) Stabilizing and enhancing property values throughout the district, thus contributing to the improvement of the general health and welfare of the Village and the residents of the district.

3. **Historic Districts Established.** Historic districts, as provided for in this Section, may from time-to-time be designated, amended, or repealed, provided; however, no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, material, feeling, and/or association. No district shall be designated, amended, or repealed until an investigation and report initiated by the Pinehurst Historic Preservation Commission (PHPC) describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared. The Department of Cultural Resources, acting through the State Historical Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and

description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Village Council within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Village Council of any responsibility for awaiting such analysis, and the Village Council may at any time thereafter take any necessary action to adopt or amend this Ordinance with respect to Historic Districts.

4. The Village Council shall also refer the report and the proposed boundaries to the Planning and Zoning Board for its recommendations prior to taking action to amend this Ordinance.

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

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

B. **Certificate of Appropriateness Required.**

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

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

C. **Certificate of Appropriateness Procedure.**

1. An application for a Certificate of Appropriateness and any supplemental materials shall be submitted using the Village's Online Permit Center and filed with the Village Planner. Applications for Certificate of Appropriateness for major work shall be considered by the PHPC at its next regularly scheduled meeting, provided the application has been deemed complete by the Village Planner or designee.

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

3. Applications that are categorized or fall within the category description of normal maintenance or minor work within the Local Historic District Standards, will be approved or denied by Village staff. If staff does not approve the application or if there is a question if the work is consistent with the Standards, then the application will be heard at the next PHPC meeting as a regular agenda item.

4. Prior to issuance or denial of a Certificate of Appropriateness for a major work project, the PHPC shall conduct a public hearing in accordance with this Ordinance. The Village Planner shall be responsible for notifying the affected parties in accordance with *Section 3.3.3. ~~Zoning Board of Adjustment~~Board of Adjustment* of this Ordinance.

5. The PHPC shall act on the application and in doing so, shall apply the Review Criteria contained in this Section and within the Local Historic District Standards.

6. The PHPC's action on the application shall be approval, approval with modifications and/or conditions, delay of demolition, or denial.

7. Prior to the final action on an application, the PHPC, using the Review Criteria, shall make Findings of Fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.

8. The PHPC shall enter into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications and/or conditions, delay of demolition, or denial.

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

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

D. **Review Criteria.**

1. **Intent.**

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

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

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

2. **Exterior Form and Appearance.**

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

i. Lot coverage, defined as the percentage of the lot area covered by primary structures.

ii. Setback, defined as the distance from the lot lines to the building(s).

iii. Building height.

iv. Spacing of buildings, defined as the distance between adjacent buildings.

v. Exterior building materials.

vi. Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration.

vii. Surface textures.

viii. Roof shapes, forms and materials.

ix. Use of local or regional architectural traditions.

x. General form and proportions of buildings and structure, and relationship of any additions to the main structure.

xi. Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials.

xii. Orientation of the building to the street.

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

xiv. Proportion of width to height of the total building façade.

xv. Archaeological sites and resources associated with standing structures.

xvi. Appurtenant fixtures and other features such as lighting.

xvii. Structural condition and soundness.

xviii. Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape mass, building façades, or combinations of these.

xix. Ground cover or paving.

xx. Maintenance of pedestrian scale and orientation, as well as provision for safe pedestrian movement.

xxi. The use of approved colors from the Village of Pinehurst Color Palette (new construction, additions, alterations, and repainting only, and not for existing residences).

xxii. Effect of trees and other landscape elements.

(2) The Secretary of the Interior's "Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness.

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

E. **Certain Changes Not Prohibited.** Nothing in this section shall prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District that does not involve a substantial change in design, material, or outer appearance. It also does not prevent the construction, alteration, restoration, or demolition of any such feature that the Village Planner or Designee has certified to the PHPC, in writing, is required because of an unsafe or dangerous condition. Nothing herein shall prevent the maintenance or in the event of an emergency, the immediate restoration of any existing, aboveground utility structure without approval by the PHPC.

F. **Delay in Demolition.**

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

2. In the case of demolition action by the Village, the application for such a certificate will first be reviewed by the PHPC and secondly by the Village Council for final order of demolition or removal.

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

G. **Application Review by Pinehurst Historic Preservation Commission.** As part of its review procedure, the PHPC may view the premises and seek the advice of the North Carolina Department of Cultural Resources or other expert advice as it may deem appropriate.

H. **Appeal of Decision**

1. In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party shall be taken to the Superior Court of Moore County in the nature of certiorari.

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

3. The State of North Carolina shall, for property of the State or its agencies, have the right to appeal to the North Carolina Historical Commission, within thirty (30)

days from the date of the decision. The decision of the State Historical Commission shall be final and binding upon both the State and the PHPC.

I. **Compliance.**

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

2. Nothing contained in the Ordinance shall prohibit, impair, or limit in any way the power of the Village Council to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of any provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy in other ordinances or laws.

J. **State Recommendations.** Districts shall not be established or the authority and powers of the PHPC be implemented until the North Carolina Department of Cultural Resources has been given the opportunity, in accordance with the provision of the North Carolina General Statutes to make recommendations with respect to the establishment of the districts.

~~1. At least sixty-five (65%) of the required parking lot trees shall be large shade trees.~~

~~A minimum of half (50%) of the required parking lot trees shall be pine trees.~~

~~Trees and shrubs shall be planted within fifteen (15) feet of the vehicle use areas.~~

~~For developments containing thirty (30) or more parking spaces, fifty percent (50%) of the trees and shrubs required shall be planted in islands or medians located within the parking lot.~~

~~A consecutive strip of parking spaces shall include landscape islands every twenty (20) spaces apart and at the ends of all parking rows.~~

K. ~~Landscape islands shall be grassed and mowed, covered with organic material (e.g., pine mulch), or a combination of the two.~~

SECTION 6.4.2 HIGHWAY CORRIDOR OVERLAY DISTRICT (HCOD)

A. **Purpose and Intent.** The Highway Corridor Overlay District (HCOD) is established to provide additional standards for land adjacent to major highway corridors to protect the natural and environmental features that constitute important physical, aesthetic, recreational, and economic assets to the Village. The overlay district is established to:

1. Prevent unsightly conditions that may destroy or detract from the natural character, beauty, and condition.
2. Minimize potential safety hazards that may exist along the roadways in the Village.
3. Ensure development is consistent with the historic character of the Village's natural and built environments.

B. **Area of Applicability.** The HCOD standards, which apply to the entire length of a corridor becomes effective once a corridor has been studied, a plan adopted, and the area subsequently identified on the Official Zoning Map. Development standards apply to all parcels within 600 feet of the right-of-way on both sides of the street as shown on the Official Zoning Map, except in such instances in which the Village Council has modified the corridor width. In cases where a portion of a tract of land lies within the HCOD the entire tract shall adhere to the same regulation.

C. **Permitted Uses.** The permitted uses shall be the same as those in the underlying zoning districts. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements*.

D. **New Development.** All new nonresidential development, multifamily development, and major subdivisions within the Highway Corridor Overlay District shall comply with the regulations of this section. If there are more restrictive standards elsewhere in this Ordinance, those standards shall control.

E. **Site Design Standards.** These standards provide the Village's expectations for the quality and appearance of new development.

1. **Buildings on Corners.**

(1) Buildings that exist on a corner lot shall incorporate additional architectural features, utilize massing techniques, or implement other features to emphasize their prominent location and create a visual assist to turn the corner.

(2) Corner buildings should utilize massing techniques and architectural treatments to create an inviting pedestrian environment where a building wraps a street corner.

2. **Street Walls.**

(1) Where surface parking lots or drive aisles abut a public street right-of-way (or sidewalk), a street wall shall be required on the setback line or edge of parking lot pavement. Street walls are required alongside boundaries of drive aisles along drive-through lanes. An alternative, such as hedging or other similar designs may be approved by the Village Planner as long as the desired effect of a street wall is achieved.

(2) Street walls shall be constructed of brick, masonry, stone, wrought iron or other solid decorative materials. Wood, fencing, and chain link shall not be considered permitted materials for a street wall.

(3) Street walls shall be a minimum of three (3) feet and a maximum four (4) feet in height.

(4) Breaks in street walls may be permitted to allow for pedestrian or vehicular access, or tree protection.

Figure 6.7 Street Walls



3. **Utilities.** Utility services shall be located underground, where feasible, in coordination with the utility provider.

4. **Accessory Uses and Structures.** No accessory uses or structures are permitted in the front yard.

F. **Parking Requirements**

1. **Parking Lot Setbacks**

(1) The required parking setback from the highway right-of-way line is at least fifty (50) feet.

(2) The required parking setback from residentially zoned lots is at least thirty (30) feet.

(3) The required parking setback for internal lots with access to an internal street right-of-way shall be at least twenty (20) feet from the front lot line.

2. All off-street parking should be located to the side or rear of the building to the greatest extent possible.

G. **Landscape Buffer Requirements.** Landscape buffers shall comply with the regulations of *Chapter 8. Landscaping and Buffers*, except as provided below:

1. When development occurs next to a residentially zoned parcel, a minimum Class 3 Buffer is required.

H. **Parking Lot Landscaping.**

1. Parking lots, loading areas, and other vehicle use areas shall be planted with one tree and two shrubs for every ten parking spaces required.

2. At least sixty-five (65%) of the required parking lot trees shall be large shade trees.

3. A minimum of half (50%) of the required parking lot trees shall be pine trees.

4. Trees and shrubs shall be planted within fifteen (15) feet of the vehicle use areas.

I. **Lighting.** Lighting shall comply with the regulations of *Chapter 12. Lighting Standards*, except as provided below:

1. Light fixtures shall be a maximum of fifteen (15) feet in height for the lighting of vehicle use areas when located adjacent to a residentially zoned property.

2. Parking area lighting fixtures may be no closer tan twenty (20) feet to the property line when located adjacent to a residentially zoned property.

J. **Driveways.** Driveways serving a new development parcel shall be permitted in accordance with the standards of NCDOT; however, the Planning and Zoning Board and Village Council may require more strict standards as conditions of approval during the site plan review, if it is determined that the additional conditions may improve traffic movement and safety.

1. Developers of non-residential uses are required to share parking areas and driveways with adjoining developments.

2. Development will be required to have shared access to the roadway as approved by NCDOT or the Village.

K. **Signs.** Signs shall comply with the regulations of *Chapter 13. Signs*.

SECTION 6.4.3 WATERSHED PROTECTION OVERLAY DISTRICT - WPOD

A. **Purpose and Intent.**

1. The Legislature of the State of North Carolina has, in Chapter [153A][160A], Article [6][8], Section [121][174], General Ordinance Making Power; and in Chapter 143, Article 21, Water and Air Resources, authorized local governments to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. In addition, NCGS § 160D-926 and NCGS § 143-214.5 specifically authorize local governments to enact and enforce water supply watershed management regulations. The Village Council hereby ordains and enacts into law the following articles as the Water Supply Watershed Protection Ordinance of Pinehurst.

2. The intent of the WPOD is to ensure the availability of public water supplies at a safe and acceptable level of water quality for present and future residents of the Village and the surrounding region. Watershed protection measures allowed by this Section of the Ordinance include:

   (1) Impervious area limitations.

   (2) Stream and reservoir buffers.

   (3) Restriction of land uses and density allowed within water supply basins by the use of zoning.

B. **Applicability.**

1. The WPOD is an overlay district to be applied to designated watersheds on the Official Zoning Map with regulations superimposed on all lands lying within the watershed of a public water supply. The boundaries of the WPOD shall be shown on the Official Zoning Map and Extraterritorial Jurisdiction Line. The Watershed Protection Overlay District consists of four (4) sub-areas:

   (1) Drowning Creek–Lumber River WS-II, Balance of Watershed (WS-II BW).

   (2) Nicks Creek–Cape Fear River WS-III, Balance of Watershed (WS-III BW).

   (3) Little River–Intake #2 WS-III, Balance of Watershed (WS-III BW).

   (4) Little River–Vass WS-III, Balance of Watershed (WS-III BW).

C. **Permitted Uses.** The uses prohibited and the limitations on impervious surface coverage in the WPOD subareas are listed in *Table 6.1. Watershed Areas – Allowed and Not Allowed Uses*.

Table 6.1 Watershed Areas - Allowed and Not Allowed Uses

Activity/Use	Water Supply Watershed Classification	
	WS-II BW	WS-III BW
New landfills	Yes	Yes
New permitted residual land application	Yes	Yes
New permitted petroleum contaminated soils	Yes	Yes
NPDES General or Individual Stormwater discharges	Yes	Yes
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes	Yes
NPDES Individual Permit trout farm discharges	Yes	Yes
New NPDES Individual Permit domestic treated wastewater discharge	No	Yes
New NPDES Individual Permit industrial treated wastewater discharge	No[a]	No[a]
Non-process industrial waste	No	Yes
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	No	No
Sewage	No[b]	No[b]
Industrial Waste	No[b]	No[b]
Other wastes	No[b]	No[b]
Groundwater remediation project discharges[c]	Yes	Yes
Agriculture[d]	Yes	Yes
Silviculture[e]	Yes	Yes
Residential Development[f]	Yes	Yes
Non-Residential Development[f,]	Yes	Yes
Nonpoint Source Pollution[g]	Yes	Yes
Animal Operations[h]	Yes	Yes

Footnotes:

a. Except non-process industrial discharges are allowed.
b. Only allowed if specified in 15A NCAC 02B.0104.
c. Where no other practical alternative exists.

d. In WS-I watersheds and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10-foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies.
e. Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209). Effective 4/1/2018
f. See density requirements in 15A NCAC 02B.0624.
g. Non-Point Source pollution shall not have adverse impact, as defined in 15A NCAC 02H.1002, in use as water supply or any other designated use.
h. Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H.0217.

D. **Procedures for Development Approval**

1. **Protection Measures.** All development within the WPOD shall demonstrate compliance with the requirements of this Section at the time of development permit approval, except as set forth in (2) below.

2. **Exception for Existing Development.** Development existing as of June 21, 1993, is not subject to the requirements of this Section. Expansions to existing development must meet the requirements of this Section; however, the impervious surface area of the existing development is not required to be included in the density calculations. A pre-existing lot owned by an individual or assignee prior to the effective date of June 21, 1993, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Section.

E. **Density and Built-Upon Limits**

1. **Project Density.** The following maximum allowable project densities and minimum lot sizes, as shown in *Table 6.2. Maximum Allowable Project Density or Minimum Lot Size*, shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development.

Table 6.2 Maximum Allowable Project Density or Minimum Lot Size

Water Supply Classification	Location in the Watershed	Maximum Allowable Project Density or Minimum Lot Size		
		Low Density Development		High Density Development
		Single-family detached residential	Non-residential and all other residential	All types
WS-II	Balance of Watershed	1 dwelling unit (du) per 1 acre; or 1 du per 40,000 square foot lot excluding roadway right-of-way; or 12% built-upon area	12% built-upon area	12 to 30% built-upon area with SIA approval
WS-III	Balance of Watershed	1 dwelling unit (du) per one-half acre; or 1 du per 20,000 square foot lot excluding roadway right-of-way; or 24% built-upon area	24% built-upon area	24 to 50% built-upon area with SIA approval

2. **Calculation of Project Density.** The following requirements shall apply to the calculation of project density:

   (1) Project density shall be calculated as the total built-upon area divided by the total project area.

   (2) A project with "Existing Development," as defined in this Ordinance, may use the calculation method in sub-item (1) of this section or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

   (3) Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).

   (4) Where there is a net increase of built-upon area, only the area of net increases shall be subject to density and built upon area limits.

(5) Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built-upon area limits.

(6) Total project area shall exclude the following:

i. Areas below the Normal High-Water Line (NHWL).

(7) Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high- and low-density areas based on one or more of the following criteria:

i. Natural drainage area boundaries.

ii. Variations in land use throughout the project.

iii. Construction phasing.

3. **Special Intensity Allocations (SIA).** SIAs shall be allocated and developed in accordance with the following rules:

(1) SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the watershed area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the total acreage eligible for allocation.

(2) SIAs shall be allocated on a “first come, first serve” basis upon the approval and issuance of the appropriate permit.

(3) The Village must allow applicants to exceed allowable density if the applicant treats all stormwater from existing and new built-upon area according to local, state, and federal regulations.

(4) The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any permit used for development. In such case, the unused allocated acreage shall be returned to the unallocated total acreage eligible for allocation.

SECTION 6.5 CONDITIONAL ZONING DISTRICTS

SECTION 6.5.1 PURPOSE AND INTENT

A. Conditional zoning districts are established to:

1. Provide an alternative to conventional zoning districts which would be inappropriate at certain locations in the absence of special conditions.

2. Create flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions.

3. Allow the landowner to propose, and the Village Council to consider additional conditions or restrictions on the range of permitted uses, use-specific standards, density, development standards, and other applicable regulations.

4. Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated issues that could arise from the proposed development.

SECTION 6.5.2 CONDITIONS

A. Conditions may be proposed by an applicant or the Village Council. Only those conditions agreed to by both the applicant and the Village Council shall be included in the approved conditional rezoning.

B. All conditions of approval shall be consented to, in writing, by the applicant, prior to issuance of the conditional zoning application approval.

SECTION 6.5.3 CONDITIONAL DISTRICTS

For each General Use District established in *Section 6.3. General Use Zoning Districts* and Form Based District established in *Section 7.2. Form Based Districts Zoning Districts*, there is also established a corresponding Conditional District as follows:

A. PC-CD - Public Conservation Conditional District;

B. R-210 CD - Residential Conditional District;

C. R-15 CD - Residential Conditional District;

D. R-20 CD - Residential Conditional District;

E. R-30 CD - Residential Conditional District;

F. R-5 CD - Residential Conditional District;

G. R-8 CD - Residential Conditional District;

H. R-10 CD - Residential Conditional District;

I. R-MF-CD - Residential Multi-Family Conditional District;

J. VR-CD - Village Residential Conditional District;

K. RD-CD - Recreation Development Conditional District

L. OP-CD - Office and Professional Development Conditional District;

M. H-CD - Hotel Conditional District;

N. HD-CD - Hospital Development Conditional District;

O. VC-CD - Village Commercial Conditional District;

P. VCP-CD - Village Cottage Professional Conditional District

Q. VMU-CD-Village Mixed Use Conditional District

R. NC-CD - Neighborhood Commercial Conditional District.

S. VP FBD-CD - Village Place Form Based Conditional District.

T. PS FBD-CD - Pinehurst South Form Based Conditional District.

SECTION 6.6 TABLE OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

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

SECTION 6.6.1 USE CATEGORIES

A. Each use type is grouped under a use category.

1. Residential
2. Lodging
3. Office/Service
4. Commercial/Entertainment

5. Civic
6. Education/Institution
7. Automotive
8. Industry/Wholesale/Storage
9. Agriculture
10. Utilities/Infrastructure
11. Accessory Uses
12. Temporary Use

SECTION 6.6.2 SYMBOLS USED ON TABLE OF USES

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

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

B. "SU" indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of *Section 4.3.7 Special Use Permit* before obtaining a Development Permit.

C. "CZ" indicates that a specific use, development, or subdivision may only be permitted through a conditional zoning district that is parallel to the underlying zoning district (see *Sections 6.3 General Use Zoning Districts* and *6.5. Conditional Zoning Districts*). The conditional zoning district designation must be approved before the use may be established, development permit issued, and conformance with all applicable development and design standards achieved as provided in this ordinance. All nonconforming uses and structures shall be governed under *Chapter 2. Nonconformities* of this Ordinance.

D. The "SR" column on the far right of the table indicates special requirements for development or use compliance. These requirements are defined in *Section 6.7. Special Requirements to the Table of Permitted and Special Uses*. For any use needing a Special Use Permit, the Special Requirements and Ordinance requirements are the minimum conditions for issuance. When "SR" appears in a zoning district's use, special requirements apply. The requirements are numbered

by categories: SR-1 to SR-99 for Principal Uses, SR-100 to SR-199 for Accessory Uses, and SR-200 to SR-299 for Temporary Uses. The "SR" will also appear in the column of the general use district in which the special requirements apply.

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

F. In the event a use is not listed, the Village Planner may determine if a materially similar use exists and is defined by this Ordinance. If the Village Planner determines there is a materially similar land use, the determination shall be made in writing and all applicable regulations and standards with that use shall apply to the unlisted use. Such determinations by the Village Planner may be appealed pursuant to *Chapter 4* of this Ordinance. If a use is not listed and a materially similar use does not exist, an application may be filed to amend this Ordinance pursuant to *Chapter 6*.

Table 6.3 Table of Permitted and Special Uses and Special Requirements

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Residential																			
Dwelling-Single Family			P	P	P	P	P	P	P	P					P, SR	P	P, SR		1
Dwelling-Two Family										P					P, SR	P	P, SR		1
Dwelling-Multifamily										P, SR					P, SR	P, SR	P, SR		3
Dwelling-Townhouse/ Clustered Dwellings										P, SR					P, SR	P, SR	P, SR		2
Family Care Home (6 or fewer residents)			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR					P, SR	P, SR	P, SR		4
Halfway Homes																			
Dwelling -Mixed Use											P, SR			P, SR	P, SR		P, SR	P, SR	5
Manufactured Housing									P, SR										6
Manufactured Home Park																			
Lodging																			
Bed and Breakfast Homes			P, SR									P, SR			P, SR	P, SR	P, SR		7
Boarding or Rooming House																			
Dormitory																			
Hotel												P	P				P, SR	P, SR	8

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Lodging																			
Neighborhood Lodging Accommodation			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR							P, SR		10
Recreational Vehicle Park	P																		
Short Term Rental			SR	SR	SR	SR	SR	SR	SR	SR	SR	P, SR	SR	SR	SR	SR	P, SR	SR	9
Office/ Service																			
Banks, Credit Unions, Financial Services											P			P	P		P	P, SR	21
Business Support Services											P			P	P		P	P	
Crematoria																			
Dry Cleaning & Laundry Services										P				P	P, SR		P, SR	P, SR	23
Funeral Home											P			P					
Medical Clinic											P		P	P					
Medical Office											P		P	P					
Office											P			P	P		P	P, SR	21
Personal Services											P			P	P		P	P	
Personal Services, Restricted																			
Post Office											P						P	P	

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Office/ Service																			
Professional Services											P			P	P		P	P, SR	21
Radio/TV Studio											P			P	P		P		
Small Equipment Repair/Rental											P								
Small Engine Repair / Sales											P								
Veterinary Services / Indoor Kennels											P, SR			P, SR					11
Commercial/ Entertainment																			
Sexually Oriented Business											SU, SR								I2
Alcoholic Beverage Sales Store											SU						P	P	
Amusements, Indoor											P								
Amusement, Outdoor																			
Billiard/Pool Hall																			
Bar/Tavern/Night Club											P						P	P	
Garden Center											P								
General Retail											P, SR				P, SR		P, SR	P, SR	13
Golf Course		P	SU	SU	SU	SU				SU									

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Commercial/ Entertainment																			
Internet Sweepstakes Facilities																			
Outside Sales											P, SR				P, SR		P, SR	P, SR	14
Pawnshops																			
Racetrack																			
Restaurant											P, SR			SU, SR	SU SR		P, SR	P, SR	15
Shooting Range																			
Theater, Indoor (Movie or Live Performance)											P						SU	SU	
Civic																			
Civic/Cultural Facilities	P										P				P		P	P	
Community Shared Facilities			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR						P, SR	P, SR	P, SR		16
Conference/Convention Center																			
Country Club		P																	
Municipal Public Service Facility	P														P		P		
Private Clubs											P						P	P	
Public Safety Station	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	16

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Civic																			
Recreation Facilities, Indoor	P										P		P				P		
Recreation Facilities, Outdoor		P, SR	P, SR								P, SR								17
Religious Institution	P		P, SR	P, SR	~~SU~~P, SR	P, SR	P~~SU~~, SR	P, SR	P, SR		P			P	P				18
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Education/ Institution																			
Residential Care Facilities (More than 6 Residents)									SU		P		P	P			SU		
Child/Adult Day Care Center											P		P	P			P		
Community Support Facility														P, SR					19
Hospital													P						
Schools - Elementary & Secondary		SU, SR					SU, SR							SU					18
Schools- Post-Secondary/ Vocational/Technical	P													P					
Studio - art, dance, martial arts, music											P			P	P		P	P	
Automotive																			
Fueling Station											SU, SR								20

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Automotive																			
Heavy Equipment/ Manufactured Home Rental/Sales																			
Vehicle. Rental/Leasing/Sales																			
Vehicle Service-Maintenance Repair/Body Work																			
Industry/ Wholesale/ Storage																			
Artisan Workshops											P				P		P	P	
Industry, Manufacturing																			
Landfill/Waste Recovery Facilities	P, SR																		22
Recycling Collection Stations Municipal	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Storage -Outdoor Storage Yard																			
Storage-Self Service																			
Storage -Warehouse, Indoor Storage																			
Wholesaling and Distribution																			
Agriculture																			
Agriculture, Livestock			P, SR																25

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Agriculture																			
Farming/Animal Production			P, SR																25
Horse Farm & Training Track	P, SR		P, SR																26
Nurseries			P																
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor																			
Swine Farms																			
Infrastructure																			
Parking Structure												P, SR	P, SR	P, SR		P, SR	P, SR	P, SR	27
Parking Lot -Principal Use	P											P	P				P	P	
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities			SU, SR																28
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU					
Accessory Uses																			
ATM											P			P	P		P	P	

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Accessory Uses																			
Beekeeping	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	100
Cemetery	P, SR		P,SR		SU, SR		SU,SR		P,SR		P, SR			P,SR					101
Child/Adult Day Care Home Occupations			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR				P,SR	P,SR	P,SR	P,SR	P,SR	104
Farmers Market	P, SR												P, SR					P,SR	102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	103
Fuel/Propane Tanks	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	114
Ice Vending																			
Home Occupation			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P,SR	P,SR	P,SR	P,SR	P, SR	104
Outdoor Swimming Pools and Spas	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P, SR			P, SR	P,SR	P,SR		105
Pet Houses and Pet Runs			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR				P,SR	P,SR	P,SR	P,SR	P, SR	106
Playground Equipment	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P, SR	P,SR	P,SR	P,SR	107
Accessory Buildings	P, SR	P, SR	P	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	108
Dwelling - Accessory			P	SU, SR	SU, SR	SU, SR	SU,SR	SU, SR	SU, SR	P,SR					P,SR	P,SR	P,SR		109
Accessory Structure	P, SR	P, SR	P,SR	P,SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P, SR	P,SR	110
Bulkheads on Lakes	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	111

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Accessory Uses																			
Docks on Lakes	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	112
Floats/Rafts and Mooring Buoy	P, SR	P, SR	P, R	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P, SR	P,SR	P,SR	113
Temporary Uses																			
Boat Storage	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR		200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	201
Temporary Expansion of School Facilities		P, SR					P,SR							P,SR					202
Temporary Real Estate Offices			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR									203
Model Homes			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR									204
Yard Sales	P, SR		P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P,SR	P,SR	P,SR	P,SR	P,SR	205
Temporary Uses Other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	206

SECTION 6.7 SPECIAL REQUIREMENTS (SR) TO THE TABLE OF PERMITTED AND SPECIAL USES

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

SECTION 6.7.1 PRINCIPAL USES

A. **SR-1 Dwelling, Single Family-Two Family Dwellings.** In VCP and VMU Districts between any single-family residential use and non-residential use, a minimum of a Class 1 buffer shall be placed between uses by the non-residential user on the non-residential property.

B. **SR-2 Dwelling, Townhouse/Clustered Dwellings.** The common open space provided with the townhouse unit development shall be no less than twenty-five percent (25%) of the gross land area.

   1. The minimum setbacks required around the perimeter of the development tract shall be as required by the General Dimensional Requirements of the applicable zoning district. The front wall on any unit or group of contiguous units shall not be set back beyond the rear wall of any adjacent unit or group of contiguous units where both face the same street or vehicle accommodation area. A townhouse unit lot frontage may be on open space properly restricted through a responsible entity to ensure adequate access. The minimum size for a townhouse or cluster dwelling unit is one thousand five hundred (1,500) heated square feet.

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

C. **SR-3 Dwelling, Multi-Family.** The minimum size for a multi-family dwelling is one thousand five hundred (1,500) heated square feet.

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

   1. Shall be a single-family dwelling;

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

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

   (1) Applicant submits a letter of intent.

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

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

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

E. **SR-5 Dwelling, Mixed Use**

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

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

F. **SR-6 Manufactured Housing**

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

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

G. **SR-7 Bed and Breakfast Homes.** The use shall be located in a structure that was constructed as a single-family dwelling and contains a minimum of three (3) and a maximum of nine (9) adult guest rooms. If the structure was not originally constructed as single-family dwelling, a special use permit is required.

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

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

3. Meals served on the premises for paying guests shall be limited to breakfast.

4. No alcoholic beverages shall be sold on the premises.

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

6. Any interior modification shall be described in the application.

7. Off street parking shall be provided in conformance with this Ordinance.

8. Special events for guests such as wedding receptions, parties, etc., shall not be permitted.

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

H. **SR-8 Hotel.** At least fifty percent (50%) of the level of the primary entrance shall not be used for guest rooms based on area square footage of that level**.**

I. **SR-9 Short Term Rental**

1. All new short-term rentals shall be required to obtain a Development Permit from the Village. All short-term rentals~~, whether lawful nonconforming uses or new short-term rentals,~~ shall comply with the following standards:

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

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

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

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

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

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

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

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

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

(10) Accessory Dwelling Units may be permitted for short-term rental where Accessory Dwelling Units and Short-Term Rentals are both permitted by right in *Table 6.3. Table of Permitted and Special Uses and Special Requirements*.

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

J. **SR-10 Neighborhood Lodging Accommodation (NLA)**

1. All Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's~~, whether lawful nonconforming uses or newly established after the effective date of this Ordinance,~~ shall comply with following standards:

(1) Compliance with SR-9 Standards 1 through 11.

(2) Submission of documentation that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in *Section 15.2. Definitions* of this Ordinance.

(3) Submission of documentation that the Neighborhood Lodging Accommodation has been authorized or is not prohibited by the Declaration.

(4) Submission of documentation that the Neighborhood Lodging Accommodation is authorized and managed by a Master Association.

(5) Installation of a Landscape Screen per *Section 8.2.4.A. General Screening Design Standards* of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

K. **SR-11 Veterinary Services/Indoor Kennels**

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

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

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

L. **SR-12 Sexually Oriented Business**

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

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

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

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

5. Except for the signs permitted by this Ordinance, no other advertisements, displays, signs or other promotional materials shall be visible to the public rights-of-way.

M. **SR-13 General Retail**

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

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

N. **SR-14 Outside Sales**

1. **General Standards**

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

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

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

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

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

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

O. **SR-15 Restaurants**

1. Drive-through windows and curb service are prohibited.

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

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

P. **SR-16 Community Shared Facilities, Public Safety Station.** Community Shared Facilities and Public Safety Stations shall have a minimum lot size of twenty thousand (20,000) square feet.

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

1. **Screening**

(1) Athletic fields, common area recreation facilities and similar facilities shall be screened from adjoining residential properties in accordance with *Chapter 8. Landscaping and Buffers*.

2. **Operational Standards.**

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

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

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

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

R. **SR-18 Religious Institutions and Schools.** Such facilities shall be located on sites of five (5) acres or greater and shall have direct primary access to a major collector or thoroughfare street.

S. **SR-19 Community Support Facility (OP)**

1. These uses may be principal or accessory uses.

2. No such use may be located within a quarter mile (1,320 feet) of another such use measured as a straight line as measured from property lines.

T. **SR-20 Vehicle Fueling Stations**

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

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

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

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

U. **SR-21 Banks, Credit Unions, Financial Services, Professional Services.** Such uses shall not be permitted on the ground floor of the principal building.

V. **SR-22 Landfill/Waste Recovery Facilities (PC)**

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

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

W. **SR-23 Drycleaning and Laundry Services.** Coin operated laundry is not allowed in VCP, VMU or VC districts.

X. **SR-25 Farming/Animal Production (R-210)**

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

2. **Structures for Livestock.**

   (1) Structures for livestock must meet the applicable yard and setback requirements for the district and structure.

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

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

Y. **SR-26 Horse Farm and Training Track**

1. **Structures for Horses.**

(1) Structures for horses must meet the applicable yard and setback requirements for the district and structure.

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

Z. **SR-27 Parking Structure**

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

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

AA. **SR-28 Telecommunications Facilities**

1. **Exterior Appearance Height and Setback.**

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

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

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

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

2. **Electromagnetic Exposure and Radio Interference.**

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

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

3. **Use of Facilities.**

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

(2) No advertising sign or logo is permitted on any tower or antenna.

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

4. **Co-Location Requirements.**

(1) All towers shall be designed structurally, electrically, mechanically and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be designed to allow co-location of public safety service equipment at usual and customary commercial rates, and these spaces shall be in addition to the antenna sites required for additional users as mentioned in this section. The exact design of public safety service equipment will be determined upon receipt of an application after consultation with the Police Chief and Fire Chief.

(2) A Development Permit shall not be granted unless it is found that the proposed equipment cannot be accommodated on existing or approved towers or alternative structures with a one- half (½) mile radius of the proposed location due to one (1) or more of the following reasons:

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

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

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

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

5. **General Requirements.**

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

(2) **Insurance Required.** Prior to issuance of a Certificate of PDO Compliance, the applicant shall be required to provide certificate of insurance demonstrating it has a minimum of $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the telecommunication tower. The applicant shall be required to maintain such

coverage in full force and effect until such time as all above ground portions of the tower (not including any part of the foundation) have been removed.

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

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

(5) **Additional Engineering Review May Be Required.**

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

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

BB. **SR-29 Utilities - Moore County and Village of Pinehurst**

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

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

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

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

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

CC. **SR-30 Small/Micro Wireless Facility.** Small/Micro Wireless Facilities shall not be located on residential properties. The maximum height for small/micro wireless facilities shall be fifty (50) feet in non-residential areas and forty (40) feet in residential areas or 10 foot taller than existing poles as of July 1, 2017, whichever is greater. Where feasible, small/micro wireless facilities shall be located on existing utility poles. Where not feasible to locate on an existing pole, decorative poles shall be installed to match new lighting and stop light installations made by the Village of Pinehurst in the historic district. All supporting utilities and infrastructure shall be located underground in a vault or similar structure.

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

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

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

4. When located outside of NCDOT right-of-way, a development permit is needed.

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

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

SECTION 6.7.2 ACCESSORY USES

A. SR-100 Beekeeping in the Village Limits

1. **Purpose.** The purpose of this section is to provide for the keeping of honeybees in the zoned areas. It is intended to enable property owners to keep honeybees, and to safely maintain them within populated areas. It is not intended to prohibit, restrict, or regulate the keeping of animals within areas allowing agricultural use.

2. **Standards for Beekeeping**

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

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

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

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

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

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

B. SR-101 Cemetery

1. **Minimum Yard Requirements**

   (1) The minimum yard required for all in ground burial plots and any other structures is thirty (30) feet from any exterior property line or the required district principal building setback, whichever is greater. Gatehouses at cemetery entrance shall be excluded from any minimum yard requirement provided they meet the sight triangle requirement for driveways in *Section 6.8.D. Sight Triangles*.

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

2. Religious institutions in PC District are limited to columbaria only.

C. **SR-102 Farmers Market (PC, HD, VC)**

1. **General Standards.** Farmer's Markets are an allowed accessory use according to the following provisions:

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

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

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

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the farmers' market.

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

(6) The actual hours of operation of the market shall be limited to two (2) days a week for no more than eight (8) hours and in all instances shall cease by 9 p.m.

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

D. **SR-103 Concealed Wireless Telecommunications Facility (All Districts)** Concealed Wireless Telecommunications Facilities shall be permitted in all zoning districts as an accessory use provided the following conditions are met:

1. In order to be considered an accessory use, a Concealed Wireless Telecommunications Facility must be clearly incidental and subordinate to the main use of a structure. Antennas associated with a Concealed Wireless Telecommunications Facility shall be concealed from exterior view.

2. The addition of antenna, support or other equipment shall not add more than ten (10) feet in height to the attached structure unless a variance is obtained from the ~~Zoning Board of Adjustment~~Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this Ordinance unless appropriate approvals are obtained.

3. Electronic equipment associated with Concealed Wireless Telecommunication Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.

4. All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication's facilities shall be colored or concealed in a manner as to render them unobtrusive.

5. Antennas associated with a Concealed Wireless Telecommunications Facility may not be co-located on a tower or other support structure used by an amateur radio operator.

6. Antennas associated with a Concealed Wireless Telecommunications Facility shall not be located upon a Single-Family Dwelling or Multi-Family Dwelling.

7. Should the existing support structure be replaced and/or rebuilt it shall comply with all applicable codes including but not limited to these provisions.

8. Any modifications to an existing structure associated with the installation of a Concealed Wireless Telecommunications Facility shall comply with all limitations, requirements, and standards contained in other provisions of this Ordinance including, but not limited to, the receipt of approvals that may be required by *Section 6.4.1. Historic Preservation Overlay District* of this Ordinance should the Concealed Wireless Telecommunications Facility be located within a Historic Preservation District. All other applicable local, state, and federal approvals and permits shall also be obtained.

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

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

E. **SR-104 Home Occupations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. **SR-105 Swimming Pools and Spas/Hot Tubs**

1. Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (5) below.

2. In residential zoning districts, all swimming pools, spas, and hot tubs shall be located in the rear or side yard and meet applicable accessory structure setbacks.

3. Walks/decks/coping may extend no more than four (4) feet into building setbacks for accessory structures, except in the golf course and lake front setback for accessory structures.

4. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

5. Seasonal Swimming Pools as defined in *Chapter 15. Definitions* of this document are permitted to be installed above ground with the following standards:

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

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

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

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

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

G. **SR-106 Pet Houses, Pet Runs**

1. Pet houses and pet runs are permitted in the side and rear yards in any residential zoning district. Pet houses shall meet the accessory structures setback requirements of the zoning district in which they are located. The use of chain link or similar material is not allowed for this use.

H. **SR-107 Playground Equipment**

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

2. Playground equipment subject to the North Carolia Building Code require a development permit.

I. **SR-108 Accessory Building**

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

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

(2) The accessory building is located within the building envelope setbacks for accessory structures in the rear or side yard only, except in R-210.

(3) An accessory building shall not exceed thirty percent (30%) of the total floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater. When there is more than one (1) accessory building on the site, the sum of the building area of the accessory buildings may not exceed thirty percent (30%) of the area of the principal dwelling.

J. **SR-109 Accessory Dwelling Unit**

1. An accessory dwelling unit may be within, attached, or separate from the principal building.

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

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

4. The accessory dwelling unit shall be owned by the same person as the principal dwelling.

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

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

7. A detached accessory dwelling structure may be dwelling area only or may combine the dwelling with a garage, workshop, studio, or similar use, however the total floor area of the structure may not exceed the thirty percent (30%) or six hundred (600) square foot limitation for an accessory building as set forth in SR-108.

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

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

K. **SR-110 Accessory Structure**

1. **Arbors, Trellises, Pergolas and Gazebos.**

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

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

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

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

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

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

(4) Such sheds shall be the same or similar in style and color with the principal structure.

3. **Accessory Buildings and Structures.** Accessory buildings and structures are allowed in the front yard in the R-210 district but must meet the front yard setback requirement.

L. **SR-111 Bulkheads on Lakes**

1. Bulkheads may be constructed subject to a development permit.

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

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

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

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

M. **SR-112 Docks on Lakes**

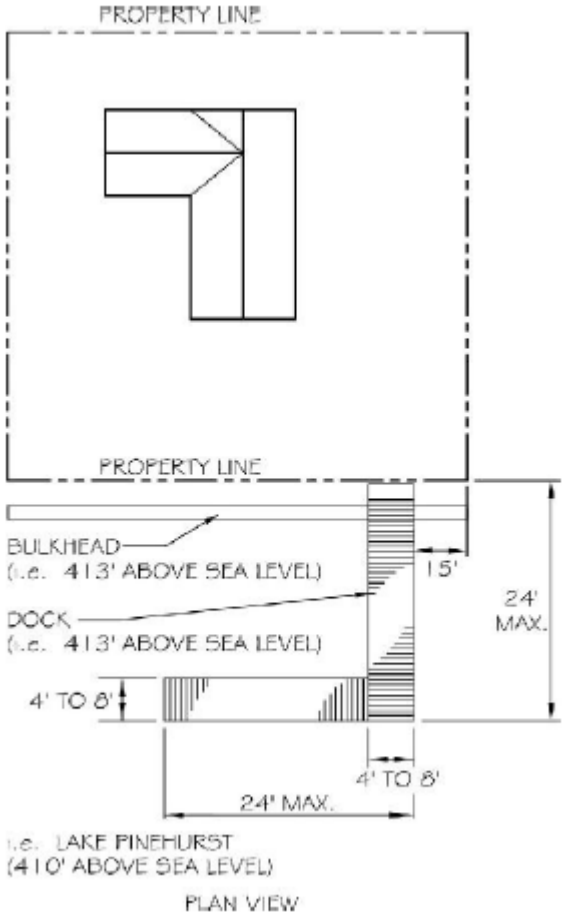
1. Docks may be constructed along the boundary of a lake only after the issuance of a Development Permit and building permit by the Planning and Inspections Department.

2. Docks and construction added to docks are not to exceed a height of six (6) feet from the dock to the top of the construction. The dock surface shall be built at a height not to exceed the height of the bulkhead to which they are attached.

3. No part of the dock shall extend more than twenty-four (24) feet out into the lake from the shoreline from which it extends, nor shall it extend more than twenty-four (24) feet out into the lake from the property line. Docks may make a ninety (90) degree turn and run a maximum of twenty-four (24) feet in a parallel direction to the shoreline.

4. Docks shall be no wider than eight (8) feet and no narrower than four (4) feet, with the exception of the corner in which the dock makes a turn, and shall be positioned so as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake.

5. Bulkheads and docks may be constructed on lakeside properties on which no principal structures exist.



6. Docks shall be of permanent, all-weather material connected to the shore of the property they serve and be secured to the bottom.

N. **SR-113 Floats/ Rafts, and Mooring Buoy**

1. A property owner may place one (1) float/raft and/or one (1) mooring buoy of a permanent or inflatable construction in their privately owned lake bed, in such a manner that the three hundred sixty (360) degree swing from anchor of the object (and boats attached, thereto) remain within the area of their privately owned lake bed, and it shall be so positioned as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake. No zoning permit is required.

O. **SR-114 Fuel and Propane Tanks** (of capacity greater than sixty (60) pounds or fourteen and a half (14.5) gallons)

1. Propane tanks greater than sixty (60)-pound or fourteen and a half (14.5) gallon capacity in residential zoned property shall be placed underground and must be at least ten (10) feet from the property lines. The exposed "cap" on the underground tank shall be painted in dark brown or forest green;

2. Permanent propane tanks are not permitted on vacant lots;

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

4. Only one (1) above ground tank is permitted per residential property.

SECTION 6.7.3 TEMPORARY USES (ALL DISTRICTS)

A. **Permit Required.** Unless otherwise provided, all permitted temporary uses listed in this section shall require a Temporary Use Permit that shall be reviewed and issued by the Village Planner subject to the procedures outlined in *Chapter 4. Approvals Variances and Administrative Appeals*. The following uses may be established in any zoning district (unless otherwise specified) as temporary uses, subject to approval by the Village Planner in accordance with the requirements below, the filing deadlines established in the application form, and the land development standards established for the district in which the temporary use is proposed.

B. **Temporary Uses Not Listed.** If a Temporary Use Permit is sought for a use other than a specific use listed above, the Village Planner shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use in the proposed district and is not otherwise prohibited by law, the Village Planner shall determine whether a materially similar use exists in this Section. Should the Village Planner determine that a materially similar use does

exist, the regulations governing that use shall apply to the particular use not listed and the Village Planner's decision shall be recorded in writing. Should the Village Planner determine that a materially similar use does not exist, this Section may be amended to establish a specific listing for the use in question through the text amendment process established in *Section 4.3.2. Pinehurst Development Ordinance Text Amendments*.

C. **SR-200 Boat Storage** (No Zoning Permit Required)

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

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

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

   (1) The boat(s) are owned by the resident of the property.

   (2) The boat(s) are stored no closer than fifteen (15) feet from any property line.

   (3) The boat(s) are stored in the yard abutting the lake shore.

   (4) The boat(s) are not stored on a trailer.

   (5) The boat(s) are in good repair and usable condition.

   (6) The boat(s) do not exceed an overall hull length of fourteen (14) feet.

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

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

1. **Purpose and Scope.** Temporary buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities,

and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

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

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

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

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

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

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

2. **Duration.** Such temporary buildings may remain on the site for no more than twelve (12) months or until construction is complete, whichever comes first. This period may be renewed for another twelve (12)-month period, for good cause

shown, upon approval of a written request submitted to the Village thirty (30) days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the Village issues the last Certificate of Occupancy for the development.

E. **SR 202 Temporary Expansion of School Facilities**

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

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

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

F. **SR 203 Temporary Real Estate Sales Offices**

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

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

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

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

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

(5) Landscaping shall be provided in accordance to the requirements set forth for office development in *Chapter 8. Landscaping and Buffers* of this Ordinance.

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

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

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

G. **SR 204 Model Homes**

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

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

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

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

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

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

H. **SR-205 Yard Sales**

1. No more than four (4) sales shall be held on the same premises during any calendar year;
2. No yard sale shall commence prior to 7:00 am or extend beyond 6:00 pm;
3. No yard sale shall have a duration greater than three (3) consecutive days. Any yard sale event shall be considered as one (1) yard sale for the purposes of the number of annual sales;
4. Signage shall be in accordance with *Section 13.7.G. Yard Sale/Estate Sale Signs* of this Ordinance.

I. **SR-206 Temporary Uses Other**

1. **(A) General Standards:**

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

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

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

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

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

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

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

SECTION 6.8 DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES

A. **Exterior Building Materials.** For all non-residential development, all building elevations, including foundations, that are visible from the street or adjoining property shall be covered with one or more of the following materials: utility brick, standard brick, stucco, colored split faced block, stone, wood, cementitious siding, vinyl materials, or other similar materials. Corrugated metal, plywood, particleboard, untreated wood, and similar material are not permitted. This provision shall not apply to existing franchise businesses established prior to December 13, 2011 and located within the Historic Preservation Overlay District if a Certificate of Appropriateness is obtained from the Historic Commission;

B. **Solar Panels.** Within the PC, NC, OP VCP, VMU, VR, HD and RMF zoning districts solar panels are permitted with the following conditions ~~(for solar panels in residential districts refer to *Section 14.2.3. Exterior Building Materials and Colors*~~:

1. When a structure has a flat roof raised panels are permitted if visibly screened or concealed by other roof or wall structures;

2. Ground mounted solar panels are permitted if located within the building setback and screened from adjacent roadways and properties;

3. Integral solar panels are permitted on any roof surface with no limitation on the area in which they may cover.

4. Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface.

5. Flush mounted solar panels are required to be encased in trim that closely matches the roof color.

6. All solar panels located within the Historic Preservation Overlay District shall comply with the standards for that district and must get appropriate approvals.

C. **Number of Principal/Accessory Buildings per Lot.** For uses that require a site plan approval pursuant to *Section 4.3.8 Major and Minor Site Plan Approvals* of this Ordinance, the number of principal buildings on an individual lot shall be controlled by setbacks, buffers, parking, and other applicable sections of this Ordinance. For single family development there shall be no more than one (1) principal building per lot and one (1) accessory dwelling unit per lot.

D. **Sight Triangles.** All development shall maintain unobstructed sight triangles at all street and driveway intersections in accordance with the current regulations of the North Carolina Department of Transportation and the Village of Pinehurst Engineering Standards and Specifications Manual.

E. **Franchise or Corporate Architecture.** Buildings or structures, other than allowable signs, shall not be designed in an attempt to use the building or structure itself as advertising. Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-commercialization. Building designs shall reflect local, unique, and traditional designs rather than chain or franchise designs. This provision shall not apply to existing franchise businesses established prior to December 13, 2011 and located within the historic district if a Certificate of Appropriateness is obtained from the Historic Commission.

F. **Colors.** Except where law dictates a different color or where a specific color is otherwise required by this Ordinance, all colors used in development regulated within the jurisdiction of this Ordinance shall conform to the following standards:

1. Colors used in development shall be consistent with the currently adopted Village of Pinehurst Color Palette on file at the Planning and Inspections Department for reference, unless documented that said color has historically been used on the structure.

2. Existing colors that are not consistent with this Section shall only be replaced (including repainting) with colors that are consistent with this Section.

3. This section shall not apply to one-, two-, three-, and four-family dwellings per NCGS § 160D-702.

CHAPTER 7 FORM BASED DISTRICTS

SECTION 7.1 RULES GOVERNING THE INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries;

B. Where district boundaries are indicated, as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Village of Pinehurst as evidence that one or more properties along these boundaries do not lay within a specific zoning district;

C. Where the zoning district boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of district boundaries shall be determined by use of a scale appearing on the Zoning Map;

D. Where the zoning district boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of zoning district boundaries shall be construed to be the lot line;

E. Where other uncertainty exists, the Village Planner shall interpret the Official Zoning Map as to the location of such boundaries. This decision may be appealed to the ~~Zoning Board of Adjustment~~Board of Adjustment.

Chapter 7. Form Based Districts .187
Section 7.1 Rules Governing the Interpretation of Zoning District Boundaries 187
Section 7.2 Form Based Districts Zoning Districts.....188
Section 7.3 Tables of Permitted and Special Uses and Special Requirements 193
Section 7.4 Special Requirements (Sr) to the Table of Permitted and Special Uses and Special Requirements 209
Section 7.5 Tables of Dimensional Requirement 225
Section 7.6 Design and Development Standards and Processes.....230

SECTION 7.2 FORM BASED DISTRICTS ZONING DISTRICTS

A. Form based districts are implemented similarly to general zoning districts but with a few unique features including a regulating plan that divides the areas into blocks that specify types of buildings and number of building stories. Subdistrict zoning tables identify uses on a block-by-block basis.

B. Implementation steps for planning a project in one of these districts is as follows.

1. Review the Form-Based District Regulating Plan in this section to determine the location of the project. Determine the block letter, the maximum allowed number of building stories, building types, and if active frontage is required.

2. Using the block letter, review the associated Form-Based District Table of Permitted and Special Uses and Special Requirements in Section 7.3 and Section 7.4 to determine which uses are allowed in that block.

3. Review Dimensional Table 7.3 to identify dimensional criteria based on the lot type being proposed.

4. Refer to the associated Form Based Guidance Plan to evaluate other appropriate architectural and other design features, in addition to the standards in this Chapter.

5. Additional applicable design and development standards can be found in the following chapters:

   (1) Chapter 8 Landscaping and Buffers;

   (2) Chapter 9 Soil Erosion;

   (3) Chapter 10 Fences, Walls, and Screening;

   (4) Chapter 11 Parking, Roadway, and Access;

   (5) Chapter 12 Lighting Standards; and,

   (6) Chapter 13 Sign Standards.

6. Follow the approval process and requirements in *Section 4.3.4. Form Based District Approval*.

SECTION 7.2.1 (VP FBD) VILLAGE PLACE FORM BASED DISTRICT

A. The Village Place Form Based District is based on the Village Place Small Area Plan and Form Based Guidance Plan adopted by the Village. Village Place is an area well-suited to accommodate growth and support quality of life needs of residents, businesses, and visitors. New development will integrate the built environment, improve the public realm, create a mixed-use walkable destination connected to the Village Center, and incorporate urban design standards.

B. See *Section 7.3. Tables of Permitted and Special Uses and Special Requirements*

C. See *Section 7.5. Tables of Dimensional Requirements*

D. For additional specific design and development guidance see the adopted Village Place Small Area Plan and Form Based Guidance Plan.

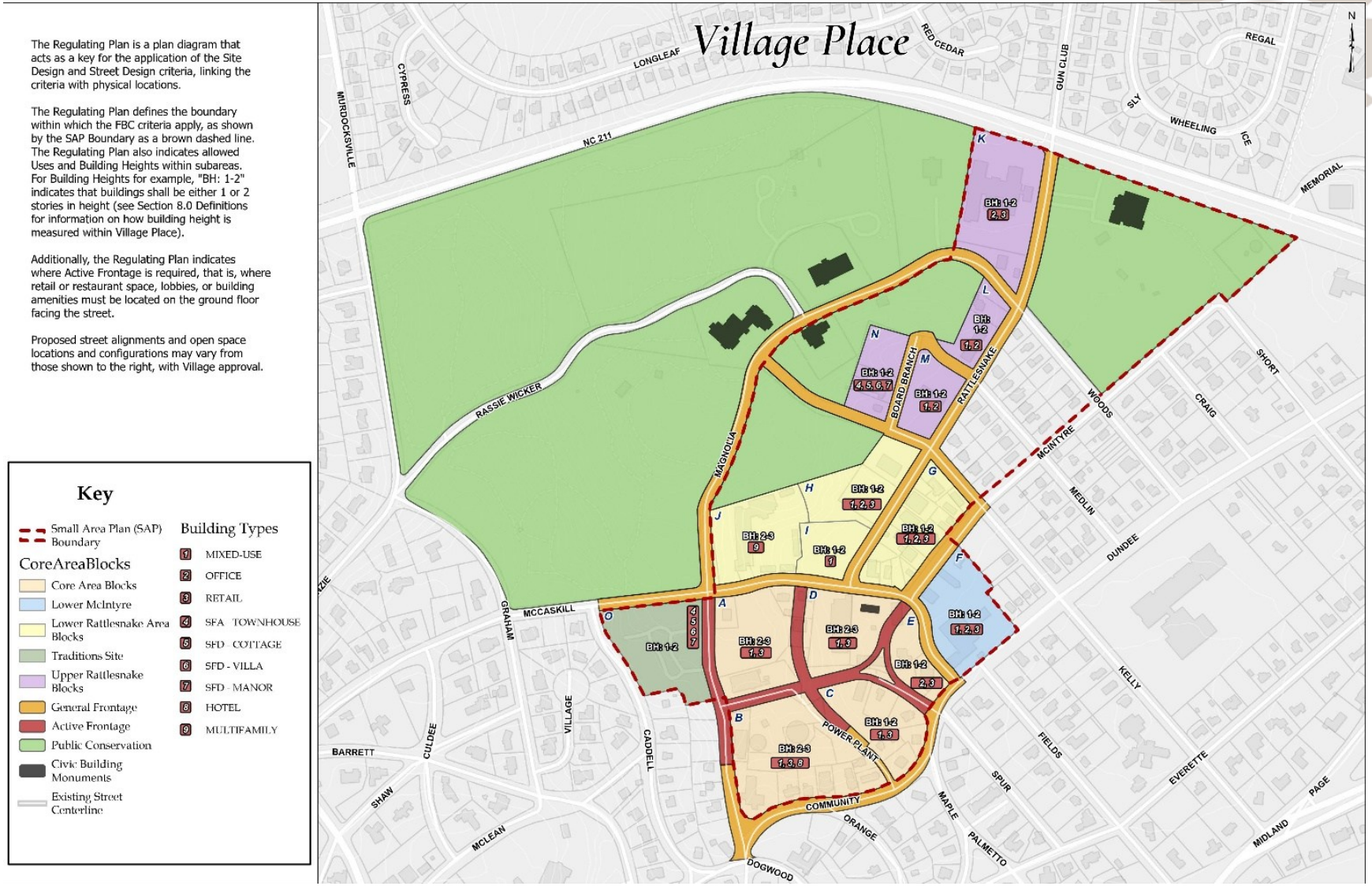
Figure 7.1 Village Place Regulating Plan

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

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

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

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



SECTION 7.2.2 (PS FBD) PINEHURST SOUTH FORM BASED DISTRICT

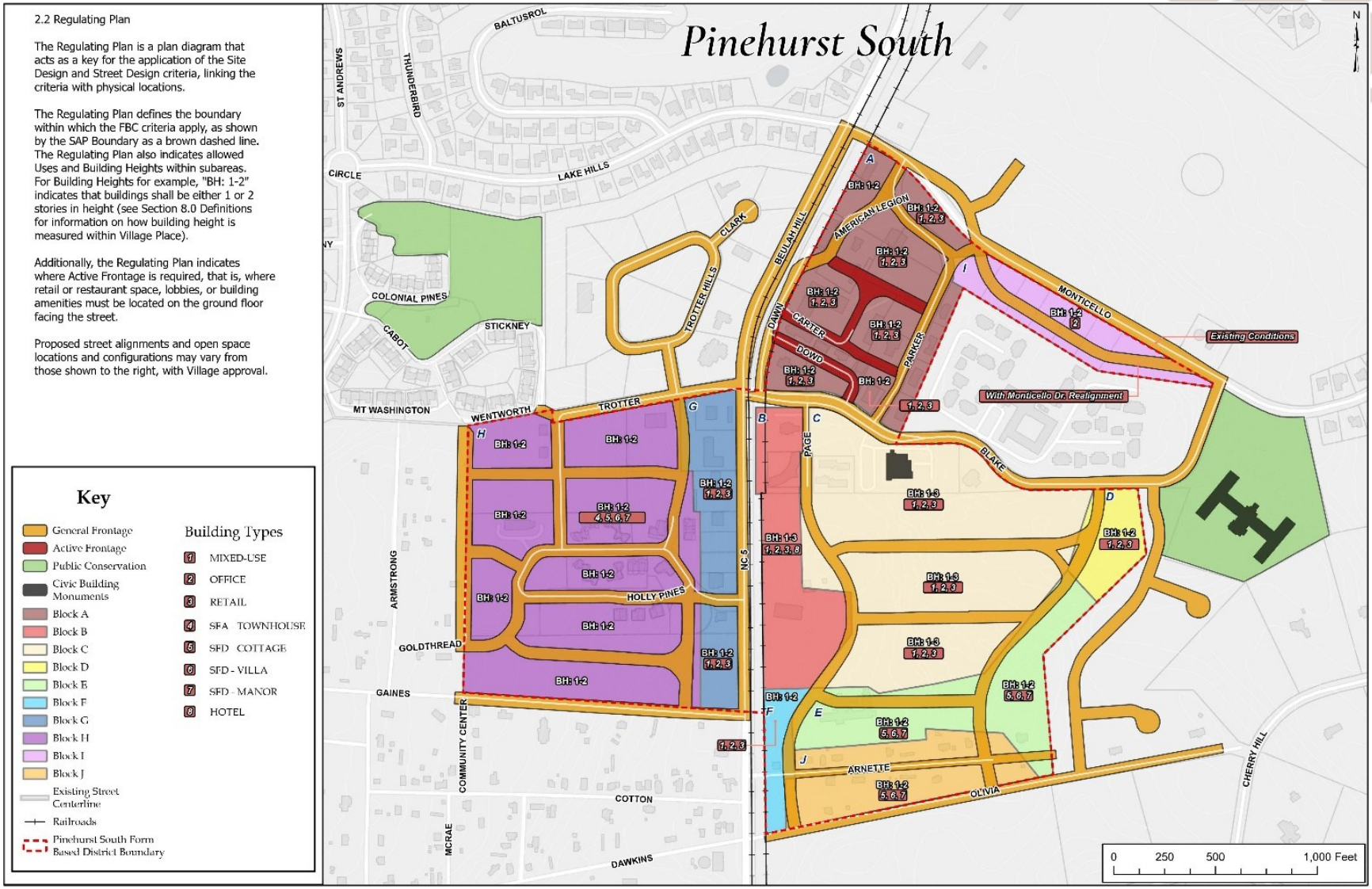
A. The Pinehurst South Form Based District is based on the Pinehurst South Small Area Plan and Form Based Guidance Plan adopted by the Village. Pinehurst South is an area well-suited to accommodate growth, and support quality of life needs of residents, businesses, and visitors. Development within Pinehurst South will integrate the built environment, improve the public realm, create a mixed-use walkable destination area, incorporate urban design standards, create a connecting spine of streets, sidewalks, and paths, and integrate a live, work and play area while minimizing traffic impacts.

B. See *Section 7.3. Tables of Permitted and Special Uses and Special Requirements*

C. See *Section 7.5. Tables of Dimensional Requirements*

D. For specific design and development guidance see the adopted Pinehurst South Small Area Plan and Form Based Guidance Plan.

Figure 7.2 Pinehurst South Regulating Plan



SECTION 7.3 TABLES OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

The Tables of Permitted and Special Uses and Special Requirements which follow contain a listing of uses which may be permitted in the Village Place or Pinehurst South Form Based Districts established by this Ordinance.

SECTION 7.3.1 SYMBOLS USED ON TABLE OF USES

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

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

B. “SU” indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of *Section 4.3.7 Special Use Permit* before obtaining a Development Permit;

C. “CZ” indicates that a specific use, development or subdivision may only be permitted through a conditional zoning district that is parallel to the underlying zoning district (see *Section 6.3. General Use Zoning Districts* and *6.5. Conditional Zoning Districts*). The conditional zoning district designation ~~must be approved before the use may be established, development permit issued, and conformance with all applicable development and design standards achieved as provided in this ordinance~~and approval does not apply to changes in use to another approved use if no new development, redevelopment, or subdivision is proposed. All nonconforming uses and structures shall be governed under *Chapter 2. Nonconformities* of this ordinance.

D. The column on the far right, labeled "SR" (Special Requirements) means that there are additional special requirements for the development or use for compliance. These requirements are contained in *Section 7.4. Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements*. For any use subject to a Special Use Permit, the Special Requirement along with the requirements of this Ordinance shall represent the minimum conditions for issuance of a Special Use Permit; when "SR" appears for use within a zoning district, special requirements shall apply. The Special Requirements (SR's) are numbered by the Table of Uses categories. Numbers SR-1 through SR-99 are Principal Uses, numbers SR-100 through SR 199 are Accessory Uses; and numbers SR 200

through SR 299 are Temporary Uses. The "SR" will also appear in the column of the general use district in which the special requirements apply.

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

F. In the event a use is not listed, the Village Planner may determine if a materially similar use exists and is defined by this ordinance. If a materially similar land use is determined by the Village Planner, the determination shall be made in writing and all applicable regulations and standards with that use shall apply to unlisted use. Such determinations by the Village Planner may be appealed pursuant to *Section 4.4. Appeals of Administrative Decisions* of this ordinance. If a use is not listed and a materially similar use does not exist, an application may be filed to amend this ordinance pursuant to *Section 4.3.2 Pinehurst Development Ordinance Text Amendments*.

Table 7.1 Village Place Form Based District Use Table

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Subdivisions																
Subdivisions - Major and Minor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Residential																
Dwelling-Single Family														CZ	CZ	1
Dwelling-Two Family														CZ	CZ	1
Dwelling-Multifamily										CZ						3
Dwelling-Townhouse/ Clustered Dwellings														CZ	CZ	2
Family Care Home (6 or fewer residents)														P, SR	P, SR	4
Halfway Homes																
Dwelling -Mixed Use	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ			CZ	CZ			5
Manufactured Housing																6
Manufactured Home Park																
Lodging																
Bed and Breakfast Homes																7
Boarding or Rooming House																
Dormitory																
Hotel		CZ														8
Recreational Vehicle Park																
Shorrt Term Rental																9

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Neighborhood Lodging Accommodation														CZ, SR	CZ, SR	10
Office/ Service																
Banks, Credit Unions, Financial Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		P	P	P			21
Business Support Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		P	P	P			
Crematoria																
Dry Cleaning & Laundry Services						CZ	CZ	CZ	CZ		CZ					23
Funeral Home																
Medical Clinic											CZ	CZ	CZ			
Medical Office	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Office	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Personal Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Personal Services, Restricted																
Post Office																21
Professional Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			21
Radio/TV Studio																
Small Equipment Repair/Rental						CZ										
Small Engine Repair / Sales																
Veterinary Services / Indoor Kennels							CZ	CZ			CZ					11
Commercial/ Entertainment																
Alcoholic Beverage Sales Store	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ							
Amusements, Indoor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Commercial/ Entertainment																
Amusement, Outdoor																
Billiard/Pool Hall																
Bar/Tavern/Night Club	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							
Garden Center						CZ										
General Retail	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ					13
Golf Course																
Internet Sweepstakes Facilities																
Outside Sales						CZ, SR										14
Pawnshops																
Racetrack																
Restaurant	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR		CZ, SR					15
Sexually Oriented Business																12
Shooting Range																
Theater, Indoor (Movie or Live Performance)	CZ	CZ	CZ	CZ	CZ	CZ	CZ									
Civic																
Civic/Cultural Facilities	CZ	CZ	CZ	CZ	CZ	CZ	CZ									
Community Shared Facilities														CZ	CZ	16
Conference/Convention Center																
Country Club																
Municipal Public Service Facility																

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Civic																
Private Club																
Public Safety Station																16
Recreation Facilities, Indoor	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ	CZ				
Recreation Facilities, Outdoor																17
Religious Institution																18
Park	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Education/ Institution																
Residential Care Facilities (More than 6 Residents)																
Child/Adult Day Care Center						CZ	CZ	CZ	CZ		CZ	CZ				
Community Support Facility												CZ	CZ			19
Hospital																
Schools - Elementary & Secondary																18
Schools- Vocational/Technical																
Studio - art, dance, martial arts, music	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ					
Automotive																
Fueling Station																20
Heavy Equipment/ Manufactured Home Rental/Sales																
Vehicle. Rental/Leasing/Sales						CZ										
Vehicle Service-Maintenance Repair/Body Work						CZ										

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Industry/ Wholesale/ Storage																
Artisan Workshops	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ				
Industry, Manufacturing																
Landfill/Waste Recovery Facilities																22
Recycling Collection Stations Municipal																
Storage -Outdoor Storage Yard																
Storage-Self Service																
Storage -Warehouse, Indoor Storage																
Agriculture																
Agriculture, Livestock																25
Farming/Animal Production																25
Horse Farm & Training Track																26
Nurseries																
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor																
Swine Farms																
Infrastructure																
Parking Structure	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							27
Parking Lot -Principal Use							CZ	CZ	CZ			CZ				
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities																28

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Infrastructure																
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other																
Accessory Uses																
ATM	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Beekeeping																100
Cemetery																101
Child/Adult Day Care Home Occupations																104
Farmers Market	P	P	P	P	P											102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	103
Fuel/Propane Tanks	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	114
Ice Vending																
Home Occupation														P, SR	P, SR	104
Outdoor Swimming Pools and Spas		P, SR							P, SR	P, SR				P, SR	P, SR	105
Pet Houses and Pet Runs														P, SR	P, SR	106
Playground Equipment														P, SR	P, SR	107
Accessory Buildings	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	108
Dwelling - Accessory														P, SR	P, SR	109
Accessory Structure	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	110
Bulkheads on Lake																111
Docks on Lake																112

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Accessory Uses																
Floats/Rafts and Mooring Buoy																113
Temporary Use																
Boat Storage																200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	201
Temporary Expansion of School Facilities																202
Temporary Real Estate Offices														P, SR	P, SR	203
Model Homes														P, SR	P, SR	204
Temporary Use																
Yard Sales														P, SR	P, SR	205
Temporary Uses Other	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	206

Table 7.2 Pinehurst South Form Based District Use Table

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Subdivisions											
Subdivisions - Major and Minor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Residential											
Dwelling-Single Family					CZ			CZ		P, SR	1
Dwelling-Two Family								CZ			1
Dwelling-Multifamily											3
Dwelling-Townhouse/ Clustered Dwellings								CZ			2
Family Care Home (6 or fewer residents)					P, SR			P, SR		P, SR	4
Halfway Homes											
Dwelling -Mixed Use	CZ	CZ	CZ	CZ		CZ	CZ				5
Manufactured Housing										P, SR	6
Manufactured Home Park											
Lodging											
Bed and Breakfast Homes											7
Boarding or Rooming House											
Dormitory											
Hotel		CZ									8
Recreational Vehicle Park											
Short Term Rental											9
Neighborhood Lodging Accommodation					CZ			CZ		CZ	10

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Office/ Service											
Banks, Credit Unions, Financial Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Business Support Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Crematoria	CZ										
Dry Cleaning & Laundry Services	CZ	CZ	CZ	CZ		CZ	CZ				23
Funeral Home	CZ										
Medical Clinic	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Medical Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Personal Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Personal Services, Restricted											
Post Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Professional Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Radio/TV Studio											
Small Equipment Repair/Rental		CZ	CZ			CZ					
Small Engine Repair / Sales		CZ	CZ			CZ					
Veterinary Services / Indoor Kennels	CZ	CZ	CZ	CZ		CZ	CZ		CZ		11
Commercial/ Entertainment											
Alcoholic Beverage Sales Store	CZ	CZ	CZ	CZ		CZ	CZ				
Amusements, Indoor		CZ	CZ			CZ					
Amusement, Outdoor											

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Commercial/ Entertainment											
Billiard/Pool Hall											
Bar/Tavern/Night Club	CZ	CZ	CZ	CZ		CZ	CZ				
Garden Center	CZ	CZ	CZ	CZ		CZ	CZ				
General Retail	CZ	CZ	CZ	CZ		CZ	CZ				13
Golf Course											
Internet Sweepstakes Facilities											
Outside Sales											14
Pawnshops											
Racetrack											
Restaurant	CZ, SR	CZ, SR	CZ, SR	CZ, SR		CZ, SR	CZ, SR				15
Sexually Oriented Business											12
Shooting Range											
Theater, Indoor (Movie or Live Performance)											
Civic											
Civic/Cultural Facilities	CZ	CZ	CZ	CZ		CZ	CZ			CZ	
Community Shared Facilities								CZ, SR			16
Conference/Convention Center		CZ									
Country Club											
Municipal Public Service Facility											
Private Club	CZ	CZ	CZ	CZ		CZ	CZ				

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Civic											
Public Safety Station	CZ, SR	CZ, SR		CZ, SR		CZ, SR	CZ, SR		CZ, SR		
Recreation Facilities, Indoor	CZ	CZ	CZ	CZ		CZ	CZ				
Recreation Facilities, Outdoor			CZ, SR								17
Religious Institution					CZ, SR	CZ, SR		CZ, SR		CZ, SR	18
Park	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Education/ Institution											
Residential Care Facilities (More than 6 Residents)									CZ		
Child/Adult Day Care Center	CZ	CZ	CZ	CZ		CZ	CZ				
Community Support Facility							CZ		P		19
Hospital											
Schools - Elementary & Secondary											18
Schools- Vocational/Technical											
Studio - art, dance, martial arts, music	CZ	CZ	CZ	CZ		CZ	CZ				
Automotive											
Fueling Station							CZ, SR				20
Heavy Equipment/ Manufactured Home Rental/Sales											
Vehicle. Rental/Leasing/Sales											
Vehicle Service-Maintenance Repair/Body Work											
Industry/ Wholesale/ Storage											
Artisan Workshops	CZ	CZ	CZ	CZ		CZ	CZ				

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Industry/ Wholesale/ Storage											
Industry, Manufacturing											
Landfill/Waste Recovery Facilities											22
Recycling Collection Stations Municipal											
Storage -Outdoor Storage Yard											
Storage-Self Service											
Storage -Warehouse, Indoor Storage											
Wholesaling and Distribution											
Agriculture											
Agriculture, Livestock											25
Farming/Animal Production											25
Horse Farm & Training Track											26
Nurseries											
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor											
Swine Farms											
Infrastructure											
Parking Structure		CZ	CZ								27
Parking Lot -Principal Use											
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities											28

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Infrastructure											
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other											
New Public or Private Road Right-of-Way	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Accessory Uses											
ATM	P	CZ, SR	CZ, SR	CZ, SR		CZ, SR	CZ, SR		P		
Beekeeping					P, SR			P, SR		P, SR	100
Cemetery											101
Child/Adult Day Care Home Occupations					P, SR			P, SR		P, SR	104
Farmers Market	P		P	P							102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	103
Fuel/Propane Tanks	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	114
Ice Vending											
Home Occupation					P, SR			P, SR		P, SR	104
Outdoor Swimming Pools and Spas					P, SR			P, SR		P, SR	105
Pet Houses and Pet Runs					P, SR			P, SR		P, SR	106
Playground Equipment	P, SR	P, SR			P, SR			P, SR		P, SR	107
Accessory Buildings	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	108
Dwelling - Accessory					SU, SR			SU, SR		SU	109
Accessory Structure	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	110
Bulkheads on Lake											111

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Accessory Uses											
Docks on Lake											112
Floats/Rafts and Mooring Buoy											113
Temporary Use											
Boat Storage											200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	201
Temporary Expansion of School Facilities											202
Temporary Real Estate Offices											203
Model Homes					P, SR			P, SR		P, SR	204
Yard Sales					P, SR			P, SR		P, SR	205
Temporary Uses Other	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	206

SECTION 7.4 SPECIAL REQUIREMENTS (SR) TO THE TABLE OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

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

SECTION 7.4.1 PRINCIPAL USES

A. **SR-1 Dwelling, Single Family-Two Family.** In Block J of the Pinehurst South Form Based District, development and redevelopment of existing lots of record shall conform to the standards of the R-5 district in Table 7.3 Table of Dimensional Requirements.

B. **SR-2 Dwelling, Townhouse/Clustered Dwellings**

1. The common open space provided with the townhouse unit development shall be no less than twenty-five percent (25%) of the gross land area.
2. The minimum setbacks required around the perimeter of the development tract shall be as required by *Table 7.3 Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*.
3. The front wall on any unit or group of contiguous units shall not be set back beyond the rear wall of any adjacent unit or group of contiguous units where both face the same street or vehicle accommodation area;
4. A townhouse unit lot frontage may be on open space properly restricted through a responsible entity to ensure adequate access.
5. All townhouse units shall be accessed from a rear alley or shared-access driveway.

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

1. Shall be a single-family dwelling;
2. No family care home shall be located within one-half mile radius of an existing family care home measured from property line to property line.
3. The following steps must be followed in order to obtain approval from the Village to operate a Family Care Home:

   (1) Applicant submits a letter of intent.

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

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

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

D. **SR-5 Dwelling, Mixed Use**

1. The dwelling units shall be located within the principal building.

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

3. Parking and service areas shall be located to the rear or side of the primary structure and shall not extend beyond the build-to-line.

E. **SR-6 Manufactured Housing**

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

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

F. **SR-8 Hotel.** At least fifty percent (50%) of the level of the primary entrance shall not be used for guest rooms based on area square footage of that level.

G. **SR-10 Neighborhood Lodging Accommodation (NLA)**

1. All Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's~~, whether lawful nonconforming uses or newly established after the effective date of this Ordinance,~~ shall comply with following standards:

(1) Compliance with *Section 6.7.1.I. SR-9 Short Term Rental* Standards 1) a-k.

(2) Submission of documentation that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in Section 10.2 of this Ordinance.

(3) Submission of documentation that Neighborhood Lodging Accommodation has been authorized or is not prohibited by the Declaration.

(4) Submission of documentation that the Neighborhood Lodging Accommodation is authorized and managed by a Master Association.

(5) Installation of a Landscape Screen per *Section 8.2.4.A General Screening Design Standards* of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

H. **SR-11 Veterinary Services/Indoor Kennels**

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

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

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

I. **SR-13 General Retail.** No single retail use shall exceed twelve thousand (12,000) square feet in gross floor area unless a special use permit is obtained.

J. **SR-14 Outside Sales**

1. **General Standards.**

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

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

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

K. **SR-15 Restaurants**

1. Drive-through windows and curb service are prohibited;

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

L. **SR-16 Community Shared Facilities, Public Safety Station.** Community Shared Facilities and Public Safety Stations shall have a minimum lot size of twenty thousand (20,000) square feet.

M. **SR-17 Recreation Facilities, Outdoor**

1. **Screening.**

(1) Athletic fields, common area recreation facilities and similar facilities shall be screened from adjoining residential properties in accordance with *Chapter 8. Landscaping and Buffers*.

2. **Operational Standards.**

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

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

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

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

N. **SR-18 Religious Institutions and Schools.** Such facilities shall be located on sites of five (5) acres or greater and shall have direct primary access to a major collector or thoroughfare street.

O. **SR-19 Community Support Facility**

1. These uses may be principal or accessory uses.

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

P. **SR-20 Fueling Stations**

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

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

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

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

Q. **SR-21 Banks, Credit Unions, Financial Services, Professional Services**. Such uses shall not be permitted on the ground floor of the principal building.

R. **SR-23 Drycleaning and Laundry Services**. Coin operated laundries are permitted.

S. **SR-27 Parking Structure**

1. **Building Design.** When an above-ground parking structure fronts a public street, where feasible, parking structures should be wrapped on their exterior with other

uses to conceal the parking structure and create an active streetscape, such as retail, restaurants, etc. If concealing the structure is not feasible due to lot size, required or needed deck size, topography, or other conditions as determined by the Village Planner, then the building wall or walls facing the public street shall be designed so as to resemble a building in (active) use with elements such as window indentions, brick patterns and articulated surfaces.

2. **Height Limit for Structures.** Parking structures shall be limited to two (2) levels.

T. **SR-28 Telecommunications Facilities**

1. **Exterior Appearance Height and Setback**

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

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

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

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

2. **Electromagnetic Exposure and Radio Interference**

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

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

3. **Use of Facilities**

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

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

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

4. **Co-Location Requirements**

(1) All towers shall be designed structurally, electrically, mechanically and in all other respects, to accommodate both the applicant's antennas and

comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be designed to allow co-location of public safety service equipment at usual and customary commercial rates, and these spaces shall be in addition to the antenna sites required for additional users as mentioned in this section. The exact design of public safety service equipment will be determined upon receipt of an application after consultation with the Police Chief and Fire Chief;

(2) A Development Permit shall not be granted unless it is found that the proposed equipment cannot be accommodated on existing or approved towers or alternative structures with a one- half (½) mile radius of the proposed location due to one (1) or more of the following reasons:

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

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

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

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

5. **General Requirements**

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

(2) **Insurance Required.** Prior to issuance of a Certificate of PDO Compliance, the applicant shall be required to provide certificate of insurance demonstrating it has a minimum of $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the telecommunication tower. The applicant shall be required to maintain such

coverage in full force and effect until such time as all aboveground portions of the tower (not including any part of the foundation) have been removed.

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

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

(5) **Additional Engineering Review May Be Required.**

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

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

U. **SR-29 Utilities - Moore County and Village of Pinehurst**

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

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

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

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

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

V. **SR-30 Small/Micro Wireless Facility**

1. Small/Micro Wireless Facilities shall not be located on residential properties.

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

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

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

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

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

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

8. When located outside of NCDOT right-of-way, a development permit is needed.

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

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

SECTION 7.4.2 ACCESSORY USES

A. **SR-100 Beekeeping in the Village Limits**

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

2. **Standards for Beekeeping.**

(1) **Permit Required.** No person shall keep, maintain, or allow to be kept any colony of honeybees within the Village of Pinehurst without a permit. Any person requesting a permit shall make application to the Village of Pinehurst

and the permit shall be approved provided the applicant follows the requirements of this section.

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

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

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

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

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

B. **SR-102 Farmers Market**

1. **General Standards.** Farmer's Markets are an allowed accessory use according to the following provisions:

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

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

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

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the farmers' market.

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

(6) The actual hours of operation of the market shall be limited to two (2) days a week for no more than eight (8) hours and in all instances shall cease by 9 p.m.

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

C. **SR-103 Concealed Wireless Telecommunications Facility**

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

(1) In order to be considered an accessory use, a Concealed Wireless Telecommunications Facility must be clearly incidental and subordinate to the main use of a structure.

(2) Antennas associated with a Concealed Wireless Telecommunications Facility shall be concealed from exterior view.

(3) The addition of antenna, support or other equipment shall not add more than ten (10) feet in height to the attached structure unless a variance is obtained from the ~~Zoning Board of Adjustment~~Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this Ordinance unless appropriate approvals are obtained.

(4) Electronic equipment associated with Concealed Wireless Telecommunication Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.

(5) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication's facilities shall be colored or concealed in a manner as to render them unobtrusive.

(6) Antennas associated with a Concealed Wireless Telecommunications Facility may not be co-located on a tower or other support structure used by an amateur radio operator.

(7) Antennas associated with a Concealed Wireless Telecommunications Facility shall not be located upon a Single-Family Dwelling or Multi-Family Dwelling.

(8) Should the existing support structure require to be replaced and/or rebuilt it shall comply with all applicable codes including but not limited to these provisions.

(9) Any modifications to an existing structure associated with the installation of a Concealed Wireless Telecommunications Facility shall comply with all limitations, requirements, and standards contained in other provisions of this Ordinance including, but not limited to, the receipt of approvals that may be required by *Section 6.4.1 Historic Preservation Overlay District* of this Ordinance should the Concealed Wireless Telecommunications Facility be located within a HPO District. All other applicable local, state, and federal approvals and permits shall also be obtained.

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

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

Wireless Telecommunications Facility and must submit a copy of each wireless service provider's FCC license.

D. **SR-104 Home Occupations.** A home occupation shall be permitted as an accessory use to any dwelling unit, provided that:

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

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

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

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

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

6. No additional parking areas other than driveways are allowed;

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

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

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

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

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

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

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

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

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

F. **SR-105 Swimming Pools and Spas/Hot Tubs**

1. Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (5) below.

2. In residential zoning districts, all swimming pools, spas, and hot tubs shall be located in the rear or side yard and meet applicable accessory structure setbacks.

3. Walks/decking/coping may extend no more than four (4) feet into building setbacks for accessory structures, except in the golf course and lake front setback for accessory structures.

4. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

5. Seasonal Swimming Pools as defined in *Section 15.2 Definitions* of this document are permitted to be installed above ground with the following standards:

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

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

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

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

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

G. **SR-106 Pet Houses, Pet Runs**. Pet houses and pet runs are permitted in the side and rear yards in any residential zoning district. Pet houses shall meet the accessory structures setback requirements of the zoning district in which they are located. The use of chain link or similar material is not allowed for this use.

H. **SR-107 Playground Equipment.** All swing sets and children's playground equipment shall be located in the rear or side yard and must be located no closer than ten (10) feet from the property line. No development permit is required unless the total playground area exceeds 5,000SF then an accessory structure or building permit is required.

I. **SR-108 Accessory Building**

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

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

(2) The accessory building is located within the building envelope setbacks for accessory structures (Table 7.3) in the rear or side yard only;

(3) An accessory building shall not exceed thirty percent (30%) of the total floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater. When there is more than one (1) accessory building on the site, the sum of the building area of the accessory buildings may not exceed thirty percent (30%) of the area of the principal dwelling.

J. **SR-109 Accessory Dwelling**

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

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

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

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

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

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

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

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

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

K. **SR-110 Accessory Structure**

1. **Arbors, Trellises, Pergolas and Gazebos**

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

(2) Arbors, trellises, pergolas, gazebos and like structures shall be located in the side or rear yard.

2. **Storage Shed** (No dimension greater than twelve (12) feet)

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

   (2) Sheds shall be setback a minimum of five (5) feet from the property line.

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

   (4) Such sheds shall be the same or similar in style and color with the principal structure.

L. **SR-114 Fuel and Propane Tanks** (of capacity greater than sixty (60) pounds or fourteen and a half (14.5) gallons)

1. Propane tanks greater than sixty (60)-pound or fourteen and a half (14.5) gallon capacity in residential blocks shall be placed underground and must be at least ten (10) feet from the property lines. The exposed "cap" on the underground tank shall be painted in dark brown or forest green;

2. Permanent propane tanks are not permitted on vacant lots;

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

SECTION 7.4.3 TEMPORARY USES

A. **Permit Required.** Unless otherwise provided, all permitted temporary uses listed in this section shall require a temporary use permit that shall be reviewed and issued by the Village Planner subject to the procedures outlined in *Section 7.6. Temporary Uses*. The following uses may be established in any district (unless otherwise specified) as temporary uses, subject to approval by the Village Planner in accordance with the requirements below, the filing deadlines established in the application form, and the land development standards established for the district in which the temporary use is proposed.

B. **Temporary Uses Not Listed.** If a temporary use permit is sought for a use other than a specific use listed above, the Village Planner shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use in the proposed district and is not otherwise prohibited by law, the Village Planner shall determine whether a materially similar use exists in this section. Should the Village Planner determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Village Planner's decision shall be recorded in writing. Should the Village Planner determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question through the text amendment process established in *Chapter 4. Approvals Variances and Administrative Appeals*.

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

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

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

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

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

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

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

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

3. **Duration.** Such temporary buildings may remain on the site for no more than twelve (12) months or until construction is complete, whichever comes first. This period may be renewed for another twelve (12)-month period, for good cause shown, upon approval of a written request submitted to the Village thirty (30) days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the Village issues the last Certificate of Occupancy for the development.

D. **SR 203 Temporary Real Estate Sales Offices**

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

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

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

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

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

   (5) Landscaping shall be provided in accordance to the requirements set forth for office development in *Chapter 8. Landscaping and Buffers* of this Ordinance.

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

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

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

E. **SR 204 Model Homes**

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

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

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

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

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

2. Model home(s) are permitted in any subdivision or site-planned development to show different styles and sizes. Model home(s) may be used for real estate sales

purposes until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the model home(s) fails to comply with the provisions of this Section, the Village staff may revoke approval of the model home(s).

F. **SR-205 Yard Sales**

1. No more than four (4) sales shall be held on the same premises during any calendar year.
2. No yard sale shall commence prior to 7:00 am or extend beyond 6:00 pm.
3. No yard sale shall have a duration greater than three (3) consecutive days. Any yard sale event shall be considered as one (1) yard sale for the purposes of the number of annual sales.
4. Signage shall be in accordance with *Section 13.7.G. Yard Sale/Estate Sale Signs* of this Ordinance.

G. **SR-206 Temporary Uses Other**

1. **General Standards.**

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

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

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

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

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

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

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

SECTION 7.5 TABLES OF DIMENSIONAL REQUIREMENT

All uses and structures within the Village Place and Pinehurst South Form Based Districts shall comply with the dimensional requirements in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*. Modification to those requirements may also be subject to open space requirements, subdivision

requirements, or alternate design provisions within this Ordinance. Watershed protection overlay districts may require lower impervious coverage or allowed density.

A. **Required Setbacks.** Allowable Encroachments into Required Yards

1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Section, except as otherwise established in this Ordinance for particular uses.

2. The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

   (1) Building steps may project up to one (1) foot from the build-to line.

   (2) Sidewalks/walkways may encroach into any setback.

   (3) Residential driveways may encroach into any setback that does not abut a golf course or a lake.

   (4) Canvas awnings may project a maximum of six (6) feet.

   (5) Masonry veneers may encroach a maximum of six (6) inches into any setback.

   (6) Other accessory uses and buildings may encroach, as set forth in other applicable sections of this Ordinance.

   (7) Non-residential driveways, parking lots, loading areas, and sidewalks may encroach into any setback.

   (8) Patios (on-grade), decks and off grade patios attached to principal structures, similar structures may encroach up to two (2) feet into the side and rear setback of a given property. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

   (9) Porches attached to principal structures may encroach up to five (5) feet into the front setback of a given property, or the side setback of a corner lot. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

B. **Exceptions to the Height Limits.** The following are not to be included in the calculation of building height. Flagpoles and other structures not specifically listed here are subject to the height restriction for the Zoning District or as otherwise noted in the Ordinance, whichever is more restrictive (*Section 13.8. Exempt Signs*).

1. Basements

2. Spires

3. Steeples

4. Chimneys

5. Antennae attached to buildings
6. Communication towers
7. Water tanks
8. Elevator Shafts
9. Flyways
10. Cupolas
11. Other similar appurtenance as approved by the Village Planner.

C. **Sight Triangles.** All development shall maintain unobstructed sight triangles at all street and driveway intersections in accordance with the current regulations of the North Carolina Department of Transportation and the Village of Pinehurst Engineering Standards and Specifications Manual.

Table 7.3 Village Place and Pinehurst South Form Based District Table of Dimensional Requirements

Village Place & Pinehurst South **Form Based District** **Table of Dimensional Requirements**	Lot Types										
	Mixed-Use Commercial		Single Family Attached Lot			Single Family Detached Cottage Lot		Single Family Detached Manor Lot		Single Family Detached Villa Lot	
	VP Blocks: A-M		VP Blocks: N, O			VP Blocks: N, O		VP Blocks: N, O		VP Blocks: N, O	
	PS Blocks: A-D, F, G		PS Blocks: H			PS Blocks: E, H, I		PS Blocks: E, H, I		PS Blocks: E, H, I	
	Mid-Block Rear Loaded	Rear Loaded Corner	Mid-Block Rear Loaded	Mid-Block Rear Loaded End Unit	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Front Loaded	Front Loaded Corner
Front Build-to Line	10'	10'	15'	15'	15'	15'	15'	20'	20'	20'	20'
Minimum Lot Width	24'	34'	22'	28'	37'	34'	42'	52'	62'	72'	82'
Minimum Lot Depth	60'	60'	75'	75'	75'	75'	75'	80'	80'	80'	80'
% Frontage on Build-to Line	75%	75%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Interior Side Setback (1)	0'-5' (1)	0'-5' (1)	0'	0'-5'	0'	6’	6’	10’	10’	10’	10’
Side Build-to Line	0'	10'	N/A	0'-5'	15'	N/A	15'	N/A	20'	N/A	20'
Min. Rear Yard Setback for Principal Structure	15' min; 20' (2)	15' min; 20' (2)	25'	25'	25'	25'	25'	25'	25'	25'	25'
Building Height * See Regulating Plan for maximum and minimum stories	2 stories: 35' 3 stories: 50'	2 stories: 35' 3 stories: 50'	35' max	35' max	35' max	35' max	35' max	35' max	35' max	35' max	35' max
Maximum Lot Covered by Impervious Surface (4)	90%	90%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Minimum Separation of Accessory Structure from Primary Structure (3)	5'	5'	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Accessory Structure Rear Setback (3)	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'

Village Place & Pinehurst South Form Based District Table of Dimensional Requirements	Lot Types										
	Mixed-Use Commercial		Single Family Attached Lot			Single Family Detached Cottage Lot		Single Family Detached Manor Lot		Single Family Detached Villa Lot	
	VP Blocks: A-M		VP Blocks: N, O			VP Blocks: N, O		VP Blocks: N, O		VP Blocks: N, O	
	PS Blocks: A-D, F, G		PS Blocks: H			PS Blocks: E, H, I		PS Blocks: E, H, I		PS Blocks: E, H, I	
	Mid-Block Rear Loaded	Rear Loaded Corner	Mid-Block Rear Loaded	Mid-Block Rear Loaded End Unit	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Front Loaded	Front Loaded Corner
Accessory Structure Side Setback (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	10' (3)	10' (3)	10' (3)	10' (3)
Minimum Amount of Open Space per Overall Development	8%	8%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Maximum Residential Density (gross) Village Place Form Based District			12 units per acre	12 units per acre	12 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre
Maximum Residential Density (gross) Pinehurst South Form Based District			10 units per acre	10 units per acre	10 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre

1. If a setback between buildings is desired, it shall be a minimum of 5'
2. If parking is on-lot in rear, the setback increases to 20'
3. Accessory Structures to be located completely behind primary structures
4. Approved permeable surfaces may receive up to 50% reduction in the calculation of impervious surface area if designed, installed, and maintained in accordance with the NCDEQ Stormwater Design Manual, Section C-5 (Permeable Pavement). The applicant shall submit manufacturer specifications and design criteria for the selected permeable surface material."

SECTION 7.6 DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES

SECTION 7.6.1 GENERAL STANDARDS

The design and development standards in this chapter are intended to be minimum for the development of all buildings, sites and infrastructure.

The following general standards shall apply:

A. **Solar Panels.** Solar panels are permitted with the following conditions:

1. When a structure has a flat roof raised panels are permitted if visibly screened or concealed by other roof or wall structures.
2. Ground mounted solar panels are permitted on residential lots only if located within the building setback and screened from adjacent roadways and properties.
3. Integral solar panels are permitted on any roof surface with no limitation on the area in which they may cover.
4. Flush mounted solar panels are permitted on residential lots only and shall be screened from streets and open space.
   (1) Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface.
   (2) Flush mounted solar panels are required to be encased in trim that closely matches the roof color.
5. All solar panels being located within the Historic Preservation Overlay District shall comply with the standards for that district and must get appropriate approvals.

B. **Number of Principal/Accessory Buildings per Lot.** For uses that require a site plan approval pursuant to *Section 4.3.8. Major and Minor Site Plan Approvals* , the number of principal buildings on an individual lot shall be controlled by setbacks, buffers, parking, and other applicable sections of this Ordinance. For single family development there shall be no more than one (1) principal building per lot.

C. **Street Frontage.** Any lot that is to be created or any existing lot on which a structure (or structures) is to be erected, or a use is to be established shall abut one (1) of the following:

1. An improved public street maintained by the Village of Pinehurst or NCDOT.
2. An existing improved private street shown on the latest Village of Pinehurst Powell Bill Map.

3. A proposed or existing improved public or private street.

D. **Standard for Dimensional Calculations.** Numbers used to establish dimensional requirements shall be rounded to the nearest whole number.

E. **Corner Lots.** Corner lots have two frontages, including two street facing facades for the purposes of this Chapter.

1. Where and as used on the frontage entry elevation, the same building materials shall be used on the other frontage elevation.

2. Where and as used on the frontage entry elevation, shutters are required on the other frontage elevation.

3. Porches on the frontage entry elevation shall wrap the other frontage elevation a minimum length and depth equivalent to the depth of the front porch.

4. Corner lots with no access from an alley or shared access driveway may be accessed by the side street.

5. Foundation landscape plantings are required along all frontage elevations. A lot specific landscape plan shall be submitted to the Village Planner for review. See *Chapter 8. Landscaping and Buffers.*

F. **Hardscape.** Various paving types may be used to differentiate zones. It is encouraged to use a different paving type within open spaces than sidewalks.

1. Hardscape paving materials shall meet all applicable mobility and accessibility requirements.

SECTION 7.6.2 ARCHITECTURAL STANDARDS

The Village of Pinehurst sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. The architectural standards described herein are intended to ensure that all new development within the Form Based Districts results in an architecture of high quality, encourages pedestrian activity, public interaction with the built environment, and provides appropriate transitions in scale while accommodating various types of approved uses. Architecture shall be designed to complement the historic small-town character of Pinehurst.

A. **Exceptions.**

1. Civic Buildings.

2. One-, two-, three-, and four-family dwellings per NCGS § 160D-702.

3. Where conflicts with the Village of Pinehurst Historic District Standards exist, the Historic District Standards will prevail.

B. **Building Mass.** All new building façades, in terms of composition, bulk, scale, proportion, orientation, massing, transparency, articulation, color, and major divisions or rhythms in the façade, shall be of a character that supports and enhances a pedestrian friendly environment and shall relate to existing buildings within the District. Human scale shall be emphasized. In order to reduce the scale of a building, while emphasizing the ground-level elements to support pedestrian friendliness, the following shall be required:

1. **Large Scale Buildings.** Large scale buildings, understood to be defined as single occupant non-residential uses exceeding 35,000 gross square feet shall apply one (1) or more of the following forms:

   (1) **Minor Wall Offsets or Wall Setbacks.** This includes "pushing and pulling" a façade to create visual interest and break up the massing of a structure. A minimum offset of twenty-four (24) inches for every thirty-five (35) linear feet of the façade to have proper impact.

   (2) **Height Variation.** Differing building roof heights shall be used to add visual interest and reduce boxy building masses.

   (3) **Upper Floor Step backs.** The upper portions of large-scale buildings shall be recessed from the street or when the perimeter yard boundary corresponds with the District boundary and the adjacent property is zoned residential for single family development to reduce looming effects. A recessed story shall be stepped back a minimum of five (5) feet for any structure greater than twenty (20) feet in height.

C. **Exterior Building Materials.** For all non-residential development, all building elevations, including foundations, that are visible from the street or adjoining property shall be covered with one or more of the following materials: brick, stone, cast stone, precast concrete, architectural concrete block, wood clapboard siding, cementitious siding, or other similar materials. Corrugated metal, vinyl, plywood, particleboard, untreated wood, and similar material are not permitted.

D. **Roofs.**

1. Roofs shall meet the height requirements outlined in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*.

2. **Roof Pitch.**

   (1) Shed roofs may be used on secondary massing elements and dormers with a maximum pitch of 4:12.

   (2) Flat roofs may be used on non-street facing facades to incorporate mechanical equipment, green roofs, or similar, to a maximum of fifty (50) percent of the building's roof square footage.

3. Flat roofs shall be hidden by parapet walls capped with continuous masonry, stone, a decorative stucco element, or with a concealing sloped roof.

4. All rooftop utility structures, and equipment shall be screened from view at street level.

E. **Facades.**

1. Differing buildings, multi-tenant businesses, and/or activities within the same block may be distinguished by designing consistent architectural schemata that uses variations of material, scale, forms, and architectural elements.

2. No wall that faces a street or connecting walkway shall have a blank, uninterrupted area with any length exceeding twenty (20) feet.

3. Delineation between ground and upper floors is encouraged by using architectural elements such as cornices, balconies, arcades, and ornamented belt courses.

F. **Façade Openings.** Transparency through use of windows and doors is required for all new buildings. Transparency of the ground level shall be calculated within the first fifteen (15) feet of the building wall, measured vertically at street level. Size, orientation, proportion, grouping and detailing of all windows and doors shall be proportioned to relate to human pedestrian scale. Reflective mirrored glazing is not permitted. Minimum percentages of transparency for new buildings are as follows:

1. **Commercial and Mixed-Use Buildings.**

(1) **Ground Floor.** Fifty percent (50%) to eighty-five percent (85%).

(2) **Upper Floors.** Twenty percent (20%) to fifty percent (50%).

2. **Multifamily Residential Buildings.**

(1) **Frontage Elevations.** Shall not exceed fifty percent (50%) of the frontage elevation.

(2) **Non-frontage Elevations.** Twenty percent (20%) to twenty-five percent (25%).

G. **Building Orientation.** For commercial and mixed-use buildings, there shall be a public-private setback zone to each building. This will provide sidewalk activity areas for outdoor exhibits, benches, porches, places for conversation, shelters from weather, and pedestrian oriented identity to the specific use of the building. The zone shall be ten (10) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of permanent structural elements to allow the addition of street amenities.

H. **Colors.** Color schemes for all new buildings shall incorporate a single base color and no more than two (2) compatible secondary colors. Colors used in development shall

be consistent with the currently adopted Village of Pinehurst Color Palette on file at the Planning and Inspections Department for reference, unless documented that said color has historically been used on the structure.

1. The base color shall not be less than 60% of a primary façade, excluding windows, openings, storefront, or other similar elements.

SECTION 7.6.3 OPEN SPACE

Within the Form Based Districts, open space shall be incorporated to enhance the character of the area, adding and connecting to the existing parks to form a network of spaces. The required amount of open space is provided in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*. All open space areas shall be landscaped in accordance with this Ordinance and provide uniform design and coordinated experiences for the user. The following open space forms are identified below:

A. **Central Green.** Central Green provides active and passive recreational activities to local residents.

   1. Provides for both active and passive recreation.

   2. May include a large open-air pavilion, small pavilion/shade structure, playground, benches, and multi-purpose lawn space.

   3. Typically, between one (1) and three (3) acres.

B. **Plaza.** Plazas are open spaces located at street intersections, between buildings along a street or sidewalk, or at the front or around commercial or civic buildings.

   1. Provides for both passive use and programmed events as needed.

   2. Plazas may contain large areas of durable pavement as well as furniture, public art, fountains, and trees.

   3. Typically, between 1/8 acre and one (1) acre.

C. **Attached Green.** Attached Greens range in size but are generally smaller than Central Green. They are distinguished by the fact that lots directly adjoin the open space on one or more sides. Each Attached Green should have a unique character or feature to create an identify for the surrounding area.

   1. Includes a pathway, landscaping, and benches.

   2. Typically, between 2,400 square feet and two (2) acres.

D. **Pedestrian Passages.** Pedestrian Passages is an open space form that provides pedestrian connection between other forms of open space or streets.

   1. Connects with other open spaces where practicable.

2. The passage shall be a minimum of eight (8) feet wide with a minimum five (5) foot wide brick, concrete, gravel, or sand/clay path.

3. A landscaped area with trees or other plantings may be on either side of the path.

CHAPTER 8 LANDSCAPING AND BUFFERS

SECTION 8.1 GENERAL STANDARDS

SECTION 8.1.1 PURPOSE AND INTENT

The natural landscape conditions within the Village of Pinehurst and its extraterritorial jurisdiction typifies the North Carolina Sandhills and Longleaf Pine Ecosystems. These natural conditions (topography, vegetation, and wildlife) are unique within North Carolina and are the strongest visual aspects defining the character of the Village. The regulations of this Section are intended to moderate visual contact, create spatial separation, and minimize adverse impacts on adjacent properties resulting from development. Buffers also help reduce the visual effects and impacts of traffic, noise, dust, and odor, as well as protect the privacy of neighbors. The Village values its existing tree canopy, and these regulations also provide incentives that allow existing qualifying trees to be used as part of the buffers required by this Section. By doing so, these regulations will:

A. Preserve and enhance the visual character of the Village and the ETJ.

B. Lessen the impacts of development.

C. Reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts between properties~~, as well as~~and adjacent to streets.

D. Safeguard property values, protect the privacy of neighbors, and preserve the character and integrity of the community.

Chapter 8. Landscaping and Buffers 236
Section 8.1 General Standards 236
Section 8.2 Landscaping Requirements for all Development Requiring a Permit 243
Section 8.3 Tree Preservation 254
Section 8.4 Undisturbed Buffers Along Streams, Wetlands, and Water Bodies 255

E. Provide erosion and sedimentation control.

F. Protect the health, safety, and welfare of the public.

G. Protect and provide habitat for wildlife.

SECTION 8.1.2 APPLICATION PROCEDURES AND GENERAL REQUIREMENTS

A. **Application.** A development permit is required prior to land disturbing activity when there is no other active development application in process pursuant to this Ordinance (e.g. Major or Minor Site Plan, Major or Minor Subdivision, Single Family Development). Information shall be provided by a Professional Landscape Architect/PLA, Architect, Professional Licensed Surveyor/PLS, or Professional Engineer/PE. When an application is made for a development permit, the permit application must include the following information:

1. **Storage, Surface, and Service Areas.** A site plan indicating the location, dimensions, and square footage of surface parking areas, outdoor display and storage areas, private utility service areas, proposed parking space striping, and overhead utility lines.

2. **Landscaping.** A site plan indicating existing and proposed landscaping used to satisfy the requirements of this Section, including the number, types, location, and height of trees, shrubs, and groundcover; the location and dimensions of planting areas and street yards; the location and size of earthen berms; and the location, size, and construction material of fences and walls.

3. **Existing Trees to be Preserved.** The number, location, species, and diameter at breast height (DBH), measured four and one half (4 ½) feet above ground level of existing trees to be preserved for credit per *Section 8.1.2.D. Use of Existing Trees for Credit*.

4. **Barriers.** The location and description of any barriers to be erected to protect any existing vegetation from damage during construction.

5. **Tree Protection Plan.** If the applicant proposes to use qualifying trees to meet the landscaping and buffer requirements, a Tree Protection Plan is also required. The Tree Protection Plan shall show the location of existing trees on the property, including those that are to be removed, the limits of disturbance, the Critical Root Zone (CRZ), and tree protection fence. The CRZ shall remain undisturbed for the tree to count towards the mitigation requirement.

B. **Compliance with Sight Easement Requirements.** Landscaping required by this Section shall comply with the minimum NCDOT or local sight easement

requirements for street intersections and driveways, please refer to the Engineering Standards and Specifications Manual (ESSM).

C. **Obstruction of Pedestrian Routes.** Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks, multi-purpose paths, or greenway trails.

D. **Use of Existing Trees for Credit.** To promote maintenance of the existing tree canopy and preservation of specimen trees, planting credits may be provided for qualifying trees as follows. No trees listed on the North Carolina Invasive Plant Council's list of invasive plants shall be credited towards the requirements of this Ordinance.

1. **Maximum Credits for Tree Preservation.** One tree planting credit shall be granted for trees measuring between three inches (3") DBH and twelve inches (12") DBH.

   (1) One additional tree planting credit may be granted for every four (4) inch increase in tree girth above twelve inches (12") DBH.

   (2) Tree planting credits apply to the buffer area, buffer yard, or lot area in which the tree is located.

2. **Minimum Protected Plant Area.** Each tree to be preserved for credit shall be provided with a minimum planting area which coincides with the tree's dripline. The tree's dripline is defined as the area underneath a tree which would be encompassed by perpendicular lines dropped from the outermost edges of the crown of the tree.

3. **Protection from Encroachment.** Tree preservation planting areas shall be cordoned off during construction and protected from encroachment with tree protection fencing. The minimum area to be cordoned off shall consist of the CRZ of the tree or an area ten (10) feet from the edge of the tree's trunk in all directions, whichever is the greater. The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping.

4. **Loss of Tree Credits.** Removal or death of any preserved tree prior to issuance of an occupancy permit of any development project subject to these standards, shall result in the loss of all associated tree credits for that removed/dead tree.

E. **Overhead Utility Lines.** The location of overhead utility lines shall be considered during the placement or preservation of required trees. The maximum mature height of required trees shall be determined as follows:

1. **Small variety.** Small variety trees shall be used when located within or up to thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

2. **Small or Tall variety.** Small or tall trees may be used when located more than thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

F. **Underground Utility Lines.** Trees shall not be proposed or planted within five (5) feet of an existing or proposed underground utility line, measured horizontally.

G. **Easements.** Trees shall not be planted within utility, stormwater, access, slope, or drainage easements.

H. **Fire Protection Equipment.** A minimum five (5) foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including fire hydrants, post indicator valves, and Siamese connectors. Clear and unobstructed sight lines to the fire protection equipment shall be always maintained.

SECTION 8.1.3 LANDSCAPE PLANS AND TREE SURVEYS

A. **Landscape Plan.** Prior to the issuance of a Development Permit, a landscape plan must be submitted to the Village Planner for review and approval.

1. Landscape plans shall contain the following information:

(1) Dimensions of all property lines.

(2) Locations, labels, and dimensions of all required buffer yards.

(3) Location of construction access/driveways.

(4) Location of existing and proposed utilities, stormwater devices, and associated easements.

(5) Location of plant material to be planted.

(6) Species of plant material to be planted.

(7) Size, container, and caliper of plant material to be planted.

(8) Tree spacing.

(9) Summary calculation table of required plantings by buffer yard.

B. **Tree Survey.** Tree surveys shall be prepared by a Professional Land Surveyor, Professional Landscape Architect, or Registered Arborist licensed in the State of North Carolina. Tree surveys must include the following:

1. Dimensions of the property lines.
2. Location and dimensions of all required buffer yards.
3. Location of construction access/driveways.
4. Location, diameter at breast height (DBH), and species of all trees to be retained within required buffer yards.

SECTION 8.1.4 EXEMPTIONS AND EXCEPTIONS

A. **Exemptions.**

1. No perimeter buffer yard shall be required when single-family detached and single-family attached dwelling units abut one another within the same development.
2. This article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws.
3. Required utilities shall cross buffers perpendicularly when feasible.
4. Where outdoor seating is provided between a building and a street, no plant material is required in the corresponding portion of the street yard.
5. The Village Planner, at the time of Development Plan approval, may reduce buffer widths and/or required plantings if existing vegetation, alternate landscaping, walls, fencing or topographic features will achieve the intent of this section.
6. Removal of dead, diseased or naturally fallen or severely damaged trees or vegetation that are a threat to the public health, safety, or welfare may only occur with approval by the Village Planner. Acceptable documentation includes: photographs, the submittal of a report prepared by an Arborist or other landscape professional, or observance by the Village Planner or designee.

Replacement of the tree(s) would only be subject to buffer requirements to maintain compliance with the required landscape plan.

7. Bona fide agricultural and forestry operations shall be exempt from the provisions of this Section. This exemption applies to forestry activity on forestland that is taxed based on its present-use value as forestland under NCGS Chapter 105, Article 12 and activities conducted in accordance with an approved forestry management plan subject NCGS Chapter 89B and extends to any activity defined as a bona fide farm operation in NCGS § 160D-903 within the extraterritorial jurisdiction of the Village.

8. The North Carolina Department of Transportation (NCDOT) shall be exempt from buffer requirements of this Ordinance within NCDOT rights-of-way. Tree removal in the Village rights-of-way must be approved by the Village Manager or designee.

9. All real property owned by the Village of Pinehurst.

B. **Exceptions.**

~~1. The Village Council may waive some or all these standards for development and uses located within the VC, VMU, VCP and VR Zoning Districts when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner.~~

2. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates non-residential or multi-family uses from a residential property.

3. If a greenway passes through a landscape buffer the linear footage area of the greenway shall be subtracted from the total buffer area for plant count purposes.

SECTION 8.1.5 DELAY OF LANDSCAPING

If the required landscaping has not been installed at the time of a request for an occupancy permit, and the Village Planner determines that the unavailability of plant materials or adverse weather conditions prohibit the timely completion of planting, a delay in planting may be approved, subject to the following:

A. **Completion Schedule.** The applicant shall sign a contract specifying that the work shall be completed within six (6) months immediately following the date of application for an occupancy permit.

B. **Security.** A financial guarantee shall be required prior to the issuance of an occupancy permit.

1. The amount of the financial guarantee shall equal the cost of installation as estimated by a landscape architect, licensed contractor, or professional engineer plus twenty-five percent (25%) of all costs of the required landscaping or screening which has not been installed.

2. Such security shall be held by the Village of Pinehurst until the work is completed in accordance with the permit. The security shall be released when the Village Planner or designee certifies that all requirements of this Section have been met.

3. The security shall be forfeited upon violation of this Section and shall be used by the Village towards completion of any outstanding landscaping. Any money in excess of the cost of installing required landscaping shall be refunded to the applicant.

C. **Request for Extension of Compliance**

1. A Request for Extension of Compliance with landscaping requirements associated with this Chapter may be filed with the Village Planner.

   (1) If the Village Planner finds that there are unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not to exceed ninety (90) days. The letter shall acknowledge that the property owner is aware of all landscaping and screening requirements and will comply with those requirements within ninety (90) days or discontinue use of the property.

   (2) If an extension is allowed by the Village Planner, the applicant shall provide to the Village a financial guarantee as set forth in *Section 8.1.5.B. Security* sufficient to cover one hundred twenty-five percent (125%) of the installed landscaping costs based on an estimate from a nursery or Professional Landscape Architect, licensed contractor, or Professional Engineer.

   (3) If the Request for Extension of Compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the applicant may request one (1) additional extension of up to ninety (90) days.

      i. Failure to comply with the provisions of this Section within the time period noted in the request for the extension of compliance with

landscaping requirements shall be deemed a violation of this Ordinance.

ii. Failure to perform in accordance with this Section shall result in default and the forfeiture of the financial guarantee as set forth in *Section 14.4.14. Financial Guarantees.*

SECTION 8.1.6 NONCOMPLIANCE WITH BUFFER YARD STANDARDS

A. On properties where land disturbing activity has occurred without a development permit, buffer yards shall be established pursuant to this Chapter. A landscape plan and development permit shall be submitted demonstrating compliance with this Chapter.

B. In addition, other remedies up to and including penalties may apply in accordance with *Chapter 5. Enforcement* of this Ordinance.

SECTION 8.2 LANDSCAPING REQUIREMENTS FOR ALL DEVELOPMENT REQUIRING A PERMIT

SECTION 8.2.1 PURPOSE AND SCOPE

A. **Applicability.** New development or redevelopment after the adoption of this Ordinance shall meet the buffer yard requirements of this Section, except for the following:

1. Dwellings subject to the North Carolina Residential Code.

2. Where proposed development and/or redevelopment as regulated below is located adjacent to a public street or right-of-way.

3. Bonafide Farms subject to NCGS § 160D-903 or Forestry Activity and Management subject to NCGS Article 12 Chapter 105 or NCGS Chapter 89B.

~~B.~~ All size standards in this Section shall conform to the American Standards for Nursery Stock.

~~C.~~

D.

SECTION 8.2.2 PLANTED BUFFERS

A. **Permitted Uses Within Planted Buffer Areas.** Planted buffers should be left in an undisturbed natural vegetative state and provided with supplemental plantings.

1. Selective thinning of vegetation and removal of dead vegetation may be permitted if the intent of the planted buffer requirement is maintained.

2. Driveways and utilities may cross a planted buffer at or as near a perpendicular angle as practical.

3. Paths and walkways may pass through the planted buffer and pedestrian walkways (greenways) may be installed within the buffer area.

4. Grading should be excluded from the designated planted buffer when practicable, but may be allowed with site plan approval, if the re-vegetation plan is determined to meet the intent of this Section.

5. Stormwater control measures such as ponds shall not encroach in the buffer yard. If stormwater improvements are located within the buffer, plantings should be approved by the Village Planner to ensure that the vegetation does not interfere with the function of the stormwater improvement.

B. **Location of Planted Buffers.** Required planted buffers shall be provided along the perimeter of development unless alternate locations are approved by the Village Planner. Planted buffers shall be designated and dimensioned on all site plans and subdivisions plans, where applicable.

C. **Application.**

1. The required planted buffer width is based on the classification shown on *Table 8.1. Required Planted Buffer Classification*.

2. If a public street or railroad right-of-way separates a non-residential or multi-family use from a residential property, one-half of the planted buffer width shall be provided, but not less than ten (10) feet.

3. If the proposed development is for multi-family dwellings adjacent to property zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, but not less than ten (10) feet, whether the property is occupied or not.

D. **Planted Buffer Classifications.**

Table 8.1 Required Planted Buffer Classification

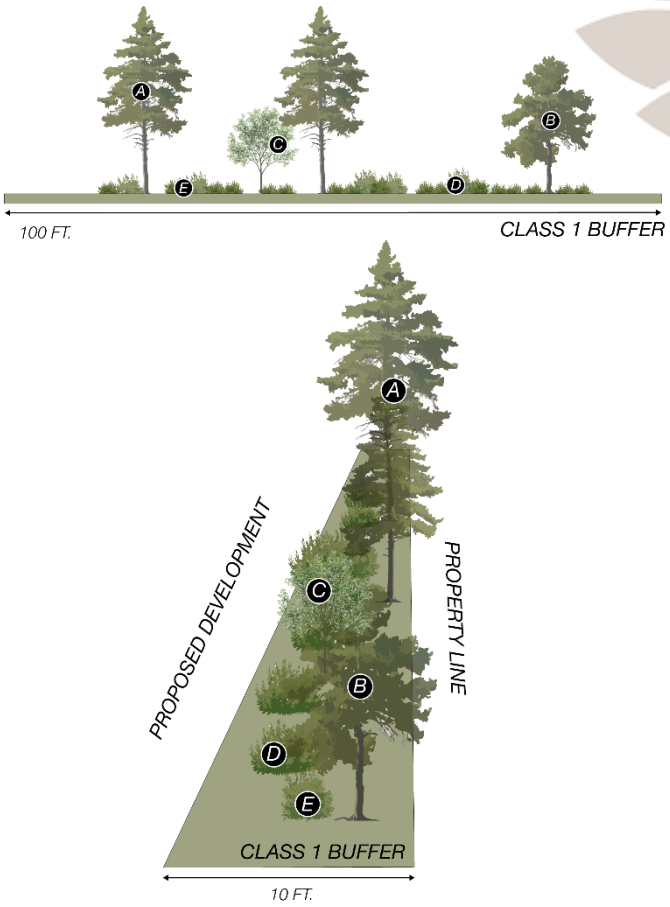
		Adjacent Property								
		PC – Public Conservation	RD - Recreation Development	Residential Districts	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	Village Districts
Subject Property	PC- Public Conservation	1	1	1	2	2	4	4	4	
	RD - Recreation Development	1	1	1	2	2	3	4	3	
	Residential Districts	1	1	1	2	2	2	4	3	
	R-MF - Residential Multi-family District	2	2	2	1	2	2	4	3	
	NC- Neighborhood Commercial District	2	2	2	2	1	2	2	2	
	H - Hotel	4	3	2	2	2	1	2	2	
	HD - Hospital Development District	4	4	4	4	2	2	1	2	
	OP - Office Professional District	4	3	3	3	2	2	2	1	
	Village Districts									

E. **Requirements for Planted Buffer Areas.**

1. **Buffer Planting requirements.** Planting requirements for planted buffers include both trees (large and small) and shrubs. (See Appendix F for a listing of allowable trees and shrubs.) Fifty percent (50%) of small trees and seventy-five percent (75%) of shrubs shall be evergreen.

   (1) **Class 1 Buffer.** A Class 1 Buffer is a low-density screen used to partially block visual contact and create separation from similar or compatible uses. A Class 1 Buffer shall be a minimum of ten (10) feet in width with the following minimum plantings:

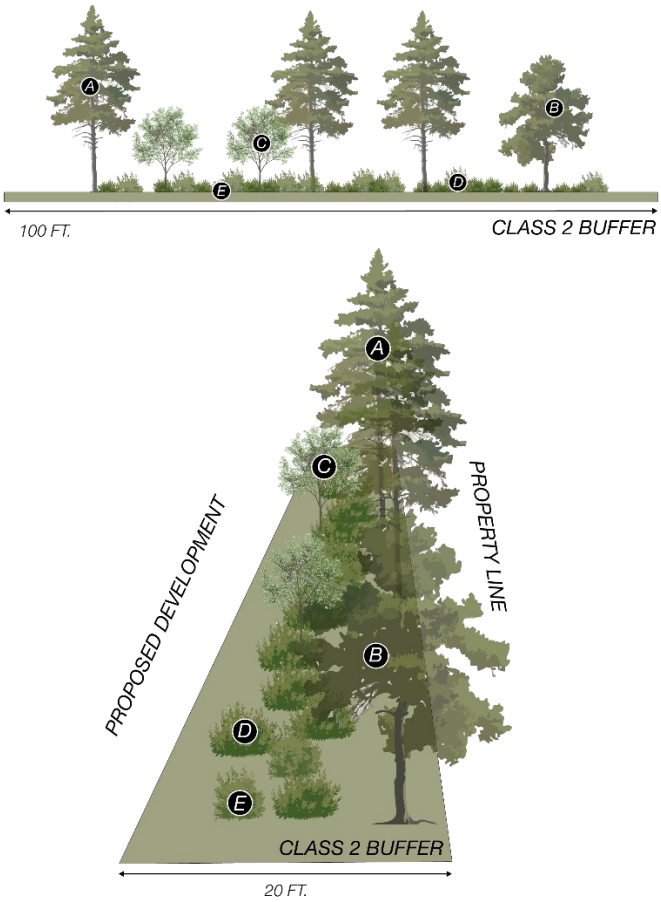
Figure 8.1 Class 1 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	2
B. Deciduous Tall Trees	1
C. Small Trees	1
D. Large Shrubs	10
E. Medium/Small Shrubs	10

(2) **Class 2 Buffer.** A Class 2 Buffer is a medium-density screen used to block visual contact and create separation between adjacent uses. A Class 2 Buffer shall be a minimum of twenty (20) feet in width with the following minimum plantings:

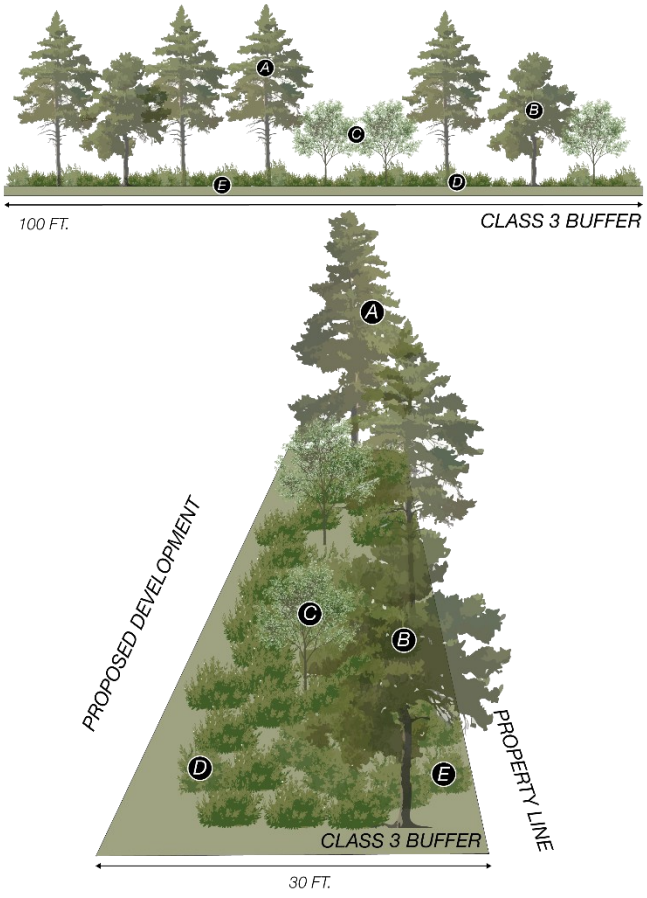
Figure 8.2 Class 2 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	3
B. Deciduous Tall Trees	1
C. Small Trees	2
D. Large Shrubs	15
E. Medium/Small Shrubs	15

(3) **Class 3 Buffer.** A Class 3 Buffer is a high-density screen used to eliminate visual contact and create separation between adjacent uses. A Class 3 Buffer shall be a minimum of thirty (30) feet in width with the following minimum plantings:

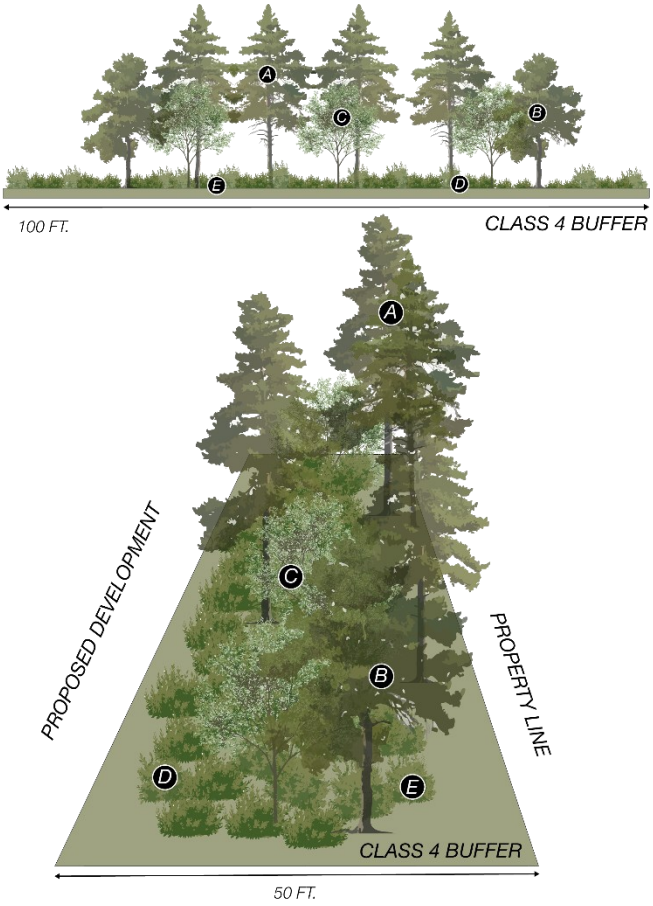
Figure 8.3 Class 3 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	4
B. Deciduous Tall Trees	2
C. Small Trees	3
D. Large Shrubs	20
E. Medium/Small Shrubs	20

(4) **Class 4 Buffer.** A Class 4 Buffer is a high-density screen used to eliminate visual contact and create separation between adjacent uses. A Class 4 Buffer shall be a minimum of fifty (50) feet in width with the following minimum plantings:

Figure 8.4 Class 4 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	4
B. Deciduous Tall Trees	2
C. Small Trees	3
D. Large Shrubs	20
E. Medium/Small Shrubs	20

2. The required setbacks may be used to meet landscape planted buffer width requirements in all districts. When planted buffers are required for residential uses, the planted buffer requirements shall be designated open space, or common area.

3. Planted buffer widths and required plantings may be reduced by thirty percent (30%) if the site plan indicates a berm, alternate landscaping, walls, and/or opaque fencing in combination with landscaping or topographic features which will, in the opinion of the Village Planner, achieve the intent of this Chapter and result in equal or better performance. In no case shall a buffer width be less than ten (10) feet. Berms may not have a slope steeper than three (3) horizontal to one (1) vertical and must have a crown width of at least two (2) feet and a minimum height of three (3) feet.

4. **Existing Vegetation.** Existing vegetation, regardless of species, shall be used to meet all or part of the requirements of this Chapter wherever possible, if it meets the planted buffer required by *Section 8.2.2.D Planted Buffer Classifications*. All trees to be preserved and counted towards buffer requirements shall be identified on site plans, along with protection measures to be used during grading and construction. (See *Section 8.1.2.D. Use of Existing Trees for Credit* for protection measures and calculation of credits for existing trees), If existing vegetation does not adequately meet the intention and intensity of the buffer required below, supplemental planting shall be required.

5. **Trees.** Longleaf Pine and Understory trees shall be distributed along the entire length and width of the planted buffer. Due to unique characteristics of a site or design objectives, alternative plant mixes and spacing may be approved by the Village Planner.

6. **Shrubs.** Shrubs, of a variety that can be expected to reach four (4) to five (5) feet in height and three (3) feet in width within three (3) years of planting, shall be provided. Shrubs shall not be planted closer than six (6) feet to newly planted trees, nor within the drip line of existing hardwood trees. Shrubs shall be distributed along the entire length and width of the planted buffer, in naturalistic groupings so as not to create a hedge-like condition.

SECTION 8.2.3 ROADWAY BUFFER

A. **Highways and Major Thoroughfares.** A Class 3 planted buffer shall be installed along the street frontage for all non-single family residential uses with frontage on a highway or major thoroughfare ~~as noted on the Comprehensive Transportation Plan~~.

SECTION 8.2.4 LANDSCAPE SCREENS

A. **General Screening Design Standards.**

1. Screening material shall be consistent with the landscape plan for the development.

2. Screening shall consist of landscaping, a wall, or a fence consistent and compatible with the principal building in terms of texture, quality, material, and color.

3. Examples of screening materials may include a wall, shrub line, fence (excluding chain-link), parapet wall, or opaque screen.

SECTION 8.2.5 SURFACE PARKING AREA LANDSCAPING

A. **Purpose.** In order to reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards apply.

1. **Exemption.** This section shall apply only to parking areas with more than five (5) vehicle spaces.

2. **Expansion of Preexisting Surface Parking Areas.** When a preexisting surface parking area(s) is expanded, required interior plantings may be dispersed throughout the entire interior landscaped area in accordance with *Section 8.2.5.B. Surface Parking Area Perimeter Landscape Requirements.*

B. **Surface Parking Area Perimeter Landscape Requirements.** All motor vehicle areas shall be screened by a Surface Parking Area Perimeter buffer on all sides visible from adjacent properties or public right-of-way. Proposed locations of plants and parking spaces shall be arranged to protect plants from vehicles. The Surface Parking Area Perimeter buffer shall be a minimum of ten (10) feet in width adjacent to residential districts or five (5) feet in width adjacent to non-residential districts, and shall be planted as follows:

1. **Large trees.** Longleaf pines shall be planted at the rate of one three (3) inch caliper tree per thirty (30) linear feet of the parking lot perimeter abutting a street and/or adjoining property, less driveways and sight distance triangles. Trees must be a minimum of five (5) feet and a maximum of twenty (20) feet from the parking lot edge to meet this requirement. Credit given for existing,

healthy, protected trees, regardless of species, shall be according to *Section 8.2.2.E.4. Existing Vegetation*.

(1) **Overhead power lines.** Small variety trees may be used where overhead power lines exist within the Surface Parking Area Perimeter buffer yard area.

2. **Shrubs.** Evergreen shrubs at the rate of one (1) 24-inch height minimum shrub per three (3) linear feet of parking lot edge abutting streets and adjoining property, less driveways, of a species expected to reach a minimum height of thirty-six (36) inches and a minimum spread of thirty (30) inches within three (3) years of planting. This rate may be varied based upon size of installed plant materials. Shrubs must be a minimum of five (5) feet and a maximum of ten (10) feet from the parking lot edge to meet this requirement.

   (1) Shrubs shall be planted such that no less than seventy-five percent (75%) of the length of the parking lot edge, to a height of thirty-six (36) inches, is obscured from view after three (3) years of growth. Shrubs planted within sight distance triangles shall be of a type with a maximum mature height of eighteen (18) inches above finished grade.

   (2) Additionally, shrubs shall not be planted within six (6) feet of the trunk of a tree.

3. **Fences and Walls.** A brick or stone wall or fence, at least thirty-six (36) inches tall and of a material compatible with the building, may be substituted for the requirements of shrubs.

4. **Berms.** Berms may be installed within the highway (front) or interior (side or rear) yards with a minimum two (2) foot height, two (2) foot minimum crown width, and side slopes of not steeper than three horizontal to one vertical. Berms shall be planted with live vegetation and may be used with smaller plants to meet the required screening area, provided that the combination of the berm and the shrubs obscures no less than seventy- five percent (75%) of the length of the parking area, to a minimum height of thirty-six (36) inches after three (3) years of growth.

5. Areas used for vehicle sales and/or service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive-up service, shall be considered parking areas and shall comply with the requirements of this Section.

C. **Landscaping Within Parking Areas.** The landscaping within parking areas shall be provided in addition to planted buffer requirements of this Ordinance.

1. **Location.** Parking areas shall provide and maintain landscaped areas based upon the surface area of the parking lot. Areas under canopies, loading and service areas, and portions of drives with no parking on either side for a distance longer than twenty-five (25) feet and/or used exclusively as access to loading or service areas, are exempt from this requirement.

   (1) Areas used for landscaping shall be provided in the amount equivalent to at least ten (10) percent of the parking area and shall be used for planting either trees and/or shrubs according to the requirements below. Tree planting areas shall be located such that no parking space is farther than sixty (60) feet from a tree trunk.

2. **Required Landscape Plants.** Trees shall be used at the following rates, either in combinations of small and large trees, or with large trees only, to add up to the required landscape area:

Table 8.2 Required Planting within Parking Areas

Planted Tree Type	Minimum Planting Caliper	Planting Requirement
Hardwood or Pine Tree	3 inch	1 per 250 SF*
Understory Tree**	3 inch	1 per 125 SF
* Each large tree shall be located within a minimum growing area of two hundred fifty (250) square feet un-encroached upon by shrubs or impervious pavement, with a minimum dimension of ten (10) feet ** may be used to fulfill up to one third (1/3) of the required trees		

3. **Islands and Medians.**

   (1) Islands and medians shall be designed to meet the requirements of the Village of Pinehurst Engineering Standards and Specifications Manual. Medians without curbing shall include devices to stop vehicles from driving into the planted areas.

   (2) No more than one tree may be provided per island, unless there is at least the minimum growing area per tree as required above. Large trees shall not be planted less than eighteen (18) feet apart, and small trees/large shrubs shall not be planted less than twelve (12) feet apart.

4. **Existing Trees.**

   (1) Credit given for existing, healthy, protected trees shall be according to *Section 8.1.2.D. Use of Existing Trees for Credit* of this Section. Trees used to meet other requirements of this Ordinance may not be used to meet the requirements of this Section.

D. **Street Trees Required.** For all developments, one three (3) inch caliper, tall tree per forty (40) linear feet or small tree per twenty (20) linear feet, identified as a permitted Street Tree per Appendix F, of street frontage minus driveways shall be planted in the road right of way. These trees shall be planted outside of site triangles and not conflict with any utilities. The Longleaf Pine tree is the preferred street tree for the Village of Pinehurst, and should be used where possible.

SECTION 8.3 TREE PRESERVATION

SECTION 8.3.1 SPECIMEN TREES

A specimen tree is any healthy, living tree and includes all of the following:

A. **Size.**

   1. Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more. OR

   2. A trunk DBH of twelve (12) inches or more in the case of the following species:

      (1) Ilex species (holly).

      (2) Magnolia species.

      (3) Longleaf Pine species.

B. Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association.

C. Provides unique habitat for any endangered or threatened wildlife species protected by Federal law.

D. Has been cited by the Village Council as being historically significant.

SECTION 8.3.2 PRESERVATION ON PRIVATE PROPERTY

A. **Specimen Trees on Private Land.**

1. Specimen trees shall be shown on all preliminary commercial and residential site plans submittals and located by survey on final site or Landscape Protection Plans. The Village Planner may inspect the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a development site where soil disturbance or construction activity is proposed.

2. Proposed development shall be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities shall be pursued in order to preserve them.

3. No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during the review of the site and/or Landscape Protection Plan it is determined there is no reasonable way the property can be developed without such disturbance.

B. **Voluntary Protection of Specimen Trees On Existing Residential Lots.**

1. Specimen trees which are located on individual lots with single homes shall be protected if voluntarily registered by the property owner.

2. Registration of such trees shall render the owner of the lot the following privileges: If a permitted accessory structure or addition to a house is being planned, notwithstanding any provision of the Ordinance to the contrary, saving of a specimen tree may constitute evidence that requirements for a case have been met for a variance application.

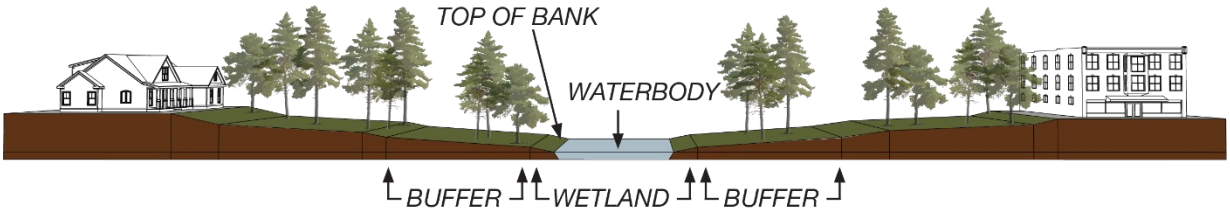
SECTION 8.4 UNDISTURBED BUFFERS ALONG STREAMS, WETLANDS, AND WATER BODIES

SECTION 8.4.1 UNDISTURBED BUFFERS

A. Notwithstanding any other provisions of this Ordinance regarding buffers, landscaping or setbacks, all development, other than development of existing single family lots shall maintain a thirty (30) foot undisturbed buffer measured from the top of the bank along all streams that are shown as "blue lines" on the most recent versions of U.S. Geologic Survey 1:24,000 scale topographical maps; along the

edge of identified wetlands as established by the North Carolina Department of Environmental Resources as defined by NCGS § 143.212(6); and along the edge of the full pond of any water body that is fed by or connected to a "blue-line" stream, other setbacks such as wetland and watershed (*Section 6.4.3. Watershed Protection Overlay District*) may also apply;

Figure 8.5 Undisturbed Buffer



SECTION 8.4.2 BUFFER ENCROACHMENT ALLOWANCES AND EXCEPTIONS

A. **Purpose.** This section establishes limited circumstances in which encroachments into required riparian buffers may be authorized while maintaining the buffer's essential functions of protecting water quality, stabilizing streambanks, and providing habitat.

B. **Disturbance or Encroachment Design.** Any allowed disturbance or encroachment that occurs as a result of the activities expressly permitted in this subsection must be designed, constructed, and maintained to:

1. Minimize impervious or partially impervious surface coverage.
2. Diffuse the flow of stormwater runoff, encourage sheet flow and avoid concentrated discharge of stormwater into surface waters.
3. Maximize the use of Best Management Practices (BMPs) to minimize adverse water quality impacts.
4. Comply with all applicable standards and conditions of the Village of Pinehurst Engineering Standards and Specifications Manual.

C. **Allowable Encroachments.**

1. Archeological activities provided any vegetation removed is restored with vegetation of a comparable assimilative capacity.
2. Bridges provided there is no alternative location in the buffer.
3. Dam maintenance activities.
4. Drainage ditches, roadside ditches, and stormwater outfalls.

5. Drainage of a pond provided a new vegetated water supply watershed buffer meeting all NCDEQ and DWR.
6. Driveway crossings that access single-family dwellings, provided:
   (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
   (2) The driveway crosses the buffer at an angle as close to 90 degrees as possible (and not less than 60 degrees).
   (3) Side slopes do not exceed a 2:1 (horizontal to vertical) ratio (bridging and/or retaining walls may be used to meet this and the disturbance width standard).
   (4) All culverts are designed and constructed for the 25-year storm event or as otherwise required by the NCDEQ.
7. Utility lines, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
8. Pedestrian, bikeway, equestrian, golf cart, and other recreation trails (public or private), provided:
   (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
   (2) A trail crossing the buffer is combined with other permitted buffer crossings where practicable.
   (3) Buffer disturbance is no more than 20 feet wide (unless otherwise approved by NCDEQ.
   (4) The trail is no more than 12 feet wide.
   (5) A trail crossing the buffer does so at an angle as close to 90 degrees as possible (and not less than 60 degrees).
   (6) A trail running linearly within the buffer must be located, where possible, in the outer 20 feet of the buffer and in no instances may such trail be closer than ten feet to the edge of the lake, pond, river, stream or drainageway.
9. Railroad crossings, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.

10. Removal of previous fill or debris provided diffuse flow is maintained and any vegetation removed is restored with vegetation of comparable assimilative capacity.
11. Road crossings (public or private roads), provided:
    (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
    (2) Buffer disturbance does not extend beyond the required right-of-way or easement width, or in no case is more than 90 feet wide.
    (3) All culverts are designed and constructed for the 25-year storm event or as otherwise required by the NCDEQ.
12. Public water and sewer utilities, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
13. Stormwater Control Measures (SCMs) provided:
    (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
    (2) The SCMs are designed per the NCDEQ SCM design manual.
14. Stream restoration and stream bank stabilization.
15. Temporary in-stream sediment and erosion control measures for work within a stream channel.
16. Vegetation management, including:
    (1) Emergency fire control measures, provided topography is restored.
    (2) Planting vegetation to enhance the buffer's function.
    (3) Pruning forest vegetation, provided the health and function of the vegetation is not compromised.
    (4) Removing individual trees that are in danger of causing damage to dwellings, other structures, or human life.
    (5) Removal of noxious growth.
17. Water-dependent structures.
18. Wetland restoration.

CHAPTER 9 SOIL EROSION

SECTION 9.1 SOIL EROSION AND SEDIMENTATION CONTROL

A. All development shall be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS, Chapter 113A, Article 4 (Sedimentation Pollution Control).

B. No development permit shall be issued for development that involves land-disturbing activity if more than one (1) acre is to be uncovered, unless an erosion control plan has been approved by the State of North Carolina and a copy of the approved plan is submitted as part of the development permit application.

C. No development permit shall be issued for development that involves land-disturbing activity if less than one (1) acre is to be uncovered, unless the person to whom the permit is to be issued affirms on the permit application that the land-disturbing activity will be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS, Chapter 113A, Article 4.

D. Failure of the permit holder to perform land-disturbing activity in accordance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS Chapter 113A, Article 4 shall result in the permit holder being in violation of the terms of this Ordinance and may result in the revocation of the development permit.

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E. Notwithstanding the general requirement to obtain a development permit prior to undertaking land-disturbing activity, a plan approval shall not be required for land-disturbing activity that does not exceed one acre (43,560 square feet) in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

F. The Village of Pinehurst requires a Land Disturbance Permit for activities in common plans of development or sale as a condition of NC Construction General Permit NCG01 regulations.

G. The NCG01 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

H. **Exclusions.** This section shall not apply to the following types of land-disturbing activity:

1. Any activity which is essential to protect human life during an emergency.

2. Land-disturbing activities undertaken on established bona-fide farms for the production of plants and animals, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including the breeding and grazing of any or all such animals; bees and apiary products; and fur producing animals; and mulch, ornamental plants, and other horticultural products. For purposes of this section “mulch” means substances composed primarily of plant remains or mixtures of such substances.

3. Land-disturbing activities undertaken on forestland for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Agriculture and Consumer Services. If activities are undertaken in a manner that is not in accordance with the Forest Practice Guidelines referenced above, the provisions of this Ordinance shall apply to such activity and any related land-disturbing activity on the tract.

4. Land-Disturbing activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.

5. Land-Disturbing activities over which the State has exclusive regulatory jurisdiction as provided in NCGS § 113A-56(a).

CHAPTER 10 FENCES, WALLS AND SCREENING

A. **Purpose.** The purpose of this Section is to regulate the location, height, and design of fences and walls, as well as screening. These regulations aim to support their use for safety, security, privacy, and screening, while also maintaining visual harmony and maintaining the Village's appearance. Flexibility in fence design is preserved for rural areas to accommodate their unique character.

B. **Applicability.** The following standards shall apply to all new permanent or replacement fences and walls.

   1. A fence may only be erected in accordance with *Chapter 4. Approvals, Variances, and Administrative Appeals*.

   2. Additional regulations for fences and walls located in the Historic District may also apply in addition to those included in this Chapter.

   3. Unless specifically approved as part of a Planned Development, Conditional Zoning or Special Use Permit, Variance, or Certificate of Appropriateness, all fences and walls shall comply with the requirements of this Chapter.

C. **Location.** Fences and walls may be located anywhere within or along property lines, except:

   1. In a manner that obstructs visibility for motorists at any street intersection.

   2. No fence or wall may be installed within any public or private easement, including stormwater, drainage, and utility unless written

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permission is received from the easement holder. It is the responsibility of the applicant to identify and receive written permission to install a fence or wall within an easement.

(1) Written approval may be required to be submitted to the Village with a fence permit application.

(2) The Village is not responsible for fixing or replacing fences or walks that are built in easements if they need to be removed for access.

D. **Measurement.** The following standards shall apply to all new permanent or replacement fences and walls:

(1) Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.

(2) In cases where a fence or wall is placed on a berm, the maximum fence or wall height shall include the height of the berm, as measured from the toe of the slope. See *Figure 10.1 Fence Height Measurement*.

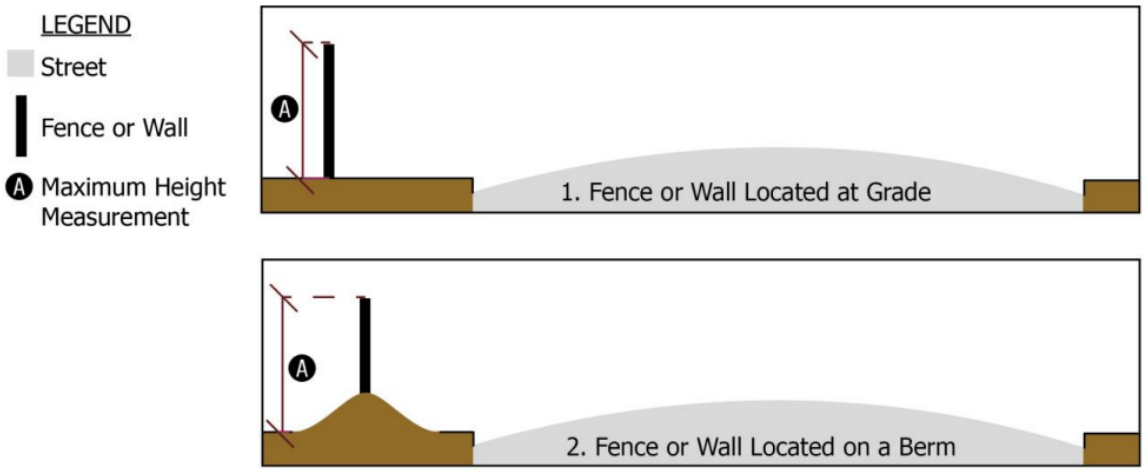
(3) Columns or posts for nonresidential brick or stone walls may exceed 18 inches above the maximum permitted height of the fence or wall.

(4) Safety railings required by the North Carolina Building Code shall not be included in wall height measurements.

(5) Driveway columns may be allowed to a maximum height of five (5) feet. A lighting fixture may be incorporated, but shall not exceed the maximum height.

(6) Fencing on vacant lots is limited to the front yard height limit.

Figure 10.1 Fence Height Measurement



SECTION 10.1 FENCES AND WALLS IN RESIDENTIAL ZONING DISTRICTS

A. **Height.** The maximum height of fences or walls in residential districts shall be in accord with *Table 10.1 Maximum Fence and Wall Height in Residential Districts.*

Table 10.1 Maximum Fence and Wall Height in Residential Districts

Yard	Residential Zoning District
Front	4’
Street Side (2)(3)(4)	6’
Side (1)(2)(4)	6’
Rear (1)(4)	6’

Footnotes

1. Fences, walls and similar structures are prohibited in the lake front and golf course setback for accessory structures.
2. Fences, walls and similar structures are prohibited in or through a required buffer unless the fence or wall has been designed as an integral component and approved as such.
3. On corner lots, a 10’ setback from the side street property line is required for fences located in the side and/or rear yard when those fences exceed 4’ in height.
4. Fences and walls shall not exceed 4’ in height when abutting a defined front yard of an adjacent property.

B. Swimming pool fences shall be constructed in accordance with the North Carolina State Building Code and must adhere to the fence type, style and location requirements of this Ordinance.

1. Pools built prior to 2002 that have not been enclosed with fencing shall be allowed to be fenced and the fencing may encroach up to the minimum amount necessary to meet NC Building Code requirements, upon approval of a permit in accordance with *Chapter 4. Approvals, Variances, and Administrative Appeals*.

SECTION 10.2 FENCES AND WALLS IN NON-RESIDENTIAL ZONING DISTRICTS

A. **Height.** The maximum height of fences or walls in non-residential districts shall be in accord with *Table 10.2 Maximum Fence and Wall Height in Non-Residential Districts*.

Table 10.2 Maximum Fence and Wall Height in Non-Residential Districts

Yard	Non-Residential Zoning Districts
Front (1)	6’
Street Side (1)	6’
Side (1)	6’
Rear (1)	6’

Footnote

1. Fences or walls are not allowed in required buffers unless they are specifically designed to be part of the buffer and have been officially approved as such.

B. In the Recreation Development (RD) zoning district, a chain link fence that conforms with the requirements of *Section 10.3. Permitted Fences* may be installed on the property lines of a lot that borders a lake or other body of water that is in use as a semi-public recreation area. No other type of fence, wall, or similar structure is permitted.

C. Fence height limits are not applied to fences or walls surrounding tennis courts, athletic fields, or public utility features where public safety must be maintained.

SECTION 10.3 PERMITTED FENCES

A. Fences or similar structures not authorized or approved as provided in this Section are prohibited.

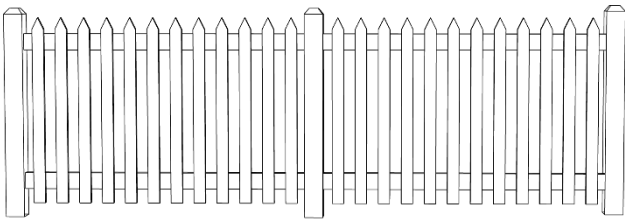
B. The finished side of a fence or wall shall always face out towards the street or adjacent property. The finished side does not include any supporting members or bracing.



C. For the purposes of this Section, fences may be constructed of wood, vinyl, composite materials, coated chain link, decorative metal/wrought iron, brick, stone or masonry. Material substitution may be permitted by the Village Planner where the appearance and material would result in equal or better performance. The following types of fences are allowed, depending upon the specific zoning district in which they are located.

1. **Picket Fence**

(1) The fence shall be constructed of wood, vinyl or composite material and may be unfinished, painted, or stained. The width of the pickets shall not be wider than four inches nominal, with a minimum of one inch between the pickets.



(2) The maximum height is four (4) feet.

(3) The minimum number of horizontal rails is two (2).

2. **Split Rail Fence**



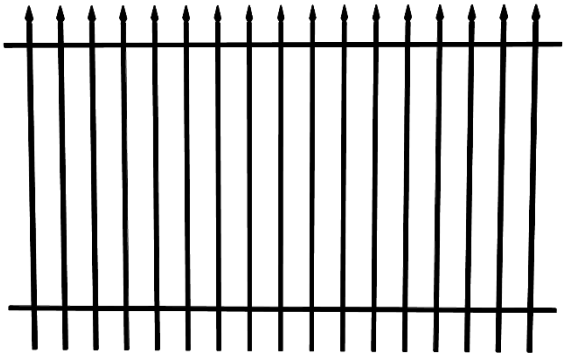
(1) The fence shall be constructed of wood, vinyl, or composite materials.

(2) The use of wire on the inside of the fence is optional but if incorporated must be muted in color (black, green, or brown).

(3) The maximum height is 6 feet except that split rail fences located in the R-210 zoning district may not exceed five (5) feet in height in the front yard.

(4) The minimum number of horizontal rails is two (2).

3. **Metal, Aluminum, or Wrought Iron Fence**



(1) The fence shall be constructed of wrought iron and shall have a powder coating or paint applied to protect the metal from rust and corrosion.

(2) Permitted colors include black, bronze, and dark green.

4. **Chain Link Fence**

(1) The fence shall be constructed of vinyl coated chain link material in black, green, or brown only.

(2) If the fence is on or near a property line and a buffer is not otherwise required, a five (5) foot setback from the property line is required.

(3) Chain link fences may only be used for non-residential uses

5. **Vinyl and Wood Board/Shadow Box/Solid Fence**

(1) The fence shall be constructed of wood, vinyl, or composite materials.



(2) The board width (vertical or horizontal members) shall not be less than four (4) inches nominal and not more than ten (10) inches nominal. Vinyl fences shall have the appearance of meeting this requirement.

(3) Wood fences greater than four (4) feet in height are required to have a minimum of three (3) horizontal rails. This requirement does not apply to vinyl or composite fences.

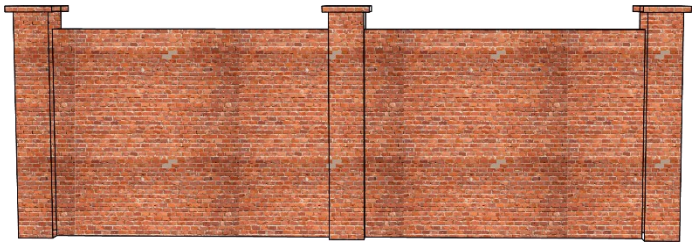
(4) Solid fences may be constructed of vinyl or composite material and may include a decorative lattice detail.

6. Brick or Stone Walls

(1) The wall shall be constructed of brick or masonry/stone materials.

(2) The maximum height including column caps is six (6) feet.

(3) For nonresidential brick or stone walls the column may exceed 18 inches above the maximum permitted height of the fence or wall.





SECTION 10.4 FENCING FOR A TEMPORARY USE

A. Temporary fencing may be erected only upon receiving a Temporary Fence Permit from the Village Planner in accord with *Section 4.3.10 Temporary Use Permit*.

1. The Village Planner shall issue such a permit only after the Police and Fire Chiefs have reviewed the application and found that the proposal has adequate provisions for emergency access and egress to ensure health, welfare, and safety for the general public.

2. A Temporary Use Permit must be issued for all temporary fencing. The Village Council, after conducting a public hearing, shall have the right to suspend or modify the application of this subsection for major events as part of the issuance of a Temporary Use Permit issued under Section 94.14 of the Pinehurst Municipal Code.

B. Fencing for a temporary use is allowed when such fencing is necessary to secure a site provided that such fencing is not erected more than two (2) weeks prior to

commencement of the event and is removed within seven (7) days following the completion of the event.

1. The Village Planner is authorized to allow fencing to be erected earlier than two (2) weeks prior to the commencement of the event or removed later than seven (7) days following the completion of the event provided:

   (1) Such fencing does not abut a residence, and

   (2) The applicant has provided in writing clear evidence that additional time is needed.

2. Temporary fencing shall not exceed a height of six (6) feet unless such fencing is used to screen a "work area," such as a catering facility, from abutting properties or rights-of-way.

3. In cases where the fencing is used to screen a "work area," such fencing shall not exceed a height of eight (8) feet. If eight (8) foot tall chain link fencing is used, such fencing shall have a green mesh cover to further screen the "work area." If chain link fencing is used and such fencing abuts a residence, residentially zoned land, or a right-of-way, such fencing must have a green or brown vinyl coating.

   (1) At the discretion of the Village Planner, the fence may be required to be setback from the property line, particularly if the fencing abuts a residence or residentially zoned land.

   (2) At no point shall a setback encroach beyond the golf course out-of-bounds lines.

4. If the fence is erected prior to an allowed date or not removed by the specified date, the Village reserves the right to enter onto the premises and remove the fence at the expense of the property owner.

SECTION 10.5 RETAINING WALLS

A. A Development Permit in accord with *Section 4.3.11. Development Permit* is required for a retaining wall eighteen (18) inches or taller in height.

B. Retaining walls located in the front yard setback shall not exceed four feet (4) in height for residential properties and six feet (6) in height for nonresidential properties.

C. Retaining walls up to six (6) feet in height may project into the side and rear setbacks, excluding golf course/lake front and side street setbacks.

D. Retaining walls eighteen (18) inches or taller in height shall not be located within the golf course or lakefront setback for accessory structures.

E. Retaining walls eighteen (18) inches or taller in height shall not be closer than five (5) feet to a property line or right of way line.

F. Retaining wall height shall be measured from the lowest ground elevation to the top of the wall.

G. Retaining walls constructed in a series of two (2) or more shall provide a minimum of twelve (12) inches of horizontal separation planted in grass or other vegetation.

H. Retaining walls shall be solid cement, masonry, or wood and constructed to the standards of the North Carolina State Building Code where required and certified by a Professional Engineer licensed to work in the State of North Carolina.

I. The finished side of a retaining wall shall face outwards towards the street or adjacent property.

SECTION 10.6 SCREENING

A. **Purpose**. The purpose of screening regulations is to minimize views of waste receptacles, exterior building and ground equipment, loading docks, and truck parking areas to improve the compatibility between uses and to enhance the appearance of the Village.

B. **Applicability.**

1. The standards in this section shall apply to nonresidential and multifamily developments:

(1) Service Areas/Service Courts shall be fully screened and out of view from all Right-of-Way or adjacent properties.

(2) Uses requiring screening as noted in this Ordinance shall be screened according to requirements of this Section.

(3) The screening requirement does not pertain to:

i. Outdoor display of merchandise located within the Historic Preservation Overlay District that complies with the regulations and design guidelines of that district.

ii. Transformers and similar devices serving electric vehicle charging stations.

C. **Trash Containment Areas.**

1. **General Requirement.** All multi-family and commercial trash containment devices shall have additional standards. Trash containment areas (refuse collection, trash containment devices, compactors, dumpster) shall meet the following standards:

(1) Trash containment areas shall be located and designed to not be visible from the view of adjacent streets and properties.

(2) Trash containment devices may not be located in any front or street yard.

(3) Trash containment devices shall not occupy areas designated for parking spaces or loading areas.

(4) All trash containment areas shall be enclosed on three (3) sides with walls the height of the device up to eight (8) feet high, the fourth side of the enclosure shall be a permanent gate of similar material.

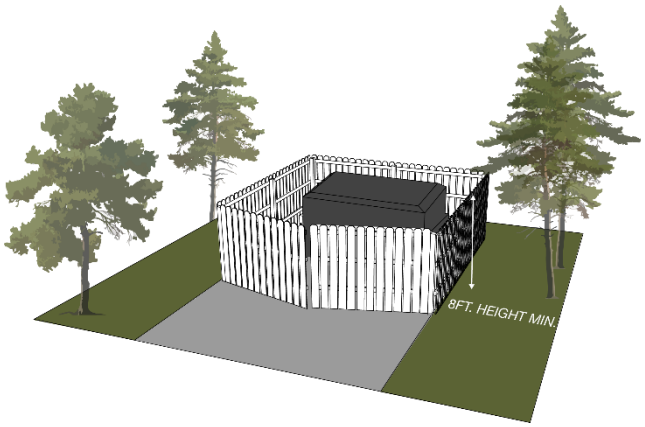
(5) The enclosure shall be constructed of the same material as the principal building on the zoning lot.

(6) Enclosures should be of an adequate size to accommodate all on-site waste receptacles (compactors, dumpsters, etc.).

(7) All trash containment devices shall be placed on a dedicated pad.

(8) Evergreen shrubs shall be installed every three (3) feet along the exterior of the portions of the enclosure adjacent to a public right-of-way or abutting residential parcels (zoned for residential use or with existing residential uses), with the exception of enclosure openings.

Figure 10.2 Trash Containment Area



D. **Utility Service Areas.**

1. **General Requirement.** Screening shall be provided for all ground or wall-mounted mechanical equipment, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, transformers, backflow preventers, and/or above ground water meters, that are visible from any public right-of-way or adjacent property.

   (1) Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by installing a landscape screen of plants selected from Appendix F.

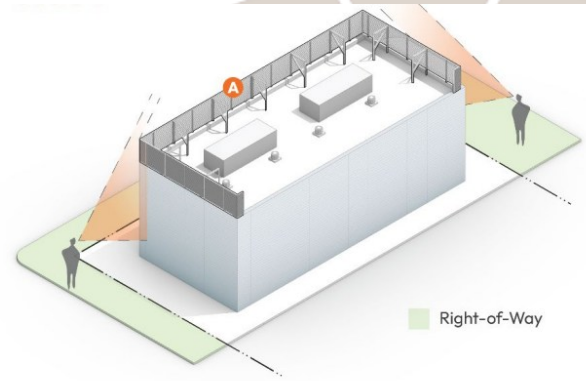
   (2) **Installation Height.** Plantings shall be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.

   (3) **Fences or Walls.** Fences or walls may be used for screening Utility Service Areas shall be opaque, of the same material of the principal building, and be of a height and width equal to or greater than the utility service structures that are being screened.

   (1) A**lternatives.** If, due to site constraints or utility provider restrictions, it is not possible to screen ground or wall-mounted mechanical equipment in accord with the requirements above, the Village Planner may approve an alternate screening method.

E. **Roof-Mounted Mechanical Equipment.**

1. **General Requirement.** Roof-mounted mechanical equipment (air conditioning units, rooftop mounted equipment) shall be screened from adjacent properties and rights-of-way.



2. Any new buildings shall require a parapet wall or architectural element that screens roof mounted equipment or provide an opaque screen around the rooftop mounted equipment.

SECTION 10.7 RIGHTS OF WAYS

A. **Purpose.** No fences, walls, columns or retaining walls shall be located within any public or private right-of-way unless approved by the Village, or other owner of the right of way.

1. For structures proposed within the public right-of-way, the Village reserves the right to require submittal of an application for a Right-of-Way Encroachment Permit in accord with *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance by the applicant with approval by the Village prior to the encroaching structure being constructed.

2. All structures are limited to a maximum height of thirty (30) inches above grade. These structures do not require a Development Permit.

CHAPTER 11 PARKING, ROADWAY, AND ACCESS

SECTION 11.1 PURPOSE AND SCOPE

The purpose of this Chapter is to regulate vehicle, pedestrian, and bicycle access and mobility in the Village of Pinehurst by:

A. Supporting the ease of movement through a connected transportation system to improve daily life, encourage economic growth, and allow for quick emergency response.

B. Relieving traffic congestion on streets by limiting curb cuts and promoting alternative modes of transportation.

C. Providing adequate, but not excessive, off-street parking.

SECTION 11.2 OFF-STREET PARKING DESIGN AND REQUIREMENTS

SECTION 11.2.1 PURPOSE AND SCOPE

A. **Purpose:** The purpose of this Section is to ensure the Village has adequate parking and loading regulations proportional to community needs. This Section intends to:

1. Recognize parking and loading demands of uses.

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2. Provide a range of adequate parking and loading standards while providing flexibility to developments.

3. Provide for the safe movement of vehicles and pedestrians through off-street parking areas.

4. Minimize excessive areas of impervious surfaces dedicated to parking.

5. Provide for compatibility between parking and loading areas and adjacent uses as may be applicable.

6. Provide for high quality, safe designs that will be compatible with the character and aesthetic well-being of the Village.

SECTION 11.2.2 OFF-STREET PARKING REQUIREMENTS

A. **Parking Spaces Required.** Permanent off-street parking spaces shall be provided as specified by this Section:

1. **New Development.** All new buildings and structures established after the adoption of this Ordinance shall comply with the regulations of this Chapter.

2. **Redevelopment.** Redevelopment of a building and/or site shall require compliance with the regulations established in this Chapter.

3. **Change of Use.** Before approval of conversion from one type of use or occupancy to another if the new use requires additional parking spaces.

4. Such parking spaces may be provided in a parking garage or in an improved open area, shared parking may be permitted in accordance with *Section 11.2.7. Shared Parking.*

5. In the Village Place Form Based District and in the VMU zoning district credit will be given to count toward the minimum amount of parking required for each on-street parking space located within one hundred (100) feet of the front door of each establishment or for each space provided in a public parking lot located within five hundred (500) feet of the front door of the establishment. This measurement shall be as a pedestrian would walk.

B. **Site Plan Requirements.** Each site plan that is submitted to the Village Planner shall include the following information:

1. Number of required and proposed parking spaces.

2. Location of proposed parking spaces, drive aisles, driveways, and access points.

3. Dimensions of all off-street parking and loading spaces and the means of ingress and egress to such spaces.

C. **Minimum Required Spaces:** Each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in *Table 11.1. Minimum Off-Street Parking Requirements Table*.

D. **Timing of Construction:** All parking areas required under this Section shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses which they serve.

E. **Compact Spaces:** Up to twenty percent (20%) of the total number of required parking spaces may be provided as compact spaces. Compact spaces shall not be less than eight (8) feet in width and 15 feet in length. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

F. **Accessible Parking:** Accessible parking spaces must be provided in compliance with the Americans with Disabilities Act (ADA) in the amounts shown in Table 11.1.

1. Accessible parking spaces must have access aisles that are clearly marked, the same length as the space, and level with the parking space.

2. Car Accessible Parking Spaces must be:

(1) At least 96 inches wide.

(2) Access aisle at least 60 inches wide.

(3) Have no more than a 2.08% slope in all directions.

(4) Have a surface that is firm, stable, and slip resistant.

(5) Include a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (measured to the bottom of the sign).

3. Van Accessible Parking Space must be:

(1) At least 132 inches wide.

(2) Access aisle at least 60 inches wide.

(3) Have no more than a 2.08% slope in all directions.

(4) Provide at least 98 inches of vertical clearance (van height) for the parking space, access aisle, and vehicular route.

(5) Have a surface that is firm, stable, and slip resistant.

(6) Include two signs, mounted at least 60 inches above the ground (measured to the bottom of the sign).

i. International symbol of accessibility

ii. Sign stating the space is van accessible.

Table 11.1 Number of Required Accessible Parking Spaces per Lot

	Number of Handicap-Accessible Spaces		
Total Parking Spaces	**Standard Accessible**	**Van-Accessible**	**Total (Standard + Van)**
1-25	0	1	1
26-50	1	1	2
51-75	2	1	3
76-100	3	1	4
101-150	4	1	5
151-200	5	1	6
201-300	5	2	7
301-400	6	2	8
401-500	7	2	9
500-1,000	5 out of every 6 Accessible Parking Spaces	1 out of every 6 Accessible Parking Spaces	2% of total provided parking
1,000+	5 out of every 6 Accessible Parking Spaces	1 out of every 6 Accessible Parking Spaces	20 plus 1 for each 100 over 1,000

G. **Minimum Parking Standards.** Table 11.2 establishes the minimum parking standards for development within the Village of Pinehurst.

Table 11.2 Minimum Off-Street Parking Requirements Table

Use Types	Minimum Required Parking
RESIDENTIAL	
Single Family Dwelling	2 per dwelling unit
Two Family Dwelling	2 per dwelling unit
Multi-Family Dwelling	1.5 spaces per each one-bedroom unit 2 spaces per each two-bedroom unit 3 spaces per each three-bedroom unit 4 spaces per each four-bedroom unit Guest Spaces – 0.25 per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Triplex/Quadruplex	2 per dwelling unit + 0.25 guest spaces per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Townhouse/Clustered Dwellings	2 per dwelling unit + 0.25 guest spaces per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Family Care Home (6 or fewer residents)	1 per bedroom
Dwelling-Mixed Use	1.5 per unit (or provided as shared parking)
Manufactured Housing	2 per dwelling unit
Congregate Care	1 per employee on largest shift + 0.25 per bed
Continuing Care Retirement Community	1.5 per individual dwelling unit + 1 per employee on the largest shift + 1 per 200 sf used by the public
Residential Care Facilities (More than 6 Residents)	1 per 4 residents plus 1 per staff person largest shift
LODGING	
Bed and Breakfast Homes	1.5 per guest room
Hotel	1 per guest room plus 1 per 800 sf of assembly space, plus additional spaces for restaurants or other facilities (as noted in this Table).
Short Term Rental	1 parking space per guest room

Use Types	Minimum Required Parking
OFFICE/SERVICE	
Banks, Credit Unions, Financial Services	1 per 300 square feet of gross floor area
Business Support Services	1 per 300 square feet of gross floor area
Dry Cleaning & Laundry Services	1 per 200 square feet of gross floor area
Funeral Home	1 per 300 square feet of gross floor area
Medical Clinic	1 per 250 square feet of gross floor area
Medical Office	1 per 250 square feet of gross floor area
Office	1 per 300 square feet of gross floor area
Personal Services	1 per 250 square feet of gross floor area
Post Office	1 per 250 square feet of gross floor area
Professional Services	1 per 300 square feet of gross floor area
Radio/TV Studio	1 per 500 square feet of gross floor area
Small Equipment Repair/Rental	1 per 300 square feet of gross floor area
Small Engine Repair/Sales	1 per 400 square feet of gross floor area
Veterinary Services/Indoor Kennels	1 per 250 square feet of gross floor area
COMMERCIAL/ ENTERTAINMENT	
Sexually Oriented Business	1 per 400 square feet of gross floor area of retail and one per three seats for entertainment areas
Alcoholic Beverage Sales Store	1 per 200 square feet of gross floor area
Amusements, Indoor	1 per 300 square feet of gross floor area
Bar/Tavern/Night Club	5 per 1,000 square feet
Garden Center	1 per 400 square feet of gross floor area plus 1 per 5,000 square feet of outdoor display area
General Retail	4 per 1,000 square feet of gross floor area
Golf Course	4 per green plus 1 per staff person during largest shift plus one per tee (including driving range). This requirement may be reduced by up to fifty percent for private golf courses with verified parking reduction request.

Use Types	Minimum Required Parking
COMMERCIAL/ENTERTAINMENT	
Outside Sales	1 per 300 square feet of enclosed floor area plus 1 per 5,000 square feet of outdoor display area
Restaurant	5 per 1,000 square feet
Theater, Indoor (Movie or Live Performance)	1 per 3 seals based on design capacity
Vehicle Sales, Rental, Service, Repair	5 spaces per service bay, plus 1 space per employee on largest shift
CIVIC	
Civic/Cultural Facilities	1 per 300 square feet gross floor area
Community Shared Facilities	1 per 300 square feet gross floor area
Country Club	1 per 200 square feet of area within enclosed Buildings (1 per 3 seats of meeting space based on design capacity)
Private Clubs	1 per 4 seats of meeting space based on design capacity
Meeting Facilities/Event Venues	1 per 4 seats of meeting/event space based on design capacity
Public Safety Station	1 per employee of largest shift plus one per parked work vehicle/equipment plus one per 1,000 square feet gross floor area.
Recreation Facilities, Indoor	1 per 200 square feet of gross floor area plus 1 per employee of largest shift.
Recreation Facilities, Outdoor	1 per 200 square feet plus 20 per designated athletic field.
Swimming Pool	1 per 75 square feet of water area
Tennis, Pickleball, or Racquet Court	3 per court
Golf Driving Range	1.5 per tee
Marina	1 per every 2 slips plus one space per staff person on the largest shift
Other Active Outdoor Areas	25 per field/recreation area or 2 per participation station
Other Passive Outdoor Areas	5 per acre

Use Types	Minimum Required Parking
CIVIC	
Park	no requirement
EDUCATIONAL/ INSTITUTIONAL	
Child/Adult Day Care Center	1 per 400 square feet of gross floor area
Community Support Facility	1 per 300 square feet of gross floor area plus 1 per staff person largest shift
Hospital	1.5 per bed plus 1 per staff person largest shift
Ambulatory Health + Emergency/Urgent Care Facility	1 per 400 square feet of gross floor area
Religious Institution	1 per 3 seats in main assembly area based on design capacity
Schools- Elementary & Secondary	2 per classroom except for high schools which shall have 4 per classroom.
Schools - Vocational/Technical	1 per 100 square feet of gross floor area
Studio - Art, Dance, Martial Arts, Music	1 per 300 square feet of gross floor area
AUTOMOTIVE	
Fueling Station	1 per fuel pump
INDUSTRY/WHOLESALE/STORAGE	
Artisan Workshops	1 per staff person largest shift
Manufacturing/Wholesale/Storage	.25 per 1,000 square feet of non-office space
Landfill/Waste Recovery Facilities	1 per staff person largest shift
Recycling Collection Stations Municipal	1 per staff person largest shift
AGRICULTURE	
Farming/Animal Production	no requirement
Horse Farm & Training Track	no requirement
Nurseries	1 per staff person largest shift
Gardens (Community and Private)	2 minimum plus 1 per staff person
INFRASTRUCTURE	
Parking Structure	no requirement

Use Types	Minimum Required Parking
INFRASTRUCTURE	
Parking Lot – Principal Use	no requirement
Telecommunications Facilities	1 per facility
Utilities - Moore County and VOP	1 per facility
Utilities - All Other	1 per facility
ACCESSORY USES	
ATM	2 per non-bank location
Beekeeping	no requirement
Cemetery	no requirement
Child/Adult Day Care Home Occupations	no requirement
Farmer's Markets	1 per 1,000 square feet of area used for storage, sales, or display: may be fulfilled with approved shared parking (per *Section 11.2.7. Shared Parking)*
Concealed Wireless Telecommunication facility	no requirement
Home Occupation	no requirement
Pet Houses and Pet Runs	no requirement
Playground Equipment	no requirement
Accessory Buildings	no requirement
Accessory Dwelling Unit	1 per unit
Accessory Structure	no requirement
TEMPORARY USES	
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	as required for principal uses above
Temporary Expansion of School Facilities	as required for principal uses above
Temporary Real Estate Offices	1 per 300 square feet of gross floor area

Use Types	Minimum Required Parking
TEMPORARY USES	
Model Homes	2 per model home
Yard Sales	no requirement

SECTION 11.2.3 OFF-STREET PARKING DESIGN AND LOCATION

A. **Arrangement.** Off-Street parking shall be arranged so that vehicles may be parked/unparked without moving other vehicles.

B. **Encroachment.** All parking areas shall be located and designed to avoid unnecessary backing onto public streets and alleyways.

C. **Sight Distances.** To facilitate safer vehicle circulation within parking lots, shrubs shall be pruned to a maximum height of forty-two (42) inches. Tree limbs shall be pruned to no lower than seventy-two (72) inches from the ground.

D. **Driveways.** Driveways, drive aisles, and joint access easements must not be used for parking vehicles except for single-family and two-family residential.

E. **Wheel Stops.** Each exterior parking space shall be provided with curbing, a tire stop, or, in the case of unpaved spaces, railroad ties or similar material as set forth in the Village of Pinehurst Engineering Standards and Specifications Manual, interior parking spaces may be exempt from curbing and wheel stops.

F. **Pavement and Gravel.** A minimum of seventy-five percent (75%) of all parking areas shall be paved. Twenty-five percent (25%) of parking areas may be graded gravel. All parking areas shall be in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual. Parking areas serving public park facilities owned and operated by the Village of Pinehurst may consist of one hundred percent (100%) graded gravel.

    1. Alternate paving systems for parking areas may be approved by the Village Planner, in consultation with the Village Engineer, based on site conditions, performance factors and emergency access requirements.

G. **Dimensions.** All parking spaces, aisles between parking spaces, and parking space modules, shall meet the minimum dimensional requirements and geometric design standards set forth in the Village of Pinehurst Engineering Standards and Specifications Manual.

H. **Landscaping and Buffering.** Each parking area shall meet all applicable landscaping, screening, and buffering requirements set forth in *Chapter 8. Landscaping and Buffering Requirements*.

I. **Other Uses.** The parking area may be used only for parking and not for any type of loading, sales, storage, repair work, dismantling, or servicing of vehicles except as otherwise may be permitted by this Ordinance.

J. **Village of Pinehurst Recreational Facilities.** Parking associated with Village of Pinehurst passive recreation facilities may be provided as on-street parking.

K. **On-Street Parking.** Where on-street parking is permitted, the on-street spaces directly along a parcel's frontage for any use except a single-family dwelling may count toward the minimum parking requirement.

SECTION 11.2.4 BICYCLE PARKING

A. **Bicycle Parking Requirements**: Bicycle parking shall be provided for all new non-residential and multi-family developments. Bicycle parking shall meet the following standards:

1. A minimum of four (4) bicycle parking spaces shall be required for all new non-residential uses.

2. A minimum of one (1) bicycle parking space shall be provided for every ten (10) dwelling units in multi-family developments, up to a maximum requirement of thirty (30) bicycle parking spaces. This may be achieved through bicycle racks that are not publicly accessible (i.e. not located on the street) and may be installed interior to a parking garage or dedicated bicycle parking room of the multi-family development.

B. **Bicycle Parking Design Standards.**

1. Bicycle parking shall be located no further than fifty (50) feet from a pedestrian entrance in a visible and convenient area that is well-lit.

SECTION 11.2.5 GOLF CART PARKING

A. For all new commercial and multi-family residential development, up to five percent (5%) of vehicle parking spaces provided may be designated for golf cart parking. Additional golf cart parking spaces for recreational uses may be permitted by the Village Planner.

B. **Requirements.** Golf cart parking shall meet the following standards:

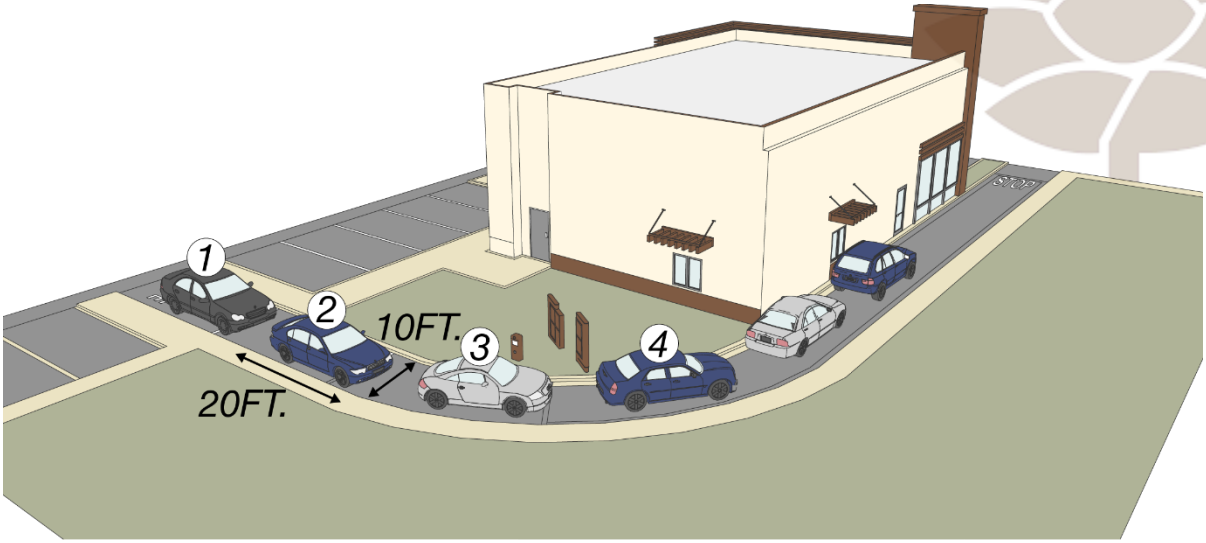
1. Golf carts are subject to the same parking regulations as traditional motor vehicles.
2. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles or in parking spaces specifically dedicated for golf cart parking.
3. Golf cart parking spaces shall measure no less than 6’ x 10’.

SECTION 11.2.6 VEHICLE STACKING REQUIREMENTS

A. **Stacking.**

1. Adequate space must be made available on-site for the stacking, storage, and queuing of vehicles.
2. A stacking space shall be a minimum of ten (10) feet by twenty (20) feet.
3. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets, sidewalks, and crosswalks by vehicles or pedestrians.
4. A restaurant with drive-through facilities must provide a minimum of eight (8) stacking spaces for vehicles when one drive-through lane exists and six (6) spaces at each drive-through when more than one last exists, measured from the pick-up window.
5. Any use with fueling station islands must provide a minimum of 30 feet of stacking space from each end of the island.
6. Other uses that include drive-through facilities such as banks, pharmacies, and similar uses, must provide a minimum three (3) stacking spaces per dedicated drive-through lane.
7. A design alternative may be approved by the Village Planner for a reduced number of stacking spaces if market demand does not require the minimum stacking spaces required per this Section. A narrative and analysis detailing the proposed use and similar establishments within North Carolina shall be required, provided by a Professional Engineer licensed in the State of North Carolina.

Figure 11.1 Stacking Requirements



SECTION 11.2.7 SHARED PARKING

A. One parking lot may contain required spaces for several different uses; however, the required parking spaces assigned to one use may not be counted or assigned to another use, unless otherwise allowed in this Section.

B. The Village Planner may approve the joint use of parking spaces when the peak usage of the available parking by one use will be at night or on Sundays (such as with theaters, assembly halls, or churches), and the peak usage of the available parking by the second use will be other times.

C. To qualify as shared parking for an establishment, spaces must be within 500 feet of the main entrance.

D. Shared parking is permitted by agreement only. The agreement must:

1. Demonstrate that the express legal right to use the parking spaces in question has been obtained.

2. Include a Shared Parking Calculation that specifies the parking being shared and the hours of operation by the uses involved.

3. Be recorded with the Moore County Register of Deeds upon approval.

4. Be enforceable by the Village and approved by the Village Planner and the Village Attorney.

E. An affidavit stating that the shared parking agreement is valid shall be submitted to the Village Planner if any change in use or hours of operation of the affected properties has occurred.

F. A violation shall occur if a use is operated at a time other than during the hours of operation specified in the shared parking agreement. The Village Planner may revoke the Certificate of Use or Occupancy for any use operated in violation of a shared parking agreement.

G. Should there be a change in owners, changes in use, expansion or reduction in building or parking area, a new shared parking agreement as detailed in Section D above shall be submitted to the Village and additional parking may have to be provided as required by this Ordinance or the permit shall be revoked.

SECTION 11.2.8 SATELLITE PARKING

A. Satellite parking may be permitted, subject to certification by the Village Planner that the following requirements have been met:

1. The use being served by the off-site parking shall be a permitted principal use, as was established in *Chapter 6. Zoning Districts and Dimensional Standards,* in the same zoning district within which the lot containing such parking is located.

2. The off-site parking spaces shall be located within 500 feet walking distance, and accessible by sidewalks or other designated safe walkways.

B. Should there be a change in owner, change in use, expansion or reduction in building or parking area, the applicant will have to demonstrate continued compliance through the satellite parking and/or provide additional parking as required by this Ordinance or the development permit shall be revoked.

CHAPTER 12 LIGHTING STANDARDS

SECTION 12.1 PURPOSE AND SCOPE

A. **Purpose and Intent**. The purpose of this Section is to regulate the intensity of outdoor and exterior lighting of non-residential development and establish standards to minimize the adverse impacts of excessive light intensity. The intent of these standards is to:

1. Prevent light from non-residential and commercial developments from excessively illuminating other properties and street rights-of-way.
2. Create and maintain a minimum standard for outdoor lighting.
3. Provide visibility for the safety of motor vehicles and pedestrians.

B. **Applicability**.

1. Approval of an exterior lighting plan shall be a prerequisite to the issuance of a development permit.
2. The following standards are required of all exterior lighting except for streetlights, property owned by the Village of Pinehurst, outdoor recreational uses operated by the Village of Pinehurst or Moore County and those located in RD Districts, except for golf driving ranges and golf courses.

Chapter 12. Lighting Standards . 287
Section 12.1 Purpose and Scope 287
Section 12.2 Standards 288

SECTION 12.2 STANDARDS

A. *Table 12.1 Specific Lighting Standards* defines specific standards for lighting intensity based upon the land use involved. Values are presented in foot-candles (fc) maintained at grade (measured horizontally) and are to be averaged throughout the site to ensure minimum intensity at the edge of the development area. Where a single development occupies multiple lots, the maximum illumination shall be required around the perimeter of the development.

Table 12.1 Specific Lighting Standards

Use	Maximum	Maximum Height
Pedestrian areas/sidewalks	1.0 fc	12 ft - 15 ft
Building entries	10.0 fc	
Street lighting	1.0 fc	30 ft
Open parking areas	3.6 fc	30 ft
Playgrounds	5.0 fc	
Site perimeter	0.5 fc	12 ft - 15 ft

SECTION 12.2.1 MEASURING LIGHTING STANDARDS

Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

SECTION 12.2.2 LIGHTING PLAN

All applicable development per this Section shall provide a lighting plan to be reviewed in conjunction with the application for a development permit in accord with *Chapter 3. Decision Making Bodies*. Lighting plans, required to be provided by a licensed engineer, at minimum, shall comply with the following:

A. All proposed and existing buildings on the site.

B. Pedestrian and vehicular areas.

C. The horizontal location of all proposed and existing outdoor lighting fixtures, including pole and wall-mounted fixtures.

D. Mounting heights of each fixture.

E. Overall height of each pole above grade.

F. Fixture details.

G. Location of externally illuminated signs and associated fixtures.

H. The location of all architectural and landscape lighting fixtures.

I. A foot-candle plan that provides typical foot-candle contours and a point photometric grid that indicates foot-candle levels measured at grade across the site and measuring up to 3 feet off site.

J. Maximum, average, and minimum site foot-candles, uniformity ratio (average and minimum), and deprecation factors are also required.

K. The plan must show horizontal illuminance values in foot-candles for the area to be illuminated.

L. Values must be calculated at grade and include contributions from all on-site fixtures.

M. The plan must plot foot-candles of illumination at ground level to the nearest tenth of a foot-candle, and at horizontal grid intervals of no more than ten (10) feet.

N. The plan shall show illumination levels at the lot line (or perimeter of a development, if applicable) to ensure maximum illumination levels are not exceeded.

O. The manufacturer's cut sheets (specifications) for each proposed fixture.

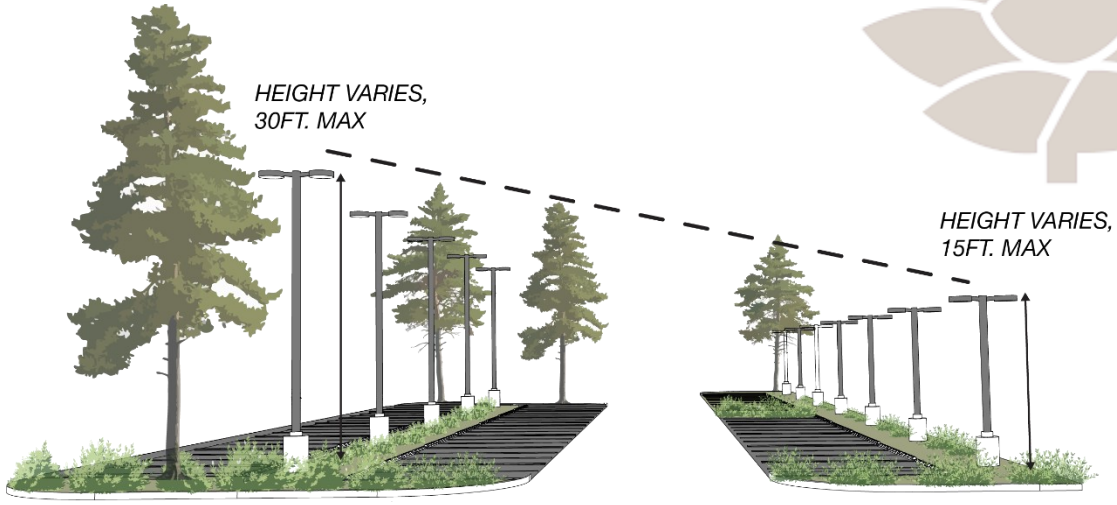
P. Fixture type, including the manufacturer's product identification catalog number, and fixture mounting height.

SECTION 12.2.3 GENERAL DESIGN STANDARDS

A. **Height.**

1. Light fixtures shall be a maximum of thirty (30) feet in height for the lighting of vehicle use areas (such as parking lots or streets) transitioning to twelve (12) to fifteen (15) feet height at the perimeter of the parking area. Taller fixtures are to be located closer to buildings with transitioning heights outward. See Figure 12.1.

Figure 12.1 Parking Lot Lighting Height



2. The Village may require shielding, or other such lighting mitigation measures as it deems appropriate based on the location of the lighting and the adjacent use(s).

3. Light fixtures shall be twelve (12) to fifteen (15) feet in height for pedestrian oriented areas (such as sidewalks, pathways, plazas, and public gathering spaces).

B. **Lighting location.**

1. Lighting fixtures shall be located within landscaped areas when practical, and may not impede pedestrian and or vehicular flows, and be placed to ensure a consistent pattern of light.

2. Outdoor lighting shall be located and operated to minimize the spillover of obtrusive light beyond the boundaries of the property or parcel on which the lighting is sited to prevent annoyance, discomfort, and/or distraction to persons on the other property or parcel.

3. All outdoor lighting fixtures, except for temporary and emergency lighting, that would otherwise cause glare, or obtrusive spill over shall be shielded, recessed or otherwise oriented or treated in such a way to prevent glare or obtrusive spill over.

4. Outdoor lighting shall be placed on the exterior of buildings, along public sidewalks, and at parking lot and building entrances.

SECTION 12.2.4 SPECIFIC DESIGN STANDARDS

A. **External Building Lighting Standards.** External building lighting shall comply with the following standards:

1. Fixtures that decoratively light a building or wall may not light above the parapet of the building or the top of the wall.

2. Landscape and decorative lights are exempt from this subsection.

3. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features.

4. On-site lighting may be used to accent architectural elements but not used to illuminate entire portions of building(s) or sign(s).

5. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 3.0 foot-candles.

6. Building façade and accent lighting will not be approved unless the light fixtures are carefully selected, located, aimed, and shielded so that light is directed only onto the building façade and spillover light is negligible.

7. Motion-activated lighting shall go on only when activated and turn off within five (5) minutes of activation. Motion-activated lighting shall not be triggered by movement off the property.

B. **Parking Area Lighting Standards.**

1. Parking area lighting fixtures may be required to stagger the heights of light fixtures so that the tallest fixtures are in the center of the parking lot, and the lowest heights are at the perimeter of the parking lot.

2. Light fixtures' height shall not exceed thirty (30) feet within the center of a parking area and shall decrease height to twelve (12) to fifteen (15) feet at the boundary of the parking area.

3. Lighting design shall be coordinated with the landscape plan to ensure there are no conflicts.

C. **Pedestrian Lighting Standards.** If pedestrian lighting is provided along internal sidewalks, multimodal paths, civic spaces, and public gathering spaces; it shall meet the following standards:

1. Bollard or path lighting shall not exceed four (4) feet in height.

2. Pedestrian lighting shall provide at least 1.0 foot-candle of illumination and shall not exceed 2.0 foot-candles.

D. **Sign Lighting Standards.** All external lighting for signs shall be designed and located to ensure there is no spillover light. Signs shall follow *Chapter 13. Sign Standards*.

SECTION 12.2.5 GENERAL AESTHETIC STANDARDS

Lighting shall be designed to be uniform throughout a subdivision or development, including the design of light structure and light color.

SECTION 12.2.6 GLARE AND INTERFERENCE

Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

A. Unless otherwise permitted, all lighting shall be beamed downward and away from neighboring property and public streets.

B. All lighting shall be located so that glare and interference with other parcels does not occur.

C. All outdoor lighting fixtures, including display lights, shall be turned off after close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum necessary.

SECTION 12.2.7 DEVELOPMENT

An outdoor lighting plan shall be included in all development permit applications in accord with *Chapter 4. Approvals, Variances, and Administrative Appeals.*

A. The spacing of light shall be provided in the lighting plan submitted by the applicant in cooperation with the electric utility company.

B. All proposed outdoor lighting shall be beamed down and away from adjoining property and streets unless a modification is approved by the Village Council.

SECTION 12.2.8 LIGHTING STANDARDS FOR UNIQUE USES

A. **Sports fields**. Lighting for sports fields and outdoor courts is typically in excess of general outdoor lighting levels. Recreation lighting levels established by the Illuminating Engineering Society of North America (IESNA) are to be used as the standard. Higher lighting levels for tournament or high league play are sometimes required and must be approved by the Village Planner. All sports fields or tennis/pickleball/basketball courts must meet the following minimum standards:

1. Fixtures must be fitted with manufacturer's glare control package.

2. Lighting shall be extinguished no later than one (1) hour after the event ends.

3. Fixtures must be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.

4. Sports fields may have lighting fixtures of a maximum eighty (80) feet in height. The Village Planner may set a shorter pole height if the specific recreational use does not require the taller pole.

5. Spillover illumination levels at the field property lines shall not exceed 0.5 foot-candles.

B. **Convenience store with fuel pumps.** For convenience stores with fuel pumps (i.e. gas station), all light fixtures mounted on the lower surface of canopies must be fully shielded in and of themselves (canopy edges do not qualify as shielding). Light fixtures mounted on canopies may be recessed so that lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to seventy degrees (70°) or less from vertical.

1. The light source shall be metal halide, low-pressure sodium, or high-pressure sodium (maximum of 150 watts).

2. Lighting levels shall be no greater than 20.0 foot-candles under the canopy and no greater than 15.0 foot-candles at the edge of the canopy.

3. Areas outside the service station pump island canopy shall be illuminated so that the maximum horizontal luminance at grade level is no more than 10.0 foot-candles.

SECTION 12.2.9 PROHIBITED LIGHTING

A. **Flashing Lights.** Lights that flash, move, rotate, blink, flicker, vary in intensity or color, or use intermittent electrical pulses are prohibited. Such techniques used for signs that are internal to a building and located behind windows visible from an adjacent right-of-way are not exempt from this requirement.

B. **Floodlights.** Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the site plan.

C. **Tube/Rope Lighting.** Tube lighting in the form of neon or rope lighting is prohibited on building exteriors and along façade trims where it defines a window, door, or

elevation. The utilization of tube lighting behind windows is exempt from this requirement.

D. **Traffic Control.** Lighting that is similar to or could be confused as being a traffic control device are prohibited.

CHAPTER 13 SIGN STANDARDS

SECTION 13.1 PURPOSE AND INTENT

A. The purpose of this Section and the other sign standards contained in this Chapter is to support and complement the various land uses allowed in the Village of Pinehurst by the adoption of standards concerning the placement of signs. These standards are adopted under the zoning authority of the Village to achieve the following:

1. To encourage the effective use of signs as a means of communication in the Village while preserving the rights of free speech under the First Amendment to the United States Constitution.

2. To maintain and enhance the aesthetic environment.

3. To improve pedestrian and traffic safety.

4. To minimize the possible adverse effect of signs on nearby public and private property.

SECTION 13.2 GENERAL REQUIREMENTS

A. **Permits Required**

1. Except as otherwise stated in this Section, signs which are allowed under this Section shall not be erected until and unless the person erecting the sign or the property owner has obtained a Development Permit pursuant to this Ordinance and, where required by the State

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Building Code, a Building Permit from the Planning and Inspections Department.

2. All signs requiring a Development Permit shall be reviewed and approved by the Village Planner prior to said permit, with the exception of proposed signage located within the Historic Preservation Overlay District, which also shall be reviewed and approved by the Historic Preservation Commission or designated staff (COA required).

3. Where the land use which the sign serves requires site plan approval or subdivision plat approval, a temporary or permanent sign denoting the name of the development shall not be permitted or erected on any tract or parcel of land until and unless the site plan or subdivision has received approval from the Village in accordance with the procedures set forth in this Ordinance.

B. **Alteration of Sign Face.** Repainting of a sign, if in conformance with the applicable standards of this Chapter, shall be considered maintenance or repair and shall not require a permit. The changing of tenant name panels on multiple-tenant development signage shall not require a permit.

C. **Compliance Required.** Existing nonconforming signs shall be brought into full compliance subject to the requirements of *Section 2.4. Nonconforming Signs*.

D. **Calculating Sign Face Area.**

1. The sign face is calculated as the entire area within a regular geometric figure, including all elements of the display, including incidental or changeable copy signage, frames, display of identification or licensing required by any agency, and structural elements.

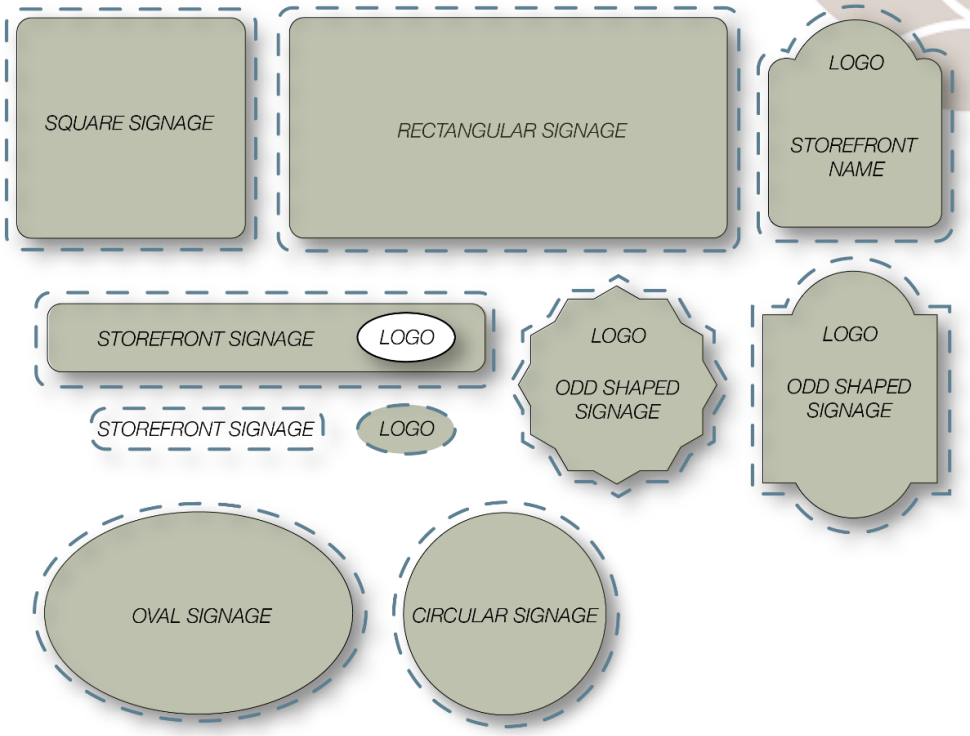
2. The supporting structure shall not be included within the calculation of the sign face area unless otherwise indicated in this Ordinance.

3. In the case of signs mounted back-to-back, only one side is to be included in the calculation of the face area. In all other cases, the face area of each sign is to be calculated separately.

4. For multi-faced signs, the area shall be calculated by adding the area of all faces.

5. For cylindrical signs, such as cubes or other signs which are substantially three-dimensional with respect to their display, all display surfaces should be included in the computation of the face area.

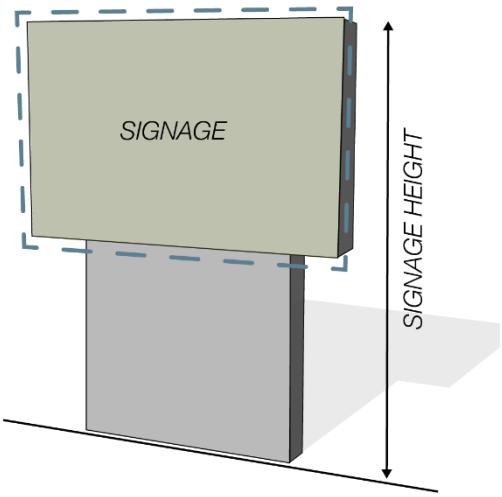
6. If a sign is attached to an entrance wall or fence, only that portion of the wall or fence on which the sign face is placed shall be calculated in the face area.



E. **Calculating Sign Height.**

1. Sign height shall be calculated as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and has lot frontage, whichever is higher, to the top of the highest component of the sign.

2. The finished grade shall be the grade after construction, exclusive of any fill, berms, mounding, or excavating solely for the purpose of locating the sign.



F. **Calculating Wall Area (Sign Measurement)**

1. For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which is determined as follows:

   (1) The area of all parallel vertical surfaces along a single building elevation shall be counted as one wall.

(2) The front of each unit of a multi-tenant building shall be counted as a separate wall.

(3) In cases where a single tenant occupies two or more individual tenant spaces in a multi-tenant building, each tenant shall only be permitted one wall sign. Calculation of the wall area for the purposes of sign area measurement shall include all the units occupied by the tenant.

(4) The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is more parallel with.

(5) A 45-degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.

G. **Location.** Types of signs are authorized by this Section are permitted in zoning districts as provided in *Section 13.4 Permitted Signs by Zoning Districts*.

1. No sign structure shall obstruct any cross-visibility area or traffic control device.

2. In the sight triangle, no freestanding sign may exceed 30 inches in height above the established grade of the street property line.

3. No sign structure shall be within ten (10) feet of utility easements and/or overhead power lines.

4. Unless specifically stated otherwise, setbacks are measured from the nearest point on the sign to the nearest point on a property line.

H. **General Sign Design Standards.**

1. **Design.** Permitted signs are defined in this Section with standards provided. All signs shall be constructed in a professional manner and shall be architecturally consistent with the buildings they identify. Signs shall be or appear to be constructed of stone, masonry, metal, ceramic, glass, plastic, or wood. Ground signs shall include base, cap and column in their design. Signs within Form-Based districts shall be subject to additional standards including architectural styles, treatments/finishes, color(s), location, and size. Refer to *Chapter 7. Form Based Districts* for additional standards.

2. **Colors.** Sign colors shall be uniform between the ground sign and the wall sign. Colors shall be within the approved color palette as noted in Appendix A. Fluorescent, metal flake or iridescent colors or prohibited.

3. **Landscaping.** Ground signs shall be placed in a landscaped setting appropriate to the size and scale of the sign, and character of the site. Landscaping shall comply with *Chapter 8. Landscaping and Buffering*.

4. **Sign Construction Standards.** All signs must be erected in compliance with North Carolina building, electrical, and fire codes, where applicable:

   (1) Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.

   (2) Audio components are prohibited as part of any sign with the exception of drive-through menu signs.

   (3) Signs shall comply with North Carolina Building Code requirements so that the sign cannot be moved by wind or other forces of nature and cause injury to persons or property.

   (4) Signs cannot have intentional moving components, i.e. spinning signs.

   (5) Electric signs that have internal wiring, lighting equipment, and/or external lighting equipment shall not be erected or installed until an electrical permit has been obtained from the Planning and Inspections Department. All such wiring shall be installed underground.

SECTION 13.3 PERMITTED SIGN AREA + NUMBER OF SIGNS

A. **Building Signs.** Building signs include wall, window, canopy/awning, and projecting/blade signs. For the purposes of this Section, the maximum area of all building signs shall not exceed the standards below. Additional specific standards are required for each sign type per *Section 13.5. Permitted Signage by Category*.

B. **Freestanding Signs.** Freestanding signs include monument and subdivision signs as defined in this Section. Freestanding signs shall comply with the size standards below. Additional specific standards are required for each sign type per *Section 13.5. Permitted Signage by Category.*

   1. **Residential Districts**.

      (1) Freestanding signs shall be limited to eight (8) square feet on residential single-family lots and a maximum thirty-two (32) square feet on all other lots.

(2) Freestanding signs shall be limited to a maximum of four (4) feet in height.

(3) Community/subdivision signs are excluded from this standard and shall comply with the standards in *Section 13.5. Permitted Signage by Category*.

2. **Non-Residential Districts**

(1) Freestanding signs shall comply with the specific standards in *Section 13.5. Permitted Signage by Category.*

C. **Total Number of Signs.** A tenant/business is permitted a maximum number of signs as identified below. A tenant/business shall be defined as an owner or lease holder of the individual building/unit within a building.

1. **Building Signs**. A total of three (3) building signs may be permitted per tenant/business. Such signs shall be permitted only on a building frontage along a public or private roadway, or along a parking lot serving the building.

Figure 13.1. Illustrative Example of Building Signs



(1) **Building Size**. The total maximum area of building signs shall be based only on the linear feet of the building frontage.

(2) **Local Road.** Building signs may be placed on the portion of the tenant/building space fronting a local road only when that building frontage includes a public entrance.

2. **Freestanding Signs.** A maximum of three (3) freestanding signs are permitted per development, subject to the specific standards for number of street frontages and the type of freestanding sign per *Section 13.5. Permitted Signage by Category.*

SECTION 13.4 PERMITTED SIGNS BY ZONING DISTRICT

A. **Permitted Signs.** Signs subject to the standards of this section are permitted in the following zoning districts per Table 13.1. If a proposed sign type is not listed in Table 13.1, the Village Planner shall determine if the sign is substantially like a sign listed in the table. If it is deemed similar, the standards applied to the proposed sign shall be the standards of the most applicable similar sign. If not, the sign shall be regarded as prohibited.

Table 13.1 Permitted Signs by Zoning District

PERMITTED SIGNS		R5-R210	RMF	VR		NC	HI	HD	OP	VCP	VC		VMU	PC	FBD	RD
BUILDING SIGNS	RESIDENTIAL DISTRICTS				NONRESIDENTIAL DISTRICTS							SPECIAL DISTRICTS				
Wall						P	P	P	P	P	P		P	P	P	P
Canopy/Awning						P	P	P	P	P	P		P	P	P	P
Projecting		P	P	P		P	P	P	P	P	P		P	P	P	P
FREESTANDING																
Monument		P	P	P		P	P	P	P	P	P		P	P	P	P
Subdivision		P	P	P		P	P	P	P	P	P		P	P	P	P
Ground Directory						P	P	P	P	P	P		P	P	P	P
OTHER SIGNS																
Sidewalk															P	P
Window						P	P	P	P	P	P		P	P	P	P
Theatre Marquee						P										
Post & Arm Sign		P	P	P		P	P	P	P	P	P		P	P	P	P
Address/Tenant ID		P	P	P		P	P	P	P	P	P		P	P	P	P

SECTION 13.5 PERMITTED SIGNAGE BY CATEGORY

A. Signage shall be permitted subject to the standards in the tables below.

1. **Attached Sign Standards.**

Table 13.2 Wall Signs

Definition	Flat signs, channel lettering or three-dimensional signs which are painted or attached (parallel or perpendicular) to the wall of a building or structure.			
Districts Where Sign is Permitted	**VC, VCP, VMX, HD, NC, OP, H, PC, RD**			
Dimensional Standards	Maximum Area	VC, VCP, or VMX	HD, NC, or OP	H, PC, or RD
		6 sq ft.	12 sq ft. / 225 sq ft. in the HD on Buildings 3 stories or taller	24 sq ft.
	Maximum Height	Shall not extend above roofline of building.		
	Maximum Number	1 sign per street frontage per tenant.		
Other Requirements	a. Signs shall only contain name and nature of business.			
	b. Signs shall be professionally etched or printed.			
	c. When 6-inch maximum protrusion, bottom of sign shall be no less than 8 ft above grade.			
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3I.			

Example Graphic	

Table 13.3 Window / Door Signs

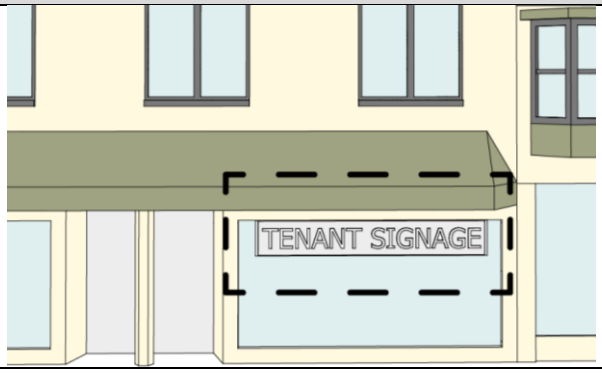
Definition	Flat signs or lettering which are painted or attached to the window of a building or structure.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VC, VMX**	
Dimensional Standards	Maximum Area	20% of the gross glass area, excluding window signs in Sections 13.7 and 13.8
	Maximum Height	N/A
	Maximum Number	1 per street frontage.
Other Requirements	a. Signs shall only contain name and nature of business.	
	b. Signs permitted on windows of minimum size of 30 sq ft.	
	c. Signs shall be professionally etched, painted, or printed.	
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3l.	
Example Graphic		

Table 13.4 Awning / Canopy Signs

Definition	Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VC, VMX**	
Dimensional Standards	Maximum Area	50% of the awning area
	Maximum Height	Canopy/awning signs shall have a minimum clearance of 10’ from the surface below and a maximum height of 4’ above the clearance.
	Maximum Number	1 per awning.
Other Requirements	a. Shall be limited to business identification only.	
	b. Only awnings on the ground story may contain signs.	
	c. Sign materials shall be of similar style and compliment the building façade material.	
Example Graphic		

Table 13.5 Theatre Marquee Signs

Definition	Three-dimensional signs projecting from the side of a building which may extend above the roof line and/or incorporate changeable type.	
Districts Where Sign is Permitted	**Theatres Only.**	
Dimensional Standards	Maximum Area	200 sq ft.
	Maximum Height	N/A
	Maximum Number	1 per theatre
Other Requirements	a. Such signs must be perpendicular to the façade of the building, or at a 45-degree angle from the corner of the building	
Example Graphic		

Table 13.6 Projecting, Suspended Signs

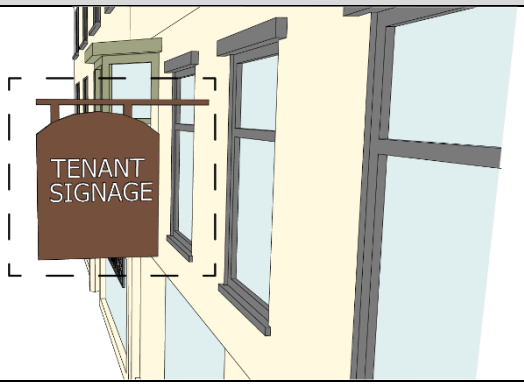
Definition	Pedestrian-scaled signs on the first floor of a building mounted to the side of the building or underside of a balcony or arcade which can be read from both sides.	
Districts Where Sign is Permitted	**All Districts.**	
Dimensional Standards	Maximum Area	4 sq ft per side
	Maximum Height	No sign shall extend above roofline
	Maximum Number	1 per tenant.
Other Requirements	a. All lettering and graphics shall be permanent and shall provide clear pedestrian path up to 8 feet	
Example Graphic		

Table 13.7 Address / Tenant Identification Signs

Definition	Incidental signs that list tenants, unit numbers, address contact information, hours of operation, and similar non-commercial characteristics in a multi-tenant building with common entry.	
Districts Where Sign is Permitted	**All Districts**	
Dimensional Standards	Maximum Area	1.5 sq ft per tenant, owner, location or business. 1 sq ft in the Historic Overlay District.
	Maximum Height	10 ft.
	Maximum Number	1 per tenant.
Other Requirements	a. Signs on mailboxes and newspaper tubes may be in the right-of-way as per applicable postal regulations.	
	b. Street numbers (only) may be painted on the curb.	
	c. Shall have contrasting color to background material.	
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3I.	
Example Graphic		

Table 13.8 Wall Directory Signs

Definition	A type of signage mounted on a wall in public or commercial buildings to help people navigate the space.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VMU, VC.**	
Dimensional Standards	Maximum Area	2 sq ft
	Maximum Height	N/A
	Maximum Number	1 per building entrance.
Other Requirements	a. All tenants shall be served by a wall sign.	
Example Graphic		

2. **Freestanding Sign Standards**

Table 13.9 Ground Signs

Definition	A sign (also known as monument sign or freestanding sign) that is installed directly into the ground with a supporting structure, has columns on the ends of the sign, and is not attached to a building.			
Districts Where Sign is Permitted	**R5 - R210, RMF, VR, PC, RD, NC, H, HD, VCP, OP, VMX, VC.**			
Dimensional Standards	Maximum Area	R5 – R210, or RMF	VR	PC, RD, NC, H, HD, VCP, OP, VMX, VC.
		16 sq ft total area	6 sq ft total area	16 sq ft, 12 sq ft – single-tenant commercial.
	Maximum Height	4 ft.	3 ft.	5 ft, 4 ft in H, VC districts and single-tenant commercial development.
	Maximum Number	1 or 2 sides of major entrance.		1 per street frontage, but no more than 2 per lot. In HD District up to 2 ground signs may be placed at each vehicular entrance.
Other Requirements	a. May not be used in conjunction with other permanent subdivision signage			
	b. Border or molding shall not exceed 6-inch width.			
	c. Signs with border shall be at least 2ft in either horizontal or vertical direction.			

	d. Mulched, turfed, or grassed area of 50 sq ft required at base of all signs without obscuring the sign message.
	e. Additional standards and allowances apply to residential care facilities and institutions, see Section 13.2.
	f. Border or molding shall not exceed 3-inch width
	g. Sign may be double sided. Additional standards and allowances for multi-tenant developments according to provisions of Section 13.3I
	h. All parts of ground signs (on-premises) must be completely out of any public or private right-of-way and any dedicated access easements.
	i. On premises projecting signs that come within six (6) feet of the edge of a right-of-way should be ten feet above the grade and should not extend into the right-of-way.
	j. Ground signs (on-premises) shall be set back at a minimum of fifteen (15) feet from any structure used exclusively as a residence.
	k. The maximum sign area of ground (on-premises) signs is sixteen (16) square feet. Projecting signs in any zoning district shall not exceed an area of six (6) square feet.
	l. The maximum height of a ground (on-premises) sign shall be five (5) feet, measured from the road to which the sign is oriented or grade of the site, whichever is higher. Where a sign interferes with pedestrian clearance or sight distance, the lowest part of the sign shall be a minimum of nine (9) feet from the grade of the site on which the sign is located. Sign height shall be measured from the highest portion of the copy area.
	m. Ground signs (on-premises) which contain two (2) faces may contain up to the maximum sign area as computed under size requirements in this Section, for each face. Signs with three (3) faces shall contain a minimum of fifteen percent (15%) less sign area for each face than the standard maximum. A sign with four (4) faces shall contain a minimum of thirty percent (30%) less sign area for each face than the standard maximum.
	n. Every zoning lot frontage shall be allowed one on-premises ground or projecting sign per property. If the frontage abuts more than one street, one on-premises ground or projecting sign shall be permitted per street.

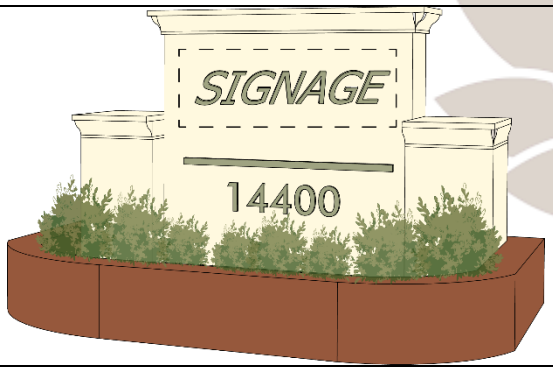
Example Graphic	

Table 13.10 Subdivision Signs

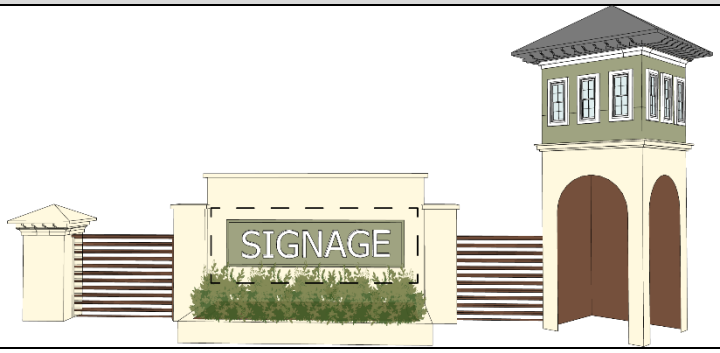
Definition	A ground sign located at the entrance to a subdivision consisting of two or more lots. Subdivision signs shall be located outside all streets rights-of-way, unless permitted by the Village Engineer, and shall not be located on a lot with a principal building.	
Districts Where Sign is Permitted	**Residential and FBD**	
Dimensional Standards	Maximum Area	16 square feet
	Maximum Height	4’
	Maximum Number	One per development entrance.
Other Requirements	a. Minimum setback from lot line - none	
	b. Minimum setback from ROW – 5’	
Example Graphic		

Table 13.11 Post and Arm Signs

Definition	Minor or secondary signs are used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.	
Districts Where Sign is Permitted	**All Districts**	
Dimensional Standards	Maximum Area	4 sq ft per side.
	Maximum Height	4 ft.
	Maximum Number	1 per tenant.
Other Requirements	c. 5 ft minimum front setback and 10 ft minimum side setback.	
	d. No sign shall be located in any required screen yard or within 20 ft from any right-of-way intersection.	
Example Graphic		

Table 13.12 Portable / A-Frame / Sidewalk Sign / Wallboard Sign / Barber Pole

Definition	A sidewalk sign (also commonly referred to as a sandwich board or A-Frame) allows for the display of a message on the sidewalk. Each business is limited to one sidewalk sign, located only in front of the entrance.	
Districts Where Sign is Permitted	**Historic Preservation Overlay District**	
Dimensional Standards	Maximum Area	6 sq ft.
	Maximum Height	4 ft (A-Frame and Pedestal Sign), 3 ft (Wallboard Sign).
	Maximum Number	1 per business.
Other Requirements	a. Sign shall not interfere with pedestrian or vehicular traffic, shall be placed within 12 ft of business main entrance, and shall be removed when business is closed (except for wallboard sign and barber pole).	
	b. Changeable sign shall only be chalkboard or dry erase board.	
	c. Occupant shall obtain historic district approval and development permit from the Village Planner.	
Example Graphic		

Table 13.13 Ground Directory Signs

Definition	A freestanding sign erected on a supporting base, not attached, supported or suspended to or from any building or structure.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VMU, VC.**	
Dimensional Standards	Maximum Area	15 sq ft max per side, except 6 sq ft max in VC District. 1.5 sq ft per tenant.
	Maximum Height	5 ft, except 4ft in VC and H Districts.
	Maximum Number	1 per building entrance.
Other Requirements	a. All tenants shall be served by a ground sign.	
	b. Border and molding shall not exceed 3 inches and shall be included in total area calculation.	
	c. Signs shall contain only name and/or nature of the business and shall be professionally etched, painted, or printed.	
	d. Comprehensive Sign Plan required per Section 13.12.	
Example Graphic		

SECTION 13.6 SIGNS NOT REQUIRING A PERMIT

The following signs are allowed in all zoning districts, without a Development Permit except where stated, subject to the standards set forth in this section and elsewhere in this Ordinance:

A. **Governmental Signs**

1. Signs posted by the Village, Moore County, State, and Federal agencies in the performance of their duties such as regulatory signs, development/wayfinding signs, welcome signs and traffic signs. Such signs are exempt from these conditions.

2. Signs installed under governmental authority which note the donation of buildings, structures or streetscape materials (such as, but not limited to benches, park facilities, etc.).

B. **Flags, Etc.** Any flag, badge or insignia customarily displayed by any government, governmental agency, or charitable, civic, fraternal, patriotic, religious or similar organization provided such flag, badge or insignia does not exceed a total size of twenty-five (25) square feet and provided that flags in residential zoning districts are not flown at a height greater than twenty (20) feet and flags in non-residential zoning districts are not flown at a height greater than thirty-five (35) feet.

C. **Window Displays**

1. Window signs in non-residential or commercial buildings denoting hours of operation, emergency telephone numbers, credit card acceptance information, or non- neon-like, (including LED lights) "Open" signs shall be no larger than one (1) square feet in total. No window sign type shall be duplicated.

2. Merchandise, pictures or models of products or services that are incorporated as an integral part of a window display.

D. **Building Marker Signs.** A sign cut or etched into masonry, bronze or similar material on a building.

E. **Historical Marker signs**

1. Historical markers, monuments, or signs approved by the Village Council.

2. Signs, corner stones, plaques, and/or similar signs that identify the name, date, or historical information about the structure no larger than one and one-half (1½) square feet.

F. **Legal and Warning Signs**

1. Standard Signs denoting the location of underground utilities.

2. Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.

3. Signs posted in association with Village, Moore County, State or Federal authorities for crime prevention and public safety and health.

4. Signs that are posted upon property to identify private parking areas, or to warn the public against trespassing or danger from animals, or to warn of a private security system provided that no such sign shall exceed 12 inches by 18 inches surface area per side and provided that there are no color regulations. No advertising may be affixed to such a sign.

G. **Occupant/Street Number Signs**

1. Signs that give the name or address of the occupant of a building, mailboxes, newspaper tubes, and similar uses customarily associated with residential and non-residential structures. No development permit is required.

2. All dwellings and non-residential buildings shall have address numbers posted in accordance with Section 95.018 of the Pinehurst Municipal Code.

3. All buildings in the Historic Preservation Overlay District may have a one (1) square foot sign identifying the name of the structure in letters not larger than four (4) inches in height.

H. **Vending Machine/Automatic Teller and Gasoline Pump Signs.** Signs attached to and made an integral part of a vending machine, automatic teller machine or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.

I. **Development Identification Signs.** Development identification signs containing the name and/or logo of a subdivision, multi-family development, or planned development, provided such signs meet the standards of *Section 13.5. Permitted Signage by Category.* A Development Permit is required.

J. **Directional Signs**

1. **Parking Lot Signs**

(1) Only one (1) sign identifying the entrance and exit to a parking lot, with a surface area no greater than two (2) square feet, and only one (1) non-illuminated sign prescribing parking regulations, with a surface area no greater than four (4) square feet may be erected at each entrance or exit to the parking lot. No other signs shall be erected in conjunction with the parking lot except for handicapped signs, parking time limits, and reserved spaces.

2. **Civic Activities Signs**

(1) One (1) ground sign identifying direction to the schedule, rules, and regulations for municipal, school, churches, recreational, and club-sponsored activities, provided that:

(2) The surface area of the sign is no more than six (6) square feet per side.

(3) The sign is located at least five (5) feet from any public or private street right-of-way. Such sign may use manually changeable copy.

(4) A development permit is required. May be separate or incorporated into a ground sign.

3. **All Other Directional Signs**

(1) No more than two (2) signs per entrance or exit shall be permitted.

(2) Directional signs must be located on the premises to which directions are indicated.

(3) Such signs may not exceed three (3) feet in height if freestanding.

(4) Directional signs may not exceed four (4) square feet per face.

(5) Such signs may contain no copy (i.e., company name or logo) other than directional information.

(6) Illumination of such signs shall be as permitted for on-premises signs in the land development district where the sign is located.

K. **Incidental Signs**

1. Signs containing information necessary or convenient for persons coming on premises shall be located on the premises to which the information pertains.
2. No advertising may be affixed to such a sign.
3. Such signs must be single faced only and wholly attached to a building (maybe located on windows or doors).

L. **Small Informational Signs.**

1. Signs not exceeding twelve (12) inches in any dimension that are intended to provide safety, security, or courtesy information on private property, including but not limited to:

   (1) Alarm company notification signs.

   (2) “Curb Your Pet” or pet waste control signs.

   (3) Electric or invisible fence warning signs.

   (4) Similar signs intended for property identification, security, or safety awareness.

   (5) Such signs shall not be illuminated and shall be limited to one (1) per street frontage or access point, unless otherwise required by law or utility provider.

SECTION 13.7 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.** One (1) sign for lots of less than five (5) acres in area and two (2) signs for lots of more than five (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 three (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.** One (1) sign per development entrance not to exceed two (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 three (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.** One (1) sign for lots of less than five (5) acres in area and two (2) signs for lots of more than five (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 three (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 NCGS § 163-166.40 and concluding seven (7) days after the election.

6. **Setback from Edge of Pavement.** 3 feet

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.** One (1) sign-on-lot where sale is located and six (6) 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 three (3) days and in any event must be removed within one (1) day of completion of the event.

6. **Setback from Edge of Pavement.** 10 feet

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 four (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.** One (1) on-site and four (4) off-site.

2. **Maximum Area.** 12 x 18 inches.

3. **Time Duration.** The signs shall be placed on the day of the "open house" and must be removed by the end of the first regular workday 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.** One (1) wall sign or one (1) window sign. Signs permitted by Sections 13.7 and 13.8 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 may obtain a temporary signage permit provided that:

1. **Maximum Number.** One (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.

SECTION 13.8 EXEMPT SIGNS

A. **Local, State, and National Flags.** Local, state, and national flags shall have no limitations.

B. **Job Site Signs.** Signs placed in districts that help contractors identify job sites are permitted provided they shall be removed when that trade is no longer active at the site.

SECTION 13.9 PROHIBITED SIGNS

A. **Prohibited Signs in all Zoning Districts**

1. Any private or unofficial sign or sign structure that is erected, constructed, or maintained in a public or private street right-of-way, except otherwise provided in this Ordinance. Small signs 12” in any dimension or less are permitted along curbs or sidewalks.

2. Any sign that is located within or obstructs a sight triangle at a street or driveway intersection.

3. Any sign that is located in any manner or place to constitute a hazard to traffic.

4. Any moving sign set in motion by wind, except for flags, mechanical, electrical, or any other means except for barber pole signs used in connection with an active barber shop. This shall include, but not be limited to, propellers, balloons, or discs.

5. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity. Any searchlight or similar device.

6. Any illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, or the edges of walls, except for perimeter

down-lighting which is shielded to illuminate open sales areas but not land outside those areas.

7. Any sign that obstructs or substantially interferes with passage through any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building.

8. Portable signs, including any sign painted or displayed on vehicles or trailers if the vehicle or trailer is parked in a location for the primary purpose of displaying the sign, except for signs that are painted on, or attached to commercial vehicles which are not parked for the primary purpose of displaying the sign (excludes A-Frame, wallboard, and pedestal signs located within the Historic Preservation Overlay District (*Section 13.5. Permitted Signage by Category*, *Table 13.12. Portable / A-Frame / Sidewalk Sign/ Wallboard Sign/Barber Pole*).

9. Any sign that copies or imitates an official sign, or that purports to have official status. This shall not include traffic, directional or regulatory signs or notices erected by a federal, state, county, or municipal government agency. This provision shall not apply to commercial developments located within the Pinehurst South Form Based District. These developments may have up to three (3) off-premise signs if both of the following occur:

   (1) The signs are placed on property under common ownership within the development.

   (2) The signs are located within 400 feet of the development.

10. Signs on the roof or above the parapet of a building.

11. Wall or window signs in all residential zoning districts, except for house numbers, historical names, and those signs permitted by *Section 13.5. Permitted Signage by Category*, *Table 13.3. Window / Door Signs.*

12. Changeable copy signs except manually changeable signs as permitted in *Section 13.7. Temporary Signs.*

13. No lighting shall be erected or utilized for temporary signs, except for signs described in *Sections 13.8. Exempt Signs.*

14. Any sign placed on a utility pole, street signpost, traffic signal support, hydrant, bridge, overpass, tree, or rock that is not installed or approved by the Village of Pinehurst.

15. Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited.
16. Sign structures on which no sign is erected are prohibited.
17. Abandoned signs or sign structures must be removed within sixty (60) days of becoming an abandoned sign or sign structure.
18. Signs containing or consisting of pennants, ribbons, streamers, balloons, feather flags, bow signs, or spinners are prohibited.
19. Gas or air-filled balloons, figures, or other inflatable signs.
20. Signs projected onto someone else's property digitally or with lights
21. Unpainted plywood signs.
22. Off-premises signs or signage that advertises goods or services provided on a different lot, tract or site from where the sign is located. This prohibition does not apply to subdivision signs in accord with *Section 13.5. Permitted Signage by Category*, *Table 13.9. Ground Signs*.
23. Outdoor advertising, whether on-or off-premise.

SECTION 13.10 SIGN ILLUMINATION

A. **External Illumination.**

1. Only stationary and shielded light sources directed solely onto the sign are permitted.
2. External illumination shall not shine or provide glare directly on rights-of-way or adjacent residential uses.
3. Flashing and intermittent lights are prohibited. Window signs, interior tube lighting and/or illumination along windows, or signs within an establishment below four (4) square feet are exempted from this requirement.
4. Outline, strip lighting, and neon tube lighting on the exterior of sign structures are not permitted.
5. Flame as a source of light is prohibited.

B. **Internal Illumination.**

1. Only illumination with a designation of “white” or “day lite” shall be emitted.
2. Poles and other support structures shall not be internally illuminated.
3. The letters or message of internally illuminated signs shall consist of non-reflective material.
4. Flame as a source of light is prohibited.
5. In any Residential District, internally illuminated signs are not permitted, except such internally illuminated signs in any Residential District which existed as of the effective date of this Ordinance.

C. Illumination in signs shall not impair the vision of motor vehicle drivers.

D. Signs shall not exceed 0.2 footcandles at the property line.

E. **Awning illumination.** No awning shall be lighted so as to cause the awning to be illuminated. Back lighting of a sign message shall not be allowed. Surface lighting of signage on awnings is allowed provided that the primary function of the lighting is to light the sign message.

Table 13.14 Permitted Signage Illumination by Location

	None Permitted	External Illumination	Internal Illumination
R5 - R210, RMF, VR		•*	
Residential Care Facilities/Churches		•	
RD, H, VCP, VC, VMU, PC		•	
HC, NC, OP, HD		•	•**

* Only ground signs may be illuminated.

** Awning / Canopy signs may not be illuminated internally.

SECTION 13.11 OTHER SIGN REGULATIONS

A. **Removal of Illegal Signs in Right-of-Way and on Public Properties**

1. The Village Planner or designee may remove and dispose of any sign placed on public property or within the right-of-way of any public street.

2. Signs determined to be in violation of this Ordinance and removed from public property, or a public right-of-way, shall be discarded.

3. In addition to other remedies and penalties of this Section, the Village has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

B. **Maintenance**. All signs must be maintained to be safe in their approved, permitted state. Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a permit as long as the sign content, color, and sign size remain the same.

1. Disfigured, cracked, ripped, or peeling paint, poster paper, or other material shall not be permitted.

2. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts.

3. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign message from the street or right-of-way from which it is to be viewed, unless such vegetation is incorporated as a landscape element.

4. No illuminated sign may stand with only partial lighting (i.e. some components dark).

5. Non-commercial messages. Any sign, display or device allowed under this Chapter may contain, in lieu of any other copy, any otherwise lawful non-commercial message.

C. **Abandoned and Unsafe Signs.**

1. Abandoned and Unsafe Signs. Any sign that no longer advertises a bona fide business conducted, or a product sold, and/or is deteriorated/broken/damaged as to cause harm to the public, shall be removed within ninety (90) days per *Chapter 5. Enforcement.*

D. **Signs Associated with All Institutional Uses**

1. **Ground Sign.** One (1) ground sign shall be permitted per street front, not to exceed two (2) total, identifying the name of the respective Institution, subject to the following standards:

   (1) **Maximum Area.** 15 square feet (including molding, which shall not exceed 6 inches in width)

   (2) **Maximum Height.** 4 feet

   (3) **Maximum Length.** 12 feet

   (4) **Illumination.** Sign may be externally or internally illuminated by white light. External lighting shall be shielded.

   (5) **Landscaping.** Sign shall have at least a 2-foot perimeter of landscaped area at the base of the sign.

2. **Wall Sign.** One (1) wall sign shall be permitted, subject to the following standards:

   (1) **Maximum Area.** 32 square feet. If the sign contains only a symbol and no text or other markings, the sign may total 70 square feet.

   (2) **Illumination.** Sign may be externally or internally illuminated by white light. External lighting shall be shielded.

E. **Signs Associated with Gas/Fueling Stations**

1. **Ground Sign.** Establishments that sell gasoline in non-residential districts shall have the following ground signs allowed under this section:

   (1) **Maximum Number.** One (1) sign per frontage with a maximum of two (2) signs

   (2) **Maximum Area.** 12 square feet per side

   (3) **Maximum Height.** 4 feet

   (4) **Border and Molding.** 3 inches and shall be included in total area calculation of a sign.

2. **Price/Directional Signs.** Gasoline prices and/or location of self-service areas may be located at and secured to each pump island and shall have:

(1) **Maximum Area.** 6 square feet per side

(2) **Maximum Height.** 4 feet

(3) **Maximum Length.** 6 feet

3. **Inspection Station.** Where the establishment provides inspection services, an official State of North Carolina inspections sign may be erected on the property.

4. **Canopies.** Signs on gas station canopies are considered to be wall signs and shall be no larger than six (6) square feet.

F. **Drive-Through Menu Signs.** For each establishment with a lawful, permitted use that utilizes a drive-through lane, a maximum two (2) drive-through menu signs shall be allowed for each drive-through lane.

1. Each allowed drive-through sign may be either a freestanding monument sign or an attached sign and shall not exceed forty (40) square feet in sign area and ten (10) feet in height.

2. Drive-through signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.

3. Drive-through signs shall require a permit.

G. **Movie Theaters and Performance Halls.** A changeable copy marquee may apply to either a ground or projecting sign with a fifty percent (50%) addition to the maximum size permitted in the zoning district.

SECTION 13.12 COMPREHENSIVE SIGNAGE PLANS

SECTION 13.12.1 PURPOSE AND INTENT

The purpose of this Chapter is to establish standards and procedures for the review and approval of Comprehensive Signage Plans (CSPs) to ensure coordinated, aesthetically appropriate, and effective signage within multi-tenant developments, large commercial or mixed-use centers, planned developments, and other projects as required. This Chapter is intended to promote visual harmony, reinforce community identity, reduce sign clutter, and protect the health, safety, and general welfare of the public.

SECTION 13.12.1 APPLICABILITY

A Comprehensive Signage Plan shall be required under the following circumstances:

A. **Multi-Tenant Developments.** Any development with three (3) or more separate tenant spaces on a single parcel.

B. **Shopping Centers and Office Complexes.** Any commercial or office development with more than 20,000 square feet of gross floor area.

C. **Special Purpose Campuses.** Institutional campuses (e.g., hospitals, universities).

D. **As Otherwise Required.** When required as a condition of a Conditional Use Permit, Planned Development, or other discretionary entitlement.

SECTION 13.12.3 REQUIRED CONTENT

A Comprehensive Signage Plan shall include the following components:

A. **Cover Sheet and Site Information**

1. Project name, address, and parcel identification.
2. Contact information for the applicant and property owner.
3. Vicinity map and site plan.

B. **Narrative Description**

1. Intent and objectives of the CSP.
2. Description of project type and tenant mix.

C. **Site Plan**

1. Location of all proposed and existing freestanding signs.
2. Location of primary building entrances and vehicular access points.

D. **Sign Inventory Table**

1. Listing of all proposed sign types (e.g., wall, monument, projecting).
2. Dimensions (height, width, area) and materials.
3. Illumination type (internal, external, halo, non-illuminated).

E. **Design Guidelines and Standards**

1. Color palette and typography standards.
2. Construction materials and fabrication details.
3. Mounting techniques and sign placement rules.
4. Illumination specifications and restrictions.

F. **Master Sign Program Matrix.**

1. Allocation of allowable sign area per tenant or building.
2. Provisions for anchor vs. inline tenants (if applicable).

G. **Maintenance Plan.**

1. Description of ongoing maintenance responsibilities.
2. Replacement standards for damaged or aged signage.

SECTION 13.12.4 REVIEW AND APPROVAL PROCESS

A. **Application Submittal.** Applications must be submitted to the Planning and Inspections Department using the approved forms and shall include all items listed in *Chapter 4. Approvals, Variances, and Administrative Appeals*.

B. **Review Authority.** CSPs shall be reviewed and approved by the Village Planner or designee.

C. **Findings for Approval.** The reviewing authority must find that the proposed CSP:

1. Meets requirements of Chapter 13.
2. Ensures consistency in sign design, placement, and scale across the development.
3. Does not adversely affect public safety or the visual environment.

D. **Modifications.**

1. Minor modifications may be approved administratively by Village staff.
2. Substantial changes shall require an amendment to the approved CSP subject to the original approval procedure.

SECTION 13.12.5 RELATIONSHIP TO OTHER SIGN REGULATIONS

A. **Superseding Standards.** An approved Comprehensive Signage Plan may establish alternative standards that supersede the otherwise applicable provisions of the Sign Code, provided they meet the intent and findings required under *Section 13.3. Permitted Sign Area + Number of Signs.*

B. **Code Conflicts.** In the event of a conflict between the CSP and other sign regulations in Chapter 13, the approved CSP shall prevail, unless otherwise determined by the reviewing authority.

SECTION 13.12.6 ENFORCEMENT AND COMPLIANCE

A. **Binding Effect.**

1. All signage within a development subject to a CSP must comply with the approved plan.

2. Deviations shall constitute a violation of this Ordinance and may be subject to enforcement actions as noted in *Chapter 5. Enforcement.*

B. **Expiration.** CSP approvals shall remain valid unless modified or revoked. In the event of phased development, sign implementation shall correspond to the applicable development phase.

CHAPTER 14 LOT AND SUBDIVISION STANDARDS

SECTION 14.1 WATER AND SEWER REQUIREMENTS

A. **General.** All subdivisions and all developments (including single-family dwellings) shall be designed for and connected to Public water or sewer or meet applicable Health Department requirements for on-site systems where Public water or sewer is not required to be provided. The developer shall be responsible for obtaining all necessary permits and approvals for any water or sewer system extensions.~~;~~

B. **Oversized Water and Sewer Facilities.** The Village, Moore County Utilities or other public utility providers may, in order to serve future development, require the developer to install certain oversized water and sewer improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the developer.

C. **Water Requirements.** Any subdivision or development that has public water system lines available shall be required to extend the public water system throughout the development or the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps, related utility appurtenances and capped service to the property line of each lot as required by the Village Engineering Standards and Specifications Manual and/or other public utility providers. Such systems shall be designed and

Chapter 14. Lot and Subdivision Standards 336
Section 14.1 Water and Sewer Requirements..... 336
Section 14.2 Design Standards for Single Family Dwellings 338
Section 14.3 Design Standards for Major and Minor Site Plans 342
Section 14.4 Subdivision Standards..... 344

installed to allow for future extension to adjoining property as determined by the Village Engineer in consultation with the Pinehurst Fire Department.

1. The term "available" shall mean that there is an existing public water line of adequate size and water flow and/or pressure within three hundred (300) feet of the outside boundary line of the subdivision or development; or the Village, Moore County Utilities or other public utility provider, at its option, indicates its commitment to extend such a water line within three hundred (300) feet of the property line of the subdivision or development at no cost to the developer and there are no legal or topographic problems that prevent the developer from connecting onto and extending the existing system to the subdivision or development.

    (1) In the event there are phases to the subdivision or development, or the subdivision or development is a part of a larger tract of land owned or under the control of the developer, then in that case public water service shall be deemed to be available if an existing or proposed public water system line extends or will be extended within three hundred (300) feet to the larger tract of land.

2. In the event the Village, Moore County Utilities or other public utility provider elects not to extend a water line of sufficient size, flow, and/or pressure within three hundred (300) feet of the subdivision or development boundary because of topographic features, legal obstacles, or financial reasons, then the developer shall not be required to extend public water lines to each lot nor provide public water service to the subdivision or development.

D. **Sewer Requirements.** Any subdivision or development that has public sewer system lines available shall be required to extend the public sewer system throughout the subdivision or development to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift stations, pumps, clean outs, taps, other related appurtenances and service to the property line of each lot as required by the Village Engineering Standards and Specifications Manual and/or other public utility provider.

1. The term "available" shall mean that there is an existing public sewer line of adequate size and sufficient capacity within three hundred (300) feet of the outside boundary line of the subdivision or development or the Village, Moore County Utilities or other public utility provider, at its option, indicates its commitment to extend such a sewer line within three hundred (300) feet of the property line of the subdivision or development at no cost to the developer and

there are no legal or topographic problems that prevent the developer from connecting onto and extending the existing system to the subdivision or development. In the event there are phases to the subdivision or development, or the subdivision or development is a part of a larger tract of land owned or under the control of the developer, then in that case public sewer service shall be deemed to be available if an existing or proposed public sewer system line extends or will be extended within three hundred (300) feet to the larger tract of land.

2. In the event the Village, Moore County Utilities or other public utility provider elects not to extend a sewer line of sufficient size and capacity within three hundred (300) feet of the subdivision or development boundary because of topographic features, legal obstacles, or financial reasons, then the developer shall not be required to extend Public sewer lines to each lot nor provide public sewer service to the subdivision or development.

SECTION 14.2 DESIGN STANDARDS FOR SINGLE FAMILY DWELLINGS

SECTION 14.2.1 PURPOSE

The intent of this Section is to assure that single family residential development is compatible with existing development and consistent with its site and surroundings and the Statement of Intent of this Ordinance.

SECTION 14.2.2 DESIGN CRITERIA AND REVIEW PROCEDURES

A. Appendix B of this Ordinance contains the checklist to be used by the applicant as well as the staff in the review and permit authorization process.

B. A foundation survey is required prior to construction above the foundation if it is shown on the submitted plan that the structure is within five (5) feet of the required setback and the structure has a permanent foundation or is a swimming pool.

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

SECTION 14.2.3 EXTERIOR BUILDING MATERIALS AND COLORS

A. Structures found in the Historic Preservation Overlay District are subject to the standards and requirements of that district, see *Section 6.4.1. Historic Preservation Overlay District*, and other applicable standards of this Ordinance.

SECTION 14.2.4 SINGLE FAMILY DEVELOPMENT LANDSCAPING

A. The following landscaping standards apply to new single-family development and redevelopment.

Table 14.1 Single Family Development Landscape Standards

Zoning District	Number of Trees Per Dwelling	Number of Trees Required in Front Yard*
R-5, R-8	4	1
R-10, R-15	5	1
R-20	6	2
R-30	8	2
R-210	16	4
New Planting Size Requirements		
Tree Type	**Minimum Planting Height**	**Minimum Caliper**
Evergreen Trees	6 feet	2 inches
Tall Trees	8 feet	2 inches
Small Trees	6 feet	1.25 inches

*Note that this requirement is part of the total number of trees required per dwelling, not in addition to. See Appendix F for a list of allowable trees.

1. Tree Preservation Credits shall be in accordance with *Section 8.1.2.D. Use of Existing Trees for Credit* .

B. **Tree Placement and Planting.**

1. The Village Planner may authorize minor modifications subject to the following:

   (1) Small trees as identified in Appendix F may be used to avoid conflicts with overhead infrastructure.

   (2) To allow alternate species where site and/or soil conditions are not suitable for certain plant/tree species.

(3) To allow for alternative placement due to presence of public utility easements.

C. As part of the required single-family site plan review process, the approximate location, size and type of trees to be used to meet this standard shall be shown on a landscape plan.

D. All trees used to meet the intent of this Section shall be healthy and well protected during construction. See Appendix F for a listing of trees which are known to be adaptive and naturalized in the Sandhills of North Carolina. Any of these trees can be used in meeting the tree standards of this Section.

E. HVAC units, pool equipment, well houses, and other structures on the property shall be screened with landscaping material or fencing so as to be fifty (50%) opaque.

F. **Foundation Plantings Required.** Foundation plantings shall be provided for all principal and accessory buildings along the front and sides. The number of plants or plant groupings shall be provided based on the linear footage of foundation along all sides of each structure minus doorways, and steps at a rate of one (1) shrub or plant grouping per six (6) linear foot of foundation. A minimum of fifty percent (50%) of the required plantings shall be five (5) gallons or larger at the time of planting, the remainder shall be a minimum of three (3) gallons in size. Said plantings are not required to be placed in a uniform, linear arrangement when installed and plant groupings or ground cover beds may be used to meet the intent of this section.

G. The site shall be designed to minimize the removal of mature specimen trees, for example, Longleaf Pine, Dogwood, American Holly and Southern Magnolia.

H. **Maintenance/Alteration of Landscape Plans.** Changes or alterations to a previously approved landscape plan require approval of a Development Permit showing compliance with the landscaping and buffer yard standards of this Section.

SECTION 14.2.5 SINGLE-FAMILY DWELLING DEVELOPMENT REVIEW PROCESS

A. When staff determines that the application is complete and in compliance with this Ordinance, a Development Permit shall be issued.

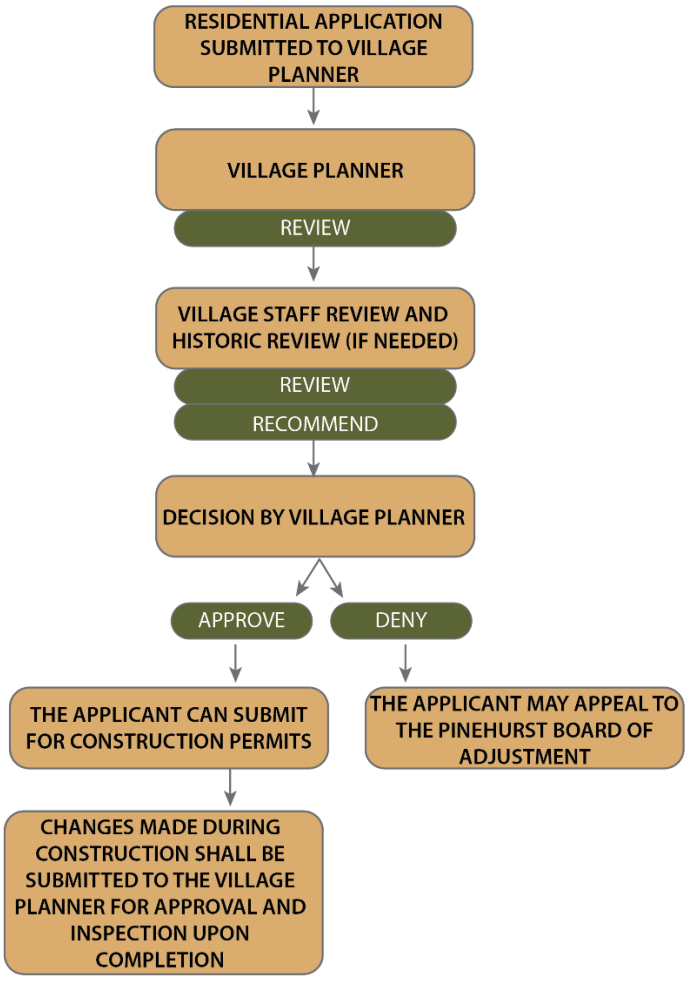
B. Applicants may then apply for a building permit (at the discretion of the applicant, building permits may be applied for prior to the issuance of the Development Permit, but a building permit shall not be issued prior to a Development Permit).

C. Throughout construction, exterior changes may occur. All changes must be resubmitted to the Planning and Inspections Department and be reviewed for compliance.

D. If the structure has a permanent foundation (or is a swimming pool) and is shown to be within five (5) feet of the setback on the approved plans a final survey in addition to the foundations survey shall be provided showing compliance.

E. Upon completion of the project the Village Planner will conduct a compliance inspection and sign off on a Certificate of Occupancy, if required.

F. Single Family Residential Plan Review Flow Chart



G. **Certificate of Occupancy.** A Certificate of Occupancy will only be issued upon:

1. Receipt of a final survey demonstrating compliance with all dimensional standards, if required.

2. Final inspection and recommended approval by the Village Planner or designee.

3. Final inspection and approval by the Building Inspector and Fire Marshal, if required.

4. Final inspection of driveway by Public Works Department, if required.

SECTION 14.3 DESIGN STANDARDS FOR MAJOR AND MINOR SITE PLANS

SECTION 14.3.1 GENERAL DESIGN STANDARDS FOR MAJOR AND MINOR SITE PLANS

A. All site plan development shall meet the following standards before they may be approved by the Village Planner or Village Council:

1. The proposed development shall comply with all general development standards for the zoning district in which it is located, as set forth in this Ordinance.

2. Traffic circulation and control patterns within the site shall be adequate to provide access to adjoining properties where appropriate and streets and shared driveways shall be provided for adjoining developments where possible.

3. Walkways shall be located so that pedestrians may walk from store to store or building to building on the site and on adjacent properties.

4. Where on-site travel lanes and/or driveways connect to adjacent properties and allow traffic movement between adjacent properties, such lanes and driveways shall be constructed in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual and in this Ordinance.

5. Parking shall not be allowed along the travel lanes and driveways as described above and adequate no-parking signs shall be installed along all such travel lanes and driveways.

6. Water supplies, fire protection facilities and sanitary sewer facilities shall be adequate to serve the type and amount of the total planned development in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

7. Drainage systems shall be adequate for the disposition of storm water in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

SECTION 14.3.2 REQUIRED IMPROVEMENTS FOR MAJOR AND MINOR SITE PLANS

A. **Required Features.** In addition to meeting the standards set forth in *Section 14.3.1. General Design Standards for Major and Minor Site Plans* above, the developer or applicant shall be required to do the following:

1. To dedicate any additional right-of-way necessary to achieve the width required ~~by the Village's Thoroughfare Plan~~ for all streets adjoining the property.

2. To reserve but not dedicate right-of-way for highways to which the development is prohibited from having access.

3. To improve all rights-of-way adjoining the property in accordance with the requirements set out in the Engineering Standards and Specifications Manual and the Village's Thoroughfare Plan.

4. To install sidewalks along the frontage of existing streets. This requirement does not have to be met when it is documented by the applicant that the property is prohibited from having a vehicular driveway from the exiting street due to access control or other requirements.

5. To install street signs in accordance with (B) below.

6. To install street lighting in accordance with (C) below.

7. To provide public water and sewer service in accordance with the Engineering Standards and Specifications Manual and public utility providers.

8. To provide required open space.

B. **Street Signs.** Street name signs that comply with the Engineering Standards and Specifications Manual or NCDOT shall be placed at all street intersections. The developer shall install the signs or pay the actual cost for Village installation at the discretion of the Village or NCDOT. The developer shall be required to replace or repair any street sign which is damaged during construction.

C. **Street Lighting.** Street lighting shall be installed by the developer with underground wiring but only at the following road junctions and crossroads that:

1. Experience high volumes of periodic traffic after darkness (e.g. hospital shift changes).
2. Are part of an intersection with a primary State Highway.
3. Will facilitate pedestrian traffic in the Village Commercial District.

SECTION 14.4 SUBDIVISION STANDARDS

SECTION 14.4.1 REQUIRED OPEN SPACE

A. **Purpose.** The purpose of the required open space is to manage the subdivision of land for residential development in a manner that results in more effective conservation of the natural environment, preservation of the Village's community character, provide active and passive recreational opportunities, and add to the visual character of a development. Required open spaces are designed to function as a municipal land use management tool that will enable the conservation and protection of a site's important features, including natural, historical and archaeological resources and community character, such as scenic vistas, view sheds, and greenway connections.

1. All major subdivisions of land in the following residential zoning districts shall comply with the following required open space regulations and all structures in the zoning districts shall comply with the following dimensional requirements, except as may be otherwise provided by this Ordinance.
2. Unless strictly outlined in this Section, vehicle use areas, streets, driveways, and sidewalks shall not be used toward the open space calculation.

Table 14.2 Table of Required Open Space Dimensional Requirements

	R-210	R-30	R-20	R-15	R-10	R-8
Minimum Amount of Required Open Space	25%	15%	15%	15%	15%	15%
Minimum Lot Size	3.5 acres	24,000 sq. ft	16,000 sq.ft.	12,000 sq.ft.	8,000 sq. ft.	6,400 sq. ft.
Minimum Lot Width At the Setback Line	100 feet	80 feet	65 feet	60 feet	60 feet	50 feet
Minimum Front Yard Setbacks	100 feet	32 feet	32 feet	24 feet	24 feet	16 feet
Minimum Side Yard Setbacks	40 feet	16 feet	12 feet	12 feet	12 feet	8 feet
Side Street Setbacks	50 feet	16 feet	16 feet	16 feet	16 feet	12 feet
Minimum Rear Yard Setbacks	50 feet	24 feet	24 feet	24 feet	20 feet	16 feet
Maximum Lot Covered By Impervious Surface	30%	36%	42%	45%	48%	50%

*** Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Required Open Space regulation of this Ordinance and to the future development of the lots created under these regulations. All unmodified applicable dimensional requirements presented in the Table of Dimensional Requirements, Section 9.2a, shall apply.

B. **Areas Not Included in Open Space.** The following are not considered open space and cannot be counted toward minimum open space requirements:

1. Private yards including those with single family residential lots, not part of an open space or conservation easement.
2. Street right-of-way or private easements.
3. Vehicular parking areas and driveways.
4. On-site wastewater treatment facilities, including septic tank drain fields.
5. Stormwater control measures.

6. Areas providing entry signage.

7. Designated outdoor storage areas.

C. **Open Space Design.** Open spaces shall allow for public areas, semi-public areas, and/or private outdoor areas. All open space areas shall be landscaped in accordance with this PDO and provide uniform design and coordinated experiences for the user.

D. **Open Space Allocation.**

1. At least fifteen percent (15%) of the ~~common~~ open space shall remain in its natural state. This open space shall be provided in one or more parcels with the objective of maintaining natural systems and wildlife corridors, but consideration shall be given to connecting open space within a subdivision and to adjacent properties and subdivisions.

2. **Active and Passive Features.** At least twenty-five percent (25%) of the open space shall be dedicated and designed to allow for active recreation and/or passive recreation features.

(1) Passive or active recreation areas shall be located so as to provide accessibility to all residents of the residential subdivision.

(2) Examples of active recreation and passive recreation features are identified in *Table 14.4 Example Active and Passive Features*, and may include but are not limited to those listed.

Table 14.3 Example Active and Passive Features

Active Features	Passive Features
Lawn Games and Concrete Gaming Tables	Walking Trails
Hard Courts (Tennis, Pickleball, etc.)	Boardwalks
Playgrounds	Gardens
Swimming pools and/or splash pads	Greens
Athletic Fields (Baseball, Soccer, etc.)	Picnic Areas
Clubhouse, Pavilions, Amenity Centers, Gazebos, Shade Structures	Lakes and Ponds
Exercise Facilities	Benches and Seating Areas
Plazas	Natural Areas
	Greenways

(3) The Village Planner may administratively approve similar features which are in keeping with the intent of this ordinance.

E. **Access.** Common recreation areas shall be located and designed to be easily accessible for residents and users of the development. Open spaces shall make accommodations to provide universal designs that may be enjoyed by different target users and provide for ADA accessibility.

F. **Ownership, Management, and Maintenance of Common Open Space.**

1. Required common open space area shall be managed and maintained as permanent open space through one or more of the following options:

(1) Open space may be held in common ownership by the owner(s) of the development, who will be responsible for managing and maintaining the land for its intended open space purposes.

(2) Open space areas may be conveyed to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes.

(3) Open space areas may be conveyed to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

(4) Open space areas may be dedicated to the public and conveyed to the Village or other public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

2. Easements may be established on those parts of individually-owned lots including open space areas that require the areas to be managed consistent with their intended open space purposes and prohibit any inconsistent future development. Any options involving private ownership of required common open space area shall include association by-laws, deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities. Such instruments shall be approved by the Village as sufficient to comply with this standard before or in conjunction with approval of any Subdivision Approval for

the development, or any Construction Plan Approval for the development if no Subdivision Approval is required.

3. Responsibility for managing and maintaining common open space areas lies with the owner of the land comprising the areas. Failure to maintain common open space areas in accordance with the approved development shall be a violation of this ordinance. Identification of who bears responsibility for managing and maintaining common open space areas shall be shown on any recorded subdivision plat or site plan.

SECTION 14.4.2 REQUIRED DEDICATIONS, IMPROVEMENTS AND DESIGN STANDARDS IN GENERAL

A. The requirements of this Section refer to all subdivisions, both residential and non-residential, unless otherwise noted.

B. The following dedications and improvements shall be installed in accordance with the appropriate standards where required prior to the approval of the final plat of a subdivision or the phase of a subdivision:

1. Land, easements.
2. Required or provided open space and common areas.
3. Monuments and markers.
4. Streets.
5. Curbs and gutters.
6. Storm drainage.
7. Sidewalks and greenways.
8. Utilities.
9. Street signs.
10. Streetlights.
11. Street yards, street trees and landscaped buffers around the perimeter of the subdivision.
12. Financial guarantees and warranties.

C. A Building Permit shall not be issued, and a building or structure shall not be occupied, until and unless all dedications, or payment in lieu thereof, and improvements required by this Section have been installed in a satisfactory manner and approved by the appropriate Village staff for the final plat.

D. A subdivision may be approved and in phases provided that no phase is smaller than twenty percent (20%) of the entire area of the subdivision, or two (2) lots, whichever is larger and provided that the infrastructure for the phase has been installed in a satisfactory manner and approved by the Village Planner and Village Engineer.

SECTION 14.4.3 BLOCKS

A. Block lengths shall not exceed one thousand (1,000) feet and shall be no less than three hundred (300) feet except where said block adjoins a golf course or lake or other natural features. Block formations shall avoid long sections of straight lines.

B. Pedestrian ways or crosswalks, no less than five (5) feet in width, shall be provided near the center and entirely across any residential block which is five hundred (500) feet or more in length where necessary to provide adequate pedestrian circulation or access to schools, churches, retail stores, personal service establishments, or transportation facilities.

SECTION 14.4. 4 LOTS

A. The size, shape, and location of lots shall be established with due regard to topographic conditions, contemplated uses, and the character of the surrounding area.

B. Side lot lines shall be substantially at right angles or radial to street lines.

C. The minimum width of the lot at the street right-of-way line shall meet the requirements of Table 14.3 and be large enough to accommodate all driveways, drainage facilities, and utilities in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

D. All residential buildings shall be oriented toward the front yard. For corner lots and through lots, setbacks based on the proposed direction of the building, should be shown on the plats.

E. Flag lots shall be limited to one (1) lot per subdivision or two percent (2%) of the total number of lots whichever is greater.

SECTION 14.4.5 STREETS

A. All streets within a subdivision shall be designed and built in accordance with the standards of this Section and in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual. These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles to accommodate for thoroughfare plans and the Village of Pinehurst Engineering Standards and Specifications Manual.

B. Streets shall be designed and located with regard to existing and proposed streets, to the topography of the area, to such natural features as streams and forested areas, to public convenience and safety and to the proposed use of land to be served by such streets. The proposed street layout shall be consistent with good land planning practices for the type of development proposed and shall be coordinated with the street system of surrounding areas. All streets shall provide for the continuation or extension of the principal streets in surrounding areas and shall provide reasonable means of ingress and egress for surrounding properties. Street design shall avoid long sections of straight street lines. Roundabouts shall be provided where traffic conditions would warrant in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

C. The names of the streets and the addresses of the individual lots in the subdivision shall be reviewed and approved as part of the preliminary plat.

D. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided for all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutters whenever the street is continued.

E. **Street Trees Required.** See *Section 8.2.5.D Street Trees Required*.

SECTION 14.4.6 SURVEY MONUMENTS AND MARKERS

The subdivider shall install subdivision and property monuments and markers as required by NCGS and the standards of practice for land surveying in North Carolina.

SECTION 14.4.7 STREET LIGHTING

A. Street lighting shall be installed by the developer with underground wiring, but only at the following road junctions and crossroads that:

1. Periodically experience high volumes of traffic after darkness (e.g. hospital shift changes).
2. Are part of an intersection with a primary State Highway.
3. Will facilitate pedestrian traffic in the Village Commercial District.

SECTION 14.4.8 STORM DRAINAGE

A. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Village Engineer in accordance with Village of Pinehurst Engineering Standards and Specifications Manual.

B. No surface water shall be channeled or directed into a sanitary sewer.

C. Where feasible, the subdivider shall connect to an existing storm drainage system. In the absence of an existing storm drainage system, the developer shall be required to channel all storm water drainage to an existing watercourse where practicable.

D. Lakes, ponds, creeks and similar areas will be accepted for maintenance by the Village only if the Village Council determines that sufficient land to be dedicated for a public use not limited to the development which it lies.

E. The Village shall accept no responsibility to maintain any storm drainage structures or easements, except for those lying within a Village right-of-way or traversing Village-owned property.

F. Where a subdivision is traversed by a stream, lake, pond, water course or drainage way, an easement shall be provided conforming with the lines of such streams and of sufficient width as will be adequate for the purposes of maintenance as determined by the Village Engineer.

G. Before installation, a complete set of construction plans for the proposed storm drainage system prepared by a registered professional engineer shall be submitted for approval by the Village Engineer.

SECTION 14.4.9 SIDEWALKS

A. Sidewalks are required on one (1) side of all new streets in all residential developments when they serve eight (8) or more dwelling units and on both sides of all new streets in non-residential developments and subdivisions in accordance with the construction requirements set forth in the Village of Pinehurst Engineering

Standards and Specifications Manual. Sidewalks are also required on existing street frontage of all non-residential subdivision developments.

B. Along private gated streets that are being added to an existing neighborhood as a subsequent phase, the sidewalk requirement may be waived by the Village Council as part of the preliminary plat approval if it is determined that it is in the best interest of the public and the existing neighborhood to allow for the continuation of the development pattern within the existing sections of the development.

C. Before installation, a complete set of construction plans for the proposed sidewalk system prepared by a registered design professional, licensed in the State of North Carolina, shall be submitted for approval by the Village Planner.

SECTION 14.4.10 UTILITIES

A. The application for a preliminary subdivision plat must be accompanied by satisfactory evidence as to the adequacy of the proposed method and system of water supply and sanitary sewage collection and disposal and by a Certificate of Approval thereof by the Health Department or public utility provider. Public water and sewer shall be required where available in accordance with *Section 14.1 Water and Sewer Requirements*.

B. In addition to the requirements of the Moore County Health Department and any State agencies regarding water and sewage systems, all water and sewer mains shall be installed with the connections for individual service lines included, running from the mains to the property line of the property to be served, where said connections will run under the pavement and paved areas, they shall be installed prior to paving.

C. Water mains and sanitary sewers shall be installed in accordance with State of North Carolina Standards and Village of Pinehurst Engineering Standards and Specifications Manual and public utility providers for each lot in the tract of land to be subdivided in whole or in part.

D. Before installation, a complete set of construction plans for the proposed water and/or sewage system prepared by a registered professional engineer shall be submitted for approval by the Village Engineer or public utility provider.

E. The Village or public utility provider may require installation of oversized facilities when it is in the interest of future development of property not owned by the subdivider. The Village or public utility provider shall pay for that portion of the improvement that exceeds the typical Village or public utility provider standards if

the oversized facilities are required for use of development of property other than that of the subdivider. Any payment by the Village or public utility provider shall be based upon costs pre-approved by the Village or public utility provider.

F. All electrical, cable antennae, natural gas, telephone, and other service lines shall be installed underground in accordance with offsets and depth specified by the Village or public utility provider.

SECTION 14.4.11 NAME OF SUBDIVISION

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Moore County unless it is an extension of that subdivision.

SECTION 14.4.12 HISTORIC PROPERTIES AND NATURAL ASSETS

A. In any subdivision, actions will be taken to safeguard the heritage of the Village by preserving any archaeological site or any property therein, or located on adjacent property thereto, that embodies important elements of its cultural, social, economic, political or architectural history and likewise all due consideration should be given to promoting the use and conservation of such property for the education, pleasure and enrichment of all the residents of the State of North Carolina.

B. The name and location of all historic properties, located within the proposed subdivision or within any contiguous property, shall be clearly identified on both the preliminary and final plats if any such historic property is listed on the U.S. Department of Interior's National Register of Historic Places.

SECTION 14.4.13 TIMING AND INSPECTION OF IMPROVEMENTS

A. **Level Required for Final Plat Approval.** The final plat shall not be approved until and unless the subdivider has installed all improvements in accordance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance.

B. **Final Plat Inspection.** Prior to approval of the final plat, the Village Engineer and Village Planner shall inspect all improvements for conformance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance. The Village Engineer and Village Planner shall have fifteen (15) business days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in accordance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance, or to provide the applicant with a list specifying all defects, deficiencies, and required repairs.

C. **Building Permit.** The Planning and Inspections Department shall issue no Building Permit for development within the subdivision until and unless the subdivider has installed all improvements in accordance with the requirements of this Section and the approved preliminary plat, construction drawings, and with the requirements of this Ordinance, and all such improvements are functional, and the final plat has been recorded for the lot to be built upon.

D. **Improvements Not Required for Final Plat Approval.** A final plat may be approved with outstanding infrastructure if a financial guarantee is provided in accord with *Section 14.4.14. Financial Guarantees*. A financial guarantee may be provided for some remaining infrastructure including sidewalks, paths, greenways, final lift, and landscaping.

SECTION 14.4.14 FINANCIAL GUARANTEES

A. **Guarantee.** In lieu of prior construction of the improvements required by this Ordinance, the sub-divider shall guarantee that such improvements will be carried out according to Village specifications at his/her expense. Additionally, the sub-divider shall submit a schedule for the completion of the remaining infrastructure improvements.

B. **Types of Guarantees.** Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina or certified check drawn in favor of the Village, or cash deposited with the Village, or a letter of credit from a local bank. Such guarantees shall be in an amount of not less than one hundred twenty-five (125) percent of the estimated cost of the construction of the required improvements.

C. **Time Limit.** Improvements must be completed by the developer within five (5) years of the approval of the guarantee. The applicable guarantee shall be renewed at least fifteen (15) days prior to expiration or be self-renewing. Failure to renew the guarantee fifteen (15) days prior to the expiration shall be considered defaulting by the developer. Any renewal of the guarantee shall be done in the same fashion as the original guarantee.

D. **Default by Developer.**

1. Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, the Village may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Village.

2. Upon payment, the Village, in its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.

E. **Release of Guarantee.** The Village Manager, or designee, may release a portion of any security posted as the improvements are completed and recommended for approval by the Village Planner or Village Engineer. Such funds shall be released within thirty (30) days after approval of all improvements by the Village Planner or Village Engineer.

F. **As-Built Drawings Required.** As a condition of release of any guarantee, as-built drawings and plans of all water system, sewer system, streets, sidewalks and storm drainage system facilities shall be prepared by the subdivider and submitted to the Village Engineer and Moore County Utilities at the time of request for Final Plat approval or release of any surety for required improvements, whichever comes later. These plans should show all easements and/or rights-of-way to demonstrate that the required improvements and facilities are properly placed. These drawings need not be placed on the final plat.

G. **Village Attorney Review.** All instruments for the financial guarantee may be referred to the Village Attorney.

H. **Note on Plat.** There shall be language placed on the final plat that states that all of the required improvements have not been installed for the development and that the lots being platted may not be buildable until such time as all required improvements have been made.

CHAPTER 15 DEFINITIONS

SECTION 15.1 USE AND MEANING OF WORDS

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

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

2. The latest edition of Webster's New International Dictionary, unabridged.

SECTION 15.2 DEFINITIONS

Accessory Building. Buildings that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of common accessory structures include but are not limited to: garages and carports. Pole barns and hay sheds qualify as accessory structures where associated with bona fide farms and may or may not be located on the same parcel as the principal structure.

Accessory Structure. Arbors, trellises, pergolas, and storage sheds located on the same parcel as the principal structure and the use of which is incidental to the principal structure.

Accessory Dwelling. A dwelling unit either added within an existing single family detached dwelling or in a separate accessory structure on the same lot as the principal dwelling, or within a commercial building for

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use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation and sleeping.

Accessory Use. A use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.

Act of God. An extraordinary interruption by a natural cause (as a flood or earthquake) of the usual course of events that experience and/or care cannot reasonably foresee or prevent.

Active Frontage. Where retail or restaurant space, lobbies, or building amenities must be located on the ground floor facing the street, encompassing a minimum of sixty percent (60%) of the square footage of the building.

Active Recreation. Recreational features that include equipment and recreation taking place at prescribed places, sites or fields, which allow for the active needs of residents or users of the development in which they serve. Examples of Active Recreation features include playgrounds, swimming pools, athletic fields, and amenity centers.

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure, including porches, and other additions that change the volume/area or building footprint. Additions to existing buildings shall comply with the requirements for new construction.

Administrative Decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards. Also known as ministerial or administrative determinations.

Administrative Hearing. A proceeding to gather facts needed to make an administrative decision.

Adult. A person who has attained the legal age of majority; or eighteen (18) years.

Adult Day Care. A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of residence, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.

Adult Establishment. Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital

areas, or the female breast as listed and defined in NCGS § 14.210.10 (or any successor thereto).

A-frame Sign. A sign with any upright, rigid supporting frame in the form of a triangle with steeply angled sides that is hinged or joined at its top in the shape of the letter "A" forming a triangle which conveys a message. Such A-frame signs do not include human directional signs upon which a sandwich board sign is hung, nor does it include signs which are attached to metal prongs similar to real estate signs.

Agriculture, Livestock. Any use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as rabbits and fish and fur-bearing animals in captivity. This definition is not to include horse farms, as they are listed as a separate use.

Agriculture, Non-Livestock. The use of land for the production of grains, field crops, vegetables, fruits, nuts, and horticulture and floriculture.

Agri-Tourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Alcoholic Beverage Sales Store. The retail sales of liquor, spirits and/or other alcoholic beverages for off-premises consumption as a primary use and owned or operated by the State of North Carolina Alcoholic Beverage Commission.

Alley. A public or private service road which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration. Any change, addition, or modification to a building or structure that does not increase its size or footprint, but may affect its appearance, materials, or internal configuration. This includes changes to architectural details, finishes, or structural components, but excludes routine maintenance or repair that does not affect the design or character of the structure.

Amusements, Indoor. Establishments that provide commercial entertainment activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys.

Amusements, Outdoor. Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water parks.

Animal Hospital. A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals that are admitted for overnight stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.

Annexation Petition. Also known as a voluntary annexation petition. The extension of the Village boundaries by the petition of the owners of real property following the form of petition specified by NCGS § 160A-31.

Antenna. A transmitting and/or receiving device used in telecommunications that radiates or captures radio and/or television signals.

Antenna Collocation. Uses involving the placement of antennas on a vertical projection (including a structure built for communications) that does not require substantial modifications and meets the definition of an “eligible facility” in NCGS § 160D-931.

Antenna, Directional. An antenna or array of antennas designed to concentrate on a radio signal in a particular area.

Antenna, Microwave. A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Antenna, Omnidirectional. An antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.

Antenna, Whip. An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional. Their size varies based upon the frequency and gain for which they are designed.

Apiary. The assembly of one (1) or more colonies of bees at a single location.

Approved. Certified as correct or otherwise meeting the requirements of this Ordinance by a Village official or other authority having jurisdiction.

Aquifer. A water bearing stratum of permeable rock, sand or gravel.

Architect. A professional architect registered by the State of North Carolina.

Area of Shallow Flooding. A designated zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard. The land in the one hundred (100)-year flood plain, as designated by the Federal Emergency Management Agency (FEMA), subject to a one (1) percent or greater chance of flooding in any given year.

Art Gallery. A space for the exhibition or sale of art, usually visual art, including, but not limited to, paintings, photography, and sculpture.

Artisan Workshops. The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building. These typically involve the work of artisans or craftsmen.

As-Built Plan. A set of engineering or site drawings that delineate the specific permitted development as actually constructed.

ATM. Self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Attached Dwelling. A building which contains two or more dwelling units which share one (1) or more common walls fifty (50) percent or more of their length, with each dwelling unit located on a separate lot.

Automotive Repair. The automotive repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Awnings. An architectural projection that provides weather protection, identity and/or decoration, and is wholly supported by the building to which it is attached, and is comprised of a lightweight, rigid, or retractable skeleton over which an approved cover is attached.

Backyard Pens / Coops. The long-term keeping of fowl, rabbits, and other similar small creatures in backyards as an accessory use to existing residential structures.

Banks, Credit Unions, Financial Services. Establishments that engage in financial transactions that create, liquidate, or change ownership of financial instruments. Banks,

credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds. In addition to banks and credit unions, financial services institutions may include credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

Bar/Tavern/Night Club. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Base Flood Elevation (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. If the Base Flood Elevation (BFE) is not specified for a Special Flood Hazard Area, it may be determined through engineering studies conducted by federal, state, or other qualified sources, utilizing FEMA-approved engineering methodologies.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement. That portion of a building that is partly or completely below grade.

Bed. A piece of furniture or built-in fixture used or intended for sleeping or resting, typically found in residential, lodging, or institutional settings. For occupancy calculations, each bed may represent one sleeping space.

Bed and Breakfast Homes. A structure constructed as a single-family dwelling, occupied by the owner, in which rooms are rented for lodging of transient guests for compensation and where no meals other than breakfasts are served.

Beekeeping. The rearing and breeding of honeybees.

Berm. Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

Best Management Practices (BMP). Structural or non-structural measures or techniques used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Bicycle Rack. A facility for short-term or long-term bicycle parking.

Billiard/Pool Hall. Any place where the primary use is one (1) or more billiard or pool tables, operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit. This shall not exclude other permitted uses from having no more than two (2) billiard or pool tables as an accessory use.

Block. A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the Village of Pinehurst or its extraterritorial zoning jurisdiction or any combination of the above.

Boarding or Rooming House. Short or long-term accommodation that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodation, or single room occupancy units that provide a number of related services including but not limited to housekeeping, meals, and laundry services.

Bona Fide Farm Purposes. Includes the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry; horse rearing, feeding, training, caring, boarding and management; and all other forms of agriculture as defined in NCGS § 106-581.1 and all other purposes described in NCGS § 160D-903.

Boutique Shop. A small shop or store that sells specialized goods, including such items as gifts, fashionable clothes, accessories, or food.

Broadcasting Studio. A programming origination studio for a television station, radio station or cable television provider.

Buffer Yard. A landscaped or vegetated area intended to partially obstruct the view of adjacent land uses or properties from one another and are classified and measured as follows.

A. Front is equal to the depth of the front yard setback of the zoning district extended to the side property lines.

B. Rear is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.

C. Side is equal to the width of the side yard setback from where it intersects both the front and the rear yard.

D. Side Street is equal to the width of the side street setback from where it intersects both the front and rear yard.

Building. Any structure used or intended for supporting or sheltering any occupancy, storage or use.

Building Envelope. An area of land upon which a principal and/or an accessory building may be erected as defined by the building setbacks on a lot of record.

Building Floor Area. The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.

Building Footprint. The portion of a lot's area, which is enclosed by the foundations of buildings, plus any cantilevered upper floors.

Building Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

Building Inspector. An officer or other designated authority charged with the administration of the State Building Code and other duties described within this Ordinance.

Building Permit. A permit that allows the commencement of construction of a structure or building, after being issued by the Planning and Inspections Department pursuant to Chapter 3 of this Ordinance and the State Building Code.

Building Setback Line(s). Lines parallel to and inside of the lot lines, at the setback distances prescribed by this Ordinance.

Building Setback. The minimum distance from the property line to the farthest projection of the exterior face of buildings, walls or any other form of construction (i.e. decks, landings, terraces, porches and patios on grade).

Built-Upon Area (BUA). Per NCGS § 143-214.7D, impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. None of the following surfaces shall be considered “built-upon area”: a slatted deck, water area of a swimming pool, a surface of number 57 stone laid at least four inches thick over a geotextile fabric, a trail that is either unpaved or paved as long as the pavement is porous, landscaping material, artificial turf. ~~That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation~~

~~facilities such as tennis courts. "Built-upon Area" does not include a wooden slatted deck or the water area of a swimming pool.~~

Bulkhead. A vertical wall structure designed to retain shoreline material.

Business Support Services. Establishments that provide any of the following. document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, tax preparation, legal services and office product sales.

Caliper Measurement. Caliper measurement of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four (4) inches, the caliper should be measured at twelve (12) inches above the ground.

Canopy Tree. A large-growing, shade-producing tree with an expected mature height of 40 feet or greater and spread at maturity of 30 feet or greater.

Canopy. An architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and by at least one support at the outer end.

Cemetery. Land used or intended to be used for the burial of pets or of the human dead and dedicated for cemetery purposes, including mausoleums and columbariums.

Certificate of Occupancy. A document issued by the Village of Pinehurst at the conclusion of all work done under all permits following inspections by the appropriate inspector, showing that all completed work complies with the applicable state and local laws and the terms of all permits. No new building or part thereof may be occupied, and no existing building that has been altered or moved may be occupied until the Planning and Inspections Department has issued a valid Certificate of Occupancy.

Child/Adult Day Care. An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate children or adults based on state regulations; not an accessory to residential use.

Civic/Cultural Facilities. Facilities designed to serve the community by promoting cultural advancement. Such facilities may include live theater, dance, or music

establishments; art galleries, studios, and museums; ~~museums,~~ exhibitions, or similar facilities; libraries, auditoriums, conference facilities, and convention centers.

Civil Penalty. A monetary fine imposed for violations of the ordinance, assessed at $500 per day for each day the violation continues. This penalty may be recovered by the Village of Pinehurst through a civil action in the nature of debt if the offender does not pay within the prescribed time after being cited.

Clinic. Any building or portion thereof, the principal use of which is for offices of one (1) or more licensed physicians, ophthalmologists, dentists, physical or occupational therapists, psychologists, or the like for the examination and treatment of persons on an out-patient basis only and ambulatory/outpatient care facilities. See also medical laboratory and medical office.

Clubs and Lodges, Civic or Fraternal. Private not-for-profit social or civil associations, corporations, or other entities consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state, regional and national officials of that organization.

Clustered Dwelling. A housing development technique that concentrates dwellings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Cluster Mailbox Unit. A freestanding, pedestal-mounted mailbox that consists of multiple mailbox compartments and parcel lockers that can lock individually.

Columbarium. A structure of vaults for the placement of cremation urns in a cemetery.

Column. A rigid, relatively slender, upright support, composed of relatively few pieces, a decorative pillar, most often composed of stone and typically having a cylindrical or polygonal shaft with a capital and usually a base.

Commercial Vehicles. Vehicles for hire or used for business as described below:

A. A~~a~~ large vehicle designed for off-road usage such as a bulldozer, front-end loader, and similar construction equipment;

B. A vehicle designed to transport sixteen (16) or more passengers; or

C. A vehicle equipped with external modifications designed to be used in trade including, but not limited to, externally-mounted tools, machinery, equipment, tool, or equipment racks.

Community Center. Structures and/or facilities which accommodate gatherings, indoor/outdoor cooking, picnicking, recreation, and administration of homeowner associations, neighborhood groups, or other people having permission to use such facilities.

Community Park. A relatively large park owned by the Village of Pinehurst or Moore County providing a wide variety of active and passive uses to the entire Village.

Community Shared Facilities. Facilities designed to serve as amenities for residential neighborhoods. Such facilities are typically operated by homeowner's associations or similar groups and provide recreational space within the context of that residential neighborhood.

Community Support Facility. A non-profit or government facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

Comprehensive Plan. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the Village of Pinehurst.

Concealed Wireless Telecommunications Facility. A structure that is fabricated in a manner that aesthetically masks its appearance as a communications facility that is installed within or on an existing structure. Examples include church steeples, bell towers, light standards, signs, utility poles, flag poles, building facades, water tanks, silos, and other structures which conceal telecommunications antennas and equipment from visibility. A communications tower shall not be considered a concealed wireless telecommunications facility.

Conditional Zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such property. (see also the North Carolina Unit Ownership Act (NCGS Chapter 47A) and/or the North Carolina Condominium Act (NCGS Chapter 47C).

Conference/Convention Center. A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

Contiguous. Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a railroad or public utility right-of-way.

Corner Lot. A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. The building's orientation, driveway and entrance should align with this primary front yard but may also be allowed on the other street-facing side. Additional side yard setbacks might be needed for corner lots.

Country Club. Land area and buildings containing golf courses, recreational facilities, a clubhouse and customary accessory uses; open only to members and their guests for common purposes of a social and athletic nature.

Covered Entry. A covered platform, covered with eave overhang, pediment, or roof over the main entrance.

Crematoria. Establishments for the preparation of the dead through cremation in a furnace. This definition includes crematoria for the internment of animal remains.

Critical Root Zone. A circular area surrounding a tree, of which the center is the center of the tree trunk, and the radius is the distance from the outside of the trunk to any point twelve (12) times the diameter at breast height (DBH), which points constitute the circumference of the critical root zone. The critical root zone shall extend to a depth of five (5) feet below surface ground level.

Cul-de-sac. A street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround.

Cutoff Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at cutoff angle that is less than ninety (90) degrees.

Cutoff Angle. Formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff Light. An artificial outdoor lighting fixture designed to ensure that no light is directly omitted above a horizontal line parallel to the ground.

DBH - Diameter at Breast Height. The total cross-sectional diameter of the trunk or trunks of a tree measured four and one half (4½) feet from the ground at the center of the tree.

Deck. An exterior floor supported on at least two opposing sides by an adjacent structure and/or posts, piers or other independent supports.

Declaration. Any instruments, however denominated, that create a Planned Community Neighborhood and any amendments to those instruments.

Dedication. A transfer by the owner of ~~his~~ property to the Village. Such dedication shall be made by written instrument and is deemed complete only with acceptance by the Village Council plus the recording of each written acceptance by the Village Council plus the recording of each with the Moore County Register of Deeds. Dedications may be made for streets, recreation areas, parks, greenways, utility easements, etc.

Demolition. The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the façade or any significant exterior architectural features which are integral to the character of the resource, for whatever purpose, including new construction or reconstruction.

Density. The number of dwelling units per acre determined by dividing the total number of dwelling units located on a development site by the gross area

Design Alternative. A proposed variation from the standard design or development requirements outlined in the Ordinance, intended to achieve the same or better level of quality, functionality, or aesthetic compatibility. Design alternatives may be considered when strict adherence to the Ordinance would result in unnecessary hardship or when an innovative approach can meet the intent of the regulation. Approval of a design alternative typically requires review by the Village Planner or designee to ensure it aligns with the goals of the Comprehensive Plan and maintains the character of the community.

Detached Townhome. A dwelling unit or units conforming to the townhome development standards as stated in this Ordinance but physically located on separate lots.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. Unless the context clearly indicates otherwise, the term means any of the following:

A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

B. The excavation, grading, filling, clearing, or alteration of land.

C. The subdivision of land as defined in NCGS § 160D-802.

D. The initiation or substantial change in the use of land or the intensity of use of land.

Development Agreement. A written agreement between the Village and a developer or applicant that sets down the rights and responsibilities of each party as pertaining to a single development.

Development Approval. A written, administrative, or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, building permits and development agreements.

Development Floor Area. The total building floor area of any construction projects simultaneously developed by a single developer.

Development Permit. A permit issued by the Planning and Inspections Department that authorizes the commencement of development provided all of the other necessary permits have been obtained.

Discharge Point. That point at which stormwater runoff leaves a tract of land in a concentrated flow pattern.

Disposal. As defined in NCGS § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

District. A mapped area, (otherwise known as a "zoning district"), to which a uniform set of regulations applies as established by this Ordinance.

Dock. A platform constructed beyond the shoreline to which boats may be secured.

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, hospital or other similar public, semi-public use.

Drainageway. A natural or artificial stream, closed conduit, or depression that carries surface water.

Drive-Through/Drive-In Facility. A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include automated teller machines (ATM'S), gas stations or other vehicle services, which are separately defined.

Driveway. A vehicle driving surface providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dry Cleaning & Laundry Services. Coin-operated laundry, dry cleaning pick-up stores without dry cleaning equipment, or dry-cleaning stores that do not provide cleaning services to other collection stations or stores.

Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more people, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling. A building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Accessory. A dwelling unit either detached or attached, such as a garage apartment or cottage located on a lot with an existing single-family dwelling.

Dwelling, Mixed-Use. A dwelling within a mixed-use development and/or structure.

Dwelling, Multifamily. A building or portion thereof containing three (3) or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule.

Dwelling, Single Family. A free-standing building designed for and/or occupied for living purposes. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with North Carolina State Building Code.

Dwelling, Two Family. A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.

Easement. A grant by a property owner to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines, streets or greenway trails. Such grant shall be recorded with the Moore County Register of Deeds by an appropriate instrument.

Eave. The lower edge of a roof extending beyond the exterior wall.

Effective Radiated Power (ERP). The product of the antenna power input and the numerically equal antenna power gain.

Elevated Building. A non-basement building

A. Built, in the case of a building in flood zones A1-30, AE, A, A99, AO, AH, B, C, or X to have the top of the elevated floor, above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water, and;

B. Adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of flood zones A1-30, AE, A, A99, AO, AH, B, C, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the movement of flood waters.

Emergency Services Facilities. Any building or group of buildings housing a police department, fire department, emergency medical services (EMS) or rescue squad.

Encroachment. The extension or placement of any building, structure, or improvement into a required setback, easement, or public right-of-way beyond the limits permitted by the Ordinance.

Engineer. A professional engineer registered by the State of North Carolina.

Engineering Standards. The standards and specifications contained in the Village of Pinehurst Engineering Standards and Specifications Manual (ESSM).

Erosion. The wearing away of land surfaces by the action of wind, gravity, water, or any combination thereof.

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

Exempt Subdivision. All divisions of a tract or parcel which conform to either of the following criteria.

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

C. The public acquisition ~~of~~ or purchase of strips of land for the widening or opening of streets;

D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

E. The division of a tract into plots or lots used as a cemetery.

Existing Building. Any building or structure erected prior to the adoption of this Ordinance, or one for which a valid building permit has been issued.

Existing Development. Includes those projects meeting at least one (1) of the following criteria for the purposes of the Watershed Protection Overlay Zoning District only:

A. Having a current building permit used by the Village; or

B. Having an approved site-specific development plan issued by the Village as authorized by NCGS § 160A-385.1.

C. Conforming single-family lots of record, which received final plat approval before July 1, 1993. (the date of mandatory compliance with the NCGS).

Extraterritorial Jurisdiction (ETJ). The unincorporated territory surrounding Pinehurst in which the provisions of this Ordinance apply and described on the Village's Zoning Map.

Façade. The exterior elevation of a building.

Family Care Home (6 or fewer residents). A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six (6) resident handicapped persons and is certified by the State of North Carolina. (NCGS Ch. 168, Article 3)

Farm. A plot of land used for the raising of crops, livestock, or other plants and animals, including orchards, vineyards and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities.

Farmers' Markets. A temporary sales establishment operated primarily in the open air, for the distribution of horticulture or agricultural products including, but not limited to vegetables, fruits, meats, eggs, dairy products, grains, prepared foods, Christmas trees and greens, flowers, and similar products.

Farming, Animal Production. A property used primarily for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, and all other forms of agriculture, excluding commercial poultry and swine production. Industries in the animal production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

Fascia. A flat, horizontal board below roof eave.

Fence. A structure eighteen (18) inches or taller used to delineate a boundary or as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

Finished Grade. The grade after construction, exclusive of any filling, berms, mounding, or excavating.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope.

Flood Boundary and Floodway Map (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Fringe. That part of an area of special flood hazard that is not located in the floodway.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), if published.

Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Zone. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain Management Regulations. This Ordinance and development regulations, building codes, health regulations, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain or Flood Prone Area. Any land area susceptible to being inundated by water from any source.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway. The channel of a river, stream, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot.

Floor Area Ratio. Floor Area Ratio (FAR). Non-Residential Development ("Intensity") is measured in Floor Area Ratio (FAR). FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located. For example, a 5,000-square foot building on a 10,000 square foot lot equals an FAR of 0.5.

Floor Area. The gross total horizontal area of 1) all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings; 2) the centerlines of a party wall separating such buildings or portions thereof; 3) within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls. However, this definition excludes the case of non-residential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public, and which are not designed or used as areas for sales, display, storage, service, or production.

Floor. The level base of a room; the lower inside surface of a building; the horizontal structure dividing a building into stories.

Florist. A retail business, which sells flowers and ornamental plants, other decorative items, and plant materials for temporary or interior uses.

Flush Mounted Solar Panel. A solar panel that is attached to the roof of a structure on the same plane as the roof and not projecting more than six and one-half (6.5) inches from the roof plane.

Footcandle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. One footcandle is equal to one lumen per square foot.

Franchise Architecture. A building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

Freeboard. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The base flood elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.

Front Yard. A yard across the full width of the lot, extending from the farthest projection of the structure including but not limited to steps, eaves, porches, terraces or patios (excluding, however, steps and overhangs permitted to project into the yard) to the front property and/or right-of-way line.

Frontage. All of the real property abutting a street line measured along the street line.

Fueling Station. An establishment that primarily retails automotive fuels. These establishments shall not provide services such as automotive maintenance repair. Fueling stations include structures that are specialized for selling fuel with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the fueling station.

Funeral Homes. a commercial establishment for preparing the dead for burial or interment, including cremation, and conducting memorial services and funerals (i.e. providing facilities for wakes, arranging transportation for the deceased and selling caskets and related merchandise).

Gable roof. A double sloping roof with a ridge and gables at each end.

Gambrel roof. A double sloped barn-like roof.

Garden (Community and Private). An outdoor area for the small-scale production of vegetables and flowering plants for personal or communal use. This definition does not include crop production and nurseries.

Garden Center. A retail outlet primarily engaged in the sale of crops, plants, vines, or trees and their seeds, but not including the production of such plants on site. Such uses may be a part of larger general commercial uses or may stand alone as individual facilities.

Gateway Sign. A monument or pylon-style sign marking the entrance to a district, campus, neighborhood, or municipality.

General Retail. An establishment engaged in the sale of goods, merchandise, or consumer products directly to the general public for personal or household use. General retail includes, but is not limited to, stores selling clothing, electronics, books, home goods, sporting equipment, and similar items. This use typically occurs within an enclosed building and may include ancillary services such as product repair or customization.

Geothermal Heating and Cooling Closed Loop System. A closed loop system is a system that circulates a water-based solution through a "loop" of small diameter,

underground pipes. The system consists of an indoor unit and a buried earth loop. In the winter, fluid circulating through the system's earth loop absorbs stored heat and carries it indoors. The indoor unit compresses the heat to a higher temperature and distributes it throughout the building. In the summer, the system reverses, pulling heat from the building, carrying it through the earth loop and depositing it in the cooler earth.

Glare. The effect of brightness in the field of view that causes annoyance or discomfort or interference with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Glazing. The portion of an exterior building surface occupied by glass or windows. Also referred to as transparency.

Golf Course. A course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as principal or accessory use, nor shall it include driving ranges, which are not accessory to a golf course.

Golf Driving Range. A facility for driving golf balls not otherwise associated with a golf course.

Government. Any agency, office bureau or corporation licensed by any duly authorized authority of the United States, the State of North Carolina, Moore County, any regional government, or the Village of Pinehurst.

Grade Plane. A reference plane representing the average of the finished ground level adjoining the building at exterior walls.

Greenway. A linear open space, either privately-owned or owned by the Village or another unit of government, which may contain a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.

Gross Density. The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, considering the entire area of that tract or parcel.

Groundcover. Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Ground Sign. A freestanding sign that is permanently affixed to the ground, typically supported by one or more poles or a solid base, and not attached to any building.

Ground signs are used to identify businesses, institutions, or facilities and are subject to specific dimensional, illumination, and landscaping standards depending on the zoning district and use.

Halfway Homes. A place where people are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

Handicapped Person. A person with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS § 122C-3(11)b.

Hazardous Material. Any substance listed as such in: SARA section 302, extremely hazardous substances, CERCLA hazardous substances, or section 311 of CWA (oil and hazardous substances).

Hazardous Waste Facility. As defined in NCGS Chapter 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heated Square Feet. Heated square feet of a dwelling unit is space that is intended for occupancy that is heated by a conventional heating system or systems that are permanently installed.

Heavy Equipment/Manufactured Home Rental/Sales. Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Hip Roof. A roof with slopes in the direction of each elevation, commonly with roof slopes in four (4) directions.

Historic Structure. Any structure that is:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register;

B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district;

C. Individually listed on the North Carolina Inventory of Historic Places;

D. Individually listed on a Moore County, Pinehurst or other local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program as determined by the Secretary of Interior; or Directly by the Secretary of Interior in states without approved programs.

Holiday Decorations/Display. Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature and which contain no advertising material.

Home Occupation. An occupation or profession conducted within a dwelling unit or accessory structure by a resident that is incidental to the primary use of the dwelling as a residence. For the purposes of this Ordinance telecommuting or working from home on an irregular basis shall not constitute the establishment of a home occupation.

Homestay. The rental of a habitable room or rooms within a dwelling unit or attached accessory dwelling unit made available by short-term lease or other financial consideration for a period of less than 30 consecutive days while the full-time resident resides on-site during the duration of the rental period.

Horse Farm & Training Track. A property used for the breeding, training, and stabling and care of horses. Such facilities provide services such as riding lessons, dressage instruction, hiring of horses for riding, stud services, and temporary or permanent boarding of horses. Other than horses, these facilities do not produce or sell any agricultural products.

Hospice Care Campus. A freestanding licensed hospice facility or facilities which provide palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of terminally ill patients and their families in a group residential or inpatient setting. Said facility or facilities will be under the supervision of an identifiable hospice administration as defined by the NCGS. Incudes associated buildings directly providing support to the campus and hospice services by a hospice team or interdisciplinary team, as well as temporary residential accommodations for the hospice patients' families.

Hospice Patient. A patient diagnosed as terminally ill by a physician licensed to practice medicine in North Carolina, who the physician anticipates having a life expectancy of weeks or months, generally not to exceed six months, and who alone, or in conjunction with designated family members, has voluntarily requested and been accepted into a licensed hospice program.

Hospice Patient's Family. The hospice patient's immediate kin, including a spouse, brother, sister, child, or parent. Other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement among the hospice patient, the relation or individual and the hospice team.

Hospice Services. The provision of palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital. A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. The facility must be licensed by the North Carolina Division of Facility Services (DFS) as a hospital (general or psychiatric). Hospitals include ancillary facilities such as clinical laboratories, outpatient facilities, training facilities, and staff offices.

Hotel. Establishments providing lodging and short-term accommodation for travelers. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are also included in this category. This definition also includes "inns."

Hot Tub/Spa. A structure usually large enough to accommodate several people that is filled with hot aerated water used for recreation or physical therapy and is often placed outside of doors such as on a porch or deck.

Ice Vending. A free-standing structure designed for the sale and production of ice.

Illegal Sign. Any sign erected, maintained altered, removed, or replaced in violation of this Ordinance, or any amendments hereto.

Impervious Surface. Per NCGS § 143-214.7D, a~~A~~ny material which reduces and prevents ~~absorption of storm water into previously undeveloped land~~water from infiltrating through the surface and into the subsoil. ~~This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc.~~ None of the following surfaces shall be considered “impervious surface”: a slatted deck, water area of a swimming pool, a surface of number 57 stone laid at least four inches thick over a geotextile fabric, a trail that is either unpaved or paved as long as the pavement is porous, landscaping

material, artificial turf.~~Items not considered to be "impervious" include the water area of a swimming pool and wooden slatted decks.~~

Industry. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials, such as lubricating oils, plastics, resins or liquors. This includes medical and testing laboratories, facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundry.

Industry, Heavy. Any non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge, any facility which manages or disposes of hazardous or nonhazardous solid waste, or any use that involves the use or storage of any hazardous materials or substances used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically, the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated twenty-four (24) hours a day, seven (7) days a week).

Injection Wells. Any excavation that is cored, bored, drilled, jetted dug or otherwise constructed, whose depth is greater than its largest surface dimension and which is used or intended to be used, for the injection of fluids or solids into the subsurface or groundwater.

Integral Solar Panel. A form of roofing in which solar cells are integrated into the roofing material.

Interior/Inside Lot. A lot bounded by a street on only one side. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.

Internet Sweepstakes Facilities. Any business enterprise where people utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

Irrigation Wells. Wells constructed for irrigation only and not for human consumption.

Jurisdictional Stream. A stream or other waterbody that meets the definition of "waters of the United States" or "waters of the State," and is thus subject to the jurisdiction of the US Army Corps of Engineers or the NC Department of Environmental Quality.

Kennels, Indoor. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale. Also includes the training or overnight boarding of animals for people other than the owner of the lot. Does not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. Animals are kept predominately indoors.

Kennels, Outdoor. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale. Also includes the training or overnight boarding of animals for people other than the owner of the lot. Does not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. Animals are kept predominantly outdoors.

Land Disturbing Activity. Refers to an activity on a property that results in a change to the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, clearing, grading, filling, and excavation.

Landfill / Waste Recovery Facilities. A disposal or salvage facility for hazardous or nonhazardous solid waste, scrap metal, vehicles and other scrap materials. This includes recycling and resource recovery facilities that separate and sort recyclable material from waste streams and/or sort commingled recyclable materials, such as paper, plastics, used beverage cans, and metals into distinct categories. This definition is not intended to be inclusive of outdoor storage yards, beneficial fill activities or landfills classified as land clearing and inert debris (LCID) facilities operated in association with an active building permit on the same or adjacent parcel.

Landscape Architect. A professional landscape architect registered by the State of North Carolina.

Landscape Plan. A plan identifying existing landscape elements, proposed changes, and protection measures to be used to aid the survival of such landscape elements as set forth in this Ordinance.

Landscape Screen. A method of visually obscuring one abutting structure or use from another by fencing, walls, berms, or densely planted vegetation.

Landscaped Area. A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns and plantings.

Large Trees. Deciduous or evergreen trees with a mature height and spread of thirty (30) feet or greater.

Legislative Decision. The adoption, amendment, or repeal of a regulation in this Ordinance. This term also includes the decision to approve, amend, or rescind a development agreement.

Legislative Hearing. A hearing to solicit public comment on a proposed legislative decision.

Live-Work Units. An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted). Live-work units exist as variations of either the detached house building type or the townhome building type and shall be subject to their applicable requirements.

Local Bank. Any bank, savings and loan association, or trust company with a physical branch located in the State of North Carolina and within a one hundred (100) miles radius of the Village of Pinehurst.

Lodging Unit. A furnished room of a minimum of two hundred (200) square feet that includes sanitary facilities, and that may include limited kitchen facilities.

Lot Coverage. Determined by dividing that area of the lot that is occupied or covered by the total horizontally projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth. The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

Lot Front. In the case of an interior or corner lot, the house frontage lot line along the street right-of- way.

Lot Length. The distance between the front and rear property lines measured along a line midway between the side property lines.

Lot Lines. A line forming a boundary of a lot. Where a lot of record includes a right(s)-of-way, the lot lines shall not extend into the right(s)-of-way.

Lot of Record (existing lot). A lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance; a plat of which has been recorded by the owner in the office of the Moore County Register of Deeds; or a lot described by metes and bounds, the description of which has been recorded by the owner in the office of the Moore County Register of Deeds.

Lot Width. The straight-line distance between the points where the building setback line intersects the two (2) side lot lines.

Lot. A parcel of land in undivided ownership occupied or intended for occupancy by a building together with its accessory buildings including the open space required under this Ordinance.

Lot, Flag. A lot with minimal frontage on a public street where access to the public street is by a narrow private driveway.

Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Lumen. A unit of measure of the quantity of light that falls on an area of one (1) square foot, every point of which is one foot from the source of one (1) candela.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Major Site Plan. A site plan which is submitted to the Village Council for approval pursuant to this Ordinance and meets the requirements of this Ordinance in which three (3) or more acres of land is disturbed.

Major Subdivision. Any subdivision other than an exempt or minor subdivision.

Mansard Roof. A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Manufactured Home Park. The location of two (2) or more manufactured or mobile homes on a parcel of land, for rent or sale, shall constitute a manufactured home park.

Manufactured Home. A structure that: (1) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (2) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (3) is over forty (40) feet long and over ten (10) feet wide; and, (4) is originally designed for human occupancy and provides complete, independent living facilities for one (1) family when connected to required utilities.

Master Association. A nonprofit organization established pursuant to NCGS § 47F-3-101, or 47C-3-101, by Declaration, or its common law equivalent, or other nonprofit organization formed prior to the NC Planned Community Act and referenced in a Declaration with powers to enforce, adopt and amend the bylaws, rules, and regulations pursuant to NCGS § 47F-3-102 or 47C-3-102, or and by Declaration, or other governing documents, is responsible to maintain or provide for maintenance of all common property and management of all Neighborhood Lodging Accommodations within the Planned Community Neighborhood.

Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

Medical Clinic. Facilities that provide outpatient ambulatory or outpatient healthcare such as emergency medical clinics, ambulatory surgical centers, dialysis centers, outpatient family planning services, community health centers and clinics and blood and organ banks; and shall include general practice medicine, dental offices and medical specialists.

Medical Dormitory. Facilities with a primary purpose to temporarily provide rooms for medical students in training, medical staff, or visitors of patients at an acute care hospital, and outpatients under treatment.

Medical Laboratory. A facility (not associated with another institution or business) to receive and process blood, body fluids and tissue samples for the purpose of providing test results primarily for medical offices and hospitals.

Medical Office. A use or building where medical treatment, consultation and/or analysis is conducted, and which does not primarily involve the sale or transfer of goods by the medical business to the customer at that location. This includes but is not limited to dental offices, mental health offices, and medical offices.

Metes and Bounds. A means of describing the location of land by defining boundaries in terms of directions (courses) and distances from one (1) or more specified points of reference.

Minor Site Plan. A site plan that is submitted to the Village Planner for approval pursuant to this Ordinance and that meets the requirements of this Ordinance.

Minor Subdivision. A subdivision of land not meeting the Exempt Subdivision requirements which does not involve any of the following:

A. Creation of more than five (5) lots from any one tract of land (as the tract existed on October 23, 1995) whether such lots are created at one (1) time or over a period of ten (10) years, thereafter;

B. Dedication or improvement of any new street other than widening approved existing streets.

Minor Watershed Variance. For the purposes of the watershed protection overlay district only, a minor variance is any variance that does not qualify as a major variance.

Mixed Use Development. The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact physical form.

Model Sales Home. A permanent building which is typical of the dwellings in the residential development in which it is located, and which is temporarily used for the purpose of display and sales associated with that residential property but intended for ultimate use as a residential dwelling unit.

Modification. A change or adjustment to an existing development, structure, site plan, or ordinance provision that does not constitute a complete replacement or new development.

Modular Structure. A factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection. Such structure must meet all requirements of the North Carolina Uniform Residential Building Code and must have attached a North Carolina validating stamp.

Mooring Buoy. A floating object anchored to the lakebed to which boats or floats/rafts may be secured.

Multi-Family Development. One (1) or more buildings containing multi-family dwellings located on a single property.

Multi-Family Dwelling. A dwelling, or combination of dwellings, or portion of a building on a single lot used for the purpose of providing three (3) or more dwelling units that may share means of ingress and egress.

Municipal Public Service Facility. Any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor equipment and material storage, under shed vehicle/equipment storage, yard debris piles, fuel tanks and associated pumps, radio antennae, vehicle wash bays, recycling storage, heavy and light vehicle parking, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst.

Municipal Recycling Collection Stations. A Village of Pinehurst operated center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

Muted Color. A color that has tinted, subdued shades or hues that are not bright or reflective.

National Geodetic Vertical Datum (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

National Flood Insurance Program. A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas within a community that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.

Natural Erosion. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Natural Watercourse. any stream, river, swamp, canal, or other waterway in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

Neighborhood Lodging Accommodation (NLA). is the lodging use of a Dwelling Unit within a Planned Community Neighborhood where the Dwelling Unit is leased, offered or made available by short term lease or other financial consideration for a time period or lease term of less than 30 consecutive days which use is permitted or not prohibited

through Declaration or other governing documents and is authorized and managed through the Master Association of the Planned Community Neighborhood.

Net Density. The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, not considering the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include but are not limited to street rights-of-way, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers, buffers and recreational and open spaces.

New Construction. Any construction of a new structure, building or dwelling unit other than "substantial improvement" or an addition, repair or renovation to an existing structure or building.

Nonconforming Lot. A lot that met all legal requirements when it was platted or otherwise recorded, but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

Nonconforming Sign. Any sign that met all legal requirements when constructed but that does not comply with this Ordinance or a subsequent amendment hereto. An illegal sign is not a non-conforming sign.

Nonconforming Structure. A building or structure that met all legal requirements when constructed but which does not comply with this Ordinance or a subsequent amendment hereto.

Nonconforming Use. Any legally existing use that met all legal requirements when it was first established, which fails to comply with the provisions of this Ordinance or a subsequent amendment hereto.

Nonconformity. Any use, building, structure, or lot which was lawful at the time it was constructed or established but which fails to comply with one (1) or more of the applicable regulations or standards of this Ordinance or a subsequent amendment hereto.

Non-Cutoff Light. An artificial outdoor lighting fixture designed to allow light to be directly emitted in all directions.

Non-Residential. Used or intended for purposes other than as a dwelling unit.

Non-Residential Development. Any construction, expansion, or redevelopment of land or structures intended for uses other than single-family or multi-family residential purposes. Can include commercial, industrial, institutional, recreational, and governmental uses.

Nursery. A retail or wholesale enterprise, which grows trees, shrubs, vines and other plants for sale or distribution.

Nursing Home Dwelling Unit. A room or other portion of a nursing home intended for no more than two (2) people.

Nursing Home. A facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more people unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients who, on admission, are not acutely ill as a rule and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities and obstetrical facilities. A "nursing home" provides care for people who have remedial ailments or other ailments, for which medical and nursing care are indicated, who, however, are not sick enough to require general hospital care. Nursing care is the primary need, but they require continuing medical supervision. (NCGS § 131E-101(6)). They include the following:

A. **Adult Care Home.** An assisted living residence in which the housing management provides twenty-four (24) hour scheduled and unscheduled personal care services to two (2) or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to people with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Designated, trained staff may administer medication in an adult care home. Adult care homes that provide care to two (2) to six (6) unrelated residents are commonly called family care homes. (NCGS § 131D-2 (a) (1b), 8/30/04);

B. **Assisted Living Residence.** Any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agencies. The department may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes

subject to provisions of NCGS § 131E-102. Effective October 1, 1995, there are two (2) types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services. (NCGS § 131D-2 (a)(1d), 8/30/04);

C. **Continuing Care Retirement Community.** A building or group of buildings which provides individuals lodging together with nursing services, medical services, or other health related services, pursuant to an agreement effective for the life of the individual(s), or for a period in excess of one (1) year. Care must be provided by people who are not related by blood, marriage, or adoption of the individuals who are residents/patients;

D. **Hospice.** Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. A Hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families that are experienced during the final stages of terminal illness and during dying and bereavement;

E. **Hospice Inpatient Facility.** A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill;

F. **Hospice Residential Care Facility.** A freestanding licensed hospice facility which provides palliative and supportive medical and other services to meet the physical, psychological, social, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting;

G. **Intermediate Care Facility for the Mentally Retarded**. Facilities licensed pursuant to Article 2 of Chapter 122C of NCGS for the purpose of providing health and rehabilitative services based on the developmental model and principles of normalization for people with mental retardation, autism, cerebral palsy, epilepsy or related conditions;

H. **Multi-Unit Independent Housing with Services.** An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement that makes personal care services accessible and available through at least one (1) licensed home care or hospice agency. The residents have a choice of any provider, and the

housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not need twenty-four (24)-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the division of facility services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

1. Emergency response system;
2. Charges for services offered;
3. Limitations of tenancy;
4. Limitations of services;
5. Resident responsibilities;
6. Financial/legal relationship between housing management and home care or hospice agencies;
7. A listing of all home care or hospice agencies and other community services in the area;
8. An appeals process; and
9. Procedures for required initial and annual resident screening and referrals for services. Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the NCGS, are exempt from the regulatory requirements for multi-unit assisted housing with services programs. (NCGS § 131D-2(a)(7a) 8/30/04);
10. Respite care, institutional. provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time. The insured receives care for the respite period in an institutional setting, such as a nursing home, family care home, rest home, or other appropriate setting;
11. Respite care, non-institutional. provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the

tasks of that person for a limited period of time in the home of the insured or other appropriate community location.

Nonconforming Use Certificate. A Nonconforming Use Certificate is an official acknowledgment of a legal nonconformity by the Village of Pinehurst based on documentation provided proving the existence of the legal nonconformity. A Nonconforming Use Certificate acknowledges that the nonconformity is officially recognized at the time of issuance and may only continue to exist as such so long as it is not discontinued, enlarged, extended or intensified as governed by this ordinance.

Office. A use or building where business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This includes but is not limited to general business offices, government offices, insurance offices, law offices, and real estate sales and management offices.

Official Maps or Ordinances. Any maps or ordinances officially adopted by the Village Council as a guide to or for required standards of development.

Off-Site Sign. Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional, or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

Off-Street Parking Space. A space which is designed for the parking or temporary storage of one (1) vehicle and is located outside of a dedicated street right-of-way.

Open Space. Any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, greenways and tennis courts. This term includes land under an obligation to keep such land free from development except for recreational facilities for a stated period of time. Such land may be conveyed to a homeowner's association with responsibility for maintenance or be publicly owned. Areas used primarily for stormwater retention/detention shall not be considered open space.

Outparcel. A lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.

Outside Sales. The retail sale of goods and products outside of a permanent structure that are clearly secondary to the function contained in that structure. This includes but is

not limited to landscape materials, lawn and garden supplies, and produce. This definition is not intended to include the specific use category of automobile sales or nurseries and garden centers.

Overlay District. A district which applies supplementary or replacement regulations to land which is classified into a General Use District or Conditional Use District.

Owner. Any person, agent, firm, partnership or corporation having a legal or equitable interest in property.

Park. Land owned by the Village of Pinehurst, which is used or intended to be used for public recreation, including both active and/or passive recreation.

Parking Area. A designated area operated as the principal use of a property either as commercial use or an accessory use for adjacent property.

Parking Lot, Principal Use. A stand-alone parking lot that is available for public or private use, but that is not accessory to another use.

Parking Structure. An above ground or subsurface parking deck or garage.

Passive Recreation. Recreational features that do not require prepared facilities such as sports fields or pavilions and require minimal disruption to a site. Examples of Passive Recreation features include trails, boardwalks, and seating areas.

Patio Dwelling. A multiple of not more than six (6) single-family dwellings connected on not more than two (2) sides by common walls.

Pawnshops. Premises operated by a pawnbroker (established by NCGS) who is engaged in the business of lending money to the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

Pedestal Signs. A sign not permanently affixed to the ground or building, constructed on a stand allowing it to be self-supporting and portable.

Pedestrian Path. A cleared way for pedestrians or bicycles that may or may not be paved or otherwise improved.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind.

Permit. An official document or certificate issued by the village or an official thereof, authorizing performance of a specified activity or granting a particular right, use or duty.

Permit Choice. State laws that permit an applicant to choose which set of development rules to follow if the development rules change between the time an applicant's application form is determined to be complete and when a decision is made on the application by the Village.

Permitted Use. A land use that is a permitted use in the zoning district in which it is located, and which is subject to the approval procedures.

Permeable Surfaces. Surfaces that allow water to pass through or around them. Examples include but are not limited to permeable pavers, permeable pavement, permeable asphalt, and permeable concrete.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Personal Services. Cosmetic services such as hair and nail salons, tanning salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services, micro-blading, Botox/filler, etc.

Personal Services, Restricted. A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

Pet House. A small structure providing shelter for a pet while it is outside of a home.

Pet Run. An outdoor fenced enclosure for the sole purpose of allowing a pet to be outdoors in a controlled area without being tethered.

Pitch of Roof. The angle of the roof slope, expressed in ratio of vertical to horizontal.

Planned Community Neighborhood (PCN). A contiguous area containing at least twenty (20) acres, or twenty (20) dwelling units as included within a platted subdivision or condominium development for which any person or corporation, by virtue of ownership of a lot or Dwelling Unit within the PCN, is by Declaration governed by a Master Association with powers to enforce and adopt and amend, the bylaws, rules, and regulations and which property owners within the PCN are obligated to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or common areas or other real estate described in the Declaration. This definition also applies to planned communities created prior to January 1, 1999, that elect to make

NCGS Chapter 47F applicable to the planned community by an affirmative vote or written agreement signed by lot owners of lots, or unit owners of units, to which at least sixty-seven percent (67%) of the votes in the association are allocated.

Plat. A map or plan of a parcel of land which is to be or has been subdivided, containing sufficient data in order that a determination may be readily made as to the location, bearing and length of every street and alley line, lot line, easement boundary line and other boundary line and meeting the required standards of this Ordinance.

Playground Equipment. Equipment or structures including swing sets, sandboxes, jungle gyms, slides, and other similar items intended for permanent recreational use. Note: substantially sized playhouses that meet the North Carolina State Building Code definition for accessory structure are considered to be accessory structures.

Political Sign. A sign attracting attention to political candidates or political issues.

Pond. A permanent, natural, or artificial inland body of water either controlled by natural barriers or by dams and of relatively constant surface level, in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

Portable Sign. Any sign that is not permanently affixed to a building, structure, or the ground, or that is not designed to be permanently affixed to a building, structure, or the ground.

Porch. A covered or uncovered projection from the main wall of a building, located at or above grade, that provides ingress or egress to a building but is not used for livable space.

Portico. A porch or walkway, open to the outside air that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building. A covered porch attached to the main facade of a building, supported by columns.

Post Office. Establishments conducting operations of the United States postal service including permanent, contract, and lease stations.

Potable Wells. Private drinking water wells.

Primary Level. The level of a building containing the primary living areas such as the kitchen, den and living room. This term may also include bedrooms. A basement is not considered to be at a primary level.

Principal Building. The main structure on a lot in which the principal use of that lot is conducted.

Principal Use. The primary purpose or function of a building, structure, or parcel of land.

Private Area. A space that is not open to the general public and is for the exclusive use of the owner or specific individuals. Examples of a private area include private offices within a commercial building or a single-family home.

Private Clubs. Facilities designed to provide meeting and event space for non-profit membership organizations. Such organizations include alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members.

Private Garage. Any building or space used as an accessory to, or a part of the main buildings permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is conducted in any way.

Private Road or Street. Any road or street which is not publicly owned and/or maintained and is used for access by the occupants of the development and their guests.

Professional Land Surveyor. An expert knowledgeable in the delineation and demarcation of lot lines, land ownership, grading, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.

Professional Office. A use or building maintained by a member of a recognized profession for the conduct of that profession. This includes, but is not limited to, the office of a physician or other licensed health care professional, lawyer, accountant, realtor, investment broker, engineer, or architect.

Professional Services. Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, landscape architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

Property. All real property subject to the provisions of this Ordinance.

Public Area. A space that is open to the general public for use and enjoyment, with no access restrictions. Examples of a public area include public parks, streets, and sidewalks.

Public Safety Station. Facilities for federal, state and local law enforcement, fire protection agencies and emergency medical services, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

Public Water Supply. A system for the supply of potable water to two (2) or more dwellings or business units, or any combination thereof.

Qualifying Tree. Any healthy tree with a diameter breast height of eight (8) inches and greater.

Quasi-Judicial Decision. A decision involving the finding of facts regarding a specific application of a development regulation that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Quorum. The minimum number of members of a decision-making body that must be present in order to legally conduct official business or take official action.

Racetrack. A commercial outdoor course prepared for the competitive activities of animals, automobiles, other vehicles, bicycles or skateboards. Such uses may also include seating for spectators, equipment and staging areas, and concession areas.

Radio/TV Studio or Station. A broadcasting facility of a television, radio, cable television provider, or other programming provider, which shall not include transmitting towers or antennae on site.

Real Estate Sales Office. A building or structure, which is located on the site of a development or subdivision and temporarily used for the purpose of selling or leasing properties located within that development or subdivision. This is different from a Model Sales Home.

Rear Yard. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. Eaves, steps, uncovered porches, terraces and patios are considered part of the main building.

Recreation Area. An area of common open space developed to provide recreational facilities for the use of the residents of the community and/or the general public. Such recreational facilities may include but are not limited to golf courses, parks, playgrounds and athletic areas, swimming pools, tennis courts, picnic areas, riding trails, and appropriate service facilities.

Recreation Facility, Indoor. A facility providing recreational activities enclosed within buildings, including indoor swimming pools and tennis courts, gymnasiums, exercise facilities and associated activities.

Recreation Facilities, Outdoor. Privately owned active or passive recreation area such as ball fields, batting cages, skateboard parks, playgrounds, driving ranges, miniature golf courses, greenway trails, tennis courts, riding stables, campgrounds, theatres, and performance areas and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, picnic shelters.

Recreational Center. A building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums.

Recreational Vehicle Park. The use of land, which includes two (2) or more spaces (sites) which are provided for temporary rental only, upon which recreational vehicles are provided utility hook-ups and services. If offered, service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other permitted services shall only be provided by the facility operator for the use and convenience of recreational vehicles.

Recreational Vehicle. A vehicle that is:

A. Built on a single chassis or capable of being placed in or on a vehicle;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or towable by a motor vehicle;

D. Designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use; and

E. Is fully licensed and ready for highway use.

Record Drawing. A reproducible drawing showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines and connections, and other features or improvements which have been installed on or off the property pursuant to a development plan approved under this Ordinance, to be used to determine compliance with the requirements of this Ordinance.

Redevelopment. Demolition of existing principal structure(s) on a parcel or through building additions that increase the building footprint of the principal structure by fifty percent (50%) or more through single or cumulative additions.

Reference Level. The bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all special flood hazard areas.

Regulatory Flood Protection Elevation. The base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Rehabilitation Facility. An indoor facility including uses such as exercise equipment, specialized rehabilitation equipment, game courts, swimming pools, locker rooms where patients and members receive physical therapy or other medical treatment.

Religious Institution. Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary accessory uses including space for religious education, kitchens, activity rooms, staff housing (rectory, parsonage) and offices.

Required Setback. The minimum distance between the property line and the building required by the zoning district and measured from the property line.

Residential Care Facilities (more than 6 residents). A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than six (6) individuals. Residential care facilities include group homes (NCGS § 131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS § 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages, their associated uses and structures including, but not limited to: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks,

barber/beauty shops for residents, and other similar services that are available exclusively to the residents and staff of the facility. This term excludes family care homes and halfway houses.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc.

Resource Conservation Facilities. Fishponds, nature preserves, botanical and zoological gardens, water reservoirs, lakes, ponds, engineered storm water control devices and dams.

Restaurant. Any retail establishment whose principal business is the preparation and service of food and beverages as a ready-to-eat meal, on or off the premises.

Retail Store. A single building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to antiques, clothing stores, appliance stores, bakeries, coffee shops, wine shops, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.

Right-of-Way. An area owned or maintained by the Village, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

Satellite Dish Antenna. Any antenna of any size, including DSS antennae and any supporting structure, designed to receive signals from orbiting satellites or similar sources.

Schools, Elementary & Secondary. A public or private institution for education or learning including athletic, cafeteria, recreational facilities, and after-school care, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education.

Schools, Vocational/Technical. A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

Sediment. Solid particulate matter, both mineral and organic, that has been, or is being transported by water, air, gravity, or ice from its site of origin.

Semi-Detached Dwelling. Two (2) single-family dwellings connected on one (1) side by a common dividing wall. Each single-family dwelling is to be situated on its own lot with a zero-lot line between units.

Semi-Public Area. A space that is open to the general public but may have some limitations on access, such as hours of operation, membership requirements, or other restrictions. These areas often act as a transition between public areas and private areas. Examples of Semi-public areas include a privately owned public space or a store or café.

Septic System /Tank. Private wastewater disposal systems for private home use.

Service Court. Enclosed area attached to, or on the same lot as, a principal building which contains HVAC equipment, trash containers, service doors, docks, and other similar facilities.

Setback. (see building setback).

Sexually Oriented Business. Any place defined as an "adult establishment" as defined by NCGS § 14-202.10 as such statute may be amended from time to time, including adult cabarets, and except the definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Sexually oriented business specifically includes, however, any massage business where "massages" are rendered by any person exhibiting "specified anatomical areas" and/or where "massages" are performed on any client's "specified anatomical areas." "specified anatomical areas" are those defined by NCGS § 14-202.10 as such statute may be amended from time to time.

Shooting Range. A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, archery, air guns, black powder or any other similar sport shooting in an outdoor environment and/or outdoor facility.

Shoreline. The line made by the natural intersection of the water on the shore.

Short Term Rental. A use of a Dwelling Unit for transient lodging occupancy under a short-term lease or for other financial consideration for a time period, lease term or sublease term of less than 30 consecutive days for a cumulative total of more than 14 days in any calendar year. Short Term Rental does not include other defined lodging

uses identified on Tables 7.1 and 7.2 in Section 7.3 Tables of Permitted and Special Uses and Special Requirements or Table 6.3 in Section 6.6 Table of Permitted and Special Uses and Special Requirements.

Shutter. A decorative cover for a window, fit to actual height of window.

Side Yard. An open space on the same lot with a building (steps, eaves, and uncovered porches, terraces or patios are considered part of the main building), and the sideline of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required.

Sight Triangle (horizontal sight distance). The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This does not include seasonal or holiday displays, flags denoting a school or sport, or garden art.

Single Family Residential. Any development where:

A. No building contains more than one (1) dwelling unit;

B. Every dwelling unit is on a separate lot; and

C. Where no lot contains more than one (1) dwelling unit.

Single-Family Dwelling. A detached dwelling or condominium unit consisting of a single dwelling unit only.

Single-Family Site Plan. A site plan prepared for single family residential development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and/or accessory buildings.

Site Plan. A scaled drawing and supporting text showing the relationship between the lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legal required development regulations that are

applicable to the project and the site plan review. A site plan review based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Site-Specific Vesting Plan. A plan submitted in which the applicant requests vesting describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plans may be of the following types: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation.

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Small Equipment Repair/Rental. The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van, but excluding small gasoline or other combustion engines.

Small Engine Repair/Sales. The repair, servicing, alteration or restoration of lawn mowers, leaf blowers, and other small gasoline or combustion engines as a primary use, including the incidental wholesale and retail sale of parts and supplies as an accessory use.

Small/Micro Wireless Facility. These facilities shall be defined by NCGS § 160A-400.51.

Small Trees/Large Shrubs. Deciduous or evergreen trees or shrubs with a mature height or spread of ten (10) to thirty (30) feet.

Solar Panel. A solar thermal collector used to convert energy contained within the sun's rays into energy. 'Solar panel' may refer to a photovoltaic module which is an assembly of solar cells used to generate electricity.

Solid Waste Disposal Facility. As defined in NCGS § 130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site. As defined in NCGS § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Event. Any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales (pursuant to Article 17 of Chapter 66 of the General Statutes), and fund-raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM).

Special Flood Hazard. Any area designated on a Flood Hazard Boundary Map or Flood Insurance Rate Map panel designated as a Zone A.

Special Use. A land use listed in Chapters 6 and 7 of this Ordinance as a special use in the zoning district in which it is located, and which is subject to the approval procedures set forth in Section 4.3 of this Ordinance.

Specimen Tree. Any healthy living tree that:

A. Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;

B. A trunk DBH of twelve (12) inches or more in the case of the following species:

    1. Ilex species (holly);

    2. Magnolia species;

    3. Longleaf Pine species.

C. Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;

D. Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or

E. Has been cited by the Village Council as being historically significant.

Stable. A building in which horses are sheltered and fed; such a building has stalls or compartments on a lot of not less than three (3) acres in size.

Storage, Self-Service. A building for the indoor keeping of materials; containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Storage, Outside Storage Yard. The keeping of any material for a period greater than forty-eight (48) hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property. Storage of construction materials on an active job site may not be defined as outside storage.

Storage, Warehouse, Indoor Storage. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

Storm Drainage Facilities. The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.

Storm Water Runoff. Direct runoff of water resulting from precipitation in any form, which cannot percolate into the surface or be accommodated satisfactorily by the existing drainage system, and which therefore travels overland to the nearest channel.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof next above. It is measured as the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Stream. A perennial or intermittent stream shall be deemed present if the feature is shown on either the most recent version of the soil survey map prepared by the natural resources conservation service of the United States Department of Agriculture (USDA) or the most recent complete version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). [Universal Stormwater Model Ordinance for North Carolina]

Stream Buffer (Lake Buffer). The area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Street. A right-of-way for vehicular traffic abutting property, including avenue, place, way, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

Structure. For floodplain management purposes only, a walled and roofed building, a manufactured home, including a gas or liquid storage tank(s), or other man-made facilities or infrastructure that are principally above ground. For all other purposes of this Ordinance means which is built or constructed.

Studio, Art, Dance, Martial Arts, Music. Facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Subdivider. Any person, firm, or corporation who divides or develops any land in a subdivision under the applicable provisions of this Ordinance.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of new streets or a change in existing streets. The following shall not be included within this definition:

A. The combination or recombination of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.

B. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

C. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

D. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.

E. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the NCGS.

Substantial Damage. Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by

a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed but does not include:

Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official, and which are the minimum necessary to assure safe living conditions; or,

Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Swale. A gentle man-made or natural depression in grade for drainage of surface water.

Swimming Pool. Any structure intended for swimming or recreational bathing. This includes in- ground, above-ground and on-ground swimming pools, hot tubs and spas.

Seasonal Swimming Pool. Any structure intended for swimming or recreational bathing that contains water forty-eight (48) inches deep or less. These are intended to be structures that are easy to erect and remove at the end of the swimming season and typically are not hard-wired for electricity if needed or provided.

Technical Review Committee (TRC). A staff committee appointed by the Village Manager and chaired by the Village Planner for the purpose of providing the Village Planner with technical advice on subdivision and development plan matters.

Telecommunications Facility. A structure whose primary purpose is to support communications equipment. This definition includes tower/antenna combinations (not tower/antenna/building combinations) and the height measurement applies to those combinations. The foregoing notwithstanding, this definition shall not include wire-supporting electric power transmission and telephone poles. The setback, security, and screening provisions of this Ordinance apply to telecommunication facilities as herein defined, only.

Temporary Certificate of Occupancy. A Certificate of Occupancy issued under the terms on the North Carolina Building Code which expires under its own terms after a limited time.

Temporary Facility. A structure or site established for a limited duration to support a permitted temporary event, activity, or use. Temporary facilities may include tents, portable buildings, trailers, or other non-permanent installations that do not require full compliance with permanent building standards, provided they meet safety, zoning, and public service requirements as determined by this Ordinance.

Temporary Portable Building. A building intended for nonresidential use for a limited time period, consisting of one (1) or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.

Temporary Sign. A sign that can be used only for a designated period of time.

Temporary Use. Land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

Theater, Indoor (movie or live performance). A specialized facility for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and complex structures with no more than two (2) theaters.

Through Lot. A through lot is any zoning lot, not a corner lot, that adjoins two (2) street lines opposite each other and parallel or within forty-five (45) degrees of being parallel to each other. Any portion of a through lot that is not or could not be bounded by two (2) such opposite street lines, and two (2) straight lines intersecting such street lines, shall be subject to the regulation for an interior lot.

Tower, Lattice. A guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

Tower, Monopole. A structure composed of a single spire used to support communications equipment.

Tower. See communication tower.

Townhome. A building with two (2) or more residential units that are located side by side where each unit has a separate entrance from the outside. Townhomes typically have one (1) primary yard (rear) and a small front setback to provide some landscaping.

Townhouse Unit Development. A type of subdivision utilizing a development design technique, which enables substantial modification of lot size standards and setback regulations without increasing the allowable density for the zoning district in which the development is located. The common open space is substantially increased for the benefit of all occupants of the townhouse development.

Tract. Contiguous parcel(s) of land being disturbed or to be disturbed as a unit, regardless of ownership.

Traffic Sign. A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.

Transitional Shelter. An area within a principal church structure that is used for temporary housing for no more than twelve (12) consecutive months. The building or structure shall meet all requirements of the Pinehurst Municipal Code, Section 150.01 (North Carolina Building Code).

Transportation Impact Analysis. An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

Understory Tree. Trees whose total height at maturity is less than thirty (30) feet.

Use Zone. The area under and around playground equipment where a child might fall and that is free of other equipment and obstacles.

Utilities-Moore County and VOP. Facilities or systems for the distribution of steam or water, the collection, treatment and disposal of sewage or refuse; of similar functions necessary for the provision of public services. Radio transmission facilities less than one hundred eighty (180) feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities.

Utilities are divided into three (3) classes:

> Class 1 - distribution, transmission and collection lines (above and below ground) including wastewater collection, and water distribution lines; pumping stations, and lift stations;
>
> Class 2 - elevated water storage tanks; package treatment plants; or other similar facilities in connection with steam and water facilities, not including cellular communication towers.

Class 3 - generation, production, or treatment facilities such as water and sewage plants.

Utilities-All Other. Any facility not owned by Moore County or the Village of Pinehurst, including a building or structure that houses or contains facilities or equipment, for the operation of public utility water, wastewater, waste disposal, gas, electric or telecommunication land line services. Public utility facilities include, but are not limited to, wastewater collection lines, water distribution lines, water pumping stations and filtration plants, wastewater and storm water treatment plants, gas transmission and distribution lines, electrical transformer stations, electric transmission and distribution lines, telecommunications land lines and exchanges, wells, houses, and water towers.

Variance. The permission to depart from the literal requirements of this Ordinance, granted by the ~~Zoning Board of Adjustment~~Board of Adjustment to a property owner where the enforcement of the literal requirements of this Ordinance will result in undue hardship.

Vehicle Rental/Leasing/Sales. Establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or golf carts.

Vehicle Services - Maintenance, Repair/Body Work. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping. This may be an accessory use to an establishment that provides vehicle rental/leasing/sales.

~~**Vehicular Wayfinding Sign**. A smaller-scale sign oriented to walking routes and visible at human scale.~~

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan and as specified in NCGS § 160D-108.

Veterinary Services / Indoor Kennels. Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming, where outdoor activities are incidental.

Village Planner. The Planning Director or his or her designee.

Violation. An infringement or breach of a duty or right granted under this Ordinance, or a failure to comply with one (1) or more of the provisions of this Ordinance.

Wall, Parapet. That portion of a building wall that extends above the level of the roofline.

Wall, Party. A firewall on an interior lot line used or adapted for separation or joint service between two (2) buildings.

Wall, Retaining. A wall designed to prevent the lateral displacement or movement of soil or other material.

Wall. An erection of stone, brick, wood, metal or other material intended to delineate a boundary or serve as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

Wallboard Signs. A sign not permanently affixed to the wall intended to allow for changeable message, such as sales and menu items. Signs must be flush mounted to the wall surface when displaying and not covering any window or doors.

Waste. Any discarded, abandoned, or unwanted material, including liquid, solid, or gaseous substances, generated by residential, commercial, industrial, or institutional activities.

Waste Disposal System. Any public or private sewage system or public or private septic system.

Water Surface Elevation (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watercraft. A boat or other vessel such as a jet ski, kayak, canoe, paddle board, or surfboard that travels on water.

Watershed Administrator. An official or designated person of the Village responsible for administration and enforcement of this Ordinance.

Watershed Management Area. That land area of a water supply watershed that is defined on maps on file in the Village Hall, provided that more precise boundaries may be established by topographic data from actual site surveys.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wayfinding Sign. A sign that provides directional, identification, or informational guidance to key destinations within a defined area.

Welcome Center. A building or portion thereof, providing visitors a location with information on the area's attractions, lodging, maps, and other items relevant to tourism and the area. Often, these centers are operated by the local government or chamber of commerce.

Wetlands. Those areas that are defined as wetlands by the United States Army Corps of Engineers. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such people or companies. The intent of these establishments is not to sell to the general public.

Woodlands. Land that is undeveloped except for roads and utilities and contains stands of indigenous trees.

Writ of Certiorari. A statutory appeal procedure by which a party with standing may challenge a quasi-judicial decision ~~of the Zoning Board of Adjustments~~ by petitioning the superior court for review, based strictly on the existing record, without re-litigation of underlying facts and pursuant to NCGS § 160D-1402.

Yard Sale. Any sale open to the public conducted from or on a residential premise or in any residential zone for the purpose of disposing of personal property or other property, including but not limited to all sales entitled “estate”, "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea," "rummage," and similar names.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or driveways or as otherwise provided herein.

Zero Lot Line. Where a building and its foundation area, and/or a small yard or patio area, are conveyed under the following conditions:

A. Minimum lot area and width are non-applicable;

B. Must have open space on all sides not connected to a building;

C. Units within a patio home, duplex or multifamily structure using the zero-lot line must be separated by an applicable fire rated wall(s).

Zoning District. A use district established in Chapters 6 and 7 of this Ordinance.

Zoning Lot. A zoning lot is either:

A. A lot of record existing on the effective date of the zoning ordinance or any applicable subsequent amendment thereto; or

B. A tract of land, either not subdivided or consisting of two (2) or more abutting lots of record located within a single block in single ownership.

APPENDICES

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APPENDIX A - SKETCH PLAN

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

Plot/Sketch Plan

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

Required information to be included on the plot/sketch plan:

A. Property lines.

B. Existing structures to scale.

C. New structures to scale.

D. Setbacks.

E. Estimated impervious surfaces.

F. Any other information the Village Planner identifies as necessary.

G. All plans and drawing sheets shall be drawn to a scale that is easily legible.

Note: No foundation or final surveys are required.

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

APPENDIX B - SINGLE-FAMILY DEVELOPMENT REVIEW

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

CHECKLIST FOR SINGLE-FAMILY DEVELOPMENT REVIEW APPLICATIONS

Submission Requirements for Single-Family Development Applications:

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

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

- ☐ Application Form
- ☐ Site Plan/Topographic Survey including driveway connections (see below)
- ☐ Elevation Drawings, including building heights
- ☐ Exterior Material Form and Samples, if application is associated with a Certificate of Appropriateness.
- ☐ Driveway Permit Application
- ☐ Building permit submittal requirements in accordance with the current edition of the North Carolina State Building Code;
- ☐ Other Agency Permits and Approvals, as required
    - o Sedimentation and Erosion Control Plan (NCDEQ)
    - o NCG01 Construction Stormwater Permit Acknowledgement (NCDEQ)
    - o Driveway Permit (NCDOT)

- Right-of-way Encroachment (NCDOT)
- On-site Wastewater Disposal Permit (Moore County Environmental Health)
- Well Permit (Moore County Environmental Health)
- US Fish and Wildlife Approval (particularly for Red-cockaded Woodpeckers) and/or a biological assessment from an environmental consultant concluding no impacts for RCW habitat.
- U.S. Army Core of Engineers (ACOE)

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

A. **Required information to be included on the Single Family Site Plan:**

1. Indicate existing and proposed topographic elevations and finished floor elevation on site plan. Contour lines shall be indicated with no larger than two foot intervals for existing and proposed (LIDAR data may be utilized);
2. Show scale and North arrow;
3. All plans and drawings shall be drawn to a scale that is easily legible. Site plans shall be prepared by a North Carolina licensed surveyor or engineer.
4. Vicinity Map - must be legible and lot easily located;
5. Title block with site name and location;
6. Indicate zoning classification of property on plan;
7. Show total acreage including area and dimensions of the entire tract;
8. Provide developer/builder name, address and telephone number on plans;
9. Provide designer's name, address and telephone number on plans;
10. Indicate adjoining lot lines, lot number and subdivision name on plans;
11. Indicate by note, minimum dwelling size proposed for each floor;
12. Show front, side and rear building setbacks;

13. Show road frontage at the right-of-way and lot width at the building line;
14. Show all easements.
15. Clearly show the location of any additions/alterations (to scale);
16. Location of all proposed and existing accessory structures to include pet runs, fences, LPG tank(s), irrigation well, etc.;
17. Driveway and sidewalk locations;
18. Building elevation (front, rear, and sides) shown with finished grade and building height on all elevations, to scale;
19. Show location of silt fence;
20. Existing and proposed impervious areas including the calculations on new construction and additions/alterations;
21. Tree survey that locates and identifies specimen trees within 100' of a development site, showing the critical root zone for each tree to be preserved or reflect this information on the landscaping plan;
22. Landscaping plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks;
23. Floodplain and wetland delineation if applicable;
24. Location of septic, and/or existing drainage structures;
25. Existing and proposed utility connections;
26. Any other information the Village Planner identifies as necessary.

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

APPENDIX C - GENERAL CONCEPT PLAN

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

Information required for General Concept Plans:

- Neighborhood Meeting Information (Appendix G)
- Basic map information including title block with owner, applicant's name and contact information, designer's name and contact information, surveyor's name and contact information; north arrow, scale in text and graphics, vicinity map, and revision block. "Bubbles" or "clouds" shall show revisions with date.
- If the conceptual plan is based on a survey, provide a separate drawing of work product by surveyor signed, sealed and dated showing precision ratio and tied to NC grid.
- The present and proposed zoning classification(s) of the tract;
- Adjoining property lines;
- The height, size and location of existing and proposed structure(s);
- A table showing proposed use of land and structures, zoning classification, and dimensional requirements;
- Building elevation drawings, including building heights;
- Proposed planting areas including walls and fences and the treatment of any existing natural features;
- The owner names, addresses, LRK #, zoning and deed references of adjoining property;
- All existing and proposed easements, reservations, rights-of-way and all setbacks required for the zoning district;
- General location and size of existing utilities both on-site and to the site, proposed tie-in location to existing public utilities (including water, sewer, drainage, etc.) and proposed location of utilities to serve the site;

- General location and type of existing and proposed stormwater facilities;
- Delineation of the 100-year flood plain;
- Development Intensity:
  - For residential uses this shall include number of units and outline of area within which structures will be located.
  - For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
- Existing and maximum proposed impervious coverage reflected in square feet SF and acreage;
- Parking and circulation plan, showing location, arrangement and number of existing and proposed parking spaces. Parking calculations shall also be shown;
- Ingress and egress to adjacent areas;
- Proposed dimension and number of signs and their locations;
- Proposed phasing and approximate completion time of the project;
- Survey base map that provides legal metes and bounds including location of regulated (e.g., US Fish and Wildlife designated red-cockaded woodpecker trees) and specimen trees.
- Trip generation based on ITE standards and the Village's Engineering Standards and Specifications Manual for the proposed uses.
- Roadway/signal improvements for the development proposal.
- Proposed pedestrian improvements including sidewalks, greenways, etc.
- ISO computations based on the approximate/proposed square footages for each type of use.
- Current and proposed topography. Use of LIDAR data is acceptable for conceptual plans, however, actual surveyed topography shall be required for formal site plan submittal.
- Indicate driveway connections on adjacent properties along and across adjacent rights-of- way.

APPENDIX D - SITE PLANS

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

Information required for Major and Minor Site Plans:

- Neighborhood Meeting Information (Appendix G)
- Map size shall be electronically formatted to be reproducible at 24"x36"with a scale no less than one (1) inch equals fifty (50) feet for all major and minor site plans (an index plan shall be used if multiple sheets are needed);
- Show north arrow, scale of drawings, precision ratio, lot dimensions, setbacks, area in square feet and acres;
- Revision blocks with date of revisions and "bubbles" or "clouds" to show changes on the map with date;
- A signed and sealed map of the entire tract, including the boundary of the entire tact by metes and bounds tied to North Carolina grid and the location and dimension of all onsite and adjacent offsite easements, including but not limited to drainage, utility, public access, aerial utility, and permanent and temporary construction easements;
- The location and dimension(s) of all existing and proposed building(s) on the site. Show the finished floor elevations for the existing building(s) and the proposed floor grades, including basement, for each floor of the proposed building(s), if applicable;
- The location and dimension(s) of all proposed or existing impervious surfaces on the site, including but not limited to driveways, sidewalks, parking lots, loading and other vehicle use areas, and curb and median cuts;
- Indicate front, side, and rear setbacks for all existing and proposed structures;
- Provide a Title Block:
    - Property owner's name; address, telephone number(s), email address;

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

- Existing and proposed gross square footage of buildings;
- Amount of square footage utilized in parking and loading areas (see landscape standards Chapter 8);
- Number of parking spaces proposed and required;
- Number of handicapped parking spaces proposed and required;
- Required and proposed minimum landscape area square footages;
- Residential uses: indicate maximum density allowed and the proposed density;
- Proposed linear footage of roads;
- Conditional zoning and special use conditions, if applicable;
- Existing and proposed built-upon area in square feet, acreage and as a percentage of site;
- Identify any existing development predating the effective date of watershed regulations;
- Indicate the owner, address, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets);
- Show locations, size and configuration of common open space for residential development, if applicable.
- Location of permanent dumpsters and service areas.
- Indicate location and method of screening of all existing and proposed propane tanks, HVAC, mechanical systems, dumpsters and any other structures or facilities that require screening as per Chapter 10;
- Vicinity map showing location of tract at scale of not less than one (1) inch equals five hundred (500) feet;

- Proposed location of all storm water facilities and appropriate calculations in accordance with the Engineering Standards and Specification Manual by a qualified design professional;
- Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories, and grade of each story, including basement, height and location;
- Provide a topographic survey of the site certified by a registered land surveyor showing existing site features, existing contour lines at a minimum interval of two (2) feet that are field verified, and all proposed contours. All proposed contours shall be tied to North Carolina grid.
- Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title;
- Plan of each floor of parking garage, if applicable;
- Utility plan showing the sizes, composition and location of all existing and proposed underground and overhead utilities such as water, sanitary sewer, gas, electric, and telephone cables, fire protection infrastructure, etc. both within the property and in adjacent streets, where practical;
- Show all road improvements required in conformance with thoroughfare plan, including any right-of-way dedications, sight triangles (per Sect. 9.1.G and the Village of Pinehurst Engineering Standards and Specifications Manual) and traffic control devices (MUTCD 3B.16);
- Submit a plan showing the location and specifications for all outdoor lighting with calculations showing compliance with section 9.8.
- Submit a plan showing the location and design of all landscaping improvements and landscaped areas, include data relative to credits for existing and required and supplemental planting;
- Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the property, including a foraging study for the Red-cockaded Woodpecker, wetlands, floodplains, and also showing specimen trees as defined in Section 8.3.1.

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

APPENDIX E - SUBDIVISION PLATS

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

SUBDIVISION PLAT INFORMATION

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

- All maps shall be drawn to scale and the scale shall be not less than 1"=200'. An index plan shall be used where the subdivision is shown on more than one sheet;
- Map size shall be electronically formatted to be reproducible at 24"x36", except that final plats shall conform to the dimensional requirements of the Moore County Review Officer and Register of Deeds;
- All preliminary and final plats shall be prepared by a registered land surveyor of the State of North Carolina or a licensed Engineer of the State of North Carolina in accordance with NCGS § 47-30.

INFORMATION REQUIRED FOR MAJOR AND MINOR PRELIMINARY SUBDIVISIONS

- Title block containing the name of the subdivision. Include previous names for approved subdivisions (if any), date and revision date(s);
- Name and owner of the tract, surveyor, engineer and/or land planner, their addresses, business telephone, and fax numbers, and professional registration numbers (if any);
- North arrow and scale
- Zoning of the tract;
- Acreage of tract;
- Acreage of dedicated open space;
- The total number of lots proposed;

- Smallest lot;
- Total linear feet in streets as measured along the center line;
- Setbacks: Provide a table of minimum building setbacks, including:
  - Front yard setback;
  - Side yard setbacks;
  - Any required landscaped or watershed buffers and other required setbacks or buffers;
  - Rear yard setback;
  - Corner yard setback;
- The location on the property of all existing and proposed property lines, easements, political boundary lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and properties of historic or cultural significance;
- Buildable area per lot, in square feet and existing built-upon area in lot in square feet and as a percentage of lot;
- Area to be covered by impervious surface for the project;
- Provide on plans, a listing of all approved conditions of the conditional zoning district, if applicable;
- Indicate the names of adjoining property owners or subdivisions;
- Indicate the zoning and existing land use of all adjoining properties;
- Indicate the location of all property lines, setbacks, lot numbers, and lot dimensions in square feet and acres. Indicate the location of the existing property boundaries and the location of intersecting lines of adjoining properties by metes and bounds;
- Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the subdivision, including a foraging study for the Red-Cockaded Woodpecker, wetlands, and floodplains and showing specimen trees as defined in the landscape Section 8.3.1;

- Indicate the location of proposed parks, school sites, or other open space, if any. Indicate if the property is private or public. If public, indicate if it is proposed to be dedicated to the Village.
- Where required, indicate proposed streets, sidewalks, traffic control devices, street names, rights-of-way, roadway widths and approximate grades. Indicate if the streets are to be public or private. Show typical cross sections. Depict sight triangles per Section 9.1. (G) of the Pinehurst Development Ordinance and the 3.02.a of the Village of Pinehurst Engineering Standards and Specifications Manual. Street names are to be coordinated with 911 for duplication of names;
- Provide a grading plan delineating existing ground contours at two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan. A full topographic survey and grid of the site is not required;
- Submit a sketch vicinity map showing the proposed subdivisions in relationship to surrounding property and streets;
- Provide a plan showing the location, general type, and number of plantings required in the perimeter buffer, streetscape, and other required landscaping areas;
- Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadway/signal improvements for the development proposal.
- Indicate driveway locations on adjacent properties along and across adjacent rights-of-way.
- Any other information the Village Planner may deem reasonable and necessary to determine compliance with this Ordinance.

INFORMATION REQUIRED FOR MAJOR AND MINOR FINAL PLATS

- Title block containing subdivision names; vicinity map; legal description including township, county and state; the date of any revisions to the plat; a North arrow and deflection; scale in feet per inch and a bar graph; the name and address of the owner(s); and the name, address, registration number and seal of the engineer and/or surveyor;
- Exact boundary lines of tract in heavy line, full dimensions of lengths and bearings, and intersecting boundaries of adjoining lands;

- Street names, rights-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;
- Accurate descriptions and locations of all monuments, markers, and control points;
- Location, purpose, and dimensions of areas to be used for other than residential purposes;
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;
- Boundaries of floodways and one hundred-year flood plains, wetlands and water supply watershed designation;
- Lots numbered consecutively throughout the subdivision;
- The names of owners of adjoining properties;
- Building setbacks (both on plat and in table format);
- Site calculations, including:
    - Total acreage;
    - Total number of lots;
    - Acreage in lots;
    - Acreage in street rights-of-way;
    - Linear feet of each individual street.

SUBMITTAL OF EXEMPT AND FINAL PLATS FOR RECORDATION

One (I) paper copy of Exempt and Final Plats shall be submitted for signature by Village staff for recordation.

CERTIFICATES TO BE SHOWN ON PRELIMINARY SUBDIVISION PLATS AS APPROPRIATE

A. Minor Preliminary Subdivisions:

Minor Preliminary Plat Approved

_____

Village ~~Manager~~Planner

Village of Pinehurst

_____

Date

B. Major Preliminary Subdivision Plat Recommended for Approval

I hereby certify that this major preliminary subdivision was approved by the Pinehurst Village Council on the _____ day of _____ , 20____

_____

Village Manager

C. Major Preliminary Subdivision Plat associated with an approved General Concept Plan.

I hereby certify that this Major Preliminary Subdivision Plat is in accordance with the approved General Concept Plan and therefore deemed approved.

_____ _____

Village Manager Date

D. Certifications to be shown on Major and Minor Final Plats and Exempt Plats (use the appropriate certificates):

Certificate of Approval

Approved for recording by the Village Planner of the Village of Pinehurst, North Carolina on the _____ day of _____ , 20 ____ pursuant to the Pinehurst Development Ordinance. Must be recorded within thirty (30) days of this date.

_____

Village Planner

Village of Pinehurst

Certificate of Survey and Accuracy

I, _____ , certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____ , Page _____ , etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ , Page _____ ; that the ratio of precision as calculated is 1: _____ ; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____ , 20_____.

Seal or Stamp

_____

Surveyor

_____

Registration #

Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) owner(s) of the property shown and described herein, that the property is within the Subdivision Jurisdiction of the Village of Pinehurst and that I (we) hereby adopt this plan of subdivision with my (our) free consent and hereby establish all lots and dedicate all streets, alleys, walks, parks and other open space to public or private use as noted.

_____

_____

Owner(s)

NCDOT Construction Standards Certification

(for NCDOT Streets)

Department of Transportation

Division of Highways

Proposed Subdivision Road

Construction Standards Certificate

Approved: _____

District Engineer

Date: _____

Onsite Water and/or Sewer Note

(where appropriate)

Note: (ALL the LOTS) or (LOTS # _____) as shown on this Plat are proposed to be served with onsite water and/or sewer systems. The lots as shown meet the minimum size prescribed by the Moore County Health Department for such system(s). However, the recording of this Plat does not guarantee that any such lots will meet the requirements for the approval by the Health Department for such onsite system(s).

_____

Engineer/Surveyor License or Registration #

Special Flood Hazard Area Note

(word to represent actual situation)

Note: (Part of) this property (does)(does not) lie in a Special Flood Hazard Area

Reference: Flood Panel # _____

Date: _____ (of Panel)

(If part of the property is in a Special Flood Hazard Area, it shall be shown graphically on the plat.)

Review Officer Certificate

State of North Carolina

County of Moore

I, _____ , Review Officer of Moore County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.

_____

Review Officer

_____

Date

Register of Deeds Certificate

State of North Carolina, _____Moore_____ County

This instrument was presented for registration and recorded in Map Book , Page ____ , this _____ day of _____ , 20___ at _____ (a.m.)(p.m.).

_____

Register of Deeds

Certificate of Exemption

I hereby certify that this plat is exempt from the development ordinance under the definitions of subdivision contained in NCGS § 160D-802 and Chapter 15 of the Village of Pinehurst Development Ordinance for one of the following reasons:

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this Ordinance;

B. The division of land into parcels larger than ten (10) acres where no street right-of-way dedication;

C. The public purchase of strips of land for the widening or opening of streets; or

D. The division of a tract of land in single ownership whose entire area is no greater than two (2) acres in three (3) or fewer lots where no street right-of- way dedication is involved and where the resulting lots are equal to or exceed the standards set forth in this Ordinance.

_____

Village ~~Manager~~Planner

_____

Surveyor

PLAT CERTIFICATES

APPENDIX F - PLANT PALETTE

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

** indicates that the tree is a Permitted Street Tree

Latin Name	Common Name	Native/Adaptive	Notes
Deciduous Tall Trees (>30')			
Acer floridanum	Southern Sugar Maple	native	beautiful bark
Acer rubrum	Red Maple	native	great Fall color
Betula nigra	River Birch	native	beautiful bark/deer resistant
Catalpa bignonioides	Southern Catalpa	native	
Celtis occidentalis	Hackberry**		
Cladrastis kentukea	Yellowwood**	native	
Fagus gradifolia	American Beech	native	silver bark
Gleditsia triacanthos var. inermis	Thornless Honey Locust**	native	street tree/deer resistant
Gymnocladus dioicus	Kentucky Coffeetree**	native	
Liquidambar styraciflua	Sweetgum	adaptive	evergreen/street tree
Liriodendron tulipifera	Tulip Poplar	native	
Magnolia virginiana	Sweetbay	native	
Nyssa sylvatica	Blackgum**	native	good fall color
Platanus occidentalis	Sycamore	native	
Quercus coccinea	Scarlet Oak**	native	street tree
Quercus falcate	Southern Red Oak**	native	
Quercus pagoda	Cherrybark Oak	native	
Quercus phellos	Willow Oak**	native	
Quercus rubra	Red Oak**	native	
Quercus shumardii	Shumard Oak**	native	
Quercus stellata	Post Oak**	native	
Taxodium distichum	Bald Cyprus**	native	street tree/deer resistant
Tilia americana	Basswood**	native	good for pollinators
Ulmus americana	American Elm**	native	street tree/use disease resistant
Evergreen Tall Trees (>30')			
Cedrus deodora	Deodar Cedar	adaptive	

Latin Name	Common Name	Native/Adaptive	Notes
Chamaecyparis thyoides	Atlantic White Cedar	native	
Magnolia grandiflora	Southern Magnolia**	native	deer resistant
Pinus echinata	Shortleaf Pine	native	deer resistant
Pinus palustris	Longleaf Pine**	native	deer resistant
Pinus serotina	Pond Pine	native	
Pinus taeda	Loblolly Pine	native	
Quercus virginiana	Live Oak**	native	
Deciduous Small Trees (10 - 30 ft)			
Alnus serrulata	Alder	native	good for wet soils
Amelanchier arborea	Serviceberry	native	flowering
Amelanchier canadensis	Juneberry	native	flowering
Carpinus caroliniana	American hornbeam	native	
Cercis canadensis	Eastern redbud**	native	flowering
Chionanthus virginicus	Fringe Tree	native	flowering
Cornus alternifolia	Pagoda dogwood	adaptive	flowering
Cornus florida	Flowering Dogwood**	native	flowering : use disease resistant
Cotinus obovatus	Smoketree	native	
Crataegus spp.	Hawthorn	native	flowering/deer resistant
Halesia carolina	Carolina Silverbell	native	flowering/deer resistant
Hamamelis virainiana	Witch-hazel	native	flowering in Jan/Feb /deer resistant
Magnolia x soulangiana	Magnolia	adaptive	flowering
*Ostrya virginiana**	Hophornbeam	native	
*Oxydendrum arboreum**	Sourwood	native	
Salix caroliniana	Coastal Willow	native	NCDEQ stormwater BMP tree
Sassafras albidum	Sassafrass	native	
Evergreen Small Trees (10 - 30 ft)			
Ilex opaca	American Holly**	native	deer resistant
Ilex vomitoria 'Will Fleming'	Will Fleming Yaupon Holly	native	tolerates salt spray
Juniperus virginiana	Eastern Red Cedar	native	deer resistant

Latin Name	Common Name	Native/Adaptive	Notes
Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	native	
Prunus caroliniana 'Compacta'	Carolina Cherry Laurel	native	deer resistant
Large shrubs (6-12 ft)			
Aesculus pavia	Red Buckeye*	native	deer resistant
Buxus semp. 'Dee Runk'	Fastigate American Boxwood	adaptive	evergreen
Cornus amomum	Silky Dogwood	native	
Cyrilla racemiflora	Swamp Cyrilla	native	semi-evergreen
Ilex 'Conaf'	Oakleaf Holly	adaptive	evergreen
Ilex deciduas	Possumhaw	native	good winter berries
Ilex verticillata	Winterberry	native	good winter berries
Myrica cerifera	Wax Myrtle	native	evergreen/deer resistant
Rhododendron arborescens	Sweet azalea	native	
Rhododendron calendulaceum	Flame azalea	native	
Rhododendron catawbiense	Mountain rosebay	native	evergreen
Rhus copallina	Winged Sumac	native	
Rhus glabra	Smooth Sumac	native	
Viburnum rufidulum	Rusty Blackhaw	native	keep off sidewalks due to fruit
Viburnum x rhytidophylloides 'Allegheny'	LeatherleafViburnum	adaptive	evergreen
Medium Shrubs (4-6ft)			
Abelia 'Edward Goucher'	Edward Goucher Abelia	adaptive	evergreen
Camellia japonica	Camellia	adaptive	evergreen
Gardenia jasminoides	Gardenia	adaptive	evergreen
Hypericum densiflorum	Dense St. John's Wort	native	semi-evergreen
Itea virginica	Virginia Sweetspire	native	semi-evergreen
Kalmia latifolia	Mountain laurel	native	evergreen
Rhododendron carolinianum	Carolina Rhododendron	native	evergreen
Rhododendron periclymenoides	Wild or Pinxter azalea	native	

Latin Name	Common Name	Native/Adaptive	Notes
Rhododendron vaseyi	Pinkshell azalea	native	evergreen
Viburnum x rhytidophylloides 'Cree'	Dwarf Leatherleaf Viburnum	adaptive	evergreen
Low Shrubs (Under 4 ft)			
Abelia x grandiflora	Glossy Abelia	adaptive	deer resistant
Buxus mic. Winter Gem'	Korean Boxwood	adaptive	evergreen
Buxus mic. 'Wintergreen'	Korean Boxwood	adaptive	evergreen
Clethera alnifolia	Summersweet Clethra	native	
Cornus sericea	Redosier Dogwood	adaptive	
Hydrangea aborescens	Snowhill Hydrangea	native	flowering
Hypericum prolificum	Shrubby St. John's Wort	native	flowering
Ilex glabra 'Compacta '	Compact Inkberry Holly	adaptive	evergreen
Leucothoe fontanesiana	Drooping leucothoe	native	evergreen
Rosa carolina	Carolina rose	native	flowering
Rosa palustris	Swamp rose	native	flowering
Vaccinium macrocarpon	Cranberry	native	evergreen
Vaccinium pallidum	Lowbush blueberry	native	
Viburnum acerifolium	Maple-leaf Viburnum	native	
Ferns			
Adiantum pedatum	Maidenhair fern	native	deer resistant
Asplenium platyneuron	Ebony spleenwort	native	evergreen
Athyrium felix-feimina	Lady fern	native	deer resistant
Dennstaedtia punctilobula	Hay-scented fern	native	
Dryopteris marginalis	Wood fern	native	evergreen
Onoclea sensibilis	Sensitive fern	native	
Osmunda cinnamomea	Cinnamon fern	native	deer resistant
Polystichum-acrostichoides	Christmas fern	native	evergreen/deer resistant
Grasses			
Andropogon gerardii	Bio bluestem	native	
Andropogon virginicus	Broomsedge	native	
Arundinaria gigantea	River cane		
Carex pensylvanica	Pennsylvania sedge	native	

Latin Name	Common Name	Native/Adaptive	Notes
Carex plantaginea	Plantain-leaved sedge	native	
Chasmanthium latifolium	River Oats	native	
Panicum virgatum	Switch-grass	native	deer resistant
Schizachyrium-scoparium	Little bluestem	native	
Sorghastrum nutans	Indian grass	native	deer resistant
Perennials			
Amsonia spp.	Blue star	adaptive	
Aquilegia canadensis	Wild columbine	native	deer resistant
Asclepiasincarnata	Swamp milkweed	native	
Asclepiastuberosa	Butterfly-weed	native	
Aster novea angliae	New England aster	native	
Astilbe spp.	Astilbe	adaptive	
Baptisia spp.	Wild indigo	adaptive	
Chelone lyonii	Pink turtlehead	native	
Coreopsis 'Moonbeam'	Coreopsis	adaptive	deer resistant
Dicentra eximia	Bleeding heart	native	
Echinacea spp.	Coneflower	adaptive	deer resistant
Geranium 'Rozanne'	Wild geranium	adaptive	
Helianthus resinosus	Sunflower	native	
Hemerocallis spp.	Daylily	adaptive	
Heuchera americana	Alumroot	native	
Heuchera 'Palace Purple'	Coral Bells	adaptive	
Hosta spp.	Hosta	adaptive	
Iris cristata	Dwarf crested iris	native	
Liatris spicata	Blazing star	native	
Lobelia cardinalis	Cardinal flower	native	deer resistant
Monarda didyma	Bee-balm	native	deer resistant
Nepeta faassenii	Catmint	adaptive	deer resistant
Pachysandra procumbens	Allegheny spurge	native	
Phlox carolina	Carolina phlox	native	
Phlox divaricata	Wild blue phlox	native	
Phlox paniculata	Garden phlox	native	
Polygonatum billorum	Solomon's seal	native	

Latin Name	Common Name	Native/Adaptive	Notes
Rudbeckia 'Goldsturm'	Black-eyed Susan	adaptive	
Salvia 'May Night'	May Night Salvia	adaptive	deer resistant
Silene virginica	Fire pink	native	
Solidago rugosa	Winkle-leaf goldenrod	native	
Tiarella cordifolia	Foamflower	native	
Vernonia novehoracensis	New York ironweed	native	

APPENDIX G - NEIGHBORHOOD MEETINGS

NOTICE REQUIREMENTS

A. **Radius.** Notify all property owners within 300 feet of the subject property and all registered HOAs within 0.25 miles. Distances exclude ROW.

B. **Method.** First-class mail.

C. **Timing.** Notices must be mailed at least 14 days before the meeting.

D. **Contents.** Using the Village Meeting Notice Letter template:

1. Purpose of the meeting.
2. Description of the proposal.
3. Date, time, and location of the meeting.
4. Applicant/representative contact info.
5. Project location map.
6. Virtual access link and call-in number, if applicable.

MEETING FORMAT AND CONTENT

A. **Meeting Format.**

1. Meetings should be in-person at a location accessible to the public and close to the project site, if feasible.
2. A virtual component is recommended for accessibility (Zoom, Microsoft Teams, WebEx, etc.).
3. Virtual attendees must have access to all visuals (maps, drawings) shown at the meeting.

B. **Meeting Content.** At a minimum, the applicant must:

1. Explain the proposal clearly, including zoning changes, site layout, and uses.
2. Describe the approval process and timeline.
3. Present visuals (maps, plans, site renderings, as appropriate).
4. Discuss potential community impacts (traffic, buffering, noise, etc.).

5. Provide contact information for follow-up questions.

POST-MEETING SUBMITTALS

The following must be submitted with the application:

- ☐ Mailing list and proof of mailing.
- ☐ Copy of the meeting notice.
- ☐ Sign-in sheet (include emails if provided).
- ☐ Meeting minutes summarizing the questions and concerns raised, along with the applicant responses and any related community input.
- ☐ Copies of all presentation materials.
- ☐ A recording of the virtual meeting.



PINEHURST DEVELOPMENT ORDINANCE

Draft #1 – September 23, 2025

Draft #2 – October 20, 2025

Draft #3 – November 13, 2025

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CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 TITLES AND EFFECTIVE DATE

This ordinance, effective as of January 5, 2026, shall be known and may be cited as the Development Ordinance of the Village of Pinehurst, North Carolina. This Ordinance may also be known and referred to as the Pinehurst Development Ordinance (PDO).

SECTION 1.2 STATEMENT OF INTENT OF THIS ORDINANCE

A. The following Statement of Intent shall apply to and guide the implementation and enforcement of the entire Ordinance.

1. The Village of Pinehurst (Village) is a residential and resort community, the major industries of which are recreation, tourism, and a regional medical center along with the land uses that provide the goods and services needed for the convenience of the community. For the purpose of this Ordinance, Village and Pinehurst may be used interchangeably.

2. It shall be the primary goal of this Ordinance to preserve the Village's unique visual content.

3. In all decisions affecting land use, it shall be Village policy to encourage adherence to this goal by protecting its Village Center with its shops and homes and by encouraging any further development of the Village of Pinehurst as a residential, and resort community.

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4. Activities and land use not compatible with a residential and resort area, such as intense industrial uses, extensive commercial districts, structures and signs that are not in context with the Village, shall be prohibited.

5. Managed growth is desirable but protection of the desirable qualities of the Village is paramount to continue meeting the primary goals as defined in this Section.

6. The Village will manage its growth and development by creating land use regulations that consider the area's character, enhance property values, and promote appropriate land use.

B. The regulations contained in this Ordinance have been adopted in accordance with the Village of Pinehurst, North Carolina Comprehensive Plan, and all other adopted Village plans and policies, to accomplish the following goals:

1. Preserve and enhance the unique historic character and ambience of the community, especially the historic Village Center.

2. Guide development in an appropriate and sustainable way that will protect natural resources, reduce waste and climate impacts, and promote overall environmental health.

3. Support fiscally sustainable development patterns that generate new jobs and tax revenues with lower economic and social costs.

4. Provide adequate provision of transportation, water, sewage, schools, parks and other public infrastructure.

5. Ensure that the transportation system supports community structure, enhances community character and operates effectively.

6. Preserve and enhance Pinehurst's residential neighborhoods while addressing the housing needs of current and future residents.

7. Establish meaningful open space and trails system that supports pedestrian and bicycle connectivity throughout the community and allows residents to become active participants in the public realm.

8. Promote the health, wellness, and safety of Pinehurst's residents.

SECTION 1.3 GENERAL PURPOSES AND AUTHORITY

This PDO is adopted pursuant to the authority granted by the North Carolina General Statutes (NCGS), including primarily NCGS 160A and 160D and other provisions in NCGS, the Village Charter, and local legislation that grant specific authority to the Village to regulate land use and development.

SECTION 1.4 OFFICIAL MAP OF ZONING DISTRICTS AND EXTRATERRITORIAL JURISDICTION LINE

The Official Zoning Map and ETJ (extraterritorial jurisdiction) boundary, including all details, is part of this Ordinance. Any changes to the Official Zoning Map must follow the procedures set forth in *Chapter 3. Decision Making Bodies* of this Ordinance.

SECTION 1.5 JURISDICTION AND APPLICABILITY

A. **Jurisdiction.** All lands within the corporate limits of the Village and the Village's ETJ as identified on the Zoning Map are subject to this PDO.

B. **No Land Developed or Subdivided.** Unless exempted, no land shall be developed or subdivided without compliance with this Ordinance and all other applicable Village, State, and federal regulations.

C. **Lots of Record.** No lot of record which did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, which does not conform to the applicable requirements of this Ordinance.

D. **Land Use.** No use which did not exist on the effective date of this Ordinance shall be established which does not conform to the applicable requirements of this Ordinance.

E. **No Removal of Trees.** Unless exempted, no existing trees shall be removed without compliance with this Ordinance, where applicable.

F. **No Grading or Excavation.** Unless exempted, no land shall be cleared, graded, filled, or excavated without compliance with this Ordinance and all other Village, State, and federal regulations.

G. **Terms, Conditions, Provisions and Prohibitions.** The terms, conditions, provisions, and prohibitions of this Ordinance shall be held to be the minimum requirements for the promotion of public safety, health, convenience, prosperity, and general welfare of the Village of Pinehurst, North Carolina.

SECTION 1.6 CONFLICTING PROVISIONS

A. This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance, or regulation, the provisions which are more restrictive, or which impose higher standards or requirements shall govern.

   1. For example, wherever the provisions of this Ordinance require greater width or size of setbacks or buffers, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied or impose other standards which are higher than those set forth in another statute, ordinance, or regulation, then the provisions of this Ordinance shall govern.

   2. By further example, wherever the provisions of any other statute, ordinance, or regulation require a greater width or size of setbacks or buffers, a lower height of building, a lesser number of stories, or a greater percentage of the lot to be left unoccupied or impose other standards which are higher than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation shall govern.

B. This Ordinance does not override any easement, covenant, or private agreement. However, if the Ordinance's regulations are stricter or have higher standards than those agreements, the Ordinance's requirements will apply. The Ordinance does not change or cancel any private covenant or deed restriction, but those agreements do not exempt anyone from this Ordinance.

C. Unless deed restrictions, covenants, or other contracts directly involve the Village as a party in interest, the Village shall have no administrative responsibility for enforcing deed restrictions or covenants.

SECTION 1.7 THE COMPREHENSIVE LONG-RANGE PLAN

SECTION 1.7.1 IMPLEMENTATION OF THE COMPREHENSIVE PLAN

This PDO is intended to implement the Comprehensive Long-Range Plan. Amendments to this PDO should be consistent with the Comprehensive Long-Range Plan. If the Comprehensive Plan is amended, this PDO should be amended as necessary to ensure consistency with the amended Comprehensive Plan.

SECTION 1.7.2 AMENDMENTS TO COMPREHENSIVE LONG-RANGE PLAN

The Comprehensive Plan shall be amended when a rezoning is approved that is inconsistent with the Comprehensive Plan in accordance with NCGS § 160D-605.

SECTION 1.7.3 LEGAL EFFECT OF THE COMPREHENSIVE LONG-RANGE PLAN

Except as provided in *Section 1.10. Transitional Rules* all development within the Village and its ETJ shall be in accordance with the applicable provisions of the Comprehensive Long Range Plan, as adopted or amended by the Village Council.

SECTION 1.8 ENGINEERING STANDARDS AND SPECIFICATIONS MANUAL

The Village of Pinehurst Engineering Standards and Specifications Manual, along with all notations, references, and other information contained therein, shall be the basis of establishing minimum design standards for site and development infrastructure not otherwise contained in this Ordinance.

SECTION 1.9 SEVERABILITY

SECTION 1.9.1 SEVERABILITY

If a court of competent jurisdiction holds any section, subsection, sentence, clause, or phrase of this PDO to be invalid for any reason, such judgement shall not affect the validity of the remaining portions of the PDO.

SECTION 1.9.2 DEVELOPMENT PERMIT CONDITIONS SEVERABILITY

If a court of competent jurisdiction holds any condition attached to a development permit or approval granted in accordance with this PDO to be invalid for any reason, such judgement shall not affect the validity of any other conditions of the permit or approval not specifically included in the judgement.

SECTION 1.9.3 INTERPRETATION SEVERABILITY

If a court of competent jurisdiction invalidates the application of any provision of this PDO to a development, such judgement shall not affect the application of that provision to any other development not specifically included in the judgement.

SECTION 1.10 TRANSITIONAL RULES

The standards in this section address existing violations, nonconformities, and applications in process at the time this Ordinance is made effective.

A. **Prior Approval.**

1. Any development approvals granted before January 5, 2026, shall remain valid until their expiration date.
2. Developments with valid approvals or permits can proceed according to the terms of their approval and the standards in place at the time of approval, if the permit is still valid and has not expired.
3. If an approval expires or is revoked, any new development on the site must follow the current procedures and standards of this Ordinance.
4. An applicant is considered to have started an approved development when they apply for and actively pursue other necessary permits or approvals from the Village, State, or federal agencies.
5. If there is a legal challenge, the timelines for starting or ending development based on an approved application are paused.
6. If a previously approved application proposes development that doesn't comply with this Ordinance, the subsequent development, while permitted, will be considered nonconforming and must follow the rules in *Chapter 2. Nonconformities*.

B. **Existing Unlawful Uses and Structures.** If a structure or use meets the requirements of this Ordinance, any previous noncompliance or violations of the preceding ordinance is no longer relevant.

C. **Uses Rendered Non-Conforming.** If a lot was used for a lawful use before the effective date of this Ordinance, and the Ordinance or any amendment no longer allows that use, it is now considered a nonconforming use and must follow the rules in *Chapter 2. Nonconformities*.

D. **Buildings, Structures and Lots Rendered Non-Conforming.** If any building, structure, or lot existed before the effective date of this Ordinance or any amendment took effect and doesn't meet the new standards, it is now considered nonconforming and must follow the rules in *Chapter 2. Nonconformities*.

E. **Non-Conforming Uses Generally.** To be considered a nonconforming use, both the way the use was conducted, and its purpose must have been lawful and must follow the rules in *Chapter 2. Nonconformities*.

SECTION 1.11 GENERAL RULES FOR INTERPRETATION

The following rules apply for interpreting the terms and provisions of this Ordinance:

A. The provisions of this Ordinance are the minimum requirements to promote and protect public health, safety, and general welfare, and should be interpreted to achieve the purposes of this Ordinance.

B. If different parts of this Ordinance have conflicting requirements for a use or structure, the stricter rules apply. However, if there is a conflict between Overlay Zoning District rules and general Zoning District rules in *Chapter 6. Zoning Districts and Dimensional Standards,* the overlay zoning district rules apply, regardless of whether they are stricter or less strict.

C. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, table, image or map contained herein, the text shall take precedence.

D. Any action that this Ordinance allows a specific Village official to perform can also be performed by a designee of that official.

E. Notwithstanding Subsection D, elected and appointed officials are considered agents of the Village within the scope defined in *Chapter 3. Decision Making Bodies* of this Ordinance and the Code of the Village of Pinehurst. These officials include but are not limited to the Village Council, the Planning and Zoning Board, the Board of Adjustment, and the Historic Preservation Commission.

CHAPTER 2 NONCONFORMITIES

SECTION 2.1 PURPOSE AND SCOPE

The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, and lots that were established prior to the effective date of this Ordinance that do not conform to its requirements. Such uses of land, vacant lots, structures, and improvements are collectively referred to as “nonconformities”. While many nonconformities may continue, the intent of this Section is to recognize the interests of property owners in continuing to use the land, and to preclude the expansion of a nonconformity or the reconstruction or re-establishment of a substantially destroyed or discontinued nonconformity.

A. **Determination of a Nonconformity.** The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns the property upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations.

B. **Ownership Changes.** No change of title or possession of property shall be construed to prevent the continuance of the nonconformity.

C. **Increases in Nonconformity.** A nonconformity shall not be expanded, intensified, or enlarged except as provided in this Section.

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SECTION 2.2 NONCONFORMING USES

A. Within the Village, some uses may be nonconforming. These uses were allowed when they were first constructed and used but do not meet current zoning regulations. These nonconforming uses may continue as they were originally constructed and/or used, provided the original use has not been discontinued for longer than the periods specified in subsection (F) for types of nonconforming uses.

B. **Extension of Use.** A nonconforming use of land shall not be enlarged, extended, or intensified in any way except as provided below.

C. **Continuation, Maintenance and Minor Repair.** The continuation of a nonconforming use of land and the maintenance or minor repair of a structure with a nonconforming use are permitted, provided that these actions do not extend, expand, or increase the intensity of the nonconforming use. For the purposes of this Section, maintenance or minor repair is defined as:

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

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

   3. The addition of landscaping that increases the visual attractiveness of the property.

   4. Repairs required to remedy unsafe conditions which cause a threat to public safety.

D. **Damage or Destruction.** If a nonconforming use of land containing a nonconforming use is destroyed by any means other than Acts of God, to an extent greater than fifty percent (50%) of its replacement cost at the time of destruction, the use shall not be reestablished in any way that does not conform to the requirements of this Ordinance including off-street parking, landscaping, and signage. However, if the destruction is a result of Acts of God the use and or structure can be reestablished to the previous extent.

E. **Change of Use.** Any nonconforming use of land may be changed to a conforming use by obtaining all necessary approvals and permits required by this Ordinance for the intended or resulting use, building, structure, or lot.

F. **Cessation of Use.**

1. If a nonconforming use is discontinued for 120 consecutive days or more, the property shall thereafter be occupied and used only for a conforming use. If a nonconforming use of property is discontinued but reestablished within 120 days, then the nonconforming use may continue as long as the nonconformity does not change or increase.

2. Nonconforming Banks, Credit Unions, Financial Services and Professional Services located within the VC (Village Commercial) Zoning District have a 30 day limit for discontinuation of that use and the space may only be re-occupied by a conforming use.

3. If a nonconforming short term rental dwelling unit is not used for 365 days or more, the use shall be deemed to have been discontinued and shall thereafter be used only for a conforming use.

G. **Signs for Nonconforming Uses.** Wall signs shall not be erected on any nonconforming use in any residential district. Nonconforming uses may repair and maintain their existing signage in accordance with *Section 2.4. Nonconforming Signs* and construct new signage in accordance with *Chapter 13. Sign Standards.*

SECTION 2.3 NONCONFORMING STRUCTURES

A. **Expansion or Enlargement.** A nonconforming structure shall not be enlarged, extended or intensified in any way that increases the existing nonconformity or nonconformities, except as provided below.

B. **Maintenance or Minor Repair.** The maintenance or minor repair of a nonconforming structure is permitted, if it does not extend, expand, or increase the size or intensity of the nonconforming structure. For the purposes of this Section, maintenance or minor repair shall mean:

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

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

3. The addition of landscaping that increases the visual attractiveness of the property.

4. Repairs required to remedy unsafe conditions which cause a threat to public safety.

C. **Damage or Destruction.** If a nonconforming structure, with the exception of a single-family home, is destroyed or damaged by any means other than Acts of God by more than fifty percent (50%) of its replacement cost at the time of destruction, then such structure shall not be restored, nor any use of the structure be reestablished in any way which does not conform to the requirements of this Ordinance including off-street parking, landscaping, and signage. However, if the destruction is a result of Acts of God the use and or structure can be re-established to the previous extent.

1. **Structures within a Multi-Family Development.** For structures located within a multi-family development, the fifty percent (50%) shall be measured with reference to the total number of units.

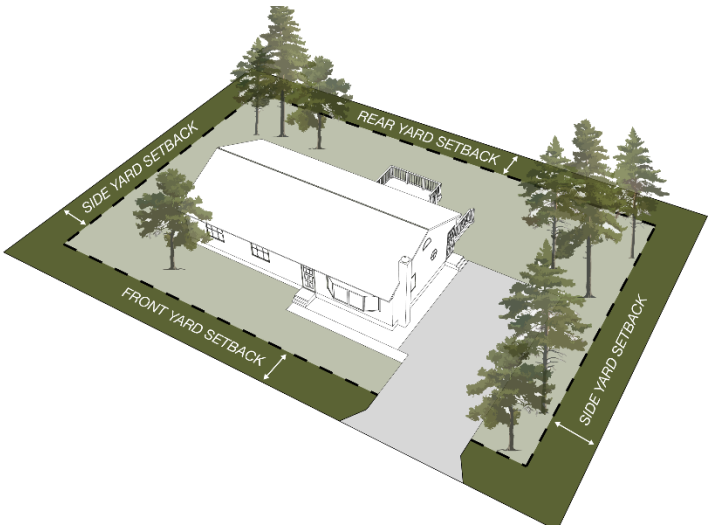
2. **Single-Family Dwellings.** A nonconforming single-family dwelling which is damaged or destroyed to an extent of fifty percent (50%) of assessed value or more may be rebuilt to its previously permitted form.

3. **Historic District Dwellings.** Notwithstanding the aforesaid, existing legally constructed nonconforming single family and duplex dwellings located within the Historic Preservation Overlay District may be rebuilt if they are destroyed by any means as long as the heated and unheated enclosed square footage of the structure is not increased. If the existing structure is also nonconforming in regard to setbacks it shall comply with the setback regulations at the time it is reconstructed. These dwellings shall also be allowed to construct additional outdoor living spaces, porches and decks so as to be afforded the same opportunity to improve the livability and appearance as conforming single-family homes in the Historic Preservation Overlay District.

D. **Section Not Applicable to Nonconforming Signs.** This Section shall not apply to nonconforming signs, the continuation, replacement, removal, expansion, maintenance, and repair of which are governed by *Section 2.4. Nonconforming Signs.*

E. **Existing Single-Family Dwellings.** Single-family dwellings and their accessory structures with setbacks made legal nonconformities by the adoption of this Ordinance are exempt from the requirements of this Section if the proposed addition or alteration will either meet the current setback requirements or will not further encroach into any required setback than the existing structure. This shall not apply to enclosing existing nonconforming decks and patios not under roof if the deck or

patio is the furthest projection into the setback. All other requirements including impervious surface shall be met.



SECTION 2.4 NONCONFORMING SIGNS

A. **Continuation.** Except as set forth in *Chapter 13. Sign Standards* of this Ordinance, requiring removal of a sign when the establishment it serves is discontinued, nonconforming signs may be continued subject to the limitations set forth in this Section.

B. **Enlargement or Alteration.** A nonconforming sign, including its permanent message or its structure, shall not be extended, enlarged, moved, or otherwise altered unless the sign is made to conform to the applicable requirements of this Ordinance, except as outlined in (E) and (F) below.

C. **Damage or Destruction.** When a nonconforming sign is demolished or damaged to the extent that more than fifty percent (50%) of its surface area requires replacement, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

D. **Repair or Maintenance.** When the repair or maintenance of a nonconforming sign exceeds fifty percent (50%) of the sign area, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

E. **Legal Nonconforming Residential Neighborhood Development.** Signs located at the entrance to the development made nonconforming by their placement within Village of Pinehurst Public Rights of Way may be replaced. These replacement signs shall conform to all other regulations including size and height and shall be

constructed to meet NCDOT and Village of Pinehurst requirements for vehicular safety. No sign shall be replaced under this provision without the approval of the Village Manager or designee. The Village Manager may dictate a location that deviates from the original location if in their opinion this would be in the best interest of the public. An individual or entity desiring to construct the new signage shall also be required to obtain a Right-of-Way Encroachment Permit.

F. Non-Conforming signs serving multi-tenant developments may change out tenant names if no more than one-half (50 percent) of the message is changing.

SECTION 2.5 NONCONFORMING LOTS OF RECORD

A. **Development Prohibited.** No use or structure shall be established on a lot of record which does not conform to the lot area and lot width requirements established in this Ordinance for the zoning district in which it is located, except as otherwise set forth in (B) and (C) below.

B. **Residential Use.** Notwithstanding the limitation in Subsection (A) above, a nonconforming lot may be used provided that:

1. The lot is in a district for which the use is permitted.

2. Development of the lot will follow dimensional requirements of the applicable zoning districts with the exception of minimum lot size and minimum lot width. All other dimensional criteria must be met.

C. **Non-Residential Uses.** Notwithstanding the limitation in Subsection (A) above, a nonconforming lot may be used for non-residential purposes, provided that:

1. The lot is in a district in which the use is permitted.

2. Development of the lot will follow dimensional requirements of the applicable zoning districts except for minimum lot size and minimum lot width. All other dimensional criteria must be met.

CHAPTER 3 DECISION MAKING BODIES

SECTION 3.1 PURPOSE

A. **Purpose.** This Chapter defines the development review and decision-making entities of the Village of Pinehurst as well as the approval process for all development applications, and is comprised of the following components:

1. **Summary Development Process Table.** The summary table describes all development application review processes in this Ordinance and the review and decision-making bodies which decide them.

2. **Review and Decision-Making Bodies.**

   (1) **Village Council.**

   (2) **Planning and Zoning Board.**

   (3) **Board of Adjustment.**

   (4) **Historic Preservation Commission.**

   (5) **Village Staff.**

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SECTION 3.2 SUMMARY DEVELOPMENT PROCESS TABLE

The Summary Development Process table lists each development review process under this Ordinance and the review and decision-making bodies involved in the decision-making process. Processes are organized by Administrative, Quasi-judicial, and Legislative processes, as defined in *Chapter 15. Definitions.*

Table 3.1 Summary Development Process Table

Review Process	Section	Review and Decision-Making Bodies				
		Village Planner	Historic Preservation Commission	Planning and Zoning Board	Board of Adjustment	Village Council
Administrative Process						
Minor Site Plan	Section 4.3.8.D	**D**				
Major Site Plan	Section 4.3.8.E	**RR**		**RR**		**D**
Preliminary Major Subdivisions	Section 4.3.9.C	**RR**		**RR**		**D**
Minor Subdivisions	Section 4.3.9.D	**D**				
Expedited Subdivisions	Section 4.3.9.E	**D**				
Exempt Subdivisions	Section 4.3.9.F	**D**				
Final Major Subdivisions	Section 4.3.9.I	**D**				
Temporary Use Permit	Section 4.3.10	**D**				
Development Permit	Section 4.3.11	**D**				
Zoning/Building Permit	Section 4.3.12	**D**				
Certificate of Occupancy	Section 4.3.13	**D**				
Minor Certificate of Appropriateness	Section 6.4.1.C	**D**				

Review Process	Section	Review and Decision-Making Bodies				
		Village Planner	Historic Preservation Commission	Planning and Zoning Board	Board of Adjustment	Village Council
Quasi-Judicial Process						
Variance	Section 4.3.6	**R**			**D**	
Special Use Permit	Section 4.3.7	**R**				**D**
Quasi-Judicial Process						
Appeals*	Section 4.3.15	**R**			**D**	
Major Certificate of Appropriateness	Section 6.4.1.C	**R**	**D**			
Legislative Process						
Ordinance Amendment	Section 4.3.2	**RR**		**RR**		**D**
Zoning Map Amendment	Section 4.3.3	**RR**		**RR**		**D**
Key: R= Review, RR = Review and Recommend, D = Final Decision						
*The BOA shall hear and pass upon appeals from and shall review any disputed order, requirements, decision, or determination made by the Village Planner.						

SECTION 3.3 REVIEW AND DECISION-MAKING BODIES

SECTION 3.3.1 VILLAGE COUNCIL

A. **Powers and Duties.** Without limiting any authority granted to the Village Council by State law or by other ordinances of the Village, the Village Council shall have the following powers and duties with respect to this Ordinance:

1. To adopt amendments to the text of this Ordinance.
2. To adopt amendments to the Official Zoning Map, such as to zone or rezone property into a general use district, conditional district, or overlay district.
3. To adopt amendments to the Comprehensive Plan and other plans of the Village.

4. To adopt design standards for the Historic Preservation Overlay District or other districts.

5. To approve or deny requests for major subdivision preliminary plats, special uses, and general concept plans associated with major site plans; and

6. Such additional powers and duties as may be set forth for the Village Council elsewhere in this Ordinance.

SECTION 3.3.2 PLANNING AND ZONING BOARD

A. **Powers and Duties.** The Planning and Zoning Board shall have the following powers and duties:

1. To review and make recommendations to the Village Council on all proposed amendments to this Ordinance and to the official Zoning Map, General Concept Plans for Major Site Plans, and preliminary plats for Major Subdivisions.

2. To help create or update plans and policies for the Village's coordinated and harmonious development, when requested by the Village Council, in accord with the goals of *Section 1.2 Statement of Intent of This Ordinance*.

3. To regularly review this Ordinance and recommend changes to the Village Council.

4. To carry out any other responsibilities assigned to the Planning and Zoning Board elsewhere in this Ordinance or other Village Ordinances.

SECTION 3.3.3 BOARD OF ADJUSTMENT

A. **Powers and Duties.** The Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160D:

1. To hear and decide applications for approval of variances from the terms of this Ordinance, in accordance with the procedures and standards set forth in *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance.

2. To hear and decide appeals from any order, requirement, permit, decision, or determination issued or made by Village officials in enforcing any provision of this Ordinance, in accordance with the procedures and standards set forth in *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance.

3. To carry out any other responsibilities assigned to the Board of Adjustment elsewhere in this Ordinance or other Village Ordinances.

SECTION 3.3.4 HISTORIC PRESERVATION COMMISSION

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

1. Undertake an inventory of properties of historical, architectural, and/or cultural significance.

2. Recommend to the Village Council areas to be designated by ordinance as "Historic Districts"; and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks".

3. Conduct an educational program with respect to historic properties and districts within the jurisdiction of this Ordinance.

4. Cooperate with State, federal, and local governments in pursuance of the purposes of this Section. The Village Council or the Commission when authorized by the Council may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with the State or Federal law.

5. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

6. Prepare and recommend the official adoption of a preservation element as part of the Village Comprehensive Plan.

7. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Section.

8. Such additional powers and duties may be set forth for the HPC elsewhere in this Ordinance and other ordinances of the Village.

9. Recommend design standards for the Historic Preservation Overlay District to the Village Council.

SECTION 3.3.5 VILLAGE STAFF AND DEPARTMENTS

A. **Village Planner.**

1. The Village Planner, or their designee, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(1) To review and comment on all applications for development approval for compliance with the terms of this Ordinance.

(2) The Village Planner is granted the authority to interpret, administer and enforce the provisions of this Ordinance. The Village Planner may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon them by this Ordinance.

(3) To provide the Village Council, the Planning and Zoning Board, the Board of Adjustment, and the Historic Preservation Commission with the reports and recommendations regarding matters before those bodies, either as required by this Ordinance or upon the request of the body.

(4) To determine and enforce compliance with any conditions attached by the Village Council, Planning and Zoning Board, Historic Preservation Commission or the Board of Adjustment to its approval of a special use, variance, subdivision plat, site plan, conditional district rezoning or certificate of appropriateness.

(5) To advise the Planning and Inspections Department in its inspections of buildings, structures, and the use and development of land.

(6) To interpret, administer, and enforce compliance with the terms of this Ordinance.

(7) Such additional powers and duties as may be set forth for the Village Planner elsewhere in this Ordinance and other ordinances of the Village.

2. It shall be the duty of the Village Planner to administer and enforce the provisions of *Section 6.4.3. Watershed Protection Overlay District - WPOD*. The Village Planner shall keep records of the jurisdiction's compliance with local watershed regulations.

B. **Planning and Inspections Department.** The Planning and Inspections Department, under the direction and supervision of the Village Planner, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. To review and comment on all applications for development approval which are submitted to the Department.

2. To issue and revoke development permits, building permits, and certificates of occupancy, in accordance with *Chapter 4. Approvals, Variances, and*

Administrative Appeals of this Ordinance and to make and maintain records of them.

3. To conduct inspections of buildings, structures, and the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances and codes of the Village and the State, including all conditions of approval related to development.

4. To review, inspect, and approve Village acceptance of subdivision and site plan improvements.

5. To consult with the Village Engineer on the calculated amounts of guarantees required for the installation of improvements, and to determine the sufficiency of improvement guarantee funds.

6. To consult with the Village Engineer on the National Flood Insurance Program.

7. To review all applications for approval of development within the Watershed Protection District for compliance with the provisions in *Section 6.4.3. Watershed Protection Overlay District - WPOD* of this Ordinance regarding watershed protection.

8. To obtain certification from a registered professional engineer or architect when a structure is required to be flood proofed.

9. To maintain all records pertaining to the provisions of Developments in Flood Hazard Areas and Flood Damage Prevention and to hold them open for public inspection.

10. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances and Building Codes of the Village and the State.

C. **Village Engineer.** The Village Engineer, or their designee, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. To review and comment on all applications for development approval which are submitted to the Engineer.

2. To prepare and maintain standard engineering design specifications for streets, storm drainage facilities, water and sewer, sidewalks, and other improvements.

3. To conduct inspections of the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances

and codes of the Village and State, including all conditions of approval related to development.

4. To review and approve the design specifications for subdivision and site plan improvements.

5. To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed development on the Village's transportation and utility systems.

6. To prepare and maintain the Engineering Standards and Specifications Manual.

7. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the Village.

8. Deviations from the Engineering Standards can be allowed by the Village Engineer provided the intent and purpose of the standards are not compromised.

D. **Technical Review Committee (TRC).** The TRC shall serve as a review and recommendation group, assisting the Village Manager, Village Planner, and Village Council, where appropriate, with the review of development permit applications. The TRC will provide advice and recommendations on planning, environmental, engineering, transportation, utilities, and other technical aspects and evaluate the comments and reports from other local, regional or state agencies and from the applicant or other qualified parties.

1. The TRC shall meet at the request of the Village Planner.

2. The applicant may be invited to attend meetings of the TRC.

3. The TRC's recommendations shall be provided as conditions of approval or denial of the application.

4. TRC members shall include, but not be limited to, the Village Planner, representatives from Fire, Police, Public Services, Village Engineer, Building Official and Moore County Utilities.

SECTION 3.4 CONFLICT OF INTEREST

A. **Village Council**

1. A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of

the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

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

B. **Appointed Board**

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

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

C. **Staff**

1. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct,

substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person, or such other staff person as may be designated by the supervisor.

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

CHAPTER 4 APPROVALS, VARIANCES, AND ADMINISTRATIVE APPEALS

SECTION 4.1 ADMINISTRATION

A. To accomplish the purposes of this Ordinance and to ensure compliance with these regulations, the following administrative responsibilities are assigned:

   1. The Village Planner and the Planning and Zoning Board are responsible for making recommendations to the Village Council regarding zoning and land use matters as required by this Ordinance.

   2. The Village Planner and designees shall enforce and administer the regulations of this Ordinance.

B. The Board of Adjustment, Planning and Zoning Board, Village Manager, and the Village Planner, among other boards and committees, may seek needed legal advice of the attorney for the Village of Pinehurst as needed.

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Section 4.1 Administration 33
Section 4.2 General Administration Standards And Requirements 34
Section 4.3 Review Processes 41
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SECTION 4.2 GENERAL ADMINISTRATION STANDARDS AND REQUIREMENTS

SECTION 4.2.1 GENERAL

Whenever the authorized board approves an application for a special use permit or a variance pursuant to *Section 3.3.3. Board of Adjustment* or *Section 4.3.7. Special Use Permit*, or as a conditional district zoning pursuant to *Section 4.3.3.E Conditional District Rezone*, the Village Planner shall obtain the applicant's/landowner's written consent to conditions related to a special use permit or conditional rezoning, and shall cause issuance of any necessary building permit and certificate of occupancy in accordance with the terms of such approval. All other conditions are to be met prior to the issuance of building permits, certificates of occupancy, or other period of time as determined by the Village Planner.

SECTION 4.2.2 VESTED RIGHTS AND PERMIT CHOICE

A. **Purpose**

1. NCGS § 160D-108 provides mechanisms by way of statutory vested rights for a project to move forward as originally approved. Statutory vested rights run with the land and are not affected by changes in ownership. These rights are subject to development progressing in accordance with all applicable terms and conditions of approval.
2. Permit choice is provided as an option for establishing the development standard to be used when regulations are in the process of changing during application review.

B. **Permit Choice.** If an application is submitted for development subject to this Ordinance, and the Ordinance is amended between the time the application is submitted and a development approval decision is made, or a development permit decision has been challenged and found to be wrongfully denied or after an illegal condition is imposed, NCGS § 143-755 applies.

1. If a permit application is submitted for any type of development and a rule or Ordinance is amended, between the time the application was submitted and a permit decision is made, the Applicant may choose which adopted version of the rule or Ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.

2. If the Applicant chooses the version of the Ordinance applicable at the time of the complete application, the Applicant shall not be required to await the outcome of the amendment to the Ordinance prior to acting on the development permit.

3. If a development permit application is placed on hold at the request of the Applicant for a period of six (6) consecutive months or more, or the Applicant fails to respond to comments or provide additional information reasonably requested by the Village or State government for a period of six (6) consecutive months or more, the application review is discontinued and the development regulations in effect at the time the permit processing is resumed apply to the application.

C. **Establishment of Vested Right.**

1. A vested right shall be deemed established upon the valid approval or approval with conditions by the Village Council, Appointed Boards or Committees, or the Village Planner, in compliance with all provisions of this Ordinance, as applicable, of a site-specific vesting plan, following notice and public hearing.

2. The Village Council may approve a site-specific vesting plan upon such terms and conditions as authorized in Section 4.2.2.D.4, and upon making such findings as are required for approval by this Ordinance.

3. Notwithstanding *Section 4.2.2. Vested Rights and Permit Choice*, approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

4. A site-specific development plan shall be deemed approved upon the effective date of approval by the approving authority or ordinance relating thereto, and only to the extent of that approval.

5. The establishment of a vested right shall not preclude the application of overlay standards that impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the local jurisdiction, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific vesting plan upon the expiration or termination of the vested right in accordance with this Section.

6. A vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

D. **Duration of Vested Rights.**

1. Table 4.1 establishes the term of duration of specific statutory vested rights.

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

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

4. A Site-Specific Vesting Plan is a plan that describes with reasonable certainty the type and intensity of use for specific parcel(s) and includes information such as site boundaries; topographic and natural features; location of proposed buildings, structures and improvements; and dimensional requirements. Site-Specific Vesting Plans include the following:

   (1) Plans approved subject to conditional zoning.

   (2) Preliminary plats.

   (3) Plans approved as part of planned developments.

   (4) Commercial and multifamily site plans.

   (5) Plans associated with special use permits.

5. For the purposes of this Section, a multi-phased development is one that:

   (1) Contains at least twenty-five (25) acres.

   (2) Occurs in more than one phase.

   (3) Is subject to a master development plan showing the type and intensity of each phase.

   (4) Multi-phased developments may be vested for a period of seven (7) years from approval of the initial phase of development.

6. Except for multi-phased developments, the Village Council may provide for rights to be vested for a period exceeding two years but not exceeding five (5) years where warranted due to circumstances such as size and phasing of the project, market and economic conditions, and the level of investment made.

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

Table 4.1 Duration of Vested Rights

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

E. **Subsequent Changes Prohibited; Exceptions**

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

   (1) Written consent of the landowner.

   (2) Upon findings by ordinance after notice and a Quasi-Judicial hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project proceeds according to the site-specific vesting plan.

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

   (4) Upon findings, by ordinance after notice and a Quasi-Judicial hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a

difference in the approval of the site-specific vesting plan or the phased development plan.

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

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

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

F. **Voluntary Annexation.**

1. A petition for annexation filed with the Village under NCGS § 160A-31 or NCGS § 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under NCGS § 160D-202(k).

2. A statement that declares that no zoning vested right has been established or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

SECTION 4.2.3 MINOR AND MAJOR MODIFICATIONS

In reaching a decision as to whether proposed modifications are to be considered Minor or Major, the Village Planner shall review the proposed modifications pursuant to the following table. If the modification is not determined to be a Minor Modification by the Village Planner, it will be considered a Major Modification and will be approved subject to the requirements in the applicable sections.

Table 4.2 Major and Minor Modifications

Land Development Regulation Standard	Minor Modification	Major Modification
General		
Any modification in a stipulation or condition specifically required by the Board		✓
Scrivener errors that do not alter the location or boundary of any lot or easement	✓	
Any other modifications that are not specifically set forth in this table as a minor modification		✓
Corrections to the Final Plat to match the applicable Preliminary Plat	✓	
Revising the terms and conditions of the applicable zoning district on the Final Plat	✓	
Site Standards		
A decrease in minimum Lot Area by 20 percent or more		✓
An increase in maximum Lot Coverage by 5 percent or more		✓
An increase in maximum Block Length by 15 percent or more		✓
Moving a side or rear lot line in common with abutting lot on a Final Plat, so long as the resulting lots and setbacks remain in compliance with the Ordinance	✓	
A decrease in minimum Front, Side, or Rear Setback by 15 percent or more		✓
An increase in maximum permitted Encroachment into Setback by 15 percent or more		✓

Land Development Regulation Standard	Minor Modification	Major Modification
A modification to the location of provided open space, provided the applicant demonstrates all applicable Open Space Standards are still met	✓	
A modification made to the final grade on previously approved and recorded documents of not more than 10 percent	✓	
On the Final Plat, the combination of 2 lots to create 1 lot that is larger than the original lots being joined, so long as the resulting lot and development otherwise complies with the Ordinance and the lot(s) have not already been combined with any other lot in such a manner	✓	
Building Standards		
An increase in maximum Building Height by 10 percent or more		✓
An increase in maximum Accessory Structure Height by 10 percent or more		✓
Development Standards		
An increase over the maximum Number Of Required Parking Spaces by 25 percent or less	✓	
An increase in maximum Lighting Height by 15 percent or more		✓
An increase in maximum permitted sign height by 15 percent or more		✓
A modification to the Minimum Landscape Requirements by 15 percent or more		✓
An alteration of the type of landscaping provided, provided all Landscape Screening requirements are met	✓	
A modification of the Tree Replacement Schedule wherein no more than 20 inches of tree planting is either added or removed due to changes in tree removal or retention	✓	

Land Development Regulation Standard	Minor Modification	Major Modification
On the Final Plat, the enlargement of a recorded non-residential lot to include abutting land that was part of the applicable Preliminary Plat, but which abutting land has not yet been included in a recorded Final Plat	✓	
Access		
A modification in the location of a street or access point by not more than 10 feet, provided the applicant demonstrates that all other applicable requirements are still met	✓	
The introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access		✓

SECTION 4.3 REVIEW PROCESSES

SECTION 4.3.1 DEVELOPMENT REVIEW PROCEDURES

A. **Purpose and Intent.**

1. This Section describes the standard procedural steps and rules generally applicable to all development applications reviewed under this Ordinance.

2. The procedures provided in this Section are utilized by the Village for the processing of applications for development permits or approvals.

3. It is the intent of this Section to establish a uniform set of procedures for development applications to be more effective and efficient for applicants, adjacent properties, elected officials, and the Village Planner.

4. The use of property may not be substantially changed, and substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to this Ordinance.

5. Any deviation from these procedures, other than those required by statute, shall not be grounds for invalidating an otherwise valid decision.

B. **Preapplication Meeting.** Although not required in all circumstances, applicants are strongly encouraged to attend a Preapplication Meeting with the Village Planner. It

is understood that information provided by staff in Preapplication Meetings is not binding and for informational purposes only. Applicants are encouraged to provide staff with information to assist staff in providing guidance.

C. **Applications.**

1. Development applications reviewed under this Section may be filed only by the owner of the property on which the use is to be located, an agent of the owner, or contract purchaser specifically authorized by the owner to file such application, or any unit of government which is not the owner of the property but proposes to acquire the property by purchase, gift, or condemnation. Where an agent, lessee, or contract purchaser files the application, the agent, lessee, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.
2. The Village Planner shall establish application content and forms. The Planner may change requirements for submission of required information when, in the Planner's opinion, such information is otherwise available or is not necessary to review the application.
3. The Village Council shall establish application fees, which shall be identified in the Village's adopted fee schedule. Village Council may amend and update those fees as necessary. Requests for approval of the different permits and approvals required by this Ordinance are subject to the payment of the appropriate application processing fee(s) as specified in the most recent Village of Pinehurst Fee Schedule.
4. No application shall be considered for review until it is deemed complete. If the application is incomplete, the Planner shall notify the applicant of any deficiencies. A complete application shall:
   (1) Contain all information and materials as required in the application form as designated by the Village Planner.
   (2) Provide the number of copies required per the application.
   (3) Be signed by the person with authority to file the application.
   (4) Be legible and printed to scale.
   (5) Include information in sufficient detail to evaluate whether the application complies with the applicable review standards in this Ordinance.
   (6) Include the required fee for the particular type of application.

D. **Neighborhood Meetings.**

1. **Neighborhood Meeting Required.** In advance of filing an application for the following applications, a mandatory Neighborhood Meeting is required. Substantial changes to the application may warrant additional Neighborhood Meetings.

   (1) All rezoning applications.

   (2) Major Site Plan.

   (3) Major Subdivision.

   (4) Conditional Zoning Districts.

   (5) All other projects determined to have significant community impact by the Village Planner.

2. **Notice Requirements.**

   (1) All property owners within three hundred (300) feet, excluding right-of-way, and Homeowner Associations within a quarter (0.25) mile shall be mailed notice of the Neighborhood Meeting.

   (2) Notices shall be mailed a minimum of fourteen (14) days prior to the Neighborhood Meeting.

   (3) The notice shall contain the required information in Appendix G.

3. **Meeting Elements.** Plans, information, and data related to the application shall be presented at the Neighborhood Meeting. A complete list of information required to be presented is located in Appendix G.

4. **Meeting Summary.** A summary of the Neighborhood Meeting must be submitted with the application. A complete list of what should be included in the summary is located in Appendix G.

E. **Staff Review of Applications.**

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

2. The Village Planner shall determine whether any initial application required under any Section of this Chapter is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant of

any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Village Planner shall schedule the application for consideration before the appropriate body and/or schedule a public hearing, if required.

3. An application shall be deemed complete if it is submitted in the required number and form, includes all requested information, and is accompanied by the applicable fee. A determination of application completeness shall be made within thirty (30) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within twenty (20) working days, the application shall be considered withdrawn.

F. **Quasi-Judicial and Legislative Public Hearings.**

1. **Public Meetings and Public Hearings.** Public Meetings and Public Hearings shall comply with the Quasi-Judicial and Legislative provisions below.

2. **Public Notice Requirements.**

Table 4.3 Public Hearing Notification Requirements

Process	Section Number	Quasi-Judicial Hearing	Legislative Hearing	Published Notice	Mailed Notice	Posted Notice
Ordinance Amendment	Sec. 4.3.2		Yes	Yes	Yes	Yes
Rezoning	Sec. 4.3.3		Yes	Yes	Yes	Yes
Variance	Sec. 4.3.6	Yes		No	Yes	Yes
Special Use Permit	Sec. 4.3.7	Yes		No	Yes	Yes
Appeal	Sec 4.3.15	Yes		No	Yes	Yes

(1) **Published Notice Requirements.** Prior to the hearing, a notice of the hearing shall be posted once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time, not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(2) **Mailed Notice Requirements.** The owners of all parcels of land abutting the subject site shall be mailed a notice of the hearing by first-class mail to the last address listed on the Moore County Tax Registry. Properties are considered abutting even if separated by a street, railroad or other transportation corridor. The notice shall be deposited in the mail not less than ten (10) days nor more than twenty-five (25) days before the hearing.

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

(3) **Posted Notice Requirements.** At least ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

3. **Quasi-Judicial Hearings.** The Board of Adjustment shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or for any other quasi-judicial decision.

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

(2) **Presentation of Evidence.** The applicant, the local government, and any person who would have standing to appeal the decision under *Section 4.3.1.H. Standing* shall have the right to participate as a party at the Quasi-Judicial hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Board. Objections regarding jurisdictional and quasi-judicial issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be

made to the Board. The Board Chair shall rule on any objections, and the chair's rulings may be appealed to the full Board. These rulings are also subject to judicial review pursuant to NCGS § 160D-1402.

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

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

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

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

(7) **Voting.** The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide on

any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter under NCGS § 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(8) **Decisions.** The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be in writing, reflect the Board's determination of contested facts and their application to the applicable standards, and be approved by the Board and signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board or such other office or official as the development regulation specifies. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(9) **Judicial Review.** Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to NCGS § 160D-1402. Appeals shall be filed within the times specified in NCGS § 160D-1405(d).

4. **Legislative Hearing Procedures.** The procedures and requirements set forth in this Section shall apply to all legislative public hearings regarding text amendments, the rezoning of property to a conditional district, general use zoning district, overlay zoning district, general concept plans for major site plan approvals and major subdivision preliminary plats;

(1) **Complete Application.** When the Village Planner has determined that an application is complete and that a public hearing is required by this

Ordinance, the Village Planner shall schedule a date, time, and place for a public hearing before the Planning and Zoning Board.

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

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

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

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

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

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

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

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

i. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.

ii. An option or contract to purchase the property that is the subject of the decision being appealed.

iii. An applicant before the decision-making board whose decision is being appealed.

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

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

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

6. **Conditions of Approval.** Conditions of approval shall comply with the following:

(1) Conditions of approval are limited to a conditional rezoning or quasi-judicial processes.

(2) Conditions of approval shall be limited to conditions necessary to ensure compliance with the PDO, or to prevent or mitigate adverse effects from the proposed development, within the scope of powers delegated to local jurisdictions by the State of North Carolina.

(3) Any condition of approval shall be set forth in any official notice of decision or permit approval.

(4) Conditions of approval may be proposed by applicant, Village staff, or the particular review/approval authority.

(5) Only those conditions mutually agreed upon by the applicant and the deciding board may be incorporated into a conditional district rezoning.

7. **Timing.**

(1) **Continued Hearings.** The Board may continue a Quasi-Judicial hearing that has been convened without further advertisement. If a Quasi-Judicial hearing is set for a given date and a quorum of the Board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

G. **Simultaneous Processing of Applications.**

1. **Simultaneous Processing of Applications for Different Permits and Approvals for the Same Development.**

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

(2) Notwithstanding (1) above, no application for the rezoning of property shall be accepted or processed while an application for a development permit is pending for the same property, nor shall an application for a development permit be accepted or processed while an application for rezoning is pending for the same property.

2. **Simultaneous Processing of Voluntary Annexation Petitions**

(1) **Where the Property is Located Within the Extraterritorial Jurisdiction.** Where the owner or developer of a property located in the extraterritorial jurisdiction, but not within the Village limits, wishes the Village to annex the property into the Village's corporate boundaries, as well as to approve proposed development on the property, then a voluntary annexation petition shall be submitted at the same time as an application for all development

permits and must be submitted prior to the Village Council's approval of the site plan or preliminary subdivision plat.

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

SECTION 4.3.2 PINEHURST DEVELOPMENT ORDINANCE TEXT AMENDMENTS

A. **Purpose and Scope.** The Village Council, in accordance with the procedures set forth in this Chapter, may amend the text of this Ordinance.

1. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village.

2. Under no circumstances shall the Village Council adopt such amendments, supplements or changes that would cause this Ordinance to violate any State or Federal laws. All amendments related to such State and Federal laws must be filed with the appropriate government agencies when required.

B. **Initiation of Amendments.** An amendment to the text of this Ordinance may be initiated by the Village Council or the Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction of this Ordinance.

C. **Filing and Content of Applications**

1. The Village Planner will not accept an application for an amendment that would include an increase in density or intensity of uses unless:

(1) All adjacent property owners have been contacted by the applicant and have been given an opportunity to meet with the applicant at a reasonable time and place.

(2) The applicant submits a summary report indicating the results of the meeting.

(3) No member of the Planning and Zoning Board or Village Council may participate in a neighborhood meeting in an official capacity. The applicant may conduct additional neighborhood meetings during the amendment process at the applicant's discretion.

D. **Review.**

Figure 4.1 Process for Text Amendments



1. **Staff Review.** Prior to the Public Hearing, the Village Planner and other appropriate Village Staff shall prepare a report to the Planning and Zoning Board and the Village Council. This report shall include a discussion of all plans and policies that have been adopted by the Village and are relevant to the proposed amendment, a summary of any neighborhood meetings along with a recommendation by the Village Planner regarding whether to approve or deny the proposed amendment.

2. **Review by Planning and Zoning Board.** The Planning and Zoning Board shall consider each proposed amendment and shall make recommendations to the Village Council regarding whether to approve or deny each proposed amendment. In considering each proposed amendment, the Planning and Zoning Board shall conduct a Public Hearing on the application. After review, the Planning and Zoning Board will formulate a recommendation and forward it to the Village Council for consideration. At the time of recommendation, the Planning and Zoning Board shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long Range Plan.

3. **Review and Action by the Village Council.**

(1) A text amendment may be adopted only after the Village Council has conducted a legislative public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the

legislative public hearing shall be conducted in accordance with *Section 4.3.1.G. Legislative Hearing Procedures* of this Ordinance and as required by this Ordinance.

(2) Before acting on any proposed amendment, the Village Council shall consider the recommendation of the Planning and Zoning Board, the report and recommendation submitted by the Village Planner and the comments made at the public hearing.

(3) Upon reviewing such information, the Village Council may:

i. Adopt the proposed amendment by Ordinance.

ii. Reject the proposed amendment.

iii. Refer the proposed amendment back to the Planning and Zoning Board or a committee of the Village Council for further consideration.

(4) At the time of any action to either approve or deny the Village Council shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long-Range Plan.

E. **Effect.** Any changes to the PDO text shall be made effective immediately after approval of the application by the Village Council.

SECTION 4.3.3 REZONES

A. **Purpose and Scope.** The Village Council, in accordance with the procedures set forth in this Chapter, may rezone property (that is, amend the classifications of property appearing on the Official Zoning Map).

1. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Zoning Map that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village.

2. Under no circumstances shall the Village Council adopt such amendments, supplements or changes that would cause this Ordinance to violate any State or Federal laws. All amendments related to such State and Federal laws must be filed with the appropriate government agencies when required.

B. **Initiation of Amendments.** A rezoning may be initiated by the Village Council, Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser

specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction of this ordinance. An application for rezoning to a conditional district may only be initiated by the owner(s) of all of the property included or upon their written authorization.

C. **Filing and Content of Applications**

Figure 4.2 Process for Rezonings



1. The Village Planner will not accept an application for an amendment to rezone property or properties that would include an increase in density or intensity of uses unless:

   (1) All adjacent property owners have been contacted by the applicant and have been given an opportunity to meet with the applicant at a reasonable time and place.

   (2) The applicant submits a summary report indicating the results of the meeting.

   (3) No member of the Planning and Zoning Board or Village Council may participate in a neighborhood meeting in an official capacity. The applicant may conduct additional neighborhood meetings during the amendment process at the applicant's discretion.

2. An application for rezoning to a general use district shall not be converted into an application for rezoning to a conditional district at any point in the application review process, nor shall an application for rezoning to a conditional district be converted into an application for rezoning to a general use district. Rather, the applicant must submit a new application for rezoning to the other district in accordance with the requirements of this Chapter.

D. **Review.**

1. **Staff Review.** Prior to the public hearing, the Village Planner and other appropriate Village Staff shall prepare a report to the Planning and Zoning Board and the Village Council. This report shall include a discussion of all plans and policies that have been adopted by the Village and are relevant to the

proposed amendment, a summary of any neighborhood meetings, along with a recommendation by the Village Planner regarding whether to approve or deny the proposed amendment.

2. **Review by Planning and Zoning Board.** The Planning and Zoning Board shall consider each proposed amendment and map amendment and shall make recommendations to the Village Council regarding whether to approve or deny each proposed amendment. In considering each proposed amendment, the Planning and Zoning Board shall conduct a Public Hearing on the application. After review, the Planning and Zoning Board will formulate a recommendation and forward it to the Village Council for consideration. At the time of recommendation, the Planning and Zoning Board shall make a statement on if the proposed amendment is consistent with the Comprehensive Long-Range Plan.

3. **Review and Action by the Village Council.**

   (1) A text amendment or rezoning may be adopted only after the Village Council has conducted a legislative public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the legislative public hearing shall be conducted in accordance with *Section 4.3.1.G. Legislative Hearing Procedures* of this Ordinance and as required by this Ordinance.

   (2) Before acting on any proposed amendment, the Village Council shall consider the recommendation of the Planning and Zoning Board, the report and recommendation submitted by the Village Planner and the comments made at the public hearing.

   (3) Upon reviewing such information, the Village Council may:

      i. Adopt the proposed amendment by Ordinance.

      ii. Reject the proposed amendment.

      iii. Refer the proposed amendment back to the Planning and Zoning Board or a committee of the Village Council for further consideration.

   (4) At the time of any action to either approve or deny the Village Council shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long-Range Plan.

E. **Conditional District Rezone.** It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Conditional District rezonings are provided as a voluntary alternative method of petitioning the Village Council for a zoning map amendment. In accordance with NCGS § 160D-703(b), the owner or their authorized agent is authorized to submit a rezoning application that proposes conditions and/or use limitations that are more restrictive than would otherwise be allowed in the corresponding general use zoning district. Requests for the rezoning of property to a Conditional District shall be considered and treated the same as any other rezoning in accordance with the procedures set forth in *Section 4.3.3. Rezones*, except as modified by this Section.

1. **Application Procedures**

(1) **Applicant and Property.** Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included.

(2) **Minimum Standards.** All requirements of the corresponding general use district shall be met as minimum standards for any Conditional District except as specified in *Section 4.3.3.E.4.2. Exception to Modifications*.

(3) **Uses Allowed.** Within an approved Conditional District, no use shall be permitted except those allowed in the corresponding general use district as permitted uses, uses permitted with special requirements, or uses permitted with a Special Use Permit as indicated in *Section 6.6. Table of Permitted Special Uses and Special Requirements*. Where an intended use is a special use, the authorization of a Conditional District pursuant to this section shall preclude any requirement for obtaining a Special Use Permit in a separate procedure. The intended special uses shall be made part of the application.

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

2. **Formal Review.**

(1) **Procedure.** The procedure for approval, including review procedures, required public notification, and appeals, shall follow the procedure outlined in *Section 4.3.1. Development Review Procedures*, except as otherwise indicated below.

(2) **Changes to Conditional District Application.**

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

ii. An application for rezoning to a Conditional District shall not be converted into an application for rezoning to a general use district at any point in the application review process, nor shall an application for rezoning to a general use district be converted into an application for rezoning to a Conditional District. Rather, the applicant must submit a new application for rezoning to the other district in accordance with the requirements of this Chapter.

(3) **Fair and Reasonable Conditions.** In approving a Conditional District rezoning, the Village Council may impose such additional reasonable and appropriate safeguards upon the Conditional District General Concept Plan and application as it may deem necessary in order that the purpose and intent of this Ordinance are served. Such conditions may include, but are not limited to, the location, nature, hours of operation, and extent of the proposed use(s). The applicant will have a reasonable opportunity to consider, respond and agree to any conditions and site-specific standards proposed by the Village Council prior to final action.

3. **Effect of Approval/Changes**. The applicant may proceed with development only after approval of the Conditional District General Concept Plan by Village Council, followed by approval of any necessary Site Plans or Subdivision Plats, except that all subsequent approvals shall be completed by the Village Planner. The development and use of all land within the Conditional District shall be in keeping with the approved General Concept Plan and all applicable provisions therein.

(1) **Approval of Phasing.** Proposed phases of development shall be shown on the General Concept Plan. Each phase of development shall adhere to all applicable provisions and standards of this Section and the applicable Conditional District General Concept Plan. Each completed phase shall comply with the minimum standards of this Ordinance.

(2) **Substantial Changes.** Any substantial change to an approved General Concept Plan as noted below shall be reviewed by the Planning and Zoning Board and approved or denied by the Village Council as an amended Conditional District. The following changes to a Conditional District General Concept Plan shall require approval by the Village Council:

i. Land area being added or removed from the Conditional District.

ii. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.

iii. A change in land use or development type beyond that permitted by the approved General Concept Plan.

iv. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

v. When there is an increase in the total number of residential dwelling units originally authorized by the approved General Concept Plan.

vi. When the total floor area of a commercial or industrial classification is increased more than ten percent (10%) beyond the total floor area last approved by Village Council.

vii. When the total height of a structure is increased more than ten percent (10%) beyond the total height last approved by the Village Council.

viii. When perimeter buffers and shown perimeter landscape areas are modified in any way except for like replacements of materials or planting stock.

ix. When open space is decreased or impervious area is increased.

x. When the proposed change has a discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(3) **Additional Changes.** All other changes to a Conditional District General Concept Plan shall receive approval by the Village Planner. However, if in the judgment of the Village Planner, the requested changes alter the basic development concept of the Conditional District, the Village Planner may require concurrent approval by the Village Council following the same process as the original Conditional District approval.

4. **Standards for Conditional Districts (CD)**

(1) **Standards.** Within a Conditional District (CD), petitioners may place additional requirements or standards onto themselves and their property or ask that certain use allowances identified in the specific zoning category or provisions in Chapters 2 through 14 be decreased. If no specific request is made by the petitioner to seek a change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

(2) **Exception to Modifications.** The applicant may request variations in the specific provisions detailed in Chapters 6, 7, 8, 10, 11, 12, 13 & 14 as part of a Conditional District application except as stipulated in Table 4.4:

Table 4.4 Conditional District Modification Exemptions

Chapter(s)	Title	Limitations to Modifications:
6 & 7	Zoning	Permitted uses may not be added unless the use proposed is not currently defined or contemplated by the PDO. Permitted uses may be removed from the petition.
6.7 & 7.4	Special Requirements	
6.7, 7.4, 6.8, & 7.6.3	General Standards Open Space	Amount required may not be reduced.
11	Parking	
8	Landscaping Requirements	Like replacements of materials or planting stock.
13	Signs	Signage may exceed the permitted amount by no more than 50%.
12	Lighting	
14	Water & Sewer Requirements	No modifications
10	Fences	
14	Design Standards for SF Dwellings	
4.3.8	Site Plan Development Standards	
14.	Subdivision Standards	

(3) **Approval Inclusions.** With Conditional District Approval, Special Non-Residential Intensity Allocation shall be granted in accordance with adopted Village Policies. If development approvals are not obtained or expired the issuance of the Special Non-Residential Intensity Allocation shall be rescinded.

SECTION 4.3.4 FORM BASED DISTRICT APPROVAL

A. **General.**

1. Uses requiring Conditional Zoning approval shall follow the Conditional Zoning requirements of *Section 4.3.3.E Conditional District Rezone*.

2. Uses that are permitted by right shall be approved by staff.

B. **Form Based District Application Requirements.** Form Based District Applications shall be consistent with the requirements of *Chapter 7. Form Based Districts* and the adopted Form Based Guidance Documents, as well as the following:

1. Prepare a General Concept Plan in accordance with Appendix C of this document for review by staff. Include criteria for submittal of subdivisions in Appendix D and conditional zoning, when appropriate.

2. Staff will review the materials and work with the applicant to establish a schedule for review by the Technical Review Committee, Planning & Zoning Board, and Village Council, as required.

SECTION 4.3.5 DEVELOPMENT AGREEMENTS

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

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

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

1. A description of the property and the names of legal and equitable property owners.

2. Time duration of the agreement.

3. Development uses permitted including population densities, intensities, building types, placement on site and design.

4. A description of public facilities:

   (1) Who will provide the facility?

   (2) When the facility will be provided.

(3) A schedule demonstrating when services will be provided concurrently with the development requiring the service.

(4) Determination of project deliverables by the developer that trigger successful performance for the requirement of the service.

5. A description of land reserved or dedicated for public purposes.

6. Any other terms regarding public health, safety, or welfare.

7. Any provisions for the preservation and restoration of historic structures.

8. A development schedule may be provided including commencement and completion dates.

9. The agreement may contain penalties for material breach of the agreement.

10. Other matters agreed to by the parties within the scope consistent with this Ordinance.

C. **Parties to the Agreement.** The development agreement may include other local government or regional utility authorities but must specify which local government is responsible for overall administration.

D. **Procedural Requirements.**

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

(1) Location of the subject property.

(2) Proposed uses.

(3) Location noting where a copy of the proposed agreement may be obtained.

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

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

E. **Breach and Cure.**

1. The Village Planner is authorized to review the agreement annually to ensure good-faith compliance.

2. If the developer has committed a material breach of the agreement, the developer shall be notified in writing as to the nature of the breach, the evidence supporting the finding and a time-period in which to correct the breach.

3. If the developer fails to correct the material breach within the established time-period, the Village may unilaterally terminate or modify the agreement subject to appeal to the Board of Adjustment.

4. The agreement is enforceable by any party to the agreement, and action for injunctive relief may be filed to enforce the terms of the agreement.

F. **Amendment or Termination.** A development agreement may be amended or terminated by mutual consent of the parties.

SECTION 4.3.6 VARIANCES

A. **Purpose and Scope.**

1. **Purpose.** The variance process administered by the Board of Adjustment is intended to provide relief from the zoning requirements of this Ordinance in those cases where strict application of a particular zoning requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. No change in permitted uses may be authorized by variance.

B. **Provisions Which May Not be Varied by the Board of Adjustment**. In no event shall the Board of Adjustment grant a variance:

1. That would allow the establishment of a use which is not otherwise allowed in a zoning district, or which would change the zoning district classification of any or all of the affected property.

2. From any written conditions attached by the Village Council to an approval of a special use, subdivision plat, site plan, and conditional district or from the stated terms of an approved master land use plan for a planned development.

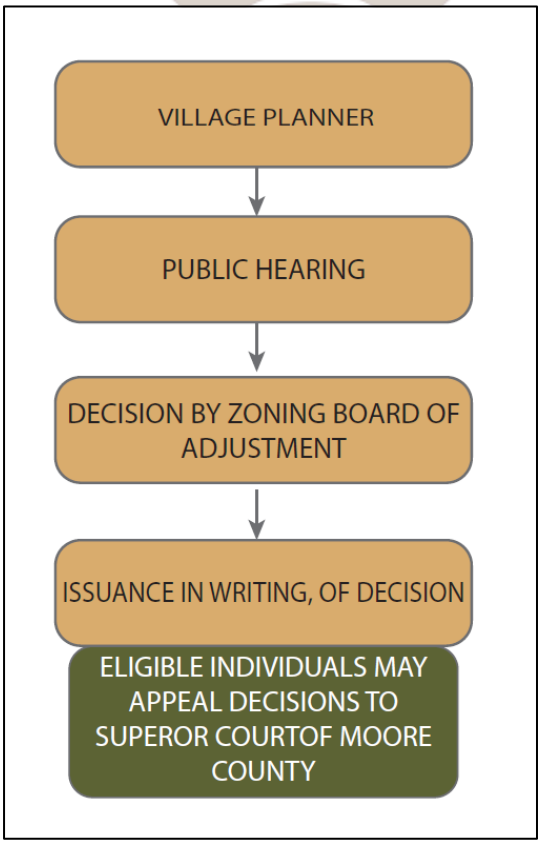
C. **Application Requirements; Determination of Completeness.**

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

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

3. After determining that the application is complete, the Village Planner shall transmit to the Board of Adjustment, prior to the hearing on the application, the application pertaining to such variance.

Figure 4.3 Process for Variance



D. **Action by the Board of Adjustment.**

1. Upon receiving the application materials from the Village Planner, the Board of Adjustment shall hold a quasi-judicial public hearing on the proposed variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance.

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

3. After conducting the public hearing, the Board of Adjustment may:

   (1) Have the authority to subpoena witnesses and may request additional information.

   (2) Continue the public hearing on the requested variance.

   (3) Conduct an additional public hearing on the requested variance.

   (4) Grant the requested variance.

(5) Deny the requested variance.

(6) Grant the requested variance with conditions. In granting any variance, the Board of Adjustment may attach appropriate conditions, provided that the conditions are reasonably related to the purpose and objectives of this Ordinance. The Board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this Ordinance.

4. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the standards set forth in *Section 4.3.6.E. Standards of Review* below, stating the reasons for such findings. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

E. **Standards of Review.** In accordance with NCGS § 160D-705, the Board of Adjustment shall vary any of the provisions of this Ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

F. **Previously Granted Variances**

1. Any development for which a variance has been granted prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development nonconforming, may be carried out in accordance with the granted variance and shall be deemed lawfully existing under the terms of this Ordinance, provided that:

   (1) A building permit has been validly issued for the development prior to the effective date of this Ordinance, or the amendment thereto which renders the development non-conforming and has not expired or been revoked.

   (2) All features of the development that are not the specific subject of the variance shall conform to all applicable requirements of this Ordinance.

2. If the requirements of (1) above have not been met, then the previously granted variance shall become null and void. Development of the property therefore must meet all applicable requirements of this Ordinance, except where the person has applied for and received a new variance pursuant to the procedures and standards set forth in *Section 4.3.6 Variances* of this Ordinance.

G. **Effect of Approval or Denial**

1. After the Board of Adjustment approves a variance, the applicant shall follow the procedures set forth in *Chapter 4* for the approval of all permits, certificates, and other approvals required in order to proceed with development of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance granted to the applicant by the Board of Adjustment.

2. The Board of Adjustment shall refuse to hear a variance request that has previously been denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

SECTION 4.3.7 SPECIAL USE PERMIT

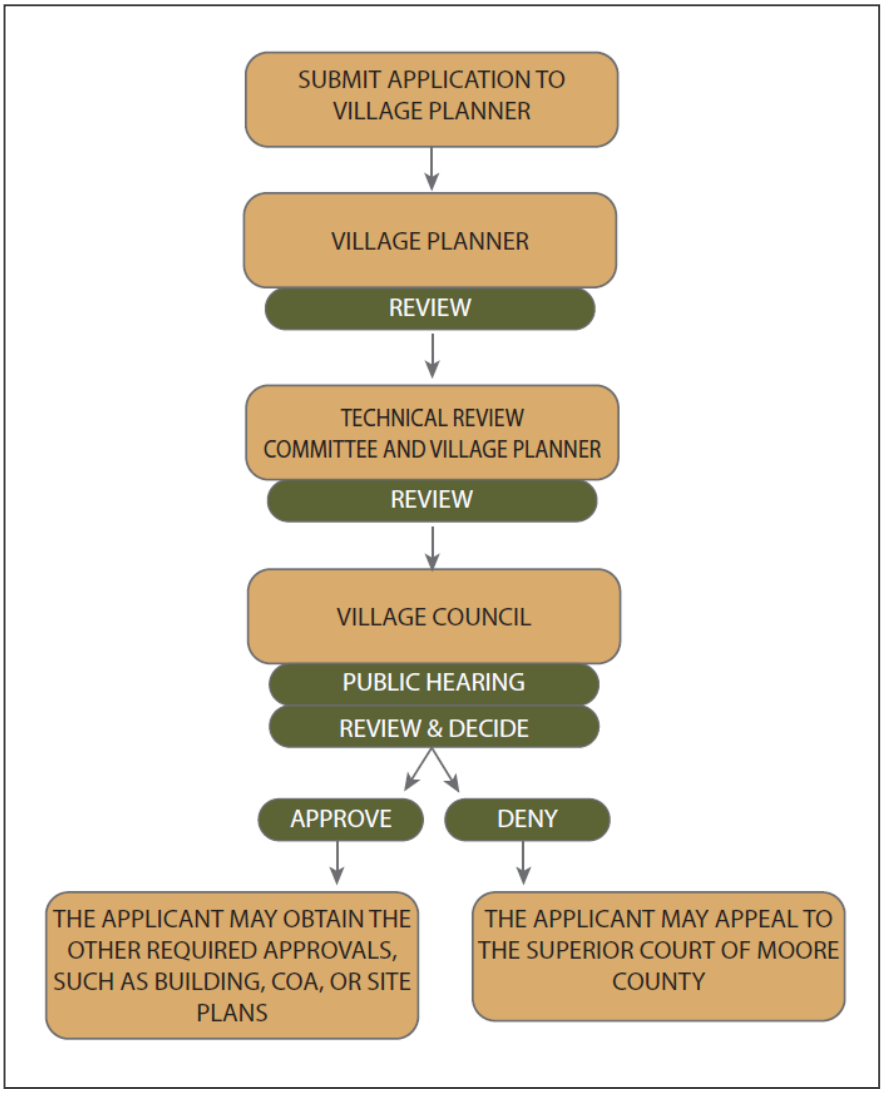
A. **Purpose and Applicability; Special Uses.**

1. The classification of special uses is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Village as a whole, require individual consideration of their location, design, configuration, and/or operation

at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.

2. Accordingly, any use designated as a special use in an individual zoning district as shown on the use tables in *Chapters 6 & 7* shall not be established without the approval of the Village Council in accordance with the procedures and requirements set forth in this Section. Final approval of special use permits shall be the responsibility of the Village Council.

Figure 4.4 Process for Special Use Permits



B. **Special Uses Requiring Variances.** If the proposed special use involves one or more structures or elements which do not conform to the regulations of the district in which the special use is to be located, then no special use approval shall be granted unless the applicant has corrected such nonconforming elements or the Board of Adjustment has first granted variances with respect to such nonconforming features pursuant to *Section 4.3.6 Variances* of this Ordinance.

C. **Lapse of Special Use Approval for Failure to Obtain Site Plan Approval.** Approvals of special uses shall be automatically conditioned on the subsequent approval of the site plan when required under *Section 4.3.8. Major and Minor Site Plan Approvals* of this Ordinance. Accordingly, the approval of any special use shall lapse and become null and void where the applicant has failed to receive final site plan approval within twelve (12) months of the date of approval

of the special use. At the request of the applicant the Village Council may grant an additional six (6) months.

D. **Action on Special Uses.**

1. **Review by the Village Council.** The Village Council shall review the application and conduct a Quasi-Judicial Public Hearing. Notice of public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance. The Village Council shall review the application materials and General Concept Plan if required, the general purpose and standards set forth in this Section for the approval of special uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received by the Village Council at the Public Hearing.

2. **Action by the Village Council.** At the conclusion of the Quasi-Judicial Public Hearing, the Village Council shall approve, approve with conditions, deny or take any other action consistent with its usual rules of procedure on the Special Use Permit Application. Any approval or denial of the application shall state the findings of fact that establish whether the proposed use meets or does not meet each of the standards set forth in *Section 4.3.7.E. Standards of Review* below and all other requirements set forth by this Chapter for the proposed special use. The decision on the application shall be by a simple majority vote of the members of the Village Council. The Council is required to take action within sixty (60) days from the date of the public hearing.

3. **Appeals to Courts.** Appeal from the decision of the Village Council in regard to special use permits shall be by petition for certiorari to the Moore County Superior Court. Any such petition to the Superior Court shall be filed with the Court Clerk no later than thirty (30) days after the date the decision of the Village Council is filed with the Village Planner, or after the date a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Village Council at the public hearing, whichever is later. The copy of the decision shall be delivered to the aggrieved party either by personal service or registered or certified mail, return receipt requested.

E. **Standards of Review.** The Village Council shall not approve the special use unless and until it makes the following findings, based on the evidence and testimony received at the Quasi-Judicial Public Hearing or otherwise appearing in the record of the case:

1. The proposed special use meets all required conditions and specifications.

2. The proposed special use is in harmony with the area, or compatible with the neighborhood.

3. The proposed special use will not materially endanger public health or safety.

4. The proposed special use will not substantially injure the value of adjoining property or be a public necessity.

5. The proposed special use will be in general conformity with the Comprehensive Long-Range Plan.

F. **Conditions Attached to Approval.** In approving the special use, the Village Council may attach such conditions to the approval as it deems necessary to have the proposed use meet the standards set forth for the proposed special use below and elsewhere in this Ordinance, and to protect the public health, safety, and general welfare. All such conditions shall be stated on the form for approving the application. Such conditions may be stricter than any requirement or limitation stated elsewhere in this Ordinance for the proposed use. Such conditions may include, but are not limited to, the following:

1. Limitations on the size, bulk and location of structures.

2. Requirements for landscaping, signs and outdoor lighting.

3. The provision of adequate site ingress and egress.

4. Dedication of rights-of-way for streets or utilities.

5. Provision of open space and/or active recreational space and facilities.

6. Limitations on the duration of the approval and the time period within which the use will be developed.

7. Limitations on hours of operation.

8. The mitigation of environmental impacts.

9. Other conditions deemed reasonable.

G. **Effect of Approval or Denial**

1. **Subsequent Permits and Approvals.** Approval of the application for a special use by the Village Council constitutes approval of the special use and authorizes the applicant to apply for site plan approval, if required, and such other permits or approvals which the Village may require for the proposed

development. The Village Planner shall review applications for these permits for compliance with the terms of the special use approval granted by the Village Council. A Development Permit, Certificate of Appropriateness, or other approval shall be issued or valid only for work that complies with the terms of the special use approval.

2. **Transferability of Approval.** A special use approval is not transferable from one (1) property to another but may be transferred to a successor-in-interest to the property.

H. **Changes to Terms and Conditions of Approval.** Any changes to the terms or conditions of approval of the special use shall require separate review by the Village Planner and approval of a new special use permit by the Village Council if the changes are considered to be major. Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied in the manner set forth in this Section.

1. **Approval of Phasing.** Proposed phases of development shall be shown on the General Concept Plan. Each phase of development shall adhere to all applicable provisions and standards of this Section and the applicable Special Use General Concept Plan. Each completed phase shall comply with the minimum standards of this Ordinance where practical and any conditions attached to the special use permit.

2. **Major Changes.** Any major change to an approved General Concept Plan shall be reviewed and approved or denied by the Village Council as an amended Special Use Permit.

3. **Additional Changes.** All other changes to a Special Use General Concept Plan shall receive approval by the Technical Review Committee and the Village Planner. However, if in the judgment of the Village Planner, the requested changes alter the basic development concept of the Special Use Permit, the Village Planner may require concurrent approval by the Village Council following the same process as the original Special Use approval.

SECTION 4.3.8 MAJOR AND MINOR SITE PLAN APPROVALS

A. **Site Plan Approval Required; Minor Site Plans and Major Site Plans.**

1. A site plan showing the proposed development of the property must be approved by the Village Council or Village Planner in accordance with the procedures and requirements of this Section before a development permit may be issued:

(1) **Uses Requiring Site Plan Approval Before Development.** Any use or development of property except for:

i. Temporary uses that are regulated by this Ordinance.

ii. A change in use which does not:

a. Require any physical changes to the building exterior or property.

b. Cause any change in utility infrastructure.

c. Require street or sidewalk construction.

2. **Three Types of Site Plans Required–Single Family Dwelling, Minor and Major.**

(1) **Single Family Dwelling.** Single family site plan for the development of property for single family residential purposes including accessory uses to the principal use of the single-family dwelling, approval of which shall be the responsibility of the Village Planner as outlined in *Section 14.2. Design Standards for Single Family Dwellings*.

(2) **Minor Site Plans.** Site plans for any non-residential development or multi-family development with a land disturbing activity not exceeding three (3) acres shall be deemed minor site plans, approval of which shall be the responsibility of the Village Planner upon recommendation of the Technical Review Committee as outlined in *Section 4.3.8.D. Consideration of Minor Site Plans*.

(3) **Major Site Plans.** All other site plans shall be deemed major site plans, approval of which shall be the responsibility of the Village Council in accordance with the requirements of *Section 4.3.8.E. Consideration of Major Site Plans* below. Major Site Plans that are in accordance with an approved General Concept Plan shall be reviewed as Minor Site Plans.

B. **Coordination of Site Plan Approval With Other Review Processes.**

1. It is the intention of this Section to provide processes for reviewing and approving site plans along with other required reviews at the same time to the maximum extent possible. Therefore, an application for the approval of a site plan may be submitted at the same time as an application for the approval of other development permit requirements for the same development. The review and processing of the applications shall be coordinated and consolidated as

much as possible. However, the Village Planner and the Planning and Zoning Board shall render separate reports and recommendations.

2. The Village Council may render a separate decision on each individual application, recognizing the applications as distinct and subject to different standards for approval.

C. **Application Requirements for Both Minor and Major Site Plans.**

1. The applicant shall submit a major site plan application in order to obtain approval for a major site plan. The requirements for a major site plan application are found in Appendix D (See *Section 4.3.8.E. Consideration of Major Site Plans* for General Concept Plan submittal). The applicant shall submit a minor site plan application in order to obtain approval for a minor site plan. The requirements for a minor site plan application are found in Appendix D.

2. During the review of the site plan, the Village Planner, the Planning and Zoning Board, or the Village Council, may require such additional information as may be necessary to review the submitted site plan.

D. **Consideration of Minor Site Plans.**

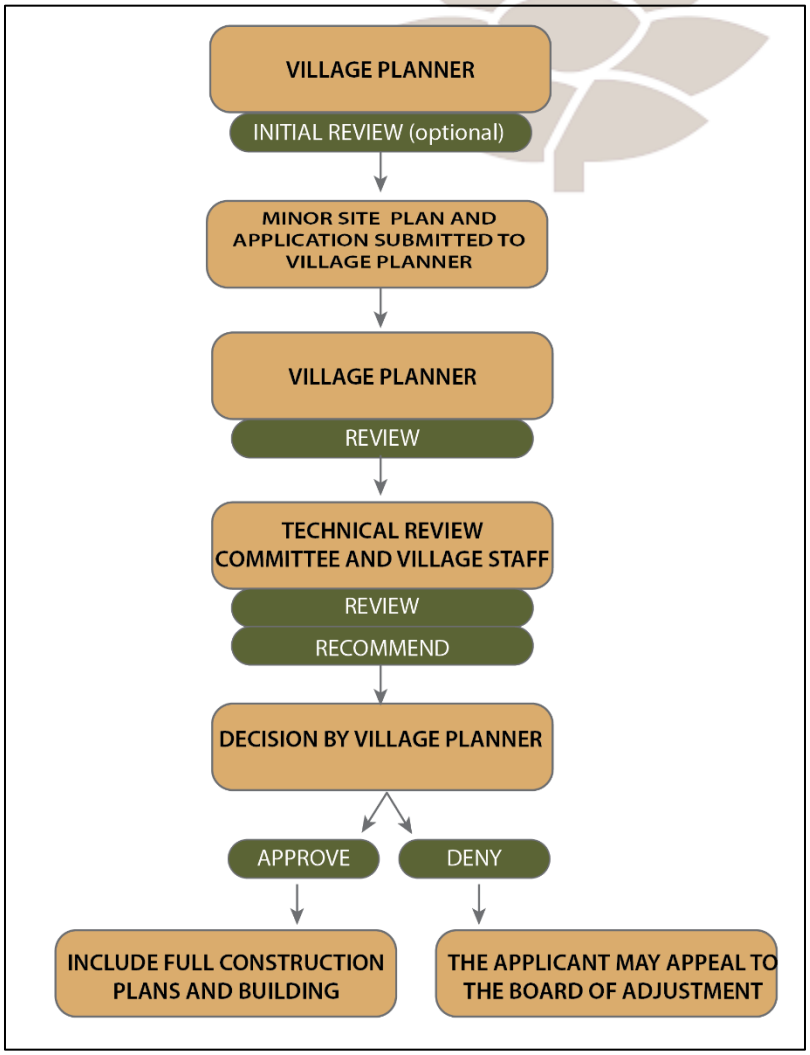
1. **Village Planner Review.**

(1) The application and site plan shall be reviewed by the Village Planner and the Technical Review Committee for compliance with the standards and requirements set forth in this Ordinance. The developer at their discretion may submit a sketch plan for initial review and comment. The comments of the Village Planner and the Technical Review Committee shall be provided to the applicant by the Village Planner.

(2) The applicant may resubmit the site plan along with a written response to these comments for further review by the Village Planner and the Technical Review Committee. The Village Planner and other Village Staff shall review the resubmitted site plan and then submit its comments about the resubmitted site plan to the applicant.

(3) The process continues until the site plan is determined to be approved or denied. If the Village Planner denies approval of the site plan, the reasons shall be stated in writing.

Figure 4.5 Process for Minor Site Plan Approval



2. **Action by the Village Planner on Minor Site Plans.**

(1) Failure of the Village Planner to act or provide comments on a minor site plan within forty- five (45) days of receiving the site plan and recommendations from the Technical Review Committee shall be deemed approval of the site plan, authorizing the applicant to proceed with development of the property in accordance with the site plan submitted to the Village Planner. This time limit shall not apply where the delay in site plan approval is caused by the applicant's failure to obtain any special use approval required for the proposed development. Resubmission of a minor site plan restarts the forty-five (45) day period for the Village Planner to act;

(2) In the event the Village Planner denies a minor site plan, an appeal may be filed with the Board of Adjustment within ten days of the denial.

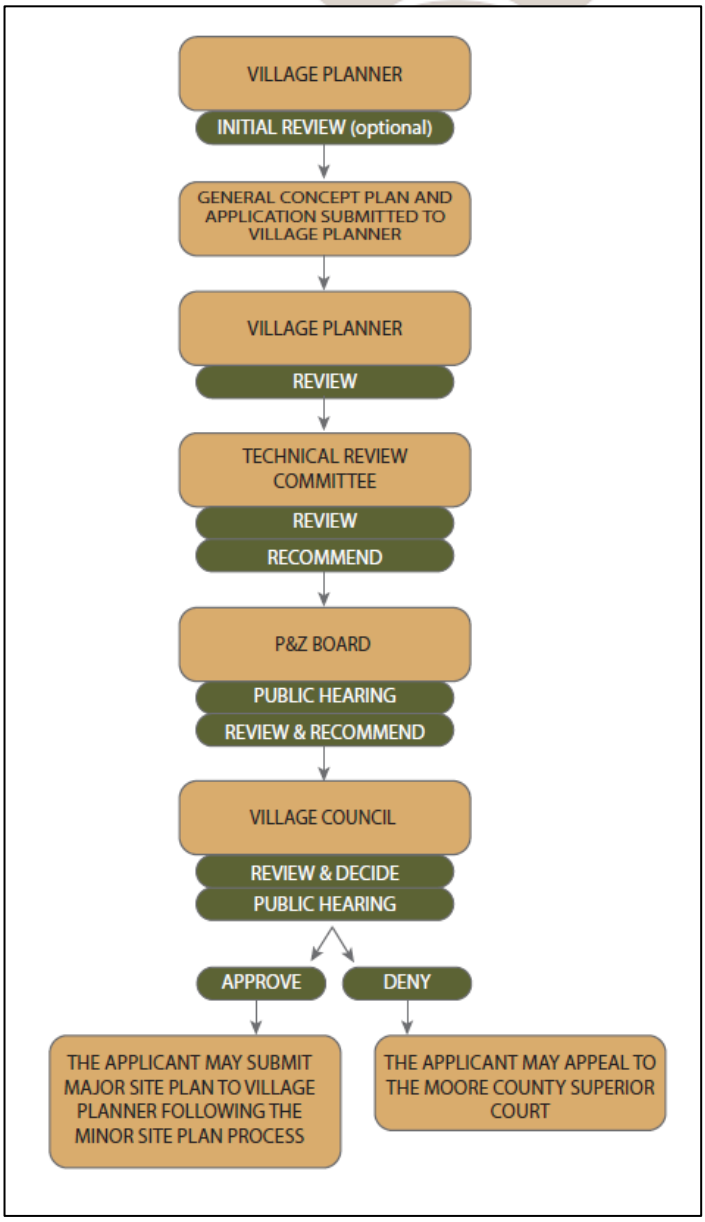
E. **Consideration of Major Site Plans.**

1. **Review by Staff and the Planning and Zoning Board on Major Site Plans.**

(1) The application and General Concept Plan shall be reviewed by the Village Planner and the Technical Review Committee for general compliance with the standards and requirements set forth in this Ordinance. The developer at their discretion may submit a sketch plan for initial review and comment. The comments of the Village Planner and the TRC shall then be provided to the applicant.

(2) The applicant may resubmit the General Concept Plan along with a written response to these comments for further review by the Village Planner and Technical Review Committee. The Village Planner shall review the resubmitted plan and then submit its comments about the resubmitted site plan to the applicant.

Figure 4.6 Process for Major Site Plan Approval



(3) The process continues until the General Concept Plan is ready to be presented to the Planning and Zoning Board for review.

(4) The Village Planner shall transmit the General Concept Plan materials to the Planning and Zoning Board, along with the recommendations of the Village Planner and the Technical Review Committee from the completion of staff review prior to a regularly scheduled meeting of the Board.

(5) The Planning and Zoning Board shall conduct a public hearing in accordance with *Section 4.3.1.F Quasi-Judicial and Legislative Public*

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

2. **Action by Village Council on Major Site Plans.** The application, the General Concept Plan, the recommendation of the Planning and Zoning Board, along with the staff report of recommendation of the Village Planner and other pertinent materials shall then be forwarded to the Village Council for action after a public hearing is held by the Village Council in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance. The Village Council shall review this information and either approve, approve with conditions, or reject the site plan:

   (1) The Village Council may approve a General Concept Plan only if it meets the standards and requirements set forth in this Ordinance and provides for the dedications and improvements, or payments and guarantees in lieu thereof, required by this Section.

   (2) If the Village Council rejects the General Concept Plan, then the reasons therefor shall be stated in the record of action on the General Concept Plan.

   (3) Failure of the Village Council to act on the General Concept Plan, the recommendation of the Planning and Zoning Board, and staff report of recommendation of the Village Planner within ninety (90) days of being placed on an agenda for consideration, shall be deemed approval of the General Concept Plan, authorizing the applicant to proceed with preparing full site plan (Appendix D) drawings of the property in accordance with the General Concept Plan submitted to the Village Council. This time limit shall not apply where the delay in General Concept Plan approval is caused by the applicant's failure to obtain any special use approval required for the proposed development or where the applicant consents to such a delay.

   (4) Upon approval of the General Concept Plan by the Village Council, the applicant shall prepare and submit site plans in accordance with Appendix D. Said site plans shall be reviewed using the minor site plan process.

Upon Village Planner approval of the site plan, the major site plan shall be deemed approved.

F. **Effect and Duration of Major and Minor Site Plan Approval.**

1. Approval of the site plan and final construction drawings shall authorize the applicant to proceed with any applications for permits and approvals required in order to develop the property in conformity with the approved site plan. A permit, certificate, or other approval may be issued by the Village only if it conforms to the approved site plan and final construction drawings.

2. A development permit and building permit may be issued for any building or structure on the property, and a building or structure on the property may be occupied, only where the applicant has complied with the approved site plan and final construction drawings, and made all dedications and improvements required by this Ordinance. A Certificate of Occupancy shall be issued only upon completion of the terms of the development permit and the building permit.

3. An approved site plan shall become null and void if the applicant has failed to make substantial progress on the site within two (2) years after the date of approval by the Village Planner or Village Council. Substantial progress means at least one-half of the gross floor area of the site-planned development must be completed within the first two (2) years. The entire site must be completed within five (5) years of the first approval date of the site plan. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the site plan unless the approving body finds that all of the following have been met:

   (1) A written request for extension has been made to the approving authority at least thirty (30) days before the expiration of the approved site plan.

   (2) Unconstructed portions of the site plan conform to all ordinances, policies and plans of the Village in effect at the time of the requested extension.

4. The approving body may grant a single, one (1)-year extension of this time limit, provided that the conditions above have been met.

G. **Recording of Plat for Dedications.** The applicant shall record with the Moore County Register of Deeds an as-built plat containing a metes and bounds description of any and all lands and rights-of-way dedicated as part of the approved site plan. Such plats shall be recorded within thirty (30) days after the date the as-

built plan is approved by the Village Planner and Village Engineer. Failure to satisfy this requirement shall render approval of the site plan null and void.

H. **Timing and Inspection of Required Improvements.**

1. **Level Required for Certificates of Occupancy.** The Planning and Inspections Department shall not issue a final Certificate of Occupancy for the development until and unless the developer has installed all improvements, landscaping and other elements in accordance with the requirements of this Ordinance and the approved site plan.

2. **Inspection.** Prior to approval of any Certificates of Occupancy, the Village Engineer and Village Planner shall inspect all improvements for conformance with the requirements of this Ordinance and the approved site plan. The Village Engineer and Village Planner shall have fifteen (15) days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in accordance with such requirements or to provide the applicant with a list specifying all defects, deficiencies, and required repairs.

3. **Correction of Defects and Deficiencies.** Any such list of defects, deficiencies, and required repairs shall be delivered to the applicant in person or by first class mail and shall require that the defects and deficiencies stated therein shall be satisfactorily corrected within sixty (60) days of the date the list was mailed. If the applicant fails to correct all defects and deficiencies and to make all required repairs within this sixty (60) day period, then the necessary improvements and repairs may be completed by the Village at the expense of the applicant, using funds from any guarantees provided by the applicant;

4. **Completion of Work.** Upon completion of the required improvements, the applicant may apply to the Village Planner for a Certificate of Occupancy. If the Village Planner finds that the improvements conform to the requirements of this Ordinance and the approved site plan, then the Planning and Inspections Department shall issue such certificate. The Village reserves the right to withhold development permits, building permits, or certificates of compliance until all improvements have been completed and accepted.

I. **Acceptance of Improvements for Village Maintenance.** The installation of improvements shall in no case bind the Village to accept any such improvements for public maintenance or operation thereof, until the Village Engineer and Village Planner, in accordance with this Section and the Village of Pinehurst Engineering Standards and Specifications Manual, has inspected and approved the improvements as meeting all applicable requirements.

SECTION 4.3.9 SUBDIVISION AND PLAT APPROVALS

A. **Plat Approval Required.**

1. A development permit shall be issued for any development which is a constituent of a major or minor subdivision, and a plat for a major subdivision, or minor subdivision may be recorded with the Moore County Register of Deeds, only after a plat for such subdivision or phase of such subdivision has been approved, all required dedications of land have been made, all required improvements have been installed and inspected, or financial guarantees put in place and a warranty on improvements in accordance with *Sections 14.4.12. Historic Properties and Natural Assets*, *Section 14.4.13. Timing and Inspection of Improvements* and the Village Engineer Standards and Specification Manual has been provided to the Village by the developer. All improvements shall be made in accordance with the procedures and requirements of this Section.

2. The Village shall not accept and maintain any street, water or sewer line, nor shall the Village extend or connect any street lighting, right-of-way dedication, easement, drainage improvement to any subdivision of land or erect a street sign until and unless a plat for such subdivision has been approved and recorded in accordance with the requirements set forth in this Section and the requirements of the Village of Pinehurst Engineering Standards and Specifications Manual are met.

3. Nothing in this Section or elsewhere in this Ordinance shall be interpreted to allow the consecutive subdivision of land into not more than five (5) lots in order to avoid making dedications and improvements for streets and other facilities otherwise required by the Village for subdivisions; no such subdivisions shall be approved or permitted by the Village Council or the Village Manager.

4. No plat shall be recorded for any division of land exempt from this Ordinance unless an exempt subdivision plat is prepared with the appropriate Certificate of Exemption, as shown in Appendix E, is signed by the Village Planner and the fee for such exempt subdivision plat is paid.

5. Any person who transfers or sells any land located within the corporate limits or extraterritorial jurisdiction of the Village by reference to a plat which has not been approved by the Village and recorded with the Moore County Register of Deeds, shall be guilty of a misdemeanor even if the instrument of transfer contains a metes and bounds description. The Village also may enjoin such transfer or sale by filing an action for an injunction.

B. **Actions by Moore County Register of Deeds.** The Village shall file a copy of this Ordinance with the Moore County Register of Deeds. The Review Officer shall not authorize, and the Register of Deeds shall not thereafter file or record a plat of subdivision located within the corporate limits or extraterritorial jurisdiction of the Village without the approval of the Village as required in this Section. The landowner shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the corporate limits or extraterritorial jurisdiction of the Village. The filing or recording of a plat of a subdivision without the approval of the Village as required by this section, shall be null and void. The Clerk of the Superior Court of Moore County shall not order or direct the recording of a plat where such recording would conflict with this Section.

C. **Major Subdivisions**

1. **Approval Required.** All plats for major subdivisions shall be reviewed and approved pursuant to the procedures and requirements set forth in *Section 4.3.9.C. Major Subdivisions* through *Section 4.3.9.I. Final Plat Approval* below. A major subdivision is any subdivision that does not qualify as an exempt or minor subdivision as defined herein.

2. **Summary of Procedures.** The approval of plats for major subdivisions is a multi-step process.

   (1) A proposed preliminary plat (Appendix E) is first submitted to the Village Planner.

   (2) The Village Planner and Technical Review Committee reviews the application for completeness and errors and provides written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. The Planning and Zoning Board shall conduct a public hearing in accordance with *Section 4.3.1.F Quasi-Judicial and Legislative Public Hearings* of this ordinance and then review the preliminary plat along with the comments and recommendations of the Village Planner. This process continues until compliance is determined.

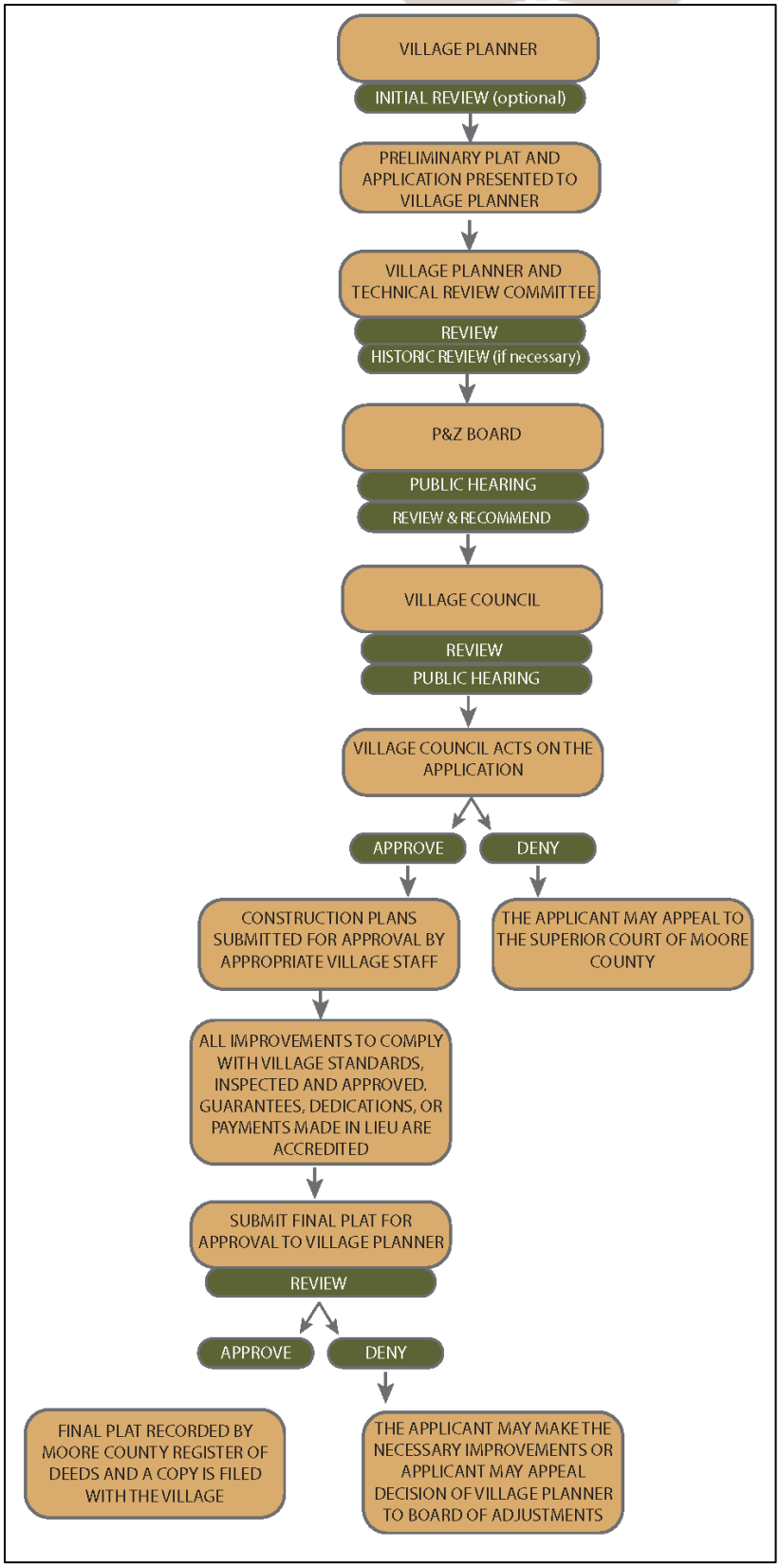
   (3) The Planning and Zoning Board then submit its recommendations regarding the preliminary plat to the Village Council.

(4) Once the Planning and Zoning Board has submitted its recommendation on a proposed subdivision to the Village Council, the Village Council shall conduct a public hearing in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance and then review the preliminary plat and the Planning and Zoning Board's recommendations, and approve, conditionally approve, or reject the preliminary plat.

(5) Prior to the submittal of the preliminary plat to the Village Planner, the subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

3. After the Village Council approves the preliminary plat and the Village Engineer approves construction plans for all proposed public improvements, the applicant then proceeds to make land dedications and install improvements on the

Figure 4.7 Process for Major Subdivision Approval



property in accordance with the approved preliminary plat.

(1) Upon carrying out the improvements, the applicant submits a final plat for approval by the Village Planner. The final plat is approved when the applicant has properly made all dedications and properly installed all improvements that are required by this Ordinance and the approved preliminary plat and construction plans.

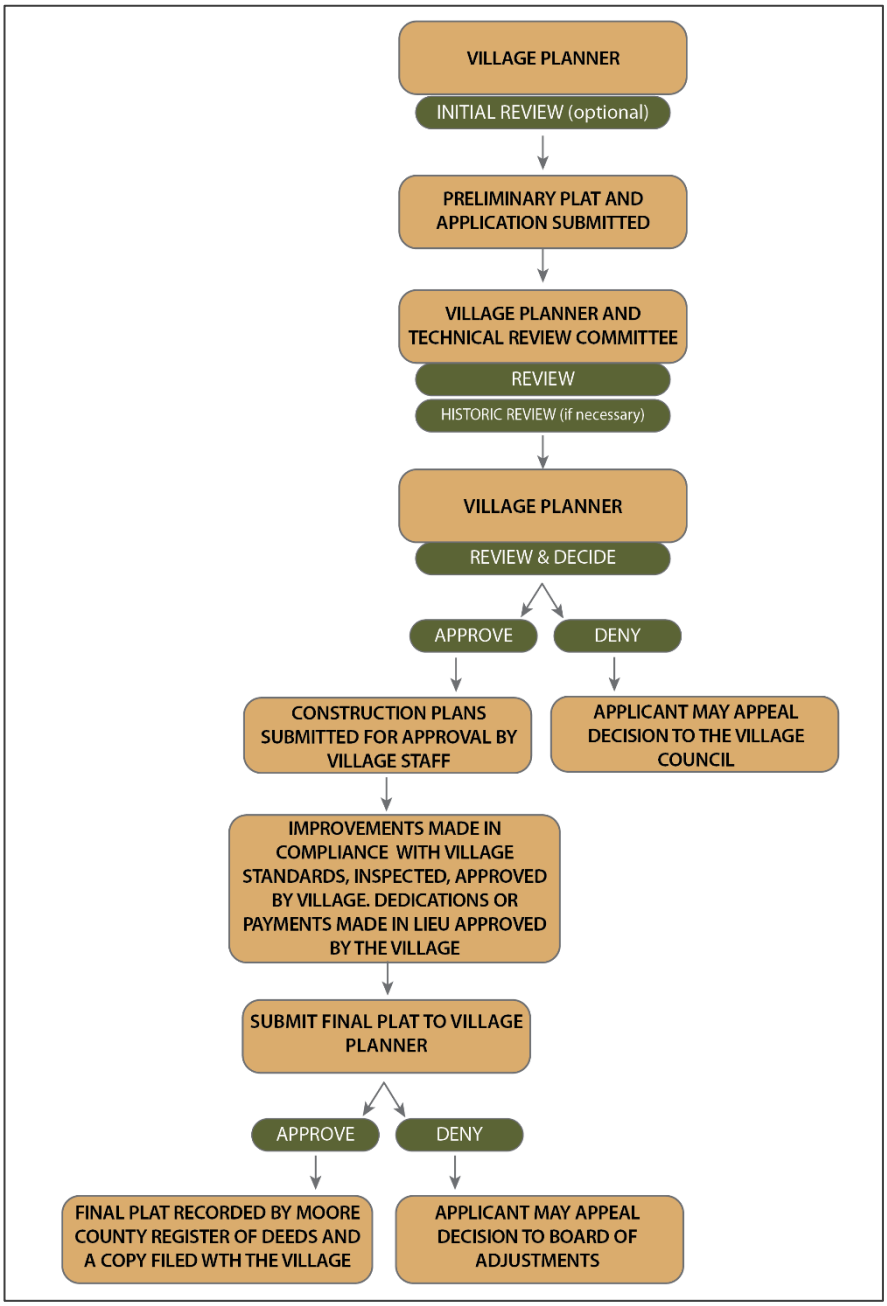
D. Minor Subdivisions

1. **Approval Required.** All plats for minor subdivisions shall be reviewed and approved pursuant to the procedures and requirements set forth in *Section 4.3.9.D Minor Subdivisions* through *Section 4.3.9.I. Final Plat Approval* below.

2. **Summary of Procedure.** The approval of plats for minor subdivisions is a multi-step process.

   (1) A proposed preliminary plat (Appendix E) is first submitted to the Village Planner. The Village Planner reviews with the Technical Review Committee the application for completeness and errors and provides

Figure 4.8 Process for Minor Subdivision Approval



written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. Approval of a Preliminary Plat may be given by the Village Manager provided the requirements of *Section 4.3.9.H. Preliminary Plat Approval* are met.

(2) Prior to the submittal of the preliminary plat to the Village Planner, the subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

(3) After the Village Planner approves the preliminary plat and the Village Engineer approves construction plans for all proposed public improvements, the applicant may then proceed to install improvements on the property in accordance with the approved preliminary plat and construction plans. If no improvements are required or proposed construction plans are not required.

(4) Upon carrying out the improvements if any, the applicant shall submit a final plat (Appendix E) for approval by the Village Planner. The Final Plat is approved when the applicant has properly made all dedications or any necessary payments of money in lieu of land dedication or other fees due and properly installed all improvements, or a financial guarantee put in place per *Section 14.4.14. Financial Guarantees* which are required by this Ordinance and the approved preliminary plat and construction plans.

E. **Expedited Minor Subdivisions.** Exception for the Division of a Tract of Land in Single Ownership. The Village shall require only a final plat for recordation for the division of a tract of land if all of the following criteria are met:

1. The tract or parcel is owned by one person or legal entity.
2. The parcel proposed for division is not greater than ten (10) acres and no street right-of-way dedication is involved.
3. The area of the tract or parcel to be divided is greater than five (5) acres.
4. After division, no more than five lots will exist.
5. After division, all of the lots will meet the following three standards:

   (1) The lot dimension size requirements.

   (2) The use of the lots conform with the standards of this Ordinance.

(3) A permanent means of practicable ingress and egress is recorded for each lot.

F. **Exempt Subdivisions.**

1. Exempt Subdivisions comply with the following criteria:

   (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

   (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

   (3) The public acquisition or purchase of strips of land for the widening or opening of streets;

   (4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

   (5) The division of a tract into plots or lots used as a cemetery.

2. **Application Requirements.** The Exempt Subdivision Plat shall be prepared with the appropriate Certificate of Exemption, as shown in Appendix E, and signed by the Village Planner.

3. **Approval.** Exempt subdivisions shall be reviewed and approved by the Village Planner.

G. **Subdivision Approval Associated with a General Concept Plan**

1. **Application Requirements.**

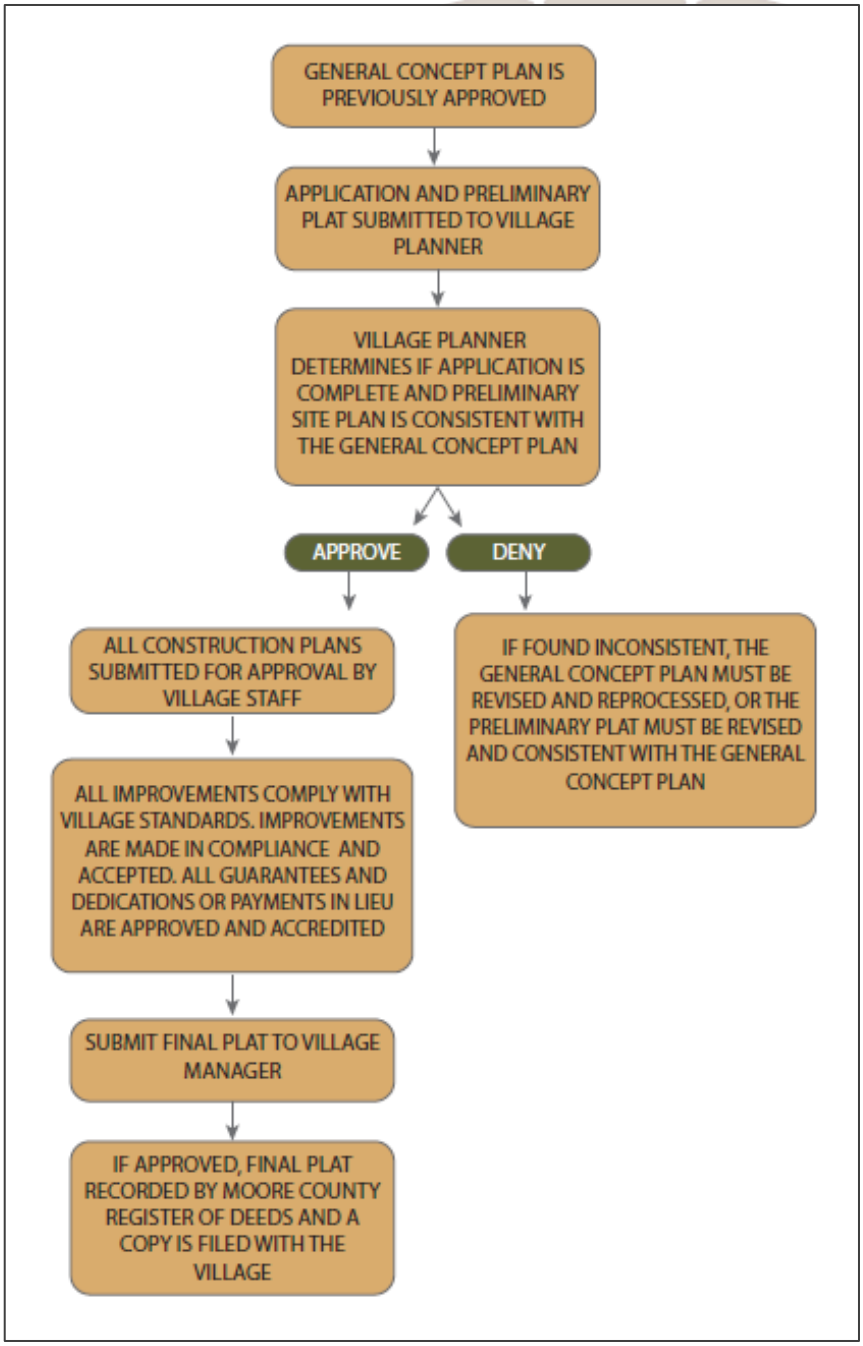
(1) When a property has been rezoned following the procedures of this Ordinance with an associated General Concept Plan the process and approval of the Preliminary Plat shall be administered by the Village Planner.

H. **Preliminary Plat Approval**

1. **Application Requirements.**

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

Figure 4.9 Process for a Subdivision with General Concept Plan Approval



2. **Village Planner's Review.**

(1) The Village Planner and other applicable agencies shall review the preliminary plat for compliance with the development standards set forth in this Ordinance. The comments of the Village Planner which may include necessary or suggested revisions to the submitted plat, shall then be provided to the applicant by the Village Planner.

(2) The applicant shall review these comments, may adjust the plat accordingly, and then resubmit the preliminary plat along with a written response to the comments of the Village Planner.

(3) As part of the above review, the Village Planner shall transmit the proposed preliminary plat for review to the Technical Review Committee.

3. **Minor Subdivisions.**

(1) **Review and Action by the Village Planner.** Upon receipt of the application and preliminary plat for minor subdivisions, the Village Planner shall review the plat, the comments of the Village Staff and Technical Review Committee and shall approve or deny the preliminary plat.

(2) **Appeal of Denial to Village Council.** In the event the Village Planner denies a minor subdivision, an appeal may be filed with the Village Council within ten (10) days of denial. If an appeal is filed, the Village Council shall review the minor subdivision in accordance with the procedural provisions for major subdivisions, and may affirm, reverse or modify the Planner's denial.

4. **Major Subdivisions**.

(1) **Review and Action by the Planning and Zoning Board.** The Village Planner shall forward the application and preliminary plat to the Planning and Zoning Board along with the recommendations of the Technical Review Committee after the Village Planner has deemed compliance with the requirements of this Ordinance.

i. The Planning and Zoning Board shall review the preliminary plat, the recommendations of the Technical Review Committee, and the requirements of this Ordinance and shall formulate a recommendation to the Village Council for appropriate action on the preliminary plat. The recommendation of the Planning and Zoning Board shall be in writing.

ii. The Planning and Zoning Board may request the applicant to revise the preliminary plat before it is submitted to the Village Council for approval.

(2) **Action by Village Council.**

i. The recommendations of the Planning and Zoning Board and the Technical Review Committee shall then be forwarded to the Village Council for action. Along with the application for preliminary plat the Village Council shall review this information and either approve, conditionally approve, or reject the preliminary plat.

ii. Approval of the preliminary plat shall authorize the applicant to proceed with obtaining construction plan approval from the Village Engineer and obtaining construction permits for the necessary improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to *Section 4.3.9.I. Final Plat Approval* below.

iii. If the Village Council approves a plat with conditions, the following requirements shall apply:

a. All conditions, and the reasons for requiring the conditions, shall be stated in the record of approval of the preliminary plat. Such conditions may include, but are not limited to, the following matters:

(i) The configuration of lots and streets.

(ii) The arrangement of utility networks on the property.

(iii) The location of dedicated land and rights-of-way.

(iv) The payment of fees in lieu of such dedications.

(v) The location of required improvements.

b. Upon obtaining construction plan approval from the Village Engineer and any necessary construction permits, the applicant is authorized to proceed with construction of the improvements indicated on the preliminary plat, but approval of the final plat is also contingent on satisfying the conditions imposed by the Village Council.

iv. If the Village Council rejects the preliminary plat, then the reasons therefor shall be stated in the record of action on the preliminary plat,

along with recommendations for ways to revise the preliminary plat so that it could be approved.

v. Failure of the Village Council to act on the preliminary plat within ninety (90) days of the first Village Council meeting in which the application is made an agenda item, the plat and recommendations from the Planning and Zoning Board, shall be deemed approval of the preliminary plat, authorizing the applicant to proceed with the approval of the construction plans of the improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to *Section 4.3.9.I. Final Plat Approval*.

I. Final Plat Approval

1. **Applicable Requirements.** Within the time limit stated in subsection (3) below, the applicant shall file an application using the Village's Online Permit Center along with the associated fee for final plat approval, for that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, with the Village Planner on a form prescribed by the Village, along with the prescribed fee, and shall include the information shown on the preliminary plat and the information listed in Appendix E, as may be amended from time to time by the Village Council.

2. **Forms for Final Certification.** The appropriate certificates and notes shown in Appendix E shall be placed on this final plat.

3. **Failure to Apply for Final Plat Approval - Time Limit.** Failure to file an application for final plat approval within the time period shall render the preliminary plat null and void. At least one-half (1/2) of the lots must be provided with all of the required infrastructure within the first two (2) years of the approval date of the subdivision plat. The entire subdivision plat must be completed within five (5) years of the first approval date of the subdivision plat. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the subdivision plat unless the approving body finds that all of the following have been met:

   (1) A written request for extension has been made to the Village Planner for General Concept Plans, Minor Subdivisions, or Major Subdivisions at least thirty (30) days before the expiration of the approved site plan.

(2) Unconstructed portions of the subdivision conform to all ordinances, policies and plans of the Village in effect at the time of the requested extension.

4. **Application Requirement.** The application shall contain or be accompanied by such information, final plat, other plans, and final certifications as required on the application form.

5. **Required Dedications and Improvements.** Prior to approval of the final plat, all improvements shall be installed on the property or financial guarantees put in place per *Sections 14.4.14. Financial Guarantees* and all dedications or payment in lieu thereof shall be completed.

6. **Village Planner Review and Approval of Final Plat.**

(1) Approval of the final plat shall be the responsibility of the Village Planner. The final plat shall be approved if it is in substantial conformity with the preliminary plat and the applicant has carried out the improvements shown on the preliminary plat or provided financial guarantees per *Section 14.4.14. Financial Guarantees* and made all dedications or payments in lieu thereof, as indicated in the approved preliminary plat. The Technical Review Committee shall review the final plat for compliance with these requirements.

(2) If all conditions and requirements for approval of the final plat have been met, the Village Planner shall mark approval on all copies of the final plat, and then the Village Clerk shall sign the plat for recording. The Village Planner shall return the approved and signed copies to the applicant.

7. **Effect of Approval of Final Plat.**

(1) After obtaining approval of the final plat, the approved plat shall be recorded within thirty (30) days, or the plat shall become null and void.

(2) The recording of the approved plat with the Register of Deeds shall authorize the subdivider, or any subsequent developer of the property, to proceed with applications for a development permit on the individual parcels.

J. **Revisions to Approved Plats.** Any amendment or revision to a recorded final major or minor subdivision plat or portion thereof, shall be accomplished in the same manner as for original approval of a plat as required by the sections above, except for the following minor amendments:

1. **Allowable Changes.** Upon the request of the applicant, the Village Planner may approve the following minor changes to an approved subdivision plat without further review by the Planning and Zoning Board, or Village Council:

   (1) Combination or recombination of existing platted lots so that the total number of lots is not increased and the amended plat represents the same general lot relationships as shown in the plat prior to amendment provided, however, that:

      i. No lot or tract of land shall be created or sold which is smaller than the size shown on the approved plan, except when such lot or tract is re-subdivided to provide additional acreage to immediately contiguous lots or tracts, which will remain in single ownership.

      ii. The location, function and size of drainage, easements or rights-of-way shall not be changed in any substantive way so as to impair their function as designed.

      iii. Street alignment and block sizes shall not be changed.

      iv. The property line between the back of the lots shall not be changed.

      v. The rear portion of the lots shall not be subdivided from the front part.

      vi. Open space perimeter shall not be modified to change conditions to abutting platted lots.

   (2) Minor field alterations to accommodate physical site conditions involving interior features of the site design, including relocation of easements, utilities and infrastructure, which represents the same general lot and easement relationships, topography, landscaping, and minimum utility standards.

   (3) Where a subdivision is required to have a perimeter buffer and where the approved plant materials are unavailable, substitution of the approved plant materials for alternate plant materials, which will accomplish the intent of this Ordinance and the approved preliminary and final plat.

   (4) Changes to the phasing of development.

2. **Revised Subdivision Plats Required.** New subdivision plats are required to show the proposed changes as allowed in (1) above.

3. **Review by Village Planner.** The Village Planner shall submit all such requests to the Technical Review Committee in order to determine the potential impact of the requested change in any requirement or code administered by other agencies of the Village.

4. **Standards of Review.** Before approving any such change, the Village Planner shall make the following findings:

   (1) That all changes conform to the minimum required standards for the zoning district in which the property is located.

   (2) That all additions, alternations, and expansions shall be compatible with the existing or approved lots, easements and infrastructure, open space and common areas.

   (3) That any additional required landscaping shall be comparable to the approved subdivision plat and shall follow Village specifications and guidelines.

   (4) That the effect of the landscaping, buffers, or screening on the site, or on the approved subdivision plat is not diminished.

   (5) That the number of access points to streets is neither increased, decreased, nor substantially relocated.

   (6) That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles.

   (7) That the change will result in better or equal performance of the overall objectives of the approved subdivision plat and specific zoning district classification.

   (8) That the changes do not otherwise violate any provision of this Ordinance, the Village Code, or other applicable laws.

   (9) That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

5. **Appeal.** The applicant shall have the right to appeal the decision of the Village Planner to the Village Council. Before the Village Council makes a decision, the Planning and Zoning Board shall render its opinion on the merits of the appeal to the Village Council.

SECTION 4.3.10 TEMPORARY USE PERMIT

A. **Development Permit for Temporary Uses Required.** No use that is classified as a temporary use in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary use development permit from the Village Planner.

B. **Required Permit.** No tent, trailer, or other temporary structure governed by the State Building Code shall be occupied or used in conjunction with a temporary use until and unless the applicant has received a temporary use development permit and then received a building permit for each separate structure or building from the Planning and Inspections Department.

SECTION 4.3.11 DEVELOPMENT PERMIT

A. **Development Permit Required.** A development permit is the controlling form of approval for the use of land and development within the jurisdiction of this Ordinance and is a prerequisite for receiving a building permit.

1. A development permit may be issued for development involving multiple activities on a property or for a single purpose such as change of use, or to place a single sign. Issuance of a development permit shall be contingent upon the applicant having received all other permits and approvals related to the land development activities proposed to take place on the property, excepting the building permit.

2. A list of typical permits and approvals that may be required prior to the issuance of a development permit are set forth in *Section 4.3.11.F. Prerequisite Permits, Approvals, and Reviews for a Development Permit*.

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

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

C. **Term of a Development Permit.** The issuance of a development permit shall confer with it the right to undertake and complete the development of property under the terms and conditions of such permit provided that such action as authorized by the permit is commenced within three hundred and sixty-five (365) days of issuance and provided that all other permits have been obtained. If the action has not commenced within the 365-day time period, the applicant can apply for renewal or the development permit shall be void. Where a valid vested rights certificate has been issued, the term of a development permit for the area contained within the vested rights certificate shall be for the term of the vested rights certificate.

D. **Previously Issued Building Permits.**

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

   (1) The permit was validly issued.

   (2) The permit has not expired.

   (3) The permit has not been revoked.

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

E. **Appeal of Development Permit Denial.** If the development permit is denied, the applicant may appeal the action of the Village Planner to the Board of Adjustment as provided for in *Section 4.4. Appeals of Administrative Decisions*.

F. **Prerequisite Permits, Approvals, and Reviews for a Development Permit.** The following typical permits, approvals, and reviews are required in order to receive a development permit, depending upon the type of the development:

1. **From the Village.**

   (1) Variance/Administrative Appeal (Sections 4.3.6 & 4.4)

   (2) Text Amendment/Rezoning (Sections 4.3.2 & 4.3.3)

   (3) Signage Plan (Chapter 13)

(4) Floodplain Development Permit

(5) Landscaping Plan (Chapter 8)

(6) Exterior Lighting Plan (Chapter 12)

(7) Subdivision Approval with NCGO1 Construction Stormwater Permit (Chapter 9)

(8) Site Plan Approval (Section 4.3.8)

(9) Special Use Permit (Section 4.3.7)

(10) Historic District Certificate of Appropriateness (Section 6.4.1)

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

(12) Right-of-way Encroachment

(13) Other applicable permits as required

2. **From other agencies.**

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

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

(3) Airport Zone Permit (Moore County)

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

(5) Right-of-way Encroachment

(6) U.S. Fish and Wildlife Approval (RCW) and/or a biological assessment from an environmental consultant concluding no impacts for RCW habitat.

(7) U.S. Army Core of Engineers (ACOE)

(8) Other applicable permits as required

3. Compliance with the Engineering Standards and all other applicable conditions contained in this Ordinance.

G. **Revocation of Development Permit.** A development permit may be revoked by the Village Planner after notifying the permit holder in writing and stating the reason for the revocation. The permit revocation shall follow the same process required for

issuance of the development permit, including any required notice or hearing, in the review and approval of any revocation of that approval.

1. Terms under which a development permit may be revoked include:

   (1) Any substantial departure from the approved application, plans, or specifications.

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

   (3) False statements or misrepresentations made in securing the approval.

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

2. Revocation of a development permit by the Village Planner may be appealed as provided in *Section 4.4. Appeals of Administrative Decisions* and pursuant to NCGS § 160D-405.

SECTION 4.3.12 BUILDING PERMIT

A. **Permit required.** Upon receiving a development permit, application shall be made to the Planning and Inspections Department for a building permit in situations where the North Carolina Building Code requires a building permit. No building permit will be issued except in conformance with a valid development permit.

B. **Conflict with Pinehurst Municipal Code/North Carolina Building Code.** Where any provision of this Section is found to be in conflict with any provision of the North Carolina Building Code or Village of Pinehurst Municipal Code, the adopted Building Codes and Municipal Code shall control.

SECTION 4.3.13 CERTIFICATE OF OCCUPANCY

A. **Certificate of Occupancy Required**

1. No building or structure will be occupied prior to the completion of all required inspections, including compliance with the development permit and all conditions of approval.

2. A building or structure will not be occupied or a change made in the use or nature of a building or part of a building until the Building Inspector has issued a Certificate of Occupancy.

B. **Temporary Certificate of Occupancy.** The Building Inspector may issue a Temporary Certificate of Occupancy, which shall be valid only for the period of time stated in the certificate, for a specified portion or portions of a building, which may safely be occupied prior to final completion of the entire building and/or site. Conditions that are attached to the Temporary Certificate of Occupancy must be completed prior to the expiration of the certificate.

1. When such conditions have not been completed prior to the expiration date of the conditional certificate, the Certificate of Occupancy shall immediately expire.

2. Upon receipt of a written application to the Building Inspector stating satisfactory reasons for the failure to complete work within the given time period, the Inspector may renew the certificate for a specified period of time, not to exceed ninety (90) days.

C. **Approval Procedure.** At the conclusion of all work done under a permit, the appropriate inspectors shall make the final inspections, and if an inspector finds that the completed work complies with all applicable laws and with the terms of the permit, the Building Inspector shall cause a Certificate of Occupancy to be issued.

SECTION 4.3.14 ADMINISTRATIVE MODIFICATION OF DIMENSIONAL STANDARDS

A. In keeping with the purpose of these regulations to accomplish coordinated, balanced, and harmonious development in a manner which will best promote the health, safety, and general welfare of the Village while avoiding undue and unnecessary hardships, the Village Planner is authorized to approve certain requests for deviation from dimensional standards.

B. **Required Application Information.** General Concept Plan (Appendix C) (may be modified by Village Planner as appropriate) and any other relevant information to demonstrate undue and unnecessary hardship.

C. **Conditions for Modification of Setbacks.** Requests for deviation from required setbacks set forth in this Ordinance by up to ten percent (10%) of the required setbacks or twenty-four (24) inches, whichever is less, may be considered upon determination that one (1) or more of the following conditions exists:

1. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing,

legally established wall or walls of a principal structure already within the minimum setback area.

2. Any part of the proposed structure that would encroach into the minimum setback area is less than fifty percent (50%) of the width of the affected building facade(s).

3. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.

4. The proposed structure will allow the preservation of significant existing vegetation.

5. An unintentional error was made in the location of a building foundation not exceeding one (1) foot due to either field construction or survey error.

D. **Limitation on Administrative Discretion.** The Village Planner has no discretion to modify any requirements found in *Section 6.7. Special Requirements (SR) to the Table of Permitted and Special Uses* and *Section 7.4. Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements*.

E. **All Decisions to be in Writing.** Prior to rendering a decision, the Village Planner shall notify the Village Manager in writing of any minor deviation for approval.

F. **Administrative Authority is Permissive Only.** The authority given to the Village Planner to grant such modification shall be construed to be permissive and not mandatory and the Village Planner may decline to make such modification. Nothing in this Section shall be construed as limiting the Village Planner's duties and rights under this Chapter, or an applicant's right to appeal the decision of the Village Planner to the Board of Adjustment.

G. **Public Notification.** None required

H. **Appeals.** In the event that the Village Planner declines to make a modification to the dimensional standards, the applicant shall have the right to submit an application to the Board of Adjustment to grant a variance to these requirements or to submit an application to appeal the Village Planner's ruling in accordance with *Sections 4.3.6. Variances* and *4.4. Appeals of Administrative Decisions*.

SECTION 4.3.15 APPEALS

A. **General.** The Board of Adjustment shall consider appeals and shall review disputed orders, requirements, decisions, or determinations made by the Village Planner. All matters that are considered under appeal by the Board of Adjustment shall follow all application procedures and pay all required fees prior to the appeal being accepted.

B. **Appeals of Board of Adjustment Decisions**. Any appeal from the decision of the Board of Adjustment shall be to the Superior Court of Moore County by petition for a writ of certiorari consistent with the requirements of NCGS § 160D-1402. Any such petition to the Superior Court shall be filed no later than thirty (30) days after the date the decision of the Board of Adjustment is filed in the Village Planner's office. The copy of the decision shall be delivered either by personal delivery, electronic mail or first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

SECTION 4.4 APPEALS OF ADMINISTRATIVE DECISIONS

SECTION 4.4.1 PURPOSE AND SCOPE

A. Appeals to the Board of Adjustment from the decisions of the Village's administrative staff on actions and/or decisions pursuant to this Ordinance or other ordinances that regulate land use or development are allowed under this Ordinance in order to ensure that any enforcement action taken by such an administrative office pursuant to duties assigned by this Ordinance, is consistent with the terms and purposes of this Ordinance and any related policies or ordinances adopted by the Village.

B. All questions arising in connection with the enforcement of the zoning provisions of this Ordinance shall be presented first to the Village Planner, that such questions shall be presented to the Board of Adjustment only on appeal from the decisions of those departments, and that recourse from the decision of the Board of Adjustment shall be to the courts.

C. The duties of the Village Council in connection with this Ordinance shall not include the hearing or passing upon disputed questions that may arise in connection with the enforcement thereof.

SECTION 4.4.2 DECISIONS WHICH MAY BE APPEALED

Any order, requirement, permit, decision, determination, or refusal made by any administrative officer in enforcing the provisions of this Ordinance may be appealed to the Board of Adjustment. The official who made the decision shall give written notice to the owner of the property.

SECTION 4.4.3 PERSONS WHO MAY FILE AN APPEAL

An appeal to the Board of Adjustment may be brought by any person of standing under North Carolina General Statute § 160D-405(b).

SECTION 4.4.4 FILING OF APPEAL

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

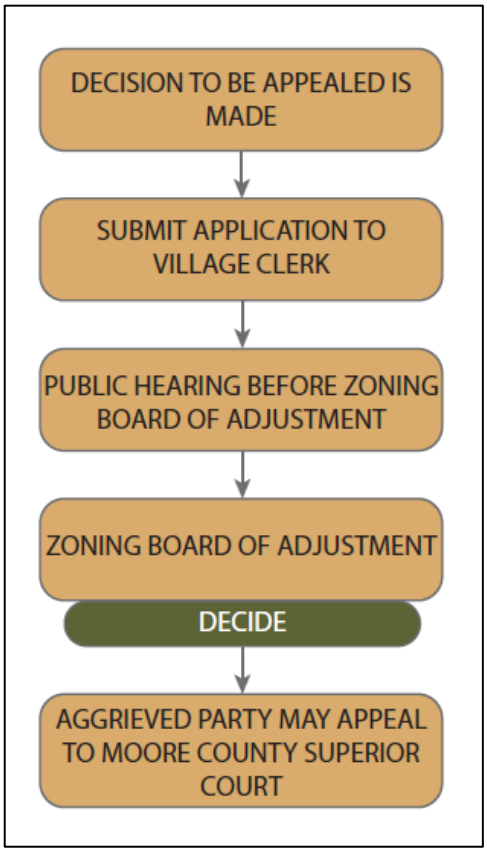
1. The application shall be filed no later than thirty (30) days after the date of the contested action has been provided in writing. Any other person with standing to appeal shall have thirty (30) days from the receipt from any source of actual or constructive notice of the decision in which to file.

2. The application shall contain or be accompanied by the information required on the application form and shall state the decision or determination being appealed and the reasons that the Applicant believes the decision or determination was made in error.

B. **Complete Application.** The Village Planner shall determine whether the appeal application is complete. If the Village Planner determines that the application is not complete, then the applicant shall be notified in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the appeal for consideration at a quasi-judicial public hearing before the Board of Adjustment.

1. The official who made the decision shall transmit to the Board all documents and exhibits constituting

Figure 4.9 - Process for Administrative Appeals



the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

C. **Stay of Proceeding.** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court.

1. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed.

2. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

D. Subject to the provisions of section (C) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

E. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited to matters stated in the notice of appeal. If any party or the Village would be unduly prejudiced by the presentation of matters not presented in the Notice of Appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the officials who made the decision.

F. The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The Ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

SECTION 4.4.5 ACTION BY THE BOARD OF ADJUSTMENT

A. Upon receiving the application materials from the Village Planner, the Board of Adjustment shall hold a quasi-judicial public hearing on the appeal. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1. Development Review Procedures* of this Ordinance.

B. Either at the public hearing or a subsequent meeting, the Board of Adjustment shall adopt a resolution reversing, affirming, or modifying the contested action.

C. In reversing, affirming, or modifying the contested action, the Board of Adjustment shall have all relevant powers of the administrative officer from whom the appeal was taken.

D. The Board of Adjustment shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the terms of this Ordinance or related policies adopted by the Village.

E. The Board of Adjustment shall not reverse or modify the contested action unless there is a concurring vote of a majority of the members.

SECTION 4.4.6 EFFECT OF REVERSAL OR MODIFICATION

In the event that the Board of Adjustment reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the Board of Adjustment.

CHAPTER 5 ENFORCEMENT

SECTION 5.1 DUTIES OF ADMINISTRATIVE OFFICERS, BOARD OF ADJUSTMENT, COURTS, AND VILLAGE COUNCIL REGARDING ENFORCEMENT OF THIS ORDINANCE

A. The Village Planner is hereby authorized to enforce the provisions of this Ordinance. Appeal from any such enforcement decision shall be made to the Board of Adjustment.

B. From the decision of the Board of Adjustment, recourse shall be had to the courts as provided by law.

C. The duties of the Village Council regarding this Ordinance shall be only to consider and pass upon proposed amendments to or repeal of this Ordinance or parts thereof.

SECTION 5.2 PENALTIES FOR VIOLATIONS

A. **Assessment of Civil Penalties.** Any person, firm, or corporation violating any provisions of this Ordinance shall be subject to a civil penalty in the amount of five hundred dollars ($500) to be recovered by the Village in a civil action in the nature of debt. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation by the Village Planner. Each

Chapter 5. Enforcement 101
Section 5.1 Duties of Administrative Officers, Zoning Board of Adjustment, Courts, and Village Council Regarding Enforcement of this Ordinance . 101
Section 5.2 Penalties for Violations 101
Section 5.3 Notice of Violation and Citation Procedure 102
Section 5.4 Injunctive Relief and Other Remedies 103
Section 5.5 Violations of Approved Plans 104

day that a violation continues shall constitute a separate and distinct violation or offense.

B. **Referral to Attorneys.** If payment is not received within thirty (30) days after written demand for payment is made, the Village Planner may refer the matter to the Village Attorney who is authorized to institute a civil action in the name of the Village of Pinehurst in the appropriate division of the General Court of Justice for recovery of the penalty.

C. **Stop Work Orders For Any Plan Violations.** In addition to the civil penalties listed above, the Village Planner has the authority to issue a stop work order for any construction, reconstruction, demolition, grading, alteration, or repair to a building, structure, plant or landscaping in violation of this Ordinance.

SECTION 5.3 NOTICE OF VIOLATION AND CITATION PROCEDURE

A. **Notice Required Before Penalty.** No penalty shall be assessed pursuant to Section *5.2. Penalties for Violations* above unless and until the person or property owner alleged to be in violation has been notified of the violation in accordance with this Section.

B. **Notice of Violation and Opportunity to Cure.** Whenever the Village Planner has reasonable cause to believe that a person is violating or a property is in violation of any of the provisions of this Ordinance or any plan, order, or condition which has been approved, issued, or imposed pursuant to this Ordinance, the Village Planner shall promptly notify that person or property owner of the violation.

1. Such Notice of Violation shall be in writing and shall be served by regular mail or certified mail, or by posting notice on the property in a conspicuous place on the property.

2. The Notice of Violation shall describe the violation, shall identify the provision or provisions of this Ordinance which are being violated, shall specify what actions must be taken to correct the violation (including an order to stop any and all work which violates this Ordinance), and shall warn that more severe measures (such as a civil penalty) may be assessed or brought against the person if he or she fails to take appropriate action to cure or correct the violation.

3. If the violation is cured or corrected within the time period specified in the notice of violation, then the Village shall take no further action against the person.

C. **Extension of Time to Cure.** Upon receipt of a written or verbal request for an extension of time to cure or correct the violation, the Village Planner may grant a single extension of time, not to exceed a period of thirty (30) days.

D. **Citation for Violation.** Any person who, after being given a notice of violation pursuant to Subsection (B) above, does not comply with this Ordinance within the time period set forth in the notice of violation, and who continues such violation, shall be subject to the civil penalties set forth in *Section 5.2. Penalties for Violation.*

1. The Village shall serve a written citation to the alleged violator by regular or certified mail, or by posting notice on the property in a conspicuous place on the property.

2. The citation shall again describe the nature of the violation and any actions that the alleged violator must take to cure or correct the violation and shall specify the amount of any civil penalty that shall be levied against the alleged violator.

E. **Action for Recovery of Penalty and for Corrective Action.** If payment is not made, or the violation is not cured or corrected, within that time, then the matter may be referred to the Village Attorney who is authorized to institute a civil action in the name of the Village of Pinehurst in the appropriate division of the General Court of Justice for recovery of penalty.

SECTION 5.4 INJUNCTIVE RELIEF AND OTHER REMEDIES

A. The Village Attorney, on behalf of the Village of Pinehurst, in addition to other remedies, may institute an injunction action, court order, or other appropriate proceeding to prevent, enjoin, abate, or remove any development, situation, or other activity that violates this Ordinance.

B. In addition to other remedies provided by law, whenever the Village Planner has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, the Village Planner may refer the matter to the Village Attorney.

C. The institution of an action for injunctive or other relief under this Section shall not relieve any party to such proceedings from any civil penalty prescribed by this Chapter for violations of this Ordinance.

SECTION 5.5 VIOLATIONS OF APPROVED PLANS

A. **Stop Work Order.** A stop work order may be issued by any appropriate authority for violations of approved plans and the owner of the property may be subject to any other penalties described in this Chapter, until compliance is met.

B. **Conditional or Temporary Violations of Certificates of Occupancy.** If a conditional or temporary Certificate of Occupancy expires, or if the required work is not completed within the allowed time, then the conditional or temporary permit is void and any continued operation shall be in violation of this Ordinance.

C. **Violations after Development.** If a final Certificate of Occupancy is issued and the required work is later found to be out of compliance by the Village, then the owner will be subject to all the penalties of this Ordinance.

CHAPTER 6 ZONING DISTRICTS AND DIMENSIONAL STANDARDS

SECTION 6.1 RULES GOVERNING THE INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

A. When district boundaries are roughly following street, alley, railroad, or highway lines (including their centerlines), those lines are considered the boundaries.

B. Where district boundaries are shown as following lot lines, the lot lines are considered the boundaries. However, a surveyed plat by a registered land surveyor can be submitted to the Village of Pinehurst to prove that certain properties along these boundaries are not within a specific zoning district.

C. If zoning district boundaries are more than 25 feet away from any parallel lot line, their location should be determined using the scale on the Zoning Map.

D. If zoning district boundaries are 25 feet or less from any parallel lot line, the lot line is considered the boundary.

Chapter 6. Zoning Districts and Dimensional Standards 105
Section 6.1 Rules Governing the Interpretation of Zoning District Boundaries 105
Section 6.2 Standards of Measurement 106
Section 6.3 General Use Zoning Districts 112
Section 6.4 Overlay Zoning Districts 127
Section 6.5 Conditional Zoning Districts 143
Section 6.6 Table of Permitted and Special Uses and Special Requirements 144
Section 6.7 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements 156
Section 6.8 Design And Development Standards And Processes 184

E. When a parcel is in more than one zoning district, each portion of the lot shall be subject to the regulations applicable to the zoning district where it is located.

F. In the case of uncertainty over boundaries, the Village Planner will interpret the Official Zoning Map. This decision can be appealed to the Board of Adjustment.

SECTION 6.2 STANDARDS OF MEASUREMENT

SECTION 6.2.1 DENSITY

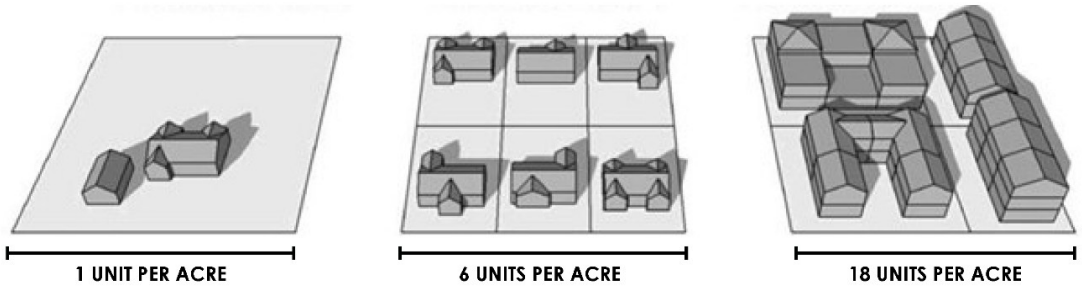
A. **Standard for Dimensional Calculations.** Numbers used to establish dimensional requirements shall be rounded to the nearest whole number.

B. **Calculation of Permitted Density**. Permitted density shall be measured by dwelling units per gross acre (du/ac). For example, if a development of ten (10) acres is entitled to ten (10) dwelling units per acre, the maximum permitted density within the development is one hundred (100) dwelling units.

1. Maximum density and/or intensity is not guaranteed subject to compatibility of uses or districts, onsite features, and other standards as regulated by this Ordinance.

2. Accessory dwelling units associated with residential uses shall not be counted towards the maximum permitted density.

Figure 6.1 Density



SECTION 6.2.2 STANDARDS OF GENERAL APPLICABILITY

A. Standards of general applicability shall include the subsections below. These standards shall be defined and make up the requirements of each district's development standards table.

B. **Building Height.** Building height shall be measured from the finished or established grade elevation following land-disturbing activities.

1. **Exceptions to the Height Limits.**

(1) The following are not to be included in the calculation of building height:

i. Basements

ii. Spires

iii. Steeples

iv. Chimneys

v. Antennae attached to buildings

vi. Communication towers

vii. Water tanks

viii. Elevator Shafts

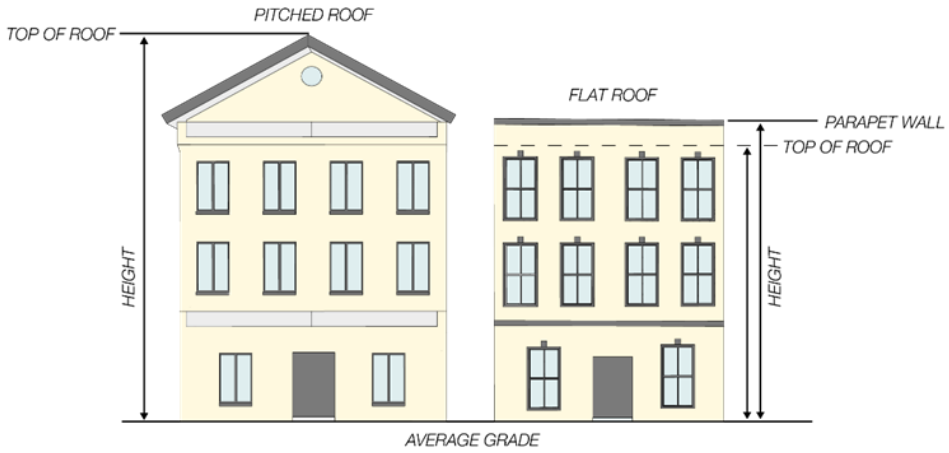
ix. Flyways

x. Cupolas

xi. Other similar appurtenance as approved by the Village Planner

(2) Flagpoles and other structures not specifically listed here are subject to the height restriction for the Zoning District or as otherwise noted in the Ordinance, whichever is more restrictive (*Section 13.6.B. Flags, Etc.*).

C. **Maximum Height.** Building height is the vertical distance from the average grade along the front to the highest point of the roof.



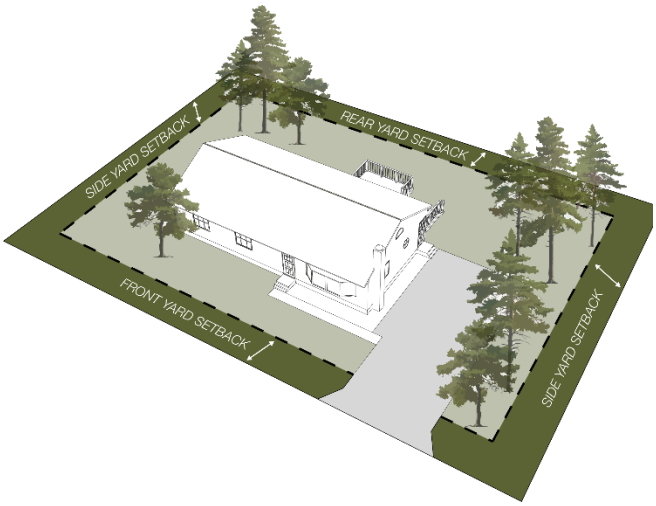
D. **Building Placement (Setbacks).** Building Placement (Setbacks) shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line.

1. Setbacks are designated by a front setback requirement, side setback requirements, rear setback requirement, and lake and/or golf course setbacks where applicable. Provisions for setbacks for accessory structures are designated in *Section 6.3. General Use Zoning Districts*.

2. For the purpose of calculating setback requirements and yards, three configurations of lots exist: interior/inside lots, corner lots, and through lots.

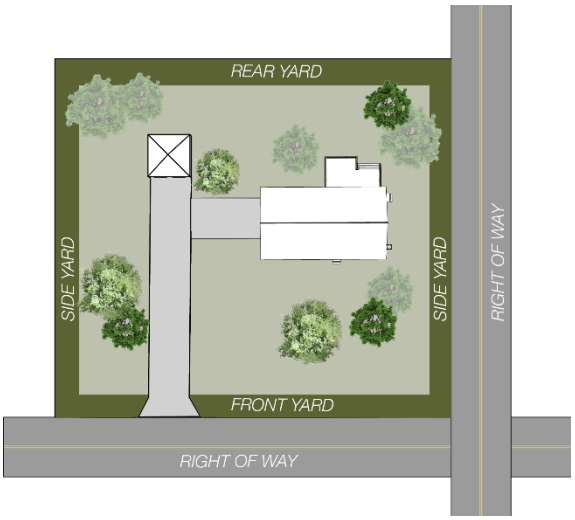
   (1) **Interior/Inside Lot.** A lot bounded by a street on only one side. The street yard shall be recognized as the primary (i.e. front) yard. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.

Figure 6.4 Setback – Interior Lot



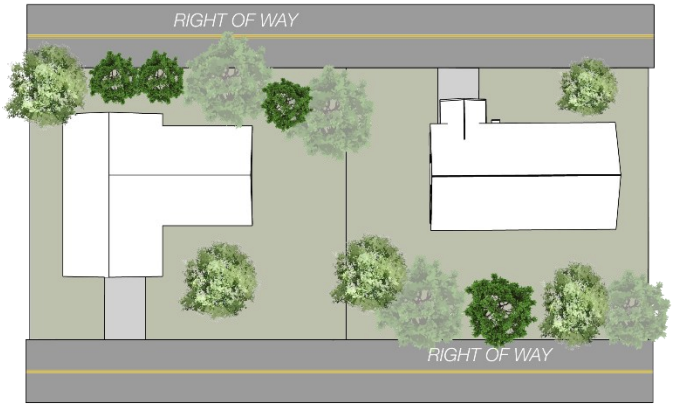
   (2) **Corner Lot**. A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. The building's orientation, driveway and entrance should align with this primary front yard but may also be allowed on the other street-facing side.

Figure 6.5 Corner Lot



(3) **Through Lot**. A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front yard, which shall dictate its front setback requirements. Orientation of the building, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non-primary front yard. Additional side or rear yard setbacks may be required for a through lot. If one of the streets is designated as a local street or alleyway, garage access may be permitted from the local street or alleyway.

Figure 6.6 Through Lot



E. **Street Frontage.** Any lot that is to be created or any existing lot on which a structure (or structures) is to be erected, or a use is to be established shall abut one of the following:

1. An improved public street maintained by the Village of Pinehurst, other jurisdiction, or NCDOT.

2. An existing improved private street shown on the latest Village of Pinehurst Powell Bill Map.

3. An improved and recognized private street located within the Village of Pinehurst ETJ as shown on a map approved by the Village Council.

F. **Allowable Encroachments into Required Yards:**

1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Section and the Zoning District in which it is located, except as otherwise established in this Ordinance for particular uses.

2. The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

   (1) Eaves, overhangs, and building steps may project up to three (3) feet into any required setback.

   (2) Condensing units of HVAC equipment, generators and other similar mechanical equipment may encroach a maximum of five (5) feet into side and rear yard setbacks only and shall be no closer than three (3) feet to the property line.

   (3) Sidewalks/walkways may encroach into any setback.

   (4) Residential driveways may encroach into any setback that does not abut a golf course or a lake.

   (5) Canvas awnings may project a maximum of six (6) feet.

   (6) Other accessory uses and buildings may encroach, as set forth in other applicable sections of this Ordinance.

   (7) Non-residential driveways, parking lots, loading areas, and sidewalks may encroach into any setback.

   (8) Patios and uncovered decks attached to principal structures, similar structures, inclusive of steps, may encroach up to five (5) feet into the side and rear setbacks, including golf course and lakefront setbacks, of a given

property. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

(9) On grade patios, on grade decks and similar structures may be located within ten (10) feet of any lakeshore property line but must meet the side setbacks for the proposed structure. See *Section 6.7.2.K. SR-110 Accessory Structure.*

G. **Permeable Surfaces.** Approved permeable surfaces may receive up to 50% reduction in the calculation of impervious surface area if designed, installed, and maintained in accordance with the NCDEQ Stormwater Design Manual, Section C-5 (Permeable Pavement). The applicant shall submit manufacturer specifications and design criteria for the selected permeable surface material.

SECTION 6.3 GENERAL USE ZONING DISTRICTS

General Use Zoning Districts are created to provide comprehensive land use regulations throughout the jurisdiction of this Ordinance. There are nineteen (19) General Use Zoning Districts that provide for a variety of uses that are appropriate to the character of the individual districts throughout the jurisdiction of this Ordinance. In the General Dimensional Requirements Table for each zoning district, the "P" stands for Principal Use, and the "A" stands for Accessory Building or Accessory Structure.

SECTION 6.3.1 (PC) PUBLIC CONSERVATION DISTRICT

A. The Public Conservation District is established as a district in which the primary use of the land is reserved for the public for recreation, parks, natural or man-made bodies of water, forests and other similar open space uses, and other government uses that provide public services to the residents of Village of Pinehurst. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or property otherwise restricted for public recreational use. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the PC District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (acre)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P	A	P	A	P	A		
-	-	50	40	25	20	25	20	25	25	60	30	12	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.2 (RD) RECREATION DEVELOPMENT DISTRICT

A. The Recreational Development District is established as a district in which the primary use of the land is predominantly reserved for privately owned recreation, clubhouses and support structures, natural or man-made bodies of water, resort complexes and other similar uses. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or property otherwise restricted for private recreational use. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the RD District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		Max Impervious Surface Cover[1] (%)	Max Height (ft)
				P	A	P	A	P	A	P	A		
5 acres	-	200	100	50	50	50	50	50	50	-	30	24	50

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.3 (R-210) RESIDENTIAL DISTRICT

A. The R-210 Residential District is established as a district in which the principal uses of the land are for low-density residential and light agricultural purposes. Development in this district is restricted due to lack of available utilities, watershed protection restrictions and for the protection of agricultural lands. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-210 District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover [1,2] (%)	Max Height (ft)
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
5 acres	100	60	100	50	15	40	15	50	50	60	30	24	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10 or R-8 Districts meeting the Required Open Space regulations of this Ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.4 MEDIUM DENSITY RESIDENTIAL DISTRICTS

A. The R-15, R-20, and R-30 Residential Districts are established as districts in which the principal use of land is for medium-density residential uses. These districts are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* or the list of permitted uses in the R-15, R-20, and R-30 districts.

B. **General Dimensional Requirements**

Zoning District	Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover[1,2] (%)	Max Height (ft)
	Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
					P	A	P	A	P	A	P	A	
R-30	30,000	100	20	40	30	10	20	10	20	20	60	30	30	35
R-20	20,000	80	20	40	30	10	15	10	20	20	30	30	35	35
R-15	15,000	75	20	30	30	10	15	10	20	20	30	30	37.5	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10, or R-8 Districts meeting the Required Open Space regulations of this ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.5 HIGH DENSITY RESIDENTIAL DISTRICTS

A. The R-5, R-8 and R-10 Residential Districts are established as districts in which the principal use of land is for high-density residential uses. These districts are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-5, R-8, and R-10 districts.

B. **General Dimensional Requirements**

Zoning District	Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover[1,2] (%)	Max Height (ft)
	Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
					P	A	P	A	P	A	P	A	
R-10	10,000	75	20	30	25	10	15	10	20	20	30	30	40	35
R-8	8,000	60	20	20	20	10	10	10	15	15	30	30	42.5	35
R-5	5,000	40	20	20	20	10	10	5	15	15	30	30	45	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10, or R-8 Districts meeting the Required Open Space regulations of this ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.6 (R-MF) RESIDENTIAL MULTI-FAMILY DISTRICT

A. The Residential Multi-Family District is established as a district in which the principal use of land is for multi-family and/or single-family dwellings. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-MF district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks[1]										Max Impervious Surface Cover[3] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[2]	A	P	A	P	A		
5,500	50	36	30	25	15	0	15	20	20	30/60	30	60	35

Footnotes:

1. Setback requirements shall apply to the perimeter of the parent tract or tracts prior to development.
2. Fifteen (15) foot minimum if detached.
3. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Supplemental Dimensional Requirements**

1. **Maximum Residential Density.** Six (6) dwelling units per acre.

SECTION 6.3.7 (NC) NEIGHBORHOOD COMMERCIAL DISTRICT

A. The Neighborhood Commercial District is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts. This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the NC district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks								Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
10,000	-	75	25	20	10	10	10	15	15	30	30	70	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.8 (H) HOTEL

A. The Hotel District is established as a district in which the principal use of land is for hotels and their associated villas or cottages. This district is intended to provide lodging facilities for visitors while minimizing any adverse impact on neighboring residential areas. Refer to *Table 6.3.Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the H district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		Max Impervious Surface Cover[1] (%)	Max Height (ft)
				P	A	P	A	P	A	P	A		
1 acre	-	100	40	30	20	20	20	20	20	30	30	70	50

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.9 (HD) HOSPITAL DEVELOPMENT DISTRICT

A. The Hospital Development District is established as a district in which the principal use of land is for hospitals, surgical centers or other health professional services and their supporting uses. This district is further intended to encourage the development of regional and community-wide providers of health care services while minimizing any adverse impacts on neighboring residential and historic areas. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the HD district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P	A	P	A	P	A		
15 acres	400	100	75	75	25	50	25	75	25	30	30	70	75

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.10 (OP) OFFICE PROFESSIONAL DEVELOPMENT DISTRICT

A. The Office Professional District is intended to provide for limited office and retail development as a spatial development between business districts and residential land uses. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the OP district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks								Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
20,000	100	75	25	20	10	15	10	20	20	30	30	70	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.11 (VCP) VILLAGE COTTAGE PROFESSIONAL DISTRICT

A. The Village Cottage Professional District is intended to provide for limited office and retail development and a wide variety of housing types in pedestrian-scaled, residential-style structures. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VCP district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks										Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)				
				P	A	P[1]	A	P	A	P	A			
8,000	-	25	20	20	10	0	10	10	10	30	30		70	35

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Village Cottage Professional District Design Standards.** The Village Cottage Professional District shall be developed in a way that is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. In addition, reference should be made to the design guidelines and the Village of Pinehurst Historic District Standards.

SECTION 6.3.12 (VR) VILLAGE RESIDENTIAL

A. The Village Residential District is established as a district in which the principal use of land is for multi-family and single-family dwellings near the Village Center or other commercial nodes. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VR district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks										Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)				
				P	A	P[1]	A	P	A	P	A			
5,500	-	25	10	20	10	0	5	10	10	30	30		70	35

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Supplemental Dimensional Requirements**

1. **Maximum Residential Density.** Eight (8) dwelling units per acre

D. **Village Residential District Design Standards.** The Village Residential District shall be developed in a high-density residential fashion, providing pedestrian access to the Village Center and compatible in design to the residential development adjacent to the existing Village Center. In addition, reference should be made to the design guidelines and the Local Historic District Standards.

SECTION 6.3.13 (VMU) VILLAGE MIXED USE DISTRICT

A. The Village Mixed-Use District is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VMU district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[1]	A	P	A	P	A		
20,000	-	25	0 min 10 max	5	5	0	5	0 min 10 max	10	30	30	70	50

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Village Mixed Use District Design Standards.** The Village Mixed Use District shall be developed in a way that it is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. In addition, reference should be made to the design guidelines and the Local Historic District Standards.

1. Façade materials shall consist of brick, shake, wood clapboard, or a similar synthetic material. No more than fifteen percent (15%) of exterior materials along a given block front shall be shake. This requirement does not apply to any structure regulated by the North Carolina Residential Building Code.
2. Upper and lower floors shall be distinguished through a change in material and/or color or the addition of balconies, bays, awnings, or other accent features.

3. Windows are required, where they allow views to interior activity areas or displays. However, glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.
4. Exterior building colors shall be consistent with the Village Center and be found in the Village of Pinehurst color palette.
5. When used, façade lighting shall provide a sense of safety without excessive light and glare.
6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
7. Architectural ornaments along the roof line, such as molding entablature or friezes, are required.
8. Sidewalks shall be provided and provide access along the street front. Mid-block pedestrian pathways are required. Pathways should be brick and must clearly delineate the pathway separate from any driving surface. They shall be designed to link the sidewalk at the street side of the building to parking areas in the rear.
9. Public spaces and plazas shall be incorporated to create a pedestrian-friendly environment.
10. Street furniture, outdoor eating areas, and sitting areas shall be incorporated at the ground floor.

SECTION 6.3.14 (VC) VILLAGE COMMERCIAL DISTRICT

A. The Village Commercial District accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be situated at street level, with residential uses in rear or upper stories. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VC district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[1]	A	P	A	P	A		
5,000	-	25	0 min 10 max	5	5	0	5	0 min 10 max	10	30	30	90	50

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.4 OVERLAY ZONING DISTRICTS

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

SECTION 6.4.1 HISTORIC PRESERVATION OVERLAY DISTRICT

A. **Purpose and Intent**

1. Historic areas are some of the most valued and important assets of the Village of Pinehurst, having local, state, and national importance. The establishment of Historic Preservation Districts is for the purpose of preserving the Village's heritage; safeguarding its character by preserving the district as a whole and any property therein that embodies important elements of its social, economic, cultural, political, or architectural history.

2. The establishment of the Historic Preservation District is also for the purpose of:

   (1) Promoting the conservation of such districts for the education, pleasure, and enrichment of residents of the district, the Village, and others.

   (2) Fostering civic beauty.

   (3) Stabilizing and enhancing property values throughout the district, thus contributing to the improvement of the general health and welfare of the Village and the residents of the district.

3. **Historic Districts Established.** Historic districts, as provided for in this Section, may from time-to-time be designated, amended, or repealed, provided; however, no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, material, feeling, and/or association. No district shall be designated, amended, or repealed until an investigation and report initiated by the Pinehurst Historic Preservation Commission (PHPC) describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared. The Department of Cultural Resources, acting through the State Historical Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and

description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Village Council within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Village Council of any responsibility for awaiting such analysis, and the Village Council may at any time thereafter take any necessary action to adopt or amend this Ordinance with respect to Historic Districts.

4. The Village Council shall also refer the report and the proposed boundaries to the Planning and Zoning Board for its recommendations prior to taking action to amend this Ordinance.

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

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

B. **Certificate of Appropriateness Required.**

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

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

C. **Certificate of Appropriateness Procedure.**

1. An application for a Certificate of Appropriateness and any supplemental materials shall be submitted using the Village's Online Permit Center and filed with the Village Planner. Applications for Certificate of Appropriateness for major work shall be considered by the PHPC at its next regularly scheduled meeting, provided the application has been deemed complete by the Village Planner or designee.

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

3. Applications that are categorized or fall within the category description of normal maintenance or minor work within the Local Historic District Standards, will be approved or denied by Village staff. If staff does not approve the application or if there is a question if the work is consistent with the Standards, then the application will be heard at the next PHPC meeting as a regular agenda item.

4. Prior to issuance or denial of a Certificate of Appropriateness for a major work project, the PHPC shall conduct a public hearing in accordance with this Ordinance. The Village Planner shall be responsible for notifying the affected parties in accordance with *Section 3.3.3. Board of Adjustment* of this Ordinance.

5. The PHPC shall act on the application and in doing so, shall apply the Review Criteria contained in this Section and within the Local Historic District Standards.

6. The PHPC's action on the application shall be approval, approval with modifications and/or conditions, delay of demolition, or denial.

7. Prior to the final action on an application, the PHPC, using the Review Criteria, shall make Findings of Fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.

8. The PHPC shall enter into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications and/or conditions, delay of demolition, or denial.

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

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

D. **Review Criteria.**

1. **Intent.**

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

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

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

2. **Exterior Form and Appearance.**

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

i. Lot coverage, defined as the percentage of the lot area covered by primary structures.

ii. Setback, defined as the distance from the lot lines to the building(s).

iii. Building height.

iv. Spacing of buildings, defined as the distance between adjacent buildings.

v. Exterior building materials.

vi. Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration.

vii. Surface textures.

viii. Roof shapes, forms and materials.

ix. Use of local or regional architectural traditions.

x. General form and proportions of buildings and structure, and relationship of any additions to the main structure.

xi. Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials.

xii. Orientation of the building to the street.

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

xiv. Proportion of width to height of the total building façade.

xv. Archaeological sites and resources associated with standing structures.

xvi. Appurtenant fixtures and other features such as lighting.

xvii. Structural condition and soundness.

xviii. Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape mass, building façades, or combinations of these.

xix. Ground cover or paving.

xx. Maintenance of pedestrian scale and orientation, as well as provision for safe pedestrian movement.

xxi. The use of approved colors from the Village of Pinehurst Color Palette (new construction, additions, alterations, and repainting only, and not for existing residences).

xxii. Effect of trees and other landscape elements.

(2) The Secretary of the Interior's "Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness.

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

E. **Certain Changes Not Prohibited.** Nothing in this section shall prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District that does not involve a substantial change in design, material, or outer appearance. It also does not prevent the construction, alteration, restoration, or demolition of any such feature that the Village Planner or Designee has certified to the PHPC, in writing, is required because of an unsafe or dangerous condition. Nothing herein shall prevent the maintenance or in the event of an emergency, the immediate restoration of any existing, aboveground utility structure without approval by the PHPC.

F. **Delay in Demolition.**

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

2. In the case of demolition action by the Village, the application for such a certificate will first be reviewed by the PHPC and secondly by the Village Council for final order of demolition or removal.

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

G. **Application Review by Pinehurst Historic Preservation Commission.** As part of its review procedure, the PHPC may view the premises and seek the advice of the North Carolina Department of Cultural Resources or other expert advice as it may deem appropriate.

H. **Appeal of Decision**

1. In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party shall be taken to the Superior Court of Moore County in the nature of certiorari.

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

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

I. **Compliance.**

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

2. Nothing contained in the Ordinance shall prohibit, impair, or limit in any way the power of the Village Council to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of any provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy in other ordinances or laws.

J. **State Recommendations.** Districts shall not be established or the authority and powers of the PHPC be implemented until the North Carolina Department of Cultural Resources has been given the opportunity, in accordance with the provision of the North Carolina General Statutes to make recommendations with respect to the establishment of the districts.

SECTION 6.4.2 HIGHWAY CORRIDOR OVERLAY DISTRICT (HCOD)

A. **Purpose and Intent.** The Highway Corridor Overlay District (HCOD) is established to provide additional standards for land adjacent to major highway corridors to protect the natural and environmental features that constitute important physical, aesthetic, recreational, and economic assets to the Village. The overlay district is established to:

1. Prevent unsightly conditions that may destroy or detract from the natural character, beauty, and condition.

2. Minimize potential safety hazards that may exist along the roadways in the Village.

3. Ensure development is consistent with the historic character of the Village's natural and built environments.

B. **Area of Applicability.** The HCOD standards, which apply to the entire length of a corridor becomes effective once a corridor has been studied, a plan adopted, and the area subsequently identified on the Official Zoning Map. Development standards apply to all parcels within 600 feet of the right-of-way on both sides of the street as shown on the Official Zoning Map, except in such instances in which the Village Council has modified the corridor width. In cases where a portion of a tract of land lies within the HCOD the entire tract shall adhere to the same regulation.

C. **Permitted Uses.** The permitted uses shall be the same as those in the underlying zoning districts. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements*.

D. **New Development.** All new nonresidential development, multifamily development, and major subdivisions within the Highway Corridor Overlay District shall comply with the regulations of this section. If there are more restrictive standards elsewhere in this Ordinance, those standards shall control.

E. **Site Design Standards.** These standards provide the Village's expectations for the quality and appearance of new development.

1. **Buildings on Corners.**

(1) Buildings that exist on a corner lot shall incorporate additional architectural features, utilize massing techniques, or implement other features to emphasize their prominent location and create a visual assist to turn the corner.

(2) Corner buildings should utilize massing techniques and architectural treatments to create an inviting pedestrian environment where a building wraps a street corner.

2. **Street Walls.**

(1) Where surface parking lots or drive aisles abut a public street right-of-way (or sidewalk), a street wall shall be required on the setback line or edge of parking lot pavement. Street walls are required alongside boundaries of drive aisles along drive-through lanes. An alternative, such as hedging or other similar designs may be approved by the Village Planner as long as the desired effect of a street wall is achieved.

(2) Street walls shall be constructed of brick, masonry, stone, wrought iron or other solid decorative materials. Wood, fencing, and chain link shall not be considered permitted materials for a street wall.

(3) Street walls shall be a minimum of three (3) feet and a maximum four (4) feet in height.

(4) Breaks in street walls may be permitted to allow for pedestrian or vehicular access, or tree protection.

Figure 6.7 Street Walls



3. **Utilities.** Utility services shall be located underground, where feasible, in coordination with the utility provider.

4. **Accessory Uses and Structures.** No accessory uses or structures are permitted in the front yard.

F. **Parking Requirements**

1. **Parking Lot Setbacks**

(1) The required parking setback from the highway right-of-way line is at least fifty (50) feet.

(2) The required parking setback from residentially zoned lots is at least thirty (30) feet.

(3) The required parking setback for internal lots with access to an internal street right-of-way shall be at least twenty (20) feet from the front lot line.

2. All off-street parking should be located to the side or rear of the building to the greatest extent possible.

G. **Landscape Buffer Requirements.** Landscape buffers shall comply with the regulations of *Chapter 8. Landscaping and Buffers*, except as provided below:

1. When development occurs next to a residentially zoned parcel, a minimum Class 3 Buffer is required.

H. **Parking Lot Landscaping.**

1. Parking lots, loading areas, and other vehicle use areas shall be planted with one tree and two shrubs for every ten parking spaces required.

2. At least sixty-five (65%) of the required parking lot trees shall be large shade trees.

3. A minimum of half (50%) of the required parking lot trees shall be pine trees.

4. Trees and shrubs shall be planted within fifteen (15) feet of the vehicle use areas.

I. **Lighting.** Lighting shall comply with the regulations of *Chapter 12. Lighting Standards*, except as provided below:

1. Light fixtures shall be a maximum of fifteen (15) feet in height for the lighting of vehicle use areas when located adjacent to a residentially zoned property.

2. Parking area lighting fixtures may be no closer tan twenty (20) feet to the property line when located adjacent to a residentially zoned property.

J. **Driveways.** Driveways serving a new development parcel shall be permitted in accordance with the standards of NCDOT; however, the Planning and Zoning Board and Village Council may require more strict standards as conditions of approval during the site plan review, if it is determined that the additional conditions may improve traffic movement and safety.

1. Developers of non-residential uses are required to share parking areas and driveways with adjoining developments.

2. Development will be required to have shared access to the roadway as approved by NCDOT or the Village.

K. **Signs.** Signs shall comply with the regulations of *Chapter 13. Signs*.

SECTION 6.4.3 WATERSHED PROTECTION OVERLAY DISTRICT - WPOD

A. **Purpose and Intent.**

1. The Legislature of the State of North Carolina has, in Chapter [153A][160A], Article [6][8], Section [121][174], General Ordinance Making Power; and in Chapter 143, Article 21, Water and Air Resources, authorized local governments to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. In addition, NCGS § 160D-926 and NCGS § 143-214.5 specifically authorize local governments to enact and enforce water supply watershed management regulations. The Village Council hereby ordains

and enacts into law the following articles as the Water Supply Watershed Protection Ordinance of Pinehurst.

2. The intent of the WPOD is to ensure the availability of public water supplies at a safe and acceptable level of water quality for present and future residents of the Village and the surrounding region. Watershed protection measures allowed by this Section of the Ordinance include:

   (1) Impervious area limitations.

   (2) Stream and reservoir buffers.

   (3) Restriction of land uses and density allowed within water supply basins by the use of zoning.

B. **Applicability.**

1. The WPOD is an overlay district to be applied to designated watersheds on the Official Zoning Map with regulations superimposed on all lands lying within the watershed of a public water supply. The boundaries of the WPOD shall be shown on the Official Zoning Map and Extraterritorial Jurisdiction Line. The Watershed Protection Overlay District consists of four (4) sub-areas:

   (1) Drowning Creek–Lumber River WS-II, Balance of Watershed (WS-II BW).

   (2) Nicks Creek–Cape Fear River WS-III, Balance of Watershed (WS-III BW).

   (3) Little River–Intake #2 WS-III, Balance of Watershed (WS-III BW).

   (4) Little River–Vass WS-III, Balance of Watershed (WS-III BW).

C. **Permitted Uses.** The uses prohibited and the limitations on impervious surface coverage in the WPOD subareas are listed in *Table 6.1. Watershed Areas – Allowed and Not Allowed Uses*.

Table 6.1 Watershed Areas - Allowed and Not Allowed Uses

Activity/Use	Water Supply Watershed Classification	
	WS-II BW	WS-III BW
New landfills	Yes	Yes
New permitted residual land application	Yes	Yes
New permitted petroleum contaminated soils	Yes	Yes
NPDES General or Individual Stormwater discharges	Yes	Yes
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes	Yes
NPDES Individual Permit trout farm discharges	Yes	Yes
New NPDES Individual Permit domestic treated wastewater discharge	No	Yes
New NPDES Individual Permit industrial treated wastewater discharge	No[a]	No[a]
Non-process industrial waste	No	Yes
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	No	No
Sewage	No[b]	No[b]
Industrial Waste	No[b]	No[b]
Other wastes	No[b]	No[b]
Groundwater remediation project discharges[c]	Yes	Yes
Agriculture[d]	Yes	Yes
Silviculture[e]	Yes	Yes
Residential Development[f]	Yes	Yes
Non-Residential Development[f,]	Yes	Yes
Nonpoint Source Pollution[g]	Yes	Yes
Animal Operations[h]	Yes	Yes

Footnotes:

a. Except non-process industrial discharges are allowed.
b. Only allowed if specified in 15A NCAC 02B.0104.
c. Where no other practical alternative exists.
d. In WS-I watersheds and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10-foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent

version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies.

e. Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209). Effective 4/1/2018

f. See density requirements in 15A NCAC 02B.0624.

g. Non-Point Source pollution shall not have adverse impact, as defined in 15A NCAC 02H.1002, in use as water supply or any other designated use.

h. Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H.0217.

D. **Procedures for Development Approval**

1. **Protection Measures.** All development within the WPOD shall demonstrate compliance with the requirements of this Section at the time of development permit approval, except as set forth in (2) below.

2. **Exception for Existing Development.** Development existing as of June 21, 1993, is not subject to the requirements of this Section. Expansions to existing development must meet the requirements of this Section; however, the impervious surface area of the existing development is not required to be included in the density calculations. A pre-existing lot owned by an individual or assignee prior to the effective date of June 21, 1993, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Section.

E. **Density and Built-Upon Limits**

1. **Project Density.** The following maximum allowable project densities and minimum lot sizes, as shown in *Table 6.2. Maximum Allowable Project Density or Minimum Lot Size*, shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development.

Table 6.2 Maximum Allowable Project Density or Minimum Lot Size

Water Supply Classification	Location in the Watershed	Maximum Allowable Project Density or Minimum Lot Size		
		Low Density Development		High Density Development
		Single-family detached residential	Non-residential and all other residential	All types
WS-II	Balance of Watershed	1 dwelling unit (du) per 1 acre; or 1 du per 40,000 square foot lot excluding roadway right-of-way; or 12% built-upon area	12% built-upon area	12 to 30% built-upon area with SIA approval
WS-III	Balance of Watershed	1 dwelling unit (du) per one-half acre; or 1 du per 20,000 square foot lot excluding roadway right-of-way; or 24% built-upon area	24% built-upon area	24 to 50% built-upon area with SIA approval

2. **Calculation of Project Density.** The following requirements shall apply to the calculation of project density:

   (1) Project density shall be calculated as the total built-upon area divided by the total project area.

   (2) A project with "Existing Development," as defined in this Ordinance, may use the calculation method in sub-item (1) of this section or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

   (3) Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).

   (4) Where there is a net increase of built-upon area, only the area of net increases shall be subject to density and built upon area limits.

   (5) Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built-upon area limits.

(6) Total project area shall exclude the following:

i. Areas below the Normal High-Water Line (NHWL).

(7) Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high- and low-density areas based on one or more of the following criteria:

i. Natural drainage area boundaries.

ii. Variations in land use throughout the project.

iii. Construction phasing.

3. **Special Intensity Allocations (SIA).** SIAs shall be allocated and developed in accordance with the following rules:

(1) SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the watershed area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the total acreage eligible for allocation.

(2) SIAs shall be allocated on a “first come, first serve” basis upon the approval and issuance of the appropriate permit.

(3) The Village must allow applicants to exceed allowable density if the applicant treats all stormwater from existing and new built-upon area according to local, state, and federal regulations.

(4) The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any permit used for development. In such case, the unused allocated acreage shall be returned to the unallocated total acreage eligible for allocation.

SECTION 6.5 CONDITIONAL ZONING DISTRICTS

SECTION 6.5.1 PURPOSE AND INTENT

A. Conditional zoning districts are established to:

1. Provide an alternative to conventional zoning districts which would be inappropriate at certain locations in the absence of special conditions.

2. Create flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions.

3. Allow the landowner to propose, and the Village Council to consider additional conditions or restrictions on the range of permitted uses, use-specific standards, density, development standards, and other applicable regulations.

4. Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated issues that could arise from the proposed development.

SECTION 6.5.2 CONDITIONS

A. Conditions may be proposed by an applicant or the Village Council. Only those conditions agreed to by both the applicant and the Village Council shall be included in the approved conditional rezoning.

B. All conditions of approval shall be consented to, in writing, by the applicant, prior to issuance of the conditional zoning application approval.

SECTION 6.5.3 CONDITIONAL DISTRICTS

For each General Use District established in *Section 6.3. General Use Zoning Districts* and Form Based District established in *Section 7.2. Form Based Districts Zoning Districts*, there is also established a corresponding Conditional District as follows:

A. PC-CD - Public Conservation Conditional District;

B. R-210 CD - Residential Conditional District;

C. R-15 CD - Residential Conditional District;

D. R-20 CD - Residential Conditional District;

E. R-30 CD - Residential Conditional District;

F. R-5 CD - Residential Conditional District;

G. R-8 CD - Residential Conditional District;

H. R-10 CD - Residential Conditional District;

I. R-MF-CD - Residential Multi-Family Conditional District;

J. VR-CD - Village Residential Conditional District;

K. RD-CD - Recreation Development Conditional District

L. OP-CD - Office and Professional Development Conditional District;

M. H-CD - Hotel Conditional District;

N. HD-CD - Hospital Development Conditional District;

O. VC-CD - Village Commercial Conditional District;

P. VCP-CD - Village Cottage Professional Conditional District

Q. VMU-CD-Village Mixed Use Conditional District

R. NC-CD - Neighborhood Commercial Conditional District.

S. VP FBD-CD - Village Place Form Based Conditional District.

T. PS FBD-CD - Pinehurst South Form Based Conditional District.

SECTION 6.6 TABLE OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

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

SECTION 6.6.1 USE CATEGORIES

A. Each use type is grouped under a use category.

1. Residential
2. Lodging
3. Office/Service
4. Commercial/Entertainment

5. Civic
6. Education/Institution
7. Automotive
8. Industry/Wholesale/Storage
9. Agriculture
10. Utilities/Infrastructure
11. Accessory Uses
12. Temporary Use

SECTION 6.6.2 SYMBOLS USED ON TABLE OF USES

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

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

B. "SU" indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of *Section 4.3.7 Special Use Permit* before obtaining a Development Permit.

C. "CZ" indicates that a specific use, development, or subdivision may only be permitted through a conditional zoning district that is parallel to the underlying zoning district (see *Sections 6.3 General Use Zoning Districts* and *6.5. Conditional Zoning Districts*). The conditional zoning district designation must be approved before the use may be established, development permit issued, and conformance with all applicable development and design standards achieved as provided in this ordinance. All nonconforming uses and structures shall be governed under *Chapter 2. Nonconformities* of this Ordinance.

D. The "SR" column on the far right of the table indicates special requirements for development or use compliance. These requirements are defined in *Section 6.7. Special Requirements to the Table of Permitted and Special Uses*. For any use needing a Special Use Permit, the Special Requirements and Ordinance requirements are the minimum conditions for issuance. When "SR" appears in a zoning district's use, special requirements apply. The requirements are numbered

by categories: SR-1 to SR-99 for Principal Uses, SR-100 to SR-199 for Accessory Uses, and SR-200 to SR-299 for Temporary Uses. The "SR" will also appear in the column of the general use district in which the special requirements apply.

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

F. In the event a use is not listed, the Village Planner may determine if a materially similar use exists and is defined by this Ordinance. If the Village Planner determines there is a materially similar land use, the determination shall be made in writing and all applicable regulations and standards with that use shall apply to the unlisted use. Such determinations by the Village Planner may be appealed pursuant to *Chapter 4* of this Ordinance. If a use is not listed and a materially similar use does not exist, an application may be filed to amend this Ordinance pursuant to *Chapter 6*.

Table 6.3 Table of Permitted and Special Uses and Special Requirements

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Residential																			
Dwelling-Single Family			P	P	P	P	P	P	P	P					P, SR	P	P, SR		1
Dwelling-Two Family										P					P, SR	P	P, SR		1
Dwelling-Multifamily										P, SR					P, SR	P, SR	P, SR		3
Dwelling-Townhouse/ Clustered Dwellings										P, SR					P, SR	P, SR	P, SR		2
Family Care Home (6 or fewer residents)			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR					P, SR	P, SR	P, SR		4
Halfway Homes																			
Dwelling -Mixed Use											P, SR			P, SR	P, SR		P, SR	P, SR	5
Manufactured Housing									P, SR										6
Manufactured Home Park																			
Lodging																			
Bed and Breakfast Homes			P, SR									P, SR			P, SR	P, SR	P, SR		7
Boarding or Rooming House																			
Dormitory																			
Hotel												P	P				P, SR	P, SR	8

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Lodging																			
Neighborhood Lodging Accommodation			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR							P, SR		10
Recreational Vehicle Park	P																		
Short Term Rental			SR	SR	SR	SR	SR	SR	SR	SR	SR	P, SR	SR	SR	SR	SR	P, SR	SR	9
Office/ Service																			
Banks, Credit Unions, Financial Services											P			P	P		P	P, SR	21
Business Support Services											P			P	P		P	P	
Crematoria																			
Dry Cleaning & Laundry Services										P				P	P, SR		P, SR	P, SR	23
Funeral Home											P			P					
Medical Clinic											P		P	P					
Medical Office											P		P	P					
Office											P			P	P		P	P, SR	21
Personal Services											P			P	P		P	P	
Personal Services, Restricted																			
Post Office											P						P	P	

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Office/ Service																			
Professional Services											P			P	P		P	P, SR	21
Radio/TV Studio											P			P	P		P		
Small Equipment Repair/Rental											P								
Small Engine Repair / Sales											P								
Veterinary Services / Indoor Kennels											P, SR			P, SR					11
Commercial/ Entertainment																			
Sexually Oriented Business											SU, SR								I2
Alcoholic Beverage Sales Store											SU						P	P	
Amusements, Indoor											P								
Amusement, Outdoor																			
Billiard/Pool Hall																			
Bar/Tavern/Night Club											P						P	P	
Garden Center											P								
General Retail											P, SR				P, SR		P, SR	P, SR	13
Golf Course		P	SU	SU	SU	SU				SU									

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Commercial/ Entertainment																			
Internet Sweepstakes Facilities																			
Outside Sales											P, SR				P, SR		P, SR	P, SR	14
Pawnshops																			
Racetrack																			
Restaurant											P, SR			SU, SR	SU SR		P, SR	P, SR	15
Shooting Range																			
Theater, Indoor (Movie or Live Performance)											P						SU	SU	
Civic																			
Civic/Cultural Facilities	P										P				P		P	P	
Community Shared Facilities			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR						P, SR	P, SR	P, SR		16
Conference/Convention Center																			
Country Club		P																	
Municipal Public Service Facility	P														P		P		
Private Clubs											P						P	P	
Public Safety Station	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	16

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Civic																			
Recreation Facilities, Indoor	P										P		P				P		
Recreation Facilities, Outdoor		P, SR	P, SR								P, SR								17
Religious Institution	P		P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR		P			P	P				18
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Education/ Institution																			
Residential Care Facilities (More than 6 Residents)									SU		P		P	P			SU		
Child/Adult Day Care Center											P		P	P			P		
Community Support Facility														P, SR					19
Hospital													P						
Schools - Elementary & Secondary		SU, SR					SU, SR							SU					18
Schools- Post-Secondary/ Vocational/Technical	P													P					
Studio - art, dance, martial arts, music											P			P	P		P	P	
Automotive																			
Fueling Station											SU, SR								20

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Automotive																			
Heavy Equipment/ Manufactured Home Rental/Sales																			
Vehicle. Rental/Leasing/Sales																			
Vehicle Service-Maintenance Repair/Body Work																			
Industry/ Wholesale/ Storage																			
Artisan Workshops											P				P		P	P	
Industry, Manufacturing																			
Landfill/Waste Recovery Facilities	P, SR																		22
Recycling Collection Stations Municipal	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Storage -Outdoor Storage Yard																			
Storage-Self Service																			
Storage -Warehouse, Indoor Storage																			
Wholesaling and Distribution																			
Agriculture																			
Agriculture, Livestock			P, SR																25

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Agriculture																			
Farming/Animal Production			P, SR																25
Horse Farm & Training Track	P, SR		P, SR																26
Nurseries			P																
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor																			
Swine Farms																			
Infrastructure																			
Parking Structure												P, SR	P, SR	P, SR		P, SR	P, SR	P, SR	27
Parking Lot -Principal Use	P											P	P				P	P	
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities			SU, SR																28
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU					
Accessory Uses																			
ATM											P			P	P		P	P	

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Accessory Uses																			
Beekeeping	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	100
Cemetery	P, SR		P,SR		SU, SR		SU,SR		P,SR		P, SR			P,SR					101
Child/Adult Day Care Home Occupations			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR				P,SR	P,SR	P,SR	P,SR	P,SR	104
Farmers Market	P, SR												P, SR					P,SR	102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	103
Fuel/Propane Tanks	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	114
Ice Vending																			
Home Occupation			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P,SR	P,SR	P,SR	P,SR	P, SR	104
Outdoor Swimming Pools and Spas	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P, SR			P, SR	P,SR	P,SR		105
Pet Houses and Pet Runs			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR				P,SR	P,SR	P,SR	P,SR	P, SR	106
Playground Equipment	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P, SR	P,SR	P,SR	P,SR	107
Accessory Buildings	P, SR	P, SR	P	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	108
Dwelling - Accessory			P	SU, SR	SU, SR	SU, SR	SU,SR	SU, SR	SU, SR	P,SR					P,SR	P,SR	P,SR		109
Accessory Structure	P, SR	P, SR	P,SR	P,SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P, SR	P,SR	110
Bulkheads on Lakes	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	111

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Accessory Uses																			
Docks on Lakes	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	112
Floats/Rafts and Mooring Buoy	P, SR	P, SR	P, R	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P, SR	P,SR	P,SR	113
Temporary Uses																			
Boat Storage	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR		200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	201
Temporary Expansion of School Facilities		P, SR					P,SR							P,SR					202
Temporary Real Estate Offices			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR									203
Model Homes			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR									204
Yard Sales	P, SR		P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P,SR	P,SR	P,SR	P,SR	P,SR	205
Temporary Uses Other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	206

SECTION 6.7 SPECIAL REQUIREMENTS (SR) TO THE TABLE OF PERMITTED AND SPECIAL USES

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

SECTION 6.7.1 PRINCIPAL USES

A. **SR-1 Dwelling, Single Family-Two Family Dwellings.** In VCP and VMU Districts between any single-family residential use and non-residential use, a minimum of a Class 1 buffer shall be placed between uses by the non-residential user on the non-residential property.

B. **SR-2 Dwelling, Townhouse/Clustered Dwellings.** The common open space provided with the townhouse unit development shall be no less than twenty-five percent (25%) of the gross land area.

   1. The minimum setbacks required around the perimeter of the development tract shall be as required by the General Dimensional Requirements of the applicable zoning district. The front wall on any unit or group of contiguous units shall not be set back beyond the rear wall of any adjacent unit or group of contiguous units where both face the same street or vehicle accommodation area. A townhouse unit lot frontage may be on open space properly restricted through a responsible entity to ensure adequate access. The minimum size for a townhouse or cluster dwelling unit is one thousand five hundred (1,500) heated square feet.

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

C. **SR-3 Dwelling, Multi-Family.** The minimum size for a multi-family dwelling is one thousand five hundred (1,500) heated square feet.

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

   1. Shall be a single-family dwelling;

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

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

   (1) Applicant submits a letter of intent.

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

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

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

E. **SR-5 Dwelling, Mixed Use**

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

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

F. **SR-6 Manufactured Housing**

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

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

G. **SR-7 Bed and Breakfast Homes.** The use shall be located in a structure that was constructed as a single-family dwelling and contains a minimum of three (3) and a maximum of nine (9) adult guest rooms. If the structure was not originally constructed as single-family dwelling, a special use permit is required.

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

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

3. Meals served on the premises for paying guests shall be limited to breakfast.

4. No alcoholic beverages shall be sold on the premises.

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

6. Any interior modification shall be described in the application.

7. Off street parking shall be provided in conformance with this Ordinance.

8. Special events for guests such as wedding receptions, parties, etc., shall not be permitted.

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

H. **SR-8 Hotel.** At least fifty percent (50%) of the level of the primary entrance shall not be used for guest rooms based on area square footage of that level**.**

I. **SR-9 Short Term Rental**

1. All new short-term rentals shall be required to obtain a Development Permit from the Village. All short-term rentals shall comply with the following standards:

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

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

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

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

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

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

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

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

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

(10) Accessory Dwelling Units may be permitted for short-term rental where Accessory Dwelling Units and Short-Term Rentals are both permitted by right in *Table 6.3. Table of Permitted and Special Uses and Special Requirements*.

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

J. **SR-10 Neighborhood Lodging Accommodation (NLA)**

1. All Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's shall comply with following standards:

(1) Compliance with SR-9 Standards 1 through 11.

(2) Submission of documentation that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in *Section 15.2. Definitions* of this Ordinance.

(3) Submission of documentation that the Neighborhood Lodging Accommodation has been authorized or is not prohibited by the Declaration.

(4) Submission of documentation that the Neighborhood Lodging Accommodation is authorized and managed by a Master Association.

(5) Installation of a Landscape Screen per *Section 8.2.4.A. General Screening Design Standards* of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

K. **SR-11 Veterinary Services/Indoor Kennels**

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

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

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

L. **SR-12 Sexually Oriented Business**

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

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

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

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

5. Except for the signs permitted by this Ordinance, no other advertisements, displays, signs or other promotional materials shall be visible to the public rights-of-way.

M. **SR-13 General Retail**

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

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

N. **SR-14 Outside Sales**

1. **General Standards**

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

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

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

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

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

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

O. **SR-15 Restaurants**

1. Drive-through windows and curb service are prohibited.

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

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

P. **SR-16 Community Shared Facilities, Public Safety Station.** Community Shared Facilities and Public Safety Stations shall have a minimum lot size of twenty thousand (20,000) square feet.

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

1. **Screening**

(1) Athletic fields, common area recreation facilities and similar facilities shall be screened from adjoining residential properties in accordance with *Chapter 8. Landscaping and Buffers*.

2. **Operational Standards.**

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

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

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

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

R. **SR-18 Religious Institutions and Schools.** Such facilities shall be located on sites of five (5) acres or greater and shall have direct primary access to a major collector or thoroughfare street.

S. **SR-19 Community Support Facility (OP)**

1. These uses may be principal or accessory uses.

2. No such use may be located within a quarter mile (1,320 feet) of another such use measured as a straight line as measured from property lines.

T. **SR-20 Vehicle Fueling Stations**

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

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

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

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

U. **SR-21 Banks, Credit Unions, Financial Services, Professional Services.** Such uses shall not be permitted on the ground floor of the principal building.

V. **SR-22 Landfill/Waste Recovery Facilities (PC)**

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

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

W. **SR-23 Drycleaning and Laundry Services.** Coin operated laundry is not allowed in VCP, VMU or VC districts.

X. **SR-25 Farming/Animal Production (R-210)**

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

2. **Structures for Livestock.**

   (1) Structures for livestock must meet the applicable yard and setback requirements for the district and structure.

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

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

Y. **SR-26 Horse Farm and Training Track**

1. **Structures for Horses.**

(1) Structures for horses must meet the applicable yard and setback requirements for the district and structure.

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

Z. **SR-27 Parking Structure**

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

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

AA. **SR-28 Telecommunications Facilities**

1. **Exterior Appearance Height and Setback.**

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

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

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

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

2. **Electromagnetic Exposure and Radio Interference.**

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

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

3. **Use of Facilities.**

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

(2) No advertising sign or logo is permitted on any tower or antenna.

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

4. **Co-Location Requirements.**

(1) All towers shall be designed structurally, electrically, mechanically and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be designed to allow co-location of public safety service equipment at usual and customary commercial rates, and these spaces shall be in addition to the antenna sites required for additional users as mentioned in this section. The exact design of public safety service equipment will be determined upon receipt of an application after consultation with the Police Chief and Fire Chief.

(2) A Development Permit shall not be granted unless it is found that the proposed equipment cannot be accommodated on existing or approved towers or alternative structures with a one- half (½) mile radius of the proposed location due to one (1) or more of the following reasons:

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

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

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

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

5. **General Requirements.**

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

(2) **Insurance Required.** Prior to issuance of a Certificate of PDO Compliance, the applicant shall be required to provide certificate of insurance demonstrating it has a minimum of $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the telecommunication tower. The applicant shall be required to maintain such

coverage in full force and effect until such time as all above ground portions of the tower (not including any part of the foundation) have been removed.

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

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

(5) **Additional Engineering Review May Be Required.**

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

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

BB. **SR-29 Utilities - Moore County and Village of Pinehurst**

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

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

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

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

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

CC. **SR-30 Small/Micro Wireless Facility.** Small/Micro Wireless Facilities shall not be located on residential properties. The maximum height for small/micro wireless facilities shall be fifty (50) feet in non-residential areas and forty (40) feet in residential areas or 10 foot taller than existing poles as of July 1, 2017, whichever is greater. Where feasible, small/micro wireless facilities shall be located on existing utility poles. Where not feasible to locate on an existing pole, decorative poles shall be installed to match new lighting and stop light installations made by the Village of Pinehurst in the historic district. All supporting utilities and infrastructure shall be located underground in a vault or similar structure.

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

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

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

4. When located outside of NCDOT right-of-way, a development permit is needed.

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

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

SECTION 6.7.2 ACCESSORY USES

A. SR-100 Beekeeping in the Village Limits

1. **Purpose.** The purpose of this section is to provide for the keeping of honeybees in the zoned areas. It is intended to enable property owners to keep honeybees, and to safely maintain them within populated areas. It is not intended to prohibit, restrict, or regulate the keeping of animals within areas allowing agricultural use.

2. **Standards for Beekeeping**

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

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

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

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

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

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

B. SR-101 Cemetery

1. **Minimum Yard Requirements**

   (1) The minimum yard required for all in ground burial plots and any other structures is thirty (30) feet from any exterior property line or the required district principal building setback, whichever is greater. Gatehouses at cemetery entrance shall be excluded from any minimum yard requirement provided they meet the sight triangle requirement for driveways in *Section 6.8.D. Sight Triangles*.

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

2. Religious institutions in PC District are limited to columbaria only.

C. **SR-102 Farmers Market (PC, HD, VC)**

1. **General Standards.** Farmer's Markets are an allowed accessory use according to the following provisions:

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

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

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

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the farmers' market.

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

(6) The actual hours of operation of the market shall be limited to two (2) days a week for no more than eight (8) hours and in all instances shall cease by 9 p.m.

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

D. **SR-103 Concealed Wireless Telecommunications Facility (All Districts)**
Concealed Wireless Telecommunications Facilities shall be permitted in all zoning districts as an accessory use provided the following conditions are met:

1. In order to be considered an accessory use, a Concealed Wireless Telecommunications Facility must be clearly incidental and subordinate to the main use of a structure. Antennas associated with a Concealed Wireless Telecommunications Facility shall be concealed from exterior view.

2. The addition of antenna, support or other equipment shall not add more than ten (10) feet in height to the attached structure unless a variance is obtained from the Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this Ordinance unless appropriate approvals are obtained.

3. Electronic equipment associated with Concealed Wireless Telecommunication Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.

4. All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication's facilities shall be colored or concealed in a manner as to render them unobtrusive.

5. Antennas associated with a Concealed Wireless Telecommunications Facility may not be co-located on a tower or other support structure used by an amateur radio operator.

6. Antennas associated with a Concealed Wireless Telecommunications Facility shall not be located upon a Single-Family Dwelling or Multi-Family Dwelling.

7. Should the existing support structure be replaced and/or rebuilt it shall comply with all applicable codes including but not limited to these provisions.

8. Any modifications to an existing structure associated with the installation of a Concealed Wireless Telecommunications Facility shall comply with all limitations, requirements, and standards contained in other provisions of this Ordinance including, but not limited to, the receipt of approvals that may be required by *Section 6.4.1. Historic Preservation Overlay District* of this Ordinance should the Concealed Wireless Telecommunications Facility be located within a Historic Preservation District. All other applicable local, state, and federal approvals and permits shall also be obtained.

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

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

E. **SR-104 Home Occupations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. **SR-105 Swimming Pools and Spas/Hot Tubs**

1. Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (5) below.

2. In residential zoning districts, all swimming pools, spas, and hot tubs shall be located in the rear or side yard and meet applicable accessory structure setbacks.

3. Walks/decks/coping may extend no more than four (4) feet into building setbacks for accessory structures, except in the golf course and lake front setback for accessory structures.

4. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

5. Seasonal Swimming Pools as defined in *Chapter 15. Definitions* of this document are permitted to be installed above ground with the following standards:

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

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

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

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

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

G. **SR-106 Pet Houses, Pet Runs**

1. Pet houses and pet runs are permitted in the side and rear yards in any residential zoning district. Pet houses shall meet the accessory structures setback requirements of the zoning district in which they are located. The use of chain link or similar material is not allowed for this use.

H. **SR-107 Playground Equipment**

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

2. Playground equipment subject to the North Carolia Building Code require a development permit.

I. **SR-108 Accessory Building**

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

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

(2) The accessory building is located within the building envelope setbacks for accessory structures in the rear or side yard only, except in R-210.

(3) An accessory building shall not exceed thirty percent (30%) of the total floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater. When there is more than one (1) accessory building on the site, the sum of the building area of the accessory buildings may not exceed thirty percent (30%) of the area of the principal dwelling.

J. **SR-109 Accessory Dwelling Unit**

1. An accessory dwelling unit may be within, attached, or separate from the principal building.

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

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

4. The accessory dwelling unit shall be owned by the same person as the principal dwelling.

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

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

7. A detached accessory dwelling structure may be dwelling area only or may combine the dwelling with a garage, workshop, studio, or similar use, however the total floor area of the structure may not exceed the thirty percent (30%) or six hundred (600) square foot limitation for an accessory building as set forth in SR-108.

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

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

K. **SR-110 Accessory Structure**

1. **Arbors, Trellises, Pergolas and Gazebos.**

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

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

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

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

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

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

(4) Such sheds shall be the same or similar in style and color with the principal structure.

3. **Accessory Buildings and Structures.** Accessory buildings and structures are allowed in the front yard in the R-210 district but must meet the front yard setback requirement.

L. **SR-111 Bulkheads on Lakes**

1. Bulkheads may be constructed subject to a development permit.

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

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

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

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

M. **SR-112 Docks on Lakes**

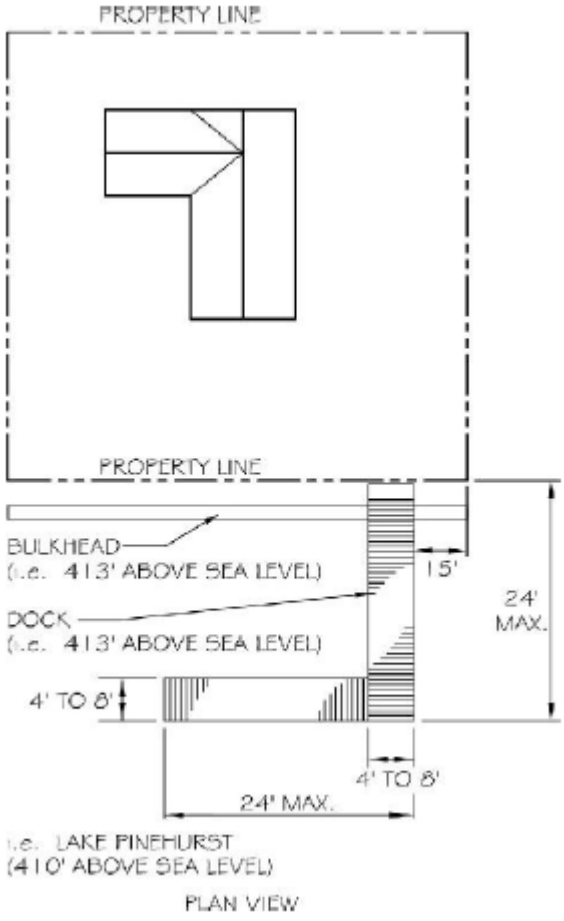
1. Docks may be constructed along the boundary of a lake only after the issuance of a Development Permit and building permit by the Planning and Inspections Department.

2. Docks and construction added to docks are not to exceed a height of six (6) feet from the dock to the top of the construction. The dock surface shall be built at a height not to exceed the height of the bulkhead to which they are attached.

3. No part of the dock shall extend more than twenty-four (24) feet out into the lake from the shoreline from which it extends, nor shall it extend more than twenty-four (24) feet out into the lake from the property line. Docks may make a ninety (90) degree turn and run a maximum of twenty-four (24) feet in a parallel direction to the shoreline.

4. Docks shall be no wider than eight (8) feet and no narrower than four (4) feet, with the exception of the corner in which the dock makes a turn, and shall be positioned so as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake.

5. Bulkheads and docks may be constructed on lakeside properties on which no principal structures exist.



6. Docks shall be of permanent, all-weather material connected to the shore of the property they serve and be secured to the bottom.

N. **SR-113 Floats/ Rafts, and Mooring Buoy**

1. A property owner may place one (1) float/raft and/or one (1) mooring buoy of a permanent or inflatable construction in their privately owned lake bed, in such a manner that the three hundred sixty (360) degree swing from anchor of the object (and boats attached, thereto) remain within the area of their privately owned lake bed, and it shall be so positioned as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake. No zoning permit is required.

O. **SR-114 Fuel and Propane Tanks** (of capacity greater than sixty (60) pounds or fourteen and a half (14.5) gallons)

1. Propane tanks greater than sixty (60)-pound or fourteen and a half (14.5) gallon capacity in residential zoned property shall be placed underground and must be at least ten (10) feet from the property lines. The exposed "cap" on the underground tank shall be painted in dark brown or forest green;

2. Permanent propane tanks are not permitted on vacant lots;

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

4. Only one (1) above ground tank is permitted per residential property.

SECTION 6.7.3 TEMPORARY USES (ALL DISTRICTS)

A. **Permit Required.** Unless otherwise provided, all permitted temporary uses listed in this section shall require a Temporary Use Permit that shall be reviewed and issued by the Village Planner subject to the procedures outlined in *Chapter 4. Approvals Variances and Administrative Appeals*. The following uses may be established in any zoning district (unless otherwise specified) as temporary uses, subject to approval by the Village Planner in accordance with the requirements below, the filing deadlines established in the application form, and the land development standards established for the district in which the temporary use is proposed.

B. **Temporary Uses Not Listed.** If a Temporary Use Permit is sought for a use other than a specific use listed above, the Village Planner shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use in the proposed district and is not otherwise prohibited by law, the Village Planner shall determine whether a materially similar use exists in this Section. Should the Village Planner determine that a materially similar use does

exist, the regulations governing that use shall apply to the particular use not listed and the Village Planner's decision shall be recorded in writing. Should the Village Planner determine that a materially similar use does not exist, this Section may be amended to establish a specific listing for the use in question through the text amendment process established in *Section 4.3.2. Pinehurst Development Ordinance Text Amendments*.

C. **SR-200 Boat Storage** (No Zoning Permit Required)

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

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

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

   (1) The boat(s) are owned by the resident of the property.

   (2) The boat(s) are stored no closer than fifteen (15) feet from any property line.

   (3) The boat(s) are stored in the yard abutting the lake shore.

   (4) The boat(s) are not stored on a trailer.

   (5) The boat(s) are in good repair and usable condition.

   (6) The boat(s) do not exceed an overall hull length of fourteen (14) feet.

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

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

1. **Purpose and Scope.** Temporary buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities,

and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

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

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

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

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

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

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

2. **Duration.** Such temporary buildings may remain on the site for no more than twelve (12) months or until construction is complete, whichever comes first. This period may be renewed for another twelve (12)-month period, for good cause

shown, upon approval of a written request submitted to the Village thirty (30) days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the Village issues the last Certificate of Occupancy for the development.

E. **SR 202 Temporary Expansion of School Facilities**

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

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

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

F. **SR 203 Temporary Real Estate Sales Offices**

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

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

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

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

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

(5) Landscaping shall be provided in accordance to the requirements set forth for office development in *Chapter 8. Landscaping and Buffers* of this Ordinance.

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

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

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

G. **SR 204 Model Homes**

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

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

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

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

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

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

H. **SR-205 Yard Sales**

1. No more than four (4) sales shall be held on the same premises during any calendar year;
2. No yard sale shall commence prior to 7:00 am or extend beyond 6:00 pm;
3. No yard sale shall have a duration greater than three (3) consecutive days. Any yard sale event shall be considered as one (1) yard sale for the purposes of the number of annual sales;
4. Signage shall be in accordance with *Section 13.7.G. Yard Sale/Estate Sale Signs* of this Ordinance.

I. **SR-206 Temporary Uses Other**

1. **(A) General Standards:**

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

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

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

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

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

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

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

SECTION 6.8 DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES

A. **Exterior Building Materials.** For all non-residential development, all building elevations, including foundations, that are visible from the street or adjoining property shall be covered with one or more of the following materials: utility brick, standard brick, stucco, colored split faced block, stone, wood, cementitious siding, vinyl materials, or other similar materials. Corrugated metal, plywood, particleboard, untreated wood, and similar material are not permitted. This provision shall not apply to existing franchise businesses established prior to December 13, 2011 and located within the Historic Preservation Overlay District if a Certificate of Appropriateness is obtained from the Historic Commission;

B. **Solar Panels.** Within the PC, NC, OP VCP, VMU, VR, HD and RMF zoning districts solar panels are permitted with the following conditions:

1. When a structure has a flat roof raised panels are permitted if visibly screened or concealed by other roof or wall structures;
2. Ground mounted solar panels are permitted if located within the building setback and screened from adjacent roadways and properties;
3. Integral solar panels are permitted on any roof surface with no limitation on the area in which they may cover.
4. Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface.
5. Flush mounted solar panels are required to be encased in trim that closely matches the roof color.
6. All solar panels located within the Historic Preservation Overlay District shall comply with the standards for that district and must get appropriate approvals.

C. **Number of Principal/Accessory Buildings per Lot.** For uses that require a site plan approval pursuant to *Section 4.3.8 Major and Minor Site Plan Approvals* of this Ordinance, the number of principal buildings on an individual lot shall be controlled by setbacks, buffers, parking, and other applicable sections of this Ordinance. For single family development there shall be no more than one (1) principal building per lot and one (1) accessory dwelling unit per lot.

D. **Sight Triangles.** All development shall maintain unobstructed sight triangles at all street and driveway intersections in accordance with the current regulations of the North Carolina Department of Transportation and the Village of Pinehurst Engineering Standards and Specifications Manual.

E. **Franchise or Corporate Architecture.** Buildings or structures, other than allowable signs, shall not be designed in an attempt to use the building or structure itself as advertising. Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-commercialization. Building designs shall reflect local, unique, and traditional designs rather than chain or franchise designs. This provision shall not apply to existing franchise businesses established prior to December 13, 2011 and located within the historic district if a Certificate of Appropriateness is obtained from the Historic Commission.

F. **Colors.** Except where law dictates a different color or where a specific color is otherwise required by this Ordinance, all colors used in development regulated within the jurisdiction of this Ordinance shall conform to the following standards:

1. Colors used in development shall be consistent with the currently adopted Village of Pinehurst Color Palette on file at the Planning and Inspections Department for reference, unless documented that said color has historically been used on the structure.

2. Existing colors that are not consistent with this Section shall only be replaced (including repainting) with colors that are consistent with this Section.

3. This section shall not apply to one-, two-, three-, and four-family dwellings per NCGS § 160D-702.

CHAPTER 7 FORM BASED DISTRICTS

SECTION 7.1 RULES GOVERNING THE INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries;

B. Where district boundaries are indicated, as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Village of Pinehurst as evidence that one or more properties along these boundaries do not lay within a specific zoning district;

C. Where the zoning district boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of district boundaries shall be determined by use of a scale appearing on the Zoning Map;

D. Where the zoning district boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of zoning district boundaries shall be construed to be the lot line;

E. Where other uncertainty exists, the Village Planner shall interpret the Official Zoning Map as to the location of such boundaries. This decision may be appealed to the Board of Adjustment.

Chapter 7. Form Based Districts .186
Section 7.1 Rules Governing the Interpretation of Zoning District Boundaries 186
Section 7.2 Form Based Districts Zoning Districts.....187
Section 7.3 Tables of Permitted and Special Uses and Special Requirements 192
Section 7.4 Special Requirements (Sr) to the Table of Permitted and Special Uses and Special Requirements 208
Section 7.5 Tables of Dimensional Requirement 224
Section 7.6 Design and Development Standards and Processes.....229

SECTION 7.2 FORM BASED DISTRICTS ZONING DISTRICTS

A. Form based districts are implemented similarly to general zoning districts but with a few unique features including a regulating plan that divides the areas into blocks that specify types of buildings and number of building stories. Subdistrict zoning tables identify uses on a block-by-block basis.

B. Implementation steps for planning a project in one of these districts is as follows.

1. Review the Form-Based District Regulating Plan in this section to determine the location of the project. Determine the block letter, the maximum allowed number of building stories, building types, and if active frontage is required.

2. Using the block letter, review the associated Form-Based District Table of Permitted and Special Uses and Special Requirements in Section 7.3 and Section 7.4 to determine which uses are allowed in that block.

3. Review Dimensional Table 7.3 to identify dimensional criteria based on the lot type being proposed.

4. Refer to the associated Form Based Guidance Plan to evaluate other appropriate architectural and other design features, in addition to the standards in this Chapter.

5. Additional applicable design and development standards can be found in the following chapters:

   (1) Chapter 8 Landscaping and Buffers;

   (2) Chapter 9 Soil Erosion;

   (3) Chapter 10 Fences, Walls, and Screening;

   (4) Chapter 11 Parking, Roadway, and Access;

   (5) Chapter 12 Lighting Standards; and,

   (6) Chapter 13 Sign Standards.

6. Follow the approval process and requirements in *Section 4.3.4. Form Based District Approval*.

SECTION 7.2.1 (VP FBD) VILLAGE PLACE FORM BASED DISTRICT

A. The Village Place Form Based District is based on the Village Place Small Area Plan and Form Based Guidance Plan adopted by the Village. Village Place is an area well-suited to accommodate growth and support quality of life needs of residents, businesses, and visitors. New development will integrate the built environment, improve the public realm, create a mixed-use walkable destination connected to the Village Center, and incorporate urban design standards.

B. See *Section 7.3. Tables of Permitted and Special Uses and Special Requirements*

C. See *Section 7.5. Tables of Dimensional Requirements*

D. For additional specific design and development guidance see the adopted Village Place Small Area Plan and Form Based Guidance Plan.

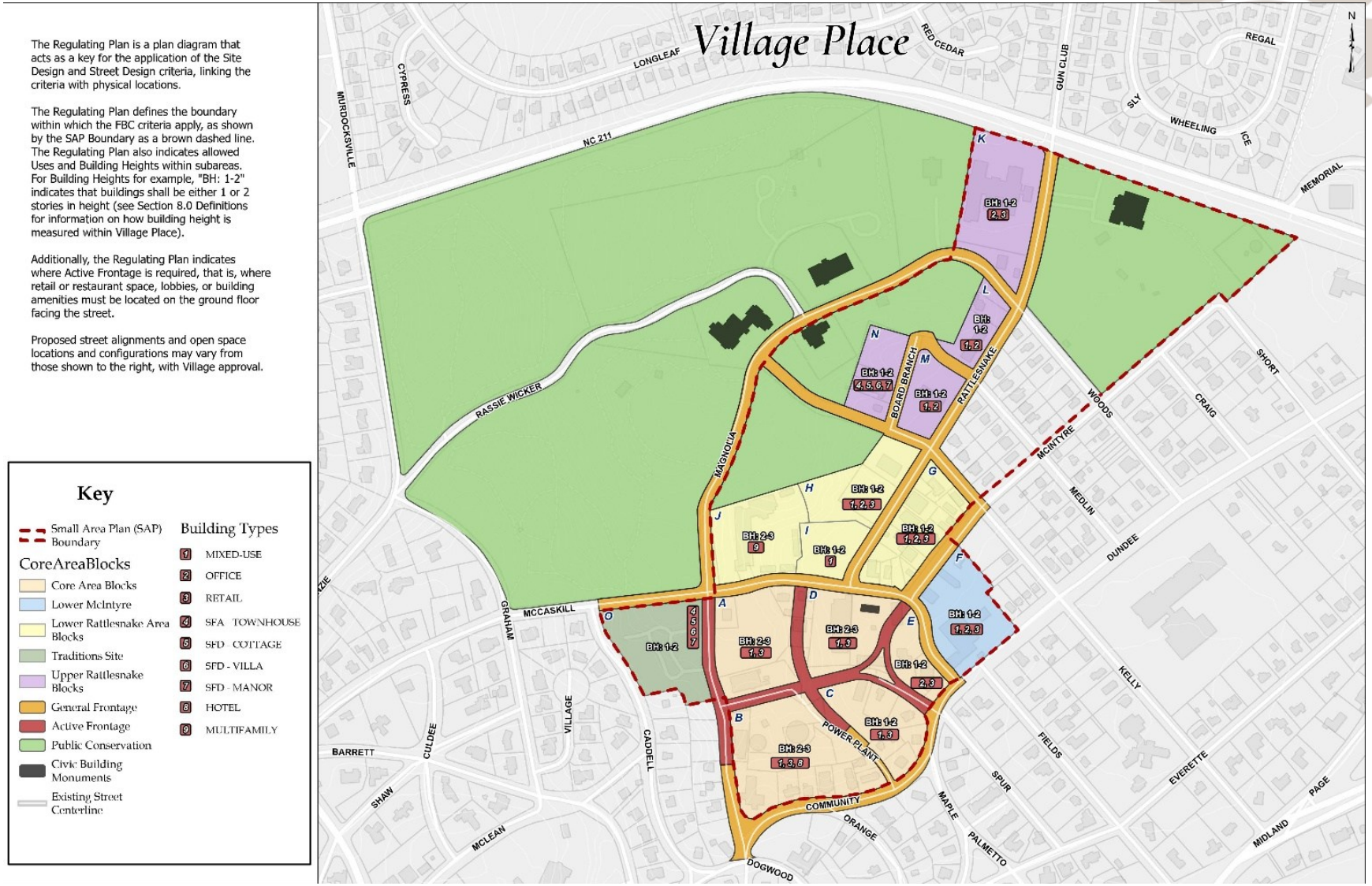
Figure 7.1 Village Place Regulating Plan

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

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

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

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



SECTION 7.2.2 (PS FBD) PINEHURST SOUTH FORM BASED DISTRICT

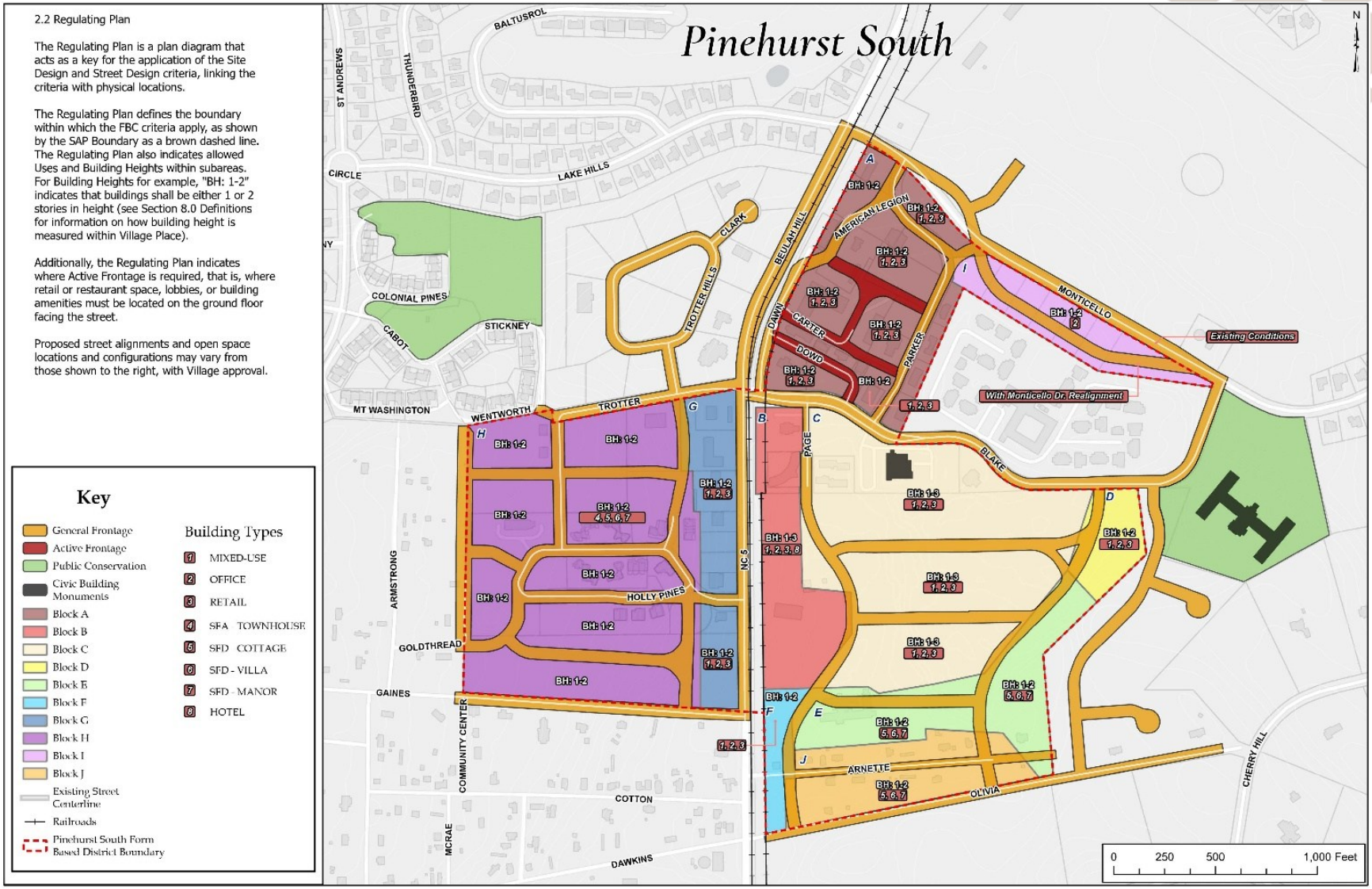
A. The Pinehurst South Form Based District is based on the Pinehurst South Small Area Plan and Form Based Guidance Plan adopted by the Village. Pinehurst South is an area well-suited to accommodate growth, and support quality of life needs of residents, businesses, and visitors. Development within Pinehurst South will integrate the built environment, improve the public realm, create a mixed-use walkable destination area, incorporate urban design standards, create a connecting spine of streets, sidewalks, and paths, and integrate a live, work and play area while minimizing traffic impacts.

B. See *Section 7.3. Tables of Permitted and Special Uses and Special Requirements*

C. See *Section 7.5. Tables of Dimensional Requirements*

D. For specific design and development guidance see the adopted Pinehurst South Small Area Plan and Form Based Guidance Plan.

Figure 7.2 Pinehurst South Regulating Plan



SECTION 7.3 TABLES OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

The Tables of Permitted and Special Uses and Special Requirements which follow contain a listing of uses which may be permitted in the Village Place or Pinehurst South Form Based Districts established by this Ordinance.

SECTION 7.3.1 SYMBOLS USED ON TABLE OF USES

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

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

B. “SU” indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of *Section 4.3.7 Special Use Permit* before obtaining a Development Permit;

C. “CZ” indicates that a specific use, development or subdivision may only be permitted through a conditional zoning district that is parallel to the underlying zoning district (see *Section 6.3. General Use Zoning Districts* and *6.5. Conditional Zoning Districts*). The conditional zoning district designation and approval does not apply to changes in use to another approved use if no new development, redevelopment, or subdivision is proposed. All nonconforming uses and structures shall be governed under *Chapter 2. Nonconformities* of this ordinance.

D. The column on the far right, labeled "SR" (Special Requirements) means that there are additional special requirements for the development or use for compliance. These requirements are contained in *Section 7.4. Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements*. For any use subject to a Special Use Permit, the Special Requirement along with the requirements of this Ordinance shall represent the minimum conditions for issuance of a Special Use Permit; when "SR" appears for use within a zoning district, special requirements shall apply. The Special Requirements (SR's) are numbered by the Table of Uses categories. Numbers SR-1 through SR-99 are Principal Uses, numbers SR-100 through SR 199 are Accessory Uses; and numbers SR 200 through SR 299 are Temporary Uses. The "SR" will also appear in the column of the general use district in which the special requirements apply.

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

F. In the event a use is not listed, the Village Planner may determine if a materially similar use exists and is defined by this ordinance. If a materially similar land use is determined by the Village Planner, the determination shall be made in writing and all applicable regulations and standards with that use shall apply to unlisted use. Such determinations by the Village Planner may be appealed pursuant to *Section 4.4. Appeals of Administrative Decisions* of this ordinance. If a use is not listed and a materially similar use does not exist, an application may be filed to amend this ordinance pursuant to *Section 4.3.2 Pinehurst Development Ordinance Text Amendments*.

Table 7.1 Village Place Form Based District Use Table

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Subdivisions																
Subdivisions - Major and Minor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Residential																
Dwelling-Single Family														CZ	CZ	1
Dwelling-Two Family														CZ	CZ	1
Dwelling-Multifamily										CZ						3
Dwelling-Townhouse/ Clustered Dwellings														CZ	CZ	2
Family Care Home (6 or fewer residents)														P, SR	P, SR	4
Halfway Homes																
Dwelling -Mixed Use	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ			CZ	CZ			5
Manufactured Housing																6
Manufactured Home Park																
Lodging																
Bed and Breakfast Homes																7
Boarding or Rooming House																
Dormitory																
Hotel		CZ														8
Recreational Vehicle Park																
Shorrt Term Rental																9

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Neighborhood Lodging Accommodation														CZ, SR	CZ, SR	10
Office/ Service																
Banks, Credit Unions, Financial Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		P	P	P			21
Business Support Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		P	P	P			
Crematoria																
Dry Cleaning & Laundry Services						CZ	CZ	CZ	CZ		CZ					23
Funeral Home																
Medical Clinic											CZ	CZ	CZ			
Medical Office	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Office	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Personal Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Personal Services, Restricted																
Post Office																21
Professional Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			21
Radio/TV Studio																
Small Equipment Repair/Rental						CZ										
Small Engine Repair / Sales																
Veterinary Services / Indoor Kennels							CZ	CZ			CZ					11
Commercial/ Entertainment																
Alcoholic Beverage Sales Store	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ							
Amusements, Indoor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Commercial/ Entertainment																
Amusement, Outdoor																
Billiard/Pool Hall																
Bar/Tavern/Night Club	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							
Garden Center						CZ										
General Retail	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ					13
Golf Course																
Internet Sweepstakes Facilities																
Outside Sales						CZ, SR										14
Pawnshops																
Racetrack																
Restaurant	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR		CZ, SR					15
Sexually Oriented Business																12
Shooting Range																
Theater, Indoor (Movie or Live Performance)	CZ	CZ	CZ	CZ	CZ	CZ	CZ									
Civic																
Civic/Cultural Facilities	CZ	CZ	CZ	CZ	CZ	CZ	CZ									
Community Shared Facilities														CZ	CZ	16
Conference/Convention Center																
Country Club																
Municipal Public Service Facility																

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Civic																
Private Club																
Public Safety Station																16
Recreation Facilities, Indoor	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ	CZ				
Recreation Facilities, Outdoor																17
Religious Institution																18
Park	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Education/ Institution																
Residential Care Facilities (More than 6 Residents)																
Child/Adult Day Care Center						CZ	CZ	CZ	CZ		CZ	CZ				
Community Support Facility												CZ	CZ			19
Hospital																
Schools - Elementary & Secondary																18
Schools- Vocational/Technical																
Studio - art, dance, martial arts, music	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ					
Automotive																
Fueling Station																20
Heavy Equipment/ Manufactured Home Rental/Sales																
Vehicle. Rental/Leasing/Sales						CZ										
Vehicle Service-Maintenance Repair/Body Work						CZ										

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Industry/ Wholesale/ Storage																
Artisan Workshops	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ				
Industry, Manufacturing																
Landfill/Waste Recovery Facilities																22
Recycling Collection Stations Municipal																
Storage -Outdoor Storage Yard																
Storage-Self Service																
Storage -Warehouse, Indoor Storage																
Agriculture																
Agriculture, Livestock																25
Farming/Animal Production																25
Horse Farm & Training Track																26
Nurseries																
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor																
Swine Farms																
Infrastructure																
Parking Structure	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							27
Parking Lot -Principal Use							CZ	CZ	CZ			CZ				
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities																28

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Infrastructure																
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other																
Accessory Uses																
ATM	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Beekeeping																100
Cemetery																101
Child/Adult Day Care Home Occupations																104
Farmers Market	P	P	P	P	P											102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	103
Fuel/Propane Tanks	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	114
Ice Vending																
Home Occupation														P, SR	P, SR	104
Outdoor Swimming Pools and Spas		P, SR							P, SR	P, SR				P, SR	P, SR	105
Pet Houses and Pet Runs														P, SR	P, SR	106
Playground Equipment														P, SR	P, SR	107
Accessory Buildings	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	108
Dwelling - Accessory														P, SR	P, SR	109
Accessory Structure	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	110
Bulkheads on Lake																111
Docks on Lake																112

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Accessory Uses																
Floats/Rafts and Mooring Buoy																113
Temporary Use																
Boat Storage																200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	201
Temporary Expansion of School Facilities																202
Temporary Real Estate Offices														P, SR	P, SR	203
Model Homes														P, SR	P, SR	204
Temporary Use																
Yard Sales														P, SR	P, SR	205
Temporary Uses Other	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	206

Table 7.2 Pinehurst South Form Based District Use Table

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Subdivisions											
Subdivisions - Major and Minor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Residential											
Dwelling-Single Family					CZ			CZ		P, SR	1
Dwelling-Two Family								CZ			1
Dwelling-Multifamily											3
Dwelling-Townhouse/ Clustered Dwellings								CZ			2
Family Care Home (6 or fewer residents)					P, SR			P, SR		P, SR	4
Halfway Homes											
Dwelling -Mixed Use	CZ	CZ	CZ	CZ		CZ	CZ				5
Manufactured Housing										P, SR	6
Manufactured Home Park											
Lodging											
Bed and Breakfast Homes											7
Boarding or Rooming House											
Dormitory											
Hotel		CZ									8
Recreational Vehicle Park											
Short Term Rental											9
Neighborhood Lodging Accommodation					CZ			CZ		CZ	10

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Office/ Service											
Banks, Credit Unions, Financial Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Business Support Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Crematoria	CZ										
Dry Cleaning & Laundry Services	CZ	CZ	CZ	CZ		CZ	CZ				23
Funeral Home	CZ										
Medical Clinic	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Medical Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Personal Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Personal Services, Restricted											
Post Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Professional Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Radio/TV Studio											
Small Equipment Repair/Rental		CZ	CZ			CZ					
Small Engine Repair / Sales		CZ	CZ			CZ					
Veterinary Services / Indoor Kennels	CZ	CZ	CZ	CZ		CZ	CZ		CZ		11
Commercial/ Entertainment											
Alcoholic Beverage Sales Store	CZ	CZ	CZ	CZ		CZ	CZ				
Amusements, Indoor		CZ	CZ			CZ					
Amusement, Outdoor											

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Commercial/ Entertainment											
Billiard/Pool Hall											
Bar/Tavern/Night Club	CZ	CZ	CZ	CZ		CZ	CZ				
Garden Center	CZ	CZ	CZ	CZ		CZ	CZ				
General Retail	CZ	CZ	CZ	CZ		CZ	CZ				13
Golf Course											
Internet Sweepstakes Facilities											
Outside Sales											14
Pawnshops											
Racetrack											
Restaurant	CZ, SR	CZ, SR	CZ, SR	CZ, SR		CZ, SR	CZ, SR				15
Sexually Oriented Business											12
Shooting Range											
Theater, Indoor (Movie or Live Performance)											
Civic											
Civic/Cultural Facilities	CZ	CZ	CZ	CZ		CZ	CZ			CZ	
Community Shared Facilities								CZ, SR			16
Conference/Convention Center		CZ									
Country Club											
Municipal Public Service Facility											
Private Club	CZ	CZ	CZ	CZ		CZ	CZ				

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Civic											
Public Safety Station	CZ, SR	CZ, SR		CZ, SR		CZ, SR	CZ, SR		CZ, SR		
Recreation Facilities, Indoor	CZ	CZ	CZ	CZ		CZ	CZ				
Recreation Facilities, Outdoor			CZ, SR								17
Religious Institution					CZ, SR	CZ, SR		CZ, SR		CZ, SR	18
Park	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Education/ Institution											
Residential Care Facilities (More than 6 Residents)									CZ		
Child/Adult Day Care Center	CZ	CZ	CZ	CZ		CZ	CZ				
Community Support Facility							CZ		P		19
Hospital											
Schools - Elementary & Secondary											18
Schools- Vocational/Technical											
Studio - art, dance, martial arts, music	CZ	CZ	CZ	CZ		CZ	CZ				
Automotive											
Fueling Station							CZ, SR				20
Heavy Equipment/ Manufactured Home Rental/Sales											
Vehicle. Rental/Leasing/Sales											
Vehicle Service-Maintenance Repair/Body Work											
Industry/ Wholesale/ Storage											
Artisan Workshops	CZ	CZ	CZ	CZ		CZ	CZ				

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Industry/ Wholesale/ Storage											
Industry, Manufacturing											
Landfill/Waste Recovery Facilities											22
Recycling Collection Stations Municipal											
Storage -Outdoor Storage Yard											
Storage-Self Service											
Storage -Warehouse, Indoor Storage											
Wholesaling and Distribution											
Agriculture											
Agriculture, Livestock											25
Farming/Animal Production											25
Horse Farm & Training Track											26
Nurseries											
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor											
Swine Farms											
Infrastructure											
Parking Structure		CZ	CZ								27
Parking Lot -Principal Use											
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities											28

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Infrastructure											
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other											
New Public or Private Road Right-of-Way	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Accessory Uses											
ATM	P	CZ, SR	CZ, SR	CZ, SR		CZ, SR	CZ, SR		P		
Beekeeping					P, SR			P, SR		P, SR	100
Cemetery											101
Child/Adult Day Care Home Occupations					P, SR			P, SR		P, SR	104
Farmers Market	P		P	P							102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	103
Fuel/Propane Tanks	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	114
Ice Vending											
Home Occupation					P, SR			P, SR		P, SR	104
Outdoor Swimming Pools and Spas					P, SR			P, SR		P, SR	105
Pet Houses and Pet Runs					P, SR			P, SR		P, SR	106
Playground Equipment	P, SR	P, SR			P, SR			P, SR		P, SR	107
Accessory Buildings	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	108
Dwelling - Accessory					SU, SR			SU, SR		SU	109
Accessory Structure	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	110
Bulkheads on Lake											111

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Accessory Uses											
Docks on Lake											112
Floats/Rafts and Mooring Buoy											113
Temporary Use											
Boat Storage											200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	201
Temporary Expansion of School Facilities											202
Temporary Real Estate Offices											203
Model Homes					P, SR			P, SR		P, SR	204
Yard Sales					P, SR			P, SR		P, SR	205
Temporary Uses Other	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	206

SECTION 7.4 SPECIAL REQUIREMENTS (SR) TO THE TABLE OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

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

SECTION 7.4.1 PRINCIPAL USES

A. **SR-1 Dwelling, Single Family-Two Family.** In Block J of the Pinehurst South Form Based District, development and redevelopment of existing lots of record shall conform to the standards of the R-5 district in Table 7.3 Table of Dimensional Requirements.

B. **SR-2 Dwelling, Townhouse/Clustered Dwellings**

1. The common open space provided with the townhouse unit development shall be no less than twenty-five percent (25%) of the gross land area.
2. The minimum setbacks required around the perimeter of the development tract shall be as required by *Table 7.3 Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*.
3. The front wall on any unit or group of contiguous units shall not be set back beyond the rear wall of any adjacent unit or group of contiguous units where both face the same street or vehicle accommodation area;
4. A townhouse unit lot frontage may be on open space properly restricted through a responsible entity to ensure adequate access.
5. All townhouse units shall be accessed from a rear alley or shared-access driveway.

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

1. Shall be a single-family dwelling;
2. No family care home shall be located within one-half mile radius of an existing family care home measured from property line to property line.
3. The following steps must be followed in order to obtain approval from the Village to operate a Family Care Home:

   (1) Applicant submits a letter of intent.

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

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

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

D. **SR-5 Dwelling, Mixed Use**

1. The dwelling units shall be located within the principal building.

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

3. Parking and service areas shall be located to the rear or side of the primary structure and shall not extend beyond the build-to-line.

E. **SR-6 Manufactured Housing**

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

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

F. **SR-8 Hotel.** At least fifty percent (50%) of the level of the primary entrance shall not be used for guest rooms based on area square footage of that level.

G. **SR-10 Neighborhood Lodging Accommodation (NLA)**

1. All Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's shall comply with following standards:

(1) Compliance with *Section 6.7.1.I. SR-9 Short Term Rental* Standards 1) a-k.

(2) Submission of documentation that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in Section 10.2 of this Ordinance.

(3) Submission of documentation that Neighborhood Lodging Accommodation has been authorized or is not prohibited by the Declaration.

(4) Submission of documentation that the Neighborhood Lodging Accommodation is authorized and managed by a Master Association.

(5) Installation of a Landscape Screen per *Section 8.2.4.A General Screening Design Standards* of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

H. **SR-11 Veterinary Services/Indoor Kennels**

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

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

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

I. **SR-13 General Retail.** No single retail use shall exceed twelve thousand (12,000) square feet in gross floor area unless a special use permit is obtained.

J. **SR-14 Outside Sales**

1. **General Standards.**

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

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

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

K. **SR-15 Restaurants**

1. Drive-through windows and curb service are prohibited;

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

L. **SR-16 Community Shared Facilities, Public Safety Station.** Community Shared Facilities and Public Safety Stations shall have a minimum lot size of twenty thousand (20,000) square feet.

M. **SR-17 Recreation Facilities, Outdoor**

1. **Screening.**

(1) Athletic fields, common area recreation facilities and similar facilities shall be screened from adjoining residential properties in accordance with *Chapter 8. Landscaping and Buffers*.

2. **Operational Standards.**

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

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

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

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

N. **SR-18 Religious Institutions and Schools.** Such facilities shall be located on sites of five (5) acres or greater and shall have direct primary access to a major collector or thoroughfare street.

O. **SR-19 Community Support Facility**

1. These uses may be principal or accessory uses.

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

P. **SR-20 Fueling Stations**

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

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

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

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

Q. **SR-21 Banks, Credit Unions, Financial Services, Professional Services**. Such uses shall not be permitted on the ground floor of the principal building.

R. **SR-23 Drycleaning and Laundry Services**. Coin operated laundries are permitted.

S. **SR-27 Parking Structure**

1. **Building Design.** When an above-ground parking structure fronts a public street, where feasible, parking structures should be wrapped on their exterior with other

uses to conceal the parking structure and create an active streetscape, such as retail, restaurants, etc. If concealing the structure is not feasible due to lot size, required or needed deck size, topography, or other conditions as determined by the Village Planner, then the building wall or walls facing the public street shall be designed so as to resemble a building in (active) use with elements such as window indentions, brick patterns and articulated surfaces.

2. **Height Limit for Structures.** Parking structures shall be limited to two (2) levels.

T. **SR-28 Telecommunications Facilities**

1. **Exterior Appearance Height and Setback**

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

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

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

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

2. **Electromagnetic Exposure and Radio Interference**

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

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

3. **Use of Facilities**

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

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

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

4. **Co-Location Requirements**

(1) All towers shall be designed structurally, electrically, mechanically and in all other respects, to accommodate both the applicant's antennas and

comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be designed to allow co-location of public safety service equipment at usual and customary commercial rates, and these spaces shall be in addition to the antenna sites required for additional users as mentioned in this section. The exact design of public safety service equipment will be determined upon receipt of an application after consultation with the Police Chief and Fire Chief;

(2) A Development Permit shall not be granted unless it is found that the proposed equipment cannot be accommodated on existing or approved towers or alternative structures with a one- half (½) mile radius of the proposed location due to one (1) or more of the following reasons:

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

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

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

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

5. **General Requirements**

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

(2) **Insurance Required.** Prior to issuance of a Certificate of PDO Compliance, the applicant shall be required to provide certificate of insurance demonstrating it has a minimum of $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the telecommunication tower. The applicant shall be required to maintain such

coverage in full force and effect until such time as all aboveground portions of the tower (not including any part of the foundation) have been removed.

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

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

(5) **Additional Engineering Review May Be Required.**

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

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

U. **SR-29 Utilities - Moore County and Village of Pinehurst**

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

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

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

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

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

V. **SR-30 Small/Micro Wireless Facility**

1. Small/Micro Wireless Facilities shall not be located on residential properties.

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

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

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

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

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

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

8. When located outside of NCDOT right-of-way, a development permit is needed.

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

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

SECTION 7.4.2 ACCESSORY USES

A. **SR-100 Beekeeping in the Village Limits**

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

2. **Standards for Beekeeping.**

(1) **Permit Required.** No person shall keep, maintain, or allow to be kept any colony of honeybees within the Village of Pinehurst without a permit. Any person requesting a permit shall make application to the Village of Pinehurst

and the permit shall be approved provided the applicant follows the requirements of this section.

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

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

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

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

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

B. **SR-102 Farmers Market**

1. **General Standards.** Farmer's Markets are an allowed accessory use according to the following provisions:

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

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

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

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the farmers' market.

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

(6) The actual hours of operation of the market shall be limited to two (2) days a week for no more than eight (8) hours and in all instances shall cease by 9 p.m.

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

C. **SR-103 Concealed Wireless Telecommunications Facility**

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

(1) In order to be considered an accessory use, a Concealed Wireless Telecommunications Facility must be clearly incidental and subordinate to the main use of a structure.

(2) Antennas associated with a Concealed Wireless Telecommunications Facility shall be concealed from exterior view.

(3) The addition of antenna, support or other equipment shall not add more than ten (10) feet in height to the attached structure unless a variance is obtained from the Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this Ordinance unless appropriate approvals are obtained.

(4) Electronic equipment associated with Concealed Wireless Telecommunication Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.

(5) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication's facilities shall be colored or concealed in a manner as to render them unobtrusive.

(6) Antennas associated with a Concealed Wireless Telecommunications Facility may not be co-located on a tower or other support structure used by an amateur radio operator.

(7) Antennas associated with a Concealed Wireless Telecommunications Facility shall not be located upon a Single-Family Dwelling or Multi-Family Dwelling.

(8) Should the existing support structure require to be replaced and/or rebuilt it shall comply with all applicable codes including but not limited to these provisions.

(9) Any modifications to an existing structure associated with the installation of a Concealed Wireless Telecommunications Facility shall comply with all limitations, requirements, and standards contained in other provisions of this Ordinance including, but not limited to, the receipt of approvals that may be required by *Section 6.4.1 Historic Preservation Overlay District* of this Ordinance should the Concealed Wireless Telecommunications Facility be located within a HPO District. All other applicable local, state, and federal approvals and permits shall also be obtained.

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

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

D. **SR-104 Home Occupations.** A home occupation shall be permitted as an accessory use to any dwelling unit, provided that:

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

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

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

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

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

6. No additional parking areas other than driveways are allowed;

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

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

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

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

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

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

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

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

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

F. **SR-105 Swimming Pools and Spas/Hot Tubs**

1. Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (5) below.

2. In residential zoning districts, all swimming pools, spas, and hot tubs shall be located in the rear or side yard and meet applicable accessory structure setbacks.

3. Walks/decking/coping may extend no more than four (4) feet into building setbacks for accessory structures, except in the golf course and lake front setback for accessory structures.

4. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

5. Seasonal Swimming Pools as defined in *Section 15.2 Definitions* of this document are permitted to be installed above ground with the following standards:

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

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

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

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

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

G. **SR-106 Pet Houses, Pet Runs**. Pet houses and pet runs are permitted in the side and rear yards in any residential zoning district. Pet houses shall meet the accessory structures setback requirements of the zoning district in which they are located. The use of chain link or similar material is not allowed for this use.

H. **SR-107 Playground Equipment.** All swing sets and children's playground equipment shall be located in the rear or side yard and must be located no closer than ten (10) feet from the property line. No development permit is required unless the total playground area exceeds 5,000SF then an accessory structure or building permit is required.

I. **SR-108 Accessory Building**

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

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

(2) The accessory building is located within the building envelope setbacks for accessory structures (Table 7.3) in the rear or side yard only;

(3) An accessory building shall not exceed thirty percent (30%) of the total floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater. When there is more than one (1) accessory building on the site, the sum of the building area of the accessory buildings may not exceed thirty percent (30%) of the area of the principal dwelling.

J. **SR-109 Accessory Dwelling**

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

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

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

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

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

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

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

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

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

K. **SR-110 Accessory Structure**

1. **Arbors, Trellises, Pergolas and Gazebos**

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

(2) Arbors, trellises, pergolas, gazebos and like structures shall be located in the side or rear yard.

2. **Storage Shed** (No dimension greater than twelve (12) feet)

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

   (2) Sheds shall be setback a minimum of five (5) feet from the property line.

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

   (4) Such sheds shall be the same or similar in style and color with the principal structure.

L. **SR-114 Fuel and Propane Tanks** (of capacity greater than sixty (60) pounds or fourteen and a half (14.5) gallons)

1. Propane tanks greater than sixty (60)-pound or fourteen and a half (14.5) gallon capacity in residential blocks shall be placed underground and must be at least ten (10) feet from the property lines. The exposed "cap" on the underground tank shall be painted in dark brown or forest green;

2. Permanent propane tanks are not permitted on vacant lots;

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

SECTION 7.4.3 TEMPORARY USES

A. **Permit Required.** Unless otherwise provided, all permitted temporary uses listed in this section shall require a temporary use permit that shall be reviewed and issued by the Village Planner subject to the procedures outlined in *Section 7.6. Temporary Uses*. The following uses may be established in any district (unless otherwise specified) as temporary uses, subject to approval by the Village Planner in accordance with the requirements below, the filing deadlines established in the application form, and the land development standards established for the district in which the temporary use is proposed.

B. **Temporary Uses Not Listed.** If a temporary use permit is sought for a use other than a specific use listed above, the Village Planner shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use in the proposed district and is not otherwise prohibited by law, the Village Planner shall determine whether a materially similar use exists in this section. Should the Village Planner determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Village Planner's decision shall be recorded in writing. Should the Village Planner determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question through the text amendment process established in *Chapter 4. Approvals Variances and Administrative Appeals*.

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

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

   (1) Temporary offices for construction and security personnel during the construction of a development for which the Village has issued a development or building permit. Each general contractor and major subcontractor is allowed to have one (1) 10 x 40 ft. maximum size temporary office building and two (2) additional 10 x 40 ft. maximum size storage buildings. The security personnel are allowed one (1) 10 x 40 ft. maximum size temporary building;

   (2) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within one (1) year after approval of the temporary building. The Village Planner may approve a written request for an extension of an additional ninety (90) days for good cause shown, provided that substantial progress has been made toward constructing permanent replacement facilities. Failure to obtain a building permit within the time frame allowed will revoke approval for the temporary building.

2. **Standards and requirements for approval.** In addition to the above limitations, all such temporary buildings shall meet the following standards and requirements:

   (1) In addition to any other off-street parking required on the site, off-street parking shall be provided for the temporary building in accordance with the requirements set forth in this Ordinance, as determined by the use and size of the temporary building.

   (2) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Planning and Inspections Department prior to installation of the temporary building.

   (3) A simplified site plan, containing sufficient information to show compliance with the above standards shall be submitted to, and approved by the Village Planner, prior to installation of the temporary building.

3. **Duration.** Such temporary buildings may remain on the site for no more than twelve (12) months or until construction is complete, whichever comes first. This period may be renewed for another twelve (12)-month period, for good cause shown, upon approval of a written request submitted to the Village thirty (30) days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the Village issues the last Certificate of Occupancy for the development.

D. **SR 203 Temporary Real Estate Sales Offices**

1. Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Village Planner as a temporary use, provided that:

   (1) The real estate sales office is located on a lot that was approved by the Village as part of the subdivision or development;

   (2) The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located;

   (3) There is no more than one temporary real estate sales office in the development.

   (4) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance.

   (5) Landscaping shall be provided in accordance to the requirements set forth for office development in *Chapter 8. Landscaping and Buffers* of this Ordinance.

   (6) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of the sales office.

2. Such a temporary office may remain until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the temporary office fails to comply with the provisions of this Section, the Village Planner may revoke approval of the temporary office.

3. The use as a temporary real estate sales office shall be terminated upon expiration of the subdivision site plan for the development.

E. **SR 204 Model Homes**

1. Model home(s) shall be allowed within a new residential development, subject to approval by the Village as a temporary use, provided that:

   (1) The model home(s) is located on a lot that was approved by the Village as part of the subdivision or development.

   (2) The home will be converted to residential use after it is used as a model home(s).

   (3) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance.

   (4) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of a model home as a real estate sales office.

2. Model home(s) are permitted in any subdivision or site-planned development to show different styles and sizes. Model home(s) may be used for real estate sales

purposes until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the model home(s) fails to comply with the provisions of this Section, the Village staff may revoke approval of the model home(s).

F. **SR-205 Yard Sales**

1. No more than four (4) sales shall be held on the same premises during any calendar year.
2. No yard sale shall commence prior to 7:00 am or extend beyond 6:00 pm.
3. No yard sale shall have a duration greater than three (3) consecutive days. Any yard sale event shall be considered as one (1) yard sale for the purposes of the number of annual sales.
4. Signage shall be in accordance with *Section 13.7.G. Yard Sale/Estate Sale Signs* of this Ordinance.

G. **SR-206 Temporary Uses Other**

1. **General Standards.**

(1) Such uses shall not be placed in any required yard or setback.

(2) Existing uses on the property shall not be negatively affected in any way by the operation of the temporary use.

(3) Adequate facilities, such as parking and restrooms, shall be provided for the temporary use and all existing uses on the property.

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the temporary use.

(5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.

(6) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

(7) Such uses shall have a maximum duration of two weeks. Longer duration may be allowed with the approval of the Village Manager if the use is deemed of community-wide significance.

SECTION 7.5 TABLES OF DIMENSIONAL REQUIREMENT

All uses and structures within the Village Place and Pinehurst South Form Based Districts shall comply with the dimensional requirements in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*. Modification to those requirements may also be subject to open space requirements, subdivision requirements, or alternate design provisions within this Ordinance. Watershed protection overlay districts may require lower impervious coverage or allowed density.

A. **Required Setbacks.** Allowable Encroachments into Required Yards

1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Section, except as otherwise established in this Ordinance for particular uses.

2. The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

   (1) Building steps may project up to one (1) foot from the build-to line.

   (2) Sidewalks/walkways may encroach into any setback.

   (3) Residential driveways may encroach into any setback that does not abut a golf course or a lake.

   (4) Canvas awnings may project a maximum of six (6) feet.

   (5) Masonry veneers may encroach a maximum of six (6) inches into any setback.

   (6) Other accessory uses and buildings may encroach, as set forth in other applicable sections of this Ordinance.

   (7) Non-residential driveways, parking lots, loading areas, and sidewalks may encroach into any setback.

   (8) Patios (on-grade), decks and off grade patios attached to principal structures, similar structures may encroach up to two (2) feet into the side and rear setback of a given property. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

   (9) Porches attached to principal structures may encroach up to five (5) feet into the front setback of a given property, or the side setback of a corner lot. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

B. **Exceptions to the Height Limits.** The following are not to be included in the calculation of building height. Flagpoles and other structures not specifically listed here are subject to the height restriction for the Zoning District or as otherwise noted in the Ordinance, whichever is more restrictive (*Section 13.8. Exempt Signs*).

1. Basements

2. Spires

3. Steeples

4. Chimneys

5. Antennae attached to buildings

6. Communication towers

7. Water tanks
8. Elevator Shafts
9. Flyways
10. Cupolas
11. Other similar appurtenance as approved by the Village Planner.

C. **Sight Triangles.** All development shall maintain unobstructed sight triangles at all street and driveway intersections in accordance with the current regulations of the North Carolina Department of Transportation and the Village of Pinehurst Engineering Standards and Specifications Manual.

Table 7.3 Village Place and Pinehurst South Form Based District Table of Dimensional Requirements

Village Place & Pinehurst South **Form Based District** **Table of Dimensional Requirements**	Lot Types										
	Mixed-Use Commercial		Single Family Attached Lot			Single Family Detached Cottage Lot		Single Family Detached Manor Lot		Single Family Detached Villa Lot	
	VP Blocks: A-M		VP Blocks: N, O			VP Blocks: N, O		VP Blocks: N, O		VP Blocks: N, O	
	PS Blocks: A-D, F, G		PS Blocks: H			PS Blocks: E, H, I		PS Blocks: E, H, I		PS Blocks: E, H, I	
	Mid-Block Rear Loaded	Rear Loaded Corner	Mid-Block Rear Loaded	Mid-Block Rear Loaded End Unit	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Front Loaded	Front Loaded Corner
Front Build-to Line	10'	10'	15'	15'	15'	15'	15'	20'	20'	20'	20'
Minimum Lot Width	24'	34'	22'	28'	37'	34'	42'	52'	62'	72'	82'
Minimum Lot Depth	60'	60'	75'	75'	75'	75'	75'	80'	80'	80'	80'
% Frontage on Build-to Line	75%	75%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Interior Side Setback (1)	0'-5' (1)	0'-5' (1)	0'	0'-5'	0'	6’	6’	10’	10’	10’	10’
Side Build-to Line	0'	10'	N/A	0'-5'	15'	N/A	15'	N/A	20'	N/A	20'
Min. Rear Yard Setback for Principal Structure	15' min; 20' (2)	15' min; 20' (2)	25'	25'	25'	25'	25'	25'	25'	25'	25'
Building Height * See Regulating Plan for maximum and minimum stories	2 stories: 35' 3 stories: 50'	2 stories: 35' 3 stories: 50'	35' max	35' max	35' max	35' max	35' max	35' max	35' max	35' max	35' max
Maximum Lot Covered by Impervious Surface (4)	90%	90%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Minimum Separation of Accessory Structure from Primary Structure (3)	5'	5'	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Accessory Structure Rear Setback (3)	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'

Village Place & Pinehurst South Form Based District Table of Dimensional Requirements	Lot Types										
	Mixed-Use Commercial		Single Family Attached Lot			Single Family Detached Cottage Lot		Single Family Detached Manor Lot		Single Family Detached Villa Lot	
	VP Blocks: A-M		VP Blocks: N, O			VP Blocks: N, O		VP Blocks: N, O		VP Blocks: N, O	
	PS Blocks: A-D, F, G		PS Blocks: H			PS Blocks: E, H, I		PS Blocks: E, H, I		PS Blocks: E, H, I	
	Mid-Block Rear Loaded	Rear Loaded Corner	Mid-Block Rear Loaded	Mid-Block Rear Loaded End Unit	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Front Loaded	Front Loaded Corner
Accessory Structure Side Setback (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	10' (3)	10' (3)	10' (3)	10' (3)
Minimum Amount of Open Space per Overall Development	8%	8%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Maximum Residential Density (gross) Village Place Form Based District			12 units per acre	12 units per acre	12 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre
Maximum Residential Density (gross) Pinehurst South Form Based District			10 units per acre	10 units per acre	10 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre

1. If a setback between buildings is desired, it shall be a minimum of 5'
2. If parking is on-lot in rear, the setback increases to 20'
3. Accessory Structures to be located completely behind primary structures
4. Approved permeable surfaces may receive up to 50% reduction in the calculation of impervious surface area if designed, installed, and maintained in accordance with the NCDEQ Stormwater Design Manual, Section C-5 (Permeable Pavement). The applicant shall submit manufacturer specifications and design criteria for the selected permeable surface material."

SECTION 7.6 DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES

SECTION 7.6.1 GENERAL STANDARDS

The design and development standards in this chapter are intended to be minimum for the development of all buildings, sites and infrastructure.

The following general standards shall apply:

A. **Solar Panels.** Solar panels are permitted with the following conditions:

1. When a structure has a flat roof raised panels are permitted if visibly screened or concealed by other roof or wall structures.
2. Ground mounted solar panels are permitted on residential lots only if located within the building setback and screened from adjacent roadways and properties.
3. Integral solar panels are permitted on any roof surface with no limitation on the area in which they may cover.
4. Flush mounted solar panels are permitted on residential lots only and shall be screened from streets and open space.
   (1) Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface.
   (2) Flush mounted solar panels are required to be encased in trim that closely matches the roof color.
5. All solar panels being located within the Historic Preservation Overlay District shall comply with the standards for that district and must get appropriate approvals.

B. **Number of Principal/Accessory Buildings per Lot.** For uses that require a site plan approval pursuant to *Section 4.3.8. Major and Minor Site Plan Approvals* , the number of principal buildings on an individual lot shall be controlled by setbacks, buffers, parking, and other applicable sections of this Ordinance. For single family development there shall be no more than one (1) principal building per lot.

C. **Street Frontage.** Any lot that is to be created or any existing lot on which a structure (or structures) is to be erected, or a use is to be established shall abut one (1) of the following:

1. An improved public street maintained by the Village of Pinehurst or NCDOT.
2. An existing improved private street shown on the latest Village of Pinehurst Powell Bill Map.

3. A proposed or existing improved public or private street.

D. **Standard for Dimensional Calculations.** Numbers used to establish dimensional requirements shall be rounded to the nearest whole number.

E. **Corner Lots.** Corner lots have two frontages, including two street facing facades for the purposes of this Chapter.

1. Where and as used on the frontage entry elevation, the same building materials shall be used on the other frontage elevation.

2. Where and as used on the frontage entry elevation, shutters are required on the other frontage elevation.

3. Porches on the frontage entry elevation shall wrap the other frontage elevation a minimum length and depth equivalent to the depth of the front porch.

4. Corner lots with no access from an alley or shared access driveway may be accessed by the side street.

5. Foundation landscape plantings are required along all frontage elevations. A lot specific landscape plan shall be submitted to the Village Planner for review. See *Chapter 8. Landscaping and Buffers.*

F. **Hardscape.** Various paving types may be used to differentiate zones. It is encouraged to use a different paving type within open spaces than sidewalks.

1. Hardscape paving materials shall meet all applicable mobility and accessibility requirements.

SECTION 7.6.2 ARCHITECTURAL STANDARDS

The Village of Pinehurst sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. The architectural standards described herein are intended to ensure that all new development within the Form Based Districts results in an architecture of high quality, encourages pedestrian activity, public interaction with the built environment, and provides appropriate transitions in scale while accommodating various types of approved uses. Architecture shall be designed to complement the historic small-town character of Pinehurst.

A. **Exceptions.**

1. Civic Buildings.

2. One-, two-, three-, and four-family dwellings per NCGS § 160D-702.

3. Where conflicts with the Village of Pinehurst Historic District Standards exist, the Historic District Standards will prevail.

B. **Building Mass.** All new building façades, in terms of composition, bulk, scale, proportion, orientation, massing, transparency, articulation, color, and major divisions or rhythms in the façade, shall be of a character that supports and enhances a pedestrian friendly environment and shall relate to existing buildings within the District. Human scale shall be emphasized. In order to reduce the scale of a building, while emphasizing the ground-level elements to support pedestrian friendliness, the following shall be required:

1. **Large Scale Buildings.** Large scale buildings, understood to be defined as single occupant non-residential uses exceeding 35,000 gross square feet shall apply one (1) or more of the following forms:

   (1) **Minor Wall Offsets or Wall Setbacks.** This includes "pushing and pulling" a façade to create visual interest and break up the massing of a structure. A minimum offset of twenty-four (24) inches for every thirty-five (35) linear feet of the façade to have proper impact.

   (2) **Height Variation.** Differing building roof heights shall be used to add visual interest and reduce boxy building masses.

   (3) **Upper Floor Step backs.** The upper portions of large-scale buildings shall be recessed from the street or when the perimeter yard boundary corresponds with the District boundary and the adjacent property is zoned residential for single family development to reduce looming effects. A recessed story shall be stepped back a minimum of five (5) feet for any structure greater than twenty (20) feet in height.

C. **Exterior Building Materials.** For all non-residential development, all building elevations, including foundations, that are visible from the street or adjoining property shall be covered with one or more of the following materials: brick, stone, cast stone, precast concrete, architectural concrete block, wood clapboard siding, cementitious siding, or other similar materials. Corrugated metal, vinyl, plywood, particleboard, untreated wood, and similar material are not permitted.

D. **Roofs.**

1. Roofs shall meet the height requirements outlined in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*.

2. **Roof Pitch.**

   (1) Shed roofs may be used on secondary massing elements and dormers with a maximum pitch of 4:12.

   (2) Flat roofs may be used on non-street facing facades to incorporate mechanical equipment, green roofs, or similar, to a maximum of fifty (50) percent of the building's roof square footage.

3. Flat roofs shall be hidden by parapet walls capped with continuous masonry, stone, a decorative stucco element, or with a concealing sloped roof.

4. All rooftop utility structures, and equipment shall be screened from view at street level.

E. **Facades.**

1. Differing buildings, multi-tenant businesses, and/or activities within the same block may be distinguished by designing consistent architectural schemata that uses variations of material, scale, forms, and architectural elements.

2. No wall that faces a street or connecting walkway shall have a blank, uninterrupted area with any length exceeding twenty (20) feet.

3. Delineation between ground and upper floors is encouraged by using architectural elements such as cornices, balconies, arcades, and ornamented belt courses.

F. **Façade Openings.** Transparency through use of windows and doors is required for all new buildings. Transparency of the ground level shall be calculated within the first fifteen (15) feet of the building wall, measured vertically at street level. Size, orientation, proportion, grouping and detailing of all windows and doors shall be proportioned to relate to human pedestrian scale. Reflective mirrored glazing is not permitted. Minimum percentages of transparency for new buildings are as follows:

1. **Commercial and Mixed-Use Buildings.**

(1) **Ground Floor.** Fifty percent (50%) to eighty-five percent (85%).

(2) **Upper Floors.** Twenty percent (20%) to fifty percent (50%).

2. **Multifamily Residential Buildings.**

(1) **Frontage Elevations.** Shall not exceed fifty percent (50%) of the frontage elevation.

(2) **Non-frontage Elevations.** Twenty percent (20%) to twenty-five percent (25%).

G. **Building Orientation.** For commercial and mixed-use buildings, there shall be a public-private setback zone to each building. This will provide sidewalk activity areas for outdoor exhibits, benches, porches, places for conversation, shelters from weather, and pedestrian oriented identity to the specific use of the building. The zone shall be ten (10) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of permanent structural elements to allow the addition of street amenities.

H. **Colors.** Color schemes for all new buildings shall incorporate a single base color and no more than two (2) compatible secondary colors. Colors used in development shall

be consistent with the currently adopted Village of Pinehurst Color Palette on file at the Planning and Inspections Department for reference, unless documented that said color has historically been used on the structure.

1. The base color shall not be less than 60% of a primary façade, excluding windows, openings, storefront, or other similar elements.

SECTION 7.6.3 OPEN SPACE

Within the Form Based Districts, open space shall be incorporated to enhance the character of the area, adding and connecting to the existing parks to form a network of spaces. The required amount of open space is provided in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*. All open space areas shall be landscaped in accordance with this Ordinance and provide uniform design and coordinated experiences for the user. The following open space forms are identified below:

A. **Central Green.** Central Green provides active and passive recreational activities to local residents.

   1. Provides for both active and passive recreation.

   2. May include a large open-air pavilion, small pavilion/shade structure, playground, benches, and multi-purpose lawn space.

   3. Typically, between one (1) and three (3) acres.

B. **Plaza.** Plazas are open spaces located at street intersections, between buildings along a street or sidewalk, or at the front or around commercial or civic buildings.

   1. Provides for both passive use and programmed events as needed.

   2. Plazas may contain large areas of durable pavement as well as furniture, public art, fountains, and trees.

   3. Typically, between 1/8 acre and one (1) acre.

C. **Attached Green.** Attached Greens range in size but are generally smaller than Central Green. They are distinguished by the fact that lots directly adjoin the open space on one or more sides. Each Attached Green should have a unique character or feature to create an identify for the surrounding area.

   1. Includes a pathway, landscaping, and benches.

   2. Typically, between 2,400 square feet and two (2) acres.

D. **Pedestrian Passages.** Pedestrian Passages is an open space form that provides pedestrian connection between other forms of open space or streets.

   1. Connects with other open spaces where practicable.

2. The passage shall be a minimum of eight (8) feet wide with a minimum five (5) foot wide brick, concrete, gravel, or sand/clay path.

3. A landscaped area with trees or other plantings may be on either side of the path.

CHAPTER 8 LANDSCAPING AND BUFFERS

SECTION 8.1 GENERAL STANDARDS

SECTION 8.1.1 PURPOSE AND INTENT

The natural landscape conditions within the Village of Pinehurst and its extraterritorial jurisdiction typifies the North Carolina Sandhills and Longleaf Pine Ecosystems. These natural conditions (topography, vegetation, and wildlife) are unique within North Carolina and are the strongest visual aspects defining the character of the Village. The regulations of this Section are intended to moderate visual contact, create spatial separation, and minimize adverse impacts on adjacent properties resulting from development. Buffers also help reduce the visual effects and impacts of traffic, noise, dust, and odor, as well as protect the privacy of neighbors. The Village values its existing tree canopy, and these regulations also provide incentives that allow existing qualifying trees to be used as part of the buffers required by this Section. By doing so, these regulations will:

A. Preserve and enhance the visual character of the Village and the ETJ.

B. Lessen the impacts of development.

C. Reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts between properties and adjacent to streets.

D. Safeguard property values, protect the privacy of neighbors, and preserve the character and integrity of the community.

Chapter 8. Landscaping and Buffers 235
Section 8.1 General Standards 235
Section 8.2 Landscaping Requirements for all Development Requiring a Permit 242
Section 8.3 Tree Preservation 253
Section 8.4 Undisturbed Buffers Along Streams, Wetlands, and Water Bodies 254

E. Provide erosion and sedimentation control.

F. Protect the health, safety, and welfare of the public.

G. Protect and provide habitat for wildlife.

SECTION 8.1.2 APPLICATION PROCEDURES AND GENERAL REQUIREMENTS

A. **Application.** A development permit is required prior to land disturbing activity when there is no other active development application in process pursuant to this Ordinance (e.g. Major or Minor Site Plan, Major or Minor Subdivision, Single Family Development). Information shall be provided by a Professional Landscape Architect/PLA, Architect, Professional Licensed Surveyor/PLS, or Professional Engineer/PE. When an application is made for a development permit, the permit application must include the following information:

1. **Storage, Surface, and Service Areas.** A site plan indicating the location, dimensions, and square footage of surface parking areas, outdoor display and storage areas, private utility service areas, proposed parking space striping, and overhead utility lines.

2. **Landscaping.** A site plan indicating existing and proposed landscaping used to satisfy the requirements of this Section, including the number, types, location, and height of trees, shrubs, and groundcover; the location and dimensions of planting areas and street yards; the location and size of earthen berms; and the location, size, and construction material of fences and walls.

3. **Existing Trees to be Preserved.** The number, location, species, and diameter at breast height (DBH), measured four and one half (4 ½) feet above ground level of existing trees to be preserved for credit per *Section 8.1.2.D. Use of Existing Trees for Credit*.

4. **Barriers.** The location and description of any barriers to be erected to protect any existing vegetation from damage during construction.

5. **Tree Protection Plan.** If the applicant proposes to use qualifying trees to meet the landscaping and buffer requirements, a Tree Protection Plan is also required. The Tree Protection Plan shall show the location of existing trees on the property, including those that are to be removed, the limits of disturbance, the Critical Root Zone (CRZ), and tree protection fence. The CRZ shall remain undisturbed for the tree to count towards the mitigation requirement.

B. **Compliance with Sight Easement Requirements.** Landscaping required by this Section shall comply with the minimum NCDOT or local sight easement

requirements for street intersections and driveways, please refer to the Engineering Standards and Specifications Manual (ESSM).

C. **Obstruction of Pedestrian Routes.** Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks, multi-purpose paths, or greenway trails.

D. **Use of Existing Trees for Credit.** To promote maintenance of the existing tree canopy and preservation of specimen trees, planting credits may be provided for qualifying trees as follows. No trees listed on the North Carolina Invasive Plant Council's list of invasive plants shall be credited towards the requirements of this Ordinance.

1. **Maximum Credits for Tree Preservation.** One tree planting credit shall be granted for trees measuring between three inches (3") DBH and twelve inches (12") DBH.

   (1) One additional tree planting credit may be granted for every four (4) inch increase in tree girth above twelve inches (12") DBH.

   (2) Tree planting credits apply to the buffer area, buffer yard, or lot area in which the tree is located.

2. **Minimum Protected Plant Area.** Each tree to be preserved for credit shall be provided with a minimum planting area which coincides with the tree's dripline. The tree's dripline is defined as the area underneath a tree which would be encompassed by perpendicular lines dropped from the outermost edges of the crown of the tree.

3. **Protection from Encroachment.** Tree preservation planting areas shall be cordoned off during construction and protected from encroachment with tree protection fencing. The minimum area to be cordoned off shall consist of the CRZ of the tree or an area ten (10) feet from the edge of the tree's trunk in all directions, whichever is the greater. The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping.

4. **Loss of Tree Credits.** Removal or death of any preserved tree prior to issuance of an occupancy permit of any development project subject to these standards, shall result in the loss of all associated tree credits for that removed/dead tree.

E. **Overhead Utility Lines.** The location of overhead utility lines shall be considered during the placement or preservation of required trees. The maximum mature height of required trees shall be determined as follows:

1. **Small variety.** Small variety trees shall be used when located within or up to thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

2. **Small or Tall variety.** Small or tall trees may be used when located more than thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

F. **Underground Utility Lines.** Trees shall not be proposed or planted within five (5) feet of an existing or proposed underground utility line, measured horizontally.

G. **Easements.** Trees shall not be planted within utility, stormwater, access, slope, or drainage easements.

H. **Fire Protection Equipment.** A minimum five (5) foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including fire hydrants, post indicator valves, and Siamese connectors. Clear and unobstructed sight lines to the fire protection equipment shall be always maintained.

SECTION 8.1.3 LANDSCAPE PLANS AND TREE SURVEYS

A. **Landscape Plan.** Prior to the issuance of a Development Permit, a landscape plan must be submitted to the Village Planner for review and approval.

1. Landscape plans shall contain the following information:

(1) Dimensions of all property lines.

(2) Locations, labels, and dimensions of all required buffer yards.

(3) Location of construction access/driveways.

(4) Location of existing and proposed utilities, stormwater devices, and associated easements.

(5) Location of plant material to be planted.

(6) Species of plant material to be planted.

(7) Size, container, and caliper of plant material to be planted.

(8) Tree spacing.

(9) Summary calculation table of required plantings by buffer yard.

B. **Tree Survey.** Tree surveys shall be prepared by a Professional Land Surveyor, Professional Landscape Architect, or Registered Arborist licensed in the State of North Carolina. Tree surveys must include the following:

1. Dimensions of the property lines.
2. Location and dimensions of all required buffer yards.
3. Location of construction access/driveways.
4. Location, diameter at breast height (DBH), and species of all trees to be retained within required buffer yards.

SECTION 8.1.4 EXEMPTIONS AND EXCEPTIONS

A. **Exemptions.**

1. No perimeter buffer yard shall be required when single-family detached and single-family attached dwelling units abut one another within the same development.
2. This article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws.
3. Required utilities shall cross buffers perpendicularly when feasible.
4. Where outdoor seating is provided between a building and a street, no plant material is required in the corresponding portion of the street yard.
5. The Village Planner, at the time of Development Plan approval, may reduce buffer widths and/or required plantings if existing vegetation, alternate landscaping, walls, fencing or topographic features will achieve the intent of this section.
6. Removal of dead, diseased or naturally fallen or severely damaged trees or vegetation that are a threat to the public health, safety, or welfare may only occur with approval by the Village Planner. Acceptable documentation includes: photographs, the submittal of a report prepared by an Arborist or other landscape professional, or observance by the Village Planner or designee.

Replacement of the tree(s) would only be subject to buffer requirements to maintain compliance with the required landscape plan.

7. Bona fide agricultural and forestry operations shall be exempt from the provisions of this Section. This exemption applies to forestry activity on forestland that is taxed based on its present-use value as forestland under NCGS Chapter 105, Article 12 and activities conducted in accordance with an approved forestry management plan subject NCGS Chapter 89B and extends to any activity defined as a bona fide farm operation in NCGS § 160D-903 within the extraterritorial jurisdiction of the Village.

8. The North Carolina Department of Transportation (NCDOT) shall be exempt from buffer requirements of this Ordinance within NCDOT rights-of-way. Tree removal in the Village rights-of-way must be approved by the Village Manager or designee.

9. All real property owned by the Village of Pinehurst.

B. **Exceptions.**

1. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates non-residential or multi-family uses from a residential property.

2. If a greenway passes through a landscape buffer the linear footage area of the greenway shall be subtracted from the total buffer area for plant count purposes.

SECTION 8.1.5 DELAY OF LANDSCAPING

If the required landscaping has not been installed at the time of a request for an occupancy permit, and the Village Planner determines that the unavailability of plant materials or adverse weather conditions prohibit the timely completion of planting, a delay in planting may be approved, subject to the following:

A. **Completion Schedule.** The applicant shall sign a contract specifying that the work shall be completed within six (6) months immediately following the date of application for an occupancy permit.

B. **Security.** A financial guarantee shall be required prior to the issuance of an occupancy permit.

1. The amount of the financial guarantee shall equal the cost of installation as estimated by a landscape architect, licensed contractor, or professional

engineer plus twenty-five percent (25%) of all costs of the required landscaping or screening which has not been installed.

2. Such security shall be held by the Village of Pinehurst until the work is completed in accordance with the permit. The security shall be released when the Village Planner or designee certifies that all requirements of this Section have been met.

3. The security shall be forfeited upon violation of this Section and shall be used by the Village towards completion of any outstanding landscaping. Any money in excess of the cost of installing required landscaping shall be refunded to the applicant.

C. **Request for Extension of Compliance**

1. A Request for Extension of Compliance with landscaping requirements associated with this Chapter may be filed with the Village Planner.

   (1) If the Village Planner finds that there are unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not to exceed ninety (90) days. The letter shall acknowledge that the property owner is aware of all landscaping and screening requirements and will comply with those requirements within ninety (90) days or discontinue use of the property.

   (2) If an extension is allowed by the Village Planner, the applicant shall provide to the Village a financial guarantee as set forth in *Section 8.1.5.B. Security* sufficient to cover one hundred twenty-five percent (125%) of the installed landscaping costs based on an estimate from a nursery or Professional Landscape Architect, licensed contractor, or Professional Engineer.

   (3) If the Request for Extension of Compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the applicant may request one (1) additional extension of up to ninety (90) days.

      i. Failure to comply with the provisions of this Section within the time period noted in the request for the extension of compliance with landscaping requirements shall be deemed a violation of this Ordinance.

ii. Failure to perform in accordance with this Section shall result in default and the forfeiture of the financial guarantee as set forth in *Section 14.4.14. Financial Guarantees.*

SECTION 8.1.6 NONCOMPLIANCE WITH BUFFER YARD STANDARDS

A. On properties where land disturbing activity has occurred without a development permit, buffer yards shall be established pursuant to this Chapter. A landscape plan and development permit shall be submitted demonstrating compliance with this Chapter.

B. In addition, other remedies up to and including penalties may apply in accordance with *Chapter 5. Enforcement* of this Ordinance.

SECTION 8.2 LANDSCAPING REQUIREMENTS FOR ALL DEVELOPMENT REQUIRING A PERMIT

SECTION 8.2.1 PURPOSE AND SCOPE

A. **Applicability.** New development or redevelopment after the adoption of this Ordinance shall meet the buffer yard requirements of this Section, except for the following:

1. Dwellings subject to the North Carolina Residential Code.

2. Where proposed development and/or redevelopment as regulated below is located adjacent to a public street or right-of-way.

3. Bonafide Farms subject to NCGS § 160D-903 or Forestry Activity and Management subject to NCGS Article 12 Chapter 105 or NCGS Chapter 89B.

B. All size standards in this Section shall conform to the American Standards for Nursery Stock.

SECTION 8.2.2 PLANTED BUFFERS

A. **Permitted Uses Within Planted Buffer Areas.** Planted buffers should be left in an undisturbed natural vegetative state and provided with supplemental plantings.

1. Selective thinning of vegetation and removal of dead vegetation may be permitted if the intent of the planted buffer requirement is maintained.

2. Driveways and utilities may cross a planted buffer at or as near a perpendicular angle as practical.

3. Paths and walkways may pass through the planted buffer and pedestrian walkways (greenways) may be installed within the buffer area.

4. Grading should be excluded from the designated planted buffer when practicable, but may be allowed with site plan approval, if the re-vegetation plan is determined to meet the intent of this Section.

5. Stormwater control measures such as ponds shall not encroach in the buffer yard. If stormwater improvements are located within the buffer, plantings should be approved by the Village Planner to ensure that the vegetation does not interfere with the function of the stormwater improvement.

B. **Location of Planted Buffers.** Required planted buffers shall be provided along the perimeter of development unless alternate locations are approved by the Village Planner. Planted buffers shall be designated and dimensioned on all site plans and subdivisions plans, where applicable.

C. **Application.**

1. The required planted buffer width is based on the classification shown on *Table 8.1. Required Planted Buffer Classification*.

2. If a public street or railroad right-of-way separates a non-residential or multi-family use from a residential property, one-half of the planted buffer width shall be provided, but not less than ten (10) feet.

3. If the proposed development is for multi-family dwellings adjacent to property zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, but not less than ten (10) feet, whether the property is occupied or not.

D. **Planted Buffer Classifications.**

Table 8.1 Required Planted Buffer Classification

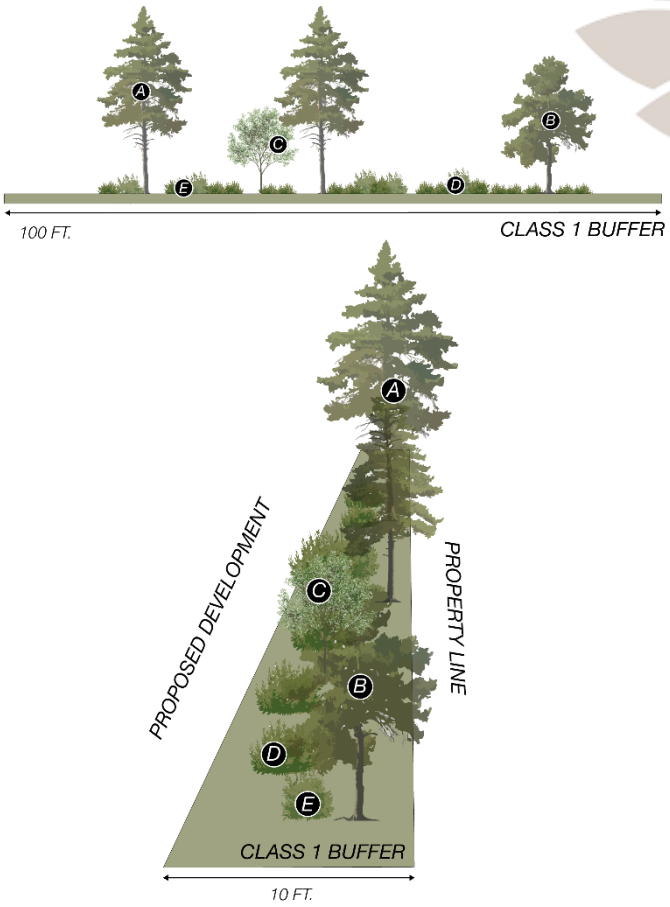
		Adjacent Property								
		PC – Public Conservation	RD - Recreation Development	Residential Districts	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	Village Districts
Subject Property	PC- Public Conservation	1	1	1	2	2	4	4	4	
	RD - Recreation Development	1	1	1	2	2	3	4	3	
	Residential Districts	1	1	1	2	2	2	4	3	
	R-MF - Residential Multi-family District	2	2	2	1	2	2	4	3	
	NC- Neighborhood Commercial District	2	2	2	2	1	2	2	2	
	H - Hotel	4	3	2	2	2	1	2	2	
	HD - Hospital Development District	4	4	4	4	2	2	1	2	
	OP - Office Professional District	4	3	3	3	2	2	2	1	
	Village Districts									

E. **Requirements for Planted Buffer Areas.**

1. **Buffer Planting requirements.** Planting requirements for planted buffers include both trees (large and small) and shrubs. (See Appendix F for a listing of allowable trees and shrubs.) Fifty percent (50%) of small trees and seventy-five percent (75%) of shrubs shall be evergreen.

   (1) **Class 1 Buffer.** A Class 1 Buffer is a low-density screen used to partially block visual contact and create separation from similar or compatible uses. A Class 1 Buffer shall be a minimum of ten (10) feet in width with the following minimum plantings:

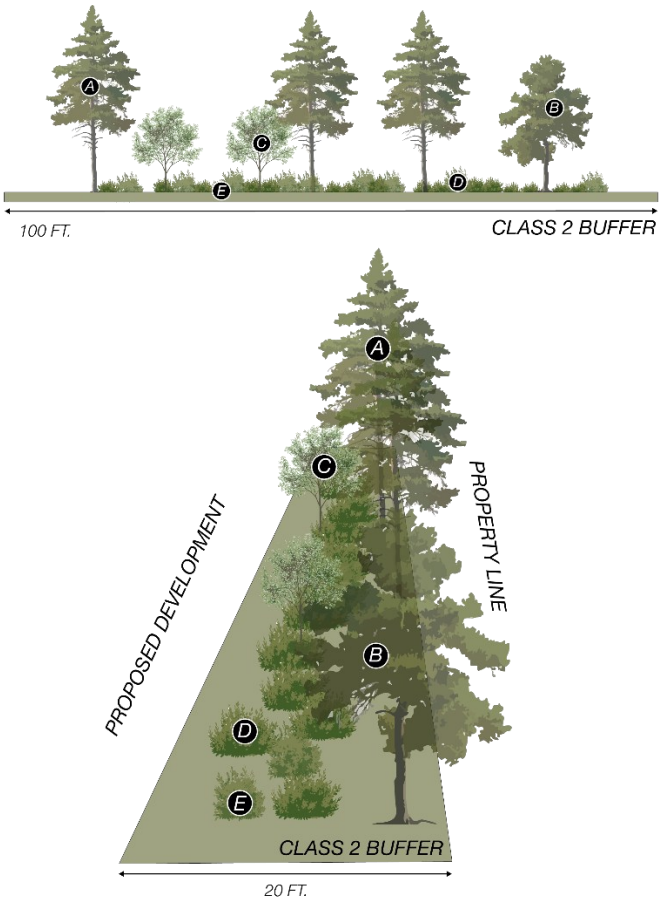
Figure 8.1 Class 1 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	2
B. Deciduous Tall Trees	1
C. Small Trees	1
D. Large Shrubs	10
E. Medium/Small Shrubs	10

(2) **Class 2 Buffer.** A Class 2 Buffer is a medium-density screen used to block visual contact and create separation between adjacent uses. A Class 2 Buffer shall be a minimum of twenty (20) feet in width with the following minimum plantings:

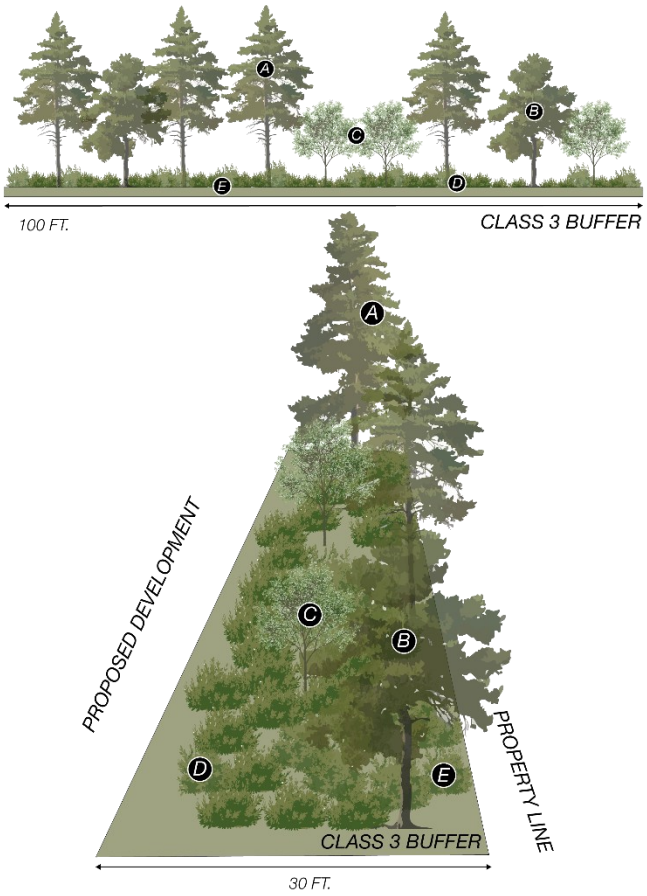
Figure 8.2 Class 2 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	3
B. Deciduous Tall Trees	1
C. Small Trees	2
D. Large Shrubs	15
E. Medium/Small Shrubs	15

(3) **Class 3 Buffer.** A Class 3 Buffer is a high-density screen used to eliminate visual contact and create separation between adjacent uses. A Class 3 Buffer shall be a minimum of thirty (30) feet in width with the following minimum plantings:

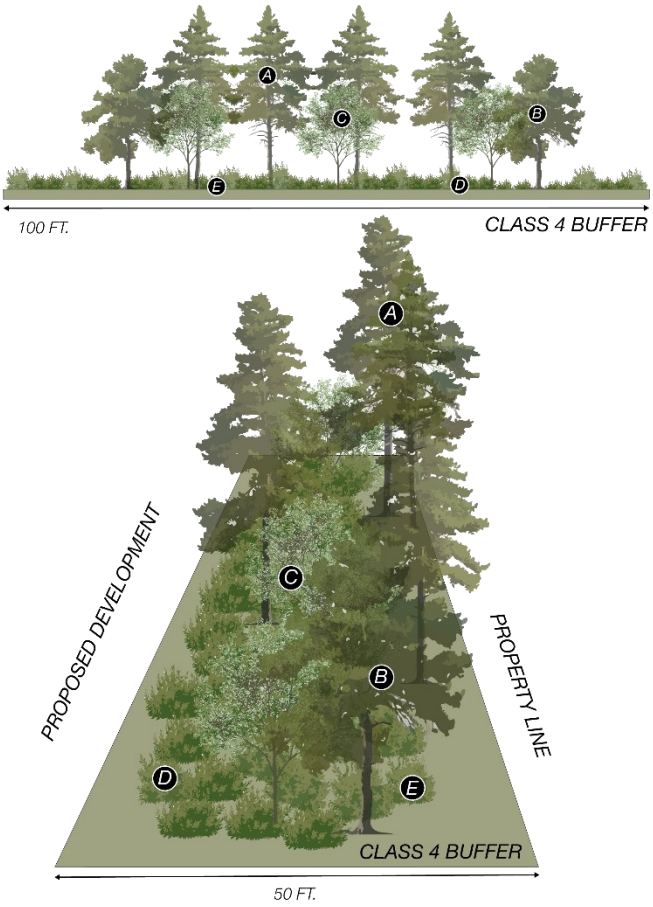
Figure 8.3 Class 3 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	4
B. Deciduous Tall Trees	2
C. Small Trees	3
D. Large Shrubs	20
E. Medium/Small Shrubs	20

(4) **Class 4 Buffer.** A Class 4 Buffer is a high-density screen used to eliminate visual contact and create separation between adjacent uses. A Class 4 Buffer shall be a minimum of fifty (50) feet in width with the following minimum plantings:

Figure 8.4 Class 4 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	4
B. Deciduous Tall Trees	2
C. Small Trees	3
D. Large Shrubs	20
E. Medium/Small Shrubs	20

2. The required setbacks may be used to meet landscape planted buffer width requirements in all districts. When planted buffers are required for residential

uses, the planted buffer requirements shall be designated open space, or common area.

3. Planted buffer widths and required plantings may be reduced by thirty percent (30%) if the site plan indicates a berm, alternate landscaping, walls, and/or opaque fencing in combination with landscaping or topographic features which will, in the opinion of the Village Planner, achieve the intent of this Chapter and result in equal or better performance. In no case shall a buffer width be less than ten (10) feet. Berms may not have a slope steeper than three (3) horizontal to one (1) vertical and must have a crown width of at least two (2) feet and a minimum height of three (3) feet.

4. **Existing Vegetation.** Existing vegetation, regardless of species, shall be used to meet all or part of the requirements of this Chapter wherever possible, if it meets the planted buffer required by *Section 8.2.2.D Planted Buffer Classifications*. All trees to be preserved and counted towards buffer requirements shall be identified on site plans, along with protection measures to be used during grading and construction. (See *Section 8.1.2.D. Use of Existing Trees for Credit* for protection measures and calculation of credits for existing trees), If existing vegetation does not adequately meet the intention and intensity of the buffer required below, supplemental planting shall be required.

5. **Trees.** Longleaf Pine and Understory trees shall be distributed along the entire length and width of the planted buffer. Due to unique characteristics of a site or design objectives, alternative plant mixes and spacing may be approved by the Village Planner.

6. **Shrubs.** Shrubs, of a variety that can be expected to reach four (4) to five (5) feet in height and three (3) feet in width within three (3) years of planting, shall be provided. Shrubs shall not be planted closer than six (6) feet to newly planted trees, nor within the drip line of existing hardwood trees. Shrubs shall be distributed along the entire length and width of the planted buffer, in naturalistic groupings so as not to create a hedge-like condition.

SECTION 8.2.3 ROADWAY BUFFER

A. **Highways and Major Thoroughfares.** A Class 3 planted buffer shall be installed along the street frontage for all non-single family residential uses with frontage on a highway or major thoroughfare.

SECTION 8.2.4 LANDSCAPE SCREENS

A. **General Screening Design Standards.**

1. Screening material shall be consistent with the landscape plan for the development.

2. Screening shall consist of landscaping, a wall, or a fence consistent and compatible with the principal building in terms of texture, quality, material, and color.

3. Examples of screening materials may include a wall, shrub line, fence (excluding chain-link), parapet wall, or opaque screen.

SECTION 8.2.5 SURFACE PARKING AREA LANDSCAPING

A. **Purpose.** In order to reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards apply.

1. **Exemption.** This section shall apply only to parking areas with more than five (5) vehicle spaces.

2. **Expansion of Preexisting Surface Parking Areas.** When a preexisting surface parking area(s) is expanded, required interior plantings may be dispersed throughout the entire interior landscaped area in accordance with *Section 8.2.5.B. Surface Parking Area Perimeter Landscape Requirements.*

B. **Surface Parking Area Perimeter Landscape Requirements.** All motor vehicle areas shall be screened by a Surface Parking Area Perimeter buffer on all sides visible from adjacent properties or public right-of-way. Proposed locations of plants and parking spaces shall be arranged to protect plants from vehicles. The Surface Parking Area Perimeter buffer shall be a minimum of ten (10) feet in width adjacent to residential districts or five (5) feet in width adjacent to non-residential districts, and shall be planted as follows:

1. **Large trees.** Longleaf pines shall be planted at the rate of one three (3) inch caliper tree per thirty (30) linear feet of the parking lot perimeter abutting a street and/or adjoining property, less driveways and sight distance triangles. Trees must be a minimum of five (5) feet and a maximum of twenty (20) feet from the parking lot edge to meet this requirement. Credit given for existing,

healthy, protected trees, regardless of species, shall be according to *Section 8.2.2.E.4. Existing Vegetation*.

(1) **Overhead power lines.** Small variety trees may be used where overhead power lines exist within the Surface Parking Area Perimeter buffer yard area.

2. **Shrubs.** Evergreen shrubs at the rate of one (1) 24-inch height minimum shrub per three (3) linear feet of parking lot edge abutting streets and adjoining property, less driveways, of a species expected to reach a minimum height of thirty-six (36) inches and a minimum spread of thirty (30) inches within three (3) years of planting. This rate may be varied based upon size of installed plant materials. Shrubs must be a minimum of five (5) feet and a maximum of ten (10) feet from the parking lot edge to meet this requirement.

   (1) Shrubs shall be planted such that no less than seventy-five percent (75%) of the length of the parking lot edge, to a height of thirty-six (36) inches, is obscured from view after three (3) years of growth. Shrubs planted within sight distance triangles shall be of a type with a maximum mature height of eighteen (18) inches above finished grade.

   (2) Additionally, shrubs shall not be planted within six (6) feet of the trunk of a tree.

3. **Fences and Walls.** A brick or stone wall or fence, at least thirty-six (36) inches tall and of a material compatible with the building, may be substituted for the requirements of shrubs.

4. **Berms.** Berms may be installed within the highway (front) or interior (side or rear) yards with a minimum two (2) foot height, two (2) foot minimum crown width, and side slopes of not steeper than three horizontal to one vertical. Berms shall be planted with live vegetation and may be used with smaller plants to meet the required screening area, provided that the combination of the berm and the shrubs obscures no less than seventy- five percent (75%) of the length of the parking area, to a minimum height of thirty-six (36) inches after three (3) years of growth.

5. Areas used for vehicle sales and/or service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive-up service, shall be considered parking areas and shall comply with the requirements of this Section.

C. **Landscaping Within Parking Areas.** The landscaping within parking areas shall be provided in addition to planted buffer requirements of this Ordinance.

1. **Location.** Parking areas shall provide and maintain landscaped areas based upon the surface area of the parking lot. Areas under canopies, loading and service areas, and portions of drives with no parking on either side for a distance longer than twenty-five (25) feet and/or used exclusively as access to loading or service areas, are exempt from this requirement.

   (1) Areas used for landscaping shall be provided in the amount equivalent to at least ten (10) percent of the parking area and shall be used for planting either trees and/or shrubs according to the requirements below. Tree planting areas shall be located such that no parking space is farther than sixty (60) feet from a tree trunk.

2. **Required Landscape Plants.** Trees shall be used at the following rates, either in combinations of small and large trees, or with large trees only, to add up to the required landscape area:

Table 8.2 Required Planting within Parking Areas

Planted Tree Type	Minimum Planting Caliper	Planting Requirement
Hardwood or Pine Tree	3 inch	1 per 250 SF*
Understory Tree**	3 inch	1 per 125 SF
* Each large tree shall be located within a minimum growing area of two hundred fifty (250) square feet un-encroached upon by shrubs or impervious pavement, with a minimum dimension of ten (10) feet ** may be used to fulfill up to one third (1/3) of the required trees		

3. **Islands and Medians.**

   (1) Islands and medians shall be designed to meet the requirements of the Village of Pinehurst Engineering Standards and Specifications Manual. Medians without curbing shall include devices to stop vehicles from driving into the planted areas.

   (2) No more than one tree may be provided per island, unless there is at least the minimum growing area per tree as required above. Large trees shall not be planted less than eighteen (18) feet apart, and small trees/large shrubs shall not be planted less than twelve (12) feet apart.

4. **Existing Trees.**

   (1) Credit given for existing, healthy, protected trees shall be according to *Section 8.1.2.D. Use of Existing Trees for Credit* of this Section. Trees used to meet other requirements of this Ordinance may not be used to meet the requirements of this Section.

D. **Street Trees Required.** For all developments, one three (3) inch caliper, tall tree per forty (40) linear feet or small tree per twenty (20) linear feet, identified as a permitted Street Tree per Appendix F, of street frontage minus driveways shall be planted in the road right of way. These trees shall be planted outside of site triangles and not conflict with any utilities. The Longleaf Pine tree is the preferred street tree for the Village of Pinehurst, and should be used where possible.

SECTION 8.3 TREE PRESERVATION

SECTION 8.3.1 SPECIMEN TREES

A specimen tree is any healthy, living tree and includes all of the following:

A. **Size.**

   1. Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more. OR

   2. A trunk DBH of twelve (12) inches or more in the case of the following species:

      (1) Ilex species (holly).

      (2) Magnolia species.

      (3) Longleaf Pine species.

B. Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association.

C. Provides unique habitat for any endangered or threatened wildlife species protected by Federal law.

D. Has been cited by the Village Council as being historically significant.

SECTION 8.3.2 PRESERVATION ON PRIVATE PROPERTY

A. **Specimen Trees on Private Land.**

1. Specimen trees shall be shown on all preliminary commercial and residential site plans submittals and located by survey on final site or Landscape Protection Plans. The Village Planner may inspect the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a development site where soil disturbance or construction activity is proposed.

2. Proposed development shall be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities shall be pursued in order to preserve them.

3. No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during the review of the site and/or Landscape Protection Plan it is determined there is no reasonable way the property can be developed without such disturbance.

B. **Voluntary Protection of Specimen Trees On Existing Residential Lots.**

1. Specimen trees which are located on individual lots with single homes shall be protected if voluntarily registered by the property owner.

2. Registration of such trees shall render the owner of the lot the following privileges: If a permitted accessory structure or addition to a house is being planned, notwithstanding any provision of the Ordinance to the contrary, saving of a specimen tree may constitute evidence that requirements for a case have been met for a variance application.

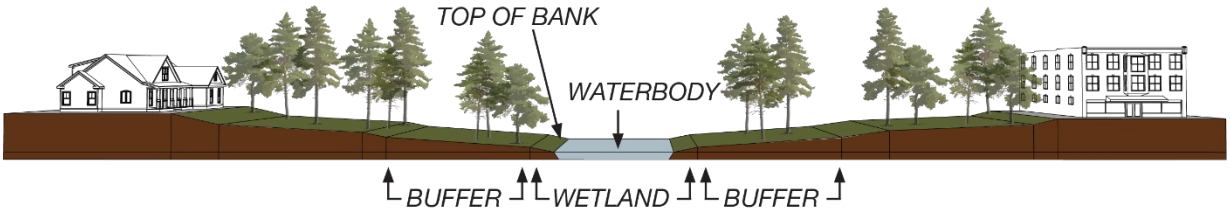
SECTION 8.4 UNDISTURBED BUFFERS ALONG STREAMS, WETLANDS, AND WATER BODIES

SECTION 8.4.1 UNDISTURBED BUFFERS

A. Notwithstanding any other provisions of this Ordinance regarding buffers, landscaping or setbacks, all development, other than development of existing single family lots shall maintain a thirty (30) foot undisturbed buffer measured from the top of the bank along all streams that are shown as "blue lines" on the most recent versions of U.S. Geologic Survey 1:24,000 scale topographical maps; along the

edge of identified wetlands as established by the North Carolina Department of Environmental Resources as defined by NCGS § 143.212(6); and along the edge of the full pond of any water body that is fed by or connected to a "blue-line" stream, other setbacks such as wetland and watershed (*Section 6.4.3. Watershed Protection Overlay District*) may also apply;

Figure 8.5 Undisturbed Buffer



SECTION 8.4.2 BUFFER ENCROACHMENT ALLOWANCES AND EXCEPTIONS

A. **Purpose.** This section establishes limited circumstances in which encroachments into required riparian buffers may be authorized while maintaining the buffer's essential functions of protecting water quality, stabilizing streambanks, and providing habitat.

B. **Disturbance or Encroachment Design.** Any allowed disturbance or encroachment that occurs as a result of the activities expressly permitted in this subsection must be designed, constructed, and maintained to:

1. Minimize impervious or partially impervious surface coverage.
2. Diffuse the flow of stormwater runoff, encourage sheet flow and avoid concentrated discharge of stormwater into surface waters.
3. Maximize the use of Best Management Practices (BMPs) to minimize adverse water quality impacts.
4. Comply with all applicable standards and conditions of the Village of Pinehurst Engineering Standards and Specifications Manual.

C. **Allowable Encroachments.**

1. Archeological activities provided any vegetation removed is restored with vegetation of a comparable assimilative capacity.
2. Bridges provided there is no alternative location in the buffer.
3. Dam maintenance activities.
4. Drainage ditches, roadside ditches, and stormwater outfalls.

5. Drainage of a pond provided a new vegetated water supply watershed buffer meeting all NCDEQ and DWR.
6. Driveway crossings that access single-family dwellings, provided:
   (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
   (2) The driveway crosses the buffer at an angle as close to 90 degrees as possible (and not less than 60 degrees).
   (3) Side slopes do not exceed a 2:1 (horizontal to vertical) ratio (bridging and/or retaining walls may be used to meet this and the disturbance width standard).
   (4) All culverts are designed and constructed for the 25-year storm event or as otherwise required by the NCDEQ.
7. Utility lines, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
8. Pedestrian, bikeway, equestrian, golf cart, and other recreation trails (public or private), provided:
   (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
   (2) A trail crossing the buffer is combined with other permitted buffer crossings where practicable.
   (3) Buffer disturbance is no more than 20 feet wide (unless otherwise approved by NCDEQ.
   (4) The trail is no more than 12 feet wide.
   (5) A trail crossing the buffer does so at an angle as close to 90 degrees as possible (and not less than 60 degrees).
   (6) A trail running linearly within the buffer must be located, where possible, in the outer 20 feet of the buffer and in no instances may such trail be closer than ten feet to the edge of the lake, pond, river, stream or drainageway.
9. Railroad crossings, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.

10. Removal of previous fill or debris provided diffuse flow is maintained and any vegetation removed is restored with vegetation of comparable assimilative capacity.
11. Road crossings (public or private roads), provided:
    (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
    (2) Buffer disturbance does not extend beyond the required right-of-way or easement width, or in no case is more than 90 feet wide.
    (3) All culverts are designed and constructed for the 25-year storm event or as otherwise required by the NCDEQ.
12. Public water and sewer utilities, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
13. Stormwater Control Measures (SCMs) provided:
    (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
    (2) The SCMs are designed per the NCDEQ SCM design manual.
14. Stream restoration and stream bank stabilization.
15. Temporary in-stream sediment and erosion control measures for work within a stream channel.
16. Vegetation management, including:
    (1) Emergency fire control measures, provided topography is restored.
    (2) Planting vegetation to enhance the buffer's function.
    (3) Pruning forest vegetation, provided the health and function of the vegetation is not compromised.
    (4) Removing individual trees that are in danger of causing damage to dwellings, other structures, or human life.
    (5) Removal of noxious growth.
17. Water-dependent structures.
18. Wetland restoration.

CHAPTER 9 SOIL EROSION

SECTION 9.1 SOIL EROSION AND SEDIMENTATION CONTROL

A. All development shall be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS, Chapter 113A, Article 4 (Sedimentation Pollution Control).

B. No development permit shall be issued for development that involves land-disturbing activity if more than one (1) acre is to be uncovered, unless an erosion control plan has been approved by the State of North Carolina and a copy of the approved plan is submitted as part of the development permit application.

C. No development permit shall be issued for development that involves land-disturbing activity if less than one (1) acre is to be uncovered, unless the person to whom the permit is to be issued affirms on the permit application that the land-disturbing activity will be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS, Chapter 113A, Article 4.

D. Failure of the permit holder to perform land-disturbing activity in accordance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS Chapter 113A, Article 4 shall result in the permit holder being in violation of the terms of this Ordinance and may result in the revocation of the development permit.

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E. Notwithstanding the general requirement to obtain a development permit prior to undertaking land-disturbing activity, a plan approval shall not be required for land-disturbing activity that does not exceed one acre (43,560 square feet) in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

F. The Village of Pinehurst requires a Land Disturbance Permit for activities in common plans of development or sale as a condition of NC Construction General Permit NCG01 regulations.

G. The NCG01 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

H. **Exclusions.** This section shall not apply to the following types of land-disturbing activity:

1. Any activity which is essential to protect human life during an emergency.

2. Land-disturbing activities undertaken on established bona-fide farms for the production of plants and animals, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including the breeding and grazing of any or all such animals; bees and apiary products; and fur producing animals; and mulch, ornamental plants, and other horticultural products. For purposes of this section “mulch” means substances composed primarily of plant remains or mixtures of such substances.

3. Land-disturbing activities undertaken on forestland for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Agriculture and Consumer Services. If activities are undertaken in a manner that is not in accordance with the Forest Practice Guidelines referenced above, the provisions of this Ordinance shall apply to such activity and any related land-disturbing activity on the tract.

4. Land-Disturbing activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.

5. Land-Disturbing activities over which the State has exclusive regulatory jurisdiction as provided in NCGS § 113A-56(a).

CHAPTER 10 FENCES, WALLS AND SCREENING

A. **Purpose.** The purpose of this Section is to regulate the location, height, and design of fences and walls, as well as screening. These regulations aim to support their use for safety, security, privacy, and screening, while also maintaining visual harmony and maintaining the Village's appearance. Flexibility in fence design is preserved for rural areas to accommodate their unique character.

B. **Applicability.** The following standards shall apply to all new permanent or replacement fences and walls.

   1. A fence may only be erected in accordance with *Chapter 4. Approvals, Variances, and Administrative Appeals*.

   2. Additional regulations for fences and walls located in the Historic District may also apply in addition to those included in this Chapter.

   3. Unless specifically approved as part of a Planned Development, Conditional Zoning or Special Use Permit, Variance, or Certificate of Appropriateness, all fences and walls shall comply with the requirements of this Chapter.

C. **Location.** Fences and walls may be located anywhere within or along property lines, except:

   1. In a manner that obstructs visibility for motorists at any street intersection.

   2. No fence or wall may be installed within any public or private easement, including stormwater, drainage, and utility unless written

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permission is received from the easement holder. It is the responsibility of the applicant to identify and receive written permission to install a fence or wall within an easement.

(1) Written approval may be required to be submitted to the Village with a fence permit application.

(2) The Village is not responsible for fixing or replacing fences or walks that are built in easements if they need to be removed for access.

D. **Measurement.** The following standards shall apply to all new permanent or replacement fences and walls:

(1) Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.

(2) In cases where a fence or wall is placed on a berm, the maximum fence or wall height shall include the height of the berm, as measured from the toe of the slope. See *Figure 10.1 Fence Height Measurement*.

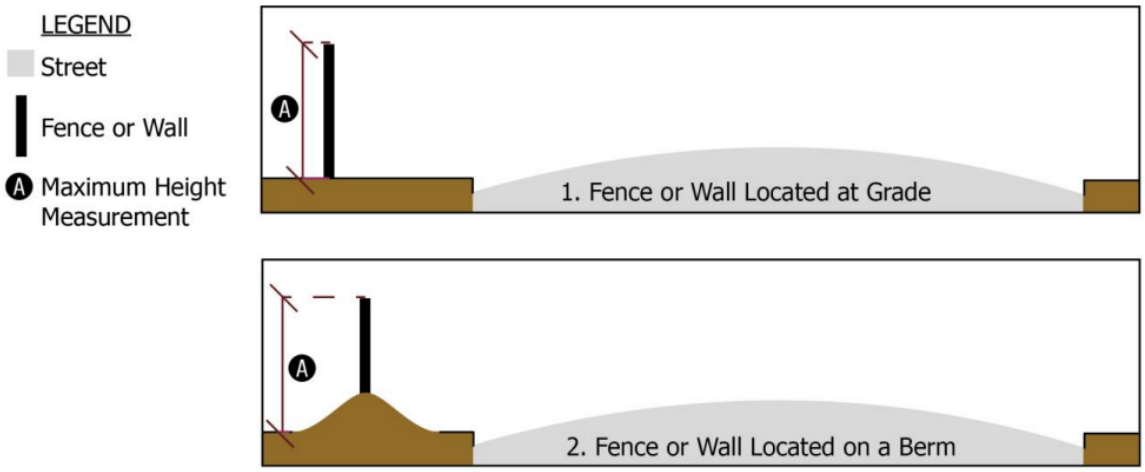
(3) Columns or posts for nonresidential brick or stone walls may exceed 18 inches above the maximum permitted height of the fence or wall.

(4) Safety railings required by the North Carolina Building Code shall not be included in wall height measurements.

(5) Driveway columns may be allowed to a maximum height of five (5) feet. A lighting fixture may be incorporated, but shall not exceed the maximum height.

(6) Fencing on vacant lots is limited to the front yard height limit.

Figure 10.1 Fence Height Measurement



SECTION 10.1 FENCES AND WALLS IN RESIDENTIAL ZONING DISTRICTS

A. **Height.** The maximum height of fences or walls in residential districts shall be in accord with *Table 10.1 Maximum Fence and Wall Height in Residential Districts.*

Table 10.1 Maximum Fence and Wall Height in Residential Districts

Yard	Residential Zoning District
Front	4’
Street Side (2)(3)(4)	6’
Side (1)(2)(4)	6’
Rear (1)(4)	6’

Footnotes

1. Fences, walls and similar structures are prohibited in the lake front and golf course setback for accessory structures.
2. Fences, walls and similar structures are prohibited in or through a required buffer unless the fence or wall has been designed as an integral component and approved as such.
3. On corner lots, a 10’ setback from the side street property line is required for fences located in the side and/or rear yard when those fences exceed 4’ in height.
4. Fences and walls shall not exceed 4’ in height when abutting a defined front yard of an adjacent property.

B. Swimming pool fences shall be constructed in accordance with the North Carolina State Building Code and must adhere to the fence type, style and location requirements of this Ordinance.

1. Pools built prior to 2002 that have not been enclosed with fencing shall be allowed to be fenced and the fencing may encroach up to the minimum amount necessary to meet NC Building Code requirements, upon approval of a permit in accordance with *Chapter 4. Approvals, Variances, and Administrative Appeals*.

SECTION 10.2 FENCES AND WALLS IN NON-RESIDENTIAL ZONING DISTRICTS

A. **Height.** The maximum height of fences or walls in non-residential districts shall be in accord with *Table 10.2 Maximum Fence and Wall Height in Non-Residential Districts*.

Table 10.2 Maximum Fence and Wall Height in Non-Residential Districts

Yard	Non-Residential Zoning Districts
Front (1)	6’
Street Side (1)	6’
Side (1)	6’
Rear (1)	6’

Footnote

1. Fences or walls are not allowed in required buffers unless they are specifically designed to be part of the buffer and have been officially approved as such.

B. In the Recreation Development (RD) zoning district, a chain link fence that conforms with the requirements of *Section 10.3. Permitted Fences* may be installed on the property lines of a lot that borders a lake or other body of water that is in use as a semi-public recreation area. No other type of fence, wall, or similar structure is permitted.

C. Fence height limits are not applied to fences or walls surrounding tennis courts, athletic fields, or public utility features where public safety must be maintained.

SECTION 10.3 PERMITTED FENCES

A. Fences or similar structures not authorized or approved as provided in this Section are prohibited.

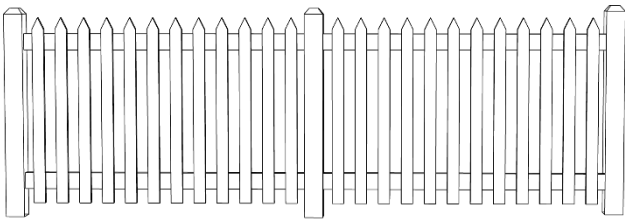
B. The finished side of a fence or wall shall always face out towards the street or adjacent property. The finished side does not include any supporting members or bracing.



C. For the purposes of this Section, fences may be constructed of wood, vinyl, composite materials, coated chain link, decorative metal/wrought iron, brick, stone or masonry. Material substitution may be permitted by the Village Planner where the appearance and material would result in equal or better performance. The following types of fences are allowed, depending upon the specific zoning district in which they are located.

1. **Picket Fence**

(1) The fence shall be constructed of wood, vinyl or composite material and may be unfinished, painted, or stained. The width of the pickets shall not be wider than four inches nominal, with a minimum of one inch between the pickets.



(2) The maximum height is four (4) feet.

(3) The minimum number of horizontal rails is two (2).

2. **Split Rail Fence**



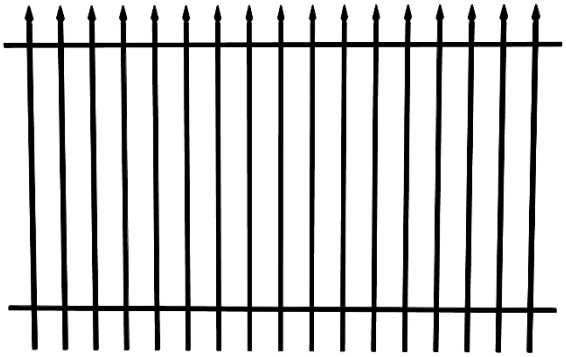
(1) The fence shall be constructed of wood, vinyl, or composite materials.

(2) The use of wire on the inside of the fence is optional but if incorporated must be muted in color (black, green, or brown).

(3) The maximum height is 6 feet except that split rail fences located in the R-210 zoning district may not exceed five (5) feet in height in the front yard.

(4) The minimum number of horizontal rails is two (2).

3. **Metal, Aluminum, or Wrought Iron Fence**



(1) The fence shall be constructed of wrought iron and shall have a powder coating or paint applied to protect the metal from rust and corrosion.

(2) Permitted colors include black, bronze, and dark green.

4. **Chain Link Fence**

(1) The fence shall be constructed of vinyl coated chain link material in black, green, or brown only.

(2) If the fence is on or near a property line and a buffer is not otherwise required, a five (5) foot setback from the property line is required.

(3) Chain link fences may only be used for non-residential uses

5. **Vinyl and Wood Board/Shadow Box/Solid Fence**



(1) The fence shall be constructed of wood, vinyl, or composite materials.

(2) The board width (vertical or horizontal members) shall not be less than four (4) inches nominal and not more than ten (10) inches nominal. Vinyl fences shall have the appearance of meeting this requirement.

(3) Wood fences greater than four (4) feet in height are required to have a minimum of three (3) horizontal rails. This requirement does not apply to vinyl or composite fences.

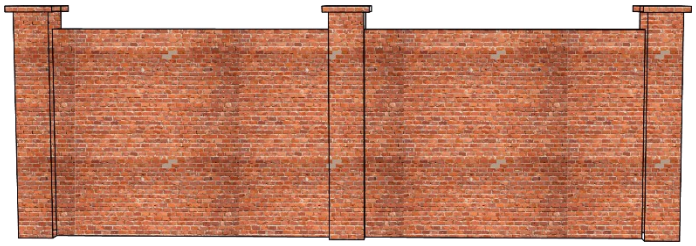
(4) Solid fences may be constructed of vinyl or composite material and may include a decorative lattice detail.

6. Brick or Stone Walls

(1) The wall shall be constructed of brick or masonry/stone materials.

(2) The maximum height including column caps is six (6) feet.

(3) For nonresidential brick or stone walls the column may exceed 18 inches above the maximum permitted height of the fence or wall.





SECTION 10.4 FENCING FOR A TEMPORARY USE

A. Temporary fencing may be erected only upon receiving a Temporary Fence Permit from the Village Planner in accord with *Section 4.3.10 Temporary Use Permit*.

1. The Village Planner shall issue such a permit only after the Police and Fire Chiefs have reviewed the application and found that the proposal has adequate provisions for emergency access and egress to ensure health, welfare, and safety for the general public.

2. A Temporary Use Permit must be issued for all temporary fencing. The Village Council, after conducting a public hearing, shall have the right to suspend or modify the application of this subsection for major events as part of the issuance of a Temporary Use Permit issued under Section 94.14 of the Pinehurst Municipal Code.

B. Fencing for a temporary use is allowed when such fencing is necessary to secure a site provided that such fencing is not erected more than two (2) weeks prior to

commencement of the event and is removed within seven (7) days following the completion of the event.

1. The Village Planner is authorized to allow fencing to be erected earlier than two (2) weeks prior to the commencement of the event or removed later than seven (7) days following the completion of the event provided:

   (1) Such fencing does not abut a residence, and

   (2) The applicant has provided in writing clear evidence that additional time is needed.

2. Temporary fencing shall not exceed a height of six (6) feet unless such fencing is used to screen a "work area," such as a catering facility, from abutting properties or rights-of-way.

3. In cases where the fencing is used to screen a "work area," such fencing shall not exceed a height of eight (8) feet. If eight (8) foot tall chain link fencing is used, such fencing shall have a green mesh cover to further screen the "work area." If chain link fencing is used and such fencing abuts a residence, residentially zoned land, or a right-of-way, such fencing must have a green or brown vinyl coating.

   (1) At the discretion of the Village Planner, the fence may be required to be setback from the property line, particularly if the fencing abuts a residence or residentially zoned land.

   (2) At no point shall a setback encroach beyond the golf course out-of-bounds lines.

4. If the fence is erected prior to an allowed date or not removed by the specified date, the Village reserves the right to enter onto the premises and remove the fence at the expense of the property owner.

SECTION 10.5 RETAINING WALLS

A. A Development Permit in accord with *Section 4.3.11. Development Permit* is required for a retaining wall eighteen (18) inches or taller in height.

B. Retaining walls located in the front yard setback shall not exceed four feet (4) in height for residential properties and six feet (6) in height for nonresidential properties.

C. Retaining walls up to six (6) feet in height may project into the side and rear setbacks, excluding golf course/lake front and side street setbacks.

D. Retaining walls eighteen (18) inches or taller in height shall not be located within the golf course or lakefront setback for accessory structures.

E. Retaining walls eighteen (18) inches or taller in height shall not be closer than five (5) feet to a property line or right of way line.

F. Retaining wall height shall be measured from the lowest ground elevation to the top of the wall.

G. Retaining walls constructed in a series of two (2) or more shall provide a minimum of twelve (12) inches of horizontal separation planted in grass or other vegetation.

H. Retaining walls shall be solid cement, masonry, or wood and constructed to the standards of the North Carolina State Building Code where required and certified by a Professional Engineer licensed to work in the State of North Carolina.

I. The finished side of a retaining wall shall face outwards towards the street or adjacent property.

SECTION 10.6 SCREENING

A. **Purpose**. The purpose of screening regulations is to minimize views of waste receptacles, exterior building and ground equipment, loading docks, and truck parking areas to improve the compatibility between uses and to enhance the appearance of the Village.

B. **Applicability.**

1. The standards in this section shall apply to nonresidential and multifamily developments:

(1) Service Areas/Service Courts shall be fully screened and out of view from all Right-of-Way or adjacent properties.

(2) Uses requiring screening as noted in this Ordinance shall be screened according to requirements of this Section.

(3) The screening requirement does not pertain to:

i. Outdoor display of merchandise located within the Historic Preservation Overlay District that complies with the regulations and design guidelines of that district.

ii. Transformers and similar devices serving electric vehicle charging stations.

C. **Trash Containment Areas.**

1. **General Requirement.** All multi-family and commercial trash containment devices shall have additional standards. Trash containment areas (refuse collection, trash containment devices, compactors, dumpster) shall meet the following standards:

(1) Trash containment areas shall be located and designed to not be visible from the view of adjacent streets and properties.

(2) Trash containment devices may not be located in any front or street yard.

(3) Trash containment devices shall not occupy areas designated for parking spaces or loading areas.

(4) All trash containment areas shall be enclosed on three (3) sides with walls the height of the device up to eight (8) feet high, the fourth side of the enclosure shall be a permanent gate of similar material.

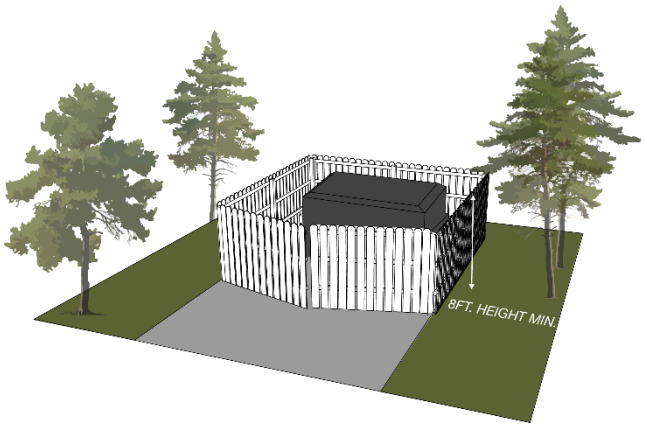
(5) The enclosure shall be constructed of the same material as the principal building on the zoning lot.

(6) Enclosures should be of an adequate size to accommodate all on-site waste receptacles (compactors, dumpsters, etc.).

(7) All trash containment devices shall be placed on a dedicated pad.

(8) Evergreen shrubs shall be installed every three (3) feet along the exterior of the portions of the enclosure adjacent to a public right-of-way or abutting residential parcels (zoned for residential use or with existing residential uses), with the exception of enclosure openings.

Figure 10.2 Trash Containment Area



D. **Utility Service Areas.**

1. **General Requirement.** Screening shall be provided for all ground or wall-mounted mechanical equipment, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, transformers, backflow preventers, and/or above ground water meters, that are visible from any public right-of-way or adjacent property.

   (1) Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by installing a landscape screen of plants selected from Appendix F.

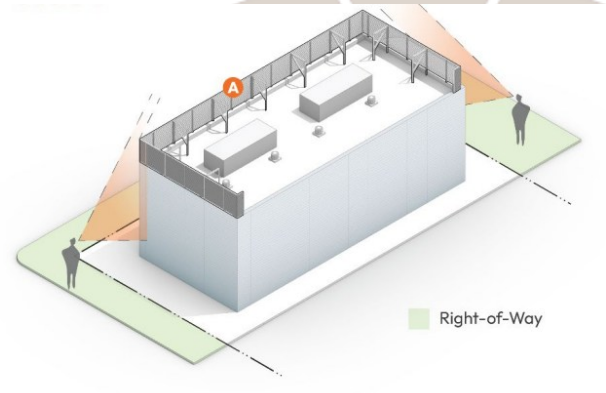
   (2) **Installation Height.** Plantings shall be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.

   (3) **Fences or Walls.** Fences or walls may be used for screening Utility Service Areas shall be opaque, of the same material of the principal building, and be of a height and width equal to or greater than the utility service structures that are being screened.

   (1) A**lternatives.** If, due to site constraints or utility provider restrictions, it is not possible to screen ground or wall-mounted mechanical equipment in accord with the requirements above, the Village Planner may approve an alternate screening method.

E. **Roof-Mounted Mechanical Equipment.**

1. **General Requirement.** Roof-mounted mechanical equipment (air conditioning units, rooftop mounted equipment) shall be screened from adjacent properties and rights-of-way.



2. Any new buildings shall require a parapet wall or architectural element that screens roof mounted equipment or provide an opaque screen around the rooftop mounted equipment.

SECTION 10.7 RIGHTS OF WAYS

A. **Purpose.** No fences, walls, columns or retaining walls shall be located within any public or private right-of-way unless approved by the Village, or other owner of the right of way.

1. For structures proposed within the public right-of-way, the Village reserves the right to require submittal of an application for a Right-of-Way Encroachment Permit in accord with *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance by the applicant with approval by the Village prior to the encroaching structure being constructed.

2. All structures are limited to a maximum height of thirty (30) inches above grade. These structures do not require a Development Permit.

CHAPTER 11 PARKING, ROADWAY, AND ACCESS

SECTION 11.1 PURPOSE AND SCOPE

The purpose of this Chapter is to regulate vehicle, pedestrian, and bicycle access and mobility in the Village of Pinehurst by:

A. Supporting the ease of movement through a connected transportation system to improve daily life, encourage economic growth, and allow for quick emergency response.

B. Relieving traffic congestion on streets by limiting curb cuts and promoting alternative modes of transportation.

C. Providing adequate, but not excessive, off-street parking.

SECTION 11.2 OFF-STREET PARKING DESIGN AND REQUIREMENTS

SECTION 11.2.1 PURPOSE AND SCOPE

A. **Purpose:** The purpose of this Section is to ensure the Village has adequate parking and loading regulations proportional to community needs. This Section intends to:

1. Recognize parking and loading demands of uses.

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Section 11.1 Purpose and Scope 272
Section 11.2 Off-Street Parking Design and Requirements 272

2. Provide a range of adequate parking and loading standards while providing flexibility to developments.

3. Provide for the safe movement of vehicles and pedestrians through off-street parking areas.

4. Minimize excessive areas of impervious surfaces dedicated to parking.

5. Provide for compatibility between parking and loading areas and adjacent uses as may be applicable.

6. Provide for high quality, safe designs that will be compatible with the character and aesthetic well-being of the Village.

SECTION 11.2.2 OFF-STREET PARKING REQUIREMENTS

A. **Parking Spaces Required.** Permanent off-street parking spaces shall be provided as specified by this Section:

1. **New Development.** All new buildings and structures established after the adoption of this Ordinance shall comply with the regulations of this Chapter.

2. **Redevelopment.** Redevelopment of a building and/or site shall require compliance with the regulations established in this Chapter.

3. **Change of Use.** Before approval of conversion from one type of use or occupancy to another if the new use requires additional parking spaces.

4. Such parking spaces may be provided in a parking garage or in an improved open area, shared parking may be permitted in accordance with *Section 11.2.7. Shared Parking.*

5. In the Village Place Form Based District and in the VMU zoning district credit will be given to count toward the minimum amount of parking required for each on-street parking space located within one hundred (100) feet of the front door of each establishment or for each space provided in a public parking lot located within five hundred (500) feet of the front door of the establishment. This measurement shall be as a pedestrian would walk.

B. **Site Plan Requirements.** Each site plan that is submitted to the Village Planner shall include the following information:

1. Number of required and proposed parking spaces.

2. Location of proposed parking spaces, drive aisles, driveways, and access points.

3. Dimensions of all off-street parking and loading spaces and the means of ingress and egress to such spaces.

C. **Minimum Required Spaces:** Each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in *Table 11.1. Minimum Off-Street Parking Requirements Table*.

D. **Timing of Construction:** All parking areas required under this Section shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses which they serve.

E. **Compact Spaces:** Up to twenty percent (20%) of the total number of required parking spaces may be provided as compact spaces. Compact spaces shall not be less than eight (8) feet in width and 15 feet in length. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

F. **Accessible Parking:** Accessible parking spaces must be provided in compliance with the Americans with Disabilities Act (ADA) in the amounts shown in Table 11.1.

1. Accessible parking spaces must have access aisles that are clearly marked, the same length as the space, and level with the parking space.

2. Car Accessible Parking Spaces must be:

(1) At least 96 inches wide.

(2) Access aisle at least 60 inches wide.

(3) Have no more than a 2.08% slope in all directions.

(4) Have a surface that is firm, stable, and slip resistant.

(5) Include a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (measured to the bottom of the sign).

3. Van Accessible Parking Space must be:

(1) At least 132 inches wide.

(2) Access aisle at least 60 inches wide.

(3) Have no more than a 2.08% slope in all directions.

(4) Provide at least 98 inches of vertical clearance (van height) for the parking space, access aisle, and vehicular route.

(5) Have a surface that is firm, stable, and slip resistant.

(6) Include two signs, mounted at least 60 inches above the ground (measured to the bottom of the sign).

i. International symbol of accessibility

ii. Sign stating the space is van accessible.

Table 11.1 Number of Required Accessible Parking Spaces per Lot

	Number of Handicap-Accessible Spaces		
Total Parking Spaces	**Standard Accessible**	**Van-Accessible**	**Total (Standard + Van)**
1-25	0	1	1
26-50	1	1	2
51-75	2	1	3
76-100	3	1	4
101-150	4	1	5
151-200	5	1	6
201-300	5	2	7
301-400	6	2	8
401-500	7	2	9
500-1,000	5 out of every 6 Accessible Parking Spaces	1 out of every 6 Accessible Parking Spaces	2% of total provided parking
1,000+	5 out of every 6 Accessible Parking Spaces	1 out of every 6 Accessible Parking Spaces	20 plus 1 for each 100 over 1,000

G. **Minimum Parking Standards.** Table 11.2 establishes the minimum parking standards for development within the Village of Pinehurst.

Table 11.2 Minimum Off-Street Parking Requirements Table

Use Types	Minimum Required Parking
RESIDENTIAL	
Single Family Dwelling	2 per dwelling unit
Two Family Dwelling	2 per dwelling unit
Multi-Family Dwelling	1.5 spaces per each one-bedroom unit 2 spaces per each two-bedroom unit 3 spaces per each three-bedroom unit 4 spaces per each four-bedroom unit Guest Spaces – 0.25 per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Triplex/Quadruplex	2 per dwelling unit + 0.25 guest spaces per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Townhouse/Clustered Dwellings	2 per dwelling unit + 0.25 guest spaces per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Family Care Home (6 or fewer residents)	1 per bedroom
Dwelling-Mixed Use	1.5 per unit (or provided as shared parking)
Manufactured Housing	2 per dwelling unit
Congregate Care	1 per employee on largest shift + 0.25 per bed
Continuing Care Retirement Community	1.5 per individual dwelling unit + 1 per employee on the largest shift + 1 per 200 sf used by the public
Residential Care Facilities (More than 6 Residents)	1 per 4 residents plus 1 per staff person largest shift
LODGING	
Bed and Breakfast Homes	1.5 per guest room
Hotel	1 per guest room plus 1 per 800 sf of assembly space, plus additional spaces for restaurants or other facilities (as noted in this Table).
Short Term Rental	1 parking space per guest room

Use Types	Minimum Required Parking
OFFICE/SERVICE	
Banks, Credit Unions, Financial Services	1 per 300 square feet of gross floor area
Business Support Services	1 per 300 square feet of gross floor area
Dry Cleaning & Laundry Services	1 per 200 square feet of gross floor area
Funeral Home	1 per 300 square feet of gross floor area
Medical Clinic	1 per 250 square feet of gross floor area
Medical Office	1 per 250 square feet of gross floor area
Office	1 per 300 square feet of gross floor area
Personal Services	1 per 250 square feet of gross floor area
Post Office	1 per 250 square feet of gross floor area
Professional Services	1 per 300 square feet of gross floor area
Radio/TV Studio	1 per 500 square feet of gross floor area
Small Equipment Repair/Rental	1 per 300 square feet of gross floor area
Small Engine Repair/Sales	1 per 400 square feet of gross floor area
Veterinary Services/Indoor Kennels	1 per 250 square feet of gross floor area
COMMERCIAL/ ENTERTAINMENT	
Sexually Oriented Business	1 per 400 square feet of gross floor area of retail and one per three seats for entertainment areas
Alcoholic Beverage Sales Store	1 per 200 square feet of gross floor area
Amusements, Indoor	1 per 300 square feet of gross floor area
Bar/Tavern/Night Club	5 per 1,000 square feet
Garden Center	1 per 400 square feet of gross floor area plus 1 per 5,000 square feet of outdoor display area
General Retail	4 per 1,000 square feet of gross floor area
Golf Course	4 per green plus 1 per staff person during largest shift plus one per tee (including driving range). This requirement may be reduced by up to fifty percent for private golf courses with verified parking reduction request.

Use Types	Minimum Required Parking
COMMERCIAL/ENTERTAINMENT	
Outside Sales	1 per 300 square feet of enclosed floor area plus 1 per 5,000 square feet of outdoor display area
Restaurant	5 per 1,000 square feet
Theater, Indoor (Movie or Live Performance)	1 per 3 seals based on design capacity
Vehicle Sales, Rental, Service, Repair	5 spaces per service bay, plus 1 space per employee on largest shift
CIVIC	
Civic/Cultural Facilities	1 per 300 square feet gross floor area
Community Shared Facilities	1 per 300 square feet gross floor area
Country Club	1 per 200 square feet of area within enclosed Buildings (1 per 3 seats of meeting space based on design capacity)
Private Clubs	1 per 4 seats of meeting space based on design capacity
Meeting Facilities/Event Venues	1 per 4 seats of meeting/event space based on design capacity
Public Safety Station	1 per employee of largest shift plus one per parked work vehicle/equipment plus one per 1,000 square feet gross floor area.
Recreation Facilities, Indoor	1 per 200 square feet of gross floor area plus 1 per employee of largest shift.
Recreation Facilities, Outdoor	1 per 200 square feet plus 20 per designated athletic field.
Swimming Pool	1 per 75 square feet of water area
Tennis, Pickleball, or Racquet Court	3 per court
Golf Driving Range	1.5 per tee
Marina	1 per every 2 slips plus one space per staff person on the largest shift
Other Active Outdoor Areas	25 per field/recreation area or 2 per participation station
Other Passive Outdoor Areas	5 per acre

Use Types	Minimum Required Parking
CIVIC	
Park	no requirement
EDUCATIONAL/ INSTITUTIONAL	
Child/Adult Day Care Center	1 per 400 square feet of gross floor area
Community Support Facility	1 per 300 square feet of gross floor area plus 1 per staff person largest shift
Hospital	1.5 per bed plus 1 per staff person largest shift
Ambulatory Health + Emergency/Urgent Care Facility	1 per 400 square feet of gross floor area
Religious Institution	1 per 3 seats in main assembly area based on design capacity
Schools- Elementary & Secondary	2 per classroom except for high schools which shall have 4 per classroom.
Schools - Vocational/Technical	1 per 100 square feet of gross floor area
Studio - Art, Dance, Martial Arts, Music	1 per 300 square feet of gross floor area
AUTOMOTIVE	
Fueling Station	1 per fuel pump
INDUSTRY/WHOLESALE/STORAGE	
Artisan Workshops	1 per staff person largest shift
Manufacturing/Wholesale/Storage	.25 per 1,000 square feet of non-office space
Landfill/Waste Recovery Facilities	1 per staff person largest shift
Recycling Collection Stations Municipal	1 per staff person largest shift
AGRICULTURE	
Farming/Animal Production	no requirement
Horse Farm & Training Track	no requirement
Nurseries	1 per staff person largest shift
Gardens (Community and Private)	2 minimum plus 1 per staff person
INFRASTRUCTURE	
Parking Structure	no requirement

Use Types	Minimum Required Parking
INFRASTRUCTURE	
Parking Lot – Principal Use	no requirement
Telecommunications Facilities	1 per facility
Utilities - Moore County and VOP	1 per facility
Utilities - All Other	1 per facility
ACCESSORY USES	
ATM	2 per non-bank location
Beekeeping	no requirement
Cemetery	no requirement
Child/Adult Day Care Home Occupations	no requirement
Farmer's Markets	1 per 1,000 square feet of area used for storage, sales, or display: may be fulfilled with approved shared parking (per *Section 11.2.7. Shared Parking)*
Concealed Wireless Telecommunication facility	no requirement
Home Occupation	no requirement
Pet Houses and Pet Runs	no requirement
Playground Equipment	no requirement
Accessory Buildings	no requirement
Accessory Dwelling Unit	1 per unit
Accessory Structure	no requirement
TEMPORARY USES	
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	as required for principal uses above
Temporary Expansion of School Facilities	as required for principal uses above
Temporary Real Estate Offices	1 per 300 square feet of gross floor area

Use Types	Minimum Required Parking
TEMPORARY USES	
Model Homes	2 per model home
Yard Sales	no requirement

SECTION 11.2.3 OFF-STREET PARKING DESIGN AND LOCATION

A. **Arrangement.** Off-Street parking shall be arranged so that vehicles may be parked/unparked without moving other vehicles.

B. **Encroachment.** All parking areas shall be located and designed to avoid unnecessary backing onto public streets and alleyways.

C. **Sight Distances.** To facilitate safer vehicle circulation within parking lots, shrubs shall be pruned to a maximum height of forty-two (42) inches. Tree limbs shall be pruned to no lower than seventy-two (72) inches from the ground.

D. **Driveways.** Driveways, drive aisles, and joint access easements must not be used for parking vehicles except for single-family and two-family residential.

E. **Wheel Stops.** Each exterior parking space shall be provided with curbing, a tire stop, or, in the case of unpaved spaces, railroad ties or similar material as set forth in the Village of Pinehurst Engineering Standards and Specifications Manual, interior parking spaces may be exempt from curbing and wheel stops.

F. **Pavement and Gravel.** A minimum of seventy-five percent (75%) of all parking areas shall be paved. Twenty-five percent (25%) of parking areas may be graded gravel. All parking areas shall be in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual. Parking areas serving public park facilities owned and operated by the Village of Pinehurst may consist of one hundred percent (100%) graded gravel.

    1. Alternate paving systems for parking areas may be approved by the Village Planner, in consultation with the Village Engineer, based on site conditions, performance factors and emergency access requirements.

G. **Dimensions.** All parking spaces, aisles between parking spaces, and parking space modules, shall meet the minimum dimensional requirements and geometric design standards set forth in the Village of Pinehurst Engineering Standards and Specifications Manual.

H. **Landscaping and Buffering.** Each parking area shall meet all applicable landscaping, screening, and buffering requirements set forth in *Chapter 8. Landscaping and Buffering Requirements*.

I. **Other Uses.** The parking area may be used only for parking and not for any type of loading, sales, storage, repair work, dismantling, or servicing of vehicles except as otherwise may be permitted by this Ordinance.

J. **Village of Pinehurst Recreational Facilities.** Parking associated with Village of Pinehurst passive recreation facilities may be provided as on-street parking.

K. **On-Street Parking.** Where on-street parking is permitted, the on-street spaces directly along a parcel's frontage for any use except a single-family dwelling may count toward the minimum parking requirement.

SECTION 11.2.4 BICYCLE PARKING

A. **Bicycle Parking Requirements**: Bicycle parking shall be provided for all new non-residential and multi-family developments. Bicycle parking shall meet the following standards:

1. A minimum of four (4) bicycle parking spaces shall be required for all new non-residential uses.

2. A minimum of one (1) bicycle parking space shall be provided for every ten (10) dwelling units in multi-family developments, up to a maximum requirement of thirty (30) bicycle parking spaces. This may be achieved through bicycle racks that are not publicly accessible (i.e. not located on the street) and may be installed interior to a parking garage or dedicated bicycle parking room of the multi-family development.

B. **Bicycle Parking Design Standards.**

1. Bicycle parking shall be located no further than fifty (50) feet from a pedestrian entrance in a visible and convenient area that is well-lit.

SECTION 11.2.5 GOLF CART PARKING

A. For all new commercial and multi-family residential development, up to five percent (5%) of vehicle parking spaces provided may be designated for golf cart parking. Additional golf cart parking spaces for recreational uses may be permitted by the Village Planner.

B. **Requirements.** Golf cart parking shall meet the following standards:

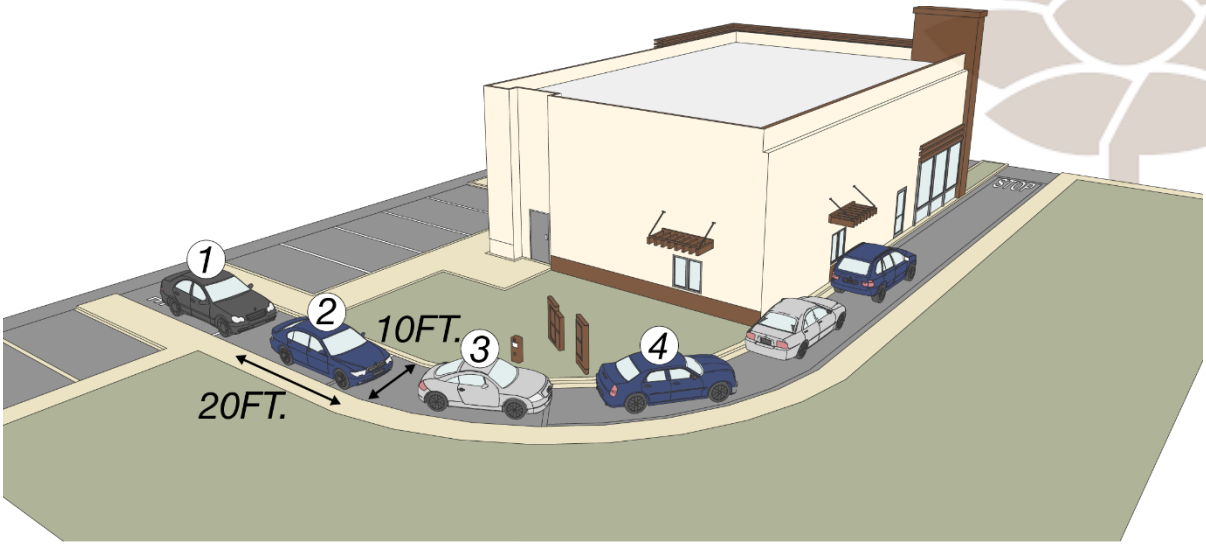
1. Golf carts are subject to the same parking regulations as traditional motor vehicles.
2. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles or in parking spaces specifically dedicated for golf cart parking.
3. Golf cart parking spaces shall measure no less than 6’ x 10’.

SECTION 11.2.6 VEHICLE STACKING REQUIREMENTS

A. **Stacking.**

1. Adequate space must be made available on-site for the stacking, storage, and queuing of vehicles.
2. A stacking space shall be a minimum of ten (10) feet by twenty (20) feet.
3. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets, sidewalks, and crosswalks by vehicles or pedestrians.
4. A restaurant with drive-through facilities must provide a minimum of eight (8) stacking spaces for vehicles when one drive-through lane exists and six (6) spaces at each drive-through when more than one last exists, measured from the pick-up window.
5. Any use with fueling station islands must provide a minimum of 30 feet of stacking space from each end of the island.
6. Other uses that include drive-through facilities such as banks, pharmacies, and similar uses, must provide a minimum three (3) stacking spaces per dedicated drive-through lane.
7. A design alternative may be approved by the Village Planner for a reduced number of stacking spaces if market demand does not require the minimum stacking spaces required per this Section. A narrative and analysis detailing the proposed use and similar establishments within North Carolina shall be required, provided by a Professional Engineer licensed in the State of North Carolina.

Figure 11.1 Stacking Requirements



SECTION 11.2.7 SHARED PARKING

A. One parking lot may contain required spaces for several different uses; however, the required parking spaces assigned to one use may not be counted or assigned to another use, unless otherwise allowed in this Section.

B. The Village Planner may approve the joint use of parking spaces when the peak usage of the available parking by one use will be at night or on Sundays (such as with theaters, assembly halls, or churches), and the peak usage of the available parking by the second use will be other times.

C. To qualify as shared parking for an establishment, spaces must be within 500 feet of the main entrance.

D. Shared parking is permitted by agreement only. The agreement must:

1. Demonstrate that the express legal right to use the parking spaces in question has been obtained.

2. Include a Shared Parking Calculation that specifies the parking being shared and the hours of operation by the uses involved.

3. Be recorded with the Moore County Register of Deeds upon approval.

4. Be enforceable by the Village and approved by the Village Planner and the Village Attorney.

E. An affidavit stating that the shared parking agreement is valid shall be submitted to the Village Planner if any change in use or hours of operation of the affected properties has occurred.

F. A violation shall occur if a use is operated at a time other than during the hours of operation specified in the shared parking agreement. The Village Planner may revoke the Certificate of Use or Occupancy for any use operated in violation of a shared parking agreement.

G. Should there be a change in owners, changes in use, expansion or reduction in building or parking area, a new shared parking agreement as detailed in Section D above shall be submitted to the Village and additional parking may have to be provided as required by this Ordinance or the permit shall be revoked.

SECTION 11.2.8 SATELLITE PARKING

A. Satellite parking may be permitted, subject to certification by the Village Planner that the following requirements have been met:

1. The use being served by the off-site parking shall be a permitted principal use, as was established in *Chapter 6. Zoning Districts and Dimensional Standards,* in the same zoning district within which the lot containing such parking is located.

2. The off-site parking spaces shall be located within 500 feet walking distance, and accessible by sidewalks or other designated safe walkways.

B. Should there be a change in owner, change in use, expansion or reduction in building or parking area, the applicant will have to demonstrate continued compliance through the satellite parking and/or provide additional parking as required by this Ordinance or the development permit shall be revoked.

CHAPTER 12 LIGHTING STANDARDS

SECTION 12.1 PURPOSE AND SCOPE

A. **Purpose and Intent**. The purpose of this Section is to regulate the intensity of outdoor and exterior lighting of non-residential development and establish standards to minimize the adverse impacts of excessive light intensity. The intent of these standards is to:

1. Prevent light from non-residential and commercial developments from excessively illuminating other properties and street rights-of-way.
2. Create and maintain a minimum standard for outdoor lighting.
3. Provide visibility for the safety of motor vehicles and pedestrians.

B. **Applicability**.

1. Approval of an exterior lighting plan shall be a prerequisite to the issuance of a development permit.
2. The following standards are required of all exterior lighting except for streetlights, property owned by the Village of Pinehurst, outdoor recreational uses operated by the Village of Pinehurst or Moore County and those located in RD Districts, except for golf driving ranges and golf courses.

Chapter 12. Lighting Standards . 286
Section 12.1 Purpose and Scope 286
Section 12.2 Standards 287

SECTION 12.2 STANDARDS

A. *Table 12.1 Specific Lighting Standards* defines specific standards for lighting intensity based upon the land use involved. Values are presented in foot-candles (fc) maintained at grade (measured horizontally) and are to be averaged throughout the site to ensure minimum intensity at the edge of the development area. Where a single development occupies multiple lots, the maximum illumination shall be required around the perimeter of the development.

Table 12.1 Specific Lighting Standards

Use	Maximum	Maximum Height
Pedestrian areas/sidewalks	1.0 fc	12 ft - 15 ft
Building entries	10.0 fc	
Street lighting	1.0 fc	30 ft
Open parking areas	3.6 fc	30 ft
Playgrounds	5.0 fc	
Site perimeter	0.5 fc	12 ft - 15 ft

SECTION 12.2.1 MEASURING LIGHTING STANDARDS

Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

SECTION 12.2.2 LIGHTING PLAN

All applicable development per this Section shall provide a lighting plan to be reviewed in conjunction with the application for a development permit in accord with *Chapter 3. Decision Making Bodies*. Lighting plans, required to be provided by a licensed engineer, at minimum, shall comply with the following:

A. All proposed and existing buildings on the site.

B. Pedestrian and vehicular areas.

C. The horizontal location of all proposed and existing outdoor lighting fixtures, including pole and wall-mounted fixtures.

D. Mounting heights of each fixture.

E. Overall height of each pole above grade.

F. Fixture details.

G. Location of externally illuminated signs and associated fixtures.

H. The location of all architectural and landscape lighting fixtures.

I. A foot-candle plan that provides typical foot-candle contours and a point photometric grid that indicates foot-candle levels measured at grade across the site and measuring up to 3 feet off site.

J. Maximum, average, and minimum site foot-candles, uniformity ratio (average and minimum), and deprecation factors are also required.

K. The plan must show horizontal illuminance values in foot-candles for the area to be illuminated.

L. Values must be calculated at grade and include contributions from all on-site fixtures.

M. The plan must plot foot-candles of illumination at ground level to the nearest tenth of a foot-candle, and at horizontal grid intervals of no more than ten (10) feet.

N. The plan shall show illumination levels at the lot line (or perimeter of a development, if applicable) to ensure maximum illumination levels are not exceeded.

O. The manufacturer's cut sheets (specifications) for each proposed fixture.

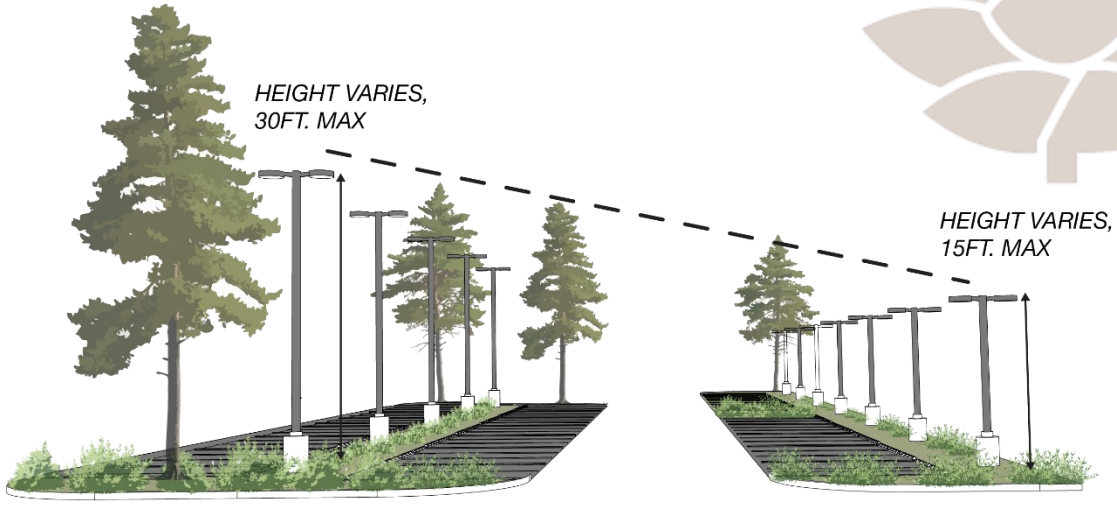
P. Fixture type, including the manufacturer's product identification catalog number, and fixture mounting height.

SECTION 12.2.3 GENERAL DESIGN STANDARDS

A. **Height.**

1. Light fixtures shall be a maximum of thirty (30) feet in height for the lighting of vehicle use areas (such as parking lots or streets) transitioning to twelve (12) to fifteen (15) feet height at the perimeter of the parking area. Taller fixtures are to be located closer to buildings with transitioning heights outward. See Figure 12.1.

Figure 12.1 Parking Lot Lighting Height



2. The Village may require shielding, or other such lighting mitigation measures as it deems appropriate based on the location of the lighting and the adjacent use(s).

3. Light fixtures shall be twelve (12) to fifteen (15) feet in height for pedestrian oriented areas (such as sidewalks, pathways, plazas, and public gathering spaces).

B. **Lighting location.**

1. Lighting fixtures shall be located within landscaped areas when practical, and may not impede pedestrian and or vehicular flows, and be placed to ensure a consistent pattern of light.

2. Outdoor lighting shall be located and operated to minimize the spillover of obtrusive light beyond the boundaries of the property or parcel on which the lighting is sited to prevent annoyance, discomfort, and/or distraction to persons on the other property or parcel.

3. All outdoor lighting fixtures, except for temporary and emergency lighting, that would otherwise cause glare, or obtrusive spill over shall be shielded, recessed or otherwise oriented or treated in such a way to prevent glare or obtrusive spill over.

4. Outdoor lighting shall be placed on the exterior of buildings, along public sidewalks, and at parking lot and building entrances.

SECTION 12.2.4 SPECIFIC DESIGN STANDARDS

A. **External Building Lighting Standards.** External building lighting shall comply with the following standards:

1. Fixtures that decoratively light a building or wall may not light above the parapet of the building or the top of the wall.

2. Landscape and decorative lights are exempt from this subsection.

3. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features.

4. On-site lighting may be used to accent architectural elements but not used to illuminate entire portions of building(s) or sign(s).

5. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 3.0 foot-candles.

6. Building façade and accent lighting will not be approved unless the light fixtures are carefully selected, located, aimed, and shielded so that light is directed only onto the building façade and spillover light is negligible.

7. Motion-activated lighting shall go on only when activated and turn off within five (5) minutes of activation. Motion-activated lighting shall not be triggered by movement off the property.

B. **Parking Area Lighting Standards.**

1. Parking area lighting fixtures may be required to stagger the heights of light fixtures so that the tallest fixtures are in the center of the parking lot, and the lowest heights are at the perimeter of the parking lot.

2. Light fixtures' height shall not exceed thirty (30) feet within the center of a parking area and shall decrease height to twelve (12) to fifteen (15) feet at the boundary of the parking area.

3. Lighting design shall be coordinated with the landscape plan to ensure there are no conflicts.

C. **Pedestrian Lighting Standards.** If pedestrian lighting is provided along internal sidewalks, multimodal paths, civic spaces, and public gathering spaces; it shall meet the following standards:

1. Bollard or path lighting shall not exceed four (4) feet in height.

2. Pedestrian lighting shall provide at least 1.0 foot-candle of illumination and shall not exceed 2.0 foot-candles.

D. **Sign Lighting Standards.** All external lighting for signs shall be designed and located to ensure there is no spillover light. Signs shall follow *Chapter 13. Sign Standards*.

SECTION 12.2.5 GENERAL AESTHETIC STANDARDS

Lighting shall be designed to be uniform throughout a subdivision or development, including the design of light structure and light color.

SECTION 12.2.6 GLARE AND INTERFERENCE

Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

A. Unless otherwise permitted, all lighting shall be beamed downward and away from neighboring property and public streets.

B. All lighting shall be located so that glare and interference with other parcels does not occur.

C. All outdoor lighting fixtures, including display lights, shall be turned off after close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum necessary.

SECTION 12.2.7 DEVELOPMENT

An outdoor lighting plan shall be included in all development permit applications in accord with *Chapter 4. Approvals, Variances, and Administrative Appeals.*

A. The spacing of light shall be provided in the lighting plan submitted by the applicant in cooperation with the electric utility company.

B. All proposed outdoor lighting shall be beamed down and away from adjoining property and streets unless a modification is approved by the Village Council.

SECTION 12.2.8 LIGHTING STANDARDS FOR UNIQUE USES

A. **Sports fields**. Lighting for sports fields and outdoor courts is typically in excess of general outdoor lighting levels. Recreation lighting levels established by the Illuminating Engineering Society of North America (IESNA) are to be used as the standard. Higher lighting levels for tournament or high league play are sometimes required and must be approved by the Village Planner. All sports fields or tennis/pickleball/basketball courts must meet the following minimum standards:

1. Fixtures must be fitted with manufacturer's glare control package.

2. Lighting shall be extinguished no later than one (1) hour after the event ends.

3. Fixtures must be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.

4. Sports fields may have lighting fixtures of a maximum eighty (80) feet in height. The Village Planner may set a shorter pole height if the specific recreational use does not require the taller pole.

5. Spillover illumination levels at the field property lines shall not exceed 0.5 foot-candles.

B. **Convenience store with fuel pumps.** For convenience stores with fuel pumps (i.e. gas station), all light fixtures mounted on the lower surface of canopies must be fully shielded in and of themselves (canopy edges do not qualify as shielding). Light fixtures mounted on canopies may be recessed so that lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to seventy degrees (70°) or less from vertical.

1. The light source shall be metal halide, low-pressure sodium, or high-pressure sodium (maximum of 150 watts).

2. Lighting levels shall be no greater than 20.0 foot-candles under the canopy and no greater than 15.0 foot-candles at the edge of the canopy.

3. Areas outside the service station pump island canopy shall be illuminated so that the maximum horizontal luminance at grade level is no more than 10.0 foot-candles.

SECTION 12.2.9 PROHIBITED LIGHTING

A. **Flashing Lights.** Lights that flash, move, rotate, blink, flicker, vary in intensity or color, or use intermittent electrical pulses are prohibited. Such techniques used for signs that are internal to a building and located behind windows visible from an adjacent right-of-way are not exempt from this requirement.

B. **Floodlights.** Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the site plan.

C. **Tube/Rope Lighting.** Tube lighting in the form of neon or rope lighting is prohibited on building exteriors and along façade trims where it defines a window, door, or

elevation. The utilization of tube lighting behind windows is exempt from this requirement.

D. **Traffic Control.** Lighting that is similar to or could be confused as being a traffic control device are prohibited.

CHAPTER 13 SIGN STANDARDS

SECTION 13.1 PURPOSE AND INTENT

A. The purpose of this Section and the other sign standards contained in this Chapter is to support and complement the various land uses allowed in the Village of Pinehurst by the adoption of standards concerning the placement of signs. These standards are adopted under the zoning authority of the Village to achieve the following:

1. To encourage the effective use of signs as a means of communication in the Village while preserving the rights of free speech under the First Amendment to the United States Constitution.

2. To maintain and enhance the aesthetic environment.

3. To improve pedestrian and traffic safety.

4. To minimize the possible adverse effect of signs on nearby public and private property.

SECTION 13.2 GENERAL REQUIREMENTS

A. **Permits Required**

1. Except as otherwise stated in this Section, signs which are allowed under this Section shall not be erected until and unless the person erecting the sign or the property owner has obtained a Development Permit pursuant to this Ordinance and, where required by the State

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Building Code, a Building Permit from the Planning and Inspections Department.

2. All signs requiring a Development Permit shall be reviewed and approved by the Village Planner prior to said permit, with the exception of proposed signage located within the Historic Preservation Overlay District, which also shall be reviewed and approved by the Historic Preservation Commission or designated staff (COA required).

3. Where the land use which the sign serves requires site plan approval or subdivision plat approval, a temporary or permanent sign denoting the name of the development shall not be permitted or erected on any tract or parcel of land until and unless the site plan or subdivision has received approval from the Village in accordance with the procedures set forth in this Ordinance.

B. **Alteration of Sign Face.** Repainting of a sign, if in conformance with the applicable standards of this Chapter, shall be considered maintenance or repair and shall not require a permit. The changing of tenant name panels on multiple-tenant development signage shall not require a permit.

C. **Compliance Required.** Existing nonconforming signs shall be brought into full compliance subject to the requirements of *Section 2.4. Nonconforming Signs*.

D. **Calculating Sign Face Area.**

1. The sign face is calculated as the entire area within a regular geometric figure, including all elements of the display, including incidental or changeable copy signage, frames, display of identification or licensing required by any agency, and structural elements.

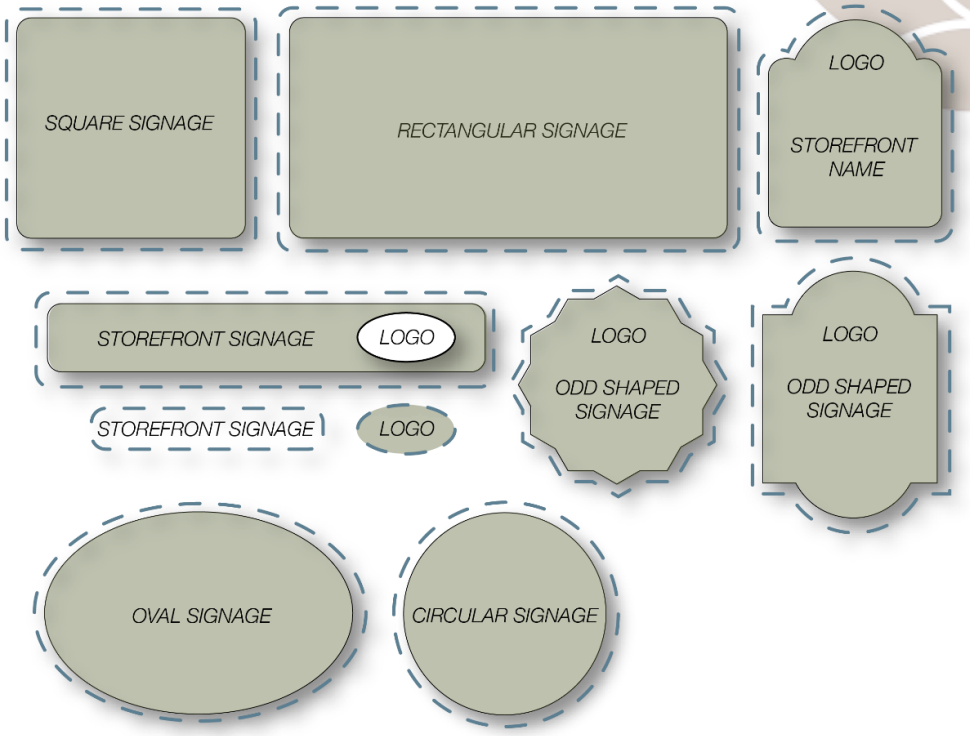
2. The supporting structure shall not be included within the calculation of the sign face area unless otherwise indicated in this Ordinance.

3. In the case of signs mounted back-to-back, only one side is to be included in the calculation of the face area. In all other cases, the face area of each sign is to be calculated separately.

4. For multi-faced signs, the area shall be calculated by adding the area of all faces.

5. For cylindrical signs, such as cubes or other signs which are substantially three-dimensional with respect to their display, all display surfaces should be included in the computation of the face area.

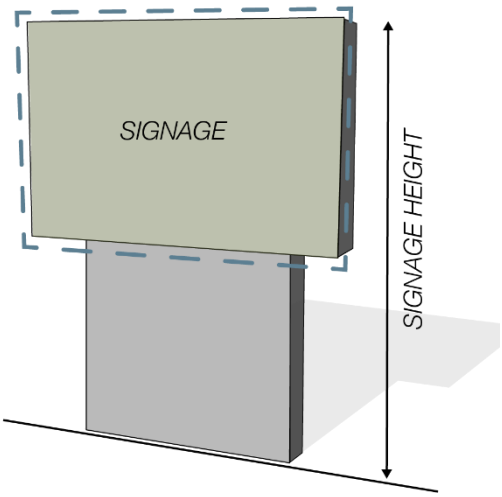
6. If a sign is attached to an entrance wall or fence, only that portion of the wall or fence on which the sign face is placed shall be calculated in the face area.



E. **Calculating Sign Height.**

1. Sign height shall be calculated as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and has lot frontage, whichever is higher, to the top of the highest component of the sign.

2. The finished grade shall be the grade after construction, exclusive of any fill, berms, mounding, or excavating solely for the purpose of locating the sign.



F. **Calculating Wall Area (Sign Measurement)**

1. For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which is determined as follows:

   (1) The area of all parallel vertical surfaces along a single building elevation shall be counted as one wall.

(2) The front of each unit of a multi-tenant building shall be counted as a separate wall.

(3) In cases where a single tenant occupies two or more individual tenant spaces in a multi-tenant building, each tenant shall only be permitted one wall sign. Calculation of the wall area for the purposes of sign area measurement shall include all the units occupied by the tenant.

(4) The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is more parallel with.

(5) A 45-degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.

G. **Location.** Types of signs are authorized by this Section are permitted in zoning districts as provided in *Section 13.4 Permitted Signs by Zoning Districts*.

1. No sign structure shall obstruct any cross-visibility area or traffic control device.

2. In the sight triangle, no freestanding sign may exceed 30 inches in height above the established grade of the street property line.

3. No sign structure shall be within ten (10) feet of utility easements and/or overhead power lines.

4. Unless specifically stated otherwise, setbacks are measured from the nearest point on the sign to the nearest point on a property line.

H. **General Sign Design Standards.**

1. **Design.** Permitted signs are defined in this Section with standards provided. All signs shall be constructed in a professional manner and shall be architecturally consistent with the buildings they identify. Signs shall be or appear to be constructed of stone, masonry, metal, ceramic, glass, plastic, or wood. Ground signs shall include base, cap and column in their design. Signs within Form-Based districts shall be subject to additional standards including architectural styles, treatments/finishes, color(s), location, and size. Refer to *Chapter 7. Form Based Districts* for additional standards.

2. **Colors.** Sign colors shall be uniform between the ground sign and the wall sign. Colors shall be within the approved color palette as noted in Appendix A. Fluorescent, metal flake or iridescent colors or prohibited.

3. **Landscaping.** Ground signs shall be placed in a landscaped setting appropriate to the size and scale of the sign, and character of the site. Landscaping shall comply with *Chapter 8. Landscaping and Buffering*.

4. **Sign Construction Standards.** All signs must be erected in compliance with North Carolina building, electrical, and fire codes, where applicable:

   (1) Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.

   (2) Audio components are prohibited as part of any sign with the exception of drive-through menu signs.

   (3) Signs shall comply with North Carolina Building Code requirements so that the sign cannot be moved by wind or other forces of nature and cause injury to persons or property.

   (4) Signs cannot have intentional moving components, i.e. spinning signs.

   (5) Electric signs that have internal wiring, lighting equipment, and/or external lighting equipment shall not be erected or installed until an electrical permit has been obtained from the Planning and Inspections Department. All such wiring shall be installed underground.

SECTION 13.3 PERMITTED SIGN AREA + NUMBER OF SIGNS

A. **Building Signs.** Building signs include wall, window, canopy/awning, and projecting/blade signs. For the purposes of this Section, the maximum area of all building signs shall not exceed the standards below. Additional specific standards are required for each sign type per *Section 13.5. Permitted Signage by Category*.

B. **Freestanding Signs.** Freestanding signs include monument and subdivision signs as defined in this Section. Freestanding signs shall comply with the size standards below. Additional specific standards are required for each sign type per *Section 13.5. Permitted Signage by Category.*

   1. **Residential Districts**.

      (1) Freestanding signs shall be limited to eight (8) square feet on residential single-family lots and a maximum thirty-two (32) square feet on all other lots.

(2) Freestanding signs shall be limited to a maximum of four (4) feet in height.

(3) Community/subdivision signs are excluded from this standard and shall comply with the standards in *Section 13.5. Permitted Signage by Category*.

2. **Non-Residential Districts**

(1) Freestanding signs shall comply with the specific standards in *Section 13.5. Permitted Signage by Category.*

C. **Total Number of Signs.** A tenant/business is permitted a maximum number of signs as identified below. A tenant/business shall be defined as an owner or lease holder of the individual building/unit within a building.

1. **Building Signs**. A total of three (3) building signs may be permitted per tenant/business. Such signs shall be permitted only on a building frontage along a public or private roadway, or along a parking lot serving the building.

Figure 13.1. Illustrative Example of Building Signs



(1) **Building Size**. The total maximum area of building signs shall be based only on the linear feet of the building frontage.

(2) **Local Road.** Building signs may be placed on the portion of the tenant/building space fronting a local road only when that building frontage includes a public entrance.

2. **Freestanding Signs.** A maximum of three (3) freestanding signs are permitted per development, subject to the specific standards for number of street frontages and the type of freestanding sign per *Section 13.5. Permitted Signage by Category.*

SECTION 13.4 PERMITTED SIGNS BY ZONING DISTRICT

A. **Permitted Signs.** Signs subject to the standards of this section are permitted in the following zoning districts per Table 13.1. If a proposed sign type is not listed in Table 13.1, the Village Planner shall determine if the sign is substantially like a sign listed in the table. If it is deemed similar, the standards applied to the proposed sign shall be the standards of the most applicable similar sign. If not, the sign shall be regarded as prohibited.

Table 13.1 Permitted Signs by Zoning District

PERMITTED SIGNS		R5-R210	RMF	VR		NC	HI	HD	OP	VCP	VC		VMU	PC	FBD	RD
BUILDING SIGNS	RESIDENTIAL DISTRICTS				NONRESIDENTIAL DISTRICTS							SPECIAL DISTRICTS				
Wall						P	P	P	P	P	P		P	P	P	P
Canopy/Awning						P	P	P	P	P	P		P	P	P	P
Projecting		P	P	P		P	P	P	P	P	P		P	P	P	P
FREESTANDING																
Monument		P	P	P		P	P	P	P	P	P		P	P	P	P
Subdivision		P	P	P		P	P	P	P	P	P		P	P	P	P
Ground Directory						P	P	P	P	P	P		P	P	P	P
OTHER SIGNS																
Sidewalk															P	P
Window						P	P	P	P	P	P		P	P	P	P
Theatre Marquee						P										
Post & Arm Sign		P	P	P		P	P	P	P	P	P		P	P	P	P
Address/Tenant ID		P	P	P		P	P	P	P	P	P		P	P	P	P

SECTION 13.5 PERMITTED SIGNAGE BY CATEGORY

A. Signage shall be permitted subject to the standards in the tables below.

1. **Attached Sign Standards.**

Table 13.2 Wall Signs

Definition	Flat signs, channel lettering or three-dimensional signs which are painted or attached (parallel or perpendicular) to the wall of a building or structure.			
Districts Where Sign is Permitted	**VC, VCP, VMX, HD, NC, OP, H, PC, RD**			
Dimensional Standards	Maximum Area	VC, VCP, or VMX	HD, NC, or OP	H, PC, or RD
		6 sq ft.	12 sq ft. / 225 sq ft. in the HD on Buildings 3 stories or taller	24 sq ft.
	Maximum Height	Shall not extend above roofline of building.		
	Maximum Number	1 sign per street frontage per tenant.		
Other Requirements	a. Signs shall only contain name and nature of business.			
	b. Signs shall be professionally etched or printed.			
	c. When 6-inch maximum protrusion, bottom of sign shall be no less than 8 ft above grade.			
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3I.			

Example Graphic	

Table 13.3 Window / Door Signs

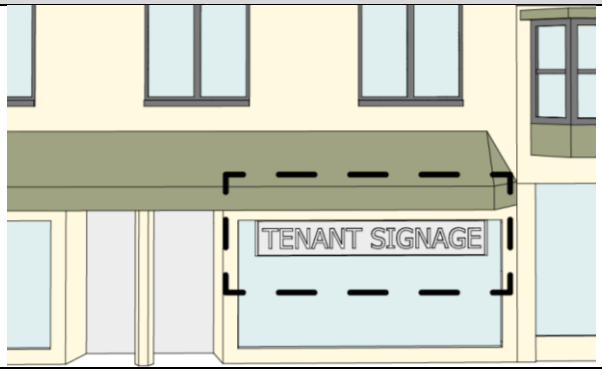
Definition	Flat signs or lettering which are painted or attached to the window of a building or structure.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VC, VMX**	
Dimensional Standards	Maximum Area	20% of the gross glass area, excluding window signs in Sections 13.7 and 13.8
	Maximum Height	N/A
	Maximum Number	1 per street frontage.
Other Requirements	a. Signs shall only contain name and nature of business.	
	b. Signs permitted on windows of minimum size of 30 sq ft.	
	c. Signs shall be professionally etched, painted, or printed.	
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3I.	
Example Graphic		

Table 13.4 Awning / Canopy Signs

Definition	Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VC, VMX**	
Dimensional Standards	Maximum Area	50% of the awning area
	Maximum Height	Canopy/awning signs shall have a minimum clearance of 10’ from the surface below and a maximum height of 4’ above the clearance.
	Maximum Number	1 per awning.
Other Requirements	a. Shall be limited to business identification only.	
	b. Only awnings on the ground story may contain signs.	
	c. Sign materials shall be of similar style and compliment the building façade material.	
Example Graphic		

Table 13.5 Theatre Marquee Signs

Definition	Three-dimensional signs projecting from the side of a building which may extend above the roof line and/or incorporate changeable type.	
Districts Where Sign is Permitted	**Theatres Only.**	
Dimensional Standards	Maximum Area	200 sq ft.
	Maximum Height	N/A
	Maximum Number	1 per theatre
Other Requirements	a. Such signs must be perpendicular to the façade of the building, or at a 45-degree angle from the corner of the building	
Example Graphic		

Table 13.6 Projecting, Suspended Signs

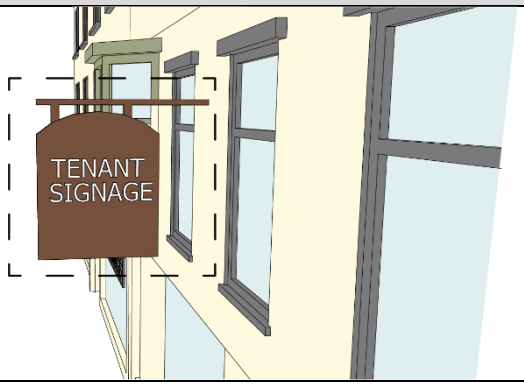
Definition	Pedestrian-scaled signs on the first floor of a building mounted to the side of the building or underside of a balcony or arcade which can be read from both sides.	
Districts Where Sign is Permitted	**All Districts.**	
Dimensional Standards	Maximum Area	4 sq ft per side
	Maximum Height	No sign shall extend above roofline
	Maximum Number	1 per tenant.
Other Requirements	a. All lettering and graphics shall be permanent and shall provide clear pedestrian path up to 8 feet	
Example Graphic		

Table 13.7 Address / Tenant Identification Signs

Definition	Incidental signs that list tenants, unit numbers, address contact information, hours of operation, and similar non-commercial characteristics in a multi-tenant building with common entry.	
Districts Where Sign is Permitted	**All Districts**	
Dimensional Standards	Maximum Area	1.5 sq ft per tenant, owner, location or business. 1 sq ft in the Historic Overlay District.
	Maximum Height	10 ft.
	Maximum Number	1 per tenant.
Other Requirements	a. Signs on mailboxes and newspaper tubes may be in the right-of-way as per applicable postal regulations.	
	b. Street numbers (only) may be painted on the curb.	
	c. Shall have contrasting color to background material.	
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3I.	
Example Graphic		

Table 13.8 Wall Directory Signs

Definition	A type of signage mounted on a wall in public or commercial buildings to help people navigate the space.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VMU, VC.**	
Dimensional Standards	Maximum Area	2 sq ft
	Maximum Height	N/A
	Maximum Number	1 per building entrance.
Other Requirements	a. All tenants shall be served by a wall sign.	
Example Graphic		

2. **Freestanding Sign Standards**

Table 13.9 Ground Signs

Definition	A sign (also known as monument sign or freestanding sign) that is installed directly into the ground with a supporting structure, has columns on the ends of the sign, and is not attached to a building.			
Districts Where Sign is Permitted	**R5 - R210, RMF, VR, PC, RD, NC, H, HD, VCP, OP, VMX, VC.**			
Dimensional Standards	Maximum Area	R5 – R210, or RMF	VR	PC, RD, NC, H, HD, VCP, OP, VMX, VC.
		16 sq ft total area	6 sq ft total area	16 sq ft, 12 sq ft – single-tenant commercial.
	Maximum Height	4 ft.	3 ft.	5 ft, 4 ft in H, VC districts and single-tenant commercial development.
	Maximum Number	1 or 2 sides of major entrance.		1 per street frontage, but no more than 2 per lot. In HD District up to 2 ground signs may be placed at each vehicular entrance.
Other Requirements	a. May not be used in conjunction with other permanent subdivision signage			
	b. Border or molding shall not exceed 6-inch width.			
	c. Signs with border shall be at least 2ft in either horizontal or vertical direction.			

	d. Mulched, turfed, or grassed area of 50 sq ft required at base of all signs without obscuring the sign message.
	e. Additional standards and allowances apply to residential care facilities and institutions, see Section 13.2.
	f. Border or molding shall not exceed 3-inch width
	g. Sign may be double sided. Additional standards and allowances for multi-tenant developments according to provisions of Section 13.3I
	h. All parts of ground signs (on-premises) must be completely out of any public or private right-of-way and any dedicated access easements.
	i. On premises projecting signs that come within six (6) feet of the edge of a right-of-way should be ten feet above the grade and should not extend into the right-of-way.
	j. Ground signs (on-premises) shall be set back at a minimum of fifteen (15) feet from any structure used exclusively as a residence.
	k. The maximum sign area of ground (on-premises) signs is sixteen (16) square feet. Projecting signs in any zoning district shall not exceed an area of six (6) square feet.
	l. The maximum height of a ground (on-premises) sign shall be five (5) feet, measured from the road to which the sign is oriented or grade of the site, whichever is higher. Where a sign interferes with pedestrian clearance or sight distance, the lowest part of the sign shall be a minimum of nine (9) feet from the grade of the site on which the sign is located. Sign height shall be measured from the highest portion of the copy area.
	m. Ground signs (on-premises) which contain two (2) faces may contain up to the maximum sign area as computed under size requirements in this Section, for each face. Signs with three (3) faces shall contain a minimum of fifteen percent (15%) less sign area for each face than the standard maximum. A sign with four (4) faces shall contain a minimum of thirty percent (30%) less sign area for each face than the standard maximum.
	n. Every zoning lot frontage shall be allowed one on-premises ground or projecting sign per property. If the frontage abuts more than one street, one on-premises ground or projecting sign shall be permitted per street.

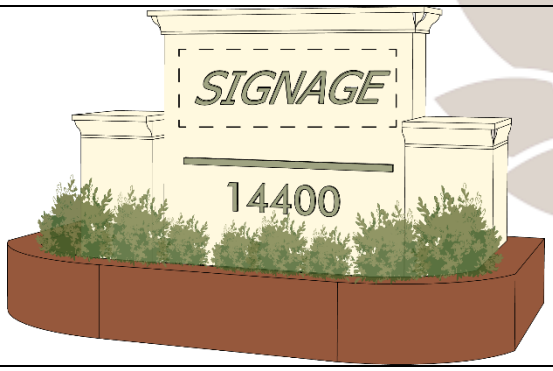
Example Graphic	

Table 13.10 Subdivision Signs

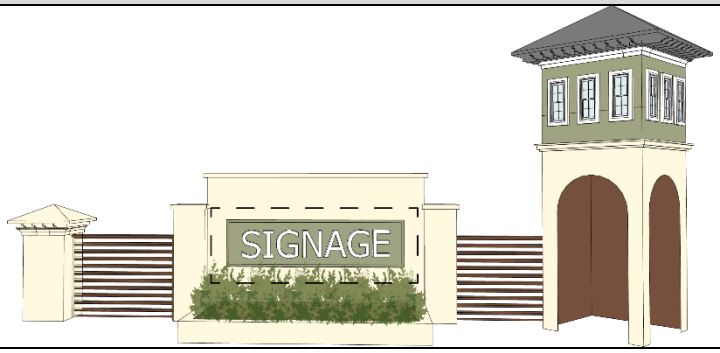
Definition	A ground sign located at the entrance to a subdivision consisting of two or more lots. Subdivision signs shall be located outside all streets rights-of-way, unless permitted by the Village Engineer, and shall not be located on a lot with a principal building.	
Districts Where Sign is Permitted	**Residential and FBD**	
Dimensional Standards	Maximum Area	16 square feet
	Maximum Height	4’
	Maximum Number	One per development entrance.
Other Requirements	a. Minimum setback from lot line - none	
	b. Minimum setback from ROW – 5’	
Example Graphic		

Table 13.11 Post and Arm Signs

Definition	Minor or secondary signs are used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.	
Districts Where Sign is Permitted	**All Districts**	
Dimensional Standards	Maximum Area	4 sq ft per side.
	Maximum Height	4 ft.
	Maximum Number	1 per tenant.
Other Requirements	c. 5 ft minimum front setback and 10 ft minimum side setback.	
	d. No sign shall be located in any required screen yard or within 20 ft from any right-of-way intersection.	
Example Graphic		

Table 13.12 Portable / A-Frame / Sidewalk Sign / Wallboard Sign / Barber Pole

Definition	A sidewalk sign (also commonly referred to as a sandwich board or A-Frame) allows for the display of a message on the sidewalk. Each business is limited to one sidewalk sign, located only in front of the entrance.	
Districts Where Sign is Permitted	**Historic Preservation Overlay District**	
Dimensional Standards	Maximum Area	6 sq ft.
	Maximum Height	4 ft (A-Frame and Pedestal Sign), 3 ft (Wallboard Sign).
	Maximum Number	1 per business.
Other Requirements	a. Sign shall not interfere with pedestrian or vehicular traffic, shall be placed within 12 ft of business main entrance, and shall be removed when business is closed (except for wallboard sign and barber pole).	
	b. Changeable sign shall only be chalkboard or dry erase board.	
	c. Occupant shall obtain historic district approval and development permit from the Village Planner.	
Example Graphic		

Table 13.13 Ground Directory Signs

Definition	A freestanding sign erected on a supporting base, not attached, supported or suspended to or from any building or structure.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VMU, VC.**	
Dimensional Standards	Maximum Area	15 sq ft max per side, except 6 sq ft max in VC District. 1.5 sq ft per tenant.
	Maximum Height	5 ft, except 4ft in VC and H Districts.
	Maximum Number	1 per building entrance.
Other Requirements	a. All tenants shall be served by a ground sign.	
	b. Border and molding shall not exceed 3 inches and shall be included in total area calculation.	
	c. Signs shall contain only name and/or nature of the business and shall be professionally etched, painted, or printed.	
	d. Comprehensive Sign Plan required per Section 13.12.	
Example Graphic		

SECTION 13.6 SIGNS NOT REQUIRING A PERMIT

The following signs are allowed in all zoning districts, without a Development Permit except where stated, subject to the standards set forth in this section and elsewhere in this Ordinance:

A. **Governmental Signs**

1. Signs posted by the Village, Moore County, State, and Federal agencies in the performance of their duties such as regulatory signs, development/wayfinding signs, welcome signs and traffic signs. Such signs are exempt from these conditions.

2. Signs installed under governmental authority which note the donation of buildings, structures or streetscape materials (such as, but not limited to benches, park facilities, etc.).

B. **Flags, Etc.** Any flag, badge or insignia customarily displayed by any government, governmental agency, or charitable, civic, fraternal, patriotic, religious or similar organization provided such flag, badge or insignia does not exceed a total size of twenty-five (25) square feet and provided that flags in residential zoning districts are not flown at a height greater than twenty (20) feet and flags in non-residential zoning districts are not flown at a height greater than thirty-five (35) feet.

C. **Window Displays**

1. Window signs in non-residential or commercial buildings denoting hours of operation, emergency telephone numbers, credit card acceptance information, or non- neon-like, (including LED lights) "Open" signs shall be no larger than one (1) square feet in total. No window sign type shall be duplicated.

2. Merchandise, pictures or models of products or services that are incorporated as an integral part of a window display.

D. **Building Marker Signs.** A sign cut or etched into masonry, bronze or similar material on a building.

E. **Historical Marker signs**

1. Historical markers, monuments, or signs approved by the Village Council.

2. Signs, corner stones, plaques, and/or similar signs that identify the name, date, or historical information about the structure no larger than one and one-half (1½) square feet.

F. **Legal and Warning Signs**

1. Standard Signs denoting the location of underground utilities.

2. Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.

3. Signs posted in association with Village, Moore County, State or Federal authorities for crime prevention and public safety and health.

4. Signs that are posted upon property to identify private parking areas, or to warn the public against trespassing or danger from animals, or to warn of a private security system provided that no such sign shall exceed 12 inches by 18 inches surface area per side and provided that there are no color regulations. No advertising may be affixed to such a sign.

G. **Occupant/Street Number Signs**

1. Signs that give the name or address of the occupant of a building, mailboxes, newspaper tubes, and similar uses customarily associated with residential and non-residential structures. No development permit is required.

2. All dwellings and non-residential buildings shall have address numbers posted in accordance with Section 95.018 of the Pinehurst Municipal Code.

3. All buildings in the Historic Preservation Overlay District may have a one (1) square foot sign identifying the name of the structure in letters not larger than four (4) inches in height.

H. **Vending Machine/Automatic Teller and Gasoline Pump Signs.** Signs attached to and made an integral part of a vending machine, automatic teller machine or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.

I. **Development Identification Signs.** Development identification signs containing the name and/or logo of a subdivision, multi-family development, or planned development, provided such signs meet the standards of *Section 13.5. Permitted Signage by Category.* A Development Permit is required.

J. **Directional Signs**

1. **Parking Lot Signs**

(1) Only one (1) sign identifying the entrance and exit to a parking lot, with a surface area no greater than two (2) square feet, and only one (1) non-illuminated sign prescribing parking regulations, with a surface area no greater than four (4) square feet may be erected at each entrance or exit to the parking lot. No other signs shall be erected in conjunction with the parking lot except for handicapped signs, parking time limits, and reserved spaces.

2. **Civic Activities Signs**

(1) One (1) ground sign identifying direction to the schedule, rules, and regulations for municipal, school, churches, recreational, and club-sponsored activities, provided that:

(2) The surface area of the sign is no more than six (6) square feet per side.

(3) The sign is located at least five (5) feet from any public or private street right-of-way. Such sign may use manually changeable copy.

(4) A development permit is required. May be separate or incorporated into a ground sign.

3. **All Other Directional Signs**

(1) No more than two (2) signs per entrance or exit shall be permitted.

(2) Directional signs must be located on the premises to which directions are indicated.

(3) Such signs may not exceed three (3) feet in height if freestanding.

(4) Directional signs may not exceed four (4) square feet per face.

(5) Such signs may contain no copy (i.e., company name or logo) other than directional information.

(6) Illumination of such signs shall be as permitted for on-premises signs in the land development district where the sign is located.

K. **Incidental Signs**

1. Signs containing information necessary or convenient for persons coming on premises shall be located on the premises to which the information pertains.
2. No advertising may be affixed to such a sign.
3. Such signs must be single faced only and wholly attached to a building (maybe located on windows or doors).

L. **Small Informational Signs.**

1. Signs not exceeding twelve (12) inches in any dimension that are intended to provide safety, security, or courtesy information on private property, including but not limited to:
   (1) Alarm company notification signs.
   (2) “Curb Your Pet” or pet waste control signs.
   (3) Electric or invisible fence warning signs.
   (4) Similar signs intended for property identification, security, or safety awareness.
   (5) Such signs shall not be illuminated and shall be limited to one (1) per street frontage or access point, unless otherwise required by law or utility provider.

SECTION 13.7 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.** One (1) sign for lots of less than five (5) acres in area and two (2) signs for lots of more than five (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 three (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.** One (1) sign per development entrance not to exceed two (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 three (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.** One (1) sign for lots of less than five (5) acres in area and two (2) signs for lots of more than five (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 three (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 NCGS § 163-166.40 and concluding seven (7) days after the election.

6. **Setback from Edge of Pavement.** 3 feet

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.** One (1) sign-on-lot where sale is located and six (6) 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 three (3) days and in any event must be removed within one (1) day of completion of the event.

6. **Setback from Edge of Pavement.** 10 feet

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 four (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.** One (1) on-site and four (4) off-site.

2. **Maximum Area.** 12 x 18 inches.

3. **Time Duration.** The signs shall be placed on the day of the "open house" and must be removed by the end of the first regular workday 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.** One (1) wall sign or one (1) window sign. Signs permitted by Sections 13.7 and 13.8 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 may obtain a temporary signage permit provided that:

1. **Maximum Number.** One (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.

SECTION 13.8 EXEMPT SIGNS

A. **Local, State, and National Flags.** Local, state, and national flags shall have no limitations.

B. **Job Site Signs.** Signs placed in districts that help contractors identify job sites are permitted provided they shall be removed when that trade is no longer active at the site.

SECTION 13.9 PROHIBITED SIGNS

A. **Prohibited Signs in all Zoning Districts**

1. Any private or unofficial sign or sign structure that is erected, constructed, or maintained in a public or private street right-of-way, except otherwise provided in this Ordinance. Small signs 12” in any dimension or less are permitted along curbs or sidewalks.

2. Any sign that is located within or obstructs a sight triangle at a street or driveway intersection.

3. Any sign that is located in any manner or place to constitute a hazard to traffic.

4. Any moving sign set in motion by wind, except for flags, mechanical, electrical, or any other means except for barber pole signs used in connection with an active barber shop. This shall include, but not be limited to, propellers, balloons, or discs.

5. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity. Any searchlight or similar device.

6. Any illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, or the edges of walls, except for perimeter

down-lighting which is shielded to illuminate open sales areas but not land outside those areas.

7. Any sign that obstructs or substantially interferes with passage through any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building.

8. Portable signs, including any sign painted or displayed on vehicles or trailers if the vehicle or trailer is parked in a location for the primary purpose of displaying the sign, except for signs that are painted on, or attached to commercial vehicles which are not parked for the primary purpose of displaying the sign (excludes A-Frame, wallboard, and pedestal signs located within the Historic Preservation Overlay District (*Section 13.5. Permitted Signage by Category*, *Table 13.12. Portable / A-Frame / Sidewalk Sign/ Wallboard Sign/Barber Pole*).

9. Any sign that copies or imitates an official sign, or that purports to have official status. This shall not include traffic, directional or regulatory signs or notices erected by a federal, state, county, or municipal government agency. This provision shall not apply to commercial developments located within the Pinehurst South Form Based District. These developments may have up to three (3) off-premise signs if both of the following occur:

   (1) The signs are placed on property under common ownership within the development.

   (2) The signs are located within 400 feet of the development.

10. Signs on the roof or above the parapet of a building.

11. Wall or window signs in all residential zoning districts, except for house numbers, historical names, and those signs permitted by *Section 13.5. Permitted Signage by Category*, *Table 13.3. Window / Door Signs.*

12. Changeable copy signs except manually changeable signs as permitted in *Section 13.7. Temporary Signs.*

13. No lighting shall be erected or utilized for temporary signs, except for signs described in *Sections 13.8. Exempt Signs.*

14. Any sign placed on a utility pole, street signpost, traffic signal support, hydrant, bridge, overpass, tree, or rock that is not installed or approved by the Village of Pinehurst.

15. Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited.
16. Sign structures on which no sign is erected are prohibited.
17. Abandoned signs or sign structures must be removed within sixty (60) days of becoming an abandoned sign or sign structure.
18. Signs containing or consisting of pennants, ribbons, streamers, balloons, feather flags, bow signs, or spinners are prohibited.
19. Gas or air-filled balloons, figures, or other inflatable signs.
20. Signs projected onto someone else's property digitally or with lights
21. Unpainted plywood signs.
22. Off-premises signs or signage that advertises goods or services provided on a different lot, tract or site from where the sign is located. This prohibition does not apply to subdivision signs in accord with *Section 13.5. Permitted Signage by Category*, *Table 13.9. Ground Signs*.
23. Outdoor advertising, whether on-or off-premise.

SECTION 13.10 SIGN ILLUMINATION

A. **External Illumination.**

1. Only stationary and shielded light sources directed solely onto the sign are permitted.
2. External illumination shall not shine or provide glare directly on rights-of-way or adjacent residential uses.
3. Flashing and intermittent lights are prohibited. Window signs, interior tube lighting and/or illumination along windows, or signs within an establishment below four (4) square feet are exempted from this requirement.
4. Outline, strip lighting, and neon tube lighting on the exterior of sign structures are not permitted.
5. Flame as a source of light is prohibited.

B. **Internal Illumination.**

1. Only illumination with a designation of “white” or “day lite” shall be emitted.
2. Poles and other support structures shall not be internally illuminated.
3. The letters or message of internally illuminated signs shall consist of non-reflective material.
4. Flame as a source of light is prohibited.
5. In any Residential District, internally illuminated signs are not permitted, except such internally illuminated signs in any Residential District which existed as of the effective date of this Ordinance.

C. Illumination in signs shall not impair the vision of motor vehicle drivers.

D. Signs shall not exceed 0.2 footcandles at the property line.

E. **Awning illumination.** No awning shall be lighted so as to cause the awning to be illuminated. Back lighting of a sign message shall not be allowed. Surface lighting of signage on awnings is allowed provided that the primary function of the lighting is to light the sign message.

Table 13.14 Permitted Signage Illumination by Location

	None Permitted	External Illumination	Internal Illumination
R5 - R210, RMF, VR		•*	
Residential Care Facilities/Churches		•	
RD, H, VCP, VC, VMU, PC		•	
HC, NC, OP, HD		•	•**

* Only ground signs may be illuminated.

** Awning / Canopy signs may not be illuminated internally.

SECTION 13.11 OTHER SIGN REGULATIONS

A. **Removal of Illegal Signs in Right-of-Way and on Public Properties**

1. The Village Planner or designee may remove and dispose of any sign placed on public property or within the right-of-way of any public street.

2. Signs determined to be in violation of this Ordinance and removed from public property, or a public right-of-way, shall be discarded.

3. In addition to other remedies and penalties of this Section, the Village has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

B. **Maintenance**. All signs must be maintained to be safe in their approved, permitted state. Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a permit as long as the sign content, color, and sign size remain the same.

1. Disfigured, cracked, ripped, or peeling paint, poster paper, or other material shall not be permitted.

2. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts.

3. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign message from the street or right-of-way from which it is to be viewed, unless such vegetation is incorporated as a landscape element.

4. No illuminated sign may stand with only partial lighting (i.e. some components dark).

5. Non-commercial messages. Any sign, display or device allowed under this Chapter may contain, in lieu of any other copy, any otherwise lawful non-commercial message.

C. **Abandoned and Unsafe Signs.**

1. Abandoned and Unsafe Signs. Any sign that no longer advertises a bona fide business conducted, or a product sold, and/or is deteriorated/broken/damaged as to cause harm to the public, shall be removed within ninety (90) days per *Chapter 5. Enforcement.*

D. **Signs Associated with All Institutional Uses**

1. **Ground Sign.** One (1) ground sign shall be permitted per street front, not to exceed two (2) total, identifying the name of the respective Institution, subject to the following standards:

   (1) **Maximum Area.** 15 square feet (including molding, which shall not exceed 6 inches in width)

   (2) **Maximum Height.** 4 feet

   (3) **Maximum Length.** 12 feet

   (4) **Illumination.** Sign may be externally or internally illuminated by white light. External lighting shall be shielded.

   (5) **Landscaping.** Sign shall have at least a 2-foot perimeter of landscaped area at the base of the sign.

2. **Wall Sign.** One (1) wall sign shall be permitted, subject to the following standards:

   (1) **Maximum Area.** 32 square feet. If the sign contains only a symbol and no text or other markings, the sign may total 70 square feet.

   (2) **Illumination.** Sign may be externally or internally illuminated by white light. External lighting shall be shielded.

E. **Signs Associated with Gas/Fueling Stations**

1. **Ground Sign.** Establishments that sell gasoline in non-residential districts shall have the following ground signs allowed under this section:

   (1) **Maximum Number.** One (1) sign per frontage with a maximum of two (2) signs

   (2) **Maximum Area.** 12 square feet per side

   (3) **Maximum Height.** 4 feet

   (4) **Border and Molding.** 3 inches and shall be included in total area calculation of a sign.

2. **Price/Directional Signs.** Gasoline prices and/or location of self-service areas may be located at and secured to each pump island and shall have:

(1) **Maximum Area.** 6 square feet per side

(2) **Maximum Height.** 4 feet

(3) **Maximum Length.** 6 feet

3. **Inspection Station.** Where the establishment provides inspection services, an official State of North Carolina inspections sign may be erected on the property.

4. **Canopies.** Signs on gas station canopies are considered to be wall signs and shall be no larger than six (6) square feet.

F. **Drive-Through Menu Signs.** For each establishment with a lawful, permitted use that utilizes a drive-through lane, a maximum two (2) drive-through menu signs shall be allowed for each drive-through lane.

1. Each allowed drive-through sign may be either a freestanding monument sign or an attached sign and shall not exceed forty (40) square feet in sign area and ten (10) feet in height.

2. Drive-through signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.

3. Drive-through signs shall require a permit.

G. **Movie Theaters and Performance Halls.** A changeable copy marquee may apply to either a ground or projecting sign with a fifty percent (50%) addition to the maximum size permitted in the zoning district.

SECTION 13.12 COMPREHENSIVE SIGNAGE PLANS

SECTION 13.12.1 PURPOSE AND INTENT

The purpose of this Chapter is to establish standards and procedures for the review and approval of Comprehensive Signage Plans (CSPs) to ensure coordinated, aesthetically appropriate, and effective signage within multi-tenant developments, large commercial or mixed-use centers, planned developments, and other projects as required. This Chapter is intended to promote visual harmony, reinforce community identity, reduce sign clutter, and protect the health, safety, and general welfare of the public.

SECTION 13.12.1 APPLICABILITY

A Comprehensive Signage Plan shall be required under the following circumstances:

A. **Multi-Tenant Developments.** Any development with three (3) or more separate tenant spaces on a single parcel.

B. **Shopping Centers and Office Complexes.** Any commercial or office development with more than 20,000 square feet of gross floor area.

C. **Special Purpose Campuses.** Institutional campuses (e.g., hospitals, universities).

D. **As Otherwise Required.** When required as a condition of a Conditional Use Permit, Planned Development, or other discretionary entitlement.

SECTION 13.12.3 REQUIRED CONTENT

A Comprehensive Signage Plan shall include the following components:

A. **Cover Sheet and Site Information**

1. Project name, address, and parcel identification.
2. Contact information for the applicant and property owner.
3. Vicinity map and site plan.

B. **Narrative Description**

1. Intent and objectives of the CSP.
2. Description of project type and tenant mix.

C. **Site Plan**

1. Location of all proposed and existing freestanding signs.
2. Location of primary building entrances and vehicular access points.

D. **Sign Inventory Table**

1. Listing of all proposed sign types (e.g., wall, monument, projecting).
2. Dimensions (height, width, area) and materials.
3. Illumination type (internal, external, halo, non-illuminated).

E. **Design Guidelines and Standards**

1. Color palette and typography standards.
2. Construction materials and fabrication details.
3. Mounting techniques and sign placement rules.
4. Illumination specifications and restrictions.

F. **Master Sign Program Matrix.**

1. Allocation of allowable sign area per tenant or building.
2. Provisions for anchor vs. inline tenants (if applicable).

G. **Maintenance Plan.**

1. Description of ongoing maintenance responsibilities.
2. Replacement standards for damaged or aged signage.

SECTION 13.12.4 REVIEW AND APPROVAL PROCESS

A. **Application Submittal.** Applications must be submitted to the Planning and Inspections Department using the approved forms and shall include all items listed in *Chapter 4. Approvals, Variances, and Administrative Appeals*.

B. **Review Authority.** CSPs shall be reviewed and approved by the Village Planner or designee.

C. **Findings for Approval.** The reviewing authority must find that the proposed CSP:

1. Meets requirements of Chapter 13.
2. Ensures consistency in sign design, placement, and scale across the development.
3. Does not adversely affect public safety or the visual environment.

D. **Modifications.**

1. Minor modifications may be approved administratively by Village staff.
2. Substantial changes shall require an amendment to the approved CSP subject to the original approval procedure.

SECTION 13.12.5 RELATIONSHIP TO OTHER SIGN REGULATIONS

A. **Superseding Standards.** An approved Comprehensive Signage Plan may establish alternative standards that supersede the otherwise applicable provisions of the Sign Code, provided they meet the intent and findings required under *Section 13.3. Permitted Sign Area + Number of Signs.*

B. **Code Conflicts.** In the event of a conflict between the CSP and other sign regulations in Chapter 13, the approved CSP shall prevail, unless otherwise determined by the reviewing authority.

SECTION 13.12.6 ENFORCEMENT AND COMPLIANCE

A. **Binding Effect.**

1. All signage within a development subject to a CSP must comply with the approved plan.

2. Deviations shall constitute a violation of this Ordinance and may be subject to enforcement actions as noted in *Chapter 5. Enforcement.*

B. **Expiration.** CSP approvals shall remain valid unless modified or revoked. In the event of phased development, sign implementation shall correspond to the applicable development phase.

CHAPTER 14 LOT AND SUBDIVISION STANDARDS

SECTION 14.1 WATER AND SEWER REQUIREMENTS

A. **General.** All subdivisions and all developments (including single-family dwellings) shall be designed for and connected to Public water or sewer or meet applicable Health Department requirements for on-site systems where Public water or sewer is not required to be provided. The developer shall be responsible for obtaining all necessary permits and approvals for any water or sewer system extensions.

B. **Oversized Water and Sewer Facilities.** The Village, Moore County Utilities or other public utility providers may, in order to serve future development, require the developer to install certain oversized water and sewer improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the developer.

C. **Water Requirements.** Any subdivision or development that has public water system lines available shall be required to extend the public water system throughout the development or the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps, related utility appurtenances and capped service to the property line of each lot as required by the Village Engineering Standards and Specifications Manual and/or other public utility providers. Such systems shall be designed and

Chapter 14. Lot and Subdivision Standards 335
Section 14.1 Water and Sewer Requirements..... 335
Section 14.2 Design Standards for Single Family Dwellings 337
Section 14.3 Design Standards for Major and Minor Site Plans 341
Section 14.4 Subdivision Standards..... 343

installed to allow for future extension to adjoining property as determined by the Village Engineer in consultation with the Pinehurst Fire Department.

1. The term "available" shall mean that there is an existing public water line of adequate size and water flow and/or pressure within three hundred (300) feet of the outside boundary line of the subdivision or development; or the Village, Moore County Utilities or other public utility provider, at its option, indicates its commitment to extend such a water line within three hundred (300) feet of the property line of the subdivision or development at no cost to the developer and there are no legal or topographic problems that prevent the developer from connecting onto and extending the existing system to the subdivision or development.

    (1) In the event there are phases to the subdivision or development, or the subdivision or development is a part of a larger tract of land owned or under the control of the developer, then in that case public water service shall be deemed to be available if an existing or proposed public water system line extends or will be extended within three hundred (300) feet to the larger tract of land.

2. In the event the Village, Moore County Utilities or other public utility provider elects not to extend a water line of sufficient size, flow, and/or pressure within three hundred (300) feet of the subdivision or development boundary because of topographic features, legal obstacles, or financial reasons, then the developer shall not be required to extend public water lines to each lot nor provide public water service to the subdivision or development.

D. **Sewer Requirements.** Any subdivision or development that has public sewer system lines available shall be required to extend the public sewer system throughout the subdivision or development to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift stations, pumps, clean outs, taps, other related appurtenances and service to the property line of each lot as required by the Village Engineering Standards and Specifications Manual and/or other public utility provider.

1. The term "available" shall mean that there is an existing public sewer line of adequate size and sufficient capacity within three hundred (300) feet of the outside boundary line of the subdivision or development or the Village, Moore County Utilities or other public utility provider, at its option, indicates its commitment to extend such a sewer line within three hundred (300) feet of the property line of the subdivision or development at no cost to the developer and

there are no legal or topographic problems that prevent the developer from connecting onto and extending the existing system to the subdivision or development. In the event there are phases to the subdivision or development, or the subdivision or development is a part of a larger tract of land owned or under the control of the developer, then in that case public sewer service shall be deemed to be available if an existing or proposed public sewer system line extends or will be extended within three hundred (300) feet to the larger tract of land.

2. In the event the Village, Moore County Utilities or other public utility provider elects not to extend a sewer line of sufficient size and capacity within three hundred (300) feet of the subdivision or development boundary because of topographic features, legal obstacles, or financial reasons, then the developer shall not be required to extend Public sewer lines to each lot nor provide public sewer service to the subdivision or development.

SECTION 14.2 DESIGN STANDARDS FOR SINGLE FAMILY DWELLINGS

SECTION 14.2.1 PURPOSE

The intent of this Section is to assure that single family residential development is compatible with existing development and consistent with its site and surroundings and the Statement of Intent of this Ordinance.

SECTION 14.2.2 DESIGN CRITERIA AND REVIEW PROCEDURES

A. Appendix B of this Ordinance contains the checklist to be used by the applicant as well as the staff in the review and permit authorization process.

B. A foundation survey is required prior to construction above the foundation if it is shown on the submitted plan that the structure is within five (5) feet of the required setback and the structure has a permanent foundation or is a swimming pool.

C. Revisions and changes will be considered and approved or disapproved by the Village Planner. Examples of changes include site plan, landscape plan, change of height or the addition of elements not previously shown. All proposed changes shall be submitted in electronic format to the Village Planner. Village staff will evaluate the proposed changes and provide a response to the applicant. For all changes, redrawing of plans shall be required.

SECTION 14.2.3 EXTERIOR BUILDING MATERIALS AND COLORS

A. Structures found in the Historic Preservation Overlay District are subject to the standards and requirements of that district, see *Section 6.4.1. Historic Preservation Overlay District*, and other applicable standards of this Ordinance.

SECTION 14.2.4 SINGLE FAMILY DEVELOPMENT LANDSCAPING

A. The following landscaping standards apply to new single-family development and redevelopment.

Table 14.1 Single Family Development Landscape Standards

Zoning District	Number of Trees Per Dwelling	Number of Trees Required in Front Yard*
R-5, R-8	4	1
R-10, R-15	5	1
R-20	6	2
R-30	8	2
R-210	16	4
New Planting Size Requirements		
Tree Type	**Minimum Planting Height**	**Minimum Caliper**
Evergreen Trees	6 feet	2 inches
Tall Trees	8 feet	2 inches
Small Trees	6 feet	1.25 inches

*Note that this requirement is part of the total number of trees required per dwelling, not in addition to. See Appendix F for a list of allowable trees.

1. Tree Preservation Credits shall be in accordance with *Section 8.1.2.D. Use of Existing Trees for Credit* .

B. **Tree Placement and Planting.**

1. The Village Planner may authorize minor modifications subject to the following:

   (1) Small trees as identified in Appendix F may be used to avoid conflicts with overhead infrastructure.

   (2) To allow alternate species where site and/or soil conditions are not suitable for certain plant/tree species.

(3) To allow for alternative placement due to presence of public utility easements.

C. As part of the required single-family site plan review process, the approximate location, size and type of trees to be used to meet this standard shall be shown on a landscape plan.

D. All trees used to meet the intent of this Section shall be healthy and well protected during construction. See Appendix F for a listing of trees which are known to be adaptive and naturalized in the Sandhills of North Carolina. Any of these trees can be used in meeting the tree standards of this Section.

E. HVAC units, pool equipment, well houses, and other structures on the property shall be screened with landscaping material or fencing so as to be fifty (50%) opaque.

F. **Foundation Plantings Required.** Foundation plantings shall be provided for all principal and accessory buildings along the front and sides. The number of plants or plant groupings shall be provided based on the linear footage of foundation along all sides of each structure minus doorways, and steps at a rate of one (1) shrub or plant grouping per six (6) linear foot of foundation. A minimum of fifty percent (50%) of the required plantings shall be five (5) gallons or larger at the time of planting, the remainder shall be a minimum of three (3) gallons in size. Said plantings are not required to be placed in a uniform, linear arrangement when installed and plant groupings or ground cover beds may be used to meet the intent of this section.

G. The site shall be designed to minimize the removal of mature specimen trees, for example, Longleaf Pine, Dogwood, American Holly and Southern Magnolia.

H. **Maintenance/Alteration of Landscape Plans.** Changes or alterations to a previously approved landscape plan require approval of a Development Permit showing compliance with the landscaping and buffer yard standards of this Section.

SECTION 14.2.5 SINGLE-FAMILY DWELLING DEVELOPMENT REVIEW PROCESS

A. When staff determines that the application is complete and in compliance with this Ordinance, a Development Permit shall be issued.

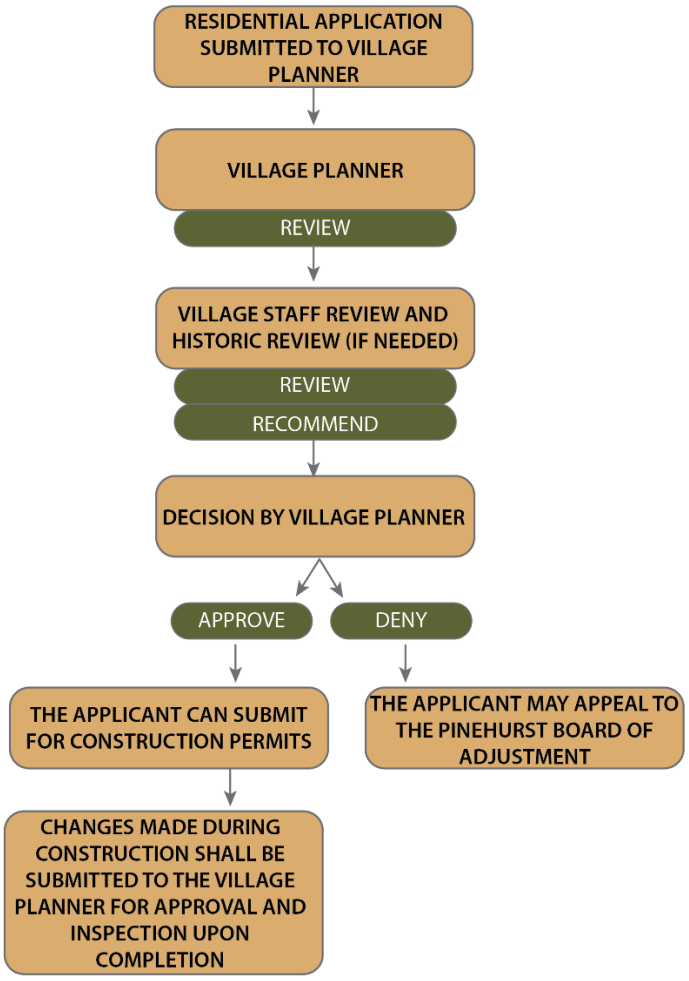
B. Applicants may then apply for a building permit (at the discretion of the applicant, building permits may be applied for prior to the issuance of the Development Permit, but a building permit shall not be issued prior to a Development Permit).

C. Throughout construction, exterior changes may occur. All changes must be resubmitted to the Planning and Inspections Department and be reviewed for compliance.

D. If the structure has a permanent foundation (or is a swimming pool) and is shown to be within five (5) feet of the setback on the approved plans a final survey in addition to the foundations survey shall be provided showing compliance.

E. Upon completion of the project the Village Planner will conduct a compliance inspection and sign off on a Certificate of Occupancy, if required.

F. Single Family Residential Plan Review Flow Chart



G. **Certificate of Occupancy.** A Certificate of Occupancy will only be issued upon:

1. Receipt of a final survey demonstrating compliance with all dimensional standards, if required.

2. Final inspection and recommended approval by the Village Planner or designee.

3. Final inspection and approval by the Building Inspector and Fire Marshal, if required.

4. Final inspection of driveway by Public Works Department, if required.

SECTION 14.3 DESIGN STANDARDS FOR MAJOR AND MINOR SITE PLANS

SECTION 14.3.1 GENERAL DESIGN STANDARDS FOR MAJOR AND MINOR SITE PLANS

A. All site plan development shall meet the following standards before they may be approved by the Village Planner or Village Council:

1. The proposed development shall comply with all general development standards for the zoning district in which it is located, as set forth in this Ordinance.

2. Traffic circulation and control patterns within the site shall be adequate to provide access to adjoining properties where appropriate and streets and shared driveways shall be provided for adjoining developments where possible.

3. Walkways shall be located so that pedestrians may walk from store to store or building to building on the site and on adjacent properties.

4. Where on-site travel lanes and/or driveways connect to adjacent properties and allow traffic movement between adjacent properties, such lanes and driveways shall be constructed in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual and in this Ordinance.

5. Parking shall not be allowed along the travel lanes and driveways as described above and adequate no-parking signs shall be installed along all such travel lanes and driveways.

6. Water supplies, fire protection facilities and sanitary sewer facilities shall be adequate to serve the type and amount of the total planned development in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

7. Drainage systems shall be adequate for the disposition of storm water in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

SECTION 14.3.2 REQUIRED IMPROVEMENTS FOR MAJOR AND MINOR SITE PLANS

A. **Required Features.** In addition to meeting the standards set forth in *Section 14.3.1. General Design Standards for Major and Minor Site Plans* above, the developer or applicant shall be required to do the following:

1. To dedicate any additional right-of-way necessary to achieve the width required for all streets adjoining the property.

2. To reserve but not dedicate right-of-way for highways to which the development is prohibited from having access.

3. To improve all rights-of-way adjoining the property in accordance with the requirements set out in the Engineering Standards and Specifications Manual and the Village's Thoroughfare Plan.

4. To install sidewalks along the frontage of existing streets. This requirement does not have to be met when it is documented by the applicant that the property is prohibited from having a vehicular driveway from the exiting street due to access control or other requirements.

5. To install street signs in accordance with (B) below.

6. To install street lighting in accordance with (C) below.

7. To provide public water and sewer service in accordance with the Engineering Standards and Specifications Manual and public utility providers.

8. To provide required open space.

B. **Street Signs.** Street name signs that comply with the Engineering Standards and Specifications Manual or NCDOT shall be placed at all street intersections. The developer shall install the signs or pay the actual cost for Village installation at the discretion of the Village or NCDOT. The developer shall be required to replace or repair any street sign which is damaged during construction.

C. **Street Lighting.** Street lighting shall be installed by the developer with underground wiring but only at the following road junctions and crossroads that:

1. Experience high volumes of periodic traffic after darkness (e.g. hospital shift changes).
2. Are part of an intersection with a primary State Highway.
3. Will facilitate pedestrian traffic in the Village Commercial District.

SECTION 14.4 SUBDIVISION STANDARDS

SECTION 14.4.1 REQUIRED OPEN SPACE

A. **Purpose.** The purpose of the required open space is to manage the subdivision of land for residential development in a manner that results in more effective conservation of the natural environment, preservation of the Village's community character, provide active and passive recreational opportunities, and add to the visual character of a development. Required open spaces are designed to function as a municipal land use management tool that will enable the conservation and protection of a site's important features, including natural, historical and archaeological resources and community character, such as scenic vistas, view sheds, and greenway connections.

1. All major subdivisions of land in the following residential zoning districts shall comply with the following required open space regulations and all structures in the zoning districts shall comply with the following dimensional requirements, except as may be otherwise provided by this Ordinance.
2. Unless strictly outlined in this Section, vehicle use areas, streets, driveways, and sidewalks shall not be used toward the open space calculation.

Table 14.2 Table of Required Open Space Dimensional Requirements

	R-210	R-30	R-20	R-15	R-10	R-8
Minimum Amount of Required Open Space	25%	15%	15%	15%	15%	15%
Minimum Lot Size	3.5 acres	24,000 sq. ft	16,000 sq.ft.	12,000 sq.ft.	8,000 sq. ft.	6,400 sq. ft.
Minimum Lot Width At the Setback Line	100 feet	80 feet	65 feet	60 feet	60 feet	50 feet
Minimum Front Yard Setbacks	100 feet	32 feet	32 feet	24 feet	24 feet	16 feet
Minimum Side Yard Setbacks	40 feet	16 feet	12 feet	12 feet	12 feet	8 feet
Side Street Setbacks	50 feet	16 feet	16 feet	16 feet	16 feet	12 feet
Minimum Rear Yard Setbacks	50 feet	24 feet	24 feet	24 feet	20 feet	16 feet
Maximum Lot Covered By Impervious Surface	30%	36%	42%	45%	48%	50%

*** Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Required Open Space regulation of this Ordinance and to the future development of the lots created under these regulations. All unmodified applicable dimensional requirements presented in the Table of Dimensional Requirements, Section 9.2a, shall apply.

B. **Areas Not Included in Open Space.** The following are not considered open space and cannot be counted toward minimum open space requirements:

1. Private yards including those with single family residential lots, not part of an open space or conservation easement.
2. Street right-of-way or private easements.
3. Vehicular parking areas and driveways.
4. On-site wastewater treatment facilities, including septic tank drain fields.
5. Stormwater control measures.

6. Areas providing entry signage.

7. Designated outdoor storage areas.

C. **Open Space Design.** Open spaces shall allow for public areas, semi-public areas, and/or private outdoor areas. All open space areas shall be landscaped in accordance with this PDO and provide uniform design and coordinated experiences for the user.

D. **Open Space Allocation.**

1. At least fifteen percent (15%) of the open space shall remain in its natural state. This open space shall be provided in one or more parcels with the objective of maintaining natural systems and wildlife corridors, but consideration shall be given to connecting open space within a subdivision and to adjacent properties and subdivisions.

2. **Active and Passive Features.** At least twenty-five percent (25%) of the open space shall be dedicated and designed to allow for active recreation and/or passive recreation features.

   (1) Passive or active recreation areas shall be located so as to provide accessibility to all residents of the residential subdivision.

   (2) Examples of active recreation and passive recreation features are identified in *Table 14.4 Example Active and Passive Features*, and may include but are not limited to those listed.

Table 14.3 Example Active and Passive Features

Active Features	Passive Features
Lawn Games and Concrete Gaming Tables	Walking Trails
Hard Courts (Tennis, Pickleball, etc.)	Boardwalks
Playgrounds	Gardens
Swimming pools and/or splash pads	Greens
Athletic Fields (Baseball, Soccer, etc.)	Picnic Areas
Clubhouse, Pavilions, Amenity Centers, Gazebos, Shade Structures	Lakes and Ponds
Exercise Facilities	Benches and Seating Areas
Plazas	Natural Areas
	Greenways

(3) The Village Planner may administratively approve similar features which are in keeping with the intent of this ordinance.

E. **Access.** Common recreation areas shall be located and designed to be easily accessible for residents and users of the development. Open spaces shall make accommodations to provide universal designs that may be enjoyed by different target users and provide for ADA accessibility.

F. **Ownership, Management, and Maintenance of Common Open Space.**

1. Required common open space area shall be managed and maintained as permanent open space through one or more of the following options:

(1) Open space may be held in common ownership by the owner(s) of the development, who will be responsible for managing and maintaining the land for its intended open space purposes.

(2) Open space areas may be conveyed to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes.

(3) Open space areas may be conveyed to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

(4) Open space areas may be dedicated to the public and conveyed to the Village or other public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

2. Easements may be established on those parts of individually-owned lots including open space areas that require the areas to be managed consistent with their intended open space purposes and prohibit any inconsistent future development. Any options involving private ownership of required common open space area shall include association by-laws, deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities. Such instruments shall be approved by the Village as sufficient to comply with this standard before or in conjunction with approval of any Subdivision Approval for

the development, or any Construction Plan Approval for the development if no Subdivision Approval is required.

3. Responsibility for managing and maintaining common open space areas lies with the owner of the land comprising the areas. Failure to maintain common open space areas in accordance with the approved development shall be a violation of this ordinance. Identification of who bears responsibility for managing and maintaining common open space areas shall be shown on any recorded subdivision plat or site plan.

SECTION 14.4.2 REQUIRED DEDICATIONS, IMPROVEMENTS AND DESIGN STANDARDS IN GENERAL

A. The requirements of this Section refer to all subdivisions, both residential and non-residential, unless otherwise noted.

B. The following dedications and improvements shall be installed in accordance with the appropriate standards where required prior to the approval of the final plat of a subdivision or the phase of a subdivision:

1. Land, easements.
2. Required or provided open space and common areas.
3. Monuments and markers.
4. Streets.
5. Curbs and gutters.
6. Storm drainage.
7. Sidewalks and greenways.
8. Utilities.
9. Street signs.
10. Streetlights.
11. Street yards, street trees and landscaped buffers around the perimeter of the subdivision.
12. Financial guarantees and warranties.

C. A Building Permit shall not be issued, and a building or structure shall not be occupied, until and unless all dedications, or payment in lieu thereof, and improvements required by this Section have been installed in a satisfactory manner and approved by the appropriate Village staff for the final plat.

D. A subdivision may be approved and in phases provided that no phase is smaller than twenty percent (20%) of the entire area of the subdivision, or two (2) lots, whichever is larger and provided that the infrastructure for the phase has been installed in a satisfactory manner and approved by the Village Planner and Village Engineer.

SECTION 14.4.3 BLOCKS

A. Block lengths shall not exceed one thousand (1,000) feet and shall be no less than three hundred (300) feet except where said block adjoins a golf course or lake or other natural features. Block formations shall avoid long sections of straight lines.

B. Pedestrian ways or crosswalks, no less than five (5) feet in width, shall be provided near the center and entirely across any residential block which is five hundred (500) feet or more in length where necessary to provide adequate pedestrian circulation or access to schools, churches, retail stores, personal service establishments, or transportation facilities.

SECTION 14.4. 4 LOTS

A. The size, shape, and location of lots shall be established with due regard to topographic conditions, contemplated uses, and the character of the surrounding area.

B. Side lot lines shall be substantially at right angles or radial to street lines.

C. The minimum width of the lot at the street right-of-way line shall meet the requirements of Table 14.3 and be large enough to accommodate all driveways, drainage facilities, and utilities in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

D. All residential buildings shall be oriented toward the front yard. For corner lots and through lots, setbacks based on the proposed direction of the building, should be shown on the plats.

E. Flag lots shall be limited to one (1) lot per subdivision or two percent (2%) of the total number of lots whichever is greater.

SECTION 14.4.5 STREETS

A. All streets within a subdivision shall be designed and built in accordance with the standards of this Section and in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual. These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles to accommodate for thoroughfare plans and the Village of Pinehurst Engineering Standards and Specifications Manual.

B. Streets shall be designed and located with regard to existing and proposed streets, to the topography of the area, to such natural features as streams and forested areas, to public convenience and safety and to the proposed use of land to be served by such streets. The proposed street layout shall be consistent with good land planning practices for the type of development proposed and shall be coordinated with the street system of surrounding areas. All streets shall provide for the continuation or extension of the principal streets in surrounding areas and shall provide reasonable means of ingress and egress for surrounding properties. Street design shall avoid long sections of straight street lines. Roundabouts shall be provided where traffic conditions would warrant in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

C. The names of the streets and the addresses of the individual lots in the subdivision shall be reviewed and approved as part of the preliminary plat.

D. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided for all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutters whenever the street is continued.

E. **Street Trees Required.** See *Section 8.2.5.D Street Trees Required*.

SECTION 14.4.6 SURVEY MONUMENTS AND MARKERS

The subdivider shall install subdivision and property monuments and markers as required by NCGS and the standards of practice for land surveying in North Carolina.

SECTION 14.4.7 STREET LIGHTING

A. Street lighting shall be installed by the developer with underground wiring, but only at the following road junctions and crossroads that:

1. Periodically experience high volumes of traffic after darkness (e.g. hospital shift changes).
2. Are part of an intersection with a primary State Highway.
3. Will facilitate pedestrian traffic in the Village Commercial District.

SECTION 14.4.8 STORM DRAINAGE

A. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Village Engineer in accordance with Village of Pinehurst Engineering Standards and Specifications Manual.

B. No surface water shall be channeled or directed into a sanitary sewer.

C. Where feasible, the subdivider shall connect to an existing storm drainage system. In the absence of an existing storm drainage system, the developer shall be required to channel all storm water drainage to an existing watercourse where practicable.

D. Lakes, ponds, creeks and similar areas will be accepted for maintenance by the Village only if the Village Council determines that sufficient land to be dedicated for a public use not limited to the development which it lies.

E. The Village shall accept no responsibility to maintain any storm drainage structures or easements, except for those lying within a Village right-of-way or traversing Village-owned property.

F. Where a subdivision is traversed by a stream, lake, pond, water course or drainage way, an easement shall be provided conforming with the lines of such streams and of sufficient width as will be adequate for the purposes of maintenance as determined by the Village Engineer.

G. Before installation, a complete set of construction plans for the proposed storm drainage system prepared by a registered professional engineer shall be submitted for approval by the Village Engineer.

SECTION 14.4.9 SIDEWALKS

A. Sidewalks are required on one (1) side of all new streets in all residential developments when they serve eight (8) or more dwelling units and on both sides of all new streets in non-residential developments and subdivisions in accordance with the construction requirements set forth in the Village of Pinehurst Engineering

Standards and Specifications Manual. Sidewalks are also required on existing street frontage of all non-residential subdivision developments.

B. Along private gated streets that are being added to an existing neighborhood as a subsequent phase, the sidewalk requirement may be waived by the Village Council as part of the preliminary plat approval if it is determined that it is in the best interest of the public and the existing neighborhood to allow for the continuation of the development pattern within the existing sections of the development.

C. Before installation, a complete set of construction plans for the proposed sidewalk system prepared by a registered design professional, licensed in the State of North Carolina, shall be submitted for approval by the Village Planner.

SECTION 14.4.10 UTILITIES

A. The application for a preliminary subdivision plat must be accompanied by satisfactory evidence as to the adequacy of the proposed method and system of water supply and sanitary sewage collection and disposal and by a Certificate of Approval thereof by the Health Department or public utility provider. Public water and sewer shall be required where available in accordance with *Section 14.1 Water and Sewer Requirements*.

B. In addition to the requirements of the Moore County Health Department and any State agencies regarding water and sewage systems, all water and sewer mains shall be installed with the connections for individual service lines included, running from the mains to the property line of the property to be served, where said connections will run under the pavement and paved areas, they shall be installed prior to paving.

C. Water mains and sanitary sewers shall be installed in accordance with State of North Carolina Standards and Village of Pinehurst Engineering Standards and Specifications Manual and public utility providers for each lot in the tract of land to be subdivided in whole or in part.

D. Before installation, a complete set of construction plans for the proposed water and/or sewage system prepared by a registered professional engineer shall be submitted for approval by the Village Engineer or public utility provider.

E. The Village or public utility provider may require installation of oversized facilities when it is in the interest of future development of property not owned by the subdivider. The Village or public utility provider shall pay for that portion of the improvement that exceeds the typical Village or public utility provider standards if

the oversized facilities are required for use of development of property other than that of the subdivider. Any payment by the Village or public utility provider shall be based upon costs pre-approved by the Village or public utility provider.

F. All electrical, cable antennae, natural gas, telephone, and other service lines shall be installed underground in accordance with offsets and depth specified by the Village or public utility provider.

SECTION 14.4.11 NAME OF SUBDIVISION

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Moore County unless it is an extension of that subdivision.

SECTION 14.4.12 HISTORIC PROPERTIES AND NATURAL ASSETS

A. In any subdivision, actions will be taken to safeguard the heritage of the Village by preserving any archaeological site or any property therein, or located on adjacent property thereto, that embodies important elements of its cultural, social, economic, political or architectural history and likewise all due consideration should be given to promoting the use and conservation of such property for the education, pleasure and enrichment of all the residents of the State of North Carolina.

B. The name and location of all historic properties, located within the proposed subdivision or within any contiguous property, shall be clearly identified on both the preliminary and final plats if any such historic property is listed on the U.S. Department of Interior's National Register of Historic Places.

SECTION 14.4.13 TIMING AND INSPECTION OF IMPROVEMENTS

A. **Level Required for Final Plat Approval.** The final plat shall not be approved until and unless the subdivider has installed all improvements in accordance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance.

B. **Final Plat Inspection.** Prior to approval of the final plat, the Village Engineer and Village Planner shall inspect all improvements for conformance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance. The Village Engineer and Village Planner shall have fifteen (15) business days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in accordance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance, or to provide the applicant with a list specifying all defects, deficiencies, and required repairs.

C. **Building Permit.** The Planning and Inspections Department shall issue no Building Permit for development within the subdivision until and unless the subdivider has installed all improvements in accordance with the requirements of this Section and the approved preliminary plat, construction drawings, and with the requirements of this Ordinance, and all such improvements are functional, and the final plat has been recorded for the lot to be built upon.

D. **Improvements Not Required for Final Plat Approval.** A final plat may be approved with outstanding infrastructure if a financial guarantee is provided in accord with *Section 14.4.14. Financial Guarantees*. A financial guarantee may be provided for some remaining infrastructure including sidewalks, paths, greenways, final lift, and landscaping.

SECTION 14.4.14 FINANCIAL GUARANTEES

A. **Guarantee.** In lieu of prior construction of the improvements required by this Ordinance, the sub-divider shall guarantee that such improvements will be carried out according to Village specifications at his/her expense. Additionally, the sub-divider shall submit a schedule for the completion of the remaining infrastructure improvements.

B. **Types of Guarantees.** Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina or certified check drawn in favor of the Village, or cash deposited with the Village, or a letter of credit from a local bank. Such guarantees shall be in an amount of not less than one hundred twenty-five (125) percent of the estimated cost of the construction of the required improvements.

C. **Time Limit.** Improvements must be completed by the developer within five (5) years of the approval of the guarantee. The applicable guarantee shall be renewed at least fifteen (15) days prior to expiration or be self-renewing. Failure to renew the guarantee fifteen (15) days prior to the expiration shall be considered defaulting by the developer. Any renewal of the guarantee shall be done in the same fashion as the original guarantee.

D. **Default by Developer.**

1. Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, the Village may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Village.

2. Upon payment, the Village, in its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.

E. **Release of Guarantee.** The Village Manager, or designee, may release a portion of any security posted as the improvements are completed and recommended for approval by the Village Planner or Village Engineer. Such funds shall be released within thirty (30) days after approval of all improvements by the Village Planner or Village Engineer.

F. **As-Built Drawings Required.** As a condition of release of any guarantee, as-built drawings and plans of all water system, sewer system, streets, sidewalks and storm drainage system facilities shall be prepared by the subdivider and submitted to the Village Engineer and Moore County Utilities at the time of request for Final Plat approval or release of any surety for required improvements, whichever comes later. These plans should show all easements and/or rights-of-way to demonstrate that the required improvements and facilities are properly placed. These drawings need not be placed on the final plat.

G. **Village Attorney Review.** All instruments for the financial guarantee may be referred to the Village Attorney.

H. **Note on Plat.** There shall be language placed on the final plat that states that all of the required improvements have not been installed for the development and that the lots being platted may not be buildable until such time as all required improvements have been made.

CHAPTER 15 DEFINITIONS

SECTION 15.1 USE AND MEANING OF WORDS

A. Words contained in this chapter are those having an applied meaning and relative to the purposes of this Ordinance. Words not listed in this chapter shall be defined by reference to:

1. The latest edition of the State of North Carolina Building Code or, if not defined therein;

2. The latest edition of Webster's New International Dictionary, unabridged.

SECTION 15.2 DEFINITIONS

Accessory Building. Buildings that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of common accessory structures include but are not limited to: garages and carports. Pole barns and hay sheds qualify as accessory structures where associated with bona fide farms and may or may not be located on the same parcel as the principal structure.

Accessory Structure. Arbors, trellises, pergolas, and storage sheds located on the same parcel as the principal structure and the use of which is incidental to the principal structure.

Accessory Dwelling. A dwelling unit either added within an existing single family detached dwelling or in a separate accessory structure on the same lot as the principal dwelling, or within a commercial building for

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use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation and sleeping.

Accessory Use. A use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.

Act of God. An extraordinary interruption by a natural cause (as a flood or earthquake) of the usual course of events that experience and/or care cannot reasonably foresee or prevent.

Active Frontage. Where retail or restaurant space, lobbies, or building amenities must be located on the ground floor facing the street, encompassing a minimum of sixty percent (60%) of the square footage of the building.

Active Recreation. Recreational features that include equipment and recreation taking place at prescribed places, sites or fields, which allow for the active needs of residents or users of the development in which they serve. Examples of Active Recreation features include playgrounds, swimming pools, athletic fields, and amenity centers.

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure, including porches, and other additions that change the volume/area or building footprint. Additions to existing buildings shall comply with the requirements for new construction.

Administrative Decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards. Also known as ministerial or administrative determinations.

Administrative Hearing. A proceeding to gather facts needed to make an administrative decision.

Adult. A person who has attained the legal age of majority; or eighteen (18) years.

Adult Day Care. A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of residence, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.

Adult Establishment. Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital

areas, or the female breast as listed and defined in NCGS § 14.210.10 (or any successor thereto).

A-frame Sign. A sign with any upright, rigid supporting frame in the form of a triangle with steeply angled sides that is hinged or joined at its top in the shape of the letter "A" forming a triangle which conveys a message. Such A-frame signs do not include human directional signs upon which a sandwich board sign is hung, nor does it include signs which are attached to metal prongs similar to real estate signs.

Agriculture, Livestock. Any use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as rabbits and fish and fur-bearing animals in captivity. This definition is not to include horse farms, as they are listed as a separate use.

Agriculture, Non-Livestock. The use of land for the production of grains, field crops, vegetables, fruits, nuts, and horticulture and floriculture.

Agri-Tourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Alcoholic Beverage Sales Store. The retail sales of liquor, spirits and/or other alcoholic beverages for off-premises consumption as a primary use and owned or operated by the State of North Carolina Alcoholic Beverage Commission.

Alley. A public or private service road which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration. Any change, addition, or modification to a building or structure that does not increase its size or footprint, but may affect its appearance, materials, or internal configuration. This includes changes to architectural details, finishes, or structural components, but excludes routine maintenance or repair that does not affect the design or character of the structure.

Amusements, Indoor. Establishments that provide commercial entertainment activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys.

Amusements, Outdoor. Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water parks.

Animal Hospital. A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals that are admitted for overnight stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.

Annexation Petition. Also known as a voluntary annexation petition. The extension of the Village boundaries by the petition of the owners of real property following the form of petition specified by NCGS § 160A-31.

Antenna. A transmitting and/or receiving device used in telecommunications that radiates or captures radio and/or television signals.

Antenna Collocation. Uses involving the placement of antennas on a vertical projection (including a structure built for communications) that does not require substantial modifications and meets the definition of an “eligible facility” in NCGS § 160D-931.

Antenna, Directional. An antenna or array of antennas designed to concentrate on a radio signal in a particular area.

Antenna, Microwave. A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Antenna, Omnidirectional. An antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.

Antenna, Whip. An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional. Their size varies based upon the frequency and gain for which they are designed.

Apiary. The assembly of one (1) or more colonies of bees at a single location.

Approved. Certified as correct or otherwise meeting the requirements of this Ordinance by a Village official or other authority having jurisdiction.

Aquifer. A water bearing stratum of permeable rock, sand or gravel.

Architect. A professional architect registered by the State of North Carolina.

Area of Shallow Flooding. A designated zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard. The land in the one hundred (100)-year flood plain, as designated by the Federal Emergency Management Agency (FEMA), subject to a one (1) percent or greater chance of flooding in any given year.

Art Gallery. A space for the exhibition or sale of art, usually visual art, including, but not limited to, paintings, photography, and sculpture.

Artisan Workshops. The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building. These typically involve the work of artisans or craftsmen.

As-Built Plan. A set of engineering or site drawings that delineate the specific permitted development as actually constructed.

ATM. Self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Attached Dwelling. A building which contains two or more dwelling units which share one (1) or more common walls fifty (50) percent or more of their length, with each dwelling unit located on a separate lot.

Automotive Repair. The automotive repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Awnings. An architectural projection that provides weather protection, identity and/or decoration, and is wholly supported by the building to which it is attached, and is comprised of a lightweight, rigid, or retractable skeleton over which an approved cover is attached.

Backyard Pens / Coops. The long-term keeping of fowl, rabbits, and other similar small creatures in backyards as an accessory use to existing residential structures.

Banks, Credit Unions, Financial Services. Establishments that engage in financial transactions that create, liquidate, or change ownership of financial instruments. Banks,

credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds. In addition to banks and credit unions, financial services institutions may include credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

Bar/Tavern/Night Club. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Base Flood Elevation (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. If the Base Flood Elevation (BFE) is not specified for a Special Flood Hazard Area, it may be determined through engineering studies conducted by federal, state, or other qualified sources, utilizing FEMA-approved engineering methodologies.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement. That portion of a building that is partly or completely below grade.

Bed. A piece of furniture or built-in fixture used or intended for sleeping or resting, typically found in residential, lodging, or institutional settings. For occupancy calculations, each bed may represent one sleeping space.

Bed and Breakfast Homes. A structure constructed as a single-family dwelling, occupied by the owner, in which rooms are rented for lodging of transient guests for compensation and where no meals other than breakfasts are served.

Beekeeping. The rearing and breeding of honeybees.

Berm. Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

Best Management Practices (BMP). Structural or non-structural measures or techniques used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Bicycle Rack. A facility for short-term or long-term bicycle parking.

Billiard/Pool Hall. Any place where the primary use is one (1) or more billiard or pool tables, operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit. This shall not exclude other permitted uses from having no more than two (2) billiard or pool tables as an accessory use.

Block. A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the Village of Pinehurst or its extraterritorial zoning jurisdiction or any combination of the above.

Boarding or Rooming House. Short or long-term accommodation that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodation, or single room occupancy units that provide a number of related services including but not limited to housekeeping, meals, and laundry services.

Bona Fide Farm Purposes. Includes the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry; horse rearing, feeding, training, caring, boarding and management; and all other forms of agriculture as defined in NCGS § 106-581.1 and all other purposes described in NCGS § 160D-903.

Boutique Shop. A small shop or store that sells specialized goods, including such items as gifts, fashionable clothes, accessories, or food.

Broadcasting Studio. A programming origination studio for a television station, radio station or cable television provider.

Buffer Yard. A landscaped or vegetated area intended to partially obstruct the view of adjacent land uses or properties from one another and are classified and measured as follows.

A. Front is equal to the depth of the front yard setback of the zoning district extended to the side property lines.

B. Rear is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.

C. Side is equal to the width of the side yard setback from where it intersects both the front and the rear yard.

D. Side Street is equal to the width of the side street setback from where it intersects both the front and rear yard.

Building. Any structure used or intended for supporting or sheltering any occupancy, storage or use.

Building Envelope. An area of land upon which a principal and/or an accessory building may be erected as defined by the building setbacks on a lot of record.

Building Floor Area. The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.

Building Footprint. The portion of a lot's area, which is enclosed by the foundations of buildings, plus any cantilevered upper floors.

Building Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

Building Inspector. An officer or other designated authority charged with the administration of the State Building Code and other duties described within this Ordinance.

Building Permit. A permit that allows the commencement of construction of a structure or building, after being issued by the Planning and Inspections Department pursuant to Chapter 3 of this Ordinance and the State Building Code.

Building Setback Line(s). Lines parallel to and inside of the lot lines, at the setback distances prescribed by this Ordinance.

Building Setback. The minimum distance from the property line to the farthest projection of the exterior face of buildings, walls or any other form of construction (i.e. decks, landings, terraces, porches and patios on grade).

Built-Upon Area (BUA). Per NCGS § 143-214.7D, impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. None of the following surfaces shall be considered “built-upon area”: a slatted deck, water area of a swimming pool, a surface of number 57 stone laid at least four inches thick over a geotextile fabric, a trail that is either unpaved or paved as long as the pavement is porous, landscaping material, artificial turf.

Bulkhead. A vertical wall structure designed to retain shoreline material.

Business Support Services. Establishments that provide any of the following. document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, tax preparation, legal services and office product sales.

Caliper Measurement. Caliper measurement of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four (4) inches, the caliper should be measured at twelve (12) inches above the ground.

Canopy Tree. A large-growing, shade-producing tree with an expected mature height of 40 feet or greater and spread at maturity of 30 feet or greater.

Canopy. An architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and by at least one support at the outer end.

Cemetery. Land used or intended to be used for the burial of pets or of the human dead and dedicated for cemetery purposes, including mausoleums and columbariums.

Certificate of Occupancy. A document issued by the Village of Pinehurst at the conclusion of all work done under all permits following inspections by the appropriate inspector, showing that all completed work complies with the applicable state and local laws and the terms of all permits. No new building or part thereof may be occupied, and no existing building that has been altered or moved may be occupied until the Planning and Inspections Department has issued a valid Certificate of Occupancy.

Child/Adult Day Care. An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate children or adults based on state regulations; not an accessory to residential use.

Civic/Cultural Facilities. Facilities designed to serve the community by promoting cultural advancement. Such facilities may include live theater, dance, or music establishments; art galleries, studios, and museums; exhibitions, or similar facilities; libraries, auditoriums, conference facilities, and convention centers.

Civil Penalty. A monetary fine imposed for violations of the ordinance, assessed at $500 per day for each day the violation continues. This penalty may be recovered by

the Village of Pinehurst through a civil action in the nature of debt if the offender does not pay within the prescribed time after being cited.

Clinic. Any building or portion thereof, the principal use of which is for offices of one (1) or more licensed physicians, ophthalmologists, dentists, physical or occupational therapists, psychologists, or the like for the examination and treatment of persons on an out-patient basis only and ambulatory/outpatient care facilities. See also medical laboratory and medical office.

Clubs and Lodges, Civic or Fraternal. Private not-for-profit social or civil associations, corporations, or other entities consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state, regional and national officials of that organization.

Clustered Dwelling. A housing development technique that concentrates dwellings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Cluster Mailbox Unit. A freestanding, pedestal-mounted mailbox that consists of multiple mailbox compartments and parcel lockers that can lock individually.

Columbarium. A structure of vaults for the placement of cremation urns in a cemetery.

Column. A rigid, relatively slender, upright support, composed of relatively few pieces, a decorative pillar, most often composed of stone and typically having a cylindrical or polygonal shaft with a capital and usually a base.

Commercial Vehicles. Vehicles for hire or used for business as described below:

A. A large vehicle designed for off-road usage such as a bulldozer, front-end loader, and similar construction equipment;

B. A vehicle designed to transport sixteen (16) or more passengers; or

C. A vehicle equipped with external modifications designed to be used in trade including, but not limited to, externally-mounted tools, machinery, equipment, tool, or equipment racks.

Community Center. Structures and/or facilities which accommodate gatherings, indoor/outdoor cooking, picnicking, recreation, and administration of homeowner associations, neighborhood groups, or other people having permission to use such facilities.

Community Park. A relatively large park owned by the Village of Pinehurst or Moore County providing a wide variety of active and passive uses to the entire Village.

Community Shared Facilities. Facilities designed to serve as amenities for residential neighborhoods. Such facilities are typically operated by homeowner's associations or similar groups and provide recreational space within the context of that residential neighborhood.

Community Support Facility. A non-profit or government facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

Comprehensive Plan. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the Village of Pinehurst.

Concealed Wireless Telecommunications Facility. A structure that is fabricated in a manner that aesthetically masks its appearance as a communications facility that is installed within or on an existing structure. Examples include church steeples, bell towers, light standards, signs, utility poles, flag poles, building facades, water tanks, silos, and other structures which conceal telecommunications antennas and equipment from visibility. A communications tower shall not be considered a concealed wireless telecommunications facility.

Conditional Zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such property. (see also the North Carolina Unit Ownership Act (NCGS Chapter 47A) and/or the North Carolina Condominium Act (NCGS Chapter 47C).

Conference/Convention Center. A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

Contiguous. Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a railroad or public utility right-of-way.

Corner Lot. A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. The building's orientation, driveway and entrance should align with this primary front yard but may also be allowed on the other street-facing side. Additional side yard setbacks might be needed for corner lots.

Country Club. Land area and buildings containing golf courses, recreational facilities, a clubhouse and customary accessory uses; open only to members and their guests for common purposes of a social and athletic nature.

Covered Entry. A covered platform, covered with eave overhang, pediment, or roof over the main entrance.

Crematoria. Establishments for the preparation of the dead through cremation in a furnace. This definition includes crematoria for the internment of animal remains.

Critical Root Zone. A circular area surrounding a tree, of which the center is the center of the tree trunk, and the radius is the distance from the outside of the trunk to any point twelve (12) times the diameter at breast height (DBH), which points constitute the circumference of the critical root zone. The critical root zone shall extend to a depth of five (5) feet below surface ground level.

Cul-de-sac. A street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround.

Cutoff Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at cutoff angle that is less than ninety (90) degrees.

Cutoff Angle. Formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff Light. An artificial outdoor lighting fixture designed to ensure that no light is directly omitted above a horizontal line parallel to the ground.

DBH - Diameter at Breast Height. The total cross-sectional diameter of the trunk or trunks of a tree measured four and one half (4½) feet from the ground at the center of the tree.

Deck. An exterior floor supported on at least two opposing sides by an adjacent structure and/or posts, piers or other independent supports.

Declaration. Any instruments, however denominated, that create a Planned Community Neighborhood and any amendments to those instruments.

Dedication. A transfer by the owner of ~~his~~ property to the Village. Such dedication shall be made by written instrument and is deemed complete only with acceptance by the Village Council plus the recording of each written acceptance by the Village Council plus the recording of each with the Moore County Register of Deeds. Dedications may be made for streets, recreation areas, parks, greenways, utility easements, etc.

Demolition. The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the façade or any significant exterior architectural features which are integral to the character of the resource, for whatever purpose, including new construction or reconstruction.

Density. The number of dwelling units per acre determined by dividing the total number of dwelling units located on a development site by the gross area

Design Alternative. A proposed variation from the standard design or development requirements outlined in the Ordinance, intended to achieve the same or better level of quality, functionality, or aesthetic compatibility. Design alternatives may be considered when strict adherence to the Ordinance would result in unnecessary hardship or when an innovative approach can meet the intent of the regulation. Approval of a design alternative typically requires review by the Village Planner or designee to ensure it aligns with the goals of the Comprehensive Plan and maintains the character of the community.

Detached Townhome. A dwelling unit or units conforming to the townhome development standards as stated in this Ordinance but physically located on separate lots.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. Unless the context clearly indicates otherwise, the term means any of the following:

A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

B. The excavation, grading, filling, clearing, or alteration of land.

C. The subdivision of land as defined in NCGS § 160D-802.

D. The initiation or substantial change in the use of land or the intensity of use of land.

Development Agreement. A written agreement between the Village and a developer or applicant that sets down the rights and responsibilities of each party as pertaining to a single development.

Development Approval. A written, administrative, or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, building permits and development agreements.

Development Floor Area. The total building floor area of any construction projects simultaneously developed by a single developer.

Development Permit. A permit issued by the Planning and Inspections Department that authorizes the commencement of development provided all of the other necessary permits have been obtained.

Discharge Point. That point at which stormwater runoff leaves a tract of land in a concentrated flow pattern.

Disposal. As defined in NCGS § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

District. A mapped area, (otherwise known as a "zoning district"), to which a uniform set of regulations applies as established by this Ordinance.

Dock. A platform constructed beyond the shoreline to which boats may be secured.

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, hospital or other similar public, semi-public use.

Drainageway. A natural or artificial stream, closed conduit, or depression that carries surface water.

Drive-Through/Drive-In Facility. A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include automated teller machines (ATM'S), gas stations or other vehicle services, which are separately defined.

Driveway. A vehicle driving surface providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dry Cleaning & Laundry Services. Coin-operated laundry, dry cleaning pick-up stores without dry cleaning equipment, or dry-cleaning stores that do not provide cleaning services to other collection stations or stores.

Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more people, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling. A building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Accessory. A dwelling unit either detached or attached, such as a garage apartment or cottage located on a lot with an existing single-family dwelling.

Dwelling, Mixed-Use. A dwelling within a mixed-use development and/or structure.

Dwelling, Multifamily. A building or portion thereof containing three (3) or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule.

Dwelling, Single Family. A free-standing building designed for and/or occupied for living purposes. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with North Carolina State Building Code.

Dwelling, Two Family. A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.

Easement. A grant by a property owner to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines, streets or greenway trails. Such grant shall be recorded with the Moore County Register of Deeds by an appropriate instrument.

Eave. The lower edge of a roof extending beyond the exterior wall.

Effective Radiated Power (ERP). The product of the antenna power input and the numerically equal antenna power gain.

Elevated Building. A non-basement building

A. Built, in the case of a building in flood zones A1-30, AE, A, A99, AO, AH, B, C, or X to have the top of the elevated floor, above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water, and;

B. Adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of flood zones A1-30, AE, A, A99, AO, AH, B, C, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the movement of flood waters.

Emergency Services Facilities. Any building or group of buildings housing a police department, fire department, emergency medical services (EMS) or rescue squad.

Encroachment. The extension or placement of any building, structure, or improvement into a required setback, easement, or public right-of-way beyond the limits permitted by the Ordinance.

Engineer. A professional engineer registered by the State of North Carolina.

Engineering Standards. The standards and specifications contained in the Village of Pinehurst Engineering Standards and Specifications Manual (ESSM).

Erosion. The wearing away of land surfaces by the action of wind, gravity, water, or any combination thereof.

Evidentiary Hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision.

Exempt Subdivision. All divisions of a tract or parcel which conform to either of the following criteria.

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

C. The public acquisition or purchase of strips of land for the widening or opening of streets;

D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

E. The division of a tract into plots or lots used as a cemetery.

Existing Building. Any building or structure erected prior to the adoption of this Ordinance, or one for which a valid building permit has been issued.

Existing Development. Includes those projects meeting at least one (1) of the following criteria for the purposes of the Watershed Protection Overlay Zoning District only:

A. Having a current building permit used by the Village; or

B. Having an approved site-specific development plan issued by the Village as authorized by NCGS § 160A-385.1.

C. Conforming single-family lots of record, which received final plat approval before July 1, 1993. (the date of mandatory compliance with the NCGS).

Extraterritorial Jurisdiction (ETJ). The unincorporated territory surrounding Pinehurst in which the provisions of this Ordinance apply and described on the Village's Zoning Map.

Façade. The exterior elevation of a building.

Family Care Home (6 or fewer residents). A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six (6) resident handicapped persons and is certified by the State of North Carolina. (NCGS Ch. 168, Article 3)

Farm. A plot of land used for the raising of crops, livestock, or other plants and animals, including orchards, vineyards and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities.

Farmers' Markets. A temporary sales establishment operated primarily in the open air, for the distribution of horticulture or agricultural products including, but not limited to vegetables, fruits, meats, eggs, dairy products, grains, prepared foods, Christmas trees and greens, flowers, and similar products.

Farming, Animal Production. A property used primarily for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, and all other forms of agriculture, excluding commercial poultry and swine production. Industries in the animal production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

Fascia. A flat, horizontal board below roof eave.

Fence. A structure eighteen (18) inches or taller used to delineate a boundary or as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

Finished Grade. The grade after construction, exclusive of any filling, berms, mounding, or excavating.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope.

Flood Boundary and Floodway Map (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Fringe. That part of an area of special flood hazard that is not located in the floodway.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency

Management Agency. The flood insurance study report includes Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), if published.

Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Zone. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain Management Regulations. This Ordinance and development regulations, building codes, health regulations, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain or Flood Prone Area. Any land area susceptible to being inundated by water from any source.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway. The channel of a river, stream, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot.

Floor Area Ratio. Floor Area Ratio (FAR). Non-Residential Development (“Intensity”) is measured in Floor Area Ratio (FAR). FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located. For example, a 5,000-square foot building on a 10,000 square foot lot equals an FAR of 0.5.

Floor Area. The gross total horizontal area of 1) all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings; 2) the centerlines of a party wall separating such buildings or portions thereof; 3) within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls. However, this definition excludes the case of non-residential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public, and which are not designed or used as areas for sales, display, storage, service, or production.

Floor. The level base of a room; the lower inside surface of a building; the horizontal structure dividing a building into stories.

Florist. A retail business, which sells flowers and ornamental plants, other decorative items, and plant materials for temporary or interior uses.

Flush Mounted Solar Panel. A solar panel that is attached to the roof of a structure on the same plane as the roof and not projecting more than six and one-half (6.5) inches from the roof plane.

Footcandle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. One footcandle is equal to one lumen per square foot.

Franchise Architecture. A building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

Freeboard. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The base flood elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.

Front Yard. A yard across the full width of the lot, extending from the farthest projection of the structure including but not limited to steps, eaves, porches, terraces or patios (excluding, however, steps and overhangs permitted to project into the yard) to the front property and/or right-of-way line.

Frontage. All of the real property abutting a street line measured along the street line.

Fueling Station. An establishment that primarily retails automotive fuels. These establishments shall not provide services such as automotive maintenance repair. Fueling stations include structures that are specialized for selling fuel with storage

tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the fueling station.

Funeral Homes. a commercial establishment for preparing the dead for burial or interment, including cremation, and conducting memorial services and funerals (i.e. providing facilities for wakes, arranging transportation for the deceased and selling caskets and related merchandise).

Gable roof. A double sloping roof with a ridge and gables at each end.

Gambrel roof. A double sloped barn-like roof.

Garden (Community and Private). An outdoor area for the small-scale production of vegetables and flowering plants for personal or communal use. This definition does not include crop production and nurseries.

Garden Center. A retail outlet primarily engaged in the sale of crops, plants, vines, or trees and their seeds, but not including the production of such plants on site. Such uses may be a part of larger general commercial uses or may stand alone as individual facilities.

Gateway Sign. A monument or pylon-style sign marking the entrance to a district, campus, neighborhood, or municipality.

General Retail. An establishment engaged in the sale of goods, merchandise, or consumer products directly to the general public for personal or household use. General retail includes, but is not limited to, stores selling clothing, electronics, books, home goods, sporting equipment, and similar items. This use typically occurs within an enclosed building and may include ancillary services such as product repair or customization.

Geothermal Heating and Cooling Closed Loop System. A closed loop system is a system that circulates a water-based solution through a "loop" of small diameter, underground pipes. The system consists of an indoor unit and a buried earth loop. In the winter, fluid circulating through the system's earth loop absorbs stored heat and carries it indoors. The indoor unit compresses the heat to a higher temperature and distributes it throughout the building. In the summer, the system reverses, pulling heat from the building, carrying it through the earth loop and depositing it in the cooler earth.

Glare. The effect of brightness in the field of view that causes annoyance or discomfort or interference with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Glazing. The portion of an exterior building surface occupied by glass or windows. Also referred to as transparency.

Golf Course. A course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as principal or accessory use, nor shall it include driving ranges, which are not accessory to a golf course.

Golf Driving Range. A facility for driving golf balls not otherwise associated with a golf course.

Government. Any agency, office bureau or corporation licensed by any duly authorized authority of the United States, the State of North Carolina, Moore County, any regional government, or the Village of Pinehurst.

Grade Plane. A reference plane representing the average of the finished ground level adjoining the building at exterior walls.

Greenway. A linear open space, either privately-owned or owned by the Village or another unit of government, which may contain a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.

Gross Density. The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, considering the entire area of that tract or parcel.

Groundcover. Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Ground Sign. A freestanding sign that is permanently affixed to the ground, typically supported by one or more poles or a solid base, and not attached to any building. Ground signs are used to identify businesses, institutions, or facilities and are subject to specific dimensional, illumination, and landscaping standards depending on the zoning district and use.

Halfway Homes. A place where people are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

Handicapped Person. A person with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy,

autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS § 122C-3(11)b.

Hazardous Material. Any substance listed as such in: SARA section 302, extremely hazardous substances, CERCLA hazardous substances, or section 311 of CWA (oil and hazardous substances).

Hazardous Waste Facility. As defined in NCGS Chapter 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heated Square Feet. Heated square feet of a dwelling unit is space that is intended for occupancy that is heated by a conventional heating system or systems that are permanently installed.

Heavy Equipment/Manufactured Home Rental/Sales. Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Hip Roof. A roof with slopes in the direction of each elevation, commonly with roof slopes in four (4) directions.

Historic Structure. Any structure that is:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register;

B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district;

C. Individually listed on the North Carolina Inventory of Historic Places;

D. Individually listed on a Moore County, Pinehurst or other local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program as determined by the Secretary of Interior; or Directly by the Secretary of Interior in states without approved programs.

Holiday Decorations/Display. Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature and which contain no advertising material.

Home Occupation. An occupation or profession conducted within a dwelling unit or accessory structure by a resident that is incidental to the primary use of the dwelling as a residence. For the purposes of this Ordinance telecommuting or working from home on an irregular basis shall not constitute the establishment of a home occupation.

Homestay. The rental of a habitable room or rooms within a dwelling unit or attached accessory dwelling unit made available by short-term lease or other financial consideration for a period of less than 30 consecutive days while the full-time resident resides on-site during the duration of the rental period.

Horse Farm & Training Track. A property used for the breeding, training, and stabling and care of horses. Such facilities provide services such as riding lessons, dressage instruction, hiring of horses for riding, stud services, and temporary or permanent boarding of horses. Other than horses, these facilities do not produce or sell any agricultural products.

Hospice Care Campus. A freestanding licensed hospice facility or facilities which provide palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of terminally ill patients and their families in a group residential or inpatient setting. Said facility or facilities will be under the supervision of an identifiable hospice administration as defined by the NCGS. Incudes associated buildings directly providing support to the campus and hospice services by a hospice team or interdisciplinary team, as well as temporary residential accommodations for the hospice patients' families.

Hospice Patient. A patient diagnosed as terminally ill by a physician licensed to practice medicine in North Carolina, who the physician anticipates having a life expectancy of weeks or months, generally not to exceed six months, and who alone, or in conjunction with designated family members, has voluntarily requested and been accepted into a licensed hospice program.

Hospice Patient's Family. The hospice patient's immediate kin, including a spouse, brother, sister, child, or parent. Other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement among the hospice patient, the relation or individual and the hospice team.

Hospice Services. The provision of palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital. A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. The facility must be licensed by the North Carolina Division of Facility Services (DFS) as a hospital (general or psychiatric). Hospitals include ancillary facilities such as clinical laboratories, outpatient facilities, training facilities, and staff offices.

Hotel. Establishments providing lodging and short-term accommodation for travelers. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are also included in this category. This definition also includes "inns."

Hot Tub/Spa. A structure usually large enough to accommodate several people that is filled with hot aerated water used for recreation or physical therapy and is often placed outside of doors such as on a porch or deck.

Ice Vending. A free-standing structure designed for the sale and production of ice.

Illegal Sign. Any sign erected, maintained altered, removed, or replaced in violation of this Ordinance, or any amendments hereto.

Impervious Surface. Per NCGS § 143-214.7D, any material which reduces and prevents water from infiltrating through the surface and into the subsoil. None of the following surfaces shall be considered “impervious surface”: a slatted deck, water area of a swimming pool, a surface of number 57 stone laid at least four inches thick over a geotextile fabric, a trail that is either unpaved or paved as long as the pavement is porous, landscaping material, artificial turf.

Industry. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials, such as lubricating oils, plastics, resins or liquors. This includes medical and testing laboratories, facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site,

where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundry.

Industry, Heavy. Any non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge, any facility which manages or disposes of hazardous or nonhazardous solid waste, or any use that involves the use or storage of any hazardous materials or substances used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically, the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated twenty-four (24) hours a day, seven (7) days a week).

Injection Wells. Any excavation that is cored, bored, drilled, jetted dug or otherwise constructed, whose depth is greater than its largest surface dimension and which is used or intended to be used, for the injection of fluids or solids into the subsurface or groundwater.

Integral Solar Panel. A form of roofing in which solar cells are integrated into the roofing material.

Interior/Inside Lot. A lot bounded by a street on only one side. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.

Internet Sweepstakes Facilities. Any business enterprise where people utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

Irrigation Wells. Wells constructed for irrigation only and not for human consumption.

Jurisdictional Stream. A stream or other waterbody that meets the definition of “waters of the United States” or “waters of the State,” and is thus subject to the jurisdiction of the US Army Corps of Engineers or the NC Department of Environmental Quality.

Kennels, Indoor. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale. Also includes the training or overnight boarding of animals for people other than the owner of the lot. Does not include a veterinary clinic in which the overnight boarding of animals is necessary for or

accessory to the testing and medical treatment of the physical disorders of animals. Animals are kept predominately indoors.

Kennels, Outdoor. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale. Also includes the training or overnight boarding of animals for people other than the owner of the lot. Does not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. Animals are kept predominantly outdoors.

Land Disturbing Activity. Refers to an activity on a property that results in a change to the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, clearing, grading, filling, and excavation.

Landfill / Waste Recovery Facilities. A disposal or salvage facility for hazardous or nonhazardous solid waste, scrap metal, vehicles and other scrap materials. This includes recycling and resource recovery facilities that separate and sort recyclable material from waste streams and/or sort commingled recyclable materials, such as paper, plastics, used beverage cans, and metals into distinct categories. This definition is not intended to be inclusive of outdoor storage yards, beneficial fill activities or landfills classified as land clearing and inert debris (LCID) facilities operated in association with an active building permit on the same or adjacent parcel.

Landscape Architect. A professional landscape architect registered by the State of North Carolina.

Landscape Plan. A plan identifying existing landscape elements, proposed changes, and protection measures to be used to aid the survival of such landscape elements as set forth in this Ordinance.

Landscape Screen. A method of visually obscuring one abutting structure or use from another by fencing, walls, berms, or densely planted vegetation.

Landscaped Area. A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns and plantings.

Large Trees. Deciduous or evergreen trees with a mature height and spread of thirty (30) feet or greater.

Legislative Decision. The adoption, amendment, or repeal of a regulation in this Ordinance. This term also includes the decision to approve, amend, or rescind a development agreement.

Legislative Hearing. A hearing to solicit public comment on a proposed legislative decision.

Live-Work Units. An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted). Live-work units exist as variations of either the detached house building type or the townhome building type and shall be subject to their applicable requirements.

Local Bank. Any bank, savings and loan association, or trust company with a physical branch located in the State of North Carolina and within a one hundred (100) miles radius of the Village of Pinehurst.

Lodging Unit. A furnished room of a minimum of two hundred (200) square feet that includes sanitary facilities, and that may include limited kitchen facilities.

Lot Coverage. Determined by dividing that area of the lot that is occupied or covered by the total horizontally projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth. The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

Lot Front. In the case of an interior or corner lot, the house frontage lot line along the street right-of- way.

Lot Length. The distance between the front and rear property lines measured along a line midway between the side property lines.

Lot Lines. A line forming a boundary of a lot. Where a lot of record includes a right(s)-of-way, the lot lines shall not extend into the right(s)-of-way.

Lot of Record (existing lot). A lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance; a plat of which has been recorded by the owner in the office of the Moore County Register of Deeds; or a lot described by metes and bounds, the description of which has been recorded by the owner in the office of the Moore County Register of Deeds.

Lot Width. The straight-line distance between the points where the building setback line intersects the two (2) side lot lines.

Lot. A parcel of land in undivided ownership occupied or intended for occupancy by a building together with its accessory buildings including the open space required under this Ordinance.

Lot, Flag. A lot with minimal frontage on a public street where access to the public street is by a narrow private driveway.

Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Lumen. A unit of measure of the quantity of light that falls on an area of one (1) square foot, every point of which is one foot from the source of one (1) candela.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Major Site Plan. A site plan which is submitted to the Village Council for approval pursuant to this Ordinance and meets the requirements of this Ordinance in which three (3) or more acres of land is disturbed.

Major Subdivision. Any subdivision other than an exempt or minor subdivision.

Mansard Roof. A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Manufactured Home Park. The location of two (2) or more manufactured or mobile homes on a parcel of land, for rent or sale, shall constitute a manufactured home park.

Manufactured Home. A structure that: (1) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (2) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (3) is over forty (40) feet long and over ten (10) feet wide; and, (4) is originally designed for human occupancy and provides complete, independent living facilities for one (1) family when connected to required utilities.

Master Association. A nonprofit organization established pursuant to NCGS § 47F-3-101, or 47C-3-101, by Declaration, or its common law equivalent, or other nonprofit organization formed prior to the NC Planned Community Act and referenced in a Declaration with powers to enforce, adopt and amend the bylaws, rules, and regulations pursuant to NCGS § 47F-3-102 or 47C-3-102, or and by Declaration, or other governing documents, is responsible to maintain or provide for maintenance of all common property and management of all Neighborhood Lodging Accommodations within the Planned Community Neighborhood.

Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

Medical Clinic. Facilities that provide outpatient ambulatory or outpatient healthcare such as emergency medical clinics, ambulatory surgical centers, dialysis centers, outpatient family planning services, community health centers and clinics and blood and organ banks; and shall include general practice medicine, dental offices and medical specialists.

Medical Dormitory. Facilities with a primary purpose to temporarily provide rooms for medical students in training, medical staff, or visitors of patients at an acute care hospital, and outpatients under treatment.

Medical Laboratory. A facility (not associated with another institution or business) to receive and process blood, body fluids and tissue samples for the purpose of providing test results primarily for medical offices and hospitals.

Medical Office. A use or building where medical treatment, consultation and/or analysis is conducted, and which does not primarily involve the sale or transfer of goods by the medical business to the customer at that location. This includes but is not limited to dental offices, mental health offices, and medical offices.

Metes and Bounds. A means of describing the location of land by defining boundaries in terms of directions (courses) and distances from one (1) or more specified points of reference.

Minor Site Plan. A site plan that is submitted to the Village Planner for approval pursuant to this Ordinance and that meets the requirements of this Ordinance.

Minor Subdivision. A subdivision of land not meeting the Exempt Subdivision requirements which does not involve any of the following:

A. Creation of more than five (5) lots from any one tract of land (as the tract existed on October 23, 1995) whether such lots are created at one (1) time or over a period of ten (10) years, thereafter;

B. Dedication or improvement of any new street other than widening approved existing streets.

Minor Watershed Variance. For the purposes of the watershed protection overlay district only, a minor variance is any variance that does not qualify as a major variance.

Mixed Use Development. The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact physical form.

Model Sales Home. A permanent building which is typical of the dwellings in the residential development in which it is located, and which is temporarily used for the purpose of display and sales associated with that residential property but intended for ultimate use as a residential dwelling unit.

Modification. A change or adjustment to an existing development, structure, site plan, or ordinance provision that does not constitute a complete replacement or new development.

Modular Structure. A factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection. Such structure must meet all requirements of the North Carolina Uniform Residential Building Code and must have attached a North Carolina validating stamp.

Mooring Buoy. A floating object anchored to the lakebed to which boats or floats/rafts may be secured.

Multi-Family Development. One (1) or more buildings containing multi-family dwellings located on a single property.

Multi-Family Dwelling. A dwelling, or combination of dwellings, or portion of a building on a single lot used for the purpose of providing three (3) or more dwelling units that may share means of ingress and egress.

Municipal Public Service Facility. Any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the

following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor equipment and material storage, under shed vehicle/equipment storage, yard debris piles, fuel tanks and associated pumps, radio antennae, vehicle wash bays, recycling storage, heavy and light vehicle parking, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst.

Municipal Recycling Collection Stations. A Village of Pinehurst operated center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

Muted Color. A color that has tinted, subdued shades or hues that are not bright or reflective.

National Geodetic Vertical Datum (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

National Flood Insurance Program. A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas within a community that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.

Natural Erosion. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Natural Watercourse. any stream, river, swamp, canal, or other waterway in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

Neighborhood Lodging Accommodation (NLA). is the lodging use of a Dwelling Unit within a Planned Community Neighborhood where the Dwelling Unit is leased, offered or made available by short term lease or other financial consideration for a time period or lease term of less than 30 consecutive days which use is permitted or not prohibited through Declaration or other governing documents and is authorized and managed through the Master Association of the Planned Community Neighborhood.

Net Density. The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, not considering the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include but are not limited to street rights-of-way, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers, buffers and recreational and open spaces.

New Construction. Any construction of a new structure, building or dwelling unit other than "substantial improvement" or an addition, repair or renovation to an existing structure or building.

Nonconforming Lot. A lot that met all legal requirements when it was platted or otherwise recorded, but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

Nonconforming Sign. Any sign that met all legal requirements when constructed but that does not comply with this Ordinance or a subsequent amendment hereto. An illegal sign is not a non-conforming sign.

Nonconforming Structure. A building or structure that met all legal requirements when constructed but which does not comply with this Ordinance or a subsequent amendment hereto.

Nonconforming Use. Any legally existing use that met all legal requirements when it was first established, which fails to comply with the provisions of this Ordinance or a subsequent amendment hereto.

Nonconformity. Any use, building, structure, or lot which was lawful at the time it was constructed or established but which fails to comply with one (1) or more of the applicable regulations or standards of this Ordinance or a subsequent amendment hereto.

Non-Cutoff Light. An artificial outdoor lighting fixture designed to allow light to be directly emitted in all directions.

Non-Residential. Used or intended for purposes other than as a dwelling unit.

Non-Residential Development. Any construction, expansion, or redevelopment of land or structures intended for uses other than single-family or multi-family residential purposes. Can include commercial, industrial, institutional, recreational, and governmental uses.

Nursery. A retail or wholesale enterprise, which grows trees, shrubs, vines and other plants for sale or distribution.

Nursing Home Dwelling Unit. A room or other portion of a nursing home intended for no more than two (2) people.

Nursing Home. A facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care

for three (3) or more people unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients who, on admission, are not acutely ill as a rule and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities and obstetrical facilities. A "nursing home" provides care for people who have remedial ailments or other ailments, for which medical and nursing care are indicated, who, however, are not sick enough to require general hospital care. Nursing care is the primary need, but they require continuing medical supervision. (NCGS § 131E-101(6)). They include the following:

A. **Adult Care Home.** An assisted living residence in which the housing management provides twenty-four (24) hour scheduled and unscheduled personal care services to two (2) or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to people with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Designated, trained staff may administer medication in an adult care home. Adult care homes that provide care to two (2) to six (6) unrelated residents are commonly called family care homes. (NCGS § 131D-2 (a) (1b), 8/30/04);

B. **Assisted Living Residence.** Any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agencies. The department may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS § 131E-102. Effective October 1, 1995, there are two (2) types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services. (NCGS § 131D-2 (a)(1d), 8/30/04);

C. **Continuing Care Retirement Community.** A building or group of buildings which provides individuals lodging together with nursing services, medical services, or other health related services, pursuant to an agreement effective for the life of the individual(s), or for a period in excess of one (1) year. Care must be provided by people who are not related by blood, marriage, or adoption of the individuals who are residents/patients;

D. **Hospice.** Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. A Hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families that are experienced during the final stages of terminal illness and during dying and bereavement;

E. **Hospice Inpatient Facility.** A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill;

F. **Hospice Residential Care Facility.** A freestanding licensed hospice facility which provides palliative and supportive medical and other services to meet the physical, psychological, social, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting;

G. **Intermediate Care Facility for the Mentally Retarded**. Facilities licensed pursuant to Article 2 of Chapter 122C of NCGS for the purpose of providing health and rehabilitative services based on the developmental model and principles of normalization for people with mental retardation, autism, cerebral palsy, epilepsy or related conditions;

H. **Multi-Unit Independent Housing with Services.** An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement that makes personal care services accessible and available through at least one (1) licensed home care or hospice agency. The residents have a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not need twenty-four (24)-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the division of facility services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

1. Emergency response system;
2. Charges for services offered;
3. Limitations of tenancy;
4. Limitations of services;
5. Resident responsibilities;
6. Financial/legal relationship between housing management and home care or hospice agencies;
7. A listing of all home care or hospice agencies and other community services in the area;
8. An appeals process; and
9. Procedures for required initial and annual resident screening and referrals for services. Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the NCGS, are exempt from the regulatory requirements for multi-unit assisted housing with services programs. (NCGS § 131D-2(a)(7a) 8/30/04);
10. Respite care, institutional. provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time. The insured receives care for the respite period in an institutional setting, such as a nursing home, family care home, rest home, or other appropriate setting;
11. Respite care, non-institutional. provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time in the home of the insured or other appropriate community location.

Nonconforming Use Certificate. A Nonconforming Use Certificate is an official acknowledgment of a legal nonconformity by the Village of Pinehurst based on documentation provided proving the existence of the legal nonconformity. A Nonconforming Use Certificate acknowledges that the nonconformity is officially recognized at the time of issuance and may only continue to exist as such so long as it is not discontinued, enlarged, extended or intensified as governed by this ordinance.

Office. A use or building where business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This

includes but is not limited to general business offices, government offices, insurance offices, law offices, and real estate sales and management offices.

Official Maps or Ordinances. Any maps or ordinances officially adopted by the Village Council as a guide to or for required standards of development.

Off-Site Sign. Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional, or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

Off-Street Parking Space. A space which is designed for the parking or temporary storage of one (1) vehicle and is located outside of a dedicated street right-of-way.

Open Space. Any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, greenways and tennis courts. This term includes land under an obligation to keep such land free from development except for recreational facilities for a stated period of time. Such land may be conveyed to a homeowner's association with responsibility for maintenance or be publicly owned. Areas used primarily for stormwater retention/detention shall not be considered open space.

Outparcel. A lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.

Outside Sales. The retail sale of goods and products outside of a permanent structure that are clearly secondary to the function contained in that structure. This includes but is not limited to landscape materials, lawn and garden supplies, and produce. This definition is not intended to include the specific use category of automobile sales or nurseries and garden centers.

Overlay District. A district which applies supplementary or replacement regulations to land which is classified into a General Use District or Conditional Use District.

Owner. Any person, agent, firm, partnership or corporation having a legal or equitable interest in property.

Park. Land owned by the Village of Pinehurst, which is used or intended to be used for public recreation, including both active and/or passive recreation.

Parking Area. A designated area operated as the principal use of a property either as commercial use or an accessory use for adjacent property.

Parking Lot, Principal Use. A stand-alone parking lot that is available for public or private use, but that is not accessory to another use.

Parking Structure. An above ground or subsurface parking deck or garage.

Passive Recreation. Recreational features that do not require prepared facilities such as sports fields or pavilions and require minimal disruption to a site. Examples of Passive Recreation features include trails, boardwalks, and seating areas.

Patio Dwelling. A multiple of not more than six (6) single-family dwellings connected on not more than two (2) sides by common walls.

Pawnshops. Premises operated by a pawnbroker (established by NCGS) who is engaged in the business of lending money to the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

Pedestal Signs. A sign not permanently affixed to the ground or building, constructed on a stand allowing it to be self-supporting and portable.

Pedestrian Path. A cleared way for pedestrians or bicycles that may or may not be paved or otherwise improved.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind.

Permit. An official document or certificate issued by the village or an official thereof, authorizing performance of a specified activity or granting a particular right, use or duty.

Permit Choice. State laws that permit an applicant to choose which set of development rules to follow if the development rules change between the time an applicant's application form is determined to be complete and when a decision is made on the application by the Village.

Permitted Use. A land use that is a permitted use in the zoning district in which it is located, and which is subject to the approval procedures.

Permeable Surfaces. Surfaces that allow water to pass through or around them. Examples include but are not limited to permeable pavers, permeable pavement, permeable asphalt, and permeable concrete.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Personal Services. Cosmetic services such as hair and nail salons, tanning salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services, micro-blading, Botox/filler, etc.

Personal Services, Restricted. A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

Pet House. A small structure providing shelter for a pet while it is outside of a home.

Pet Run. An outdoor fenced enclosure for the sole purpose of allowing a pet to be outdoors in a controlled area without being tethered.

Pitch of Roof. The angle of the roof slope, expressed in ratio of vertical to horizontal.

Planned Community Neighborhood (PCN). A contiguous area containing at least twenty (20) acres, or twenty (20) dwelling units as included within a platted subdivision or condominium development for which any person or corporation, by virtue of ownership of a lot or Dwelling Unit within the PCN, is by Declaration governed by a Master Association with powers to enforce and adopt and amend, the bylaws, rules, and regulations and which property owners within the PCN are obligated to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or common areas or other real estate described in the Declaration. This definition also applies to planned communities created prior to January 1, 1999, that elect to make NCGS Chapter 47F applicable to the planned community by an affirmative vote or written agreement signed by lot owners of lots, or unit owners of units, to which at least sixty-seven percent (67%) of the votes in the association are allocated.

Plat. A map or plan of a parcel of land which is to be or has been subdivided, containing sufficient data in order that a determination may be readily made as to the location, bearing and length of every street and alley line, lot line, easement boundary line and other boundary line and meeting the required standards of this Ordinance.

Playground Equipment. Equipment or structures including swing sets, sandboxes, jungle gyms, slides, and other similar items intended for permanent recreational use.

Note: substantially sized playhouses that meet the North Carolina State Building Code definition for accessory structure are considered to be accessory structures.

Political Sign. A sign attracting attention to political candidates or political issues.

Pond. A permanent, natural, or artificial inland body of water either controlled by natural barriers or by dams and of relatively constant surface level, in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

Portable Sign. Any sign that is not permanently affixed to a building, structure, or the ground, or that is not designed to be permanently affixed to a building, structure, or the ground.

Porch. A covered or uncovered projection from the main wall of a building, located at or above grade, that provides ingress or egress to a building but is not used for livable space.

Portico. A porch or walkway, open to the outside air that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building. A covered porch attached to the main facade of a building, supported by columns.

Post Office. Establishments conducting operations of the United States postal service including permanent, contract, and lease stations.

Potable Wells. Private drinking water wells.

Primary Level. The level of a building containing the primary living areas such as the kitchen, den and living room. This term may also include bedrooms. A basement is not considered to be at a primary level.

Principal Building. The main structure on a lot in which the principal use of that lot is conducted.

Principal Use. The primary purpose or function of a building, structure, or parcel of land.

Private Area. A space that is not open to the general public and is for the exclusive use of the owner or specific individuals. Examples of a private area include private offices within a commercial building or a single-family home.

Private Clubs. Facilities designed to provide meeting and event space for non-profit membership organizations. Such organizations include alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and

veterans' membership organizations primarily engaged in promoting the civic and social interests of their members.

Private Garage. Any building or space used as an accessory to, or a part of the main buildings permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is conducted in any way.

Private Road or Street. Any road or street which is not publicly owned and/or maintained and is used for access by the occupants of the development and their guests.

Professional Land Surveyor. An expert knowledgeable in the delineation and demarcation of lot lines, land ownership, grading, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.

Professional Office. A use or building maintained by a member of a recognized profession for the conduct of that profession. This includes, but is not limited to, the office of a physician or other licensed health care professional, lawyer, accountant, realtor, investment broker, engineer, or architect.

Professional Services. Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, landscape architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

Property. All real property subject to the provisions of this Ordinance.

Public Area. A space that is open to the general public for use and enjoyment, with no access restrictions. Examples of a public area include public parks, streets, and sidewalks.

Public Safety Station. Facilities for federal, state and local law enforcement, fire protection agencies and emergency medical services, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

Public Water Supply. A system for the supply of potable water to two (2) or more dwellings or business units, or any combination thereof.

Qualifying Tree. Any healthy tree with a diameter breast height of eight (8) inches and greater.

Quasi-Judicial Decision. A decision involving the finding of facts regarding a specific application of a development regulation that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Quorum. The minimum number of members of a decision-making body that must be present in order to legally conduct official business or take official action.

Racetrack. A commercial outdoor course prepared for the competitive activities of animals, automobiles, other vehicles, bicycles or skateboards. Such uses may also include seating for spectators, equipment and staging areas, and concession areas.

Radio/TV Studio or Station. A broadcasting facility of a television, radio, cable television provider, or other programming provider, which shall not include transmitting towers or antennae on site.

Real Estate Sales Office. A building or structure, which is located on the site of a development or subdivision and temporarily used for the purpose of selling or leasing properties located within that development or subdivision. This is different from a Model Sales Home.

Rear Yard. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. Eaves, steps, uncovered porches, terraces and patios are considered part of the main building.

Recreation Area. An area of common open space developed to provide recreational facilities for the use of the residents of the community and/or the general public. Such recreational facilities may include but are not limited to golf courses, parks, playgrounds and athletic areas, swimming pools, tennis courts, picnic areas, riding trails, and appropriate service facilities.

Recreation Facility, Indoor. A facility providing recreational activities enclosed within buildings, including indoor swimming pools and tennis courts, gymnasiums, exercise facilities and associated activities.

Recreation Facilities, Outdoor. Privately owned active or passive recreation area such as ball fields, batting cages, skateboard parks, playgrounds, driving ranges, miniature golf courses, greenway trails, tennis courts, riding stables, campgrounds, theatres, and performance areas and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, picnic shelters.

Recreational Center. A building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums.

Recreational Vehicle Park. The use of land, which includes two (2) or more spaces (sites) which are provided for temporary rental only, upon which recreational vehicles are provided utility hook-ups and services. If offered, service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other permitted services shall only be provided by the facility operator for the use and convenience of recreational vehicles.

Recreational Vehicle. A vehicle that is:

A. Built on a single chassis or capable of being placed in or on a vehicle;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or towable by a motor vehicle;

D. Designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use; and

E. Is fully licensed and ready for highway use.

Record Drawing. A reproducible drawing showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines and connections, and other features or improvements which have been installed on or off the property pursuant to a development plan approved under this Ordinance, to be used to determine compliance with the requirements of this Ordinance.

Redevelopment. Demolition of existing principal structure(s) on a parcel or through building additions that increase the building footprint of the principal structure by fifty percent (50%) or more through single or cumulative additions.

Reference Level. The bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all special flood hazard areas.

Regulatory Flood Protection Elevation. The base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Rehabilitation Facility. An indoor facility including uses such as exercise equipment, specialized rehabilitation equipment, game courts, swimming pools, locker rooms where patients and members receive physical therapy or other medical treatment.

Religious Institution. Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary accessory uses including space for religious education, kitchens, activity rooms, staff housing (rectory, parsonage) and offices.

Required Setback. The minimum distance between the property line and the building required by the zoning district and measured from the property line.

Residential Care Facilities (more than 6 residents). A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than six (6) individuals. Residential care facilities include group homes (NCGS § 131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS § 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages, their associated uses and structures including, but not limited to: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks, barber/beauty shops for residents, and other similar services that are available exclusively to the residents and staff of the facility. This term excludes family care homes and halfway houses.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc.

Resource Conservation Facilities. Fishponds, nature preserves, botanical and zoological gardens, water reservoirs, lakes, ponds, engineered storm water control devices and dams.

Restaurant. Any retail establishment whose principal business is the preparation and service of food and beverages as a ready-to-eat meal, on or off the premises.

Retail Store. A single building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to antiques, clothing stores, appliance stores, bakeries, coffee shops, wine shops, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.

Right-of-Way. An area owned or maintained by the Village, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

Satellite Dish Antenna. Any antenna of any size, including DSS antennae and any supporting structure, designed to receive signals from orbiting satellites or similar sources.

Schools, Elementary & Secondary. A public or private institution for education or learning including athletic, cafeteria, recreational facilities, and after-school care, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education.

Schools, Vocational/Technical. A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

Sediment. Solid particulate matter, both mineral and organic, that has been, or is being transported by water, air, gravity, or ice from its site of origin.

Semi-Detached Dwelling. Two (2) single-family dwellings connected on one (1) side by a common dividing wall. Each single-family dwelling is to be situated on its own lot with a zero-lot line between units.

Semi-Public Area. A space that is open to the general public but may have some limitations on access, such as hours of operation, membership requirements, or other restrictions. These areas often act as a transition between public areas and private areas. Examples of Semi-public areas include a privately owned public space or a store or café.

Septic System /Tank. Private wastewater disposal systems for private home use.

Service Court. Enclosed area attached to, or on the same lot as, a principal building which contains HVAC equipment, trash containers, service doors, docks, and other similar facilities.

Setback. (see building setback).

Sexually Oriented Business. Any place defined as an "adult establishment" as defined by NCGS § 14-202.10 as such statute may be amended from time to time, including adult cabarets, and except the definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Sexually oriented business specifically includes, however, any massage business where "massages" are rendered by any person exhibiting "specified anatomical areas" and/or where "massages" are performed on any client's "specified anatomical areas." "specified anatomical areas" are those defined by NCGS § 14-202.10 as such statute may be amended from time to time.

Shooting Range. A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, archery, air guns, black powder or any other similar sport shooting in an outdoor environment and/or outdoor facility.

Shoreline. The line made by the natural intersection of the water on the shore.

Short Term Rental. A use of a Dwelling Unit for transient lodging occupancy under a short-term lease or for other financial consideration for a time period, lease term or sublease term of less than 30 consecutive days for a cumulative total of more than 14 days in any calendar year. Short Term Rental does not include other defined lodging uses identified on Tables 7.1 and 7.2 in Section 7.3 Tables of Permitted and Special Uses and Special Requirements or Table 6.3 in Section 6.6 Table of Permitted and Special Uses and Special Requirements.

Shutter. A decorative cover for a window, fit to actual height of window.

Side Yard. An open space on the same lot with a building (steps, eaves, and uncovered porches, terraces or patios are considered part of the main building), and the sideline of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required.

Sight Triangle (horizontal sight distance). The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to

ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This does not include seasonal or holiday displays, flags denoting a school or sport, or garden art.

Single Family Residential. Any development where:

A. No building contains more than one (1) dwelling unit;

B. Every dwelling unit is on a separate lot; and

C. Where no lot contains more than one (1) dwelling unit.

Single-Family Dwelling. A detached dwelling or condominium unit consisting of a single dwelling unit only.

Single-Family Site Plan. A site plan prepared for single family residential development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and/or accessory buildings.

Site Plan. A scaled drawing and supporting text showing the relationship between the lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legal required development regulations that are applicable to the project and the site plan review. A site plan review based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Site-Specific Vesting Plan. A plan submitted in which the applicant requests vesting describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plans may be of the following types: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation.

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Small Equipment Repair/Rental. The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van, but excluding small gasoline or other combustion engines.

Small Engine Repair/Sales. The repair, servicing, alteration or restoration of lawn mowers, leaf blowers, and other small gasoline or combustion engines as a primary use, including the incidental wholesale and retail sale of parts and supplies as an accessory use.

Small/Micro Wireless Facility. These facilities shall be defined by NCGS § 160A-400.51.

Small Trees/Large Shrubs. Deciduous or evergreen trees or shrubs with a mature height or spread of ten (10) to thirty (30) feet.

Solar Panel. A solar thermal collector used to convert energy contained within the sun's rays into energy. 'Solar panel' may refer to a photovoltaic module which is an assembly of solar cells used to generate electricity.

Solid Waste Disposal Facility. As defined in NCGS § 130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site. As defined in NCGS § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Event. Any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales (pursuant to Article 17 of Chapter 66 of the General Statutes), and fund-raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM).

Special Flood Hazard. Any area designated on a Flood Hazard Boundary Map or Flood Insurance Rate Map panel designated as a Zone A.

Special Use. A land use listed in Chapters 6 and 7 of this Ordinance as a special use in the zoning district in which it is located, and which is subject to the approval procedures set forth in Section 4.3 of this Ordinance.

Specimen Tree. Any healthy living tree that:

A. Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;

B. A trunk DBH of twelve (12) inches or more in the case of the following species:

   1. Ilex species (holly);

   2. Magnolia species;

   3. Longleaf Pine species.

C. Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;

D. Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or

E. Has been cited by the Village Council as being historically significant.

Stable. A building in which horses are sheltered and fed; such a building has stalls or compartments on a lot of not less than three (3) acres in size.

Storage, Self-Service. A building for the indoor keeping of materials; containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Storage, Outside Storage Yard. The keeping of any material for a period greater than forty-eight (48) hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property. Storage of construction materials on an active job site may not be defined as outside storage.

Storage, Warehouse, Indoor Storage. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

Storm Drainage Facilities. The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.

Storm Water Runoff. Direct runoff of water resulting from precipitation in any form, which cannot percolate into the surface or be accommodated satisfactorily by the existing drainage system, and which therefore travels overland to the nearest channel.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof next above. It is measured as the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Stream. A perennial or intermittent stream shall be deemed present if the feature is shown on either the most recent version of the soil survey map prepared by the natural resources conservation service of the United States Department of Agriculture (USDA) or the most recent complete version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). [Universal Stormwater Model Ordinance for North Carolina]

Stream Buffer (Lake Buffer). The area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Street. A right-of-way for vehicular traffic abutting property, including avenue, place, way, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

Structure. For floodplain management purposes only, a walled and roofed building, a manufactured home, including a gas or liquid storage tank(s), or other man-made facilities or infrastructure that are principally above ground. For all other purposes of this Ordinance means which is built or constructed.

Studio, Art, Dance, Martial Arts, Music. Facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Subdivider. Any person, firm, or corporation who divides or develops any land in a subdivision under the applicable provisions of this Ordinance.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of new streets or a change in existing streets. The following shall not be included within this definition:

A. The combination or recombination of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.

B. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

C. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

D. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.

E. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the NCGS.

Substantial Damage. Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed but does not include:

Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official, and which are the minimum necessary to assure safe living conditions; or,

Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Swale. A gentle man-made or natural depression in grade for drainage of surface water.

Swimming Pool. Any structure intended for swimming or recreational bathing. This includes in- ground, above-ground and on-ground swimming pools, hot tubs and spas.

Seasonal Swimming Pool. Any structure intended for swimming or recreational bathing that contains water forty-eight (48) inches deep or less. These are intended to be structures that are easy to erect and remove at the end of the swimming season and typically are not hard-wired for electricity if needed or provided.

Technical Review Committee (TRC). A staff committee appointed by the Village Manager and chaired by the Village Planner for the purpose of providing the Village Planner with technical advice on subdivision and development plan matters.

Telecommunications Facility. A structure whose primary purpose is to support communications equipment. This definition includes tower/antenna combinations (not tower/antenna/building combinations) and the height measurement applies to those combinations. The foregoing notwithstanding, this definition shall not include wire-supporting electric power transmission and telephone poles. The setback, security, and screening provisions of this Ordinance apply to telecommunication facilities as herein defined, only.

Temporary Certificate of Occupancy. A Certificate of Occupancy issued under the terms on the North Carolina Building Code which expires under its own terms after a limited time.

Temporary Facility. A structure or site established for a limited duration to support a permitted temporary event, activity, or use. Temporary facilities may include tents, portable buildings, trailers, or other non-permanent installations that do not require full compliance with permanent building standards, provided they meet safety, zoning, and public service requirements as determined by this Ordinance.

Temporary Portable Building. A building intended for nonresidential use for a limited time period, consisting of one (1) or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.

Temporary Sign. A sign that can be used only for a designated period of time.

Temporary Use. Land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

Theater, Indoor (movie or live performance). A specialized facility for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and complex structures with no more than two (2) theaters.

Through Lot. A through lot is any zoning lot, not a corner lot, that adjoins two (2) street lines opposite each other and parallel or within forty-five (45) degrees of being parallel to each other. Any portion of a through lot that is not or could not be bounded by two (2) such opposite street lines, and two (2) straight lines intersecting such street lines, shall be subject to the regulation for an interior lot.

Tower, Lattice. A guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

Tower, Monopole. A structure composed of a single spire used to support communications equipment.

Tower. See communication tower.

Townhome. A building with two (2) or more residential units that are located side by side where each unit has a separate entrance from the outside. Townhomes typically have one (1) primary yard (rear) and a small front setback to provide some landscaping.

Townhouse Unit Development. A type of subdivision utilizing a development design technique, which enables substantial modification of lot size standards and setback regulations without increasing the allowable density for the zoning district in which the development is located. The common open space is substantially increased for the benefit of all occupants of the townhouse development.

Tract. Contiguous parcel(s) of land being disturbed or to be disturbed as a unit, regardless of ownership.

Traffic Sign. A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.

Transitional Shelter. An area within a principal church structure that is used for temporary housing for no more than twelve (12) consecutive months. The building or

structure shall meet all requirements of the Pinehurst Municipal Code, Section 150.01 (North Carolina Building Code).

Transportation Impact Analysis. An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

Understory Tree. Trees whose total height at maturity is less than thirty (30) feet.

Use Zone. The area under and around playground equipment where a child might fall and that is free of other equipment and obstacles.

Utilities-Moore County and VOP. Facilities or systems for the distribution of steam or water, the collection, treatment and disposal of sewage or refuse; of similar functions necessary for the provision of public services. Radio transmission facilities less than one hundred eighty (180) feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities.

Utilities are divided into three (3) classes:

Class 1 - distribution, transmission and collection lines (above and below ground) including wastewater collection, and water distribution lines; pumping stations, and lift stations;

Class 2 - elevated water storage tanks; package treatment plants; or other similar facilities in connection with steam and water facilities, not including cellular communication towers.

Class 3 - generation, production, or treatment facilities such as water and sewage plants.

Utilities-All Other. Any facility not owned by Moore County or the Village of Pinehurst, including a building or structure that houses or contains facilities or equipment, for the operation of public utility water, wastewater, waste disposal, gas, electric or telecommunication land line services. Public utility facilities include, but are not limited to, wastewater collection lines, water distribution lines, water pumping stations and filtration plants, wastewater and storm water treatment plants, gas transmission and distribution lines, electrical transformer stations, electric transmission and distribution lines, telecommunications land lines and exchanges, wells, houses, and water towers.

Variance. The permission to depart from the literal requirements of this Ordinance, granted by the Board of Adjustment to a property owner where the enforcement of the literal requirements of this Ordinance will result in undue hardship.

Vehicle Rental/Leasing/Sales. Establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or golf carts.

Vehicle Services - Maintenance, Repair/Body Work. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping. This may be an accessory use to an establishment that provides vehicle rental/leasing/sales.

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan and as specified in NCGS § 160D-108.

Veterinary Services / Indoor Kennels. Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming, where outdoor activities are incidental.

Village Planner. The Planning Director or his or her designee.

Violation. An infringement or breach of a duty or right granted under this Ordinance, or a failure to comply with one (1) or more of the provisions of this Ordinance.

Wall, Parapet. That portion of a building wall that extends above the level of the roofline.

Wall, Party. A firewall on an interior lot line used or adapted for separation or joint service between two (2) buildings.

Wall, Retaining. A wall designed to prevent the lateral displacement or movement of soil or other material.

Wall. An erection of stone, brick, wood, metal or other material intended to delineate a boundary or serve as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

Wallboard Signs. A sign not permanently affixed to the wall intended to allow for changeable message, such as sales and menu items. Signs must be flush mounted to the wall surface when displaying and not covering any window or doors.

Waste. Any discarded, abandoned, or unwanted material, including liquid, solid, or gaseous substances, generated by residential, commercial, industrial, or institutional activities.

Waste Disposal System. Any public or private sewage system or public or private septic system.

Water Surface Elevation (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watercraft. A boat or other vessel such as a jet ski, kayak, canoe, paddle board, or surfboard that travels on water.

Watershed Administrator. An official or designated person of the Village responsible for administration and enforcement of this Ordinance.

Watershed Management Area. That land area of a water supply watershed that is defined on maps on file in the Village Hall, provided that more precise boundaries may be established by topographic data from actual site surveys.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wayfinding Sign. A sign that provides directional, identification, or informational guidance to key destinations within a defined area.

Welcome Center. A building or portion thereof, providing visitors a location with information on the area's attractions, lodging, maps, and other items relevant to tourism and the area. Often, these centers are operated by the local government or chamber of commerce.

Wetlands. Those areas that are defined as wetlands by the United States Army Corps of Engineers. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in

saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such people or companies. The intent of these establishments is not to sell to the general public.

Woodlands. Land that is undeveloped except for roads and utilities and contains stands of indigenous trees.

Writ of Certiorari. A statutory appeal procedure by which a party with standing may challenge a quasi-judicial decision by petitioning the superior court for review, based strictly on the existing record, without re-litigation of underlying facts and pursuant to NCGS § 160D-1402.

Yard Sale. Any sale open to the public conducted from or on a residential premise or in any residential zone for the purpose of disposing of personal property or other property, including but not limited to all sales entitled “estate”, "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea," "rummage," and similar names.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or driveways or as otherwise provided herein.

Zero Lot Line. Where a building and its foundation area, and/or a small yard or patio area, are conveyed under the following conditions:

A. Minimum lot area and width are non-applicable;

B. Must have open space on all sides not connected to a building;

C. Units within a patio home, duplex or multifamily structure using the zero-lot line must be separated by an applicable fire rated wall(s).

Zoning District. A use district established in Chapters 6 and 7 of this Ordinance.

Zoning Lot. A zoning lot is either:

A. A lot of record existing on the effective date of the zoning ordinance or any applicable subsequent amendment thereto; or

B. A tract of land, either not subdivided or consisting of two (2) or more abutting lots of record located within a single block in single ownership.

APPENDICES

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APPENDIX A - SKETCH PLAN

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Plot/Sketch Plan

This plan submittal type should be used for developments in which no permanent foundations are being constructed or for minor work such as patios, decks, fences in both single family, multifamily and non-residential development. This is the most basic of plan types allowed for development.

Required information to be included on the plot/sketch plan:

A. Property lines.

B. Existing structures to scale.

C. New structures to scale.

D. Setbacks.

E. Estimated impervious surfaces.

F. Any other information the Village Planner identifies as necessary.

G. All plans and drawing sheets shall be drawn to a scale that is easily legible.

Note: No foundation or final surveys are required.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance.

APPENDIX B - SINGLE-FAMILY DEVELOPMENT REVIEW

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

CHECKLIST FOR SINGLE-FAMILY DEVELOPMENT REVIEW APPLICATIONS

Submission Requirements for Single-Family Development Applications:

This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

The following documents shall be submitted, if applicable, for issuance of a building permit, development permit, floodplain development permit, clearing/grading permit, driveway permit, and Certificate of Appropriateness.

- ☐ Application Form
- ☐ Site Plan/Topographic Survey including driveway connections (see below)
- ☐ Elevation Drawings, including building heights
- ☐ Exterior Material Form and Samples, if application is associated with a Certificate of Appropriateness.
- ☐ Driveway Permit Application
- ☐ Building permit submittal requirements in accordance with the current edition of the North Carolina State Building Code;
- ☐ Other Agency Permits and Approvals, as required
    - o Sedimentation and Erosion Control Plan (NCDEQ)
    - o NCG01 Construction Stormwater Permit Acknowledgement (NCDEQ)
    - o Driveway Permit (NCDOT)

- Right-of-way Encroachment (NCDOT)
- On-site Wastewater Disposal Permit (Moore County Environmental Health)
- Well Permit (Moore County Environmental Health)
- US Fish and Wildlife Approval (particularly for Red-cockaded Woodpeckers) and/or a biological assessment from an environmental consultant concluding no impacts for RCW habitat.
- U.S. Army Core of Engineers (ACOE)

This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

A. **Required information to be included on the Single Family Site Plan:**

1. Indicate existing and proposed topographic elevations and finished floor elevation on site plan. Contour lines shall be indicated with no larger than two foot intervals for existing and proposed (LIDAR data may be utilized);
2. Show scale and North arrow;
3. All plans and drawings shall be drawn to a scale that is easily legible. Site plans shall be prepared by a North Carolina licensed surveyor or engineer.
4. Vicinity Map - must be legible and lot easily located;
5. Title block with site name and location;
6. Indicate zoning classification of property on plan;
7. Show total acreage including area and dimensions of the entire tract;
8. Provide developer/builder name, address and telephone number on plans;
9. Provide designer's name, address and telephone number on plans;
10. Indicate adjoining lot lines, lot number and subdivision name on plans;
11. Indicate by note, minimum dwelling size proposed for each floor;
12. Show front, side and rear building setbacks;

13. Show road frontage at the right-of-way and lot width at the building line;
14. Show all easements.
15. Clearly show the location of any additions/alterations (to scale);
16. Location of all proposed and existing accessory structures to include pet runs, fences, LPG tank(s), irrigation well, etc.;
17. Driveway and sidewalk locations;
18. Building elevation (front, rear, and sides) shown with finished grade and building height on all elevations, to scale;
19. Show location of silt fence;
20. Existing and proposed impervious areas including the calculations on new construction and additions/alterations;
21. Tree survey that locates and identifies specimen trees within 100' of a development site, showing the critical root zone for each tree to be preserved or reflect this information on the landscaping plan;
22. Landscaping plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks;
23. Floodplain and wetland delineation if applicable;
24. Location of septic, and/or existing drainage structures;
25. Existing and proposed utility connections;
26. Any other information the Village Planner identifies as necessary.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance. The Village Planner may allow for a plot/sketch plan listed in Appendix A to be submitted rather than the single family plan type based on the individual proposal and what is needed to determine compliance.

APPENDIX C - GENERAL CONCEPT PLAN

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Information required for General Concept Plans:

- Neighborhood Meeting Information (Appendix G)
- Basic map information including title block with owner, applicant's name and contact information, designer's name and contact information, surveyor's name and contact information; north arrow, scale in text and graphics, vicinity map, and revision block. "Bubbles" or "clouds" shall show revisions with date.
- If the conceptual plan is based on a survey, provide a separate drawing of work product by surveyor signed, sealed and dated showing precision ratio and tied to NC grid.
- The present and proposed zoning classification(s) of the tract;
- Adjoining property lines;
- The height, size and location of existing and proposed structure(s);
- A table showing proposed use of land and structures, zoning classification, and dimensional requirements;
- Building elevation drawings, including building heights;
- Proposed planting areas including walls and fences and the treatment of any existing natural features;
- The owner names, addresses, LRK #, zoning and deed references of adjoining property;
- All existing and proposed easements, reservations, rights-of-way and all setbacks required for the zoning district;
- General location and size of existing utilities both on-site and to the site, proposed tie-in location to existing public utilities (including water, sewer, drainage, etc.) and proposed location of utilities to serve the site;

- ☐ General location and type of existing and proposed stormwater facilities;
- ☐ Delineation of the 100-year flood plain;
- ☐ Development Intensity:
  - o For residential uses this shall include number of units and outline of area within which structures will be located.
  - o For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
- ☐ Existing and maximum proposed impervious coverage reflected in square feet SF and acreage;
- ☐ Parking and circulation plan, showing location, arrangement and number of existing and proposed parking spaces. Parking calculations shall also be shown;
- ☐ Ingress and egress to adjacent areas;
- ☐ Proposed dimension and number of signs and their locations;
- ☐ Proposed phasing and approximate completion time of the project;
- ☐ Survey base map that provides legal metes and bounds including location of regulated (e.g., US Fish and Wildlife designated red-cockaded woodpecker trees) and specimen trees.
- ☐ Trip generation based on ITE standards and the Village's Engineering Standards and Specifications Manual for the proposed uses.
- ☐ Roadway/signal improvements for the development proposal.
- ☐ Proposed pedestrian improvements including sidewalks, greenways, etc.
- ☐ ISO computations based on the approximate/proposed square footages for each type of use.
- ☐ Current and proposed topography. Use of LIDAR data is acceptable for conceptual plans, however, actual surveyed topography shall be required for formal site plan submittal.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of- way.

APPENDIX D - SITE PLANS

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Information required for Major and Minor Site Plans:

- Neighborhood Meeting Information (Appendix G)
- Map size shall be electronically formatted to be reproducible at 24"x36"with a scale no less than one (1) inch equals fifty (50) feet for all major and minor site plans (an index plan shall be used if multiple sheets are needed);
- Show north arrow, scale of drawings, precision ratio, lot dimensions, setbacks, area in square feet and acres;
- Revision blocks with date of revisions and "bubbles" or "clouds" to show changes on the map with date;
- A signed and sealed map of the entire tract, including the boundary of the entire tact by metes and bounds tied to North Carolina grid and the location and dimension of all onsite and adjacent offsite easements, including but not limited to drainage, utility, public access, aerial utility, and permanent and temporary construction easements;
- The location and dimension(s) of all existing and proposed building(s) on the site. Show the finished floor elevations for the existing building(s) and the proposed floor grades, including basement, for each floor of the proposed building(s), if applicable;
- The location and dimension(s) of all proposed or existing impervious surfaces on the site, including but not limited to driveways, sidewalks, parking lots, loading and other vehicle use areas, and curb and median cuts;
- Indicate front, side, and rear setbacks for all existing and proposed structures;
- Provide a Title Block:
    - Property owner's name; address, telephone number(s), email address;

- Applicant's name; address, telephone number(s), email address; and
- Designer's name, address, telephone number(s), email address;
- Provide a Development Data Block or Chart listing of the following data;
- Zoning of the tract with dimensional requirements.

- Existing and proposed gross square footage of buildings;
- Amount of square footage utilized in parking and loading areas (see landscape standards Chapter 8);
- Number of parking spaces proposed and required;
- Number of handicapped parking spaces proposed and required;
- Required and proposed minimum landscape area square footages;
- Residential uses: indicate maximum density allowed and the proposed density;
- Proposed linear footage of roads;
- Conditional zoning and special use conditions, if applicable;
- Existing and proposed built-upon area in square feet, acreage and as a percentage of site;
- Identify any existing development predating the effective date of watershed regulations;
- Indicate the owner, address, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets);
- Show locations, size and configuration of common open space for residential development, if applicable.
- Location of permanent dumpsters and service areas.
- Indicate location and method of screening of all existing and proposed propane tanks, HVAC, mechanical systems, dumpsters and any other structures or facilities that require screening as per Chapter 10;
- Vicinity map showing location of tract at scale of not less than one (1) inch equals five hundred (500) feet;

- Proposed location of all storm water facilities and appropriate calculations in accordance with the Engineering Standards and Specification Manual by a qualified design professional;
- Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories, and grade of each story, including basement, height and location;
- Provide a topographic survey of the site certified by a registered land surveyor showing existing site features, existing contour lines at a minimum interval of two (2) feet that are field verified, and all proposed contours. All proposed contours shall be tied to North Carolina grid.
- Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title;
- Plan of each floor of parking garage, if applicable;
- Utility plan showing the sizes, composition and location of all existing and proposed underground and overhead utilities such as water, sanitary sewer, gas, electric, and telephone cables, fire protection infrastructure, etc. both within the property and in adjacent streets, where practical;
- Show all road improvements required in conformance with thoroughfare plan, including any right-of-way dedications, sight triangles (per Sect. 9.1.G and the Village of Pinehurst Engineering Standards and Specifications Manual) and traffic control devices (MUTCD 3B.16);
- Submit a plan showing the location and specifications for all outdoor lighting with calculations showing compliance with section 9.8.
- Submit a plan showing the location and design of all landscaping improvements and landscaped areas, include data relative to credits for existing and required and supplemental planting;
- Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the property, including a foraging study for the Red-cockaded Woodpecker, wetlands, floodplains, and also showing specimen trees as defined in Section 8.3.1.

- Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadways/signal improvements for the development proposal.
- Approved street names and property numbers;
- A statement on whether the site is in a watershed and, if so, which watershed.
- Delineate area and boundary of floodplains, floodways, wetlands, and watershed areas.
- ISO calculations based on the approximate square footage of each type of use.
- Proposed fire hydrant and fire lane locations.
- Documentation from public utility provider concerning ability to serve the proposed development with water and sanitary sewer.
- Plan approval signature block on all pages of submittal sheets.
- Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.
- Site plan drawings shall include all information required in Section 1.03b. Site Plans of the Village of Pinehurst Engineering Standards and Specifications Manual.
- All building permit submittal requirements shall be in accordance with the current edition of the North Carolina State Building Code;
- Any other information the Village Planner may deem necessary to determine compliance with this Ordinance.

APPENDIX E - SUBDIVISION PLATS

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including the submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance. Final plats shall be submitted electronically to the Village Planner through the Online Permitting Center for review and to the County of Moore in accordance with recordation requirements of the Register of Deeds.

SUBDIVISION PLAT INFORMATION

Information to be submitted with applications for major and minor preliminary and final subdivision approval and for subdivision construction plans.

- All maps shall be drawn to scale and the scale shall be not less than 1"=200'. An index plan shall be used where the subdivision is shown on more than one sheet;
- Map size shall be electronically formatted to be reproducible at 24"x36", except that final plats shall conform to the dimensional requirements of the Moore County Review Officer and Register of Deeds;
- All preliminary and final plats shall be prepared by a registered land surveyor of the State of North Carolina or a licensed Engineer of the State of North Carolina in accordance with NCGS § 47-30.

INFORMATION REQUIRED FOR MAJOR AND MINOR PRELIMINARY SUBDIVISIONS

- Title block containing the name of the subdivision. Include previous names for approved subdivisions (if any), date and revision date(s);
- Name and owner of the tract, surveyor, engineer and/or land planner, their addresses, business telephone, and fax numbers, and professional registration numbers (if any);
- North arrow and scale
- Zoning of the tract;
- Acreage of tract;
- Acreage of dedicated open space;
- The total number of lots proposed;

- Smallest lot;
- Total linear feet in streets as measured along the center line;
- Setbacks: Provide a table of minimum building setbacks, including:
  - Front yard setback;
  - Side yard setbacks;
  - Any required landscaped or watershed buffers and other required setbacks or buffers;
  - Rear yard setback;
  - Corner yard setback;
- The location on the property of all existing and proposed property lines, easements, political boundary lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and properties of historic or cultural significance;
- Buildable area per lot, in square feet and existing built-upon area in lot in square feet and as a percentage of lot;
- Area to be covered by impervious surface for the project;
- Provide on plans, a listing of all approved conditions of the conditional zoning district, if applicable;
- Indicate the names of adjoining property owners or subdivisions;
- Indicate the zoning and existing land use of all adjoining properties;
- Indicate the location of all property lines, setbacks, lot numbers, and lot dimensions in square feet and acres. Indicate the location of the existing property boundaries and the location of intersecting lines of adjoining properties by metes and bounds;
- Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the subdivision, including a foraging study for the Red-Cockaded Woodpecker, wetlands, and floodplains and showing specimen trees as defined in the landscape Section 8.3.1;

- Indicate the location of proposed parks, school sites, or other open space, if any. Indicate if the property is private or public. If public, indicate if it is proposed to be dedicated to the Village.

- Where required, indicate proposed streets, sidewalks, traffic control devices, street names, rights-of-way, roadway widths and approximate grades. Indicate if the streets are to be public or private. Show typical cross sections. Depict sight triangles per Section 9.1. (G) of the Pinehurst Development Ordinance and the 3.02.a of the Village of Pinehurst Engineering Standards and Specifications Manual. Street names are to be coordinated with 911 for duplication of names;

- Provide a grading plan delineating existing ground contours at two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan. A full topographic survey and grid of the site is not required;

- Submit a sketch vicinity map showing the proposed subdivisions in relationship to surrounding property and streets;

- Provide a plan showing the location, general type, and number of plantings required in the perimeter buffer, streetscape, and other required landscaping areas;

- Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadway/signal improvements for the development proposal.

- Indicate driveway locations on adjacent properties along and across adjacent rights-of-way.

- Any other information the Village Planner may deem reasonable and necessary to determine compliance with this Ordinance.

INFORMATION REQUIRED FOR MAJOR AND MINOR FINAL PLATS

- Title block containing subdivision names; vicinity map; legal description including township, county and state; the date of any revisions to the plat; a North arrow and deflection; scale in feet per inch and a bar graph; the name and address of the owner(s); and the name, address, registration number and seal of the engineer and/or surveyor;

- Exact boundary lines of tract in heavy line, full dimensions of lengths and bearings, and intersecting boundaries of adjoining lands;

- Street names, rights-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;
- Accurate descriptions and locations of all monuments, markers, and control points;
- Location, purpose, and dimensions of areas to be used for other than residential purposes;
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;
- Boundaries of floodways and one hundred-year flood plains, wetlands and water supply watershed designation;
- Lots numbered consecutively throughout the subdivision;
- The names of owners of adjoining properties;
- Building setbacks (both on plat and in table format);
- Site calculations, including:
    - Total acreage;
    - Total number of lots;
    - Acreage in lots;
    - Acreage in street rights-of-way;
    - Linear feet of each individual street.

SUBMITTAL OF EXEMPT AND FINAL PLATS FOR RECORDATION

One (I) paper copy of Exempt and Final Plats shall be submitted for signature by Village staff for recordation.

CERTIFICATES TO BE SHOWN ON PRELIMINARY SUBDIVISION PLATS AS APPROPRIATE

A. Minor Preliminary Subdivisions:

Minor Preliminary Plat Approved

_____

Village Planner

Village of Pinehurst

_____

Date

B. Major Preliminary Subdivision Plat Recommended for Approval

I hereby certify that this major preliminary subdivision was approved by the Pinehurst Village Council on the _____ day of _____ , 20____

_____

Village Manager

C. Major Preliminary Subdivision Plat associated with an approved General Concept Plan.

I hereby certify that this Major Preliminary Subdivision Plat is in accordance with the approved General Concept Plan and therefore deemed approved.

_____ _____

Village Manager Date

D. Certifications to be shown on Major and Minor Final Plats and Exempt Plats (use the appropriate certificates):

Certificate of Approval

Approved for recording by the Village Planner of the Village of Pinehurst, North Carolina on the _____ day of _____ , 20 ____ pursuant to the Pinehurst Development Ordinance. Must be recorded within thirty (30) days of this date.

_____

Village Planner

Village of Pinehurst

Certificate of Survey and Accuracy

I, _____ , certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____ , Page _____ , etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ , Page _____ ; that the ratio of precision as calculated is 1: _____ ; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____ , 20_____.

Seal or Stamp

_____

Surveyor

_____

Registration #

Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) owner(s) of the property shown and described herein, that the property is within the Subdivision Jurisdiction of the Village of Pinehurst and that I (we) hereby adopt this plan of subdivision with my (our) free consent and hereby establish all lots and dedicate all streets, alleys, walks, parks and other open space to public or private use as noted.

_____

_____

Owner(s)

NCDOT Construction Standards Certification

(for NCDOT Streets)

Department of Transportation

Division of Highways

Proposed Subdivision Road

Construction Standards Certificate

Approved: _____

District Engineer

Date: _____

Onsite Water and/or Sewer Note

(where appropriate)

Note: (ALL the LOTS) or (LOTS # _____) as shown on this Plat are proposed to be served with onsite water and/or sewer systems. The lots as shown meet the minimum size prescribed by the Moore County Health Department for such system(s). However, the recording of this Plat does not guarantee that any such lots will meet the requirements for the approval by the Health Department for such onsite system(s).

_____

Engineer/Surveyor License or Registration #

Special Flood Hazard Area Note

(word to represent actual situation)

Note: (Part of) this property (does)(does not) lie in a Special Flood Hazard Area

Reference: Flood Panel # _____

Date: _____ (of Panel)

(If part of the property is in a Special Flood Hazard Area, it shall be shown graphically on the plat.)

Review Officer Certificate

State of North Carolina

County of Moore

I, _____ , Review Officer of Moore County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.

_____

Review Officer

_____

Date

Register of Deeds Certificate

State of North Carolina, _____Moore_____ County

This instrument was presented for registration and recorded in Map Book , Page ____ , this _____ day of _____ , 20___ at _____ (a.m.)(p.m.).

_____

Register of Deeds

Certificate of Exemption

I hereby certify that this plat is exempt from the development ordinance under the definitions of subdivision contained in NCGS § 160D-802 and Chapter 15 of the Village of Pinehurst Development Ordinance for one of the following reasons:

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this Ordinance;

B. The division of land into parcels larger than ten (10) acres where no street right-of-way dedication;

C. The public purchase of strips of land for the widening or opening of streets; or

D. The division of a tract of land in single ownership whose entire area is no greater than two (2) acres in three (3) or fewer lots where no street right-of- way dedication is involved and where the resulting lots are equal to or exceed the standards set forth in this Ordinance.

_____

Village Planner

_____

Surveyor

PLAT CERTIFICATES

APPENDIX F - PLANT PALETTE

The Plant Palette provides a list of approved trees and plants and should be used for landscaping within open spaces, lots, buffers, screens, streetscapes, etc. as required by this ordinance.

** indicates that the tree is a Permitted Street Tree

Latin Name	Common Name	Native/Adaptive	Notes
Deciduous Tall Trees (>30')			
Acer floridanum	Southern Sugar Maple	native	beautiful bark
Acer rubrum	Red Maple	native	great Fall color
Betula nigra	River Birch	native	beautiful bark/deer resistant
Catalpa bignonioides	Southern Catalpa	native	
Celtis occidentalis	Hackberry**		
Cladrastis kentukea	Yellowwood**	native	
Fagus gradifolia	American Beech	native	silver bark
Gleditsia triacanthos var. inermis	Thornless Honey Locust**	native	street tree/deer resistant
Gymnocladus dioicus	Kentucky Coffeetree**	native	
Liquidambar styraciflua	Sweetgum	adaptive	evergreen/street tree
Liriodendron tulipifera	Tulip Poplar	native	
Magnolia virginiana	Sweetbay	native	
Nyssa sylvatica	Blackgum**	native	good fall color
Platanus occidentalis	Sycamore	native	
Quercus coccinea	Scarlet Oak**	native	street tree
Quercus falcate	Southern Red Oak**	native	
Quercus pagoda	Cherrybark Oak	native	
Quercus phellos	Willow Oak**	native	
Quercus rubra	Red Oak**	native	
Quercus shumardii	Shumard Oak**	native	
Quercus stellata	Post Oak**	native	
Taxodium distichum	Bald Cyprus**	native	street tree/deer resistant
Tilia americana	Basswood**	native	good for pollinators
Ulmus americana	American Elm**	native	street tree/use disease resistant
Evergreen Tall Trees (>30')			
Cedrus deodora	Deodar Cedar	adaptive	

Latin Name	Common Name	Native/Adaptive	Notes
Chamaecyparis thyoides	Atlantic White Cedar	native	
Magnolia grandiflora	Southern Magnolia**	native	deer resistant
Pinus echinata	Shortleaf Pine	native	deer resistant
Pinus palustris	Longleaf Pine**	native	deer resistant
Pinus serotina	Pond Pine	native	
Pinus taeda	Loblolly Pine	native	
Quercus virginiana	Live Oak**	native	
Deciduous Small Trees (10 - 30 ft)			
Alnus serrulata	Alder	native	good for wet soils
Amelanchier arborea	Serviceberry	native	flowering
Amelanchier canadensis	Juneberry	native	flowering
Carpinus caroliniana	American hornbeam	native	
Cercis canadensis	Eastern redbud**	native	flowering
Chionanthus virginicus	Fringe Tree	native	flowering
Cornus alternifolia	Pagoda dogwood	adaptive	flowering
Cornus florida	Flowering Dogwood**	native	flowering : use disease resistant
Cotinus obovatus	Smoketree	native	
Crataegus spp.	Hawthorn	native	flowering/deer resistant
Halesia carolina	Carolina Silverbell	native	flowering/deer resistant
Hamamelis virainiana	Witch-hazel	native	flowering in Jan/Feb /deer resistant
Magnolia x soulangiana	Magnolia	adaptive	flowering
*Ostrya virginiana**	Hophornbeam	native	
*Oxydendrum arboreum**	Sourwood	native	
Salix caroliniana	Coastal Willow	native	NCDEQ stormwater BMP tree
Sassafras albidum	Sassafrass	native	
Evergreen Small Trees (10 - 30 ft)			
Ilex opaca	American Holly**	native	deer resistant
Ilex vomitoria 'Will Fleming'	Will Fleming Yaupon Holly	native	tolerates salt spray
Juniperus virginiana	Eastern Red Cedar	native	deer resistant

Latin Name	Common Name	Native/Adaptive	Notes
Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	native	
Prunus caroliniana 'Compacta'	Carolina Cherry Laurel	native	deer resistant
Large shrubs (6-12 ft)			
Aesculus pavia	Red Buckeye*	native	deer resistant
Buxus semp. 'Dee Runk'	Fastigate American Boxwood	adaptive	evergreen
Cornus amomum	Silky Dogwood	native	
Cyrilla racemiflora	Swamp Cyrilla	native	semi-evergreen
Ilex 'Conaf'	Oakleaf Holly	adaptive	evergreen
Ilex deciduas	Possumhaw	native	good winter berries
Ilex verticillata	Winterberry	native	good winter berries
Myrica cerifera	Wax Myrtle	native	evergreen/deer resistant
Rhododendron arborescens	Sweet azalea	native	
Rhododendron calendulaceum	Flame azalea	native	
Rhododendron catawbiense	Mountain rosebay	native	evergreen
Rhus copallina	Winged Sumac	native	
Rhus glabra	Smooth Sumac	native	
Viburnum rufidulum	Rusty Blackhaw	native	keep off sidewalks due to fruit
Viburnum x rhytidophylloides 'Allegheny'	LeatherleafViburnum	adaptive	evergreen
Medium Shrubs (4-6ft)			
Abelia 'Edward Goucher'	Edward Goucher Abelia	adaptive	evergreen
Camellia japonica	Camellia	adaptive	evergreen
Gardenia jasminoides	Gardenia	adaptive	evergreen
Hypericum densiflorum	Dense St. John's Wort	native	semi-evergreen
Itea virginica	Virginia Sweetspire	native	semi-evergreen
Kalmia latifolia	Mountain laurel	native	evergreen
Rhododendron carolinianum	Carolina Rhododendron	native	evergreen
Rhododendron periclymenoides	Wild or Pinxter azalea	native	

Latin Name	Common Name	Native/Adaptive	Notes
Rhododendron vaseyi	Pinkshell azalea	native	evergreen
Viburnum x rhytidophylloides 'Cree'	Dwarf Leatherleaf Viburnum	adaptive	evergreen
Low Shrubs (Under 4 ft)			
Abelia x grandiflora	Glossy Abelia	adaptive	deer resistant
Buxus mic. Winter Gem'	Korean Boxwood	adaptive	evergreen
Buxus mic. 'Wintergreen'	Korean Boxwood	adaptive	evergreen
Clethera alnifolia	Summersweet Clethra	native	
Cornus sericea	Redosier Dogwood	adaptive	
Hydrangea aborescens	Snowhill Hydrangea	native	flowering
Hypericum prolificum	Shrubby St. John's Wort	native	flowering
Ilex glabra 'Compacta '	Compact Inkberry Holly	adaptive	evergreen
Leucothoe fontanesiana	Drooping leucothoe	native	evergreen
Rosa carolina	Carolina rose	native	flowering
Rosa palustris	Swamp rose	native	flowering
Vaccinium macrocarpon	Cranberry	native	evergreen
Vaccinium pallidum	Lowbush blueberry	native	
Viburnum acerifolium	Maple-leaf Viburnum	native	
Ferns			
Adiantum pedatum	Maidenhair fern	native	deer resistant
Asplenium platyneuron	Ebony spleenwort	native	evergreen
Athyrium felix-feimina	Lady fern	native	deer resistant
Dennstaedtia punctilobula	Hay-scented fern	native	
Dryopteris marginalis	Wood fern	native	evergreen
Onoclea sensibilis	Sensitive fern	native	
Osmunda cinnamomea	Cinnamon fern	native	deer resistant
Polystichum-acrostichoides	Christmas fern	native	evergreen/deer resistant
Grasses			
Andropogon gerardii	Bio bluestem	native	
Andropogon virginicus	Broomsedge	native	
Arundinaria gigantea	River cane		
Carex pensylvanica	Pennsylvania sedge	native	

Latin Name	Common Name	Native/Adaptive	Notes
Carex plantaginea	Plantain-leaved sedge	native	
Chasmanthium latifolium	River Oats	native	
Panicum virgatum	Switch-grass	native	deer resistant
Schizachyrium-scoparium	Little bluestem	native	
Sorghastrum nutans	Indian grass	native	deer resistant
Perennials			
Amsonia spp.	Blue star	adaptive	
Aquilegia canadensis	Wild columbine	native	deer resistant
Asclepiasincarnata	Swamp milkweed	native	
Asclepiastuberosa	Butterfly-weed	native	
Aster novea angliae	New England aster	native	
Astilbe spp.	Astilbe	adaptive	
Baptisia spp.	Wild indigo	adaptive	
Chelone lyonii	Pink turtlehead	native	
Coreopsis 'Moonbeam'	Coreopsis	adaptive	deer resistant
Dicentra eximia	Bleeding heart	native	
Echinacea spp.	Coneflower	adaptive	deer resistant
Geranium 'Rozanne'	Wild geranium	adaptive	
Helianthus resinosus	Sunflower	native	
Hemerocallis spp.	Daylily	adaptive	
Heuchera americana	Alumroot	native	
Heuchera 'Palace Purple'	Coral Bells	adaptive	
Hosta spp.	Hosta	adaptive	
Iris cristata	Dwarf crested iris	native	
Liatris spicata	Blazing star	native	
Lobelia cardinalis	Cardinal flower	native	deer resistant
Monarda didyma	Bee-balm	native	deer resistant
Nepeta faassenii	Catmint	adaptive	deer resistant
Pachysandra procumbens	Allegheny spurge	native	
Phlox carolina	Carolina phlox	native	
Phlox divaricata	Wild blue phlox	native	
Phlox paniculata	Garden phlox	native	
Polygonatum billorum	Solomon's seal	native	

Latin Name	Common Name	Native/Adaptive	Notes
Rudbeckia 'Goldsturm'	Black-eyed Susan	adaptive	
Salvia 'May Night'	May Night Salvia	adaptive	deer resistant
Silene virginica	Fire pink	native	
Solidago rugosa	Winkle-leaf goldenrod	native	
Tiarella cordifolia	Foamflower	native	
Vernonia novehoracensis	New York ironweed	native	

APPENDIX G - NEIGHBORHOOD MEETINGS

NOTICE REQUIREMENTS

A. **Radius.** Notify all property owners within 300 feet of the subject property and all registered HOAs within 0.25 miles. Distances exclude ROW.

B. **Method.** First-class mail.

C. **Timing.** Notices must be mailed at least 14 days before the meeting.

D. **Contents.** Using the Village Meeting Notice Letter template:

1. Purpose of the meeting.
2. Description of the proposal.
3. Date, time, and location of the meeting.
4. Applicant/representative contact info.
5. Project location map.
6. Virtual access link and call-in number, if applicable.

MEETING FORMAT AND CONTENT

A. **Meeting Format.**

1. Meetings should be in-person at a location accessible to the public and close to the project site, if feasible.
2. A virtual component is recommended for accessibility (Zoom, Microsoft Teams, WebEx, etc.).
3. Virtual attendees must have access to all visuals (maps, drawings) shown at the meeting.

B. **Meeting Content.** At a minimum, the applicant must:

1. Explain the proposal clearly, including zoning changes, site layout, and uses.
2. Describe the approval process and timeline.
3. Present visuals (maps, plans, site renderings, as appropriate).
4. Discuss potential community impacts (traffic, buffering, noise, etc.).

5. Provide contact information for follow-up questions.

POST-MEETING SUBMITTALS

The following must be submitted with the application:

- ☐ Mailing list and proof of mailing.
- ☐ Copy of the meeting notice.
- ☐ Sign-in sheet (include emails if provided).
- ☐ Meeting minutes summarizing the questions and concerns raised, along with the applicant responses and any related community input.
- ☐ Copies of all presentation materials.
- ☐ A recording of the virtual meeting.

Consider Ordinance 25-18 Adopting the new Pinehurst Development Ordinance (PDO)

ADDITIONAL AGENDA DETAILS:

FROM: Alex Cameron, Planning & Inspections Director
CC: Village Council;
DATE OF MEMO: 11/04/2025

MEMO DETAILS

After concluding the public hearing, Council may consider adopting the new Pinehurst Development Ordinance. For Council's consideration, draft ordinance 25-18 adopting the new Pinehurst Development Ordinance is provided.

ATTACHMENTS

1. DRAFT Ordinance 25-18 Adopt new PDO
2. 20251113_Combined PDO_DRAFT_V3_Attachment

ORDINANCE #25-18:

AN ORDINANCE ADOPTING A NEW DEVELOPMENT ORDINANCE OF THE VILLAGE OF PINEHURST AND ITS EXTRATERRITORIAL ZONING JURISDICTION.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted an Ordinance on the 24th day of September 2014 for the purpose of regulating planning and development in the Village of Pinehurst and its extraterritorial area over which it has jurisdiction; and

WHEREAS, the Pinehurst Development Ordinance has been amended several times since its adoption; and

WHEREAS, the Village Council, in accordance with NCGS 160D-701 promoting the public health, safety, and general welfare has deemed it necessary and in the best interests of the Village and its citizens to comprehensively update the ordinances and documents regulating growth and development in the Village and its extra-territorial jurisdiction; and

WHEREAS, the primary goals of the new Pinehurst Development Ordinance are to implement recommendations of the 2019 Comprehensive Plan, update development and design standards, remove inconsistencies, update standards to include legislative changes, and new graphics and illustrations; and

WHEREAS, the Village Council held a public hearing on the proposed Pinehurst Development Ordinance on October 30, 2025 at 4:30 p.m. which was continued to November 18, 2025 at 4:30 p.m. in the Assembly Hall of Village Hall after due notice in The Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst and its extraterritorial zoning jurisdiction, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial zoning jurisdiction were given an opportunity to be heard on the proposed Pinehurst Development Ordinance; and

WHEREAS, the Planning and Zoning Board held a public hearing on October 2, 2025, and has recommended adoption of the new Pinehurst Development Ordinance and found it to be consistent with the 2019 Comprehensive Plan; and

WHEREAS, the Village Council, after considering all of the relevant comments, facts and circumstances pertinent to this proposed Development Ordinance, has decided that it is in the best interest of the Village of Pinehurst, its citizens, residents, property owners and its extraterritorial zoning jurisdiction that the Pinehurst Development Ordinance be adopted;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled on the 18th day of November 2025, as follows:

DRAFT

SECTION 1. That the Pinehurst Village Council finds the proposed new Pinehurst Development Ordinance is consistent with the Village of Pinehurst 2019 Comprehensive Plan Implementation Strategies 1.1, 1.3, 2.15, 2.16, 2.17, 2.21, 3.1, 4.14, 4.15, 7.6, 7.9, 7.15, & 7.20.

SECTION 2. That the Pinehurst Village Council finds the proposed new Pinehurst Development Ordinance is consistent with the Village Place and Pinehurst South Form Based Guidance Plans recommendations for site, landscape, and architectural design; and

SECTION 3. That the Village of Pinehurst Development Ordinance, dated November 13, 2025, with the attached materials, is adopted as evidenced in a copy of which is attached and hereby incorporated by reference as a part of this ordinance, and denoted as Attachment #1.

SECTION 4. That the jurisdiction and authority of the Pinehurst Village Council, for all purposes including adopting and enforcing zoning regulations, subdivision control regulations, and the enforcement of the North Carolina State Building Code, are included in the adoption of this ordinance.

SECTION 5. That the Village Council does hereby rescind, repeal, and declares null and void all sections of all development ordinances, which conflict with the provisions of the Pinehurst Development Ordinance.

SECTION 6. That the Pinehurst Development Ordinance shall be and remain in full force and effect on the 5th day of January 2026.

THIS ORDINANCE passed and adopted this 18th day of November 2025.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Patrick Pizzella, Mayor

Attest:

_____
Shannon Konstantinou, Village Clerk

DRAFT

ATTACHMENT A



PINEHURST DEVELOPMENT ORDINANCE

Draft #1 – September 23, 2025

Draft #2 – October 20, 2025

Draft #3 – November 13, 2025

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CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 TITLES AND EFFECTIVE DATE

This ordinance, effective as of January 5, 2026, shall be known and may be cited as the Development Ordinance of the Village of Pinehurst, North Carolina. This Ordinance may also be known and referred to as the Pinehurst Development Ordinance (PDO).

SECTION 1.2 STATEMENT OF INTENT OF THIS ORDINANCE

A. The following Statement of Intent shall apply to and guide the implementation and enforcement of the entire Ordinance.

1. The Village of Pinehurst (Village) is a residential and resort community, the major industries of which are recreation, tourism, and a regional medical center along with the land uses that provide the goods and services needed for the convenience of the community. For the purpose of this Ordinance, Village and Pinehurst may be used interchangeably.

2. It shall be the primary goal of this Ordinance to preserve the Village's unique visual content.

3. In all decisions affecting land use, it shall be Village policy to encourage adherence to this goal by protecting its Village Center with its shops and homes and by encouraging any further development of the Village of Pinehurst as a residential, and resort community.

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4. Activities and land use not compatible with a residential and resort area, such as intense industrial uses, extensive commercial districts, structures and signs that are not in context with the Village, shall be prohibited.

5. Managed growth is desirable but protection of the desirable qualities of the Village is paramount to continue meeting the primary goals as defined in this Section.

6. The Village will manage its growth and development by creating land use regulations that consider the area's character, enhance property values, and promote appropriate land use.

B. The regulations contained in this Ordinance have been adopted in accordance with the Village of Pinehurst, North Carolina Comprehensive Plan, and all other adopted Village plans and policies, to accomplish the following goals:

1. Preserve and enhance the unique historic character and ambience of the community, especially the historic Village Center.

2. Guide development in an appropriate and sustainable way that will protect natural resources, reduce waste and climate impacts, and promote overall environmental health.

3. Support fiscally sustainable development patterns that generate new jobs and tax revenues with lower economic and social costs.

4. Provide adequate provision of transportation, water, sewage, schools, parks and other public infrastructure.

5. Ensure that the transportation system supports community structure, enhances community character and operates effectively.

6. Preserve and enhance Pinehurst's residential neighborhoods while addressing the housing needs of current and future residents.

7. Establish meaningful open space and trails system that supports pedestrian and bicycle connectivity throughout the community and allows residents to become active participants in the public realm.

8. Promote the health, wellness, and safety of Pinehurst's residents.

SECTION 1.3 GENERAL PURPOSES AND AUTHORITY

This PDO is adopted pursuant to the authority granted by the North Carolina General Statutes (NCGS), including primarily NCGS 160A and 160D and other provisions in NCGS, the Village Charter, and local legislation that grant specific authority to the Village to regulate land use and development.

SECTION 1.4 OFFICIAL MAP OF ZONING DISTRICTS AND EXTRATERRITORIAL JURISDICTION LINE

The Official Zoning Map and ETJ (extraterritorial jurisdiction) boundary, including all details, is part of this Ordinance. Any changes to the Official Zoning Map must follow the procedures set forth in *Chapter 3. Decision Making Bodies* of this Ordinance.

SECTION 1.5 JURISDICTION AND APPLICABILITY

A. **Jurisdiction.** All lands within the corporate limits of the Village and the Village's ETJ as identified on the Zoning Map are subject to this PDO.

B. **No Land Developed or Subdivided.** Unless exempted, no land shall be developed or subdivided without compliance with this Ordinance and all other applicable Village, State, and federal regulations.

C. **Lots of Record.** No lot of record which did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, which does not conform to the applicable requirements of this Ordinance.

D. **Land Use.** No use which did not exist on the effective date of this Ordinance shall be established which does not conform to the applicable requirements of this Ordinance.

E. **No Removal of Trees.** Unless exempted, no existing trees shall be removed without compliance with this Ordinance, where applicable.

F. **No Grading or Excavation.** Unless exempted, no land shall be cleared, graded, filled, or excavated without compliance with this Ordinance and all other Village, State, and federal regulations.

G. **Terms, Conditions, Provisions and Prohibitions.** The terms, conditions, provisions, and prohibitions of this Ordinance shall be held to be the minimum requirements for the promotion of public safety, health, convenience, prosperity, and general welfare of the Village of Pinehurst, North Carolina.

SECTION 1.6 CONFLICTING PROVISIONS

A. This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance, or regulation, the provisions which are more restrictive, or which impose higher standards or requirements shall govern.

   1. For example, wherever the provisions of this Ordinance require greater width or size of setbacks or buffers, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied or impose other standards which are higher than those set forth in another statute, ordinance, or regulation, then the provisions of this Ordinance shall govern.

   2. By further example, wherever the provisions of any other statute, ordinance, or regulation require a greater width or size of setbacks or buffers, a lower height of building, a lesser number of stories, or a greater percentage of the lot to be left unoccupied or impose other standards which are higher than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation shall govern.

B. This Ordinance does not override any easement, covenant, or private agreement. However, if the Ordinance's regulations are stricter or have higher standards than those agreements, the Ordinance's requirements will apply. The Ordinance does not change or cancel any private covenant or deed restriction, but those agreements do not exempt anyone from this Ordinance.

C. Unless deed restrictions, covenants, or other contracts directly involve the Village as a party in interest, the Village shall have no administrative responsibility for enforcing deed restrictions or covenants.

SECTION 1.7 THE COMPREHENSIVE LONG-RANGE PLAN

SECTION 1.7.1 IMPLEMENTATION OF THE COMPREHENSIVE PLAN

This PDO is intended to implement the Comprehensive Long-Range Plan. Amendments to this PDO should be consistent with the Comprehensive Long-Range Plan. If the Comprehensive Plan is amended, this PDO should be amended as necessary to ensure consistency with the amended Comprehensive Plan.

SECTION 1.7.2 AMENDMENTS TO COMPREHENSIVE LONG-RANGE PLAN

The Comprehensive Plan shall be amended when a rezoning is approved that is inconsistent with the Comprehensive Plan in accordance with NCGS § 160D-605.

SECTION 1.7.3 LEGAL EFFECT OF THE COMPREHENSIVE LONG-RANGE PLAN

Except as provided in *Section 1.10. Transitional Rules* all development within the Village and its ETJ shall be in accordance with the applicable provisions of the Comprehensive Long Range Plan, as adopted or amended by the Village Council.

SECTION 1.8 ENGINEERING STANDARDS AND SPECIFICATIONS MANUAL

The Village of Pinehurst Engineering Standards and Specifications Manual, along with all notations, references, and other information contained therein, shall be the basis of establishing minimum design standards for site and development infrastructure not otherwise contained in this Ordinance.

SECTION 1.9 SEVERABILITY

SECTION 1.9.1 SEVERABILITY

If a court of competent jurisdiction holds any section, subsection, sentence, clause, or phrase of this PDO to be invalid for any reason, such judgement shall not affect the validity of the remaining portions of the PDO.

SECTION 1.9.2 DEVELOPMENT PERMIT CONDITIONS SEVERABILITY

If a court of competent jurisdiction holds any condition attached to a development permit or approval granted in accordance with this PDO to be invalid for any reason, such judgement shall not affect the validity of any other conditions of the permit or approval not specifically included in the judgement.

SECTION 1.9.3 INTERPRETATION SEVERABILITY

If a court of competent jurisdiction invalidates the application of any provision of this PDO to a development, such judgement shall not affect the application of that provision to any other development not specifically included in the judgement.

SECTION 1.10 TRANSITIONAL RULES

The standards in this section address existing violations, nonconformities, and applications in process at the time this Ordinance is made effective.

A. **Prior Approval.**

1. Any development approvals granted before January 5, 2026, shall remain valid until their expiration date.
2. Developments with valid approvals or permits can proceed according to the terms of their approval and the standards in place at the time of approval, if the permit is still valid and has not expired.
3. If an approval expires or is revoked, any new development on the site must follow the current procedures and standards of this Ordinance.
4. An applicant is considered to have started an approved development when they apply for and actively pursue other necessary permits or approvals from the Village, State, or federal agencies.
5. If there is a legal challenge, the timelines for starting or ending development based on an approved application are paused.
6. If a previously approved application proposes development that doesn't comply with this Ordinance, the subsequent development, while permitted, will be considered nonconforming and must follow the rules in *Chapter 2. Nonconformities*.

B. **Existing Unlawful Uses and Structures.** If a structure or use meets the requirements of this Ordinance, any previous noncompliance or violations of the preceding ordinance is no longer relevant.

C. **Uses Rendered Non-Conforming.** If a lot was used for a lawful use before the effective date of this Ordinance, and the Ordinance or any amendment no longer allows that use, it is now considered a nonconforming use and must follow the rules in *Chapter 2. Nonconformities*.

D. **Buildings, Structures and Lots Rendered Non-Conforming.** If any building, structure, or lot existed before the effective date of this Ordinance or any amendment took effect and doesn't meet the new standards, it is now considered nonconforming and must follow the rules in *Chapter 2. Nonconformities*.

E. **Non-Conforming Uses Generally.** To be considered a nonconforming use, both the way the use was conducted, and its purpose must have been lawful and must follow the rules in *Chapter 2. Nonconformities*.

SECTION 1.11 GENERAL RULES FOR INTERPRETATION

The following rules apply for interpreting the terms and provisions of this Ordinance:

A. The provisions of this Ordinance are the minimum requirements to promote and protect public health, safety, and general welfare, and should be interpreted to achieve the purposes of this Ordinance.

B. If different parts of this Ordinance have conflicting requirements for a use or structure, the stricter rules apply. However, if there is a conflict between Overlay Zoning District rules and general Zoning District rules in *Chapter 6. Zoning Districts and Dimensional Standards,* the overlay zoning district rules apply, regardless of whether they are stricter or less strict.

C. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, table, image or map contained herein, the text shall take precedence.

D. Any action that this Ordinance allows a specific Village official to perform can also be performed by a designee of that official.

E. Notwithstanding Subsection D, elected and appointed officials are considered agents of the Village within the scope defined in *Chapter 3. Decision Making Bodies* of this Ordinance and the Code of the Village of Pinehurst. These officials include but are not limited to the Village Council, the Planning and Zoning Board, the Board of Adjustment, and the Historic Preservation Commission.

CHAPTER 2 NONCONFORMITIES

SECTION 2.1 PURPOSE AND SCOPE

The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, and lots that were established prior to the effective date of this Ordinance that do not conform to its requirements. Such uses of land, vacant lots, structures, and improvements are collectively referred to as “nonconformities”. While many nonconformities may continue, the intent of this Section is to recognize the interests of property owners in continuing to use the land, and to preclude the expansion of a nonconformity or the reconstruction or re-establishment of a substantially destroyed or discontinued nonconformity.

A. **Determination of a Nonconformity.** The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns the property upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations.

B. **Ownership Changes.** No change of title or possession of property shall be construed to prevent the continuance of the nonconformity.

C. **Increases in Nonconformity.** A nonconformity shall not be expanded, intensified, or enlarged except as provided in this Section.

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SECTION 2.2 NONCONFORMING USES

A. Within the Village, some uses may be nonconforming. These uses were allowed when they were first constructed and used but do not meet current zoning regulations. These nonconforming uses may continue as they were originally constructed and/or used, provided the original use has not been discontinued for longer than the periods specified in subsection (F) for types of nonconforming uses.

B. **Extension of Use.** A nonconforming use of land shall not be enlarged, extended, or intensified in any way except as provided below.

C. **Continuation, Maintenance and Minor Repair.** The continuation of a nonconforming use of land and the maintenance or minor repair of a structure with a nonconforming use are permitted, provided that these actions do not extend, expand, or increase the intensity of the nonconforming use. For the purposes of this Section, maintenance or minor repair is defined as:

   1. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness or interior and exterior appearance of a building or structure without expanding or altering the building or structure.

   2. Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses.

   3. The addition of landscaping that increases the visual attractiveness of the property.

   4. Repairs required to remedy unsafe conditions which cause a threat to public safety.

D. **Damage or Destruction.** If a nonconforming use of land containing a nonconforming use is destroyed by any means other than Acts of God, to an extent greater than fifty percent (50%) of its replacement cost at the time of destruction, the use shall not be reestablished in any way that does not conform to the requirements of this Ordinance including off-street parking, landscaping, and signage. However, if the destruction is a result of Acts of God the use and or structure can be reestablished to the previous extent.

E. **Change of Use.** Any nonconforming use of land may be changed to a conforming use by obtaining all necessary approvals and permits required by this Ordinance for the intended or resulting use, building, structure, or lot.

F. **Cessation of Use.**

1. If a nonconforming use is discontinued for 120 consecutive days or more, the property shall thereafter be occupied and used only for a conforming use. If a nonconforming use of property is discontinued but reestablished within 120 days, then the nonconforming use may continue as long as the nonconformity does not change or increase.

2. Nonconforming Banks, Credit Unions, Financial Services and Professional Services located within the VC (Village Commercial) Zoning District have a 30 day limit for discontinuation of that use and the space may only be re-occupied by a conforming use.

3. If a nonconforming short term rental dwelling unit is not used for 365 days or more, the use shall be deemed to have been discontinued and shall thereafter be used only for a conforming use.

G. **Signs for Nonconforming Uses.** Wall signs shall not be erected on any nonconforming use in any residential district. Nonconforming uses may repair and maintain their existing signage in accordance with *Section 2.4. Nonconforming Signs* and construct new signage in accordance with *Chapter 13. Sign Standards.*

SECTION 2.3 NONCONFORMING STRUCTURES

A. **Expansion or Enlargement.** A nonconforming structure shall not be enlarged, extended or intensified in any way that increases the existing nonconformity or nonconformities, except as provided below.

B. **Maintenance or Minor Repair.** The maintenance or minor repair of a nonconforming structure is permitted, if it does not extend, expand, or increase the size or intensity of the nonconforming structure. For the purposes of this Section, maintenance or minor repair shall mean:

1. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness or interior and exterior appearance of a building or structure without expanding or altering the building structure.

2. Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses.

3. The addition of landscaping that increases the visual attractiveness of the property.

4. Repairs required to remedy unsafe conditions which cause a threat to public safety.

C. **Damage or Destruction.** If a nonconforming structure, with the exception of a single-family home, is destroyed or damaged by any means other than Acts of God by more than fifty percent (50%) of its replacement cost at the time of destruction, then such structure shall not be restored, nor any use of the structure be reestablished in any way which does not conform to the requirements of this Ordinance including off-street parking, landscaping, and signage. However, if the destruction is a result of Acts of God the use and or structure can be re-established to the previous extent.

1. **Structures within a Multi-Family Development.** For structures located within a multi-family development, the fifty percent (50%) shall be measured with reference to the total number of units.

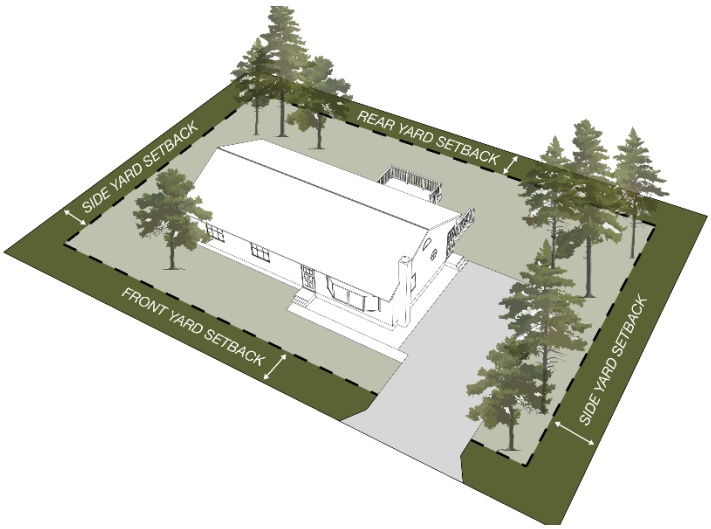
2. **Single-Family Dwellings.** A nonconforming single-family dwelling which is damaged or destroyed to an extent of fifty percent (50%) of assessed value or more may be rebuilt to its previously permitted form.

3. **Historic District Dwellings.** Notwithstanding the aforesaid, existing legally constructed nonconforming single family and duplex dwellings located within the Historic Preservation Overlay District may be rebuilt if they are destroyed by any means as long as the heated and unheated enclosed square footage of the structure is not increased. If the existing structure is also nonconforming in regard to setbacks it shall comply with the setback regulations at the time it is reconstructed. These dwellings shall also be allowed to construct additional outdoor living spaces, porches and decks so as to be afforded the same opportunity to improve the livability and appearance as conforming single-family homes in the Historic Preservation Overlay District.

D. **Section Not Applicable to Nonconforming Signs.** This Section shall not apply to nonconforming signs, the continuation, replacement, removal, expansion, maintenance, and repair of which are governed by *Section 2.4. Nonconforming Signs.*

E. **Existing Single-Family Dwellings.** Single-family dwellings and their accessory structures with setbacks made legal nonconformities by the adoption of this Ordinance are exempt from the requirements of this Section if the proposed addition or alteration will either meet the current setback requirements or will not further encroach into any required setback than the existing structure. This shall not apply to enclosing existing nonconforming decks and patios not under roof if the deck or

patio is the furthest projection into the setback. All other requirements including impervious surface shall be met.



SECTION 2.4 NONCONFORMING SIGNS

A. **Continuation.** Except as set forth in *Chapter 13. Sign Standards* of this Ordinance, requiring removal of a sign when the establishment it serves is discontinued, nonconforming signs may be continued subject to the limitations set forth in this Section.

B. **Enlargement or Alteration.** A nonconforming sign, including its permanent message or its structure, shall not be extended, enlarged, moved, or otherwise altered unless the sign is made to conform to the applicable requirements of this Ordinance, except as outlined in (E) and (F) below.

C. **Damage or Destruction.** When a nonconforming sign is demolished or damaged to the extent that more than fifty percent (50%) of its surface area requires replacement, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

D. **Repair or Maintenance.** When the repair or maintenance of a nonconforming sign exceeds fifty percent (50%) of the sign area, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

E. **Legal Nonconforming Residential Neighborhood Development.** Signs located at the entrance to the development made nonconforming by their placement within Village of Pinehurst Public Rights of Way may be replaced. These replacement signs shall conform to all other regulations including size and height and shall be

constructed to meet NCDOT and Village of Pinehurst requirements for vehicular safety. No sign shall be replaced under this provision without the approval of the Village Manager or designee. The Village Manager may dictate a location that deviates from the original location if in their opinion this would be in the best interest of the public. An individual or entity desiring to construct the new signage shall also be required to obtain a Right-of-Way Encroachment Permit.

F. Non-Conforming signs serving multi-tenant developments may change out tenant names if no more than one-half (50 percent) of the message is changing.

SECTION 2.5 NONCONFORMING LOTS OF RECORD

A. **Development Prohibited.** No use or structure shall be established on a lot of record which does not conform to the lot area and lot width requirements established in this Ordinance for the zoning district in which it is located, except as otherwise set forth in (B) and (C) below.

B. **Residential Use.** Notwithstanding the limitation in Subsection (A) above, a nonconforming lot may be used provided that:

1. The lot is in a district for which the use is permitted.

2. Development of the lot will follow dimensional requirements of the applicable zoning districts with the exception of minimum lot size and minimum lot width. All other dimensional criteria must be met.

C. **Non-Residential Uses.** Notwithstanding the limitation in Subsection (A) above, a nonconforming lot may be used for non-residential purposes, provided that:

1. The lot is in a district in which the use is permitted.

2. Development of the lot will follow dimensional requirements of the applicable zoning districts except for minimum lot size and minimum lot width. All other dimensional criteria must be met.

CHAPTER 3 DECISION MAKING BODIES

SECTION 3.1 PURPOSE

A. **Purpose.** This Chapter defines the development review and decision-making entities of the Village of Pinehurst as well as the approval process for all development applications, and is comprised of the following components:

1. **Summary Development Process Table.** The summary table describes all development application review processes in this Ordinance and the review and decision-making bodies which decide them.

2. **Review and Decision-Making Bodies.**

   (1) **Village Council.**

   (2) **Planning and Zoning Board.**

   (3) **Board of Adjustment.**

   (4) **Historic Preservation Commission.**

   (5) **Village Staff.**

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SECTION 3.2 SUMMARY DEVELOPMENT PROCESS TABLE

The Summary Development Process table lists each development review process under this Ordinance and the review and decision-making bodies involved in the decision-making process. Processes are organized by Administrative, Quasi-judicial, and Legislative processes, as defined in *Chapter 15. Definitions.*

Table 3.1 Summary Development Process Table

Review Process	Section	Review and Decision-Making Bodies				
		Village Planner	Historic Preservation Commission	Planning and Zoning Board	Board of Adjustment	Village Council
Administrative Process						
Minor Site Plan	Section 4.3.8.D	**D**				
Major Site Plan	Section 4.3.8.E	**RR**		**RR**		**D**
Preliminary Major Subdivisions	Section 4.3.9.C	**RR**		**RR**		**D**
Minor Subdivisions	Section 4.3.9.D	**D**				
Expedited Subdivisions	Section 4.3.9.E	**D**				
Exempt Subdivisions	Section 4.3.9.F	**D**				
Final Major Subdivisions	Section 4.3.9.I	**D**				
Temporary Use Permit	Section 4.3.10	**D**				
Development Permit	Section 4.3.11	**D**				
Zoning/Building Permit	Section 4.3.12	**D**				
Certificate of Occupancy	Section 4.3.13	**D**				
Minor Certificate of Appropriateness	Section 6.4.1.C	**D**				

Review Process	Section	Review and Decision-Making Bodies				
		Village Planner	Historic Preservation Commission	Planning and Zoning Board	Board of Adjustment	Village Council
Quasi-Judicial Process						
Variance	Section 4.3.6	**R**			**D**	
Special Use Permit	Section 4.3.7	**R**				**D**
Quasi-Judicial Process						
Appeals*	Section 4.3.15	**R**			**D**	
Major Certificate of Appropriateness	Section 6.4.1.C	**R**	**D**			
Legislative Process						
Ordinance Amendment	Section 4.3.2	**RR**		**RR**		**D**
Zoning Map Amendment	Section 4.3.3	**RR**		**RR**		**D**
Key: R= Review, RR = Review and Recommend, D = Final Decision						
*The BOA shall hear and pass upon appeals from and shall review any disputed order, requirements, decision, or determination made by the Village Planner.						

SECTION 3.3 REVIEW AND DECISION-MAKING BODIES

SECTION 3.3.1 VILLAGE COUNCIL

A. **Powers and Duties.** Without limiting any authority granted to the Village Council by State law or by other ordinances of the Village, the Village Council shall have the following powers and duties with respect to this Ordinance:

1. To adopt amendments to the text of this Ordinance.
2. To adopt amendments to the Official Zoning Map, such as to zone or rezone property into a general use district, conditional district, or overlay district.
3. To adopt amendments to the Comprehensive Plan and other plans of the Village.

4. To adopt design standards for the Historic Preservation Overlay District or other districts.

5. To approve or deny requests for major subdivision preliminary plats, special uses, and general concept plans associated with major site plans; and

6. Such additional powers and duties as may be set forth for the Village Council elsewhere in this Ordinance.

SECTION 3.3.2 PLANNING AND ZONING BOARD

A. **Powers and Duties.** The Planning and Zoning Board shall have the following powers and duties:

1. To review and make recommendations to the Village Council on all proposed amendments to this Ordinance and to the official Zoning Map, General Concept Plans for Major Site Plans, and preliminary plats for Major Subdivisions.

2. To help create or update plans and policies for the Village's coordinated and harmonious development, when requested by the Village Council, in accord with the goals of *Section 1.2 Statement of Intent of This Ordinance*.

3. To regularly review this Ordinance and recommend changes to the Village Council.

4. To carry out any other responsibilities assigned to the Planning and Zoning Board elsewhere in this Ordinance or other Village Ordinances.

SECTION 3.3.3 BOARD OF ADJUSTMENT

A. **Powers and Duties.** The Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160D:

1. To hear and decide applications for approval of variances from the terms of this Ordinance, in accordance with the procedures and standards set forth in *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance.

2. To hear and decide appeals from any order, requirement, permit, decision, or determination issued or made by Village officials in enforcing any provision of this Ordinance, in accordance with the procedures and standards set forth in *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance.

3. To carry out any other responsibilities assigned to the Board of Adjustment elsewhere in this Ordinance or other Village Ordinances.

SECTION 3.3.4 HISTORIC PRESERVATION COMMISSION

A. **Powers and Duties.** The Historic Preservation Commission shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance and NCGS Chapter 160D, Part 4:

1. Undertake an inventory of properties of historical, architectural, and/or cultural significance.

2. Recommend to the Village Council areas to be designated by ordinance as "Historic Districts"; and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks".

3. Conduct an educational program with respect to historic properties and districts within the jurisdiction of this Ordinance.

4. Cooperate with State, federal, and local governments in pursuance of the purposes of this Section. The Village Council or the Commission when authorized by the Council may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with the State or Federal law.

5. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

6. Prepare and recommend the official adoption of a preservation element as part of the Village Comprehensive Plan.

7. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Section.

8. Such additional powers and duties may be set forth for the HPC elsewhere in this Ordinance and other ordinances of the Village.

9. Recommend design standards for the Historic Preservation Overlay District to the Village Council.

SECTION 3.3.5 VILLAGE STAFF AND DEPARTMENTS

A. **Village Planner.**

1. The Village Planner, or their designee, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(1) To review and comment on all applications for development approval for compliance with the terms of this Ordinance.

(2) The Village Planner is granted the authority to interpret, administer and enforce the provisions of this Ordinance. The Village Planner may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon them by this Ordinance.

(3) To provide the Village Council, the Planning and Zoning Board, the Board of Adjustment, and the Historic Preservation Commission with the reports and recommendations regarding matters before those bodies, either as required by this Ordinance or upon the request of the body.

(4) To determine and enforce compliance with any conditions attached by the Village Council, Planning and Zoning Board, Historic Preservation Commission or the Board of Adjustment to its approval of a special use, variance, subdivision plat, site plan, conditional district rezoning or certificate of appropriateness.

(5) To advise the Planning and Inspections Department in its inspections of buildings, structures, and the use and development of land.

(6) To interpret, administer, and enforce compliance with the terms of this Ordinance.

(7) Such additional powers and duties as may be set forth for the Village Planner elsewhere in this Ordinance and other ordinances of the Village.

2. It shall be the duty of the Village Planner to administer and enforce the provisions of *Section 6.4.3. Watershed Protection Overlay District - WPOD*. The Village Planner shall keep records of the jurisdiction's compliance with local watershed regulations.

B. **Planning and Inspections Department.** The Planning and Inspections Department, under the direction and supervision of the Village Planner, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. To review and comment on all applications for development approval which are submitted to the Department.

2. To issue and revoke development permits, building permits, and certificates of occupancy, in accordance with *Chapter 4. Approvals, Variances, and*

Administrative Appeals of this Ordinance and to make and maintain records of them.

3. To conduct inspections of buildings, structures, and the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances and codes of the Village and the State, including all conditions of approval related to development.

4. To review, inspect, and approve Village acceptance of subdivision and site plan improvements.

5. To consult with the Village Engineer on the calculated amounts of guarantees required for the installation of improvements, and to determine the sufficiency of improvement guarantee funds.

6. To consult with the Village Engineer on the National Flood Insurance Program.

7. To review all applications for approval of development within the Watershed Protection District for compliance with the provisions in *Section 6.4.3. Watershed Protection Overlay District - WPOD* of this Ordinance regarding watershed protection.

8. To obtain certification from a registered professional engineer or architect when a structure is required to be flood proofed.

9. To maintain all records pertaining to the provisions of Developments in Flood Hazard Areas and Flood Damage Prevention and to hold them open for public inspection.

10. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances and Building Codes of the Village and the State.

C. **Village Engineer.** The Village Engineer, or their designee, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. To review and comment on all applications for development approval which are submitted to the Engineer.

2. To prepare and maintain standard engineering design specifications for streets, storm drainage facilities, water and sewer, sidewalks, and other improvements.

3. To conduct inspections of the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances

and codes of the Village and State, including all conditions of approval related to development.

4. To review and approve the design specifications for subdivision and site plan improvements.

5. To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed development on the Village's transportation and utility systems.

6. To prepare and maintain the Engineering Standards and Specifications Manual.

7. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the Village.

8. Deviations from the Engineering Standards can be allowed by the Village Engineer provided the intent and purpose of the standards are not compromised.

D. **Technical Review Committee (TRC).** The TRC shall serve as a review and recommendation group, assisting the Village Manager, Village Planner, and Village Council, where appropriate, with the review of development permit applications. The TRC will provide advice and recommendations on planning, environmental, engineering, transportation, utilities, and other technical aspects and evaluate the comments and reports from other local, regional or state agencies and from the applicant or other qualified parties.

1. The TRC shall meet at the request of the Village Planner.

2. The applicant may be invited to attend meetings of the TRC.

3. The TRC's recommendations shall be provided as conditions of approval or denial of the application.

4. TRC members shall include, but not be limited to, the Village Planner, representatives from Fire, Police, Public Services, Village Engineer, Building Official and Moore County Utilities.

SECTION 3.4 CONFLICT OF INTEREST

A. **Village Council**

1. A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of

the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

2. Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

B. **Appointed Board**

1. Members of appointed boards, including but not limited to the Planning and Zoning Board, Board of Adjustment and Historic Preservation Commission, shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the board member has a close familial, business, or other associational relationship.

2. Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

C. **Staff**

1. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct,

substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person, or such other staff person as may be designated by the supervisor.

2. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

CHAPTER 4 APPROVALS, VARIANCES, AND ADMINISTRATIVE APPEALS

SECTION 4.1 ADMINISTRATION

A. To accomplish the purposes of this Ordinance and to ensure compliance with these regulations, the following administrative responsibilities are assigned:

   1. The Village Planner and the Planning and Zoning Board are responsible for making recommendations to the Village Council regarding zoning and land use matters as required by this Ordinance.

   2. The Village Planner and designees shall enforce and administer the regulations of this Ordinance.

B. The Board of Adjustment, Planning and Zoning Board, Village Manager, and the Village Planner, among other boards and committees, may seek needed legal advice of the attorney for the Village of Pinehurst as needed.

Chapter 4. Approvals, Variances, And Administrative Appeals 33
Section 4.1 Administration 33
Section 4.2 General Administration Standards And Requirements 34
Section 4.3 Review Processes 41
Section 4.4 Appeals Of Administrative Decisions 97

SECTION 4.2 GENERAL ADMINISTRATION STANDARDS AND REQUIREMENTS

SECTION 4.2.1 GENERAL

Whenever the authorized board approves an application for a special use permit or a variance pursuant to *Section 3.3.3. Board of Adjustment* or *Section 4.3.7. Special Use Permit*, or as a conditional district zoning pursuant to *Section 4.3.3.E Conditional District Rezone*, the Village Planner shall obtain the applicant's/landowner's written consent to conditions related to a special use permit or conditional rezoning, and shall cause issuance of any necessary building permit and certificate of occupancy in accordance with the terms of such approval. All other conditions are to be met prior to the issuance of building permits, certificates of occupancy, or other period of time as determined by the Village Planner.

SECTION 4.2.2 VESTED RIGHTS AND PERMIT CHOICE

A. **Purpose**

1. NCGS § 160D-108 provides mechanisms by way of statutory vested rights for a project to move forward as originally approved. Statutory vested rights run with the land and are not affected by changes in ownership. These rights are subject to development progressing in accordance with all applicable terms and conditions of approval.
2. Permit choice is provided as an option for establishing the development standard to be used when regulations are in the process of changing during application review.

B. **Permit Choice.** If an application is submitted for development subject to this Ordinance, and the Ordinance is amended between the time the application is submitted and a development approval decision is made, or a development permit decision has been challenged and found to be wrongfully denied or after an illegal condition is imposed, NCGS § 143-755 applies.

1. If a permit application is submitted for any type of development and a rule or Ordinance is amended, between the time the application was submitted and a permit decision is made, the Applicant may choose which adopted version of the rule or Ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.

2. If the Applicant chooses the version of the Ordinance applicable at the time of the complete application, the Applicant shall not be required to await the outcome of the amendment to the Ordinance prior to acting on the development permit.

3. If a development permit application is placed on hold at the request of the Applicant for a period of six (6) consecutive months or more, or the Applicant fails to respond to comments or provide additional information reasonably requested by the Village or State government for a period of six (6) consecutive months or more, the application review is discontinued and the development regulations in effect at the time the permit processing is resumed apply to the application.

C. **Establishment of Vested Right.**

1. A vested right shall be deemed established upon the valid approval or approval with conditions by the Village Council, Appointed Boards or Committees, or the Village Planner, in compliance with all provisions of this Ordinance, as applicable, of a site-specific vesting plan, following notice and public hearing.

2. The Village Council may approve a site-specific vesting plan upon such terms and conditions as authorized in Section 4.2.2.D.4, and upon making such findings as are required for approval by this Ordinance.

3. Notwithstanding *Section 4.2.2. Vested Rights and Permit Choice*, approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

4. A site-specific development plan shall be deemed approved upon the effective date of approval by the approving authority or ordinance relating thereto, and only to the extent of that approval.

5. The establishment of a vested right shall not preclude the application of overlay standards that impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the local jurisdiction, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific vesting plan upon the expiration or termination of the vested right in accordance with this Section.

6. A vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

D. **Duration of Vested Rights.**

1. Table 4.1 establishes the term of duration of specific statutory vested rights.

2. Except where a longer vesting period has been granted, if a statutory vested right is established and work intentionally and voluntarily ceases for a period of twenty-four (24) consecutive months, the statutory vesting expires.

3. Terms may only be extended by action of the Village Council in a Legislative Hearing upon demonstration that a project has or will continue to make substantial progress towards completion. Any extension of time granted under this provision shall not place any other additional conditions on the approval.

4. A Site-Specific Vesting Plan is a plan that describes with reasonable certainty the type and intensity of use for specific parcel(s) and includes information such as site boundaries; topographic and natural features; location of proposed buildings, structures and improvements; and dimensional requirements. Site-Specific Vesting Plans include the following:

   (1) Plans approved subject to conditional zoning.

   (2) Preliminary plats.

   (3) Plans approved as part of planned developments.

   (4) Commercial and multifamily site plans.

   (5) Plans associated with special use permits.

5. For the purposes of this Section, a multi-phased development is one that:

   (1) Contains at least twenty-five (25) acres.

   (2) Occurs in more than one phase.

   (3) Is subject to a master development plan showing the type and intensity of each phase.

   (4) Multi-phased developments may be vested for a period of seven (7) years from approval of the initial phase of development.

6. Except for multi-phased developments, the Village Council may provide for rights to be vested for a period exceeding two years but not exceeding five (5) years where warranted due to circumstances such as size and phasing of the project, market and economic conditions, and the level of investment made.

7. The establishment of a vested right does not preclude vesting by application of common law principles.

Table 4.1 Duration of Vested Rights

Type of Approval	Statutory Vested Rights Duration
Building Permit	6 months
Site-Specific Vesting Plan	2 years
Multi-Phased Development	7 years from approval of initial phase of development
All other approvals (includes basic zoning permit for use by right)	1 year
Final Plat	Vested at time of issuance
Development Agreement	As specified in the terms of the agreement

E. **Subsequent Changes Prohibited; Exceptions**

1. Once established, a vested right precludes any zoning action which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of a property set forth in a site-specific vesting plan except under the following circumstances:

   (1) Written consent of the landowner.

   (2) Upon findings by ordinance after notice and a Quasi-Judicial hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project proceeds according to the site-specific vesting plan.

   (3) To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred, including but not limited to all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consulting fees incurred after Village approval, together with interest provided under NCGS § 160D-106. Compensation shall not include any diminution in value caused by the action.

   (4) Upon findings, by ordinance after notice and a Quasi-Judicial hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a

difference in the approval of the site-specific vesting plan or the phased development plan.

(5) Upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in law has a fundamental effect on the plan, by ordinance after notice and a Quasi-Judicial hearing.

2. The establishment of a vested right does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation including, but not limited to, building, fire, plumbing, electrical and mechanical codes.

3. The establishment of a vested right does not preclude, change, or impair the authority to adopt and enforce development regulations governing nonconforming situations or uses.

F. **Voluntary Annexation.**

1. A petition for annexation filed with the Village under NCGS § 160A-31 or NCGS § 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under NCGS § 160D-202(k).

2. A statement that declares that no zoning vested right has been established or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

SECTION 4.2.3 MINOR AND MAJOR MODIFICATIONS

In reaching a decision as to whether proposed modifications are to be considered Minor or Major, the Village Planner shall review the proposed modifications pursuant to the following table. If the modification is not determined to be a Minor Modification by the Village Planner, it will be considered a Major Modification and will be approved subject to the requirements in the applicable sections.

Table 4.2 Major and Minor Modifications

Land Development Regulation Standard	Minor Modification	Major Modification
General		
Any modification in a stipulation or condition specifically required by the Board		✓
Scrivener errors that do not alter the location or boundary of any lot or easement	✓	
Any other modifications that are not specifically set forth in this table as a minor modification		✓
Corrections to the Final Plat to match the applicable Preliminary Plat	✓	
Revising the terms and conditions of the applicable zoning district on the Final Plat	✓	
Site Standards		
A decrease in minimum Lot Area by 20 percent or more		✓
An increase in maximum Lot Coverage by 5 percent or more		✓
An increase in maximum Block Length by 15 percent or more		✓
Moving a side or rear lot line in common with abutting lot on a Final Plat, so long as the resulting lots and setbacks remain in compliance with the Ordinance	✓	
A decrease in minimum Front, Side, or Rear Setback by 15 percent or more		✓
An increase in maximum permitted Encroachment into Setback by 15 percent or more		✓

Land Development Regulation Standard	Minor Modification	Major Modification
A modification to the location of provided open space, provided the applicant demonstrates all applicable Open Space Standards are still met	✓	
A modification made to the final grade on previously approved and recorded documents of not more than 10 percent	✓	
On the Final Plat, the combination of 2 lots to create 1 lot that is larger than the original lots being joined, so long as the resulting lot and development otherwise complies with the Ordinance and the lot(s) have not already been combined with any other lot in such a manner	✓	
Building Standards		
An increase in maximum Building Height by 10 percent or more		✓
An increase in maximum Accessory Structure Height by 10 percent or more		✓
Development Standards		
An increase over the maximum Number Of Required Parking Spaces by 25 percent or less	✓	
An increase in maximum Lighting Height by 15 percent or more		✓
An increase in maximum permitted sign height by 15 percent or more		✓
A modification to the Minimum Landscape Requirements by 15 percent or more		✓
An alteration of the type of landscaping provided, provided all Landscape Screening requirements are met	✓	
A modification of the Tree Replacement Schedule wherein no more than 20 inches of tree planting is either added or removed due to changes in tree removal or retention	✓	

Land Development Regulation Standard	Minor Modification	Major Modification
On the Final Plat, the enlargement of a recorded non-residential lot to include abutting land that was part of the applicable Preliminary Plat, but which abutting land has not yet been included in a recorded Final Plat	✓	
Access		
A modification in the location of a street or access point by not more than 10 feet, provided the applicant demonstrates that all other applicable requirements are still met	✓	
The introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access		✓

SECTION 4.3 REVIEW PROCESSES

SECTION 4.3.1 DEVELOPMENT REVIEW PROCEDURES

A. **Purpose and Intent.**

1. This Section describes the standard procedural steps and rules generally applicable to all development applications reviewed under this Ordinance.

2. The procedures provided in this Section are utilized by the Village for the processing of applications for development permits or approvals.

3. It is the intent of this Section to establish a uniform set of procedures for development applications to be more effective and efficient for applicants, adjacent properties, elected officials, and the Village Planner.

4. The use of property may not be substantially changed, and substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to this Ordinance.

5. Any deviation from these procedures, other than those required by statute, shall not be grounds for invalidating an otherwise valid decision.

B. **Preapplication Meeting.** Although not required in all circumstances, applicants are strongly encouraged to attend a Preapplication Meeting with the Village Planner. It

is understood that information provided by staff in Preapplication Meetings is not binding and for informational purposes only. Applicants are encouraged to provide staff with information to assist staff in providing guidance.

C. **Applications.**

1. Development applications reviewed under this Section may be filed only by the owner of the property on which the use is to be located, an agent of the owner, or contract purchaser specifically authorized by the owner to file such application, or any unit of government which is not the owner of the property but proposes to acquire the property by purchase, gift, or condemnation. Where an agent, lessee, or contract purchaser files the application, the agent, lessee, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.
2. The Village Planner shall establish application content and forms. The Planner may change requirements for submission of required information when, in the Planner's opinion, such information is otherwise available or is not necessary to review the application.
3. The Village Council shall establish application fees, which shall be identified in the Village's adopted fee schedule. Village Council may amend and update those fees as necessary. Requests for approval of the different permits and approvals required by this Ordinance are subject to the payment of the appropriate application processing fee(s) as specified in the most recent Village of Pinehurst Fee Schedule.
4. No application shall be considered for review until it is deemed complete. If the application is incomplete, the Planner shall notify the applicant of any deficiencies. A complete application shall:
   (1) Contain all information and materials as required in the application form as designated by the Village Planner.
   (2) Provide the number of copies required per the application.
   (3) Be signed by the person with authority to file the application.
   (4) Be legible and printed to scale.
   (5) Include information in sufficient detail to evaluate whether the application complies with the applicable review standards in this Ordinance.
   (6) Include the required fee for the particular type of application.

D. **Neighborhood Meetings.**

1. **Neighborhood Meeting Required.** In advance of filing an application for the following applications, a mandatory Neighborhood Meeting is required. Substantial changes to the application may warrant additional Neighborhood Meetings.

   (1) All rezoning applications.

   (2) Major Site Plan.

   (3) Major Subdivision.

   (4) Conditional Zoning Districts.

   (5) All other projects determined to have significant community impact by the Village Planner.

2. **Notice Requirements.**

   (1) All property owners within three hundred (300) feet, excluding right-of-way, and Homeowner Associations within a quarter (0.25) mile shall be mailed notice of the Neighborhood Meeting.

   (2) Notices shall be mailed a minimum of fourteen (14) days prior to the Neighborhood Meeting.

   (3) The notice shall contain the required information in Appendix G.

3. **Meeting Elements.** Plans, information, and data related to the application shall be presented at the Neighborhood Meeting. A complete list of information required to be presented is located in Appendix G.

4. **Meeting Summary.** A summary of the Neighborhood Meeting must be submitted with the application. A complete list of what should be included in the summary is located in Appendix G.

E. **Staff Review of Applications.**

1. All applications made under this Chapter shall be filed with the Village Planner, unless otherwise noted, on a form prescribed by the Village Planner.

2. The Village Planner shall determine whether any initial application required under any Section of this Chapter is complete. If the Village Planner determines that the application is not complete, then he or she shall notify the applicant of

any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Village Planner shall schedule the application for consideration before the appropriate body and/or schedule a public hearing, if required.

3. An application shall be deemed complete if it is submitted in the required number and form, includes all requested information, and is accompanied by the applicable fee. A determination of application completeness shall be made within thirty (30) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within twenty (20) working days, the application shall be considered withdrawn.

F. **Quasi-Judicial and Legislative Public Hearings.**

1. **Public Meetings and Public Hearings.** Public Meetings and Public Hearings shall comply with the Quasi-Judicial and Legislative provisions below.

2. **Public Notice Requirements.**

Table 4.3 Public Hearing Notification Requirements

Process	Section Number	Quasi-Judicial Hearing	Legislative Hearing	Published Notice	Mailed Notice	Posted Notice
Ordinance Amendment	Sec. 4.3.2		Yes	Yes	Yes	Yes
Rezoning	Sec. 4.3.3		Yes	Yes	Yes	Yes
Variance	Sec. 4.3.6	Yes		No	Yes	Yes
Special Use Permit	Sec. 4.3.7	Yes		No	Yes	Yes
Appeal	Sec 4.3.15	Yes		No	Yes	Yes

(1) **Published Notice Requirements.** Prior to the hearing, a notice of the hearing shall be posted once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time, not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(2) **Mailed Notice Requirements.** The owners of all parcels of land abutting the subject site shall be mailed a notice of the hearing by first-class mail to the last address listed on the Moore County Tax Registry. Properties are considered abutting even if separated by a street, railroad or other transportation corridor. The notice shall be deposited in the mail not less than ten (10) days nor more than twenty-five (25) days before the hearing.

i. In lieu of mailed notice, the Village may use an optional expanded published notice for large-scale map amendments as provided for in NCGS § 160D-602(b) if the change in zoning involves more than fifty (50) properties owned by at least fifty (50) different property owners.

(3) **Posted Notice Requirements.** At least ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

3. **Quasi-Judicial Hearings.** The Board of Adjustment shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or for any other quasi-judicial decision.

(1) **Administrative Materials.** Staff shall transmit to the Board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the Board prior to the hearing if at the same time they are distributed to the Board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(2) **Presentation of Evidence.** The applicant, the local government, and any person who would have standing to appeal the decision under *Section 4.3.1.H. Standing* shall have the right to participate as a party at the Quasi-Judicial hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Board. Objections regarding jurisdictional and quasi-judicial issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be

made to the Board. The Board Chair shall rule on any objections, and the chair's rulings may be appealed to the full Board. These rulings are also subject to judicial review pursuant to NCGS § 160D-1402.

(3) **Appearance of Official New Issues.** The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the Quasi-Judicial hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the Notice of Appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the Notice of Appeal, the Board shall continue the hearing.

(4) The Board Chair or any member acting as chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

(5) **Subpoenas.** The Board making a quasi-judicial decision through the Chair or, in the Chair's absence, anyone acting as Chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under NCGS § 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(6) **Appeals in Nature of Certiorari.** When hearing an appeal pursuant to NCGS § 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in NCGS § 160D-1402(j).

(7) **Voting.** The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide on

any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter under NCGS § 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(8) **Decisions.** The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be in writing, reflect the Board's determination of contested facts and their application to the applicable standards, and be approved by the Board and signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board or such other office or official as the development regulation specifies. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(9) **Judicial Review.** Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to NCGS § 160D-1402. Appeals shall be filed within the times specified in NCGS § 160D-1405(d).

4. **Legislative Hearing Procedures.** The procedures and requirements set forth in this Section shall apply to all legislative public hearings regarding text amendments, the rezoning of property to a conditional district, general use zoning district, overlay zoning district, general concept plans for major site plan approvals and major subdivision preliminary plats;

(1) **Complete Application.** When the Village Planner has determined that an application is complete and that a public hearing is required by this

Ordinance, the Village Planner shall schedule a date, time, and place for a public hearing before the Planning and Zoning Board.

(2) Any person may appear at the public hearing before the Planning and Zoning Board to speak in explanation or rebuttal, either individually or as a representative of an organization, upon receiving proper recognition from the chairperson of the body conducting the hearing.

(3) Each person who appears at a legislative public hearing shall identify himself or herself and his or her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization. Anyone representing an organization shall present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration, unless the chairperson waives this requirement.

(4) The Planning and Zoning Board shall provide for review and comment in writing to Village Council. If no written report is received within thirty (30) days of referral, Village Council may act on any map and text amendments without the report from the Planning and Zoning Board.

(5) For map and text amendments, the Planning and Zoning Board shall advise and comment on whether the proposed action is consistent with the adopted comprehensive plan and any other officially adopted plan.

(6) When adopting or rejecting a text or map amendment, Village Council shall approve a statement describing whether its action is consistent or inconsistent with the adopted Comprehensive Plan. If a zoning map amendment is approved that is inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending the future land use map. In addition, the Village Council shall adopt a statement analyzing the reasonableness of the proposed amendment.

(7) At any time upon reasonable request, any person may examine the application and materials submitted in support of, or in opposition to, an application for approval under this Chapter. The Village Planner shall make copies of such materials available at cost as per the Village adopted fee schedule.

5. **Standing.** The following persons have standing in a quasi-judicial proceeding.

(1) Any person possessing any of the following criteria:

i. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.

ii. An option or contract to purchase the property that is the subject of the decision being appealed.

iii. An applicant before the decision-making board whose decision is being appealed.

(2) Any other person who will suffer special damages as the result of the decision being appealed.

(3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.

(4) Village Council when a decision-making board has made a decision that Council believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of a development regulation adopted by the governing board.

6. **Conditions of Approval.** Conditions of approval shall comply with the following:

(1) Conditions of approval are limited to a conditional rezoning or quasi-judicial processes.

(2) Conditions of approval shall be limited to conditions necessary to ensure compliance with the PDO, or to prevent or mitigate adverse effects from the proposed development, within the scope of powers delegated to local jurisdictions by the State of North Carolina.

(3) Any condition of approval shall be set forth in any official notice of decision or permit approval.

(4) Conditions of approval may be proposed by applicant, Village staff, or the particular review/approval authority.

(5) Only those conditions mutually agreed upon by the applicant and the deciding board may be incorporated into a conditional district rezoning.

7. **Timing.**

(1) **Continued Hearings.** The Board may continue a Quasi-Judicial hearing that has been convened without further advertisement. If a Quasi-Judicial hearing is set for a given date and a quorum of the Board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

G. **Simultaneous Processing of Applications.**

1. **Simultaneous Processing of Applications for Different Permits and Approvals for the Same Development.**

(1) It is the intent of the Village to accommodate the simultaneous processing of applications for different permits and approvals, which may be required for the same development project, in order to make the review process as reasonable as possible for a development project. Even though this Section establishes an intent to accommodate the simultaneous processing of different types of applications, the applicant should note that each of the permits and approvals set forth in this Ordinance has its own timing and review sequence and should take this into consideration in planning the development.

(2) Notwithstanding (1) above, no application for the rezoning of property shall be accepted or processed while an application for a development permit is pending for the same property, nor shall an application for a development permit be accepted or processed while an application for rezoning is pending for the same property.

2. **Simultaneous Processing of Voluntary Annexation Petitions**

(1) **Where the Property is Located Within the Extraterritorial Jurisdiction.** Where the owner or developer of a property located in the extraterritorial jurisdiction, but not within the Village limits, wishes the Village to annex the property into the Village's corporate boundaries, as well as to approve proposed development on the property, then a voluntary annexation petition shall be submitted at the same time as an application for all development

permits and must be submitted prior to the Village Council's approval of the site plan or preliminary subdivision plat.

(2) **Where a Property is Located Outside of the Jurisdiction of the Village.** Where the owner or developer of a property located outside of the jurisdiction of this Ordinance wishes the Village to annex the property into the Village's corporate boundaries, then a voluntary annexation petition shall be submitted at the same time as an application for rezoning and/or a development permit. Final action by the Village Council must be taken on the annexation petition prior to any final action being taken on the initial zoning or development.

SECTION 4.3.2 PINEHURST DEVELOPMENT ORDINANCE TEXT AMENDMENTS

A. **Purpose and Scope.** The Village Council, in accordance with the procedures set forth in this Chapter, may amend the text of this Ordinance.

1. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village.

2. Under no circumstances shall the Village Council adopt such amendments, supplements or changes that would cause this Ordinance to violate any State or Federal laws. All amendments related to such State and Federal laws must be filed with the appropriate government agencies when required.

B. **Initiation of Amendments.** An amendment to the text of this Ordinance may be initiated by the Village Council or the Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction of this Ordinance.

C. **Filing and Content of Applications**

1. The Village Planner will not accept an application for an amendment that would include an increase in density or intensity of uses unless:

(1) All adjacent property owners have been contacted by the applicant and have been given an opportunity to meet with the applicant at a reasonable time and place.

(2) The applicant submits a summary report indicating the results of the meeting.

(3) No member of the Planning and Zoning Board or Village Council may participate in a neighborhood meeting in an official capacity. The applicant may conduct additional neighborhood meetings during the amendment process at the applicant's discretion.

D. **Review.**

Figure 4.1 Process for Text Amendments



1. **Staff Review.** Prior to the Public Hearing, the Village Planner and other appropriate Village Staff shall prepare a report to the Planning and Zoning Board and the Village Council. This report shall include a discussion of all plans and policies that have been adopted by the Village and are relevant to the proposed amendment, a summary of any neighborhood meetings along with a recommendation by the Village Planner regarding whether to approve or deny the proposed amendment.

2. **Review by Planning and Zoning Board.** The Planning and Zoning Board shall consider each proposed amendment and shall make recommendations to the Village Council regarding whether to approve or deny each proposed amendment. In considering each proposed amendment, the Planning and Zoning Board shall conduct a Public Hearing on the application. After review, the Planning and Zoning Board will formulate a recommendation and forward it to the Village Council for consideration. At the time of recommendation, the Planning and Zoning Board shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long Range Plan.

3. **Review and Action by the Village Council.**

(1) A text amendment may be adopted only after the Village Council has conducted a legislative public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the

legislative public hearing shall be conducted in accordance with *Section 4.3.1.G. Legislative Hearing Procedures* of this Ordinance and as required by this Ordinance.

(2) Before acting on any proposed amendment, the Village Council shall consider the recommendation of the Planning and Zoning Board, the report and recommendation submitted by the Village Planner and the comments made at the public hearing.

(3) Upon reviewing such information, the Village Council may:

i. Adopt the proposed amendment by Ordinance.

ii. Reject the proposed amendment.

iii. Refer the proposed amendment back to the Planning and Zoning Board or a committee of the Village Council for further consideration.

(4) At the time of any action to either approve or deny the Village Council shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long-Range Plan.

E. **Effect.** Any changes to the PDO text shall be made effective immediately after approval of the application by the Village Council.

SECTION 4.3.3 REZONES

A. **Purpose and Scope.** The Village Council, in accordance with the procedures set forth in this Chapter, may rezone property (that is, amend the classifications of property appearing on the Official Zoning Map).

1. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Zoning Map that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village.

2. Under no circumstances shall the Village Council adopt such amendments, supplements or changes that would cause this Ordinance to violate any State or Federal laws. All amendments related to such State and Federal laws must be filed with the appropriate government agencies when required.

B. **Initiation of Amendments.** A rezoning may be initiated by the Village Council, Planning and Zoning Board, or by anyone who owns property or resides in the jurisdiction of this Ordinance or their agent, lessee, or any contract purchaser

specifically authorized by all of the owners to file such application for such amendment, or any owner of a legal equitable interest in land located in the jurisdiction of this ordinance. An application for rezoning to a conditional district may only be initiated by the owner(s) of all of the property included or upon their written authorization.

C. **Filing and Content of Applications**

Figure 4.2 Process for Rezonings



1. The Village Planner will not accept an application for an amendment to rezone property or properties that would include an increase in density or intensity of uses unless:

   (1) All adjacent property owners have been contacted by the applicant and have been given an opportunity to meet with the applicant at a reasonable time and place.

   (2) The applicant submits a summary report indicating the results of the meeting.

   (3) No member of the Planning and Zoning Board or Village Council may participate in a neighborhood meeting in an official capacity. The applicant may conduct additional neighborhood meetings during the amendment process at the applicant's discretion.

2. An application for rezoning to a general use district shall not be converted into an application for rezoning to a conditional district at any point in the application review process, nor shall an application for rezoning to a conditional district be converted into an application for rezoning to a general use district. Rather, the applicant must submit a new application for rezoning to the other district in accordance with the requirements of this Chapter.

D. **Review.**

1. **Staff Review.** Prior to the public hearing, the Village Planner and other appropriate Village Staff shall prepare a report to the Planning and Zoning Board and the Village Council. This report shall include a discussion of all plans and policies that have been adopted by the Village and are relevant to the

proposed amendment, a summary of any neighborhood meetings, along with a recommendation by the Village Planner regarding whether to approve or deny the proposed amendment.

2. **Review by Planning and Zoning Board.** The Planning and Zoning Board shall consider each proposed amendment and map amendment and shall make recommendations to the Village Council regarding whether to approve or deny each proposed amendment. In considering each proposed amendment, the Planning and Zoning Board shall conduct a Public Hearing on the application. After review, the Planning and Zoning Board will formulate a recommendation and forward it to the Village Council for consideration. At the time of recommendation, the Planning and Zoning Board shall make a statement on if the proposed amendment is consistent with the Comprehensive Long-Range Plan.

3. **Review and Action by the Village Council.**

   (1) A text amendment or rezoning may be adopted only after the Village Council has conducted a legislative public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the legislative public hearing shall be conducted in accordance with *Section 4.3.1.G. Legislative Hearing Procedures* of this Ordinance and as required by this Ordinance.

   (2) Before acting on any proposed amendment, the Village Council shall consider the recommendation of the Planning and Zoning Board, the report and recommendation submitted by the Village Planner and the comments made at the public hearing.

   (3) Upon reviewing such information, the Village Council may:

      i. Adopt the proposed amendment by Ordinance.

      ii. Reject the proposed amendment.

      iii. Refer the proposed amendment back to the Planning and Zoning Board or a committee of the Village Council for further consideration.

   (4) At the time of any action to either approve or deny the Village Council shall make a statement on whether the proposed amendment is consistent with the Comprehensive Long-Range Plan.

E. **Conditional District Rezone.** It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Conditional District rezonings are provided as a voluntary alternative method of petitioning the Village Council for a zoning map amendment. In accordance with NCGS § 160D-703(b), the owner or their authorized agent is authorized to submit a rezoning application that proposes conditions and/or use limitations that are more restrictive than would otherwise be allowed in the corresponding general use zoning district. Requests for the rezoning of property to a Conditional District shall be considered and treated the same as any other rezoning in accordance with the procedures set forth in *Section 4.3.3. Rezones*, except as modified by this Section.

1. **Application Procedures**

(1) **Applicant and Property.** Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included.

(2) **Minimum Standards.** All requirements of the corresponding general use district shall be met as minimum standards for any Conditional District except as specified in *Section 4.3.3.E.4.2. Exception to Modifications*.

(3) **Uses Allowed.** Within an approved Conditional District, no use shall be permitted except those allowed in the corresponding general use district as permitted uses, uses permitted with special requirements, or uses permitted with a Special Use Permit as indicated in *Section 6.6. Table of Permitted Special Uses and Special Requirements*. Where an intended use is a special use, the authorization of a Conditional District pursuant to this section shall preclude any requirement for obtaining a Special Use Permit in a separate procedure. The intended special uses shall be made part of the application.

(4) **Content of Application.** A Conditional District application shall consist of a General Concept Plan (Appendix C); as well as any other plans, drawings, renderings, elevations, maps and documents specifically included by the applicant as development documents for approval by the Village Council. The General Concept Plan, as a site-specific conditional zoning plan, is itself a condition of the Conditional District rezoning. All materials shall be submitted electronically using the Village's online Permit Center. The provisions of the Conditional District General Concept Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site.

2. **Formal Review.**

(1) **Procedure.** The procedure for approval, including review procedures, required public notification, and appeals, shall follow the procedure outlined in *Section 4.3.1. Development Review Procedures*, except as otherwise indicated below.

(2) **Changes to Conditional District Application.**

i. After required public notice for a legislative Public Hearing has been given, no changes shall be made to the conditions associated with the Conditional District General Concept Plan and the application which are less restrictive than those stipulated in the application. However, more restrictive conditions may be added to the General Concept Plan and the application during the Public Hearing upon the mutual agreement of the applicant and the body conducting the Public Hearing or meeting.

ii. An application for rezoning to a Conditional District shall not be converted into an application for rezoning to a general use district at any point in the application review process, nor shall an application for rezoning to a general use district be converted into an application for rezoning to a Conditional District. Rather, the applicant must submit a new application for rezoning to the other district in accordance with the requirements of this Chapter.

(3) **Fair and Reasonable Conditions.** In approving a Conditional District rezoning, the Village Council may impose such additional reasonable and appropriate safeguards upon the Conditional District General Concept Plan and application as it may deem necessary in order that the purpose and intent of this Ordinance are served. Such conditions may include, but are not limited to, the location, nature, hours of operation, and extent of the proposed use(s). The applicant will have a reasonable opportunity to consider, respond and agree to any conditions and site-specific standards proposed by the Village Council prior to final action.

3. **Effect of Approval/Changes**. The applicant may proceed with development only after approval of the Conditional District General Concept Plan by Village Council, followed by approval of any necessary Site Plans or Subdivision Plats, except that all subsequent approvals shall be completed by the Village Planner. The development and use of all land within the Conditional District shall be in keeping with the approved General Concept Plan and all applicable provisions therein.

(1) **Approval of Phasing.** Proposed phases of development shall be shown on the General Concept Plan. Each phase of development shall adhere to all applicable provisions and standards of this Section and the applicable Conditional District General Concept Plan. Each completed phase shall comply with the minimum standards of this Ordinance.

(2) **Substantial Changes.** Any substantial change to an approved General Concept Plan as noted below shall be reviewed by the Planning and Zoning Board and approved or denied by the Village Council as an amended Conditional District. The following changes to a Conditional District General Concept Plan shall require approval by the Village Council:

i. Land area being added or removed from the Conditional District.

ii. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.

iii. A change in land use or development type beyond that permitted by the approved General Concept Plan.

iv. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

v. When there is an increase in the total number of residential dwelling units originally authorized by the approved General Concept Plan.

vi. When the total floor area of a commercial or industrial classification is increased more than ten percent (10%) beyond the total floor area last approved by Village Council.

vii. When the total height of a structure is increased more than ten percent (10%) beyond the total height last approved by the Village Council.

viii. When perimeter buffers and shown perimeter landscape areas are modified in any way except for like replacements of materials or planting stock.

ix. When open space is decreased or impervious area is increased.

x. When the proposed change has a discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(3) **Additional Changes.** All other changes to a Conditional District General Concept Plan shall receive approval by the Village Planner. However, if in the judgment of the Village Planner, the requested changes alter the basic development concept of the Conditional District, the Village Planner may require concurrent approval by the Village Council following the same process as the original Conditional District approval.

4. **Standards for Conditional Districts (CD)**

(1) **Standards.** Within a Conditional District (CD), petitioners may place additional requirements or standards onto themselves and their property or ask that certain use allowances identified in the specific zoning category or provisions in Chapters 2 through 14 be decreased. If no specific request is made by the petitioner to seek a change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

(2) **Exception to Modifications.** The applicant may request variations in the specific provisions detailed in Chapters 6, 7, 8, 10, 11, 12, 13 & 14 as part of a Conditional District application except as stipulated in Table 4.4:

Table 4.4 Conditional District Modification Exemptions

Chapter(s)	Title	Limitations to Modifications:
6 & 7	Zoning	Permitted uses may not be added unless the use proposed is not currently defined or contemplated by the PDO. Permitted uses may be removed from the petition.
6.7 & 7.4	Special Requirements	
6.7, 7.4, 6.8, & 7.6.3	General Standards Open Space	Amount required may not be reduced.
11	Parking	
8	Landscaping Requirements	Like replacements of materials or planting stock.
13	Signs	Signage may exceed the permitted amount by no more than 50%.
12	Lighting	
14	Water & Sewer Requirements	No modifications
10	Fences	
14	Design Standards for SF Dwellings	
4.3.8	Site Plan Development Standards	
14.	Subdivision Standards	

(3) **Approval Inclusions.** With Conditional District Approval, Special Non-Residential Intensity Allocation shall be granted in accordance with adopted Village Policies. If development approvals are not obtained or expired the issuance of the Special Non-Residential Intensity Allocation shall be rescinded.

SECTION 4.3.4 FORM BASED DISTRICT APPROVAL

A. **General.**

1. Uses requiring Conditional Zoning approval shall follow the Conditional Zoning requirements of *Section 4.3.3.E Conditional District Rezone*.

2. Uses that are permitted by right shall be approved by staff.

B. **Form Based District Application Requirements.** Form Based District Applications shall be consistent with the requirements of *Chapter 7. Form Based Districts* and the adopted Form Based Guidance Documents, as well as the following:

1. Prepare a General Concept Plan in accordance with Appendix C of this document for review by staff. Include criteria for submittal of subdivisions in Appendix D and conditional zoning, when appropriate.

2. Staff will review the materials and work with the applicant to establish a schedule for review by the Technical Review Committee, Planning & Zoning Board, and Village Council, as required.

SECTION 4.3.5 DEVELOPMENT AGREEMENTS

Development agreements provide for a written agreement between a developer and the Village to address the challenges and timing of build-out of large-scale projects. Agreements are appropriate for multi-phase projects requiring long-term commitment for public and private resources requiring careful coordination for planning, financing, and construction, but are not size-restricted. A development agreement is not a mechanism for a variance from the standards of this Ordinance.

A. **Concurrent Submittal.** The agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development agreement. A development agreement may be concurrently considered with, and incorporated by reference, a sketch plan or preliminary plat required under a subdivision regulation or a site plan or other development approval required under a zoning regulation. If incorporated into a conditional district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

B. **Content.** A development agreement shall contain the following.

1. A description of the property and the names of legal and equitable property owners.

2. Time duration of the agreement.

3. Development uses permitted including population densities, intensities, building types, placement on site and design.

4. A description of public facilities:

   (1) Who will provide the facility?

   (2) When the facility will be provided.

(3) A schedule demonstrating when services will be provided concurrently with the development requiring the service.

(4) Determination of project deliverables by the developer that trigger successful performance for the requirement of the service.

5. A description of land reserved or dedicated for public purposes.

6. Any other terms regarding public health, safety, or welfare.

7. Any provisions for the preservation and restoration of historic structures.

8. A development schedule may be provided including commencement and completion dates.

9. The agreement may contain penalties for material breach of the agreement.

10. Other matters agreed to by the parties within the scope consistent with this Ordinance.

C. **Parties to the Agreement.** The development agreement may include other local government or regional utility authorities but must specify which local government is responsible for overall administration.

D. **Procedural Requirements.**

1. Before entering into a development agreement, Village Council shall conduct a legislative hearing on the proposed agreement subject to the notice provisions of NCGS § 160D-602. The notice shall contain the following:

(1) Location of the subject property.

(2) Proposed uses.

(3) Location noting where a copy of the proposed agreement may be obtained.

2. The applicant is encouraged to move the development agreement concurrent with other project approvals such as zoning amendments. No development approvals may be issued until such time as the agreement is recorded.

3. Upon approval, the development agreement shall be recorded at the Moore County Register of Deeds within fourteen (14) days of execution.

E. **Breach and Cure.**

1. The Village Planner is authorized to review the agreement annually to ensure good-faith compliance.

2. If the developer has committed a material breach of the agreement, the developer shall be notified in writing as to the nature of the breach, the evidence supporting the finding and a time-period in which to correct the breach.

3. If the developer fails to correct the material breach within the established time-period, the Village may unilaterally terminate or modify the agreement subject to appeal to the Board of Adjustment.

4. The agreement is enforceable by any party to the agreement, and action for injunctive relief may be filed to enforce the terms of the agreement.

F. **Amendment or Termination.** A development agreement may be amended or terminated by mutual consent of the parties.

SECTION 4.3.6 VARIANCES

A. **Purpose and Scope.**

1. **Purpose.** The variance process administered by the Board of Adjustment is intended to provide relief from the zoning requirements of this Ordinance in those cases where strict application of a particular zoning requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. No change in permitted uses may be authorized by variance.

B. **Provisions Which May Not be Varied by the Board of Adjustment**. In no event shall the Board of Adjustment grant a variance:

1. That would allow the establishment of a use which is not otherwise allowed in a zoning district, or which would change the zoning district classification of any or all of the affected property.

2. From any written conditions attached by the Village Council to an approval of a special use, subdivision plat, site plan, and conditional district or from the stated terms of an approved master land use plan for a planned development.

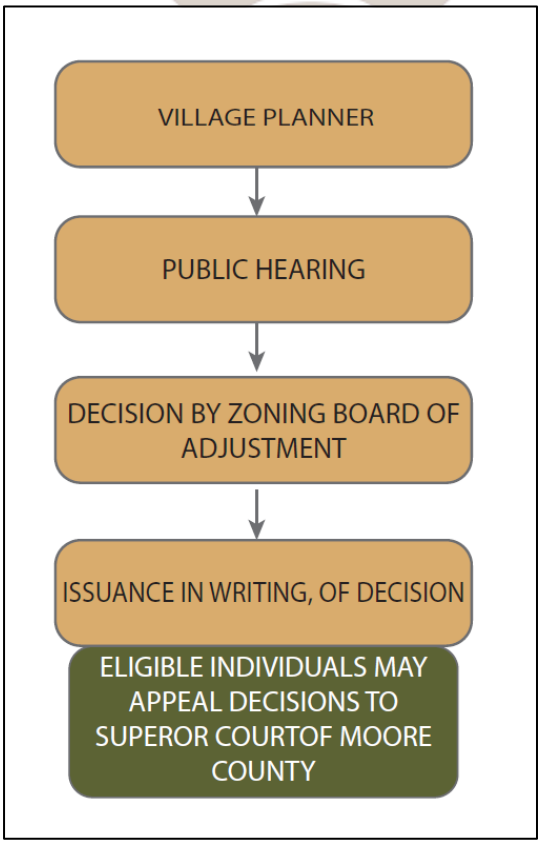
C. **Application Requirements; Determination of Completeness.**

1. An application for a variance shall be filed with the Village Planner on a variance application form using the Village's Online Permit Center along with the associated fee.

2. The application shall contain, or be accompanied by, such information and general concept plans (Appendix C) (may be modified by Village Planner as appropriate) in electronic format as required on the application form.

3. After determining that the application is complete, the Village Planner shall transmit to the Board of Adjustment, prior to the hearing on the application, the application pertaining to such variance.

Figure 4.3 Process for Variance



D. **Action by the Board of Adjustment.**

1. Upon receiving the application materials from the Village Planner, the Board of Adjustment shall hold a quasi-judicial public hearing on the proposed variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance.

2. In considering the application, the Board of Adjustment shall review the application materials, the general purpose and standards set forth in this Section for the granting of variances, and all testimony and evidence received by the Board of Adjustment at the quasi-judicial public hearing.

3. After conducting the public hearing, the Board of Adjustment may:

   (1) Have the authority to subpoena witnesses and may request additional information.

   (2) Continue the public hearing on the requested variance.

   (3) Conduct an additional public hearing on the requested variance.

   (4) Grant the requested variance.

(5) Deny the requested variance.

(6) Grant the requested variance with conditions. In granting any variance, the Board of Adjustment may attach appropriate conditions, provided that the conditions are reasonably related to the purpose and objectives of this Ordinance. The Board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this Ordinance.

4. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the standards set forth in *Section 4.3.6.E. Standards of Review* below, stating the reasons for such findings. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

E. **Standards of Review.** In accordance with NCGS § 160D-705, the Board of Adjustment shall vary any of the provisions of this Ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

F. **Previously Granted Variances**

1. Any development for which a variance has been granted prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development nonconforming, may be carried out in accordance with the granted variance and shall be deemed lawfully existing under the terms of this Ordinance, provided that:

   (1) A building permit has been validly issued for the development prior to the effective date of this Ordinance, or the amendment thereto which renders the development non-conforming and has not expired or been revoked.

   (2) All features of the development that are not the specific subject of the variance shall conform to all applicable requirements of this Ordinance.

2. If the requirements of (1) above have not been met, then the previously granted variance shall become null and void. Development of the property therefore must meet all applicable requirements of this Ordinance, except where the person has applied for and received a new variance pursuant to the procedures and standards set forth in *Section 4.3.6 Variances* of this Ordinance.

G. **Effect of Approval or Denial**

1. After the Board of Adjustment approves a variance, the applicant shall follow the procedures set forth in *Chapter 4* for the approval of all permits, certificates, and other approvals required in order to proceed with development of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance granted to the applicant by the Board of Adjustment.

2. The Board of Adjustment shall refuse to hear a variance request that has previously been denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

SECTION 4.3.7 SPECIAL USE PERMIT

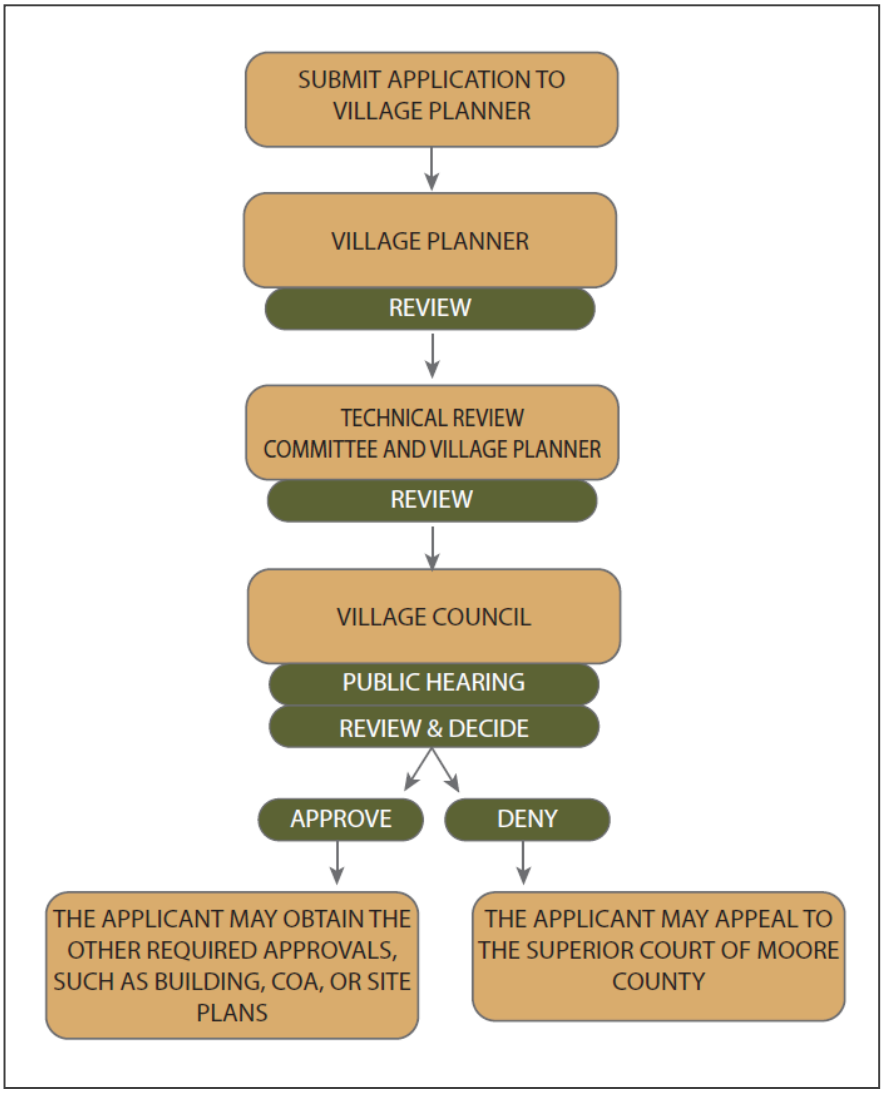
A. **Purpose and Applicability; Special Uses.**

1. The classification of special uses is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Village as a whole, require individual consideration of their location, design, configuration, and/or operation

at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.

2. Accordingly, any use designated as a special use in an individual zoning district as shown on the use tables in *Chapters 6 & 7* shall not be established without the approval of the Village Council in accordance with the procedures and requirements set forth in this Section. Final approval of special use permits shall be the responsibility of the Village Council.

Figure 4.4 Process for Special Use Permits



B. **Special Uses Requiring Variances.** If the proposed special use involves one or more structures or elements which do not conform to the regulations of the district in which the special use is to be located, then no special use approval shall be granted unless the applicant has corrected such nonconforming elements or the Board of Adjustment has first granted variances with respect to such nonconforming features pursuant to *Section 4.3.6 Variances* of this Ordinance.

C. **Lapse of Special Use Approval for Failure to Obtain Site Plan Approval.** Approvals of special uses shall be automatically conditioned on the subsequent approval of the site plan when required under *Section 4.3.8. Major and Minor Site Plan Approvals* of this Ordinance. Accordingly, the approval of any special use shall lapse and become null and void where the applicant has failed to receive final site plan approval within twelve (12) months of the date of approval

of the special use. At the request of the applicant the Village Council may grant an additional six (6) months.

D. **Action on Special Uses.**

1. **Review by the Village Council.** The Village Council shall review the application and conduct a Quasi-Judicial Public Hearing. Notice of public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance. The Village Council shall review the application materials and General Concept Plan if required, the general purpose and standards set forth in this Section for the approval of special uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received by the Village Council at the Public Hearing.

2. **Action by the Village Council.** At the conclusion of the Quasi-Judicial Public Hearing, the Village Council shall approve, approve with conditions, deny or take any other action consistent with its usual rules of procedure on the Special Use Permit Application. Any approval or denial of the application shall state the findings of fact that establish whether the proposed use meets or does not meet each of the standards set forth in *Section 4.3.7.E. Standards of Review* below and all other requirements set forth by this Chapter for the proposed special use. The decision on the application shall be by a simple majority vote of the members of the Village Council. The Council is required to take action within sixty (60) days from the date of the public hearing.

3. **Appeals to Courts.** Appeal from the decision of the Village Council in regard to special use permits shall be by petition for certiorari to the Moore County Superior Court. Any such petition to the Superior Court shall be filed with the Court Clerk no later than thirty (30) days after the date the decision of the Village Council is filed with the Village Planner, or after the date a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Village Council at the public hearing, whichever is later. The copy of the decision shall be delivered to the aggrieved party either by personal service or registered or certified mail, return receipt requested.

E. **Standards of Review.** The Village Council shall not approve the special use unless and until it makes the following findings, based on the evidence and testimony received at the Quasi-Judicial Public Hearing or otherwise appearing in the record of the case:

1. The proposed special use meets all required conditions and specifications.

2. The proposed special use is in harmony with the area, or compatible with the neighborhood.

3. The proposed special use will not materially endanger public health or safety.

4. The proposed special use will not substantially injure the value of adjoining property or be a public necessity.

5. The proposed special use will be in general conformity with the Comprehensive Long-Range Plan.

F. **Conditions Attached to Approval.** In approving the special use, the Village Council may attach such conditions to the approval as it deems necessary to have the proposed use meet the standards set forth for the proposed special use below and elsewhere in this Ordinance, and to protect the public health, safety, and general welfare. All such conditions shall be stated on the form for approving the application. Such conditions may be stricter than any requirement or limitation stated elsewhere in this Ordinance for the proposed use. Such conditions may include, but are not limited to, the following:

1. Limitations on the size, bulk and location of structures.

2. Requirements for landscaping, signs and outdoor lighting.

3. The provision of adequate site ingress and egress.

4. Dedication of rights-of-way for streets or utilities.

5. Provision of open space and/or active recreational space and facilities.

6. Limitations on the duration of the approval and the time period within which the use will be developed.

7. Limitations on hours of operation.

8. The mitigation of environmental impacts.

9. Other conditions deemed reasonable.

G. **Effect of Approval or Denial**

1. **Subsequent Permits and Approvals.** Approval of the application for a special use by the Village Council constitutes approval of the special use and authorizes the applicant to apply for site plan approval, if required, and such other permits or approvals which the Village may require for the proposed

development. The Village Planner shall review applications for these permits for compliance with the terms of the special use approval granted by the Village Council. A Development Permit, Certificate of Appropriateness, or other approval shall be issued or valid only for work that complies with the terms of the special use approval.

2. **Transferability of Approval.** A special use approval is not transferable from one (1) property to another but may be transferred to a successor-in-interest to the property.

H. **Changes to Terms and Conditions of Approval.** Any changes to the terms or conditions of approval of the special use shall require separate review by the Village Planner and approval of a new special use permit by the Village Council if the changes are considered to be major. Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied in the manner set forth in this Section.

1. **Approval of Phasing.** Proposed phases of development shall be shown on the General Concept Plan. Each phase of development shall adhere to all applicable provisions and standards of this Section and the applicable Special Use General Concept Plan. Each completed phase shall comply with the minimum standards of this Ordinance where practical and any conditions attached to the special use permit.

2. **Major Changes.** Any major change to an approved General Concept Plan shall be reviewed and approved or denied by the Village Council as an amended Special Use Permit.

3. **Additional Changes.** All other changes to a Special Use General Concept Plan shall receive approval by the Technical Review Committee and the Village Planner. However, if in the judgment of the Village Planner, the requested changes alter the basic development concept of the Special Use Permit, the Village Planner may require concurrent approval by the Village Council following the same process as the original Special Use approval.

SECTION 4.3.8 MAJOR AND MINOR SITE PLAN APPROVALS

A. **Site Plan Approval Required; Minor Site Plans and Major Site Plans.**

1. A site plan showing the proposed development of the property must be approved by the Village Council or Village Planner in accordance with the procedures and requirements of this Section before a development permit may be issued:

(1) **Uses Requiring Site Plan Approval Before Development.** Any use or development of property except for:

i. Temporary uses that are regulated by this Ordinance.

ii. A change in use which does not:

a. Require any physical changes to the building exterior or property.

b. Cause any change in utility infrastructure.

c. Require street or sidewalk construction.

2. **Three Types of Site Plans Required–Single Family Dwelling, Minor and Major.**

(1) **Single Family Dwelling.** Single family site plan for the development of property for single family residential purposes including accessory uses to the principal use of the single-family dwelling, approval of which shall be the responsibility of the Village Planner as outlined in *Section 14.2. Design Standards for Single Family Dwellings*.

(2) **Minor Site Plans.** Site plans for any non-residential development or multi-family development with a land disturbing activity not exceeding three (3) acres shall be deemed minor site plans, approval of which shall be the responsibility of the Village Planner upon recommendation of the Technical Review Committee as outlined in *Section 4.3.8.D. Consideration of Minor Site Plans*.

(3) **Major Site Plans.** All other site plans shall be deemed major site plans, approval of which shall be the responsibility of the Village Council in accordance with the requirements of *Section 4.3.8.E. Consideration of Major Site Plans* below. Major Site Plans that are in accordance with an approved General Concept Plan shall be reviewed as Minor Site Plans.

B. **Coordination of Site Plan Approval With Other Review Processes.**

1. It is the intention of this Section to provide processes for reviewing and approving site plans along with other required reviews at the same time to the maximum extent possible. Therefore, an application for the approval of a site plan may be submitted at the same time as an application for the approval of other development permit requirements for the same development. The review and processing of the applications shall be coordinated and consolidated as

much as possible. However, the Village Planner and the Planning and Zoning Board shall render separate reports and recommendations.

2. The Village Council may render a separate decision on each individual application, recognizing the applications as distinct and subject to different standards for approval.

C. **Application Requirements for Both Minor and Major Site Plans.**

1. The applicant shall submit a major site plan application in order to obtain approval for a major site plan. The requirements for a major site plan application are found in Appendix D (See *Section 4.3.8.E. Consideration of Major Site Plans* for General Concept Plan submittal). The applicant shall submit a minor site plan application in order to obtain approval for a minor site plan. The requirements for a minor site plan application are found in Appendix D.

2. During the review of the site plan, the Village Planner, the Planning and Zoning Board, or the Village Council, may require such additional information as may be necessary to review the submitted site plan.

D. **Consideration of Minor Site Plans.**

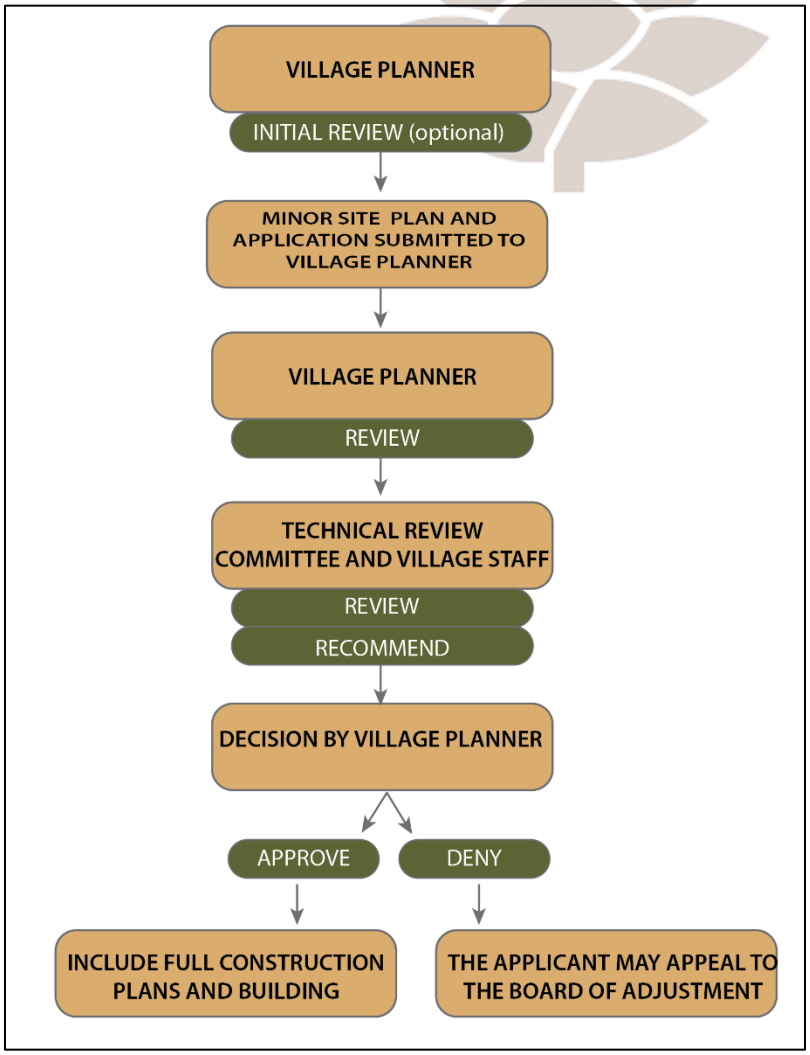
1. **Village Planner Review.**

(1) The application and site plan shall be reviewed by the Village Planner and the Technical Review Committee for compliance with the standards and requirements set forth in this Ordinance. The developer at their discretion may submit a sketch plan for initial review and comment. The comments of the Village Planner and the Technical Review Committee shall be provided to the applicant by the Village Planner.

(2) The applicant may resubmit the site plan along with a written response to these comments for further review by the Village Planner and the Technical Review Committee. The Village Planner and other Village Staff shall review the resubmitted site plan and then submit its comments about the resubmitted site plan to the applicant.

(3) The process continues until the site plan is determined to be approved or denied. If the Village Planner denies approval of the site plan, the reasons shall be stated in writing.

Figure 4.5 Process for Minor Site Plan Approval



2. **Action by the Village Planner on Minor Site Plans.**

(1) Failure of the Village Planner to act or provide comments on a minor site plan within forty- five (45) days of receiving the site plan and recommendations from the Technical Review Committee shall be deemed approval of the site plan, authorizing the applicant to proceed with development of the property in accordance with the site plan submitted to the Village Planner. This time limit shall not apply where the delay in site plan approval is caused by the applicant's failure to obtain any special use approval required for the proposed development. Resubmission of a minor site plan restarts the forty-five (45) day period for the Village Planner to act;

(2) In the event the Village Planner denies a minor site plan, an appeal may be filed with the Board of Adjustment within ten days of the denial.

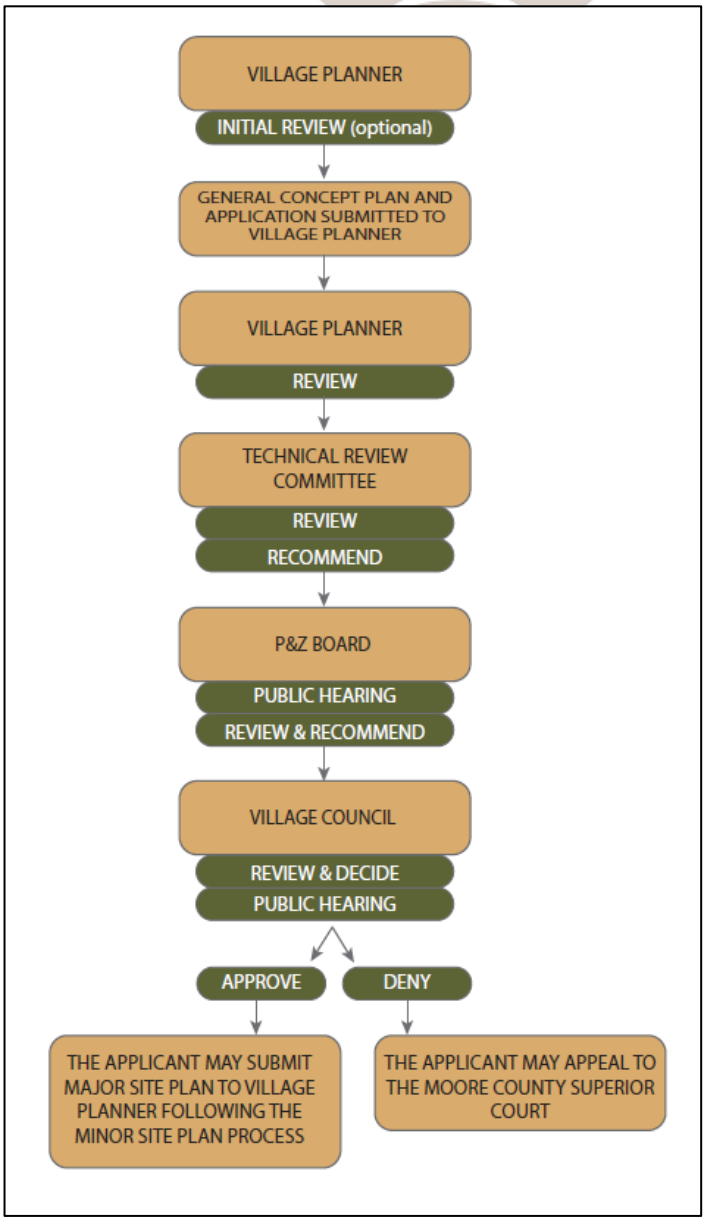
E. **Consideration of Major Site Plans.**

1. **Review by Staff and the Planning and Zoning Board on Major Site Plans.**

(1) The application and General Concept Plan shall be reviewed by the Village Planner and the Technical Review Committee for general compliance with the standards and requirements set forth in this Ordinance. The developer at their discretion may submit a sketch plan for initial review and comment. The comments of the Village Planner and the TRC shall then be provided to the applicant.

(2) The applicant may resubmit the General Concept Plan along with a written response to these comments for further review by the Village Planner and Technical Review Committee. The Village Planner shall review the resubmitted plan and then submit its comments about the resubmitted site plan to the applicant.

Figure 4.6 Process for Major Site Plan Approval



(3) The process continues until the General Concept Plan is ready to be presented to the Planning and Zoning Board for review.

(4) The Village Planner shall transmit the General Concept Plan materials to the Planning and Zoning Board, along with the recommendations of the Village Planner and the Technical Review Committee from the completion of staff review prior to a regularly scheduled meeting of the Board.

(5) The Planning and Zoning Board shall conduct a public hearing in accordance with *Section 4.3.1.F Quasi-Judicial and Legislative Public*

Hearings of this Ordinance and review the General Concept Plan, the recommendations of the Village Planner and the Technical Review Committee, and the requirements of this Ordinance, and formulate a recommendation to the Village Council for appropriate action on the site plan. Failure of the Planning and Zoning Board to make a recommendation to the Village Council within ninety (90) days of the first public meeting in which the item is on the agenda for consideration by the Board shall be considered a favorable recommendation.

2. **Action by Village Council on Major Site Plans.** The application, the General Concept Plan, the recommendation of the Planning and Zoning Board, along with the staff report of recommendation of the Village Planner and other pertinent materials shall then be forwarded to the Village Council for action after a public hearing is held by the Village Council in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance. The Village Council shall review this information and either approve, approve with conditions, or reject the site plan:

   (1) The Village Council may approve a General Concept Plan only if it meets the standards and requirements set forth in this Ordinance and provides for the dedications and improvements, or payments and guarantees in lieu thereof, required by this Section.

   (2) If the Village Council rejects the General Concept Plan, then the reasons therefor shall be stated in the record of action on the General Concept Plan.

   (3) Failure of the Village Council to act on the General Concept Plan, the recommendation of the Planning and Zoning Board, and staff report of recommendation of the Village Planner within ninety (90) days of being placed on an agenda for consideration, shall be deemed approval of the General Concept Plan, authorizing the applicant to proceed with preparing full site plan (Appendix D) drawings of the property in accordance with the General Concept Plan submitted to the Village Council. This time limit shall not apply where the delay in General Concept Plan approval is caused by the applicant's failure to obtain any special use approval required for the proposed development or where the applicant consents to such a delay.

   (4) Upon approval of the General Concept Plan by the Village Council, the applicant shall prepare and submit site plans in accordance with Appendix D. Said site plans shall be reviewed using the minor site plan process.

Upon Village Planner approval of the site plan, the major site plan shall be deemed approved.

F. **Effect and Duration of Major and Minor Site Plan Approval.**

1. Approval of the site plan and final construction drawings shall authorize the applicant to proceed with any applications for permits and approvals required in order to develop the property in conformity with the approved site plan. A permit, certificate, or other approval may be issued by the Village only if it conforms to the approved site plan and final construction drawings.

2. A development permit and building permit may be issued for any building or structure on the property, and a building or structure on the property may be occupied, only where the applicant has complied with the approved site plan and final construction drawings, and made all dedications and improvements required by this Ordinance. A Certificate of Occupancy shall be issued only upon completion of the terms of the development permit and the building permit.

3. An approved site plan shall become null and void if the applicant has failed to make substantial progress on the site within two (2) years after the date of approval by the Village Planner or Village Council. Substantial progress means at least one-half of the gross floor area of the site-planned development must be completed within the first two (2) years. The entire site must be completed within five (5) years of the first approval date of the site plan. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the site plan unless the approving body finds that all of the following have been met:

   (1) A written request for extension has been made to the approving authority at least thirty (30) days before the expiration of the approved site plan.

   (2) Unconstructed portions of the site plan conform to all ordinances, policies and plans of the Village in effect at the time of the requested extension.

4. The approving body may grant a single, one (1)-year extension of this time limit, provided that the conditions above have been met.

G. **Recording of Plat for Dedications.** The applicant shall record with the Moore County Register of Deeds an as-built plat containing a metes and bounds description of any and all lands and rights-of-way dedicated as part of the approved site plan. Such plats shall be recorded within thirty (30) days after the date the as-

built plan is approved by the Village Planner and Village Engineer. Failure to satisfy this requirement shall render approval of the site plan null and void.

H. **Timing and Inspection of Required Improvements.**

1. **Level Required for Certificates of Occupancy.** The Planning and Inspections Department shall not issue a final Certificate of Occupancy for the development until and unless the developer has installed all improvements, landscaping and other elements in accordance with the requirements of this Ordinance and the approved site plan.

2. **Inspection.** Prior to approval of any Certificates of Occupancy, the Village Engineer and Village Planner shall inspect all improvements for conformance with the requirements of this Ordinance and the approved site plan. The Village Engineer and Village Planner shall have fifteen (15) days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in accordance with such requirements or to provide the applicant with a list specifying all defects, deficiencies, and required repairs.

3. **Correction of Defects and Deficiencies.** Any such list of defects, deficiencies, and required repairs shall be delivered to the applicant in person or by first class mail and shall require that the defects and deficiencies stated therein shall be satisfactorily corrected within sixty (60) days of the date the list was mailed. If the applicant fails to correct all defects and deficiencies and to make all required repairs within this sixty (60) day period, then the necessary improvements and repairs may be completed by the Village at the expense of the applicant, using funds from any guarantees provided by the applicant;

4. **Completion of Work.** Upon completion of the required improvements, the applicant may apply to the Village Planner for a Certificate of Occupancy. If the Village Planner finds that the improvements conform to the requirements of this Ordinance and the approved site plan, then the Planning and Inspections Department shall issue such certificate. The Village reserves the right to withhold development permits, building permits, or certificates of compliance until all improvements have been completed and accepted.

I. **Acceptance of Improvements for Village Maintenance.** The installation of improvements shall in no case bind the Village to accept any such improvements for public maintenance or operation thereof, until the Village Engineer and Village Planner, in accordance with this Section and the Village of Pinehurst Engineering Standards and Specifications Manual, has inspected and approved the improvements as meeting all applicable requirements.

SECTION 4.3.9 SUBDIVISION AND PLAT APPROVALS

A. **Plat Approval Required.**

1. A development permit shall be issued for any development which is a constituent of a major or minor subdivision, and a plat for a major subdivision, or minor subdivision may be recorded with the Moore County Register of Deeds, only after a plat for such subdivision or phase of such subdivision has been approved, all required dedications of land have been made, all required improvements have been installed and inspected, or financial guarantees put in place and a warranty on improvements in accordance with *Sections 14.4.12. Historic Properties and Natural Assets*, *Section 14.4.13. Timing and Inspection of Improvements* and the Village Engineer Standards and Specification Manual has been provided to the Village by the developer. All improvements shall be made in accordance with the procedures and requirements of this Section.

2. The Village shall not accept and maintain any street, water or sewer line, nor shall the Village extend or connect any street lighting, right-of-way dedication, easement, drainage improvement to any subdivision of land or erect a street sign until and unless a plat for such subdivision has been approved and recorded in accordance with the requirements set forth in this Section and the requirements of the Village of Pinehurst Engineering Standards and Specifications Manual are met.

3. Nothing in this Section or elsewhere in this Ordinance shall be interpreted to allow the consecutive subdivision of land into not more than five (5) lots in order to avoid making dedications and improvements for streets and other facilities otherwise required by the Village for subdivisions; no such subdivisions shall be approved or permitted by the Village Council or the Village Manager.

4. No plat shall be recorded for any division of land exempt from this Ordinance unless an exempt subdivision plat is prepared with the appropriate Certificate of Exemption, as shown in Appendix E, is signed by the Village Planner and the fee for such exempt subdivision plat is paid.

5. Any person who transfers or sells any land located within the corporate limits or extraterritorial jurisdiction of the Village by reference to a plat which has not been approved by the Village and recorded with the Moore County Register of Deeds, shall be guilty of a misdemeanor even if the instrument of transfer contains a metes and bounds description. The Village also may enjoin such transfer or sale by filing an action for an injunction.

B. **Actions by Moore County Register of Deeds.** The Village shall file a copy of this Ordinance with the Moore County Register of Deeds. The Review Officer shall not authorize, and the Register of Deeds shall not thereafter file or record a plat of subdivision located within the corporate limits or extraterritorial jurisdiction of the Village without the approval of the Village as required in this Section. The landowner shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the corporate limits or extraterritorial jurisdiction of the Village. The filing or recording of a plat of a subdivision without the approval of the Village as required by this section, shall be null and void. The Clerk of the Superior Court of Moore County shall not order or direct the recording of a plat where such recording would conflict with this Section.

C. **Major Subdivisions**

1. **Approval Required.** All plats for major subdivisions shall be reviewed and approved pursuant to the procedures and requirements set forth in *Section 4.3.9.C. Major Subdivisions* through *Section 4.3.9.I. Final Plat Approval* below. A major subdivision is any subdivision that does not qualify as an exempt or minor subdivision as defined herein.

2. **Summary of Procedures.** The approval of plats for major subdivisions is a multi-step process.

   (1) A proposed preliminary plat (Appendix E) is first submitted to the Village Planner.

   (2) The Village Planner and Technical Review Committee reviews the application for completeness and errors and provides written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. The Planning and Zoning Board shall conduct a public hearing in accordance with *Section 4.3.1.F Quasi-Judicial and Legislative Public Hearings* of this ordinance and then review the preliminary plat along with the comments and recommendations of the Village Planner. This process continues until compliance is determined.

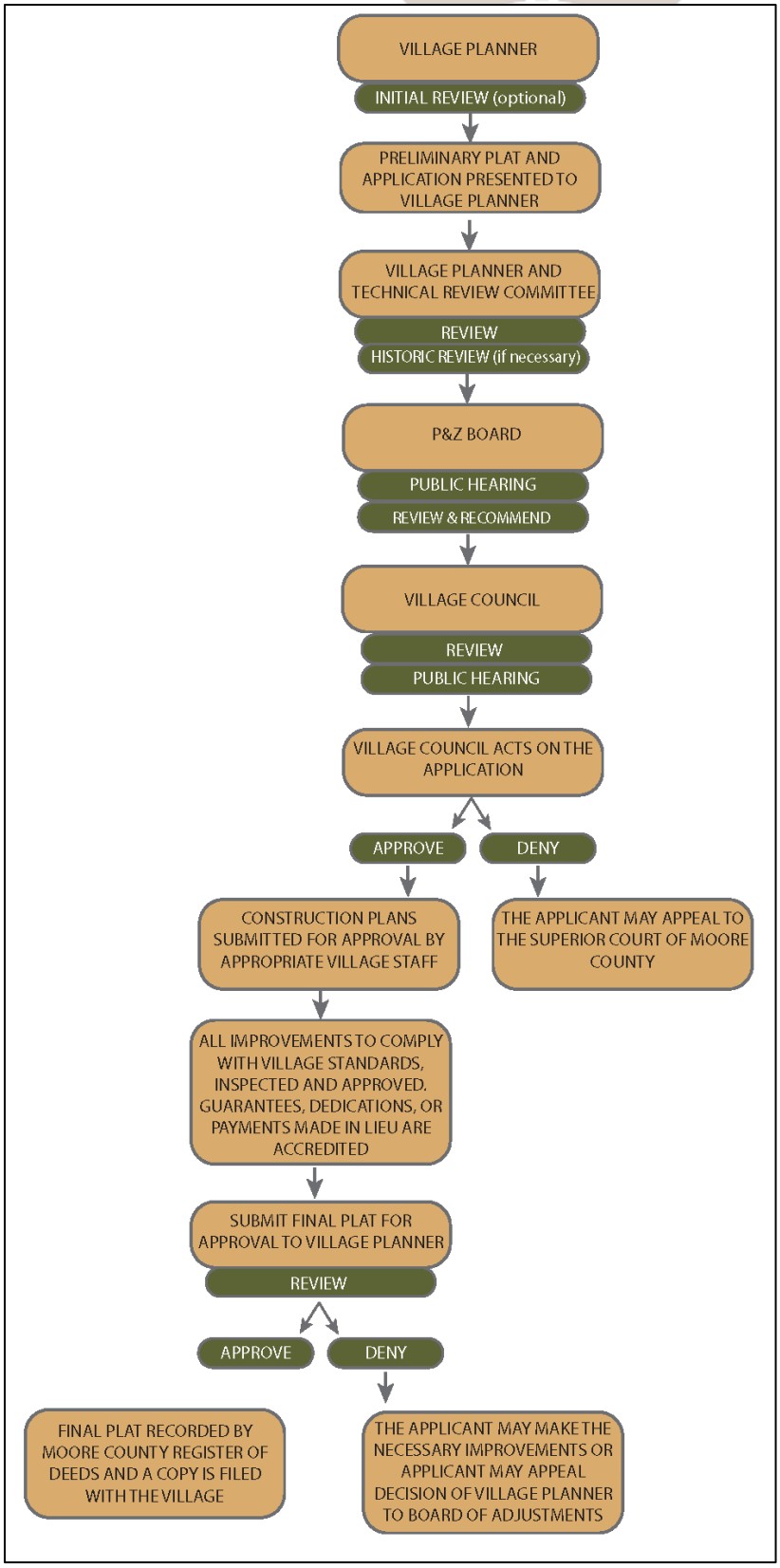
   (3) The Planning and Zoning Board then submit its recommendations regarding the preliminary plat to the Village Council.

(4) Once the Planning and Zoning Board has submitted its recommendation on a proposed subdivision to the Village Council, the Village Council shall conduct a public hearing in accordance with *Section 4.3.1.F. Quasi-Judicial and Legislative Public Hearings* of this Ordinance and then review the preliminary plat and the Planning and Zoning Board's recommendations, and approve, conditionally approve, or reject the preliminary plat.

(5) Prior to the submittal of the preliminary plat to the Village Planner, the subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

3. After the Village Council approves the preliminary plat and the Village Engineer approves construction plans for all proposed public improvements, the applicant then proceeds to make land dedications and install improvements on the

Figure 4.7 Process for Major Subdivision Approval



property in accordance with the approved preliminary plat.

(1) Upon carrying out the improvements, the applicant submits a final plat for approval by the Village Planner. The final plat is approved when the applicant has properly made all dedications and properly installed all improvements that are required by this Ordinance and the approved preliminary plat and construction plans.

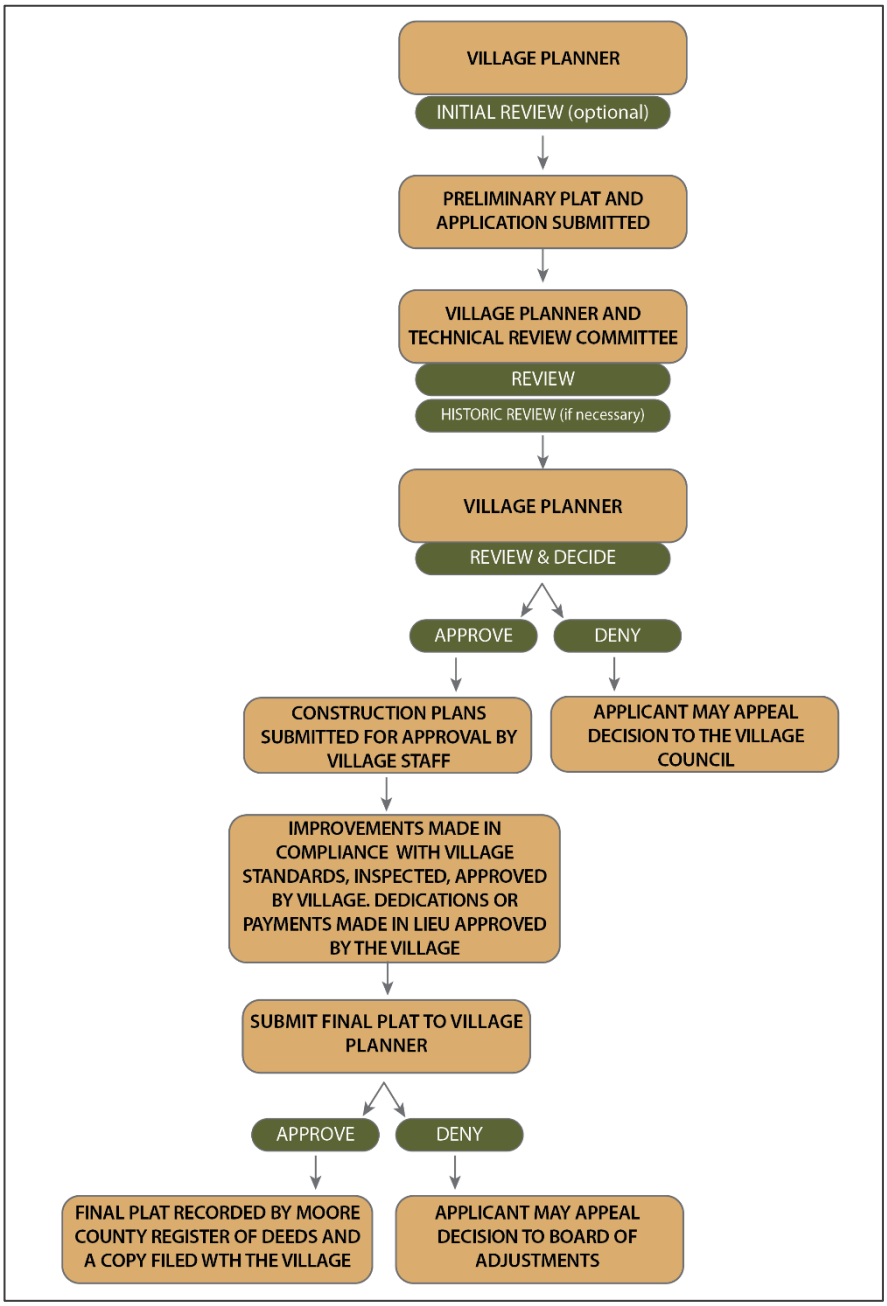
D. Minor Subdivisions

1. **Approval Required.** All plats for minor subdivisions shall be reviewed and approved pursuant to the procedures and requirements set forth in *Section 4.3.9.D Minor Subdivisions* through *Section 4.3.9.I. Final Plat Approval* below.

2. **Summary of Procedure.** The approval of plats for minor subdivisions is a multi-step process.

   (1) A proposed preliminary plat (Appendix E) is first submitted to the Village Planner. The Village Planner reviews with the Technical Review Committee the application for completeness and errors and provides

Figure 4.8 Process for Minor Subdivision Approval



written comments to the applicant. The applicant then makes revisions and corrections to the preliminary plat in response to the comments of the Village Planner. Approval of a Preliminary Plat may be given by the Village Manager provided the requirements of *Section 4.3.9.H. Preliminary Plat Approval* are met.

(2) Prior to the submittal of the preliminary plat to the Village Planner, the subdivider, at their discretion may submit a sketch plan (Appendix A) for initial review and comment.

(3) After the Village Planner approves the preliminary plat and the Village Engineer approves construction plans for all proposed public improvements, the applicant may then proceed to install improvements on the property in accordance with the approved preliminary plat and construction plans. If no improvements are required or proposed construction plans are not required.

(4) Upon carrying out the improvements if any, the applicant shall submit a final plat (Appendix E) for approval by the Village Planner. The Final Plat is approved when the applicant has properly made all dedications or any necessary payments of money in lieu of land dedication or other fees due and properly installed all improvements, or a financial guarantee put in place per *Section 14.4.14. Financial Guarantees* which are required by this Ordinance and the approved preliminary plat and construction plans.

E. **Expedited Minor Subdivisions.** Exception for the Division of a Tract of Land in Single Ownership. The Village shall require only a final plat for recordation for the division of a tract of land if all of the following criteria are met:

1. The tract or parcel is owned by one person or legal entity.
2. The parcel proposed for division is not greater than ten (10) acres and no street right-of-way dedication is involved.
3. The area of the tract or parcel to be divided is greater than five (5) acres.
4. After division, no more than five lots will exist.
5. After division, all of the lots will meet the following three standards:

   (1) The lot dimension size requirements.

   (2) The use of the lots conform with the standards of this Ordinance.

(3) A permanent means of practicable ingress and egress is recorded for each lot.

F. **Exempt Subdivisions.**

1. Exempt Subdivisions comply with the following criteria:

   (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

   (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

   (3) The public acquisition or purchase of strips of land for the widening or opening of streets;

   (4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

   (5) The division of a tract into plots or lots used as a cemetery.

2. **Application Requirements.** The Exempt Subdivision Plat shall be prepared with the appropriate Certificate of Exemption, as shown in Appendix E, and signed by the Village Planner.

3. **Approval.** Exempt subdivisions shall be reviewed and approved by the Village Planner.

G. **Subdivision Approval Associated with a General Concept Plan**

1. **Application Requirements.**

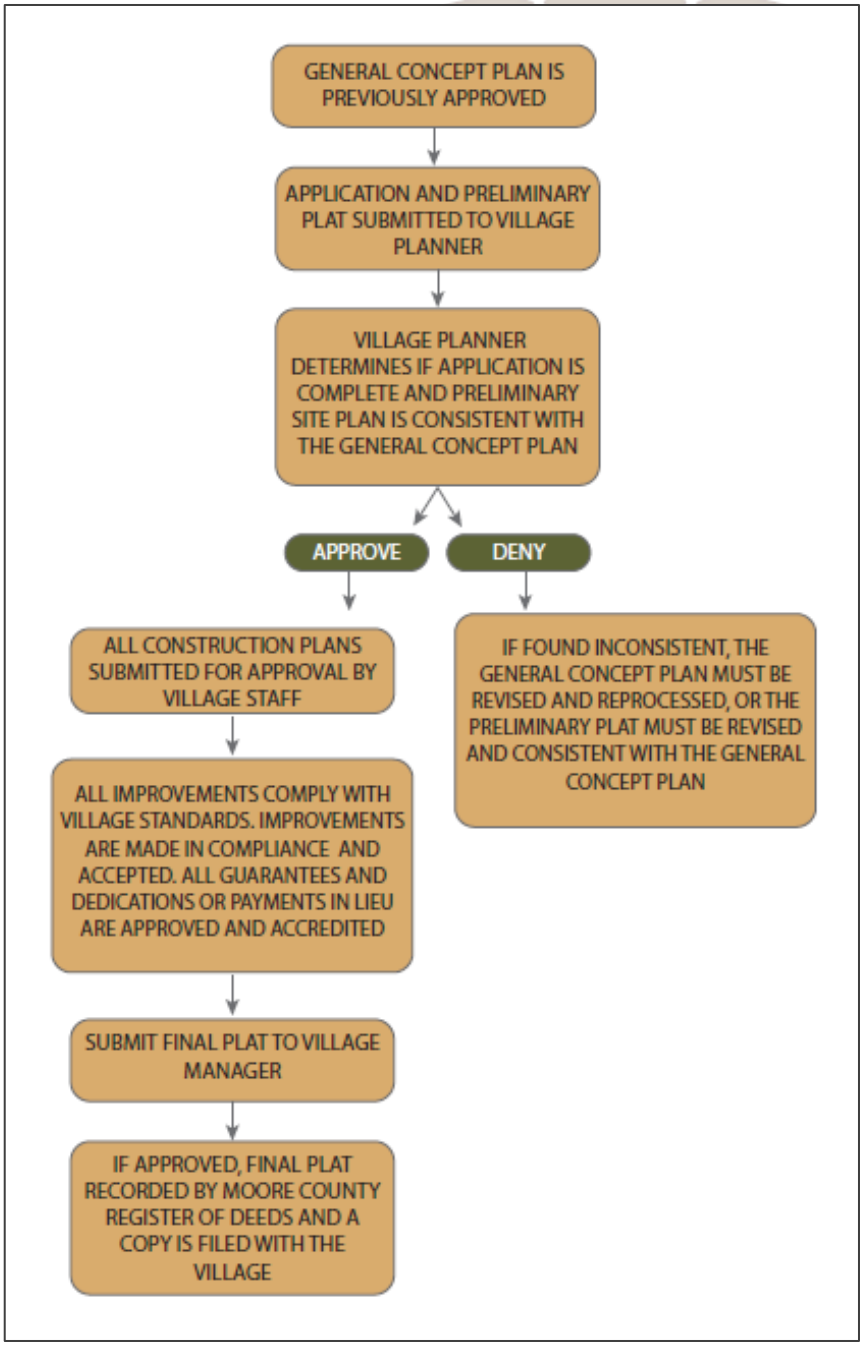
(1) When a property has been rezoned following the procedures of this Ordinance with an associated General Concept Plan the process and approval of the Preliminary Plat shall be administered by the Village Planner.

H. **Preliminary Plat Approval**

1. **Application Requirements.**

(1) An application shall be submitted using the Village's Online Permit Center along with the associated fee and include the information listed in Appendix E, as it may be amended from time to time by the Village Council. Incomplete or incorrect information shall result in rejection or refusal to act on the application by the Village Planner.

Figure 4.9 Process for a Subdivision with General Concept Plan Approval



2. **Village Planner's Review.**

   (1) The Village Planner and other applicable agencies shall review the preliminary plat for compliance with the development standards set forth in this Ordinance. The comments of the Village Planner which may include necessary or suggested revisions to the submitted plat, shall then be provided to the applicant by the Village Planner.

   (2) The applicant shall review these comments, may adjust the plat accordingly, and then resubmit the preliminary plat along with a written response to the comments of the Village Planner.

   (3) As part of the above review, the Village Planner shall transmit the proposed preliminary plat for review to the Technical Review Committee.

3. **Minor Subdivisions.**

   (1) **Review and Action by the Village Planner.** Upon receipt of the application and preliminary plat for minor subdivisions, the Village Planner shall review the plat, the comments of the Village Staff and Technical Review Committee and shall approve or deny the preliminary plat.

   (2) **Appeal of Denial to Village Council.** In the event the Village Planner denies a minor subdivision, an appeal may be filed with the Village Council within ten (10) days of denial. If an appeal is filed, the Village Council shall review the minor subdivision in accordance with the procedural provisions for major subdivisions, and may affirm, reverse or modify the Planner's denial.

4. **Major Subdivisions**.

   (1) **Review and Action by the Planning and Zoning Board.** The Village Planner shall forward the application and preliminary plat to the Planning and Zoning Board along with the recommendations of the Technical Review Committee after the Village Planner has deemed compliance with the requirements of this Ordinance.

      i. The Planning and Zoning Board shall review the preliminary plat, the recommendations of the Technical Review Committee, and the requirements of this Ordinance and shall formulate a recommendation to the Village Council for appropriate action on the preliminary plat. The recommendation of the Planning and Zoning Board shall be in writing.

ii. The Planning and Zoning Board may request the applicant to revise the preliminary plat before it is submitted to the Village Council for approval.

(2) **Action by Village Council.**

i. The recommendations of the Planning and Zoning Board and the Technical Review Committee shall then be forwarded to the Village Council for action. Along with the application for preliminary plat the Village Council shall review this information and either approve, conditionally approve, or reject the preliminary plat.

ii. Approval of the preliminary plat shall authorize the applicant to proceed with obtaining construction plan approval from the Village Engineer and obtaining construction permits for the necessary improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to *Section 4.3.9.I. Final Plat Approval* below.

iii. If the Village Council approves a plat with conditions, the following requirements shall apply:

a. All conditions, and the reasons for requiring the conditions, shall be stated in the record of approval of the preliminary plat. Such conditions may include, but are not limited to, the following matters:

(i) The configuration of lots and streets.

(ii) The arrangement of utility networks on the property.

(iii) The location of dedicated land and rights-of-way.

(iv) The payment of fees in lieu of such dedications.

(v) The location of required improvements.

b. Upon obtaining construction plan approval from the Village Engineer and any necessary construction permits, the applicant is authorized to proceed with construction of the improvements indicated on the preliminary plat, but approval of the final plat is also contingent on satisfying the conditions imposed by the Village Council.

iv. If the Village Council rejects the preliminary plat, then the reasons therefor shall be stated in the record of action on the preliminary plat,

along with recommendations for ways to revise the preliminary plat so that it could be approved.

v. Failure of the Village Council to act on the preliminary plat within ninety (90) days of the first Village Council meeting in which the application is made an agenda item, the plat and recommendations from the Planning and Zoning Board, shall be deemed approval of the preliminary plat, authorizing the applicant to proceed with the approval of the construction plans of the improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to *Section 4.3.9.I. Final Plat Approval*.

I. Final Plat Approval

1. **Applicable Requirements.** Within the time limit stated in subsection (3) below, the applicant shall file an application using the Village's Online Permit Center along with the associated fee for final plat approval, for that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, with the Village Planner on a form prescribed by the Village, along with the prescribed fee, and shall include the information shown on the preliminary plat and the information listed in Appendix E, as may be amended from time to time by the Village Council.

2. **Forms for Final Certification.** The appropriate certificates and notes shown in Appendix E shall be placed on this final plat.

3. **Failure to Apply for Final Plat Approval - Time Limit.** Failure to file an application for final plat approval within the time period shall render the preliminary plat null and void. At least one-half (1/2) of the lots must be provided with all of the required infrastructure within the first two (2) years of the approval date of the subdivision plat. The entire subdivision plat must be completed within five (5) years of the first approval date of the subdivision plat. Failure to complete construction by these deadlines automatically voids the undeveloped portions of the subdivision plat unless the approving body finds that all of the following have been met:

   (1) A written request for extension has been made to the Village Planner for General Concept Plans, Minor Subdivisions, or Major Subdivisions at least thirty (30) days before the expiration of the approved site plan.

(2) Unconstructed portions of the subdivision conform to all ordinances, policies and plans of the Village in effect at the time of the requested extension.

4. **Application Requirement.** The application shall contain or be accompanied by such information, final plat, other plans, and final certifications as required on the application form.

5. **Required Dedications and Improvements.** Prior to approval of the final plat, all improvements shall be installed on the property or financial guarantees put in place per *Sections 14.4.14. Financial Guarantees* and all dedications or payment in lieu thereof shall be completed.

6. **Village Planner Review and Approval of Final Plat.**

(1) Approval of the final plat shall be the responsibility of the Village Planner. The final plat shall be approved if it is in substantial conformity with the preliminary plat and the applicant has carried out the improvements shown on the preliminary plat or provided financial guarantees per *Section 14.4.14. Financial Guarantees* and made all dedications or payments in lieu thereof, as indicated in the approved preliminary plat. The Technical Review Committee shall review the final plat for compliance with these requirements.

(2) If all conditions and requirements for approval of the final plat have been met, the Village Planner shall mark approval on all copies of the final plat, and then the Village Clerk shall sign the plat for recording. The Village Planner shall return the approved and signed copies to the applicant.

7. **Effect of Approval of Final Plat.**

(1) After obtaining approval of the final plat, the approved plat shall be recorded within thirty (30) days, or the plat shall become null and void.

(2) The recording of the approved plat with the Register of Deeds shall authorize the subdivider, or any subsequent developer of the property, to proceed with applications for a development permit on the individual parcels.

J. **Revisions to Approved Plats.** Any amendment or revision to a recorded final major or minor subdivision plat or portion thereof, shall be accomplished in the same manner as for original approval of a plat as required by the sections above, except for the following minor amendments:

1. **Allowable Changes.** Upon the request of the applicant, the Village Planner may approve the following minor changes to an approved subdivision plat without further review by the Planning and Zoning Board, or Village Council:

   (1) Combination or recombination of existing platted lots so that the total number of lots is not increased and the amended plat represents the same general lot relationships as shown in the plat prior to amendment provided, however, that:

      i. No lot or tract of land shall be created or sold which is smaller than the size shown on the approved plan, except when such lot or tract is re-subdivided to provide additional acreage to immediately contiguous lots or tracts, which will remain in single ownership.

      ii. The location, function and size of drainage, easements or rights-of-way shall not be changed in any substantive way so as to impair their function as designed.

      iii. Street alignment and block sizes shall not be changed.

      iv. The property line between the back of the lots shall not be changed.

      v. The rear portion of the lots shall not be subdivided from the front part.

      vi. Open space perimeter shall not be modified to change conditions to abutting platted lots.

   (2) Minor field alterations to accommodate physical site conditions involving interior features of the site design, including relocation of easements, utilities and infrastructure, which represents the same general lot and easement relationships, topography, landscaping, and minimum utility standards.

   (3) Where a subdivision is required to have a perimeter buffer and where the approved plant materials are unavailable, substitution of the approved plant materials for alternate plant materials, which will accomplish the intent of this Ordinance and the approved preliminary and final plat.

   (4) Changes to the phasing of development.

2. **Revised Subdivision Plats Required.** New subdivision plats are required to show the proposed changes as allowed in (1) above.

3. **Review by Village Planner.** The Village Planner shall submit all such requests to the Technical Review Committee in order to determine the potential impact of the requested change in any requirement or code administered by other agencies of the Village.

4. **Standards of Review.** Before approving any such change, the Village Planner shall make the following findings:

   (1) That all changes conform to the minimum required standards for the zoning district in which the property is located.

   (2) That all additions, alternations, and expansions shall be compatible with the existing or approved lots, easements and infrastructure, open space and common areas.

   (3) That any additional required landscaping shall be comparable to the approved subdivision plat and shall follow Village specifications and guidelines.

   (4) That the effect of the landscaping, buffers, or screening on the site, or on the approved subdivision plat is not diminished.

   (5) That the number of access points to streets is neither increased, decreased, nor substantially relocated.

   (6) That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles.

   (7) That the change will result in better or equal performance of the overall objectives of the approved subdivision plat and specific zoning district classification.

   (8) That the changes do not otherwise violate any provision of this Ordinance, the Village Code, or other applicable laws.

   (9) That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

5. **Appeal.** The applicant shall have the right to appeal the decision of the Village Planner to the Village Council. Before the Village Council makes a decision, the Planning and Zoning Board shall render its opinion on the merits of the appeal to the Village Council.

SECTION 4.3.10 TEMPORARY USE PERMIT

A. **Development Permit for Temporary Uses Required.** No use that is classified as a temporary use in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary use development permit from the Village Planner.

B. **Required Permit.** No tent, trailer, or other temporary structure governed by the State Building Code shall be occupied or used in conjunction with a temporary use until and unless the applicant has received a temporary use development permit and then received a building permit for each separate structure or building from the Planning and Inspections Department.

SECTION 4.3.11 DEVELOPMENT PERMIT

A. **Development Permit Required.** A development permit is the controlling form of approval for the use of land and development within the jurisdiction of this Ordinance and is a prerequisite for receiving a building permit.

1. A development permit may be issued for development involving multiple activities on a property or for a single purpose such as change of use, or to place a single sign. Issuance of a development permit shall be contingent upon the applicant having received all other permits and approvals related to the land development activities proposed to take place on the property, excepting the building permit.

2. A list of typical permits and approvals that may be required prior to the issuance of a development permit are set forth in *Section 4.3.11.F. Prerequisite Permits, Approvals, and Reviews for a Development Permit*.

3. No development or use shall take place or be established within the jurisdiction of this Ordinance unless a development permit has been issued by the Village Planner stating that the proposed development or use complies with all provisions of this Ordinance.

B. **Development Permit Application.** Each application for a development permit shall be accompanied by the number of copies of a plan as set forth by this Ordinance and/or the appropriate application to be submitted in accordance with the electronic submittal requirements of Appendix A through E of this Ordinance. The plan shall be drawn in accordance to the required plan type as outlined in Appendix A through E of this Ordinance.

C. **Term of a Development Permit.** The issuance of a development permit shall confer with it the right to undertake and complete the development of property under the terms and conditions of such permit provided that such action as authorized by the permit is commenced within three hundred and sixty-five (365) days of issuance and provided that all other permits have been obtained. If the action has not commenced within the 365-day time period, the applicant can apply for renewal or the development permit shall be void. Where a valid vested rights certificate has been issued, the term of a development permit for the area contained within the vested rights certificate shall be for the term of the vested rights certificate.

D. **Previously Issued Building Permits.**

1. Any development for which a building permit has been issued prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development non-conforming, may be carried out in accordance with that building permit and shall be deemed lawfully existing under the terms of this Ordinance, provided that:

   (1) The permit was validly issued.

   (2) The permit has not expired.

   (3) The permit has not been revoked.

2. This Section shall not apply where the property owner consents to making the development conform to the requirements of this Ordinance, or any amendment thereto, which would make the development non-conforming.

E. **Appeal of Development Permit Denial.** If the development permit is denied, the applicant may appeal the action of the Village Planner to the Board of Adjustment as provided for in *Section 4.4. Appeals of Administrative Decisions*.

F. **Prerequisite Permits, Approvals, and Reviews for a Development Permit.** The following typical permits, approvals, and reviews are required in order to receive a development permit, depending upon the type of the development:

1. **From the Village.**

   (1) Variance/Administrative Appeal (Sections 4.3.6 & 4.4)

   (2) Text Amendment/Rezoning (Sections 4.3.2 & 4.3.3)

   (3) Signage Plan (Chapter 13)

(4) Floodplain Development Permit

(5) Landscaping Plan (Chapter 8)

(6) Exterior Lighting Plan (Chapter 12)

(7) Subdivision Approval with NCGO1 Construction Stormwater Permit (Chapter 9)

(8) Site Plan Approval (Section 4.3.8)

(9) Special Use Permit (Section 4.3.7)

(10) Historic District Certificate of Appropriateness (Section 6.4.1)

(11) Driveway Permit, Village Maintained Streets or NCDOT streets

(12) Right-of-way Encroachment

(13) Other applicable permits as required

2. **From other agencies.**

(1) Erosion Control Plan (State of North Carolina)

(2) Septic Tank/Well Permit (Moore County)

(3) Airport Zone Permit (Moore County)

(4) Driveway Permit, State Maintained Streets (NCDOT)

(5) Right-of-way Encroachment

(6) U.S. Fish and Wildlife Approval (RCW) and/or a biological assessment from an environmental consultant concluding no impacts for RCW habitat.

(7) U.S. Army Core of Engineers (ACOE)

(8) Other applicable permits as required

3. Compliance with the Engineering Standards and all other applicable conditions contained in this Ordinance.

G. **Revocation of Development Permit.** A development permit may be revoked by the Village Planner after notifying the permit holder in writing and stating the reason for the revocation. The permit revocation shall follow the same process required for

issuance of the development permit, including any required notice or hearing, in the review and approval of any revocation of that approval.

1. Terms under which a development permit may be revoked include:

   (1) Any substantial departure from the approved application, plans, or specifications.

   (2) Refusal or failure to comply with the requirements of this Ordinance or any applicable local development regulation or any State law delegated to the Village for enforcement purposes in lieu of the State.

   (3) False statements or misrepresentations made in securing the approval.

   (4) Any development approval mistakenly issued in violation of an applicable State or local law.

2. Revocation of a development permit by the Village Planner may be appealed as provided in *Section 4.4. Appeals of Administrative Decisions* and pursuant to NCGS § 160D-405.

SECTION 4.3.12 BUILDING PERMIT

A. **Permit required.** Upon receiving a development permit, application shall be made to the Planning and Inspections Department for a building permit in situations where the North Carolina Building Code requires a building permit. No building permit will be issued except in conformance with a valid development permit.

B. **Conflict with Pinehurst Municipal Code/North Carolina Building Code.** Where any provision of this Section is found to be in conflict with any provision of the North Carolina Building Code or Village of Pinehurst Municipal Code, the adopted Building Codes and Municipal Code shall control.

SECTION 4.3.13 CERTIFICATE OF OCCUPANCY

A. **Certificate of Occupancy Required**

1. No building or structure will be occupied prior to the completion of all required inspections, including compliance with the development permit and all conditions of approval.

2. A building or structure will not be occupied or a change made in the use or nature of a building or part of a building until the Building Inspector has issued a Certificate of Occupancy.

B. **Temporary Certificate of Occupancy.** The Building Inspector may issue a Temporary Certificate of Occupancy, which shall be valid only for the period of time stated in the certificate, for a specified portion or portions of a building, which may safely be occupied prior to final completion of the entire building and/or site. Conditions that are attached to the Temporary Certificate of Occupancy must be completed prior to the expiration of the certificate.

1. When such conditions have not been completed prior to the expiration date of the conditional certificate, the Certificate of Occupancy shall immediately expire.

2. Upon receipt of a written application to the Building Inspector stating satisfactory reasons for the failure to complete work within the given time period, the Inspector may renew the certificate for a specified period of time, not to exceed ninety (90) days.

C. **Approval Procedure.** At the conclusion of all work done under a permit, the appropriate inspectors shall make the final inspections, and if an inspector finds that the completed work complies with all applicable laws and with the terms of the permit, the Building Inspector shall cause a Certificate of Occupancy to be issued.

SECTION 4.3.14 ADMINISTRATIVE MODIFICATION OF DIMENSIONAL STANDARDS

A. In keeping with the purpose of these regulations to accomplish coordinated, balanced, and harmonious development in a manner which will best promote the health, safety, and general welfare of the Village while avoiding undue and unnecessary hardships, the Village Planner is authorized to approve certain requests for deviation from dimensional standards.

B. **Required Application Information.** General Concept Plan (Appendix C) (may be modified by Village Planner as appropriate) and any other relevant information to demonstrate undue and unnecessary hardship.

C. **Conditions for Modification of Setbacks.** Requests for deviation from required setbacks set forth in this Ordinance by up to ten percent (10%) of the required setbacks or twenty-four (24) inches, whichever is less, may be considered upon determination that one (1) or more of the following conditions exists:

1. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing,

legally established wall or walls of a principal structure already within the minimum setback area.

2. Any part of the proposed structure that would encroach into the minimum setback area is less than fifty percent (50%) of the width of the affected building facade(s).

3. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.

4. The proposed structure will allow the preservation of significant existing vegetation.

5. An unintentional error was made in the location of a building foundation not exceeding one (1) foot due to either field construction or survey error.

D. **Limitation on Administrative Discretion.** The Village Planner has no discretion to modify any requirements found in *Section 6.7. Special Requirements (SR) to the Table of Permitted and Special Uses* and *Section 7.4. Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements*.

E. **All Decisions to be in Writing.** Prior to rendering a decision, the Village Planner shall notify the Village Manager in writing of any minor deviation for approval.

F. **Administrative Authority is Permissive Only.** The authority given to the Village Planner to grant such modification shall be construed to be permissive and not mandatory and the Village Planner may decline to make such modification. Nothing in this Section shall be construed as limiting the Village Planner's duties and rights under this Chapter, or an applicant's right to appeal the decision of the Village Planner to the Board of Adjustment.

G. **Public Notification.** None required

H. **Appeals.** In the event that the Village Planner declines to make a modification to the dimensional standards, the applicant shall have the right to submit an application to the Board of Adjustment to grant a variance to these requirements or to submit an application to appeal the Village Planner's ruling in accordance with *Sections 4.3.6. Variances* and *4.4. Appeals of Administrative Decisions*.

SECTION 4.3.15 APPEALS

A. **General.** The Board of Adjustment shall consider appeals and shall review disputed orders, requirements, decisions, or determinations made by the Village Planner. All matters that are considered under appeal by the Board of Adjustment shall follow all application procedures and pay all required fees prior to the appeal being accepted.

B. **Appeals of Board of Adjustment Decisions**. Any appeal from the decision of the Board of Adjustment shall be to the Superior Court of Moore County by petition for a writ of certiorari consistent with the requirements of NCGS § 160D-1402. Any such petition to the Superior Court shall be filed no later than thirty (30) days after the date the decision of the Board of Adjustment is filed in the Village Planner's office. The copy of the decision shall be delivered either by personal delivery, electronic mail or first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

SECTION 4.4 APPEALS OF ADMINISTRATIVE DECISIONS

SECTION 4.4.1 PURPOSE AND SCOPE

A. Appeals to the Board of Adjustment from the decisions of the Village's administrative staff on actions and/or decisions pursuant to this Ordinance or other ordinances that regulate land use or development are allowed under this Ordinance in order to ensure that any enforcement action taken by such an administrative office pursuant to duties assigned by this Ordinance, is consistent with the terms and purposes of this Ordinance and any related policies or ordinances adopted by the Village.

B. All questions arising in connection with the enforcement of the zoning provisions of this Ordinance shall be presented first to the Village Planner, that such questions shall be presented to the Board of Adjustment only on appeal from the decisions of those departments, and that recourse from the decision of the Board of Adjustment shall be to the courts.

C. The duties of the Village Council in connection with this Ordinance shall not include the hearing or passing upon disputed questions that may arise in connection with the enforcement thereof.

SECTION 4.4.2 DECISIONS WHICH MAY BE APPEALED

Any order, requirement, permit, decision, determination, or refusal made by any administrative officer in enforcing the provisions of this Ordinance may be appealed to the Board of Adjustment. The official who made the decision shall give written notice to the owner of the property.

SECTION 4.4.3 PERSONS WHO MAY FILE AN APPEAL

An appeal to the Board of Adjustment may be brought by any person of standing under North Carolina General Statute § 160D-405(b).

SECTION 4.4.4 FILING OF APPEAL

A. **Initiation.** An application for an appeal shall be filed with the Village Clerk on an appeal form using the Village's Online Permit Center along with the associated fee as prescribed on the most recent Village of Pinehurst fee schedule.

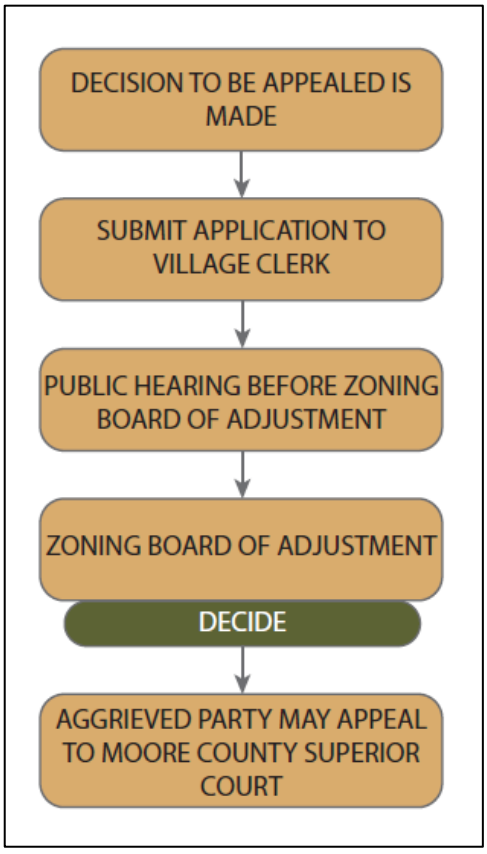
1. The application shall be filed no later than thirty (30) days after the date of the contested action has been provided in writing. Any other person with standing to appeal shall have thirty (30) days from the receipt from any source of actual or constructive notice of the decision in which to file.

2. The application shall contain or be accompanied by the information required on the application form and shall state the decision or determination being appealed and the reasons that the Applicant believes the decision or determination was made in error.

B. **Complete Application.** The Village Planner shall determine whether the appeal application is complete. If the Village Planner determines that the application is not complete, then the applicant shall be notified in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Village Planner shall schedule the appeal for consideration at a quasi-judicial public hearing before the Board of Adjustment.

1. The official who made the decision shall transmit to the Board all documents and exhibits constituting

Figure 4.9 - Process for Administrative Appeals



the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

C. **Stay of Proceeding.** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court.

   1. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed.

   2. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

D. Subject to the provisions of section (C) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

E. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited to matters stated in the notice of appeal. If any party or the Village would be unduly prejudiced by the presentation of matters not presented in the Notice of Appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the officials who made the decision.

F. The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The Ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

SECTION 4.4.5 ACTION BY THE BOARD OF ADJUSTMENT

A. Upon receiving the application materials from the Village Planner, the Board of Adjustment shall hold a quasi-judicial public hearing on the appeal. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with *Section 4.3.1. Development Review Procedures* of this Ordinance.

B. Either at the public hearing or a subsequent meeting, the Board of Adjustment shall adopt a resolution reversing, affirming, or modifying the contested action.

C. In reversing, affirming, or modifying the contested action, the Board of Adjustment shall have all relevant powers of the administrative officer from whom the appeal was taken.

D. The Board of Adjustment shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the terms of this Ordinance or related policies adopted by the Village.

E. The Board of Adjustment shall not reverse or modify the contested action unless there is a concurring vote of a majority of the members.

SECTION 4.4.6 EFFECT OF REVERSAL OR MODIFICATION

In the event that the Board of Adjustment reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the Board of Adjustment.

CHAPTER 5 ENFORCEMENT

SECTION 5.1 DUTIES OF ADMINISTRATIVE OFFICERS, BOARD OF ADJUSTMENT, COURTS, AND VILLAGE COUNCIL REGARDING ENFORCEMENT OF THIS ORDINANCE

A. The Village Planner is hereby authorized to enforce the provisions of this Ordinance. Appeal from any such enforcement decision shall be made to the Board of Adjustment.

B. From the decision of the Board of Adjustment, recourse shall be had to the courts as provided by law.

C. The duties of the Village Council regarding this Ordinance shall be only to consider and pass upon proposed amendments to or repeal of this Ordinance or parts thereof.

SECTION 5.2 PENALTIES FOR VIOLATIONS

A. **Assessment of Civil Penalties.** Any person, firm, or corporation violating any provisions of this Ordinance shall be subject to a civil penalty in the amount of five hundred dollars ($500) to be recovered by the Village in a civil action in the nature of debt. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation by the Village Planner. Each

Chapter 5. Enforcement 101
Section 5.1 Duties of Administrative Officers, Zoning Board of Adjustment, Courts, and Village Council Regarding Enforcement of this Ordinance . 101
Section 5.2 Penalties for Violations 101
Section 5.3 Notice of Violation and Citation Procedure 102
Section 5.4 Injunctive Relief and Other Remedies 103
Section 5.5 Violations of Approved Plans 104

day that a violation continues shall constitute a separate and distinct violation or offense.

B. **Referral to Attorneys.** If payment is not received within thirty (30) days after written demand for payment is made, the Village Planner may refer the matter to the Village Attorney who is authorized to institute a civil action in the name of the Village of Pinehurst in the appropriate division of the General Court of Justice for recovery of the penalty.

C. **Stop Work Orders For Any Plan Violations.** In addition to the civil penalties listed above, the Village Planner has the authority to issue a stop work order for any construction, reconstruction, demolition, grading, alteration, or repair to a building, structure, plant or landscaping in violation of this Ordinance.

SECTION 5.3 NOTICE OF VIOLATION AND CITATION PROCEDURE

A. **Notice Required Before Penalty.** No penalty shall be assessed pursuant to Section *5.2. Penalties for Violations* above unless and until the person or property owner alleged to be in violation has been notified of the violation in accordance with this Section.

B. **Notice of Violation and Opportunity to Cure.** Whenever the Village Planner has reasonable cause to believe that a person is violating or a property is in violation of any of the provisions of this Ordinance or any plan, order, or condition which has been approved, issued, or imposed pursuant to this Ordinance, the Village Planner shall promptly notify that person or property owner of the violation.

1. Such Notice of Violation shall be in writing and shall be served by regular mail or certified mail, or by posting notice on the property in a conspicuous place on the property.

2. The Notice of Violation shall describe the violation, shall identify the provision or provisions of this Ordinance which are being violated, shall specify what actions must be taken to correct the violation (including an order to stop any and all work which violates this Ordinance), and shall warn that more severe measures (such as a civil penalty) may be assessed or brought against the person if he or she fails to take appropriate action to cure or correct the violation.

3. If the violation is cured or corrected within the time period specified in the notice of violation, then the Village shall take no further action against the person.

C. **Extension of Time to Cure.** Upon receipt of a written or verbal request for an extension of time to cure or correct the violation, the Village Planner may grant a single extension of time, not to exceed a period of thirty (30) days.

D. **Citation for Violation.** Any person who, after being given a notice of violation pursuant to Subsection (B) above, does not comply with this Ordinance within the time period set forth in the notice of violation, and who continues such violation, shall be subject to the civil penalties set forth in *Section 5.2. Penalties for Violation.*

1. The Village shall serve a written citation to the alleged violator by regular or certified mail, or by posting notice on the property in a conspicuous place on the property.

2. The citation shall again describe the nature of the violation and any actions that the alleged violator must take to cure or correct the violation and shall specify the amount of any civil penalty that shall be levied against the alleged violator.

E. **Action for Recovery of Penalty and for Corrective Action.** If payment is not made, or the violation is not cured or corrected, within that time, then the matter may be referred to the Village Attorney who is authorized to institute a civil action in the name of the Village of Pinehurst in the appropriate division of the General Court of Justice for recovery of penalty.

SECTION 5.4 INJUNCTIVE RELIEF AND OTHER REMEDIES

A. The Village Attorney, on behalf of the Village of Pinehurst, in addition to other remedies, may institute an injunction action, court order, or other appropriate proceeding to prevent, enjoin, abate, or remove any development, situation, or other activity that violates this Ordinance.

B. In addition to other remedies provided by law, whenever the Village Planner has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, the Village Planner may refer the matter to the Village Attorney.

C. The institution of an action for injunctive or other relief under this Section shall not relieve any party to such proceedings from any civil penalty prescribed by this Chapter for violations of this Ordinance.

SECTION 5.5 VIOLATIONS OF APPROVED PLANS

A. **Stop Work Order.** A stop work order may be issued by any appropriate authority for violations of approved plans and the owner of the property may be subject to any other penalties described in this Chapter, until compliance is met.

B. **Conditional or Temporary Violations of Certificates of Occupancy.** If a conditional or temporary Certificate of Occupancy expires, or if the required work is not completed within the allowed time, then the conditional or temporary permit is void and any continued operation shall be in violation of this Ordinance.

C. **Violations after Development.** If a final Certificate of Occupancy is issued and the required work is later found to be out of compliance by the Village, then the owner will be subject to all the penalties of this Ordinance.

CHAPTER 6 ZONING DISTRICTS AND DIMENSIONAL STANDARDS

SECTION 6.1 RULES GOVERNING THE INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

A. When district boundaries are roughly following street, alley, railroad, or highway lines (including their centerlines), those lines are considered the boundaries.

B. Where district boundaries are shown as following lot lines, the lot lines are considered the boundaries. However, a surveyed plat by a registered land surveyor can be submitted to the Village of Pinehurst to prove that certain properties along these boundaries are not within a specific zoning district.

C. If zoning district boundaries are more than 25 feet away from any parallel lot line, their location should be determined using the scale on the Zoning Map.

D. If zoning district boundaries are 25 feet or less from any parallel lot line, the lot line is considered the boundary.

Chapter 6. Zoning Districts and Dimensional Standards 105
Section 6.1 Rules Governing the Interpretation of Zoning District Boundaries 105
Section 6.2 Standards of Measurement 106
Section 6.3 General Use Zoning Districts 112
Section 6.4 Overlay Zoning Districts 127
Section 6.5 Conditional Zoning Districts 143
Section 6.6 Table of Permitted and Special Uses and Special Requirements 144
Section 6.7 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements 156
Section 6.8 Design And Development Standards And Processes 184

E. When a parcel is in more than one zoning district, each portion of the lot shall be subject to the regulations applicable to the zoning district where it is located.

F. In the case of uncertainty over boundaries, the Village Planner will interpret the Official Zoning Map. This decision can be appealed to the Board of Adjustment.

SECTION 6.2 STANDARDS OF MEASUREMENT

SECTION 6.2.1 DENSITY

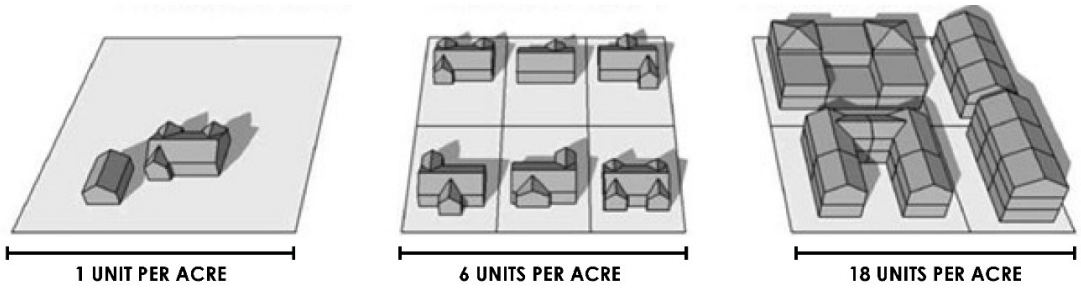
A. **Standard for Dimensional Calculations.** Numbers used to establish dimensional requirements shall be rounded to the nearest whole number.

B. **Calculation of Permitted Density**. Permitted density shall be measured by dwelling units per gross acre (du/ac). For example, if a development of ten (10) acres is entitled to ten (10) dwelling units per acre, the maximum permitted density within the development is one hundred (100) dwelling units.

1. Maximum density and/or intensity is not guaranteed subject to compatibility of uses or districts, onsite features, and other standards as regulated by this Ordinance.

2. Accessory dwelling units associated with residential uses shall not be counted towards the maximum permitted density.

Figure 6.1 Density



SECTION 6.2.2 STANDARDS OF GENERAL APPLICABILITY

A. Standards of general applicability shall include the subsections below. These standards shall be defined and make up the requirements of each district's development standards table.

B. **Building Height.** Building height shall be measured from the finished or established grade elevation following land-disturbing activities.

1. **Exceptions to the Height Limits.**

(1) The following are not to be included in the calculation of building height:

i. Basements

ii. Spires

iii. Steeples

iv. Chimneys

v. Antennae attached to buildings

vi. Communication towers

vii. Water tanks

viii. Elevator Shafts

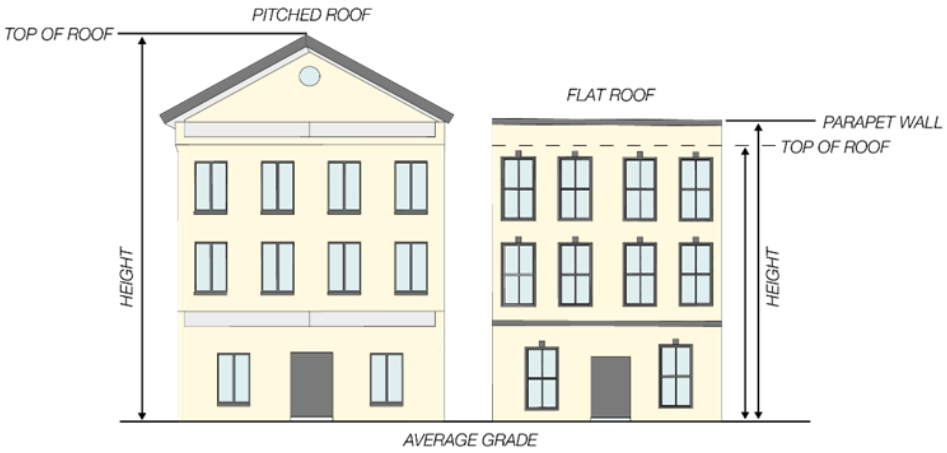
ix. Flyways

x. Cupolas

xi. Other similar appurtenance as approved by the Village Planner

(2) Flagpoles and other structures not specifically listed here are subject to the height restriction for the Zoning District or as otherwise noted in the Ordinance, whichever is more restrictive (*Section 13.6.B. Flags, Etc.*).

C. **Maximum Height.** Building height is the vertical distance from the average grade along the front to the highest point of the roof.



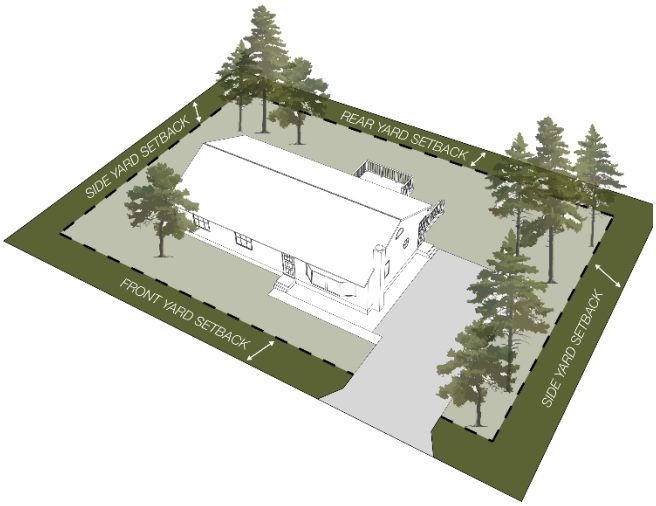
D. **Building Placement (Setbacks).** Building Placement (Setbacks) shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line.

1. Setbacks are designated by a front setback requirement, side setback requirements, rear setback requirement, and lake and/or golf course setbacks where applicable. Provisions for setbacks for accessory structures are designated in *Section 6.3. General Use Zoning Districts*.

2. For the purpose of calculating setback requirements and yards, three configurations of lots exist: interior/inside lots, corner lots, and through lots.

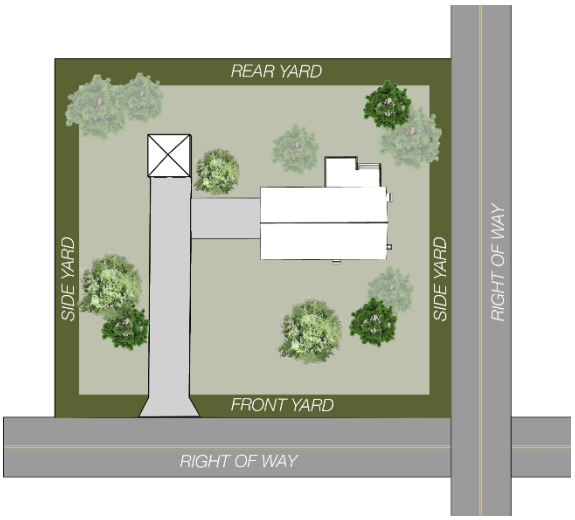
   (1) **Interior/Inside Lot.** A lot bounded by a street on only one side. The street yard shall be recognized as the primary (i.e. front) yard. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.

Figure 6.4 Setback – Interior Lot



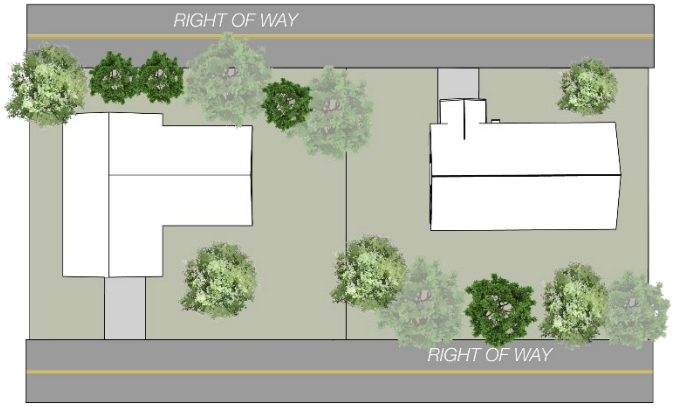
   (2) **Corner Lot**. A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. The building's orientation, driveway and entrance should align with this primary front yard but may also be allowed on the other street-facing side.

Figure 6.5 Corner Lot



(3) **Through Lot**. A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front yard, which shall dictate its front setback requirements. Orientation of the building, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non-primary front yard. Additional side or rear yard setbacks may be required for a through lot. If one of the streets is designated as a local street or alleyway, garage access may be permitted from the local street or alleyway.

Figure 6.6 Through Lot



E. **Street Frontage.** Any lot that is to be created or any existing lot on which a structure (or structures) is to be erected, or a use is to be established shall abut one of the following:

1. An improved public street maintained by the Village of Pinehurst, other jurisdiction, or NCDOT.

2. An existing improved private street shown on the latest Village of Pinehurst Powell Bill Map.

3. An improved and recognized private street located within the Village of Pinehurst ETJ as shown on a map approved by the Village Council.

F. **Allowable Encroachments into Required Yards:**

1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Section and the Zoning District in which it is located, except as otherwise established in this Ordinance for particular uses.

2. The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

   (1) Eaves, overhangs, and building steps may project up to three (3) feet into any required setback.

   (2) Condensing units of HVAC equipment, generators and other similar mechanical equipment may encroach a maximum of five (5) feet into side and rear yard setbacks only and shall be no closer than three (3) feet to the property line.

   (3) Sidewalks/walkways may encroach into any setback.

   (4) Residential driveways may encroach into any setback that does not abut a golf course or a lake.

   (5) Canvas awnings may project a maximum of six (6) feet.

   (6) Other accessory uses and buildings may encroach, as set forth in other applicable sections of this Ordinance.

   (7) Non-residential driveways, parking lots, loading areas, and sidewalks may encroach into any setback.

   (8) Patios and uncovered decks attached to principal structures, similar structures, inclusive of steps, may encroach up to five (5) feet into the side and rear setbacks, including golf course and lakefront setbacks, of a given

property. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

(9) On grade patios, on grade decks and similar structures may be located within ten (10) feet of any lakeshore property line but must meet the side setbacks for the proposed structure. See *Section 6.7.2.K. SR-110 Accessory Structure.*

G. **Permeable Surfaces.** Approved permeable surfaces may receive up to 50% reduction in the calculation of impervious surface area if designed, installed, and maintained in accordance with the NCDEQ Stormwater Design Manual, Section C-5 (Permeable Pavement). The applicant shall submit manufacturer specifications and design criteria for the selected permeable surface material.

SECTION 6.3 GENERAL USE ZONING DISTRICTS

General Use Zoning Districts are created to provide comprehensive land use regulations throughout the jurisdiction of this Ordinance. There are nineteen (19) General Use Zoning Districts that provide for a variety of uses that are appropriate to the character of the individual districts throughout the jurisdiction of this Ordinance. In the General Dimensional Requirements Table for each zoning district, the "P" stands for Principal Use, and the "A" stands for Accessory Building or Accessory Structure.

SECTION 6.3.1 (PC) PUBLIC CONSERVATION DISTRICT

A. The Public Conservation District is established as a district in which the primary use of the land is reserved for the public for recreation, parks, natural or man-made bodies of water, forests and other similar open space uses, and other government uses that provide public services to the residents of Village of Pinehurst. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or property otherwise restricted for public recreational use. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the PC District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (acre)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P	A	P	A	P	A		
-	-	50	40	25	20	25	20	25	25	60	30	12	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.2 (RD) RECREATION DEVELOPMENT DISTRICT

A. The Recreational Development District is established as a district in which the primary use of the land is predominantly reserved for privately owned recreation, clubhouses and support structures, natural or man-made bodies of water, resort complexes and other similar uses. This district is intended to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and/or property otherwise restricted for private recreational use. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the RD District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks								Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
5 acres	-	200	100	50	50	50	50	50	50	-	30	24	50

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.3 (R-210) RESIDENTIAL DISTRICT

A. The R-210 Residential District is established as a district in which the principal uses of the land are for low-density residential and light agricultural purposes. Development in this district is restricted due to lack of available utilities, watershed protection restrictions and for the protection of agricultural lands. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-210 District.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover [1,2] (%)	Max Height (ft)
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
5 acres	100	60	100	50	15	40	15	50	50	60	30	24	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10 or R-8 Districts meeting the Required Open Space regulations of this Ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.4 MEDIUM DENSITY RESIDENTIAL DISTRICTS

A. The R-15, R-20, and R-30 Residential Districts are established as districts in which the principal use of land is for medium-density residential uses. These districts are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* or the list of permitted uses in the R-15, R-20, and R-30 districts.

B. **General Dimensional Requirements**

Zoning District	Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover[1,2] (%)	Max Height (ft)
	Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
					P	A	P	A	P	A	P	A	
R-30	30,000	100	20	40	30	10	20	10	20	20	60	30	30	35
R-20	20,000	80	20	40	30	10	15	10	20	20	30	30	35	35
R-15	15,000	75	20	30	30	10	15	10	20	20	30	30	37.5	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10, or R-8 Districts meeting the Required Open Space regulations of this ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.5 HIGH DENSITY RESIDENTIAL DISTRICTS

A. The R-5, R-8 and R-10 Residential Districts are established as districts in which the principal use of land is for high-density residential uses. These districts are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-5, R-8, and R-10 districts.

B. **General Dimensional Requirements**

Zoning District	Minimum Lot Size			Minimum Setbacks[1]								Max Impervious Surface Cover[1,2] (%)	Max Height (ft)
	Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
					P	A	P	A	P	A	P	A	
R-10	10,000	75	20	30	25	10	15	10	20	20	30	30	40	35
R-8	8,000	60	20	20	20	10	10	10	15	15	30	30	42.5	35
R-5	5,000	40	20	20	20	10	10	5	15	15	30	30	45	35

Footnotes:

1. See *Section 14.4.1. Required Open Space* for dimensional standards applicable only to Residential Subdivisions in R-210, R-30, R-20, R-15, R-10, or R-8 Districts meeting the Required Open Space regulations of this ordinance.
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.6 (R-MF) RESIDENTIAL MULTI-FAMILY DISTRICT

A. The Residential Multi-Family District is established as a district in which the principal use of land is for multi-family and/or single-family dwellings. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the R-MF district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks[1]										Max Impervious Surface Cover[3] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[2]	A	P	A	P	A		
5,500	50	36	30	25	15	0	15	20	20	30/60	30	60	35

Footnotes:

1. Setback requirements shall apply to the perimeter of the parent tract or tracts prior to development.
2. Fifteen (15) foot minimum if detached.
3. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Supplemental Dimensional Requirements**

1. **Maximum Residential Density.** Six (6) dwelling units per acre.

SECTION 6.3.7 (NC) NEIGHBORHOOD COMMERCIAL DISTRICT

A. The Neighborhood Commercial District is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts. This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements* for the list of permitted uses in the NC district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks								Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
10,000	-	75	25	20	10	10	10	15	15	30	30	70	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.8 (H) HOTEL

A. The Hotel District is established as a district in which the principal use of land is for hotels and their associated villas or cottages. This district is intended to provide lodging facilities for visitors while minimizing any adverse impact on neighboring residential areas. Refer to *Table 6.3.Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the H district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks										Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)				
				P	A	P	A	P	A	P	A			
1 acre	-	100	40	30	20	20	20	20	20	30	30		70	50

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.9 (HD) HOSPITAL DEVELOPMENT DISTRICT

A. The Hospital Development District is established as a district in which the principal use of land is for hospitals, surgical centers or other health professional services and their supporting uses. This district is further intended to encourage the development of regional and community-wide providers of health care services while minimizing any adverse impacts on neighboring residential and historic areas. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the HD district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P	A	P	A	P	A		
15 acres	400	100	75	75	25	50	25	75	25	30	30	70	75

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.10 (OP) OFFICE PROFESSIONAL DEVELOPMENT DISTRICT

A. The Office Professional District is intended to provide for limited office and retail development as a spatial development between business districts and residential land uses. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the OP district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks								Max Impervious Surface Cover[1] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)		
				P	A	P	A	P	A	P	A	
20,000	100	75	25	20	10	15	10	20	20	30	30	70	35

Footnotes:

1. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.3.11 (VCP) VILLAGE COTTAGE PROFESSIONAL DISTRICT

A. The Village Cottage Professional District is intended to provide for limited office and retail development and a wide variety of housing types in pedestrian-scaled, residential-style structures. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VCP district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks										Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)				
				P	A	P[1]	A	P	A	P	A			
8,000	-	25	20	20	10	0	10	10	10	30	30		70	35

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Village Cottage Professional District Design Standards.** The Village Cottage Professional District shall be developed in a way that is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. In addition, reference should be made to the design guidelines and the Village of Pinehurst Historic District Standards.

SECTION 6.3.12 (VR) VILLAGE RESIDENTIAL

A. The Village Residential District is established as a district in which the principal use of land is for multi-family and single-family dwellings near the Village Center or other commercial nodes. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VR district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks										Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)				
				P	A	P[1]	A	P	A	P	A			
5,500	-	25	10	20	10	0	5	10	10	30	30		70	35

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Supplemental Dimensional Requirements**

1. **Maximum Residential Density.** Eight (8) dwelling units per acre

D. **Village Residential District Design Standards.** The Village Residential District shall be developed in a high-density residential fashion, providing pedestrian access to the Village Center and compatible in design to the residential development adjacent to the existing Village Center. In addition, reference should be made to the design guidelines and the Local Historic District Standards.

SECTION 6.3.13 (VMU) VILLAGE MIXED USE DISTRICT

A. The Village Mixed-Use District is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VMU district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[1]	A	P	A	P	A		
20,000	-	25	0 min 10 max	5	5	0	5	0 min 10 max	10	30	30	70	50

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

C. **Village Mixed Use District Design Standards.** The Village Mixed Use District shall be developed in a way that it is functionally and structurally compatible with the existing Village Center and a pedestrian friendly area. In addition, reference should be made to the design guidelines and the Local Historic District Standards.

1. Façade materials shall consist of brick, shake, wood clapboard, or a similar synthetic material. No more than fifteen percent (15%) of exterior materials along a given block front shall be shake. This requirement does not apply to any structure regulated by the North Carolina Residential Building Code.
2. Upper and lower floors shall be distinguished through a change in material and/or color or the addition of balconies, bays, awnings, or other accent features.

3. Windows are required, where they allow views to interior activity areas or displays. However, glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.

4. Exterior building colors shall be consistent with the Village Center and be found in the Village of Pinehurst color palette.

5. When used, façade lighting shall provide a sense of safety without excessive light and glare.

6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.

7. Architectural ornaments along the roof line, such as molding entablature or friezes, are required.

8. Sidewalks shall be provided and provide access along the street front. Mid-block pedestrian pathways are required. Pathways should be brick and must clearly delineate the pathway separate from any driving surface. They shall be designed to link the sidewalk at the street side of the building to parking areas in the rear.

9. Public spaces and plazas shall be incorporated to create a pedestrian-friendly environment.

10. Street furniture, outdoor eating areas, and sitting areas shall be incorporated at the ground floor.

SECTION 6.3.14 (VC) VILLAGE COMMERCIAL DISTRICT

A. The Village Commercial District accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be situated at street level, with residential uses in rear or upper stories. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirement* for the list of permitted uses in the VC district.

B. **General Dimensional Requirements**

Minimum Lot Size			Minimum Setbacks									Max Impervious Surface Cover[2] (%)	Max Height (ft)
Area (sf)	Width (ft)	Width at Street (ft)	Front (ft)	Rear (ft)		Side (ft)		Street (ft)		Lakefront/ Golf Course (ft)			
				P	A	P[1]	A	P	A	P	A		
5,000	-	25	0 min 10 max	5	5	0	5	0 min 10 max	10	30	30	90	50

Footnotes:

1. Five (5) foot minimum if detached
2. Impervious surface coverage may be limited by State Watershed Requirements and may require special intensity allocation.

SECTION 6.4 OVERLAY ZONING DISTRICTS

Overlay Zoning Districts are created to provide additional development standards for identified areas within the Village of Pinehurst. Overlay Zoning Districts are also available to allow flexibility in design for certain types of developments. Overlay Zoning Districts combine with the regulatory provisions of the underlying General or Conditional Zoning Districts to provide additional or different standards.

SECTION 6.4.1 HISTORIC PRESERVATION OVERLAY DISTRICT

A. **Purpose and Intent**

1. Historic areas are some of the most valued and important assets of the Village of Pinehurst, having local, state, and national importance. The establishment of Historic Preservation Districts is for the purpose of preserving the Village's heritage; safeguarding its character by preserving the district as a whole and any property therein that embodies important elements of its social, economic, cultural, political, or architectural history.

2. The establishment of the Historic Preservation District is also for the purpose of:

   (1) Promoting the conservation of such districts for the education, pleasure, and enrichment of residents of the district, the Village, and others.

   (2) Fostering civic beauty.

   (3) Stabilizing and enhancing property values throughout the district, thus contributing to the improvement of the general health and welfare of the Village and the residents of the district.

3. **Historic Districts Established.** Historic districts, as provided for in this Section, may from time-to-time be designated, amended, or repealed, provided; however, no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, architectural, or cultural importance. Such districts must also possess integrity of design, setting, workmanship, material, feeling, and/or association. No district shall be designated, amended, or repealed until an investigation and report initiated by the Pinehurst Historic Preservation Commission (PHPC) describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared. The Department of Cultural Resources, acting through the State Historical Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and

description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Village Council within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Village Council of any responsibility for awaiting such analysis, and the Village Council may at any time thereafter take any necessary action to adopt or amend this Ordinance with respect to Historic Districts.

4. The Village Council shall also refer the report and the proposed boundaries to the Planning and Zoning Board for its recommendations prior to taking action to amend this Ordinance.

5. With respect to any changes in the boundaries of such district after its initial establishment, or the creation of additional districts within the Village, the investigative studies and reports required by this Section shall be prepared by the PHPC and shall be referred to the Planning and Zoning Board for its review and comment according to the procedures set forth herein. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of this Section.

6. Upon receipt of these reports and recommendation, the Village Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Ordinance provision.

B. **Certificate of Appropriateness Required.**

1. From and after the designation of a historic district and the adoption of Review Criteria and Design Standards by the PHPC and approved by the Village Council, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), no above-ground utility structure, nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the PHPC. Such a certificate shall be issued by the PHPC and/or Village Planner prior to the issuance of a development permit. Such certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Section. A Certificate of Appropriateness shall be required whether or not a building permit is required.

2. Publication dispensers shall be required to comply with the Local Historic District Standards, and a Certificate of Appropriateness must be obtained prior to display.

C. **Certificate of Appropriateness Procedure.**

1. An application for a Certificate of Appropriateness and any supplemental materials shall be submitted using the Village's Online Permit Center and filed with the Village Planner. Applications for Certificate of Appropriateness for major work shall be considered by the PHPC at its next regularly scheduled meeting, provided the application has been deemed complete by the Village Planner or designee.

2. The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data has been submitted. Nothing shall prevent the applicant from filing, along with the application, additional relevant information bearing on the application.

3. Applications that are categorized or fall within the category description of normal maintenance or minor work within the Local Historic District Standards, will be approved or denied by Village staff. If staff does not approve the application or if there is a question if the work is consistent with the Standards, then the application will be heard at the next PHPC meeting as a regular agenda item.

4. Prior to issuance or denial of a Certificate of Appropriateness for a major work project, the PHPC shall conduct a public hearing in accordance with this Ordinance. The Village Planner shall be responsible for notifying the affected parties in accordance with *Section 3.3.3. Board of Adjustment* of this Ordinance.

5. The PHPC shall act on the application and in doing so, shall apply the Review Criteria contained in this Section and within the Local Historic District Standards.

6. The PHPC's action on the application shall be approval, approval with modifications and/or conditions, delay of demolition, or denial.

7. Prior to the final action on an application, the PHPC, using the Review Criteria, shall make Findings of Fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.

8. The PHPC shall enter into the minutes of its meeting the reasons for its action, whether it be approval, approval with modifications and/or conditions, delay of demolition, or denial.

9. If the PHPC fails to take final action upon any application within one hundred eighty (180) days after the complete application is submitted to the Village Planner for historic approval, the application shall be deemed to be approved unless the applicant consents to extend this period of time.

10. If the PHPC determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed construction, reconstruction, alteration, restoration or moving.

D. **Review Criteria.**

1. **Intent.**

(1) It is the intention of these regulations to insure, that construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district shall be congruous with the special character of the district. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of the same or to impose architectural styles from particular historical periods. In considering new construction, the PHPC and/or the Village Planner shall encourage design that is harmonious with the character of the district.

(2) In granting a Certificate of Appropriateness, the PHPC and/or the Village Planner shall consider the historical or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

(3) The PHPC or Village Planner shall take no action under this Ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features that would be incongruous with the special character of the historic district or landmark.

2. **Exterior Form and Appearance.**

(1) The following criteria shall be considered, when relevant, by the PHPC or Village Planner reviewing applications for a Certificate of Appropriateness. All applications for Certificate of Appropriateness shall be subject to review based upon the Design Standards in effect at the time of the application. These standards are set forth in a manual prepared by the PHPC and approved by Village Council:

i. Lot coverage, defined as the percentage of the lot area covered by primary structures.

ii. Setback, defined as the distance from the lot lines to the building(s).

iii. Building height.

iv. Spacing of buildings, defined as the distance between adjacent buildings.

v. Exterior building materials.

vi. Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration.

vii. Surface textures.

viii. Roof shapes, forms and materials.

ix. Use of local or regional architectural traditions.

x. General form and proportions of buildings and structure, and relationship of any additions to the main structure.

xi. Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials.

xii. Orientation of the building to the street.

xiii. Scale, determined by the size of the units of construction and architectural detail in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures.

xiv. Proportion of width to height of the total building façade.

xv. Archaeological sites and resources associated with standing structures.

xvi. Appurtenant fixtures and other features such as lighting.

xvii. Structural condition and soundness.

xviii. Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape mass, building façades, or combinations of these.

xix. Ground cover or paving.

xx. Maintenance of pedestrian scale and orientation, as well as provision for safe pedestrian movement.

xxi. The use of approved colors from the Village of Pinehurst Color Palette (new construction, additions, alterations, and repainting only, and not for existing residences).

xxii. Effect of trees and other landscape elements.

(2) The Secretary of the Interior's "Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness.

(3) Interior arrangement or design shall be exempt from review by the PHPC. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

E. **Certain Changes Not Prohibited.** Nothing in this section shall prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District that does not involve a substantial change in design, material, or outer appearance. It also does not prevent the construction, alteration, restoration, or demolition of any such feature that the Village Planner or Designee has certified to the PHPC, in writing, is required because of an unsafe or dangerous condition. Nothing herein shall prevent the maintenance or in the event of an emergency, the immediate restoration of any existing, aboveground utility structure without approval by the PHPC.

F. **Delay in Demolition.**

1. An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The PHPC shall reduce the period of delay if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period, the PHPC shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the PHPC finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.

2. In the case of demolition action by the Village, the application for such a certificate will first be reviewed by the PHPC and secondly by the Village Council for final order of demolition or removal.

3. If the PHPC has voted to recommend the designation of an area as a historic district and the final designation has not been made by the Village Council, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the PHPC for up to one hundred eighty (180) days or until the Village Council takes final action on the designation, whichever occurs first.

G. **Application Review by Pinehurst Historic Preservation Commission.** As part of its review procedure, the PHPC may view the premises and seek the advice of the North Carolina Department of Cultural Resources or other expert advice as it may deem appropriate.

H. **Appeal of Decision**

1. In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party shall be taken to the Superior Court of Moore County in the nature of certiorari.

2. Written notice of the intent to appeal must be sent to the PHPC postmarked within thirty (30) days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Board of Adjustment shall be heard by the Superior Court of Moore County.

3. The State of North Carolina shall, for property of the State or its agencies, have the right to appeal to the North Carolina Historical Commission, within thirty (30) days from the date of the decision. The decision of the State Historical Commission shall be final and binding upon both the State and the PHPC.

I. **Compliance.**

1. Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Village Planner. Failure to comply with a Certificate of Appropriateness shall be a violation of this Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of one (1) year shall be considered as a failure to comply with a Certificate of Appropriateness and may require new application and approval.

2. Nothing contained in the Ordinance shall prohibit, impair, or limit in any way the power of the Village Council to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of any provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy in other ordinances or laws.

J. **State Recommendations.** Districts shall not be established or the authority and powers of the PHPC be implemented until the North Carolina Department of Cultural Resources has been given the opportunity, in accordance with the provision of the North Carolina General Statutes to make recommendations with respect to the establishment of the districts.

SECTION 6.4.2 HIGHWAY CORRIDOR OVERLAY DISTRICT (HCOD)

A. **Purpose and Intent.** The Highway Corridor Overlay District (HCOD) is established to provide additional standards for land adjacent to major highway corridors to protect the natural and environmental features that constitute important physical, aesthetic, recreational, and economic assets to the Village. The overlay district is established to:

1. Prevent unsightly conditions that may destroy or detract from the natural character, beauty, and condition.

2. Minimize potential safety hazards that may exist along the roadways in the Village.

3. Ensure development is consistent with the historic character of the Village's natural and built environments.

B. **Area of Applicability.** The HCOD standards, which apply to the entire length of a corridor becomes effective once a corridor has been studied, a plan adopted, and the area subsequently identified on the Official Zoning Map. Development standards apply to all parcels within 600 feet of the right-of-way on both sides of the street as shown on the Official Zoning Map, except in such instances in which the Village Council has modified the corridor width. In cases where a portion of a tract of land lies within the HCOD the entire tract shall adhere to the same regulation.

C. **Permitted Uses.** The permitted uses shall be the same as those in the underlying zoning districts. Refer to *Table 6.3. Table of Permitted and Special Uses and Special Requirements*.

D. **New Development.** All new nonresidential development, multifamily development, and major subdivisions within the Highway Corridor Overlay District shall comply with the regulations of this section. If there are more restrictive standards elsewhere in this Ordinance, those standards shall control.

E. **Site Design Standards.** These standards provide the Village's expectations for the quality and appearance of new development.

1. **Buildings on Corners.**

(1) Buildings that exist on a corner lot shall incorporate additional architectural features, utilize massing techniques, or implement other features to emphasize their prominent location and create a visual assist to turn the corner.

(2) Corner buildings should utilize massing techniques and architectural treatments to create an inviting pedestrian environment where a building wraps a street corner.

2. **Street Walls.**

(1) Where surface parking lots or drive aisles abut a public street right-of-way (or sidewalk), a street wall shall be required on the setback line or edge of parking lot pavement. Street walls are required alongside boundaries of drive aisles along drive-through lanes. An alternative, such as hedging or other similar designs may be approved by the Village Planner as long as the desired effect of a street wall is achieved.

(2) Street walls shall be constructed of brick, masonry, stone, wrought iron or other solid decorative materials. Wood, fencing, and chain link shall not be considered permitted materials for a street wall.

(3) Street walls shall be a minimum of three (3) feet and a maximum four (4) feet in height.

(4) Breaks in street walls may be permitted to allow for pedestrian or vehicular access, or tree protection.

Figure 6.7 Street Walls



3. **Utilities.** Utility services shall be located underground, where feasible, in coordination with the utility provider.

4. **Accessory Uses and Structures.** No accessory uses or structures are permitted in the front yard.

F. **Parking Requirements**

1. **Parking Lot Setbacks**

(1) The required parking setback from the highway right-of-way line is at least fifty (50) feet.

(2) The required parking setback from residentially zoned lots is at least thirty (30) feet.

(3) The required parking setback for internal lots with access to an internal street right-of-way shall be at least twenty (20) feet from the front lot line.

2. All off-street parking should be located to the side or rear of the building to the greatest extent possible.

G. **Landscape Buffer Requirements.** Landscape buffers shall comply with the regulations of *Chapter 8. Landscaping and Buffers*, except as provided below:

1. When development occurs next to a residentially zoned parcel, a minimum Class 3 Buffer is required.

H. **Parking Lot Landscaping.**

1. Parking lots, loading areas, and other vehicle use areas shall be planted with one tree and two shrubs for every ten parking spaces required.

2. At least sixty-five (65%) of the required parking lot trees shall be large shade trees.

3. A minimum of half (50%) of the required parking lot trees shall be pine trees.

4. Trees and shrubs shall be planted within fifteen (15) feet of the vehicle use areas.

I. **Lighting.** Lighting shall comply with the regulations of *Chapter 12. Lighting Standards*, except as provided below:

1. Light fixtures shall be a maximum of fifteen (15) feet in height for the lighting of vehicle use areas when located adjacent to a residentially zoned property.

2. Parking area lighting fixtures may be no closer tan twenty (20) feet to the property line when located adjacent to a residentially zoned property.

J. **Driveways.** Driveways serving a new development parcel shall be permitted in accordance with the standards of NCDOT; however, the Planning and Zoning Board and Village Council may require more strict standards as conditions of approval during the site plan review, if it is determined that the additional conditions may improve traffic movement and safety.

1. Developers of non-residential uses are required to share parking areas and driveways with adjoining developments.

2. Development will be required to have shared access to the roadway as approved by NCDOT or the Village.

K. **Signs.** Signs shall comply with the regulations of *Chapter 13. Signs*.

SECTION 6.4.3 WATERSHED PROTECTION OVERLAY DISTRICT - WPOD

A. **Purpose and Intent.**

1. The Legislature of the State of North Carolina has, in Chapter [153A][160A], Article [6][8], Section [121][174], General Ordinance Making Power; and in Chapter 143, Article 21, Water and Air Resources, authorized local governments to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. In addition, NCGS § 160D-926 and NCGS § 143-214.5 specifically authorize local governments to enact and enforce water supply watershed management regulations. The Village Council hereby ordains

and enacts into law the following articles as the Water Supply Watershed Protection Ordinance of Pinehurst.

2. The intent of the WPOD is to ensure the availability of public water supplies at a safe and acceptable level of water quality for present and future residents of the Village and the surrounding region. Watershed protection measures allowed by this Section of the Ordinance include:

   (1) Impervious area limitations.

   (2) Stream and reservoir buffers.

   (3) Restriction of land uses and density allowed within water supply basins by the use of zoning.

B. **Applicability.**

1. The WPOD is an overlay district to be applied to designated watersheds on the Official Zoning Map with regulations superimposed on all lands lying within the watershed of a public water supply. The boundaries of the WPOD shall be shown on the Official Zoning Map and Extraterritorial Jurisdiction Line. The Watershed Protection Overlay District consists of four (4) sub-areas:

   (1) Drowning Creek–Lumber River WS-II, Balance of Watershed (WS-II BW).

   (2) Nicks Creek–Cape Fear River WS-III, Balance of Watershed (WS-III BW).

   (3) Little River–Intake #2 WS-III, Balance of Watershed (WS-III BW).

   (4) Little River–Vass WS-III, Balance of Watershed (WS-III BW).

C. **Permitted Uses.** The uses prohibited and the limitations on impervious surface coverage in the WPOD subareas are listed in *Table 6.1. Watershed Areas – Allowed and Not Allowed Uses*.

Table 6.1 Watershed Areas - Allowed and Not Allowed Uses

Activity/Use	Water Supply Watershed Classification	
	WS-II BW	WS-III BW
New landfills	Yes	Yes
New permitted residual land application	Yes	Yes
New permitted petroleum contaminated soils	Yes	Yes
NPDES General or Individual Stormwater discharges	Yes	Yes
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes	Yes
NPDES Individual Permit trout farm discharges	Yes	Yes
New NPDES Individual Permit domestic treated wastewater discharge	No	Yes
New NPDES Individual Permit industrial treated wastewater discharge	No[a]	No[a]
Non-process industrial waste	No	Yes
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	No	No
Sewage	No[b]	No[b]
Industrial Waste	No[b]	No[b]
Other wastes	No[b]	No[b]
Groundwater remediation project discharges[c]	Yes	Yes
Agriculture[d]	Yes	Yes
Silviculture[e]	Yes	Yes
Residential Development[f]	Yes	Yes
Non-Residential Development[f,]	Yes	Yes
Nonpoint Source Pollution[g]	Yes	Yes
Animal Operations[h]	Yes	Yes

Footnotes:

a. Except non-process industrial discharges are allowed.
b. Only allowed if specified in 15A NCAC 02B.0104.
c. Where no other practical alternative exists.
d. In WS-I watersheds and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10-foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent

version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies.

e. Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209). Effective 4/1/2018

f. See density requirements in 15A NCAC 02B.0624.

g. Non-Point Source pollution shall not have adverse impact, as defined in 15A NCAC 02H.1002, in use as water supply or any other designated use.

h. Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H.0217.

D. **Procedures for Development Approval**

1. **Protection Measures.** All development within the WPOD shall demonstrate compliance with the requirements of this Section at the time of development permit approval, except as set forth in (2) below.

2. **Exception for Existing Development.** Development existing as of June 21, 1993, is not subject to the requirements of this Section. Expansions to existing development must meet the requirements of this Section; however, the impervious surface area of the existing development is not required to be included in the density calculations. A pre-existing lot owned by an individual or assignee prior to the effective date of June 21, 1993, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Section.

E. **Density and Built-Upon Limits**

1. **Project Density.** The following maximum allowable project densities and minimum lot sizes, as shown in *Table 6.2. Maximum Allowable Project Density or Minimum Lot Size*, shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development.

Table 6.2 Maximum Allowable Project Density or Minimum Lot Size

Water Supply Classification	Location in the Watershed	Maximum Allowable Project Density or Minimum Lot Size		
		Low Density Development		High Density Development
		Single-family detached residential	Non-residential and all other residential	All types
WS-II	Balance of Watershed	1 dwelling unit (du) per 1 acre; or 1 du per 40,000 square foot lot excluding roadway right-of-way; or 12% built-upon area	12% built-upon area	12 to 30% built-upon area with SIA approval
WS-III	Balance of Watershed	1 dwelling unit (du) per one-half acre; or 1 du per 20,000 square foot lot excluding roadway right-of-way; or 24% built-upon area	24% built-upon area	24 to 50% built-upon area with SIA approval

2. **Calculation of Project Density.** The following requirements shall apply to the calculation of project density:

   (1) Project density shall be calculated as the total built-upon area divided by the total project area.

   (2) A project with "Existing Development," as defined in this Ordinance, may use the calculation method in sub-item (1) of this section or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

   (3) Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).

   (4) Where there is a net increase of built-upon area, only the area of net increases shall be subject to density and built upon area limits.

   (5) Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built-upon area limits.

(6) Total project area shall exclude the following:

i. Areas below the Normal High-Water Line (NHWL).

(7) Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high- and low-density areas based on one or more of the following criteria:

i. Natural drainage area boundaries.

ii. Variations in land use throughout the project.

iii. Construction phasing.

3. **Special Intensity Allocations (SIA).** SIAs shall be allocated and developed in accordance with the following rules:

(1) SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the watershed area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the total acreage eligible for allocation.

(2) SIAs shall be allocated on a “first come, first serve” basis upon the approval and issuance of the appropriate permit.

(3) The Village must allow applicants to exceed allowable density if the applicant treats all stormwater from existing and new built-upon area according to local, state, and federal regulations.

(4) The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any permit used for development. In such case, the unused allocated acreage shall be returned to the unallocated total acreage eligible for allocation.

SECTION 6.5 CONDITIONAL ZONING DISTRICTS

SECTION 6.5.1 PURPOSE AND INTENT

A. Conditional zoning districts are established to:

1. Provide an alternative to conventional zoning districts which would be inappropriate at certain locations in the absence of special conditions.

2. Create flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions.

3. Allow the landowner to propose, and the Village Council to consider additional conditions or restrictions on the range of permitted uses, use-specific standards, density, development standards, and other applicable regulations.

4. Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated issues that could arise from the proposed development.

SECTION 6.5.2 CONDITIONS

A. Conditions may be proposed by an applicant or the Village Council. Only those conditions agreed to by both the applicant and the Village Council shall be included in the approved conditional rezoning.

B. All conditions of approval shall be consented to, in writing, by the applicant, prior to issuance of the conditional zoning application approval.

SECTION 6.5.3 CONDITIONAL DISTRICTS

For each General Use District established in *Section 6.3. General Use Zoning Districts* and Form Based District established in *Section 7.2. Form Based Districts Zoning Districts*, there is also established a corresponding Conditional District as follows:

A. PC-CD - Public Conservation Conditional District;

B. R-210 CD - Residential Conditional District;

C. R-15 CD - Residential Conditional District;

D. R-20 CD - Residential Conditional District;

E. R-30 CD - Residential Conditional District;

F. R-5 CD - Residential Conditional District;

G. R-8 CD - Residential Conditional District;

H. R-10 CD - Residential Conditional District;

I. R-MF-CD - Residential Multi-Family Conditional District;

J. VR-CD - Village Residential Conditional District;

K. RD-CD - Recreation Development Conditional District

L. OP-CD - Office and Professional Development Conditional District;

M. H-CD - Hotel Conditional District;

N. HD-CD - Hospital Development Conditional District;

O. VC-CD - Village Commercial Conditional District;

P. VCP-CD - Village Cottage Professional Conditional District

Q. VMU-CD-Village Mixed Use Conditional District

R. NC-CD - Neighborhood Commercial Conditional District.

S. VP FBD-CD - Village Place Form Based Conditional District.

T. PS FBD-CD - Pinehurst South Form Based Conditional District.

SECTION 6.6 TABLE OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

The Tables of Permitted and Special Uses and Special Requirements which follow contain a listing of uses which may be permitted in one (1) or more of the various General Use Zoning Districts established by this Ordinance.

SECTION 6.6.1 USE CATEGORIES

A. Each use type is grouped under a use category.

1. Residential
2. Lodging
3. Office/Service
4. Commercial/Entertainment



5. Civic
6. Education/Institution
7. Automotive
8. Industry/Wholesale/Storage
9. Agriculture
10. Utilities/Infrastructure
11. Accessory Uses
12. Temporary Use

SECTION 6.6.2 SYMBOLS USED ON TABLE OF USES

A "P" or "SU" or "CZ " opposite the listed use in the District column(s) indicates the District or Districts in which a particular listed use may be permitted. The meanings of the entries in the Table are as follows:

A. "P" indicates the use is permitted by right and a Development Permit may be obtained, subject to meeting all the requirements of this Ordinance for a Development Permit.

B. "SU" indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of *Section 4.3.7 Special Use Permit* before obtaining a Development Permit.

C. "CZ" indicates that a specific use, development, or subdivision may only be permitted through a conditional zoning district that is parallel to the underlying zoning district (see *Sections 6.3 General Use Zoning Districts* and *6.5. Conditional Zoning Districts*). The conditional zoning district designation must be approved before the use may be established, development permit issued, and conformance with all applicable development and design standards achieved as provided in this ordinance. All nonconforming uses and structures shall be governed under *Chapter 2. Nonconformities* of this Ordinance.

D. The "SR" column on the far right of the table indicates special requirements for development or use compliance. These requirements are defined in *Section 6.7. Special Requirements to the Table of Permitted and Special Uses*. For any use needing a Special Use Permit, the Special Requirements and Ordinance requirements are the minimum conditions for issuance. When "SR" appears in a zoning district's use, special requirements apply. The requirements are numbered

by categories: SR-1 to SR-99 for Principal Uses, SR-100 to SR-199 for Accessory Uses, and SR-200 to SR-299 for Temporary Uses. The "SR" will also appear in the column of the general use district in which the special requirements apply.

E. The listing of a use in the Table of Permitted and Special Uses and Special Requirements in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use.

F. In the event a use is not listed, the Village Planner may determine if a materially similar use exists and is defined by this Ordinance. If the Village Planner determines there is a materially similar land use, the determination shall be made in writing and all applicable regulations and standards with that use shall apply to the unlisted use. Such determinations by the Village Planner may be appealed pursuant to *Chapter 4* of this Ordinance. If a use is not listed and a materially similar use does not exist, an application may be filed to amend this Ordinance pursuant to *Chapter 6*.

Table 6.3 Table of Permitted and Special Uses and Special Requirements

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Residential																			
Dwelling-Single Family			P	P	P	P	P	P	P	P					P, SR	P	P, SR		1
Dwelling-Two Family										P					P, SR	P	P, SR		1
Dwelling-Multifamily										P, SR					P, SR	P, SR	P, SR		3
Dwelling-Townhouse/ Clustered Dwellings										P, SR					P, SR	P, SR	P, SR		2
Family Care Home (6 or fewer residents)			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR					P, SR	P, SR	P, SR		4
Halfway Homes																			
Dwelling -Mixed Use											P, SR			P, SR	P, SR		P, SR	P, SR	5
Manufactured Housing									P, SR										6
Manufactured Home Park																			
Lodging																			
Bed and Breakfast Homes			P, SR									P, SR			P, SR	P, SR	P, SR		7
Boarding or Rooming House																			
Dormitory																			
Hotel												P	P				P, SR	P, SR	8

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Lodging																			
Neighborhood Lodging Accommodation			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR							P, SR		10
Recreational Vehicle Park	P																		
Short Term Rental			SR	SR	SR	SR	SR	SR	SR	SR	SR	P, SR	SR	SR	SR	SR	P, SR	SR	9
Office/ Service																			
Banks, Credit Unions, Financial Services											P			P	P		P	P, SR	21
Business Support Services											P			P	P		P	P	
Crematoria																			
Dry Cleaning & Laundry Services										P				P	P, SR		P, SR	P, SR	23
Funeral Home											P			P					
Medical Clinic											P		P	P					
Medical Office											P		P	P					
Office											P			P	P		P	P, SR	21
Personal Services											P			P	P		P	P	
Personal Services, Restricted																			
Post Office											P						P	P	

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Office/ Service																			
Professional Services											P			P	P		P	P, SR	21
Radio/TV Studio											P			P	P		P		
Small Equipment Repair/Rental											P								
Small Engine Repair / Sales											P								
Veterinary Services / Indoor Kennels											P, SR			P, SR					11
Commercial/ Entertainment																			
Sexually Oriented Business											SU, SR								I2
Alcoholic Beverage Sales Store											SU						P	P	
Amusements, Indoor											P								
Amusement, Outdoor																			
Billiard/Pool Hall																			
Bar/Tavern/Night Club											P						P	P	
Garden Center											P								
General Retail											P, SR				P, SR		P, SR	P, SR	13
Golf Course		P	SU	SU	SU	SU				SU									

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Commercial/ Entertainment																			
Internet Sweepstakes Facilities																			
Outside Sales											P, SR				P, SR		P, SR	P, SR	14
Pawnshops																			
Racetrack																			
Restaurant											P, SR			SU, SR	SU SR		P, SR	P, SR	15
Shooting Range																			
Theater, Indoor (Movie or Live Performance)											P						SU	SU	
Civic																			
Civic/Cultural Facilities	P										P				P		P	P	
Community Shared Facilities			P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR						P, SR	P, SR	P, SR		16
Conference/Convention Center																			
Country Club		P																	
Municipal Public Service Facility	P														P		P		
Private Clubs											P						P	P	
Public Safety Station	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	16

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Civic																			
Recreation Facilities, Indoor	P										P		P				P		
Recreation Facilities, Outdoor		P, SR	P, SR								P, SR								17
Religious Institution	P		P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR		P			P	P				18
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Education/ Institution																			
Residential Care Facilities (More than 6 Residents)									SU		P		P	P			SU		
Child/Adult Day Care Center											P		P	P			P		
Community Support Facility														P, SR					19
Hospital													P						
Schools - Elementary & Secondary		SU, SR					SU, SR							SU					18
Schools- Post-Secondary/ Vocational/Technical	P													P					
Studio - art, dance, martial arts, music											P			P	P		P	P	
Automotive																			
Fueling Station											SU, SR								20

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Automotive																			
Heavy Equipment/ Manufactured Home Rental/Sales																			
Vehicle. Rental/Leasing/Sales																			
Vehicle Service-Maintenance Repair/Body Work																			
Industry/ Wholesale/ Storage																			
Artisan Workshops											P				P		P	P	
Industry, Manufacturing																			
Landfill/Waste Recovery Facilities	P, SR																		22
Recycling Collection Stations Municipal	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Storage -Outdoor Storage Yard																			
Storage-Self Service																			
Storage -Warehouse, Indoor Storage																			
Wholesaling and Distribution																			
Agriculture																			
Agriculture, Livestock			P, SR																25

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Agriculture																			
Farming/Animal Production			P, SR																25
Horse Farm & Training Track	P, SR		P, SR																26
Nurseries			P																
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor																			
Swine Farms																			
Infrastructure																			
Parking Structure												P, SR	P, SR	P, SR		P, SR	P, SR	P, SR	27
Parking Lot -Principal Use	P											P	P				P	P	
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities			SU, SR																28
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU					
Accessory Uses																			
ATM											P			P	P		P	P	

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Accessory Uses																			
Beekeeping	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	100
Cemetery	P, SR		P,SR		SU, SR		SU,SR		P,SR		P, SR			P,SR					101
Child/Adult Day Care Home Occupations			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR				P,SR	P,SR	P,SR	P,SR	P,SR	104
Farmers Market	P, SR												P, SR					P,SR	102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	103
Fuel/Propane Tanks	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	114
Ice Vending																			
Home Occupation			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P,SR	P,SR	P,SR	P,SR	P, SR	104
Outdoor Swimming Pools and Spas	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P, SR			P, SR	P,SR	P,SR		105
Pet Houses and Pet Runs			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR				P,SR	P,SR	P,SR	P,SR	P, SR	106
Playground Equipment	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P, SR	P,SR	P,SR	P,SR	107
Accessory Buildings	P, SR	P, SR	P	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	108
Dwelling - Accessory			P	SU, SR	SU, SR	SU, SR	SU,SR	SU, SR	SU, SR	P,SR					P,SR	P,SR	P,SR		109
Accessory Structure	P, SR	P, SR	P,SR	P,SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P, SR	P,SR	110
Bulkheads on Lakes	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	111

	PC - Public Conservation	RD - Recreation Development	R-210 - Residential District	R-30 - Residential District	R-20 - Residential District	R-15 - Residential District	R-10 - Residential District	R-8 - Residential District	R-5 - Residential District	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	VCP - Village Cottage Professional District	VR - Village Residential District	VMU - Village Mixed-Use District	VC - Village Commercial District	SR
Accessory Uses																			
Docks on Lakes	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	112
Floats/Rafts and Mooring Buoy	P, SR	P, SR	P, R	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P, SR	P,SR	P,SR	113
Temporary Uses																			
Boat Storage	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR		200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P, SR	P, SR	P,SR	P,SR	P,SR	P,SR	P,SR	201
Temporary Expansion of School Facilities		P, SR					P,SR							P,SR					202
Temporary Real Estate Offices			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR									203
Model Homes			P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR									204
Yard Sales	P, SR		P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR	P,SR			P,SR	P,SR	P,SR	P,SR	P,SR	205
Temporary Uses Other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	206

SECTION 6.7 SPECIAL REQUIREMENTS (SR) TO THE TABLE OF PERMITTED AND SPECIAL USES

The Table of Permitted and Special Uses and Special Requirements contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table has a number in the SR column opposite the use, that use must comply with the additional Special Requirements contained in this Section corresponding to the Special Requirements number. The Special Requirements may affect the development of the use in all zoning districts in which the use is allowed or only in certain districts, as may be set forth in this Section.

SECTION 6.7.1 PRINCIPAL USES

A. **SR-1 Dwelling, Single Family-Two Family Dwellings.** In VCP and VMU Districts between any single-family residential use and non-residential use, a minimum of a Class 1 buffer shall be placed between uses by the non-residential user on the non-residential property.

B. **SR-2 Dwelling, Townhouse/Clustered Dwellings.** The common open space provided with the townhouse unit development shall be no less than twenty-five percent (25%) of the gross land area.

1. The minimum setbacks required around the perimeter of the development tract shall be as required by the General Dimensional Requirements of the applicable zoning district. The front wall on any unit or group of contiguous units shall not be set back beyond the rear wall of any adjacent unit or group of contiguous units where both face the same street or vehicle accommodation area. A townhouse unit lot frontage may be on open space properly restricted through a responsible entity to ensure adequate access. The minimum size for a townhouse or cluster dwelling unit is one thousand five hundred (1,500) heated square feet.

2. The minimum lot width for a townhouse unit is twenty (20) feet.

C. **SR-3 Dwelling, Multi-Family.** The minimum size for a multi-family dwelling is one thousand five hundred (1,500) heated square feet.

D. **SR-4 Family Care Home (6 or fewer residents)**

1. Shall be a single-family dwelling;

2. No family care home shall be located within one-half mile radius of an existing family care home measured from property line to property line.

3. The following steps must be followed in order to obtain approval from the Village to operate a Family Care Home:

   (1) Applicant submits a letter of intent.

   (2) Applicant asks for a Zoning Verification Letter prior to receiving a State license. Fees in accordance with the adopted fee schedule apply.

   (3) Obtain Development Permit after receiving a State license.

4. In the event a development permit is issued for a family care home which invalidates another applicant's zoning verification letter, that applicant shall be notified.

E. **SR-5 Dwelling, Mixed Use**

1. The dwelling units shall be located within the principal building, except in the VCP, VMU, or VC Districts where they may also be located in an accessory structure in the rear yard.

2. The dwelling units shall not be located on the ground floor of the principal building.

F. **SR-6 Manufactured Housing**

1. A continuous, permanent masonry underpinning such as brick, stone, stucco, split-face block (but not common concrete block), not pierced except for required ventilation and access, shall be installed under the mobile home.

2. The tongue, axles, transport lights, and removable towing apparatus shall be removed subsequent to final placement

G. **SR-7 Bed and Breakfast Homes.** The use shall be located in a structure that was constructed as a single-family dwelling and contains a minimum of three (3) and a maximum of nine (9) adult guest rooms. If the structure was not originally constructed as single-family dwelling, a special use permit is required.

1. A floor plan illustrating the entire facility shall be provided, showing ingress and egress from each room. Each room must have access to a hall or exterior door.

2. No more than two (2) adult guests per room will be permitted at any one (1) time. No more than eight (8) total guestrooms will be permitted. The owner must be a permanently domiciled resident of the Bed and Breakfast Home.

3. Meals served on the premises for paying guests shall be limited to breakfast.

4. No alcoholic beverages shall be sold on the premises.

5. Only one (1) unlighted sign will be permitted, which shall have maximum dimensions of two (2) feet high by three (3) feet wide, and not more than three and one-half (3½) feet tall at its highest point above ground level.

6. Any interior modification shall be described in the application.

7. Off street parking shall be provided in conformance with this Ordinance.

8. Special events for guests such as wedding receptions, parties, etc., shall not be permitted.

9. There shall be no less than one (1) bathroom consisting of a bath or shower, toilet, and sink for each guestroom.

H. **SR-8 Hotel.** At least fifty percent (50%) of the level of the primary entrance shall not be used for guest rooms based on area square footage of that level**.**

I. **SR-9 Short Term Rental**

1. All new short-term rentals shall be required to obtain a Development Permit from the Village. All short-term rentals shall comply with the following standards:

   (1) A minimum of one (1) operable smoke detector shall be provided per bedroom (North Carolina State Building Code and 42-A-31(6) Vacation Rental Act);

   (2) A minimum one (1) operable carbon monoxide detector shall be provided per level or floor of the dwelling unit. (42-A-31(6) Vacation Rental Act)

   (3) Bedrooms and other habitable rooms shall meet the minimum light and ventilation requirements of Section 153.18 of the Pinehurst Municipal Code.

   (4) Bedrooms shall meet the minimum size requirements of Section 153.19 of the Pinehurst Municipal Code.

   (5) **Ceiling Height.** At least one-half of the floor area of every bedroom shall have a ceiling height of not less than seven feet and six inches (Section 153.19 (B) Pinehurst Municipal Code).

   (6) **Egress.** Every dwelling unit shall be provided with adequate means of egress as required by the applicable provisions of the North Carolina State Building Code.

(7) To lessen congestion in the streets and to prevent the overcrowding of land as authorized by NCGS § 160D-701. A minimum of one (1) parking space per bedroom shall be provided on code-approved surfaces and locations.

(8) Cooking facilities are not permitted in any bedroom. For the purposes of this regulation, cooking facilities include any refrigerator in excess of seven (7) cubic feet; any stovetop range that operates on 220-volt electric service, any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance which contains more than two cooking surfaces or burners. This regulation shall not apply to single dwelling unit room rentals with a sleeping area, living area, and kitchen/eating area consolidated into one room.

(9) To ensure that the owners of short-term rentals provide fit and habitable housing as required by NCGS § 42A-17(b), and to prevent the overcrowding of land, the avoidance of undue concentrations of population, to lessen congestion in the streets, and to prevent overcrowding of the lodging premises, and as authorized by NCGS § 160D-701, the maximum occupancy per unit shall be based on two (2) persons per bedroom.

(10) Accessory Dwelling Units may be permitted for short-term rental where Accessory Dwelling Units and Short-Term Rentals are both permitted by right in *Table 6.3. Table of Permitted and Special Uses and Special Requirements*.

(11) Rental rules, including the maximum number of guests per stay, trash disposal procedures and sanitation schedules, noise ordinance hours, parking, and other listed SR-9 requirements shall be conspicuously posted at the main entrance along with the owner or property manager and emergency contact information.

J. **SR-10 Neighborhood Lodging Accommodation (NLA)**

1. All Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's shall comply with following standards:

(1) Compliance with SR-9 Standards 1 through 11.

(2) Submission of documentation that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in *Section 15.2. Definitions* of this Ordinance.

(3) Submission of documentation that the Neighborhood Lodging Accommodation has been authorized or is not prohibited by the Declaration.

(4) Submission of documentation that the Neighborhood Lodging Accommodation is authorized and managed by a Master Association.

(5) Installation of a Landscape Screen per *Section 8.2.4.A. General Screening Design Standards* of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

K. **SR-11 Veterinary Services/Indoor Kennels**

1. All indoor kennels shall be within a completely enclosed building with no outside facilities (except as provided for in item #3 below) or accessory structures for animals, unless otherwise permitted in the district in which it is located.

2. Veterinary clinics shall be designed so that sound emitted through the exterior walls, roofs, and enclosed areas where animals are treated or kept shall not exceed forty-five (45) decibels as measured at the property line.

3. Veterinary clinics and/or indoor kennels which include outdoor spaces, runs, or other facilities shall require a special use permit.

L. **SR-12 Sexually Oriented Business**

1. No sexually oriented business shall locate within two thousand (2,000) feet of any other sexually oriented business, as measured in a straight line from property line to property line.

2. No sexually-oriented business shall be located within: one thousand (1,000) feet of a religious institution or any establishment with an on-premise ABC license; five thousand (5,000) feet of a public or private elementary school or secondary school, child day care or nursery school; seven hundred (700) feet of a public park, residence and/or residentially zoned property; or two thousand (2,000) feet from a nursing home. These distances shall be measured on a straight line from property line to property line, with no consideration as to intervening structures, roads, or landforms.

3. There shall not be more than one sexually orientated business on the same property or in the same building, structure, or portion thereof.

4. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any sexually orientated business.

5. Except for the signs permitted by this Ordinance, no other advertisements, displays, signs or other promotional materials shall be visible to the public rights-of-way.

M. **SR-13 General Retail**

1. No single retail use shall exceed twelve thousand (12,000) square feet in gross floor area unless a special use permit is obtained.

2. In the VCP District, no single retail use shall exceed one thousand six hundred (1,600) square feet in gross floor area.

N. **SR-14 Outside Sales**

1. **General Standards**

(1) Outside sales must be clearly secondary to the primary use within the associated permanent structure.

(2) Outside sales shall not occupy required parking areas and shall not take up an area greater than twenty-five percent (25%) of the total building area of the primary use within the associated permanent structure.

2. **Displays on Public Sidewalks.** Merchandise for sale may be placed on the public sidewalk in front of the business where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of five (5) feet). Such displays shall be removed from the sidewalk when the business is not open. Such sales may also be subject to other village ordinances.

3. Outside sales in the VC, VMU and VCP zoning districts shall require a special use permit.

4. Display of merchandise for outside sales in the front yard shall not exceed a maximum of twelve (12) feet from the front face of the building.

5. Nurseries and garden centers are not subject to 1, 2, and 4 requirements listed above.

O. **SR-15 Restaurants**

1. Drive-through windows and curb service are prohibited.

2. No exterior playground or play equipment intended for children shall be permitted.

3. Restaurants in the VCP District shall be limited to a maximum of one thousand six hundred (1,600) square feet.

P. **SR-16 Community Shared Facilities, Public Safety Station.** Community Shared Facilities and Public Safety Stations shall have a minimum lot size of twenty thousand (20,000) square feet.

Q. **SR-17 Recreation Facilities, Outdoor [RD, R-210, NC, HC]**

1. **Screening**

(1) Athletic fields, common area recreation facilities and similar facilities shall be screened from adjoining residential properties in accordance with *Chapter 8. Landscaping and Buffers*.

2. **Operational Standards.**

(1) Lights and loudspeaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m. unless special permission is received from the Village Planner.

(2) Facility usage is limited to indoor activities before 6:00 a.m. or after 10:00 p.m. unless special permission is received from the Village Planner.

(3) No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within two hundred (200) feet of any residentially zoned property except as needed for routine maintenance of the grounds or facility playfield.

(4) All exterior lighting shall be shielded such that light is not directed toward adjacent residential property.

R. **SR-18 Religious Institutions and Schools.** Such facilities shall be located on sites of five (5) acres or greater and shall have direct primary access to a major collector or thoroughfare street.

S. **SR-19 Community Support Facility (OP)**

1. These uses may be principal or accessory uses.

2. No such use may be located within a quarter mile (1,320 feet) of another such use measured as a straight line as measured from property lines.

T. **SR-20 Vehicle Fueling Stations**

1. The associated convenience store shall contain less than three thousand five hundred (3,500) square feet of gross floor area.

   (1) Gas pumps, auto wash facilities and dumpsters shall not be located between the building and a public street or in any required building setback.

   (2) Gas pump canopies shall not exceed the height of the roof of the primary building it serves. The gas pump canopy, auto wash structure and facility, dumpster enclosure and other accessory structures shall be similar in architectural style and color as the principal building.

2. Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.

U. **SR-21 Banks, Credit Unions, Financial Services, Professional Services.** Such uses shall not be permitted on the ground floor of the principal building.

V. **SR-22 Landfill/Waste Recovery Facilities (PC)**

1. **No New Facilities Shall be Established.** No new Landfill/Waste Recovery Facilities shall be established after the effective date of this Ordinance, but the existing Moore County Landfill shall be permitted to operate according to State law and the provisions below.

2. **Screening.** Modifications to the existing Moore County Landfill shall comply with all appropriate dimensional and landscape requirements.

W. **SR-23 Drycleaning and Laundry Services.** Coin operated laundry is not allowed in VCP, VMU or VC districts.

X. **SR-25 Farming/Animal Production (R-210)**

1. **Livestock in the Village Limits.** The keeping of livestock shall conform to the Village of Pinehurst Municipal Code in addition to applicable County, State and Federal regulations.

2. **Structures for Livestock.**

   (1) Structures for livestock must meet the applicable yard and setback requirements for the district and structure.

(2) Best management practices shall be applied in using and maintaining structures for livestock, including stables, so as to eliminate or minimize nuisances and adverse impacts to the maximum extent possible.

3. This use category shall preclude commercial hog and chicken production.

Y. **SR-26 Horse Farm and Training Track**

1. **Structures for Horses.**

(1) Structures for horses must meet the applicable yard and setback requirements for the district and structure.

(2) Best management practices shall be applied in using and maintaining structures for horses, including stables, so as to eliminate or minimize nuisances and adverse impacts to the maximum extent possible.

Z. **SR-27 Parking Structure**

1. **Building Design in VC and VMU Districts.** When an above-ground parking structure fronts a public street, where feasible, parking structures should be wrapped on their exterior with other uses to conceal the parking structure and create an active streetscape, such as retail, restaurants, etc. If concealing the structure is not feasible due to lot size, required or needed deck size, topography, or other conditions as determined by the Village Planner, then the building wall or walls facing the public street shall be designed so as to resemble a building in (active) use with elements such as window indentions, brick patterns and articulated surfaces.

2. **Height Limit for Structures.** Parking structures shall be limited to two (2) levels, except in the Hospital District in which parking structures shall be limited to three (3) levels.

AA. **SR-28 Telecommunications Facilities**

1. **Exterior Appearance Height and Setback.**

(1) The exterior appearance of all non-tower buildings shall have the appearance of a residential dwelling, including but not limited to, pitched roof(s) and frame or brick veneer construction. Towers shall be required to be of the latest technology and utilize "stealth" technology to blend into the surrounding environment. For example, a tower located in a wooded area should be designed to have the appearance of a pine tree.

(2) The lighting on the proposed tower shall be no more than is required by applicable Federal and State regulations.

(3) All proposed telecommunication towers shall be no more than one hundred twenty-five (125) feet in height.

(4) Tower shall be a minimum of three hundred (300) feet from any property line, and two hundred (200) feet minimum from any occupied structure.

2. **Electromagnetic Exposure and Radio Interference.**

(1) Output power levels from the tower and/or associated antennae shall not exceed the current federally approved levels for exposure to electromagnetic radiation.

(2) There shall be no leakage or interference that will affect surrounding properties. Radio, television or other electromagnetic transmission(s) or reception on other properties will not be disturbed or diminished;

3. **Use of Facilities.**

(1) Associated building's locations in any residential district may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(2) No advertising sign or logo is permitted on any tower or antenna.

(3) Upon cessation of use, the permit holder shall take down the tower and all associated equipment within sixty (60) days.

4. **Co-Location Requirements.**

(1) All towers shall be designed structurally, electrically, mechanically and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be designed to allow co-location of public safety service equipment at usual and customary commercial rates, and these spaces shall be in addition to the antenna sites required for additional users as mentioned in this section. The exact design of public safety service equipment will be determined upon receipt of an application after consultation with the Police Chief and Fire Chief.

(2) A Development Permit shall not be granted unless it is found that the proposed equipment cannot be accommodated on existing or approved towers or alternative structures with a one- half (½) mile radius of the proposed location due to one (1) or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved towers, building or other structures, as documented by a qualified and licensed NC professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

ii. The planned equipment would cause interference materially impacting the usability of other existing planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved towers, buildings, or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed NC professional engineer.

iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building, or other structure.

5. **General Requirements.**

(1) **FCC License Required.** The applicant must demonstrate that it is licensed by the FCC to provide fixed or mobile wireless communication services or, if the applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one or more FCC licenses to utilize the proposed wireless telecommunication facility. Written evidence of licensing by the FCC is required to be submitted to the Village Planner annually. Failure to provide such evidence shall cause the Certificate of PDO Compliance to be revoked.

(2) **Insurance Required.** Prior to issuance of a Certificate of PDO Compliance, the applicant shall be required to provide certificate of insurance demonstrating it has a minimum of $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the telecommunication tower. The applicant shall be required to maintain such

coverage in full force and effect until such time as all above ground portions of the tower (not including any part of the foundation) have been removed.

(3) **Wireless Service Provider Agreement Required.** The applicant must supply a letter of intent agreeing to make all of its telecommunication facilities available to providers of functionally equivalent services at usual and customary commercial rates or the duration of time that the facility is in operation. Verification shall be provided demonstrating that the applicant has an executed lease for the property that allows that landowner and/or the applicant to enter into leases or subleased with other wireless service providers.

(4) **Annual Report Required.** An annual report must be submitted to the Village Planner that includes, but is not limited to, documentation of current FCC licensing, the names of users of the tower, and how many additional users can be accommodated on the tower.

(5) **Additional Engineering Review May Be Required.**

i. The siting of Telecommunications Facilities may involve complex technical issues that require review and input by outside experts. The Village Planner may require the applicant to pay the reasonable costs of a third-party technical study of a proposed Telecommunications Facility requiring a variance to the provisions set forth in this section. Selection of expert(s) to review the proposal shall be at the sole discretion of the Village Planner.

ii. If an applicant for a Telecommunications Facility claims that one or more standards of this Ordinance are inconsistent with federal law as applied to a particular property or would prohibit the effective provision of wireless communications within the relevant market area, the Village Planner may require that the application be reviewed by a qualified engineer and a report prepared and presented on the matter to the Village Council. Any costs shall be charged to the applicant.

BB. **SR-29 Utilities - Moore County and Village of Pinehurst**

1. These uses are permitted and exempt from site plan review and development standards. Therefore, no site plan approval is needed.

2. These uses must comply with the Historic Preservation Overlay District requirements and obtain all required approvals for such.

3. These uses must comply with the Village of Pinehurst Flood Damage Prevention Ordinance and obtain all required approvals for such.

4. Any time that Moore County contemplates public utility projects of any kind in the Pinehurst Zoning Area (excluding emergency repair work), before plans are drafted, the County must give thirty (30) days written notice to the Village Manager and Village Attorney describing the proposed project.

5. Moore County must provide thirty (30) days' written notice to the Village Planner, Village Manager, and Village Attorney prior to applying to the Village for approval of a public utilities project within the Pinehurst Zoning Area.

CC. **SR-30 Small/Micro Wireless Facility.** Small/Micro Wireless Facilities shall not be located on residential properties. The maximum height for small/micro wireless facilities shall be fifty (50) feet in non-residential areas and forty (40) feet in residential areas or 10 foot taller than existing poles as of July 1, 2017, whichever is greater. Where feasible, small/micro wireless facilities shall be located on existing utility poles. Where not feasible to locate on an existing pole, decorative poles shall be installed to match new lighting and stop light installations made by the Village of Pinehurst in the historic district. All supporting utilities and infrastructure shall be located underground in a vault or similar structure.

1. When located within Village of Pinehurst Right-of-Way, pedestrian facilities, vehicular facilities (including driveways and sight triangles) and stormwater facilities shall not be negatively impacted.

2. When a facility is abandoned or no longer in use the antenna and equipment shall be removed within 180 days.

3. When located within Village of Pinehurst Right-of-Way, a Right-of-Way Encroachment Agreement is required.

4. When located outside of NCDOT right-of-way, a development permit is needed.

5. A survey, elevations, shop drawings and equipment rendering shall be provided to ensure compliance.

6. When located in the Historic Preservation Overlay District a Certificate of Appropriateness (COA) is required and shall be constructed in accordance with the Historic District Standards.

SECTION 6.7.2 ACCESSORY USES

A. SR-100 Beekeeping in the Village Limits

1. **Purpose.** The purpose of this section is to provide for the keeping of honeybees in the zoned areas. It is intended to enable property owners to keep honeybees, and to safely maintain them within populated areas. It is not intended to prohibit, restrict, or regulate the keeping of animals within areas allowing agricultural use.

2. **Standards for Beekeeping**

   (1) **Permit Required.** No person shall keep, maintain, or allow to be kept any colony of honeybees within the Village of Pinehurst without a permit. Any person requesting a permit shall make application to the Village of Pinehurst and the permit shall be approved provided the applicant is in compliance with the requirements of this section.

   (2) **Number of Hives.** No more than five (5) hives may be located on a single parcel.

   (3) **Ground Location.** All hives shall be placed at ground level.

   (4) **Location.** All hives shall be located in the rear yard only.

   (5) **Setbacks from Property Lines.** All hives shall be kept at a minimum of twenty (20) feet from a property line.

   (6) **General Maintenance.** Hives shall be removed if the owner no longer maintains the hive or if removal is necessary to protect the health, safety and welfare of the public.

B. SR-101 Cemetery

1. **Minimum Yard Requirements**

   (1) The minimum yard required for all in ground burial plots and any other structures is thirty (30) feet from any exterior property line or the required district principal building setback, whichever is greater. Gatehouses at cemetery entrance shall be excluded from any minimum yard requirement provided they meet the sight triangle requirement for driveways in *Section 6.8.D. Sight Triangles*.

   (2) Above ground internment facilities shall conform to principal building setbacks.

2. Religious institutions in PC District are limited to columbaria only.

C. **SR-102 Farmers Market (PC, HD, VC)**

1. **General Standards.** Farmer's Markets are an allowed accessory use according to the following provisions:

(1) Such uses shall not be placed in any required yard or setback.

(2) Existing uses on the property shall not be negatively affected in any way by the operation of the farmers' market;

(3) Adequate facilities, such as parking and restrooms, shall be provided for the farmers' market and all existing uses on the property.

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the farmers' market.

(5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.

(6) The actual hours of operation of the market shall be limited to two (2) days a week for no more than eight (8) hours and in all instances shall cease by 9 p.m.

(7) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

D. **SR-103 Concealed Wireless Telecommunications Facility (All Districts)** Concealed Wireless Telecommunications Facilities shall be permitted in all zoning districts as an accessory use provided the following conditions are met:

1. In order to be considered an accessory use, a Concealed Wireless Telecommunications Facility must be clearly incidental and subordinate to the main use of a structure. Antennas associated with a Concealed Wireless Telecommunications Facility shall be concealed from exterior view.

2. The addition of antenna, support or other equipment shall not add more than ten (10) feet in height to the attached structure unless a variance is obtained from the Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this Ordinance unless appropriate approvals are obtained.

3. Electronic equipment associated with Concealed Wireless Telecommunication Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.

4. All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication's facilities shall be colored or concealed in a manner as to render them unobtrusive.

5. Antennas associated with a Concealed Wireless Telecommunications Facility may not be co-located on a tower or other support structure used by an amateur radio operator.

6. Antennas associated with a Concealed Wireless Telecommunications Facility shall not be located upon a Single-Family Dwelling or Multi-Family Dwelling.

7. Should the existing support structure be replaced and/or rebuilt it shall comply with all applicable codes including but not limited to these provisions.

8. Any modifications to an existing structure associated with the installation of a Concealed Wireless Telecommunications Facility shall comply with all limitations, requirements, and standards contained in other provisions of this Ordinance including, but not limited to, the receipt of approvals that may be required by *Section 6.4.1. Historic Preservation Overlay District* of this Ordinance should the Concealed Wireless Telecommunications Facility be located within a Historic Preservation District. All other applicable local, state, and federal approvals and permits shall also be obtained.

9. A structural analysis shall be performed by a licensed professional engineer in the State of North Carolina in accordance with the current revision to ANSI EIA/TIA-222 certifying that the structure is capable of supporting the proposed loading.

10. Prior to installation of a Concealed Wireless Telecommunications Facility, a copy of the operator's FCC license shall be submitted to the Village Planner. If the party installing the Concealed Wireless Telecommunications Facility is not an FCC licensee, the party must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Concealed Wireless Telecommunications Facility and must submit a copy of each wireless service provider's FCC license.

E. **SR-104 Home Occupations.**

1. A home occupation shall be permitted as an accessory use to any dwelling unit, provided that:

   (1) The principal person or persons providing the business or service resides in the dwelling on the premises.

   (2) The area used for the business or service does not exceed thirty percent (30%) of the combined floor area of the principal dwelling unit.

   (3) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.

   (4) The property contains no outdoor display or storage of goods or services which are associated with the home occupation.

   (5) The home occupation causes no change in the external appearance of the existing buildings and structures on the property.

   (6) No additional parking areas other than driveways are allowed.

   (7) Wholesale or retail transactions of goods do not occur on the premises.

   (8) Home occupations may only employ those who reside on the premises and one additional employee who does not reside on the premises.

   (9) The home occupation does not create any disturbing noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

   (10) Shipping deliveries and pick-ups (excluding US Postal Service) are limited to ten (10) per week.

   (11) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood.

   (12) Child/Adult Daycare Home Occupations shall be permitted as accessory to any dwelling unit, provided that the following additional conditions are met, as well as the other conditions to this Section:

i. If an outdoor play area is provided, it is fenced with a privacy type fence that is a minimum height of four (4) feet.

ii. No more than five (5) children shall be present at any given time.

(13) Prior to establishing the home occupation, the operator shall receive the approval of the Village Planner, who shall approve the home occupation upon finding that the proposed business complies with all of the above standards. The Village Planner shall notify all adjacent property owners prior to approving day care centers as a home occupation.

F. **SR-105 Swimming Pools and Spas/Hot Tubs**

1. Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (5) below.

2. In residential zoning districts, all swimming pools, spas, and hot tubs shall be located in the rear or side yard and meet applicable accessory structure setbacks.

3. Walks/decks/coping may extend no more than four (4) feet into building setbacks for accessory structures, except in the golf course and lake front setback for accessory structures.

4. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

5. Seasonal Swimming Pools as defined in *Chapter 15. Definitions* of this document are permitted to be installed above ground with the following standards:

   (1) Structure shall only be erected from May 1 to September 30.

   (2) Structure shall only be allowed in the rear yard and maintain a ten (10) foot setback from all property lines.

   (3) From October 1 to April 30 the structure shall be removed and stored in a location not visible from a street or adjacent property.

   (4) Seasonal swimming pools containing greater than twenty-four (24) inches of water shall meet all applicable requirements of the NC Building Code.

(5) A Development Permit is required each season that the structure is erected and a sketch plan shall be submitted along with the application showing the proposed location of the Seasonal Swimming Pool.

G. **SR-106 Pet Houses, Pet Runs**

1. Pet houses and pet runs are permitted in the side and rear yards in any residential zoning district. Pet houses shall meet the accessory structures setback requirements of the zoning district in which they are located. The use of chain link or similar material is not allowed for this use.

H. **SR-107 Playground Equipment**

1. All swing sets and children's playground equipment shall be located in the rear or side yard and must be located no closer than ten (10) feet from the property line.

2. Playground equipment subject to the North Carolia Building Code require a development permit.

I. **SR-108 Accessory Building**

1. Accessory building(s) shall be permitted in all districts provided that the following conditions are met:

(1) The accessory building is of permanent construction, architecturally compatible and of similar materials as the principal building.

(2) The accessory building is located within the building envelope setbacks for accessory structures in the rear or side yard only, except in R-210.

(3) An accessory building shall not exceed thirty percent (30%) of the total floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater. When there is more than one (1) accessory building on the site, the sum of the building area of the accessory buildings may not exceed thirty percent (30%) of the area of the principal dwelling.

J. **SR-109 Accessory Dwelling Unit**

1. An accessory dwelling unit may be within, attached, or separate from the principal building.

2. The principal use of the lot shall be a detached dwelling, built to the standards of the North Carolina State Building Code.

3. No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.

4. The accessory dwelling unit shall be owned by the same person as the principal dwelling.

5. The accessory dwelling unit shall not be served by a driveway separate from that serving the principal dwelling, except where access is available from another public way and where impacts on adjacent properties are minimized.

6. An accessory dwelling unit shall not exceed thirty percent (30%) of the total floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater.

7. A detached accessory dwelling structure may be dwelling area only or may combine the dwelling with a garage, workshop, studio, or similar use, however the total floor area of the structure may not exceed the thirty percent (30%) or six hundred (600) square foot limitation for an accessory building as set forth in SR-108.

8. A detached accessory dwelling unit shall be located in the established side or rear yard and meet the standards for accessory building setbacks.

9. In the Historic District accessory dwelling units shall not require a special use permit; however, all special requirements shall apply.

K. **SR-110 Accessory Structure**

1. **Arbors, Trellises, Pergolas and Gazebos.**

   (1) Arbors associated with fences may encroach into setbacks, including the front yard, as long as the height of the arbor is no greater than twelve (12) feet and no more than fifty (50) square feet in size.

   (2) Arbors, trellises, pergolas, gazebos and like structures shall be located in the side or rear yard and may be located within any side rear or lake accessory structure setback.

2. **Storage Shed (No dimension greater than twelve (12) feet) in R-210, R-30, R-20, R-15, R-10, R-8, R-5, R-MF, VCP, VR, VMU**

   (1) Storage sheds are only allowed in the rear yard.

(2) Such sheds shall be located no closer than five (5) feet from any property line unless adjacent to a golf course or lake in which case the accessory building or structure setback from lakes and golf courses shall apply.

(3) Such sheds are limited to a maximum of one (1) per property.

(4) Such sheds shall be the same or similar in style and color with the principal structure.

3. **Accessory Buildings and Structures.** Accessory buildings and structures are allowed in the front yard in the R-210 district but must meet the front yard setback requirement.

L. **SR-111 Bulkheads on Lakes**

1. Bulkheads may be constructed subject to a development permit.

2. The height of the bulkheads shall be no more than three (3) feet above the design elevation of any lake. (For example, the design elevation at the top of the spillway on Lake Pinehurst is four hundred ten (410) feet above sea level; therefore, a bulkhead may be constructed on Lake Pinehurst that is no more than four hundred thirteen (413) feet above sea level).

3. Bulkheads must be located in such a way as to accommodate the cover of below-surface utilities.

4. Bulkheads to be constructed adjacent to another bulkhead shall be similar in height and located so as to avoid the accumulation of debris and shall be designed to transition into the existing bulkhead both vertically and horizontally. The bulkhead material shall be pressure treated wood, stone, brick, concrete with decorative veneer, or similar material.

5. Bulkheads and/or docks may be constructed on lakeside properties on which no principal structure exists.

M. **SR-112 Docks on Lakes**

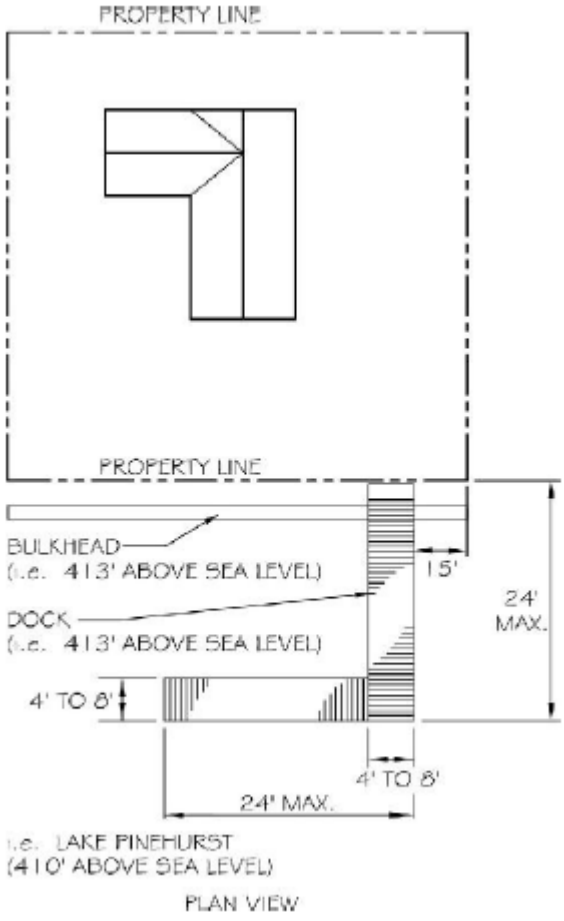
1. Docks may be constructed along the boundary of a lake only after the issuance of a Development Permit and building permit by the Planning and Inspections Department.

2. Docks and construction added to docks are not to exceed a height of six (6) feet from the dock to the top of the construction. The dock surface shall be built at a height not to exceed the height of the bulkhead to which they are attached.

3. No part of the dock shall extend more than twenty-four (24) feet out into the lake from the shoreline from which it extends, nor shall it extend more than twenty-four (24) feet out into the lake from the property line. Docks may make a ninety (90) degree turn and run a maximum of twenty-four (24) feet in a parallel direction to the shoreline.

4. Docks shall be no wider than eight (8) feet and no narrower than four (4) feet, with the exception of the corner in which the dock makes a turn, and shall be positioned so as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake.

5. Bulkheads and docks may be constructed on lakeside properties on which no principal structures exist.



6. Docks shall be of permanent, all-weather material connected to the shore of the property they serve and be secured to the bottom.

N. **SR-113 Floats/ Rafts, and Mooring Buoy**

1. A property owner may place one (1) float/raft and/or one (1) mooring buoy of a permanent or inflatable construction in their privately owned lake bed, in such a manner that the three hundred sixty (360) degree swing from anchor of the object (and boats attached, thereto) remain within the area of their privately owned lake bed, and it shall be so positioned as to maintain at least a fifteen (15) foot side setback from the side lot lines as extended out into the lake. No zoning permit is required.

O. **SR-114 Fuel and Propane Tanks** (of capacity greater than sixty (60) pounds or fourteen and a half (14.5) gallons)

1. Propane tanks greater than sixty (60)-pound or fourteen and a half (14.5) gallon capacity in residential zoned property shall be placed underground and must be at least ten (10) feet from the property lines. The exposed "cap" on the underground tank shall be painted in dark brown or forest green;

2. Permanent propane tanks are not permitted on vacant lots;

3. All above ground propane or fuel tanks shall be placed in the side or rear yard and shall be screened from adjacent properties and streets rights of way with opaque fencing or vegetation.

4. Only one (1) above ground tank is permitted per residential property.

SECTION 6.7.3 TEMPORARY USES (ALL DISTRICTS)

A. **Permit Required.** Unless otherwise provided, all permitted temporary uses listed in this section shall require a Temporary Use Permit that shall be reviewed and issued by the Village Planner subject to the procedures outlined in *Chapter 4. Approvals Variances and Administrative Appeals*. The following uses may be established in any zoning district (unless otherwise specified) as temporary uses, subject to approval by the Village Planner in accordance with the requirements below, the filing deadlines established in the application form, and the land development standards established for the district in which the temporary use is proposed.

B. **Temporary Uses Not Listed.** If a Temporary Use Permit is sought for a use other than a specific use listed above, the Village Planner shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use in the proposed district and is not otherwise prohibited by law, the Village Planner shall determine whether a materially similar use exists in this Section. Should the Village Planner determine that a materially similar use does

exist, the regulations governing that use shall apply to the particular use not listed and the Village Planner's decision shall be recorded in writing. Should the Village Planner determine that a materially similar use does not exist, this Section may be amended to establish a specific listing for the use in question through the text amendment process established in *Section 4.3.2. Pinehurst Development Ordinance Text Amendments*.

C. **SR-200 Boat Storage** (No Zoning Permit Required)

1. In all zoning districts except R-210, all boats out of water shall be stored in a totally enclosed garage or other building except that temporary parking of a boat out of water is allowed for seven (7) days in any month on private property with the consent of the property owner. Parking for any period of time in a twenty-four (24)-hour period shall count as one (1) day.

2. In all non-residential zoning districts and in the R-210 district, all boats out of water shall either be stored in an enclosed building or be stored in a rear or side yard. If stored in a yard, the vehicles shall be screened from view at any property line.

3. Owners of lake shore property may store boats out of water along the lake shore provided that all of the following conditions are met:

   (1) The boat(s) are owned by the resident of the property.

   (2) The boat(s) are stored no closer than fifteen (15) feet from any property line.

   (3) The boat(s) are stored in the yard abutting the lake shore.

   (4) The boat(s) are not stored on a trailer.

   (5) The boat(s) are in good repair and usable condition.

   (6) The boat(s) do not exceed an overall hull length of fourteen (14) feet.

4. Where the Village Code provides other regulations for such vehicles, the most restrictive provision shall apply.

D. **SR 201 Temporary Facilities During Replacement of Existing Facilities or Until Permanent Establishment of New Facilities**

1. **Purpose and Scope.** Temporary buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities,

and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

(1) Temporary offices for construction and security personnel during the construction of a development for which the Village has issued a development or building permit. Each general contractor and major subcontractor is allowed to have one (1) 10 x 40 ft. maximum size temporary office building and two (2) additional 10 x 40 ft. maximum size storage buildings. The security personnel are allowed one (1) 10 x 40 ft. maximum size temporary building.

(2) Temporary quarters for non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within one (1) year after approval of the temporary building. The Village Planner may approve a written request for an extension of an additional ninety (90) days for good cause shown, provided that substantial progress has been made toward constructing permanent replacement facilities. Failure to obtain a building permit within the time frame allowed will revoke approval for the temporary buildings.

(3) **Standards and requirements for approval.** In addition to the above limitations, all such temporary buildings shall meet the following standards and requirements:

i. In addition to any other off-street parking required on the site, off-street parking shall be provided for the temporary building in accordance with the requirements set forth in this Ordinance, as determined by the use and size of the temporary building.

ii. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Planning and Inspections Department prior to installation of the temporary building.

iii. A simplified site plan, containing sufficient information to show compliance with the above standards shall be submitted to, and approved by the Village Planner, prior to installation of the temporary building.

2. **Duration.** Such temporary buildings may remain on the site for no more than twelve (12) months or until construction is complete, whichever comes first. This period may be renewed for another twelve (12)-month period, for good cause

shown, upon approval of a written request submitted to the Village thirty (30) days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the Village issues the last Certificate of Occupancy for the development.

E. **SR 202 Temporary Expansion of School Facilities**

1. **Purpose and Scope.** Temporary buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as expansion space for existing schools.

2. **Standards and Requirements for Approval.** In addition to the above limitations, under-skirting shall be installed around the entire temporary building. All temporary buildings shall be underpinned and tied down.

3. **Duration.** Such temporary buildings may remain on the site for no more than twelve (12) months. This period may be renewed for additional twelve (12) month periods, for good cause shown, upon approval of a written request for such an extension by the Village Planner submitted at least thirty (30) days prior to the expiration of the permit.

F. **SR 203 Temporary Real Estate Sales Offices**

1. Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Village Planner as a temporary use, provided that:

   (1) The real estate sales office is located on a lot that was approved by the Village as part of the subdivision or development.

   (2) The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located.

   (3) There is no more than one temporary real estate sales office in the development.

   (4) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance.

(5) Landscaping shall be provided in accordance to the requirements set forth for office development in *Chapter 8. Landscaping and Buffers* of this Ordinance.

(6) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of the sales office.

2. Such a temporary office may remain until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the temporary office fails to comply with the provisions of this Section, the Village Planner may revoke approval of the temporary office;

3. The use as a temporary real estate sales office shall be terminated upon expiration of the subdivision site plan for the development.

G. **SR 204 Model Homes**

1. Model home(s) shall be allowed within a new residential development, subject to approval by the Village as temporary use, provided that:

(1) The model home(s) is located on a lot that was approved by the Village as part of the subdivision or development;

(2) The home will be converted to residential use after it is used as a model home(s);

(3) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance;

(4) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of a model home as a real estate sales office.

2. Model home(s) are permitted in any subdivision or site-planned development to show different styles and sizes. Model home(s) may be used for real estate sales purposes until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the model home(s) fails to comply with the provisions of this Section, the Village staff may revoke approval of the model home(s).

H. **SR-205 Yard Sales**

1. No more than four (4) sales shall be held on the same premises during any calendar year;
2. No yard sale shall commence prior to 7:00 am or extend beyond 6:00 pm;
3. No yard sale shall have a duration greater than three (3) consecutive days. Any yard sale event shall be considered as one (1) yard sale for the purposes of the number of annual sales;
4. Signage shall be in accordance with *Section 13.7.G. Yard Sale/Estate Sale Signs* of this Ordinance.

I. **SR-206 Temporary Uses Other**

1. **(A) General Standards:**

(1) Such uses shall not be placed in any required yard or setback.

(2) Existing uses on the property shall not be negatively affected in any way by the operation of the temporary use;

(3) Adequate facilities, such as parking and restrooms, shall be provided for temporary use and all existing uses on the property.

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by temporary use.

(5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.

(6) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

(7) Such uses shall have a maximum duration of two weeks. Longer duration may be allowed with the approval of the Village Manager if the use is deemed of community-wide significance.

SECTION 6.8 DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES

A. **Exterior Building Materials.** For all non-residential development, all building elevations, including foundations, that are visible from the street or adjoining property shall be covered with one or more of the following materials: utility brick, standard brick, stucco, colored split faced block, stone, wood, cementitious siding, vinyl materials, or other similar materials. Corrugated metal, plywood, particleboard, untreated wood, and similar material are not permitted. This provision shall not apply to existing franchise businesses established prior to December 13, 2011 and located within the Historic Preservation Overlay District if a Certificate of Appropriateness is obtained from the Historic Commission;

B. **Solar Panels.** Within the PC, NC, OP VCP, VMU, VR, HD and RMF zoning districts solar panels are permitted with the following conditions:

1. When a structure has a flat roof raised panels are permitted if visibly screened or concealed by other roof or wall structures;
2. Ground mounted solar panels are permitted if located within the building setback and screened from adjacent roadways and properties;
3. Integral solar panels are permitted on any roof surface with no limitation on the area in which they may cover.
4. Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface.
5. Flush mounted solar panels are required to be encased in trim that closely matches the roof color.
6. All solar panels located within the Historic Preservation Overlay District shall comply with the standards for that district and must get appropriate approvals.

C. **Number of Principal/Accessory Buildings per Lot.** For uses that require a site plan approval pursuant to *Section 4.3.8 Major and Minor Site Plan Approvals* of this Ordinance, the number of principal buildings on an individual lot shall be controlled by setbacks, buffers, parking, and other applicable sections of this Ordinance. For single family development there shall be no more than one (1) principal building per lot and one (1) accessory dwelling unit per lot.

D. **Sight Triangles.** All development shall maintain unobstructed sight triangles at all street and driveway intersections in accordance with the current regulations of the North Carolina Department of Transportation and the Village of Pinehurst Engineering Standards and Specifications Manual.

E. **Franchise or Corporate Architecture.** Buildings or structures, other than allowable signs, shall not be designed in an attempt to use the building or structure itself as advertising. Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-commercialization. Building designs shall reflect local, unique, and traditional designs rather than chain or franchise designs. This provision shall not apply to existing franchise businesses established prior to December 13, 2011 and located within the historic district if a Certificate of Appropriateness is obtained from the Historic Commission.

F. **Colors.** Except where law dictates a different color or where a specific color is otherwise required by this Ordinance, all colors used in development regulated within the jurisdiction of this Ordinance shall conform to the following standards:

1. Colors used in development shall be consistent with the currently adopted Village of Pinehurst Color Palette on file at the Planning and Inspections Department for reference, unless documented that said color has historically been used on the structure.

2. Existing colors that are not consistent with this Section shall only be replaced (including repainting) with colors that are consistent with this Section.

3. This section shall not apply to one-, two-, three-, and four-family dwellings per NCGS § 160D-702.

CHAPTER 7 FORM BASED DISTRICTS

SECTION 7.1 RULES GOVERNING THE INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries;

B. Where district boundaries are indicated, as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Village of Pinehurst as evidence that one or more properties along these boundaries do not lay within a specific zoning district;

C. Where the zoning district boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of district boundaries shall be determined by use of a scale appearing on the Zoning Map;

D. Where the zoning district boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of zoning district boundaries shall be construed to be the lot line;

E. Where other uncertainty exists, the Village Planner shall interpret the Official Zoning Map as to the location of such boundaries. This decision may be appealed to the Board of Adjustment.

Chapter 7. Form Based Districts .186
Section 7.1 Rules Governing the Interpretation of Zoning District Boundaries 186
Section 7.2 Form Based Districts Zoning Districts.....187
Section 7.3 Tables of Permitted and Special Uses and Special Requirements 192
Section 7.4 Special Requirements (Sr) to the Table of Permitted and Special Uses and Special Requirements 208
Section 7.5 Tables of Dimensional Requirement 224
Section 7.6 Design and Development Standards and Processes.....229

SECTION 7.2 FORM BASED DISTRICTS ZONING DISTRICTS

A. Form based districts are implemented similarly to general zoning districts but with a few unique features including a regulating plan that divides the areas into blocks that specify types of buildings and number of building stories. Subdistrict zoning tables identify uses on a block-by-block basis.

B. Implementation steps for planning a project in one of these districts is as follows.

1. Review the Form-Based District Regulating Plan in this section to determine the location of the project. Determine the block letter, the maximum allowed number of building stories, building types, and if active frontage is required.

2. Using the block letter, review the associated Form-Based District Table of Permitted and Special Uses and Special Requirements in Section 7.3 and Section 7.4 to determine which uses are allowed in that block.

3. Review Dimensional Table 7.3 to identify dimensional criteria based on the lot type being proposed.

4. Refer to the associated Form Based Guidance Plan to evaluate other appropriate architectural and other design features, in addition to the standards in this Chapter.

5. Additional applicable design and development standards can be found in the following chapters:

   (1) Chapter 8 Landscaping and Buffers;

   (2) Chapter 9 Soil Erosion;

   (3) Chapter 10 Fences, Walls, and Screening;

   (4) Chapter 11 Parking, Roadway, and Access;

   (5) Chapter 12 Lighting Standards; and,

   (6) Chapter 13 Sign Standards.

6. Follow the approval process and requirements in *Section 4.3.4. Form Based District Approval*.

SECTION 7.2.1 (VP FBD) VILLAGE PLACE FORM BASED DISTRICT

A. The Village Place Form Based District is based on the Village Place Small Area Plan and Form Based Guidance Plan adopted by the Village. Village Place is an area well-suited to accommodate growth and support quality of life needs of residents, businesses, and visitors. New development will integrate the built environment, improve the public realm, create a mixed-use walkable destination connected to the Village Center, and incorporate urban design standards.

B. See *Section 7.3. Tables of Permitted and Special Uses and Special Requirements*

C. See *Section 7.5. Tables of Dimensional Requirements*

D. For additional specific design and development guidance see the adopted Village Place Small Area Plan and Form Based Guidance Plan.

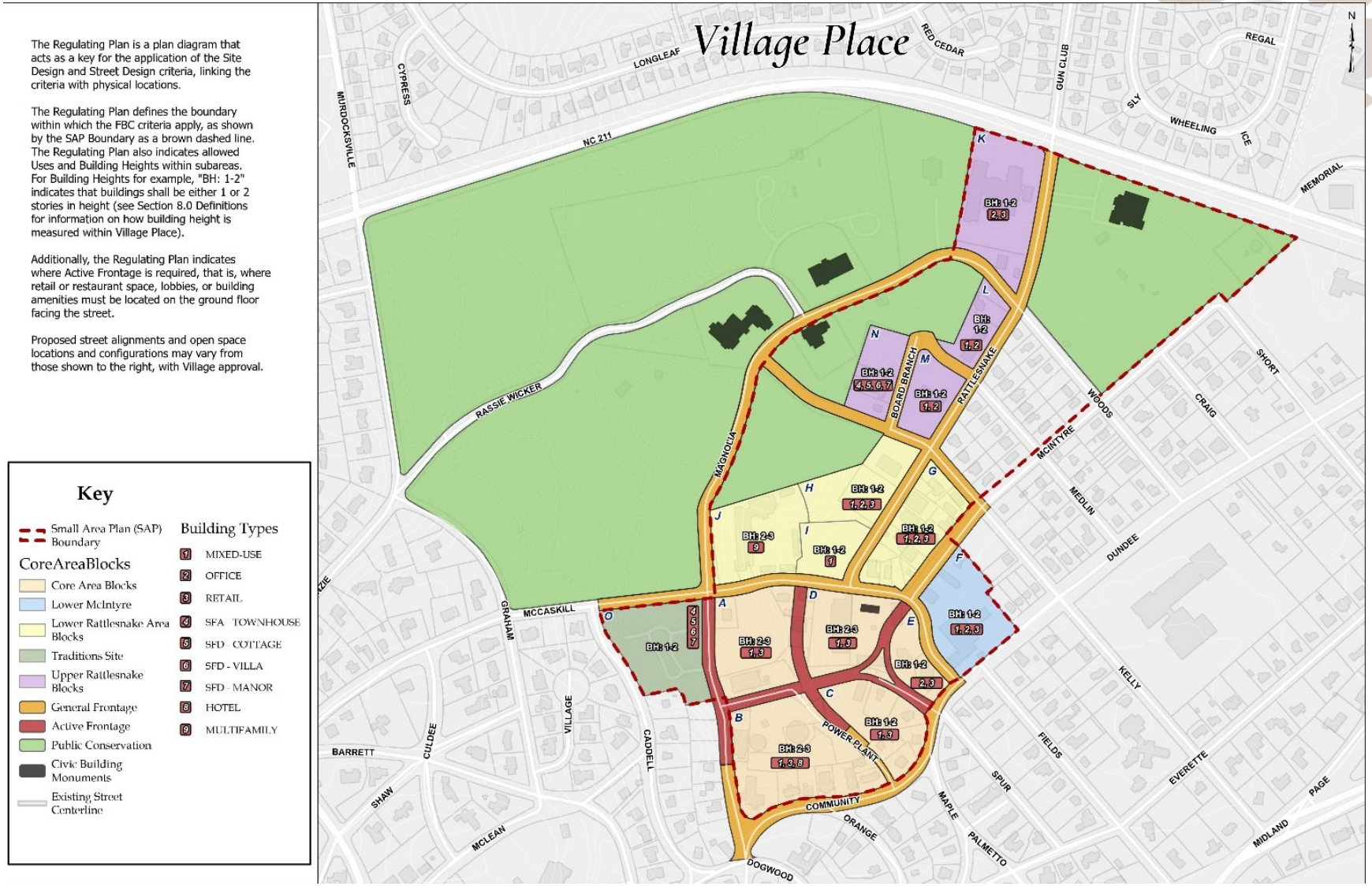
Figure 7.1 Village Place Regulating Plan

The Regulating Plan is a plan diagram that acts as a key for the application of the Site Design and Street Design criteria, linking the criteria with physical locations.

The Regulating Plan defines the boundary within which the FBC criteria apply, as shown by the SAP Boundary as a brown dashed line. The Regulating Plan also indicates allowed Uses and Building Heights within subareas. For Building Heights for example, "BH: 1-2" indicates that buildings shall be either 1 or 2 stories in height (see Section 8.0 Definitions for information on how building height is measured within Village Place).

Additionally, the Regulating Plan indicates where Active Frontage is required, that is, where retail or restaurant space, lobbies, or building amenities must be located on the ground floor facing the street.

Proposed street alignments and open space locations and configurations may vary from those shown to the right, with Village approval.



SECTION 7.2.2 (PS FBD) PINEHURST SOUTH FORM BASED DISTRICT

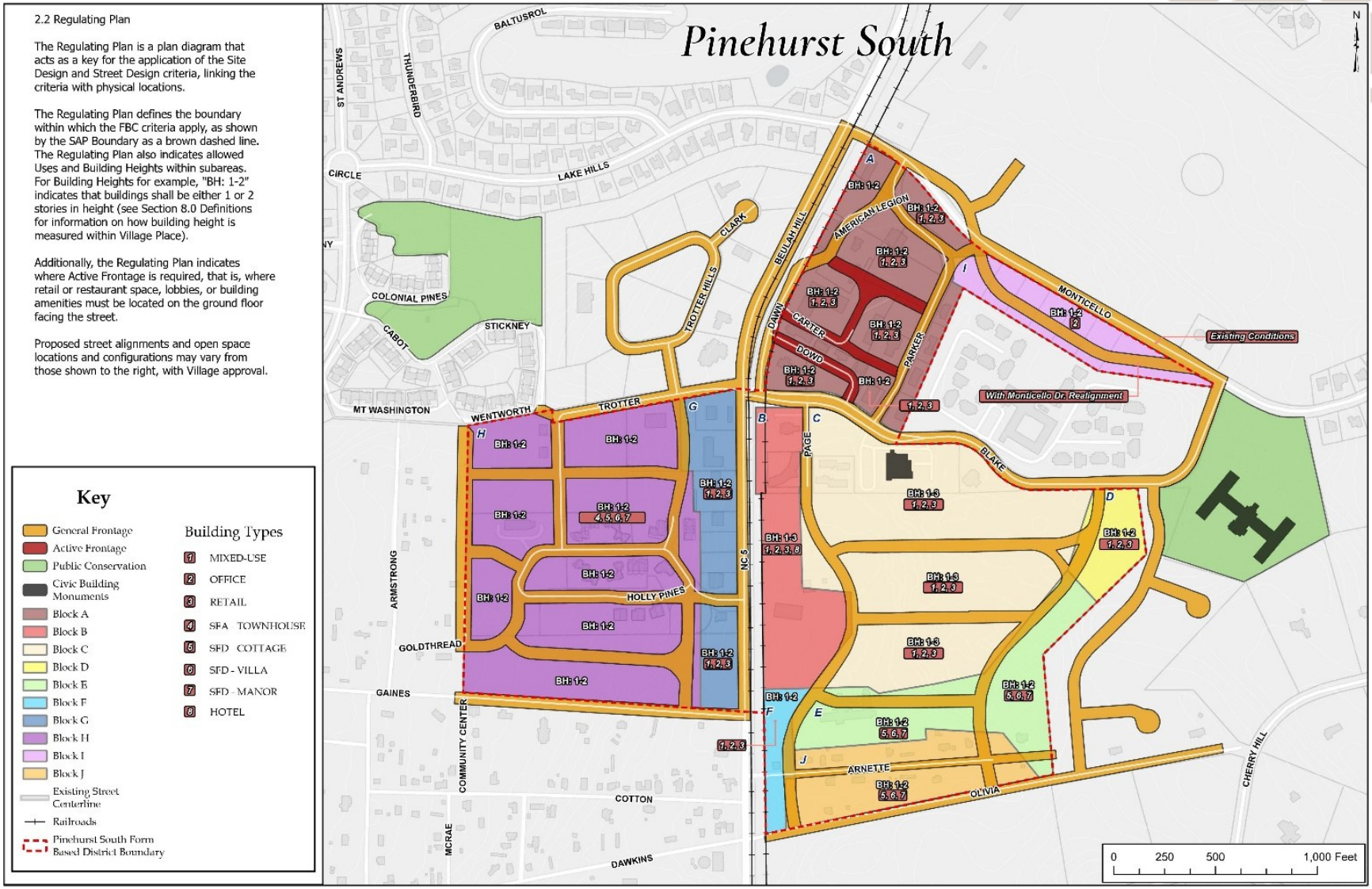
A. The Pinehurst South Form Based District is based on the Pinehurst South Small Area Plan and Form Based Guidance Plan adopted by the Village. Pinehurst South is an area well-suited to accommodate growth, and support quality of life needs of residents, businesses, and visitors. Development within Pinehurst South will integrate the built environment, improve the public realm, create a mixed-use walkable destination area, incorporate urban design standards, create a connecting spine of streets, sidewalks, and paths, and integrate a live, work and play area while minimizing traffic impacts.

B. See *Section 7.3. Tables of Permitted and Special Uses and Special Requirements*

C. See *Section 7.5. Tables of Dimensional Requirements*

D. For specific design and development guidance see the adopted Pinehurst South Small Area Plan and Form Based Guidance Plan.

Figure 7.2 Pinehurst South Regulating Plan



SECTION 7.3 TABLES OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

The Tables of Permitted and Special Uses and Special Requirements which follow contain a listing of uses which may be permitted in the Village Place or Pinehurst South Form Based Districts established by this Ordinance.

SECTION 7.3.1 SYMBOLS USED ON TABLE OF USES

A "P" or "SU" or "SR" opposite the listed use in the District column(s) indicates the District or Districts in which a particular listed use may be permitted. The meanings of the entries in the Table are as follows:

A. "P" indicates the use is permitted by right and a Development Permit may be obtained, subject to meeting all the requirements of this Ordinance for a Development Permit;

B. “SU” indicates the use requires approval of a Special Use Permit by the Village Council in accordance with the procedures of *Section 4.3.7 Special Use Permit* before obtaining a Development Permit;

C. “CZ” indicates that a specific use, development or subdivision may only be permitted through a conditional zoning district that is parallel to the underlying zoning district (see *Section 6.3. General Use Zoning Districts* and *6.5. Conditional Zoning Districts*). The conditional zoning district designation and approval does not apply to changes in use to another approved use if no new development, redevelopment, or subdivision is proposed. All nonconforming uses and structures shall be governed under *Chapter 2. Nonconformities* of this ordinance.

D. The column on the far right, labeled "SR" (Special Requirements) means that there are additional special requirements for the development or use for compliance. These requirements are contained in *Section 7.4. Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements*. For any use subject to a Special Use Permit, the Special Requirement along with the requirements of this Ordinance shall represent the minimum conditions for issuance of a Special Use Permit; when "SR" appears for use within a zoning district, special requirements shall apply. The Special Requirements (SR's) are numbered by the Table of Uses categories. Numbers SR-1 through SR-99 are Principal Uses, numbers SR-100 through SR 199 are Accessory Uses; and numbers SR 200 through SR 299 are Temporary Uses. The "SR" will also appear in the column of the general use district in which the special requirements apply.

E. The listing of a use in the Table of Permitted and Special Uses and Special Requirements in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use;

F. In the event a use is not listed, the Village Planner may determine if a materially similar use exists and is defined by this ordinance. If a materially similar land use is determined by the Village Planner, the determination shall be made in writing and all applicable regulations and standards with that use shall apply to unlisted use. Such determinations by the Village Planner may be appealed pursuant to *Section 4.4. Appeals of Administrative Decisions* of this ordinance. If a use is not listed and a materially similar use does not exist, an application may be filed to amend this ordinance pursuant to *Section 4.3.2 Pinehurst Development Ordinance Text Amendments*.

Table 7.1 Village Place Form Based District Use Table

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Subdivisions																
Subdivisions - Major and Minor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Residential																
Dwelling-Single Family														CZ	CZ	1
Dwelling-Two Family														CZ	CZ	1
Dwelling-Multifamily										CZ						3
Dwelling-Townhouse/ Clustered Dwellings														CZ	CZ	2
Family Care Home (6 or fewer residents)														P, SR	P, SR	4
Halfway Homes																
Dwelling -Mixed Use	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ			CZ	CZ			5
Manufactured Housing																6
Manufactured Home Park																
Lodging																
Bed and Breakfast Homes																7
Boarding or Rooming House																
Dormitory																
Hotel		CZ														8
Recreational Vehicle Park																
Shorrt Term Rental																9

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Neighborhood Lodging Accommodation														CZ, SR	CZ, SR	10
Office/ Service																
Banks, Credit Unions, Financial Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		P	P	P			21
Business Support Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		P	P	P			
Crematoria																
Dry Cleaning & Laundry Services						CZ	CZ	CZ	CZ		CZ					23
Funeral Home																
Medical Clinic											CZ	CZ	CZ			
Medical Office	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Office	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Personal Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Personal Services, Restricted																
Post Office																21
Professional Services	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			21
Radio/TV Studio																
Small Equipment Repair/Rental						CZ										
Small Engine Repair / Sales																
Veterinary Services / Indoor Kennels							CZ	CZ			CZ					11
Commercial/ Entertainment																
Alcoholic Beverage Sales Store	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ							
Amusements, Indoor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Commercial/ Entertainment																
Amusement, Outdoor																
Billiard/Pool Hall																
Bar/Tavern/Night Club	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							
Garden Center						CZ										
General Retail	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ					13
Golf Course																
Internet Sweepstakes Facilities																
Outside Sales						CZ, SR										14
Pawnshops																
Racetrack																
Restaurant	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR	CZ, SR		CZ, SR					15
Sexually Oriented Business																12
Shooting Range																
Theater, Indoor (Movie or Live Performance)	CZ	CZ	CZ	CZ	CZ	CZ	CZ									
Civic																
Civic/Cultural Facilities	CZ	CZ	CZ	CZ	CZ	CZ	CZ									
Community Shared Facilities														CZ	CZ	16
Conference/Convention Center																
Country Club																
Municipal Public Service Facility																

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Civic																
Private Club																
Public Safety Station																16
Recreation Facilities, Indoor	CZ	CZ	CZ	CZ		CZ	CZ	CZ	CZ		CZ	CZ				
Recreation Facilities, Outdoor																17
Religious Institution																18
Park	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Education/ Institution																
Residential Care Facilities (More than 6 Residents)																
Child/Adult Day Care Center						CZ	CZ	CZ	CZ		CZ	CZ				
Community Support Facility												CZ	CZ			19
Hospital																
Schools - Elementary & Secondary																18
Schools- Vocational/Technical																
Studio - art, dance, martial arts, music	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ					
Automotive																
Fueling Station																20
Heavy Equipment/ Manufactured Home Rental/Sales																
Vehicle. Rental/Leasing/Sales						CZ										
Vehicle Service-Maintenance Repair/Body Work						CZ										

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Industry/ Wholesale/ Storage																
Artisan Workshops	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ				
Industry, Manufacturing																
Landfill/Waste Recovery Facilities																22
Recycling Collection Stations Municipal																
Storage -Outdoor Storage Yard																
Storage-Self Service																
Storage -Warehouse, Indoor Storage																
Agriculture																
Agriculture, Livestock																25
Farming/Animal Production																25
Horse Farm & Training Track																26
Nurseries																
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor																
Swine Farms																
Infrastructure																
Parking Structure	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ							27
Parking Lot -Principal Use							CZ	CZ	CZ			CZ				
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities																28

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Infrastructure																
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other																
Accessory Uses																
ATM	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ	CZ	CZ			
Beekeeping																100
Cemetery																101
Child/Adult Day Care Home Occupations																104
Farmers Market	P	P	P	P	P											102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	103
Fuel/Propane Tanks	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	114
Ice Vending																
Home Occupation														P, SR	P, SR	104
Outdoor Swimming Pools and Spas		P, SR							P, SR	P, SR				P, SR	P, SR	105
Pet Houses and Pet Runs														P, SR	P, SR	106
Playground Equipment														P, SR	P, SR	107
Accessory Buildings	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	108
Dwelling - Accessory														P, SR	P, SR	109
Accessory Structure	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	110
Bulkheads on Lake																111
Docks on Lake																112

	Core Area Blocks					Lower McIntyre	Lower Rattlesnake Area Blocks				Upper Rattlesnake Blocks				Traditions Site	
	A*	B*	C*	D*	E*	F	G	H	I	J	K	L	M	N	O*	SR
Accessory Uses																
Floats/Rafts and Mooring Buoy																113
Temporary Use																
Boat Storage																200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	201
Temporary Expansion of School Facilities																202
Temporary Real Estate Offices														P, SR	P, SR	203
Model Homes														P, SR	P, SR	204
Temporary Use																
Yard Sales														P, SR	P, SR	205
Temporary Uses Other	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	206

Table 7.2 Pinehurst South Form Based District Use Table

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Subdivisions											
Subdivisions - Major and Minor	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Residential											
Dwelling-Single Family					CZ			CZ		P, SR	1
Dwelling-Two Family								CZ			1
Dwelling-Multifamily											3
Dwelling-Townhouse/ Clustered Dwellings								CZ			2
Family Care Home (6 or fewer residents)					P, SR			P, SR		P, SR	4
Halfway Homes											
Dwelling -Mixed Use	CZ	CZ	CZ	CZ		CZ	CZ				5
Manufactured Housing										P, SR	6
Manufactured Home Park											
Lodging											
Bed and Breakfast Homes											7
Boarding or Rooming House											
Dormitory											
Hotel		CZ									8
Recreational Vehicle Park											
Short Term Rental											9
Neighborhood Lodging Accommodation					CZ			CZ		CZ	10

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Office/ Service											
Banks, Credit Unions, Financial Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Business Support Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Crematoria	CZ										
Dry Cleaning & Laundry Services	CZ	CZ	CZ	CZ		CZ	CZ				23
Funeral Home	CZ										
Medical Clinic	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Medical Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Personal Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		
Personal Services, Restricted											
Post Office	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Professional Services	CZ	CZ	CZ	CZ		CZ	CZ		CZ		21
Radio/TV Studio											
Small Equipment Repair/Rental		CZ	CZ			CZ					
Small Engine Repair / Sales		CZ	CZ			CZ					
Veterinary Services / Indoor Kennels	CZ	CZ	CZ	CZ		CZ	CZ		CZ		11
Commercial/ Entertainment											
Alcoholic Beverage Sales Store	CZ	CZ	CZ	CZ		CZ	CZ				
Amusements, Indoor		CZ	CZ			CZ					
Amusement, Outdoor											

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Commercial/ Entertainment											
Billiard/Pool Hall											
Bar/Tavern/Night Club	CZ	CZ	CZ	CZ		CZ	CZ				
Garden Center	CZ	CZ	CZ	CZ		CZ	CZ				
General Retail	CZ	CZ	CZ	CZ		CZ	CZ				13
Golf Course											
Internet Sweepstakes Facilities											
Outside Sales											14
Pawnshops											
Racetrack											
Restaurant	CZ, SR	CZ, SR	CZ, SR	CZ, SR		CZ, SR	CZ, SR				15
Sexually Oriented Business											12
Shooting Range											
Theater, Indoor (Movie or Live Performance)											
Civic											
Civic/Cultural Facilities	CZ	CZ	CZ	CZ		CZ	CZ			CZ	
Community Shared Facilities								CZ, SR			16
Conference/Convention Center		CZ									
Country Club											
Municipal Public Service Facility											
Private Club	CZ	CZ	CZ	CZ		CZ	CZ				

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Civic											
Public Safety Station	CZ, SR	CZ, SR		CZ, SR		CZ, SR	CZ, SR		CZ, SR		
Recreation Facilities, Indoor	CZ	CZ	CZ	CZ		CZ	CZ				
Recreation Facilities, Outdoor			CZ, SR								17
Religious Institution					CZ, SR	CZ, SR		CZ, SR		CZ, SR	18
Park	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Education/ Institution											
Residential Care Facilities (More than 6 Residents)									CZ		
Child/Adult Day Care Center	CZ	CZ	CZ	CZ		CZ	CZ				
Community Support Facility							CZ		P		19
Hospital											
Schools - Elementary & Secondary											18
Schools- Vocational/Technical											
Studio - art, dance, martial arts, music	CZ	CZ	CZ	CZ		CZ	CZ				
Automotive											
Fueling Station							CZ, SR				20
Heavy Equipment/ Manufactured Home Rental/Sales											
Vehicle. Rental/Leasing/Sales											
Vehicle Service-Maintenance Repair/Body Work											
Industry/ Wholesale/ Storage											
Artisan Workshops	CZ	CZ	CZ	CZ		CZ	CZ				

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Industry/ Wholesale/ Storage											
Industry, Manufacturing											
Landfill/Waste Recovery Facilities											22
Recycling Collection Stations Municipal											
Storage -Outdoor Storage Yard											
Storage-Self Service											
Storage -Warehouse, Indoor Storage											
Wholesaling and Distribution											
Agriculture											
Agriculture, Livestock											25
Farming/Animal Production											25
Horse Farm & Training Track											26
Nurseries											
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	
Kennels, Outdoor											
Swine Farms											
Infrastructure											
Parking Structure		CZ	CZ								27
Parking Lot -Principal Use											
Small/Micro Wireless Facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	30
Telecommunications Facilities											28

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Infrastructure											
Utilities -Moore County and VOP	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	29
Utilities-All Other											
New Public or Private Road Right-of-Way	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Accessory Uses											
ATM	P	CZ, SR	CZ, SR	CZ, SR		CZ, SR	CZ, SR		P		
Beekeeping					P, SR			P, SR		P, SR	100
Cemetery											101
Child/Adult Day Care Home Occupations					P, SR			P, SR		P, SR	104
Farmers Market	P		P	P							102
Concealed Wireless Telecommunication Facility	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	103
Fuel/Propane Tanks	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	114
Ice Vending											
Home Occupation					P, SR			P, SR		P, SR	104
Outdoor Swimming Pools and Spas					P, SR			P, SR		P, SR	105
Pet Houses and Pet Runs					P, SR			P, SR		P, SR	106
Playground Equipment	P, SR	P, SR			P, SR			P, SR		P, SR	107
Accessory Buildings	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	108
Dwelling - Accessory					SU, SR			SU, SR		SU	109
Accessory Structure	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	110
Bulkheads on Lake											111

	Pinehurst South Form Based District Blocks										
	A*	B	C	D	E	F	G	H	I	J	SR
Accessory Uses											
Docks on Lake											112
Floats/Rafts and Mooring Buoy											113
Temporary Use											
Boat Storage											200
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	201
Temporary Expansion of School Facilities											202
Temporary Real Estate Offices											203
Model Homes					P, SR			P, SR		P, SR	204
Yard Sales					P, SR			P, SR		P, SR	205
Temporary Uses Other	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	P, SR	206

SECTION 7.4 SPECIAL REQUIREMENTS (SR) TO THE TABLE OF PERMITTED AND SPECIAL USES AND SPECIAL REQUIREMENTS

The Table of Permitted and Special Uses and Special Requirements contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table has a number in the SR column opposite the use, that use must comply with the additional Special Requirements contained in this Section corresponding to the Special Requirements number. The Special Requirements may affect the development of the use in all zoning districts in which the use is allowed or only in certain districts, as may be set forth in this Section.

SECTION 7.4.1 PRINCIPAL USES

A. **SR-1 Dwelling, Single Family-Two Family.** In Block J of the Pinehurst South Form Based District, development and redevelopment of existing lots of record shall conform to the standards of the R-5 district in Table 7.3 Table of Dimensional Requirements.

B. **SR-2 Dwelling, Townhouse/Clustered Dwellings**

1. The common open space provided with the townhouse unit development shall be no less than twenty-five percent (25%) of the gross land area.
2. The minimum setbacks required around the perimeter of the development tract shall be as required by *Table 7.3 Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*.
3. The front wall on any unit or group of contiguous units shall not be set back beyond the rear wall of any adjacent unit or group of contiguous units where both face the same street or vehicle accommodation area;
4. A townhouse unit lot frontage may be on open space properly restricted through a responsible entity to ensure adequate access.
5. All townhouse units shall be accessed from a rear alley or shared-access driveway.

C. **SR-4 Family Care Home (6 or fewer residents)**

1. Shall be a single-family dwelling;
2. No family care home shall be located within one-half mile radius of an existing family care home measured from property line to property line.
3. The following steps must be followed in order to obtain approval from the Village to operate a Family Care Home:

   (1) Applicant submits a letter of intent.

(2) Applicant asks for a Zoning Verification Letter prior to receiving a State license. Fees in accordance with the adopted fee schedule apply.

(3) Obtain Development Permit after receiving a State license.

4. In the event a development permit is issued for a family care home which invalidates another applicant's zoning verification letter, that applicant shall be notified.

D. **SR-5 Dwelling, Mixed Use**

1. The dwelling units shall be located within the principal building.

2. The dwelling units shall not be located on the ground floor of the principal building.

3. Parking and service areas shall be located to the rear or side of the primary structure and shall not extend beyond the build-to-line.

E. **SR-6 Manufactured Housing**

1. A continuous, permanent masonry underpinning such as brick, stone, stucco, split-face block (but not common concrete block), not pierced except for required ventilation and access, shall be installed under the mobile home;

2. The tongue, axles, transport lights, and removable towing apparatus shall be removed subsequent to final placement.

F. **SR-8 Hotel.** At least fifty percent (50%) of the level of the primary entrance shall not be used for guest rooms based on area square footage of that level.

G. **SR-10 Neighborhood Lodging Accommodation (NLA)**

1. All Neighborhood Lodging Accommodations (NLA) shall be required to obtain a Development Permit from the Village. All NLA's shall comply with following standards:

(1) Compliance with *Section 6.7.1.I. SR-9 Short Term Rental* Standards 1) a-k.

(2) Submission of documentation that the Neighborhood Lodging Accommodation is located within a Planned Community Neighborhood as defined in Section 10.2 of this Ordinance.

(3) Submission of documentation that Neighborhood Lodging Accommodation has been authorized or is not prohibited by the Declaration.

(4) Submission of documentation that the Neighborhood Lodging Accommodation is authorized and managed by a Master Association.

(5) Installation of a Landscape Screen per *Section 8.2.4.A General Screening Design Standards* of the PDO along the property line of the adjacent residential use not part of the Planned Community Neighborhood.

H. **SR-11 Veterinary Services/Indoor Kennels**

1. All indoor kennels shall be within a completely enclosed building with no outside facilities (except as provided for in item #3 below) or accessory structures for animals, unless otherwise permitted in the district in which it is located.

2. Veterinary clinics shall be designed so that sound emitted through the exterior walls, roofs, and enclosed areas where animals are treated or kept shall not exceed forty-five (45) decibels as measured at the property line.

3. Veterinary clinics and/or indoor kennels which include outdoor spaces, runs, or other facilities shall require a special use permit.

I. **SR-13 General Retail.** No single retail use shall exceed twelve thousand (12,000) square feet in gross floor area unless a special use permit is obtained.

J. **SR-14 Outside Sales**

1. **General Standards.**

(1) Outside sales must be clearly secondary to the primary use within the associated permanent structure.

(2) Outside sales shall not occupy required parking areas and shall not take up an area greater than twenty-five percent (25%) of the total building area of the primary use within the associated permanent structure.

2. Displays on Public Sidewalks: Merchandise for sale may be placed on the public sidewalk in front of the business where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of five (5) feet). Such displays shall be removed from the sidewalk when the business is not open. Such sales may also be subject to other village ordinances.

K. **SR-15 Restaurants**

1. Drive-through windows and curb service are prohibited;

2. No exterior playground or play equipment intended for children shall be permitted.

L. **SR-16 Community Shared Facilities, Public Safety Station.** Community Shared Facilities and Public Safety Stations shall have a minimum lot size of twenty thousand (20,000) square feet.

M. **SR-17 Recreation Facilities, Outdoor**

1. **Screening.**

(1) Athletic fields, common area recreation facilities and similar facilities shall be screened from adjoining residential properties in accordance with *Chapter 8. Landscaping and Buffers*.

2. **Operational Standards.**

(1) Lights and loudspeaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m. unless special permission is received from the Village Planner.

(2) Facility usage is limited to indoor activities before 6:00 a.m. or after 10:00 p.m. unless special permission is received from the Village Planner.

(3) No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within two hundred (200) feet of any residentially zoned property except as needed for routine maintenance of the grounds or facility playfield.

(4) All exterior lighting shall be shielded such that light is not directed toward adjacent residential property.

N. **SR-18 Religious Institutions and Schools.** Such facilities shall be located on sites of five (5) acres or greater and shall have direct primary access to a major collector or thoroughfare street.

O. **SR-19 Community Support Facility**

1. These uses may be principal or accessory uses.

2. No such use may be located within a quarter mile (1320 feet) of another such use measured as a straight line as measured from property lines.

P. **SR-20 Fueling Stations**

1. The store shall contain less than three thousand five hundred (3,500) square feet of gross floor area;

(1) Gas pumps, auto wash facilities and dumpsters shall not be located between the building and a public street or in any required building setback.

(2) Gas pump canopies shall not exceed the height of the roof of the primary building it serves. The gas pump canopy, auto wash structure and facility, dumpster enclosure and other accessory structures shall be similar in architectural style and color as the principal building.

(3) Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.

Q. **SR-21 Banks, Credit Unions, Financial Services, Professional Services**. Such uses shall not be permitted on the ground floor of the principal building.

R. **SR-23 Drycleaning and Laundry Services**. Coin operated laundries are permitted.

S. **SR-27 Parking Structure**

1. **Building Design.** When an above-ground parking structure fronts a public street, where feasible, parking structures should be wrapped on their exterior with other

uses to conceal the parking structure and create an active streetscape, such as retail, restaurants, etc. If concealing the structure is not feasible due to lot size, required or needed deck size, topography, or other conditions as determined by the Village Planner, then the building wall or walls facing the public street shall be designed so as to resemble a building in (active) use with elements such as window indentions, brick patterns and articulated surfaces.

2. **Height Limit for Structures.** Parking structures shall be limited to two (2) levels.

T. **SR-28 Telecommunications Facilities**

1. **Exterior Appearance Height and Setback**

(1) The exterior appearance of all non-tower buildings shall have the appearance of a residential dwelling, including but not limited to, pitched roof(s) and frame or brick veneer construction. Towers shall be required to be of the latest technology and utilize "stealth" technology to blend into the surrounding environment. For example, a tower located in a wooded area should be designed to have the appearance of a pine tree.

(2) The lighting on the proposed tower shall be no more than is required by applicable Federal and State regulations.

(3) All proposed telecommunication towers shall be no more than one hundred twenty-five (125) feet in height.

(4) Tower shall be a minimum of three hundred (300) feet from any property line, and two hundred (200) feet minimum from any occupied structure.

2. **Electromagnetic Exposure and Radio Interference**

(1) Output power levels from the tower and/or associated antennae shall not exceed the current federally approved levels for exposure to electromagnetic radiation.

(2) There shall be no leakage or interference that will affect surrounding properties. Radio, television or other electro-magnetic transmission(s) or reception on other properties will not be disturbed or diminished;

3. **Use of Facilities**

(1) Associated buildings locations in any residential district may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(2) No advertising sign or logo is permitted on any tower or antenna;

(3) Upon cessation of use, the permit holder shall take down the tower and all associated equipment within sixty (60) days.

4. **Co-Location Requirements**

(1) All towers shall be designed structurally, electrically, mechanically and in all other respects, to accommodate both the applicant's antennas and

comparable antennas for at least two (2) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be designed to allow co-location of public safety service equipment at usual and customary commercial rates, and these spaces shall be in addition to the antenna sites required for additional users as mentioned in this section. The exact design of public safety service equipment will be determined upon receipt of an application after consultation with the Police Chief and Fire Chief;

(2) A Development Permit shall not be granted unless it is found that the proposed equipment cannot be accommodated on existing or approved towers or alternative structures with a one- half (½) mile radius of the proposed location due to one (1) or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved towers, building or other structures, as documented by a qualified and licensed NC professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;

ii. The planned equipment would cause interference materially impacting the usability of other existing of planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;

iii. Existing or approved towers, buildings, or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed NC professional engineer;

iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building, or other structure.

5. **General Requirements**

(1) **FCC License Required.** The applicant must demonstrate that it is licensed by the FCC to provide fixed or mobile wireless communication services or, if the applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one or more FCC licensees to utilize the proposed wireless telecommunication facility. Written evidence of licensing by the FCC is required to be submitted to the Village Planner annually. Failure to provide such evidence shall cause the Certificate of PDO Compliance to be revoked.

(2) **Insurance Required.** Prior to issuance of a Certificate of PDO Compliance, the applicant shall be required to provide certificate of insurance demonstrating it has a minimum of $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the telecommunication tower. The applicant shall be required to maintain such

coverage in full force and effect until such time as all aboveground portions of the tower (not including any part of the foundation) have been removed.

(3) **Wireless Service Provider Agreement Required.** The applicant must supply a letter of intent agreeing to make all of its telecommunication facilities available to providers of functionally equivalent services at usual and customary commercial rates or the duration of time that the facility is in operation. Verification shall be provided demonstrating that the applicant has an executed lease for the property that allows that landowner and/or the applicant to enter into leases or subleased with other wireless service providers.

(4) **Annual Report Required.** An annual report must be submitted to the Village Planner that includes, but is not limited to, documentation of current FCC licensing, the names of users of the tower, and how many additional users can be accommodated on the tower.

(5) **Additional Engineering Review May Be Required.**

i. The siting of Telecommunications Facilities may involve complex technical issues that require review and input by outside experts. The Village Planner may require the applicant to pay the reasonable costs of a third-party technical study of a proposed Telecommunications Facility requiring a variance to the provisions set forth in this section. Selection of expert(s) to review the proposal shall be at the sole discretion of the Village Planner.

ii. If an applicant for a Telecommunications Facility claims that one or more standards of this Ordinance are inconsistent with federal law as applied to a particular property, or would prohibit the effective provision of wireless communications within the relevant market area, the Village Planner may require that the application be reviewed by a qualified engineer and a report prepared and presented on the matter to the Village Council. Any costs shall be charged to the applicant.

U. **SR-29 Utilities - Moore County and Village of Pinehurst**

1. These uses are permitted and exempt from site plan review and development standards. Therefore, no site plan approval is needed.

2. These uses must comply with the Historic Preservation Overlay District requirements and obtain all required approvals for such.

3. These uses must comply with the Village of Pinehurst Flood Damage Prevention Ordinance and obtain all required approvals for such.

4. Any time that Moore County contemplates a public utility projects of any kind in the Pinehurst Zoning Area (excluding emergency repair work), before plans are drafted, the County must give thirty (30) days written notice to the Village Manager and Village Attorney describing the proposed project.

5. Moore County must provide thirty (30) days written notice to the Village Planner, Village Manager, and Village Attorney prior to applying to the Village for approval of a public utilities project within the Pinehurst Zoning Area.

V. **SR-30 Small/Micro Wireless Facility**

1. Small/Micro Wireless Facilities shall not be located on residential properties.

2. The maximum height for small/micro wireless facilities shall be fifty (50) feet in non-residential areas and forty (40) feet in residential areas or 10 foot taller than existing poles as of July 1, 2017, whichever is greater.

3. Where feasible, small/micro wireless facilities shall be located on existing utility poles. Where not feasible to locate on an existing pole, decorative poles shall be installed to match new lighting and stop light installations made by the Village of Pinehurst in the historic district.

4. All supporting utilities and infrastructure shall be located underground in a vault or similar structure.

5. When located within Village of Pinehurst Right-of-Way, pedestrian facilities, vehicular facilities (including driveways and sight triangles) and stormwater facilities shall not be negatively impacted.

6. When a facility is abandoned or no longer in use the antenna and equipment shall be removed within 180 days.

7. When located within Village of Pinehurst Right-of-Way, a Right-of-Way Encroachment Agreement is required.

8. When located outside of NCDOT right-of-way, a development permit is needed.

9. A survey, elevations, shop drawings and equipment rendering shall be provided to ensure compliance.

10. When located in the Historic Preservation Overlay District a Certificate of Appropriateness (COA) is required and shall be constructed in accordance with the Historic District Standards.

SECTION 7.4.2 ACCESSORY USES

A. **SR-100 Beekeeping in the Village Limits**

1. **Purpose.** The purpose of this section is to provide for the keeping of honeybees in the zoned areas. It is intended to enable property owners to keep honeybees, and to safely maintain them within populated areas. It is not intended to prohibit, restrict, or regulate the keeping of animals within areas allowing agricultural uses.

2. **Standards for Beekeeping.**

(1) **Permit Required.** No person shall keep, maintain, or allow to be kept any colony of honeybees within the Village of Pinehurst without a permit. Any person requesting a permit shall make application to the Village of Pinehurst

and the permit shall be approved provided the applicant follows the requirements of this section.

(2) **Number of Hives.** No more than five (5) hives may be located on a single parcel.

(3) **Ground Location.** All hives shall be placed at ground level.

(4) **Location.** All hives shall be located in the rear yard only.

(5) **Setbacks from Property Lines.** All hives shall be kept a minimum of twenty (20) feet from a property line.

(6) **General Maintenance.** Hives shall be removed if the owner no longer maintains the hive or if removal is necessary to protect the health, safety and welfare of the public.

B. **SR-102 Farmers Market**

1. **General Standards.** Farmer's Markets are an allowed accessory use according to the following provisions:

(1) Such uses shall not be placed in any required yard or setback.

(2) Existing uses on the property shall not be negatively affected in any way by the operation of the farmers' market;

(3) Adequate facilities, such as parking and restrooms, shall be provided for the farmers' market and all existing uses on the property.

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the farmers' market.

(5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.

(6) The actual hours of operation of the market shall be limited to two (2) days a week for no more than eight (8) hours and in all instances shall cease by 9 p.m.

(7) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

C. **SR-103 Concealed Wireless Telecommunications Facility**

1. Concealed Wireless Telecommunications Facilities shall be permitted in all zoning districts as an accessory use provided the following conditions are met:

(1) In order to be considered an accessory use, a Concealed Wireless Telecommunications Facility must be clearly incidental and subordinate to the main use of a structure.

(2) Antennas associated with a Concealed Wireless Telecommunications Facility shall be concealed from exterior view.

(3) The addition of antenna, support or other equipment shall not add more than ten (10) feet in height to the attached structure unless a variance is obtained from the Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this Ordinance unless appropriate approvals are obtained.

(4) Electronic equipment associated with Concealed Wireless Telecommunication Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.

(5) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication's facilities shall be colored or concealed in a manner as to render them unobtrusive.

(6) Antennas associated with a Concealed Wireless Telecommunications Facility may not be co-located on a tower or other support structure used by an amateur radio operator.

(7) Antennas associated with a Concealed Wireless Telecommunications Facility shall not be located upon a Single-Family Dwelling or Multi-Family Dwelling.

(8) Should the existing support structure require to be replaced and/or rebuilt it shall comply with all applicable codes including but not limited to these provisions.

(9) Any modifications to an existing structure associated with the installation of a Concealed Wireless Telecommunications Facility shall comply with all limitations, requirements, and standards contained in other provisions of this Ordinance including, but not limited to, the receipt of approvals that may be required by *Section 6.4.1 Historic Preservation Overlay District* of this Ordinance should the Concealed Wireless Telecommunications Facility be located within a HPO District. All other applicable local, state, and federal approvals and permits shall also be obtained.

(10) A structural analysis shall be performed by a licensed professional engineer in the State of North Carolina in accordance with the current revision to ANSI EIA/TIA-222 certifying that the structure is capable of supporting the proposed loading.

(11) Prior to installation of a Concealed Wireless Telecommunications Facility, a copy of the operators FCC license shall be submitted to the Village Planner. If the party installing the Concealed Wireless Telecommunications Facility is not an FCC licensee, the party must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Concealed Wireless Telecommunications Facility and must submit a copy of each wireless service provider's FCC license.

D. **SR-104 Home Occupations.** A home occupation shall be permitted as an accessory use to any dwelling unit, provided that:

1. The principal person or persons providing the business or service resides in the dwelling on the premises;

2. The area used for the business or service does not exceed thirty percent (30%) of the combined floor area of the principal dwelling unit.

3. There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building;

4. The property contains no outdoor display or storage of goods or services which are associated with the home occupation;

5. The home occupation causes no change in the external appearance of the existing buildings and structures on the property;

6. No additional parking areas other than driveways are allowed;

7. Wholesale or retail transactions of goods do not occur on the premises;

8. Home occupations may only employ those who reside on the premises and one additional employee who does not reside on the premises.

9. The home occupation does not create any disturbing noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception;

10. Shipping deliveries and pick-ups (excluding US Postal Service) are limited to ten (10) per week.

11. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood;

12. Child/Adult Daycare Home Occupations shall be permitted as accessory to any dwelling unit, provided that the following additional conditions are met, as well as the other conditions to this Section:

    (1) If an outdoor play area is provided, it is fenced with a privacy type fence that is a minimum height of four (4) feet;

    (2) No more than five (5) children shall be present at any given time.

13. Prior to establishing the home occupation, the operator shall receive the approval of the Village Planner, who shall approve the home occupation upon finding that the proposed business complies with all of the above standards. The Village Planner shall notify all adjacent property owners prior to approving day care centers as a home occupation.

F. **SR-105 Swimming Pools and Spas/Hot Tubs**

1. Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (5) below.

2. In residential zoning districts, all swimming pools, spas, and hot tubs shall be located in the rear or side yard and meet applicable accessory structure setbacks.

3. Walks/decking/coping may extend no more than four (4) feet into building setbacks for accessory structures, except in the golf course and lake front setback for accessory structures.

4. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

5. Seasonal Swimming Pools as defined in *Section 15.2 Definitions* of this document are permitted to be installed above ground with the following standards:

   (1) Structure shall only be erected from May 1 to September 30.

   (2) Structure shall only be allowed in the rear yard and maintain a ten (10) foot setback from all property lines.

   (3) From October 1 to April 30 the structure shall be removed and stored in a location not visible from a street or adjacent property.

   (4) Seasonal swimming pools containing greater than twenty-four (24) inches of water shall meet all applicable requirements of the NC Building Code.

   (5) A Development Permit is required each season that the structure is erected and a sketch plan shall be submitted along with the application showing the proposed location of the Seasonal Swimming Pool.

G. **SR-106 Pet Houses, Pet Runs**. Pet houses and pet runs are permitted in the side and rear yards in any residential zoning district. Pet houses shall meet the accessory structures setback requirements of the zoning district in which they are located. The use of chain link or similar material is not allowed for this use.

H. **SR-107 Playground Equipment.** All swing sets and children's playground equipment shall be located in the rear or side yard and must be located no closer than ten (10) feet from the property line. No development permit is required unless the total playground area exceeds 5,000SF then an accessory structure or building permit is required.

I. **SR-108 Accessory Building**

1. Accessory building(s) shall be permitted in all districts provided that the following conditions are met:

   (1) The accessory building is of a permanent construction, architecturally compatible and of similar materials as the principal building;

(2) The accessory building is located within the building envelope setbacks for accessory structures (Table 7.3) in the rear or side yard only;

(3) An accessory building shall not exceed thirty percent (30%) of the total floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater. When there is more than one (1) accessory building on the site, the sum of the building area of the accessory buildings may not exceed thirty percent (30%) of the area of the principal dwelling.

J. **SR-109 Accessory Dwelling**

1. An accessory dwelling may be within, attached, or separate from the principal building;

2. The principal use of the lot shall be a detached dwelling, built to the standards of the North Carolina State Building Code;

3. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit;

4. The accessory dwelling shall be owned by the same person as the principal dwelling;

5. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling, except where access is available from another public way and where impacts on adjacent properties are minimized.

6. An accessory dwelling shall not exceed thirty percent (30%) of the heated floor area of the principal dwelling, or six hundred (600) square feet, whichever is greater.

7. A detached accessory dwelling structure may be dwelling area only or may combine the dwelling with a garage, workshop, studio, or similar use, provided that the total floor area of the structure does not exceed the thirty percent (30%) limitation for an accessory building as set forth in SR-108;

8. A detached accessory dwelling shall be located in the established side or rear yard and meet the standards for accessory building setbacks.

9. In the Historic District accessory dwellings shall not require a special use permit; however, all special requirements shall apply.

K. **SR-110 Accessory Structure**

1. **Arbors, Trellises, Pergolas and Gazebos**

(1) Arbors associated with fences may encroach into setbacks, including the front yard, as long as the height of the arbor is no greater than twelve (12) feet and no more than fifty (50) square feet in size.

(2) Arbors, trellises, pergolas, gazebos and like structures shall be located in the side or rear yard.

2. **Storage Shed** (No dimension greater than twelve (12) feet)

   (1) Storage sheds are only allowed in the rear yard.

   (2) Sheds shall be setback a minimum of five (5) feet from the property line.

   (3) Such sheds are limited to a maximum of one (1) per property.

   (4) Such sheds shall be the same or similar in style and color with the principal structure.

L. **SR-114 Fuel and Propane Tanks** (of capacity greater than sixty (60) pounds or fourteen and a half (14.5) gallons)

1. Propane tanks greater than sixty (60)-pound or fourteen and a half (14.5) gallon capacity in residential blocks shall be placed underground and must be at least ten (10) feet from the property lines. The exposed "cap" on the underground tank shall be painted in dark brown or forest green;

2. Permanent propane tanks are not permitted on vacant lots;

3. All above ground propane or fuel tanks shall be placed in the side or rear yard and shall be screened from adjacent properties and streets rights of way with opaque fencing or vegetation.

SECTION 7.4.3 TEMPORARY USES

A. **Permit Required.** Unless otherwise provided, all permitted temporary uses listed in this section shall require a temporary use permit that shall be reviewed and issued by the Village Planner subject to the procedures outlined in *Section 7.6. Temporary Uses*. The following uses may be established in any district (unless otherwise specified) as temporary uses, subject to approval by the Village Planner in accordance with the requirements below, the filing deadlines established in the application form, and the land development standards established for the district in which the temporary use is proposed.

B. **Temporary Uses Not Listed.** If a temporary use permit is sought for a use other than a specific use listed above, the Village Planner shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use in the proposed district and is not otherwise prohibited by law, the Village Planner shall determine whether a materially similar use exists in this section. Should the Village Planner determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Village Planner's decision shall be recorded in writing. Should the Village Planner determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question through the text amendment process established in *Chapter 4. Approvals Variances and Administrative Appeals*.

C. **SR 201 Temporary Facilities During Replacement of Existing Facilities or Until Permanent Establishment of New Facilities**

1. **Purpose and Scope.** Temporary buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

   (1) Temporary offices for construction and security personnel during the construction of a development for which the Village has issued a development or building permit. Each general contractor and major subcontractor is allowed to have one (1) 10 x 40 ft. maximum size temporary office building and two (2) additional 10 x 40 ft. maximum size storage buildings. The security personnel are allowed one (1) 10 x 40 ft. maximum size temporary building;

   (2) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within one (1) year after approval of the temporary building. The Village Planner may approve a written request for an extension of an additional ninety (90) days for good cause shown, provided that substantial progress has been made toward constructing permanent replacement facilities. Failure to obtain a building permit within the time frame allowed will revoke approval for the temporary building.

2. **Standards and requirements for approval.** In addition to the above limitations, all such temporary buildings shall meet the following standards and requirements:

   (1) In addition to any other off-street parking required on the site, off-street parking shall be provided for the temporary building in accordance with the requirements set forth in this Ordinance, as determined by the use and size of the temporary building.

   (2) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Planning and Inspections Department prior to installation of the temporary building.

   (3) A simplified site plan, containing sufficient information to show compliance with the above standards shall be submitted to, and approved by the Village Planner, prior to installation of the temporary building.

3. **Duration.** Such temporary buildings may remain on the site for no more than twelve (12) months or until construction is complete, whichever comes first. This period may be renewed for another twelve (12)-month period, for good cause shown, upon approval of a written request submitted to the Village thirty (30) days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the Village issues the last Certificate of Occupancy for the development.

D. **SR 203 Temporary Real Estate Sales Offices**

1. Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Village Planner as a temporary use, provided that:

   (1) The real estate sales office is located on a lot that was approved by the Village as part of the subdivision or development;

   (2) The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located;

   (3) There is no more than one temporary real estate sales office in the development.

   (4) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance.

   (5) Landscaping shall be provided in accordance to the requirements set forth for office development in *Chapter 8. Landscaping and Buffers* of this Ordinance.

   (6) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of the sales office.

2. Such a temporary office may remain until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the temporary office fails to comply with the provisions of this Section, the Village Planner may revoke approval of the temporary office.

3. The use as a temporary real estate sales office shall be terminated upon expiration of the subdivision site plan for the development.

E. **SR 204 Model Homes**

1. Model home(s) shall be allowed within a new residential development, subject to approval by the Village as a temporary use, provided that:

   (1) The model home(s) is located on a lot that was approved by the Village as part of the subdivision or development.

   (2) The home will be converted to residential use after it is used as a model home(s).

   (3) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices of this Ordinance.

   (4) A simplified site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Village Planner prior to installation of a model home as a real estate sales office.

2. Model home(s) are permitted in any subdivision or site-planned development to show different styles and sizes. Model home(s) may be used for real estate sales

purposes until eighty percent (80%) of the dwellings have received Certificates of Occupancy. If at any time the model home(s) fails to comply with the provisions of this Section, the Village staff may revoke approval of the model home(s).

F. **SR-205 Yard Sales**

1. No more than four (4) sales shall be held on the same premises during any calendar year.
2. No yard sale shall commence prior to 7:00 am or extend beyond 6:00 pm.
3. No yard sale shall have a duration greater than three (3) consecutive days. Any yard sale event shall be considered as one (1) yard sale for the purposes of the number of annual sales.
4. Signage shall be in accordance with *Section 13.7.G. Yard Sale/Estate Sale Signs* of this Ordinance.

G. **SR-206 Temporary Uses Other**

1. **General Standards.**

(1) Such uses shall not be placed in any required yard or setback.

(2) Existing uses on the property shall not be negatively affected in any way by the operation of the temporary use.

(3) Adequate facilities, such as parking and restrooms, shall be provided for the temporary use and all existing uses on the property.

(4) No required landscaped areas or screen areas shall be encroached upon or occupied by the temporary use.

(5) Vehicular travel ways shall not be blocked in a manner in which emergency vehicle response would be affected.

(6) A site plan, containing sufficient information to show compliance with the above standards, must be submitted to and approved by the Village Planner.

(7) Such uses shall have a maximum duration of two weeks. Longer duration may be allowed with the approval of the Village Manager if the use is deemed of community-wide significance.

SECTION 7.5 TABLES OF DIMENSIONAL REQUIREMENT

All uses and structures within the Village Place and Pinehurst South Form Based Districts shall comply with the dimensional requirements in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*. Modification to those requirements may also be subject to open space requirements, subdivision requirements, or alternate design provisions within this Ordinance. Watershed protection overlay districts may require lower impervious coverage or allowed density.

A. **Required Setbacks.** Allowable Encroachments into Required Yards

1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Section, except as otherwise established in this Ordinance for particular uses.

2. The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

   (1) Building steps may project up to one (1) foot from the build-to line.

   (2) Sidewalks/walkways may encroach into any setback.

   (3) Residential driveways may encroach into any setback that does not abut a golf course or a lake.

   (4) Canvas awnings may project a maximum of six (6) feet.

   (5) Masonry veneers may encroach a maximum of six (6) inches into any setback.

   (6) Other accessory uses and buildings may encroach, as set forth in other applicable sections of this Ordinance.

   (7) Non-residential driveways, parking lots, loading areas, and sidewalks may encroach into any setback.

   (8) Patios (on-grade), decks and off grade patios attached to principal structures, similar structures may encroach up to two (2) feet into the side and rear setback of a given property. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

   (9) Porches attached to principal structures may encroach up to five (5) feet into the front setback of a given property, or the side setback of a corner lot. This requirement shall not exclude any property from having to meet all other landscaping requirements separately.

B. **Exceptions to the Height Limits.** The following are not to be included in the calculation of building height. Flagpoles and other structures not specifically listed here are subject to the height restriction for the Zoning District or as otherwise noted in the Ordinance, whichever is more restrictive (*Section 13.8. Exempt Signs*).

1. Basements

2. Spires

3. Steeples

4. Chimneys

5. Antennae attached to buildings

6. Communication towers

7. Water tanks
8. Elevator Shafts
9. Flyways
10. Cupolas
11. Other similar appurtenance as approved by the Village Planner.

C. **Sight Triangles.** All development shall maintain unobstructed sight triangles at all street and driveway intersections in accordance with the current regulations of the North Carolina Department of Transportation and the Village of Pinehurst Engineering Standards and Specifications Manual.

Table 7.3 Village Place and Pinehurst South Form Based District Table of Dimensional Requirements

Village Place & Pinehurst South **Form Based District** **Table of Dimensional Requirements**	Lot Types										
	Mixed-Use Commercial		Single Family Attached Lot			Single Family Detached Cottage Lot		Single Family Detached Manor Lot		Single Family Detached Villa Lot	
	VP Blocks: A-M		VP Blocks: N, O			VP Blocks: N, O		VP Blocks: N, O		VP Blocks: N, O	
	PS Blocks: A-D, F, G		PS Blocks: H			PS Blocks: E, H, I		PS Blocks: E, H, I		PS Blocks: E, H, I	
	Mid-Block Rear Loaded	Rear Loaded Corner	Mid-Block Rear Loaded	Mid-Block Rear Loaded End Unit	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Front Loaded	Front Loaded Corner
Front Build-to Line	10'	10'	15'	15'	15'	15'	15'	20'	20'	20'	20'
Minimum Lot Width	24'	34'	22'	28'	37'	34'	42'	52'	62'	72'	82'
Minimum Lot Depth	60'	60'	75'	75'	75'	75'	75'	80'	80'	80'	80'
% Frontage on Build-to Line	75%	75%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Interior Side Setback (1)	0'-5' (1)	0'-5' (1)	0'	0'-5'	0'	6’	6’	10’	10’	10’	10’
Side Build-to Line	0'	10'	N/A	0'-5'	15'	N/A	15'	N/A	20'	N/A	20'
Min. Rear Yard Setback for Principal Structure	15' min; 20' (2)	15' min; 20' (2)	25'	25'	25'	25'	25'	25'	25'	25'	25'
Building Height * See Regulating Plan for maximum and minimum stories	2 stories: 35' 3 stories: 50'	2 stories: 35' 3 stories: 50'	35' max	35' max	35' max	35' max	35' max	35' max	35' max	35' max	35' max
Maximum Lot Covered by Impervious Surface (4)	90%	90%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Minimum Separation of Accessory Structure from Primary Structure (3)	5'	5'	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Accessory Structure Rear Setback (3)	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'

Village Place & Pinehurst South Form Based District Table of Dimensional Requirements	Lot Types										
	Mixed-Use Commercial		Single Family Attached Lot			Single Family Detached Cottage Lot		Single Family Detached Manor Lot		Single Family Detached Villa Lot	
	VP Blocks: A-M		VP Blocks: N, O			VP Blocks: N, O		VP Blocks: N, O		VP Blocks: N, O	
	PS Blocks: A-D, F, G		PS Blocks: H			PS Blocks: E, H, I		PS Blocks: E, H, I		PS Blocks: E, H, I	
	Mid-Block Rear Loaded	Rear Loaded Corner	Mid-Block Rear Loaded	Mid-Block Rear Loaded End Unit	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Rear Loaded Mid-Block	Rear Loaded Corner	Front Loaded	Front Loaded Corner
Accessory Structure Side Setback (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	5' (3)	10' (3)	10' (3)	10' (3)	10' (3)
Minimum Amount of Open Space per Overall Development	8%	8%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Maximum Residential Density (gross) Village Place Form Based District			12 units per acre	12 units per acre	12 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre
Maximum Residential Density (gross) Pinehurst South Form Based District			10 units per acre	10 units per acre	10 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre	7 units per acre

1. If a setback between buildings is desired, it shall be a minimum of 5'
2. If parking is on-lot in rear, the setback increases to 20'
3. Accessory Structures to be located completely behind primary structures
4. Approved permeable surfaces may receive up to 50% reduction in the calculation of impervious surface area if designed, installed, and maintained in accordance with the NCDEQ Stormwater Design Manual, Section C-5 (Permeable Pavement). The applicant shall submit manufacturer specifications and design criteria for the selected permeable surface material."

SECTION 7.6 DESIGN AND DEVELOPMENT STANDARDS AND PROCESSES

SECTION 7.6.1 GENERAL STANDARDS

The design and development standards in this chapter are intended to be minimum for the development of all buildings, sites and infrastructure.

The following general standards shall apply:

A. **Solar Panels.** Solar panels are permitted with the following conditions:

1. When a structure has a flat roof raised panels are permitted if visibly screened or concealed by other roof or wall structures.
2. Ground mounted solar panels are permitted on residential lots only if located within the building setback and screened from adjacent roadways and properties.
3. Integral solar panels are permitted on any roof surface with no limitation on the area in which they may cover.
4. Flush mounted solar panels are permitted on residential lots only and shall be screened from streets and open space.
   (1) Flush mounted roof panel orientation shall be exactly parallel with the plane of the roof and may not project greater than six and one-half (6.5) inches from the roof surface.
   (2) Flush mounted solar panels are required to be encased in trim that closely matches the roof color.
5. All solar panels being located within the Historic Preservation Overlay District shall comply with the standards for that district and must get appropriate approvals.

B. **Number of Principal/Accessory Buildings per Lot.** For uses that require a site plan approval pursuant to *Section 4.3.8. Major and Minor Site Plan Approvals* , the number of principal buildings on an individual lot shall be controlled by setbacks, buffers, parking, and other applicable sections of this Ordinance. For single family development there shall be no more than one (1) principal building per lot.

C. **Street Frontage.** Any lot that is to be created or any existing lot on which a structure (or structures) is to be erected, or a use is to be established shall abut one (1) of the following:

1. An improved public street maintained by the Village of Pinehurst or NCDOT.
2. An existing improved private street shown on the latest Village of Pinehurst Powell Bill Map.

3. A proposed or existing improved public or private street.

D. **Standard for Dimensional Calculations.** Numbers used to establish dimensional requirements shall be rounded to the nearest whole number.

E. **Corner Lots.** Corner lots have two frontages, including two street facing facades for the purposes of this Chapter.

1. Where and as used on the frontage entry elevation, the same building materials shall be used on the other frontage elevation.

2. Where and as used on the frontage entry elevation, shutters are required on the other frontage elevation.

3. Porches on the frontage entry elevation shall wrap the other frontage elevation a minimum length and depth equivalent to the depth of the front porch.

4. Corner lots with no access from an alley or shared access driveway may be accessed by the side street.

5. Foundation landscape plantings are required along all frontage elevations. A lot specific landscape plan shall be submitted to the Village Planner for review. See *Chapter 8. Landscaping and Buffers.*

F. **Hardscape.** Various paving types may be used to differentiate zones. It is encouraged to use a different paving type within open spaces than sidewalks.

1. Hardscape paving materials shall meet all applicable mobility and accessibility requirements.

SECTION 7.6.2 ARCHITECTURAL STANDARDS

The Village of Pinehurst sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. The architectural standards described herein are intended to ensure that all new development within the Form Based Districts results in an architecture of high quality, encourages pedestrian activity, public interaction with the built environment, and provides appropriate transitions in scale while accommodating various types of approved uses. Architecture shall be designed to complement the historic small-town character of Pinehurst.

A. **Exceptions.**

1. Civic Buildings.

2. One-, two-, three-, and four-family dwellings per NCGS § 160D-702.

3. Where conflicts with the Village of Pinehurst Historic District Standards exist, the Historic District Standards will prevail.

B. **Building Mass.** All new building façades, in terms of composition, bulk, scale, proportion, orientation, massing, transparency, articulation, color, and major divisions or rhythms in the façade, shall be of a character that supports and enhances a pedestrian friendly environment and shall relate to existing buildings within the District. Human scale shall be emphasized. In order to reduce the scale of a building, while emphasizing the ground-level elements to support pedestrian friendliness, the following shall be required:

1. **Large Scale Buildings.** Large scale buildings, understood to be defined as single occupant non-residential uses exceeding 35,000 gross square feet shall apply one (1) or more of the following forms:

(1) **Minor Wall Offsets or Wall Setbacks.** This includes "pushing and pulling" a façade to create visual interest and break up the massing of a structure. A minimum offset of twenty-four (24) inches for every thirty-five (35) linear feet of the façade to have proper impact.

(2) **Height Variation.** Differing building roof heights shall be used to add visual interest and reduce boxy building masses.

(3) **Upper Floor Step backs.** The upper portions of large-scale buildings shall be recessed from the street or when the perimeter yard boundary corresponds with the District boundary and the adjacent property is zoned residential for single family development to reduce looming effects. A recessed story shall be stepped back a minimum of five (5) feet for any structure greater than twenty (20) feet in height.

C. **Exterior Building Materials.** For all non-residential development, all building elevations, including foundations, that are visible from the street or adjoining property shall be covered with one or more of the following materials: brick, stone, cast stone, precast concrete, architectural concrete block, wood clapboard siding, cementitious siding, or other similar materials. Corrugated metal, vinyl, plywood, particleboard, untreated wood, and similar material are not permitted.

D. **Roofs.**

1. Roofs shall meet the height requirements outlined in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*.

2. **Roof Pitch.**

(1) Shed roofs may be used on secondary massing elements and dormers with a maximum pitch of 4:12.

(2) Flat roofs may be used on non-street facing facades to incorporate mechanical equipment, green roofs, or similar, to a maximum of fifty (50) percent of the building's roof square footage.

3. Flat roofs shall be hidden by parapet walls capped with continuous masonry, stone, a decorative stucco element, or with a concealing sloped roof.

4. All rooftop utility structures, and equipment shall be screened from view at street level.

E. **Facades.**

1. Differing buildings, multi-tenant businesses, and/or activities within the same block may be distinguished by designing consistent architectural schemata that uses variations of material, scale, forms, and architectural elements.

2. No wall that faces a street or connecting walkway shall have a blank, uninterrupted area with any length exceeding twenty (20) feet.

3. Delineation between ground and upper floors is encouraged by using architectural elements such as cornices, balconies, arcades, and ornamented belt courses.

F. **Façade Openings.** Transparency through use of windows and doors is required for all new buildings. Transparency of the ground level shall be calculated within the first fifteen (15) feet of the building wall, measured vertically at street level. Size, orientation, proportion, grouping and detailing of all windows and doors shall be proportioned to relate to human pedestrian scale. Reflective mirrored glazing is not permitted. Minimum percentages of transparency for new buildings are as follows:

1. **Commercial and Mixed-Use Buildings.**

(1) **Ground Floor.** Fifty percent (50%) to eighty-five percent (85%).

(2) **Upper Floors.** Twenty percent (20%) to fifty percent (50%).

2. **Multifamily Residential Buildings.**

(1) **Frontage Elevations.** Shall not exceed fifty percent (50%) of the frontage elevation.

(2) **Non-frontage Elevations.** Twenty percent (20%) to twenty-five percent (25%).

G. **Building Orientation.** For commercial and mixed-use buildings, there shall be a public-private setback zone to each building. This will provide sidewalk activity areas for outdoor exhibits, benches, porches, places for conversation, shelters from weather, and pedestrian oriented identity to the specific use of the building. The zone shall be ten (10) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of permanent structural elements to allow the addition of street amenities.

H. **Colors.** Color schemes for all new buildings shall incorporate a single base color and no more than two (2) compatible secondary colors. Colors used in development shall

be consistent with the currently adopted Village of Pinehurst Color Palette on file at the Planning and Inspections Department for reference, unless documented that said color has historically been used on the structure.

1. The base color shall not be less than 60% of a primary façade, excluding windows, openings, storefront, or other similar elements.

SECTION 7.6.3 OPEN SPACE

Within the Form Based Districts, open space shall be incorporated to enhance the character of the area, adding and connecting to the existing parks to form a network of spaces. The required amount of open space is provided in *Table 7.3. Village Place and Pinehurst South Form Based District Table of Dimensional Requirements*. All open space areas shall be landscaped in accordance with this Ordinance and provide uniform design and coordinated experiences for the user. The following open space forms are identified below:

A. **Central Green.** Central Green provides active and passive recreational activities to local residents.

   1. Provides for both active and passive recreation.

   2. May include a large open-air pavilion, small pavilion/shade structure, playground, benches, and multi-purpose lawn space.

   3. Typically, between one (1) and three (3) acres.

B. **Plaza.** Plazas are open spaces located at street intersections, between buildings along a street or sidewalk, or at the front or around commercial or civic buildings.

   1. Provides for both passive use and programmed events as needed.

   2. Plazas may contain large areas of durable pavement as well as furniture, public art, fountains, and trees.

   3. Typically, between 1/8 acre and one (1) acre.

C. **Attached Green.** Attached Greens range in size but are generally smaller than Central Green. They are distinguished by the fact that lots directly adjoin the open space on one or more sides. Each Attached Green should have a unique character or feature to create an identify for the surrounding area.

   1. Includes a pathway, landscaping, and benches.

   2. Typically, between 2,400 square feet and two (2) acres.

D. **Pedestrian Passages.** Pedestrian Passages is an open space form that provides pedestrian connection between other forms of open space or streets.

   1. Connects with other open spaces where practicable.

2. The passage shall be a minimum of eight (8) feet wide with a minimum five (5) foot wide brick, concrete, gravel, or sand/clay path.

3. A landscaped area with trees or other plantings may be on either side of the path.

CHAPTER 8 LANDSCAPING AND BUFFERS

SECTION 8.1 GENERAL STANDARDS

SECTION 8.1.1 PURPOSE AND INTENT

The natural landscape conditions within the Village of Pinehurst and its extraterritorial jurisdiction typifies the North Carolina Sandhills and Longleaf Pine Ecosystems. These natural conditions (topography, vegetation, and wildlife) are unique within North Carolina and are the strongest visual aspects defining the character of the Village. The regulations of this Section are intended to moderate visual contact, create spatial separation, and minimize adverse impacts on adjacent properties resulting from development. Buffers also help reduce the visual effects and impacts of traffic, noise, dust, and odor, as well as protect the privacy of neighbors. The Village values its existing tree canopy, and these regulations also provide incentives that allow existing qualifying trees to be used as part of the buffers required by this Section. By doing so, these regulations will:

A. Preserve and enhance the visual character of the Village and the ETJ.

B. Lessen the impacts of development.

C. Reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts between properties and adjacent to streets.

D. Safeguard property values, protect the privacy of neighbors, and preserve the character and integrity of the community.

Chapter 8. Landscaping and Buffers 235
Section 8.1 General Standards 235
Section 8.2 Landscaping Requirements for all Development Requiring a Permit 242
Section 8.3 Tree Preservation 253
Section 8.4 Undisturbed Buffers Along Streams, Wetlands, and Water Bodies 254

E. Provide erosion and sedimentation control.

F. Protect the health, safety, and welfare of the public.

G. Protect and provide habitat for wildlife.

SECTION 8.1.2 APPLICATION PROCEDURES AND GENERAL REQUIREMENTS

A. **Application.** A development permit is required prior to land disturbing activity when there is no other active development application in process pursuant to this Ordinance (e.g. Major or Minor Site Plan, Major or Minor Subdivision, Single Family Development). Information shall be provided by a Professional Landscape Architect/PLA, Architect, Professional Licensed Surveyor/PLS, or Professional Engineer/PE. When an application is made for a development permit, the permit application must include the following information:

1. **Storage, Surface, and Service Areas.** A site plan indicating the location, dimensions, and square footage of surface parking areas, outdoor display and storage areas, private utility service areas, proposed parking space striping, and overhead utility lines.

2. **Landscaping.** A site plan indicating existing and proposed landscaping used to satisfy the requirements of this Section, including the number, types, location, and height of trees, shrubs, and groundcover; the location and dimensions of planting areas and street yards; the location and size of earthen berms; and the location, size, and construction material of fences and walls.

3. **Existing Trees to be Preserved.** The number, location, species, and diameter at breast height (DBH), measured four and one half (4 ½) feet above ground level of existing trees to be preserved for credit per *Section 8.1.2.D. Use of Existing Trees for Credit*.

4. **Barriers.** The location and description of any barriers to be erected to protect any existing vegetation from damage during construction.

5. **Tree Protection Plan.** If the applicant proposes to use qualifying trees to meet the landscaping and buffer requirements, a Tree Protection Plan is also required. The Tree Protection Plan shall show the location of existing trees on the property, including those that are to be removed, the limits of disturbance, the Critical Root Zone (CRZ), and tree protection fence. The CRZ shall remain undisturbed for the tree to count towards the mitigation requirement.

B. **Compliance with Sight Easement Requirements.** Landscaping required by this Section shall comply with the minimum NCDOT or local sight easement

requirements for street intersections and driveways, please refer to the Engineering Standards and Specifications Manual (ESSM).

C. **Obstruction of Pedestrian Routes.** Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks, multi-purpose paths, or greenway trails.

D. **Use of Existing Trees for Credit.** To promote maintenance of the existing tree canopy and preservation of specimen trees, planting credits may be provided for qualifying trees as follows. No trees listed on the North Carolina Invasive Plant Council's list of invasive plants shall be credited towards the requirements of this Ordinance.

1. **Maximum Credits for Tree Preservation.** One tree planting credit shall be granted for trees measuring between three inches (3") DBH and twelve inches (12") DBH.

   (1) One additional tree planting credit may be granted for every four (4) inch increase in tree girth above twelve inches (12") DBH.

   (2) Tree planting credits apply to the buffer area, buffer yard, or lot area in which the tree is located.

2. **Minimum Protected Plant Area.** Each tree to be preserved for credit shall be provided with a minimum planting area which coincides with the tree's dripline. The tree's dripline is defined as the area underneath a tree which would be encompassed by perpendicular lines dropped from the outermost edges of the crown of the tree.

3. **Protection from Encroachment.** Tree preservation planting areas shall be cordoned off during construction and protected from encroachment with tree protection fencing. The minimum area to be cordoned off shall consist of the CRZ of the tree or an area ten (10) feet from the edge of the tree's trunk in all directions, whichever is the greater. The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping.

4. **Loss of Tree Credits.** Removal or death of any preserved tree prior to issuance of an occupancy permit of any development project subject to these standards, shall result in the loss of all associated tree credits for that removed/dead tree.

E. **Overhead Utility Lines.** The location of overhead utility lines shall be considered during the placement or preservation of required trees. The maximum mature height of required trees shall be determined as follows:

1. **Small variety.** Small variety trees shall be used when located within or up to thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

2. **Small or Tall variety.** Small or tall trees may be used when located more than thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

F. **Underground Utility Lines.** Trees shall not be proposed or planted within five (5) feet of an existing or proposed underground utility line, measured horizontally.

G. **Easements.** Trees shall not be planted within utility, stormwater, access, slope, or drainage easements.

H. **Fire Protection Equipment.** A minimum five (5) foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including fire hydrants, post indicator valves, and Siamese connectors. Clear and unobstructed sight lines to the fire protection equipment shall be always maintained.

SECTION 8.1.3 LANDSCAPE PLANS AND TREE SURVEYS

A. **Landscape Plan.** Prior to the issuance of a Development Permit, a landscape plan must be submitted to the Village Planner for review and approval.

1. Landscape plans shall contain the following information:

(1) Dimensions of all property lines.

(2) Locations, labels, and dimensions of all required buffer yards.

(3) Location of construction access/driveways.

(4) Location of existing and proposed utilities, stormwater devices, and associated easements.

(5) Location of plant material to be planted.

(6) Species of plant material to be planted.

(7) Size, container, and caliper of plant material to be planted.

(8) Tree spacing.

(9) Summary calculation table of required plantings by buffer yard.

B. **Tree Survey.** Tree surveys shall be prepared by a Professional Land Surveyor, Professional Landscape Architect, or Registered Arborist licensed in the State of North Carolina. Tree surveys must include the following:

1. Dimensions of the property lines.
2. Location and dimensions of all required buffer yards.
3. Location of construction access/driveways.
4. Location, diameter at breast height (DBH), and species of all trees to be retained within required buffer yards.

SECTION 8.1.4 EXEMPTIONS AND EXCEPTIONS

A. **Exemptions.**

1. No perimeter buffer yard shall be required when single-family detached and single-family attached dwelling units abut one another within the same development.
2. This article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws.
3. Required utilities shall cross buffers perpendicularly when feasible.
4. Where outdoor seating is provided between a building and a street, no plant material is required in the corresponding portion of the street yard.
5. The Village Planner, at the time of Development Plan approval, may reduce buffer widths and/or required plantings if existing vegetation, alternate landscaping, walls, fencing or topographic features will achieve the intent of this section.
6. Removal of dead, diseased or naturally fallen or severely damaged trees or vegetation that are a threat to the public health, safety, or welfare may only occur with approval by the Village Planner. Acceptable documentation includes: photographs, the submittal of a report prepared by an Arborist or other landscape professional, or observance by the Village Planner or designee.

Replacement of the tree(s) would only be subject to buffer requirements to maintain compliance with the required landscape plan.

7. Bona fide agricultural and forestry operations shall be exempt from the provisions of this Section. This exemption applies to forestry activity on forestland that is taxed based on its present-use value as forestland under NCGS Chapter 105, Article 12 and activities conducted in accordance with an approved forestry management plan subject NCGS Chapter 89B and extends to any activity defined as a bona fide farm operation in NCGS § 160D-903 within the extraterritorial jurisdiction of the Village.

8. The North Carolina Department of Transportation (NCDOT) shall be exempt from buffer requirements of this Ordinance within NCDOT rights-of-way. Tree removal in the Village rights-of-way must be approved by the Village Manager or designee.

9. All real property owned by the Village of Pinehurst.

B. **Exceptions.**

1. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates non-residential or multi-family uses from a residential property.

2. If a greenway passes through a landscape buffer the linear footage area of the greenway shall be subtracted from the total buffer area for plant count purposes.

SECTION 8.1.5 DELAY OF LANDSCAPING

If the required landscaping has not been installed at the time of a request for an occupancy permit, and the Village Planner determines that the unavailability of plant materials or adverse weather conditions prohibit the timely completion of planting, a delay in planting may be approved, subject to the following:

A. **Completion Schedule.** The applicant shall sign a contract specifying that the work shall be completed within six (6) months immediately following the date of application for an occupancy permit.

B. **Security.** A financial guarantee shall be required prior to the issuance of an occupancy permit.

1. The amount of the financial guarantee shall equal the cost of installation as estimated by a landscape architect, licensed contractor, or professional

engineer plus twenty-five percent (25%) of all costs of the required landscaping or screening which has not been installed.

2. Such security shall be held by the Village of Pinehurst until the work is completed in accordance with the permit. The security shall be released when the Village Planner or designee certifies that all requirements of this Section have been met.

3. The security shall be forfeited upon violation of this Section and shall be used by the Village towards completion of any outstanding landscaping. Any money in excess of the cost of installing required landscaping shall be refunded to the applicant.

C. **Request for Extension of Compliance**

1. A Request for Extension of Compliance with landscaping requirements associated with this Chapter may be filed with the Village Planner.

   (1) If the Village Planner finds that there are unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not to exceed ninety (90) days. The letter shall acknowledge that the property owner is aware of all landscaping and screening requirements and will comply with those requirements within ninety (90) days or discontinue use of the property.

   (2) If an extension is allowed by the Village Planner, the applicant shall provide to the Village a financial guarantee as set forth in *Section 8.1.5.B. Security* sufficient to cover one hundred twenty-five percent (125%) of the installed landscaping costs based on an estimate from a nursery or Professional Landscape Architect, licensed contractor, or Professional Engineer.

   (3) If the Request for Extension of Compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the applicant may request one (1) additional extension of up to ninety (90) days.

      i. Failure to comply with the provisions of this Section within the time period noted in the request for the extension of compliance with landscaping requirements shall be deemed a violation of this Ordinance.

ii. Failure to perform in accordance with this Section shall result in default and the forfeiture of the financial guarantee as set forth in *Section 14.4.14. Financial Guarantees.*

SECTION 8.1.6 NONCOMPLIANCE WITH BUFFER YARD STANDARDS

A. On properties where land disturbing activity has occurred without a development permit, buffer yards shall be established pursuant to this Chapter. A landscape plan and development permit shall be submitted demonstrating compliance with this Chapter.

B. In addition, other remedies up to and including penalties may apply in accordance with *Chapter 5. Enforcement* of this Ordinance.

SECTION 8.2 LANDSCAPING REQUIREMENTS FOR ALL DEVELOPMENT REQUIRING A PERMIT

SECTION 8.2.1 PURPOSE AND SCOPE

A. **Applicability.** New development or redevelopment after the adoption of this Ordinance shall meet the buffer yard requirements of this Section, except for the following:

1. Dwellings subject to the North Carolina Residential Code.

2. Where proposed development and/or redevelopment as regulated below is located adjacent to a public street or right-of-way.

3. Bonafide Farms subject to NCGS § 160D-903 or Forestry Activity and Management subject to NCGS Article 12 Chapter 105 or NCGS Chapter 89B.

B. All size standards in this Section shall conform to the American Standards for Nursery Stock.

SECTION 8.2.2 PLANTED BUFFERS

A. **Permitted Uses Within Planted Buffer Areas.** Planted buffers should be left in an undisturbed natural vegetative state and provided with supplemental plantings.

1. Selective thinning of vegetation and removal of dead vegetation may be permitted if the intent of the planted buffer requirement is maintained.

2. Driveways and utilities may cross a planted buffer at or as near a perpendicular angle as practical.

3. Paths and walkways may pass through the planted buffer and pedestrian walkways (greenways) may be installed within the buffer area.

4. Grading should be excluded from the designated planted buffer when practicable, but may be allowed with site plan approval, if the re-vegetation plan is determined to meet the intent of this Section.

5. Stormwater control measures such as ponds shall not encroach in the buffer yard. If stormwater improvements are located within the buffer, plantings should be approved by the Village Planner to ensure that the vegetation does not interfere with the function of the stormwater improvement.

B. **Location of Planted Buffers.** Required planted buffers shall be provided along the perimeter of development unless alternate locations are approved by the Village Planner. Planted buffers shall be designated and dimensioned on all site plans and subdivisions plans, where applicable.

C. **Application.**

1. The required planted buffer width is based on the classification shown on *Table 8.1. Required Planted Buffer Classification*.

2. If a public street or railroad right-of-way separates a non-residential or multi-family use from a residential property, one-half of the planted buffer width shall be provided, but not less than ten (10) feet.

3. If the proposed development is for multi-family dwellings adjacent to property zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, but not less than ten (10) feet, whether the property is occupied or not.

D. **Planted Buffer Classifications.**

Table 8.1 Required Planted Buffer Classification

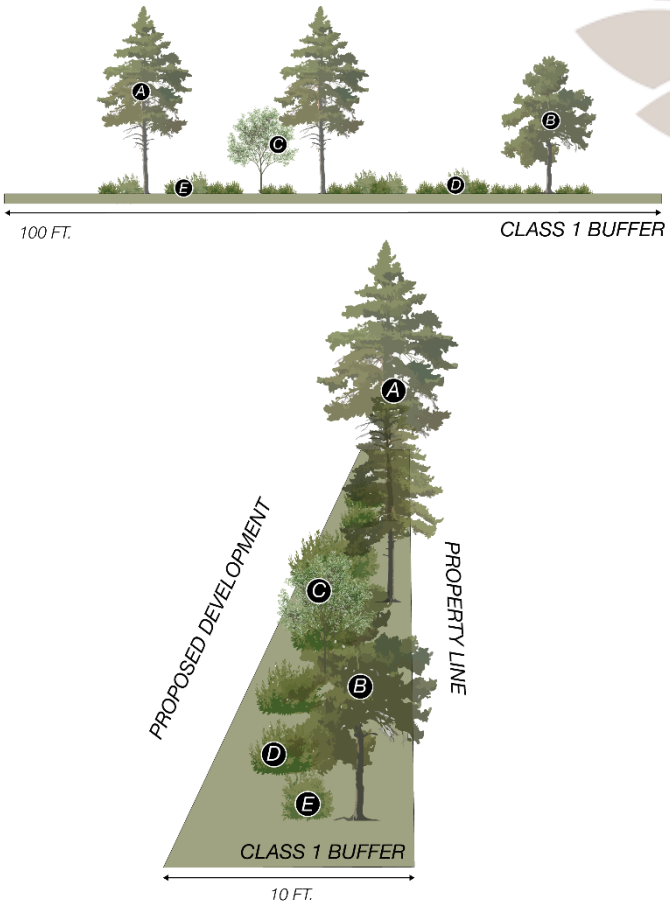
		Adjacent Property								
		PC – Public Conservation	RD - Recreation Development	Residential Districts	R-MF - Residential Multi-Family District	NC - Neighborhood Commercial District	H - Hotel	HD - Hospital Development District	OP - Office Professional District	Village Districts
Subject Property	PC- Public Conservation	1	1	1	2	2	4	4	4	
	RD - Recreation Development	1	1	1	2	2	3	4	3	
	Residential Districts	1	1	1	2	2	2	4	3	
	R-MF - Residential Multi-family District	2	2	2	1	2	2	4	3	
	NC- Neighborhood Commercial District	2	2	2	2	1	2	2	2	
	H - Hotel	4	3	2	2	2	1	2	2	
	HD - Hospital Development District	4	4	4	4	2	2	1	2	
	OP - Office Professional District	4	3	3	3	2	2	2	1	
	Village Districts									

E. **Requirements for Planted Buffer Areas.**

1. **Buffer Planting requirements.** Planting requirements for planted buffers include both trees (large and small) and shrubs. (See Appendix F for a listing of allowable trees and shrubs.) Fifty percent (50%) of small trees and seventy-five percent (75%) of shrubs shall be evergreen.

   (1) **Class 1 Buffer.** A Class 1 Buffer is a low-density screen used to partially block visual contact and create separation from similar or compatible uses. A Class 1 Buffer shall be a minimum of ten (10) feet in width with the following minimum plantings:

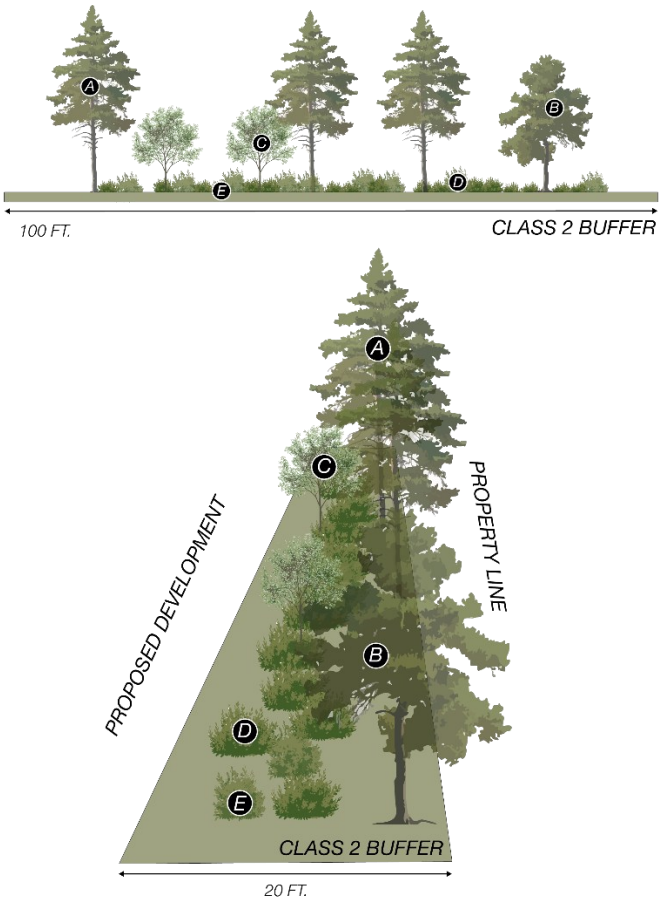
Figure 8.1 Class 1 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	2
B. Deciduous Tall Trees	1
C. Small Trees	1
D. Large Shrubs	10
E. Medium/Small Shrubs	10

(2) **Class 2 Buffer.** A Class 2 Buffer is a medium-density screen used to block visual contact and create separation between adjacent uses. A Class 2 Buffer shall be a minimum of twenty (20) feet in width with the following minimum plantings:

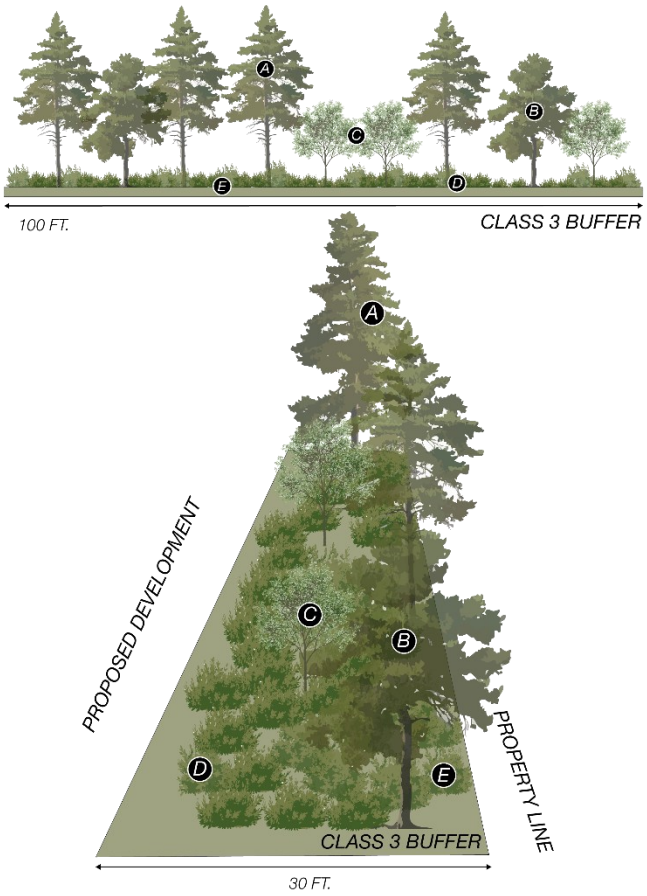
Figure 8.2 Class 2 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	3
B. Deciduous Tall Trees	1
C. Small Trees	2
D. Large Shrubs	15
E. Medium/Small Shrubs	15

(3) **Class 3 Buffer.** A Class 3 Buffer is a high-density screen used to eliminate visual contact and create separation between adjacent uses. A Class 3 Buffer shall be a minimum of thirty (30) feet in width with the following minimum plantings:

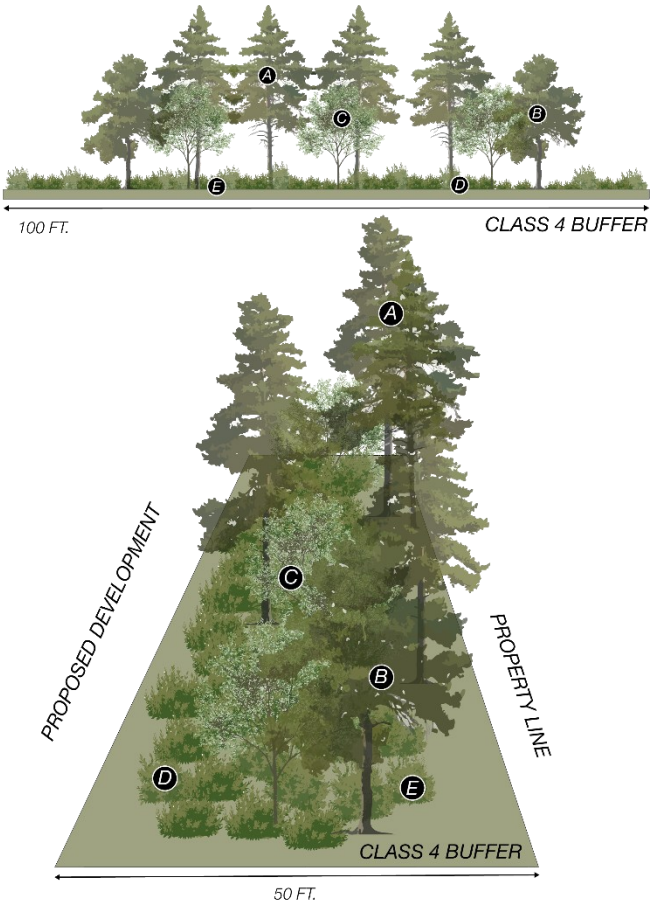
Figure 8.3 Class 3 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	4
B. Deciduous Tall Trees	2
C. Small Trees	3
D. Large Shrubs	20
E. Medium/Small Shrubs	20

(4) **Class 4 Buffer.** A Class 4 Buffer is a high-density screen used to eliminate visual contact and create separation between adjacent uses. A Class 4 Buffer shall be a minimum of fifty (50) feet in width with the following minimum plantings:

Figure 8.4 Class 4 Buffer



Plant Type	Per 100 Linear Feet
A. Longleaf Pine Trees	4
B. Deciduous Tall Trees	2
C. Small Trees	3
D. Large Shrubs	20
E. Medium/Small Shrubs	20

2. The required setbacks may be used to meet landscape planted buffer width requirements in all districts. When planted buffers are required for residential

uses, the planted buffer requirements shall be designated open space, or common area.

3. Planted buffer widths and required plantings may be reduced by thirty percent (30%) if the site plan indicates a berm, alternate landscaping, walls, and/or opaque fencing in combination with landscaping or topographic features which will, in the opinion of the Village Planner, achieve the intent of this Chapter and result in equal or better performance. In no case shall a buffer width be less than ten (10) feet. Berms may not have a slope steeper than three (3) horizontal to one (1) vertical and must have a crown width of at least two (2) feet and a minimum height of three (3) feet.

4. **Existing Vegetation.** Existing vegetation, regardless of species, shall be used to meet all or part of the requirements of this Chapter wherever possible, if it meets the planted buffer required by *Section 8.2.2.D Planted Buffer Classifications*. All trees to be preserved and counted towards buffer requirements shall be identified on site plans, along with protection measures to be used during grading and construction. (See *Section 8.1.2.D. Use of Existing Trees for Credit* for protection measures and calculation of credits for existing trees), If existing vegetation does not adequately meet the intention and intensity of the buffer required below, supplemental planting shall be required.

5. **Trees.** Longleaf Pine and Understory trees shall be distributed along the entire length and width of the planted buffer. Due to unique characteristics of a site or design objectives, alternative plant mixes and spacing may be approved by the Village Planner.

6. **Shrubs.** Shrubs, of a variety that can be expected to reach four (4) to five (5) feet in height and three (3) feet in width within three (3) years of planting, shall be provided. Shrubs shall not be planted closer than six (6) feet to newly planted trees, nor within the drip line of existing hardwood trees. Shrubs shall be distributed along the entire length and width of the planted buffer, in naturalistic groupings so as not to create a hedge-like condition.

SECTION 8.2.3 ROADWAY BUFFER

A. **Highways and Major Thoroughfares.** A Class 3 planted buffer shall be installed along the street frontage for all non-single family residential uses with frontage on a highway or major thoroughfare.

SECTION 8.2.4 LANDSCAPE SCREENS

A. **General Screening Design Standards.**

1. Screening material shall be consistent with the landscape plan for the development.

2. Screening shall consist of landscaping, a wall, or a fence consistent and compatible with the principal building in terms of texture, quality, material, and color.

3. Examples of screening materials may include a wall, shrub line, fence (excluding chain-link), parapet wall, or opaque screen.

SECTION 8.2.5 SURFACE PARKING AREA LANDSCAPING

A. **Purpose.** In order to reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards apply.

1. **Exemption.** This section shall apply only to parking areas with more than five (5) vehicle spaces.

2. **Expansion of Preexisting Surface Parking Areas.** When a preexisting surface parking area(s) is expanded, required interior plantings may be dispersed throughout the entire interior landscaped area in accordance with *Section 8.2.5.B. Surface Parking Area Perimeter Landscape Requirements.*

B. **Surface Parking Area Perimeter Landscape Requirements.** All motor vehicle areas shall be screened by a Surface Parking Area Perimeter buffer on all sides visible from adjacent properties or public right-of-way. Proposed locations of plants and parking spaces shall be arranged to protect plants from vehicles. The Surface Parking Area Perimeter buffer shall be a minimum of ten (10) feet in width adjacent to residential districts or five (5) feet in width adjacent to non-residential districts, and shall be planted as follows:

1. **Large trees.** Longleaf pines shall be planted at the rate of one three (3) inch caliper tree per thirty (30) linear feet of the parking lot perimeter abutting a street and/or adjoining property, less driveways and sight distance triangles. Trees must be a minimum of five (5) feet and a maximum of twenty (20) feet from the parking lot edge to meet this requirement. Credit given for existing,

healthy, protected trees, regardless of species, shall be according to *Section 8.2.2.E.4. Existing Vegetation*.

(1) **Overhead power lines.** Small variety trees may be used where overhead power lines exist within the Surface Parking Area Perimeter buffer yard area.

2. **Shrubs.** Evergreen shrubs at the rate of one (1) 24-inch height minimum shrub per three (3) linear feet of parking lot edge abutting streets and adjoining property, less driveways, of a species expected to reach a minimum height of thirty-six (36) inches and a minimum spread of thirty (30) inches within three (3) years of planting. This rate may be varied based upon size of installed plant materials. Shrubs must be a minimum of five (5) feet and a maximum of ten (10) feet from the parking lot edge to meet this requirement.

   (1) Shrubs shall be planted such that no less than seventy-five percent (75%) of the length of the parking lot edge, to a height of thirty-six (36) inches, is obscured from view after three (3) years of growth. Shrubs planted within sight distance triangles shall be of a type with a maximum mature height of eighteen (18) inches above finished grade.

   (2) Additionally, shrubs shall not be planted within six (6) feet of the trunk of a tree.

3. **Fences and Walls.** A brick or stone wall or fence, at least thirty-six (36) inches tall and of a material compatible with the building, may be substituted for the requirements of shrubs.

4. **Berms.** Berms may be installed within the highway (front) or interior (side or rear) yards with a minimum two (2) foot height, two (2) foot minimum crown width, and side slopes of not steeper than three horizontal to one vertical. Berms shall be planted with live vegetation and may be used with smaller plants to meet the required screening area, provided that the combination of the berm and the shrubs obscures no less than seventy- five percent (75%) of the length of the parking area, to a minimum height of thirty-six (36) inches after three (3) years of growth.

5. Areas used for vehicle sales and/or service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive-up service, shall be considered parking areas and shall comply with the requirements of this Section.

C. **Landscaping Within Parking Areas.** The landscaping within parking areas shall be provided in addition to planted buffer requirements of this Ordinance.

1. **Location.** Parking areas shall provide and maintain landscaped areas based upon the surface area of the parking lot. Areas under canopies, loading and service areas, and portions of drives with no parking on either side for a distance longer than twenty-five (25) feet and/or used exclusively as access to loading or service areas, are exempt from this requirement.

   (1) Areas used for landscaping shall be provided in the amount equivalent to at least ten (10) percent of the parking area and shall be used for planting either trees and/or shrubs according to the requirements below. Tree planting areas shall be located such that no parking space is farther than sixty (60) feet from a tree trunk.

2. **Required Landscape Plants.** Trees shall be used at the following rates, either in combinations of small and large trees, or with large trees only, to add up to the required landscape area:

Table 8.2 Required Planting within Parking Areas

Planted Tree Type	Minimum Planting Caliper	Planting Requirement
Hardwood or Pine Tree	3 inch	1 per 250 SF*
Understory Tree**	3 inch	1 per 125 SF
* Each large tree shall be located within a minimum growing area of two hundred fifty (250) square feet un-encroached upon by shrubs or impervious pavement, with a minimum dimension of ten (10) feet ** may be used to fulfill up to one third (1/3) of the required trees		

3. **Islands and Medians.**

   (1) Islands and medians shall be designed to meet the requirements of the Village of Pinehurst Engineering Standards and Specifications Manual. Medians without curbing shall include devices to stop vehicles from driving into the planted areas.

   (2) No more than one tree may be provided per island, unless there is at least the minimum growing area per tree as required above. Large trees shall not be planted less than eighteen (18) feet apart, and small trees/large shrubs shall not be planted less than twelve (12) feet apart.

4. **Existing Trees.**

   (1) Credit given for existing, healthy, protected trees shall be according to *Section 8.1.2.D. Use of Existing Trees for Credit* of this Section. Trees used to meet other requirements of this Ordinance may not be used to meet the requirements of this Section.

D. **Street Trees Required.** For all developments, one three (3) inch caliper, tall tree per forty (40) linear feet or small tree per twenty (20) linear feet, identified as a permitted Street Tree per Appendix F, of street frontage minus driveways shall be planted in the road right of way. These trees shall be planted outside of site triangles and not conflict with any utilities. The Longleaf Pine tree is the preferred street tree for the Village of Pinehurst, and should be used where possible.

SECTION 8.3 TREE PRESERVATION

SECTION 8.3.1 SPECIMEN TREES

A specimen tree is any healthy, living tree and includes all of the following:

A. **Size.**

   1. Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more. OR

   2. A trunk DBH of twelve (12) inches or more in the case of the following species:

      (1) Ilex species (holly).

      (2) Magnolia species.

      (3) Longleaf Pine species.

B. Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association.

C. Provides unique habitat for any endangered or threatened wildlife species protected by Federal law.

D. Has been cited by the Village Council as being historically significant.

SECTION 8.3.2 PRESERVATION ON PRIVATE PROPERTY

A. **Specimen Trees on Private Land.**

1. Specimen trees shall be shown on all preliminary commercial and residential site plans submittals and located by survey on final site or Landscape Protection Plans. The Village Planner may inspect the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a development site where soil disturbance or construction activity is proposed.

2. Proposed development shall be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities shall be pursued in order to preserve them.

3. No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during the review of the site and/or Landscape Protection Plan it is determined there is no reasonable way the property can be developed without such disturbance.

B. **Voluntary Protection of Specimen Trees On Existing Residential Lots.**

1. Specimen trees which are located on individual lots with single homes shall be protected if voluntarily registered by the property owner.

2. Registration of such trees shall render the owner of the lot the following privileges: If a permitted accessory structure or addition to a house is being planned, notwithstanding any provision of the Ordinance to the contrary, saving of a specimen tree may constitute evidence that requirements for a case have been met for a variance application.

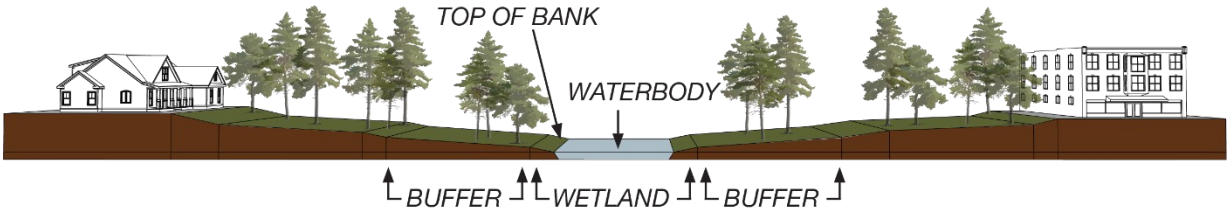
SECTION 8.4 UNDISTURBED BUFFERS ALONG STREAMS, WETLANDS, AND WATER BODIES

SECTION 8.4.1 UNDISTURBED BUFFERS

A. Notwithstanding any other provisions of this Ordinance regarding buffers, landscaping or setbacks, all development, other than development of existing single family lots shall maintain a thirty (30) foot undisturbed buffer measured from the top of the bank along all streams that are shown as "blue lines" on the most recent versions of U.S. Geologic Survey 1:24,000 scale topographical maps; along the

edge of identified wetlands as established by the North Carolina Department of Environmental Resources as defined by NCGS § 143.212(6); and along the edge of the full pond of any water body that is fed by or connected to a "blue-line" stream, other setbacks such as wetland and watershed (*Section 6.4.3. Watershed Protection Overlay District*) may also apply;

Figure 8.5 Undisturbed Buffer



SECTION 8.4.2 BUFFER ENCROACHMENT ALLOWANCES AND EXCEPTIONS

A. **Purpose.** This section establishes limited circumstances in which encroachments into required riparian buffers may be authorized while maintaining the buffer's essential functions of protecting water quality, stabilizing streambanks, and providing habitat.

B. **Disturbance or Encroachment Design.** Any allowed disturbance or encroachment that occurs as a result of the activities expressly permitted in this subsection must be designed, constructed, and maintained to:

1. Minimize impervious or partially impervious surface coverage.
2. Diffuse the flow of stormwater runoff, encourage sheet flow and avoid concentrated discharge of stormwater into surface waters.
3. Maximize the use of Best Management Practices (BMPs) to minimize adverse water quality impacts.
4. Comply with all applicable standards and conditions of the Village of Pinehurst Engineering Standards and Specifications Manual.

C. **Allowable Encroachments.**

1. Archeological activities provided any vegetation removed is restored with vegetation of a comparable assimilative capacity.
2. Bridges provided there is no alternative location in the buffer.
3. Dam maintenance activities.
4. Drainage ditches, roadside ditches, and stormwater outfalls.

5. Drainage of a pond provided a new vegetated water supply watershed buffer meeting all NCDEQ and DWR.
6. Driveway crossings that access single-family dwellings, provided:
   (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
   (2) The driveway crosses the buffer at an angle as close to 90 degrees as possible (and not less than 60 degrees).
   (3) Side slopes do not exceed a 2:1 (horizontal to vertical) ratio (bridging and/or retaining walls may be used to meet this and the disturbance width standard).
   (4) All culverts are designed and constructed for the 25-year storm event or as otherwise required by the NCDEQ.
7. Utility lines, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
8. Pedestrian, bikeway, equestrian, golf cart, and other recreation trails (public or private), provided:
   (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
   (2) A trail crossing the buffer is combined with other permitted buffer crossings where practicable.
   (3) Buffer disturbance is no more than 20 feet wide (unless otherwise approved by NCDEQ.
   (4) The trail is no more than 12 feet wide.
   (5) A trail crossing the buffer does so at an angle as close to 90 degrees as possible (and not less than 60 degrees).
   (6) A trail running linearly within the buffer must be located, where possible, in the outer 20 feet of the buffer and in no instances may such trail be closer than ten feet to the edge of the lake, pond, river, stream or drainageway.
9. Railroad crossings, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.

10. Removal of previous fill or debris provided diffuse flow is maintained and any vegetation removed is restored with vegetation of comparable assimilative capacity.
11. Road crossings (public or private roads), provided:
    (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
    (2) Buffer disturbance does not extend beyond the required right-of-way or easement width, or in no case is more than 90 feet wide.
    (3) All culverts are designed and constructed for the 25-year storm event or as otherwise required by the NCDEQ.
12. Public water and sewer utilities, provided an alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
13. Stormwater Control Measures (SCMs) provided:
    (1) An alternative analysis demonstrates that the proposed location within the buffer is the only technically and operationally feasible option.
    (2) The SCMs are designed per the NCDEQ SCM design manual.
14. Stream restoration and stream bank stabilization.
15. Temporary in-stream sediment and erosion control measures for work within a stream channel.
16. Vegetation management, including:
    (1) Emergency fire control measures, provided topography is restored.
    (2) Planting vegetation to enhance the buffer's function.
    (3) Pruning forest vegetation, provided the health and function of the vegetation is not compromised.
    (4) Removing individual trees that are in danger of causing damage to dwellings, other structures, or human life.
    (5) Removal of noxious growth.
17. Water-dependent structures.
18. Wetland restoration.

CHAPTER 9 SOIL EROSION

SECTION 9.1 SOIL EROSION AND SEDIMENTATION CONTROL

A. All development shall be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS, Chapter 113A, Article 4 (Sedimentation Pollution Control).

B. No development permit shall be issued for development that involves land-disturbing activity if more than one (1) acre is to be uncovered, unless an erosion control plan has been approved by the State of North Carolina and a copy of the approved plan is submitted as part of the development permit application.

C. No development permit shall be issued for development that involves land-disturbing activity if less than one (1) acre is to be uncovered, unless the person to whom the permit is to be issued affirms on the permit application that the land-disturbing activity will be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS, Chapter 113A, Article 4.

D. Failure of the permit holder to perform land-disturbing activity in accordance with the standards and procedures for the control of sedimentation and soil erosion as set forth in NCGS Chapter 113A, Article 4 shall result in the permit holder being in violation of the terms of this Ordinance and may result in the revocation of the development permit.

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E. Notwithstanding the general requirement to obtain a development permit prior to undertaking land-disturbing activity, a plan approval shall not be required for land-disturbing activity that does not exceed one acre (43,560 square feet) in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

F. The Village of Pinehurst requires a Land Disturbance Permit for activities in common plans of development or sale as a condition of NC Construction General Permit NCG01 regulations.

G. The NCG01 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

H. **Exclusions.** This section shall not apply to the following types of land-disturbing activity:

1. Any activity which is essential to protect human life during an emergency.

2. Land-disturbing activities undertaken on established bona-fide farms for the production of plants and animals, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including the breeding and grazing of any or all such animals; bees and apiary products; and fur producing animals; and mulch, ornamental plants, and other horticultural products. For purposes of this section “mulch” means substances composed primarily of plant remains or mixtures of such substances.

3. Land-disturbing activities undertaken on forestland for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Agriculture and Consumer Services. If activities are undertaken in a manner that is not in accordance with the Forest Practice Guidelines referenced above, the provisions of this Ordinance shall apply to such activity and any related land-disturbing activity on the tract.

4. Land-Disturbing activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.

5. Land-Disturbing activities over which the State has exclusive regulatory jurisdiction as provided in NCGS § 113A-56(a).

CHAPTER 10 FENCES, WALLS AND SCREENING

A. **Purpose.** The purpose of this Section is to regulate the location, height, and design of fences and walls, as well as screening. These regulations aim to support their use for safety, security, privacy, and screening, while also maintaining visual harmony and maintaining the Village's appearance. Flexibility in fence design is preserved for rural areas to accommodate their unique character.

B. **Applicability.** The following standards shall apply to all new permanent or replacement fences and walls.

   1. A fence may only be erected in accordance with *Chapter 4. Approvals, Variances, and Administrative Appeals*.

   2. Additional regulations for fences and walls located in the Historic District may also apply in addition to those included in this Chapter.

   3. Unless specifically approved as part of a Planned Development, Conditional Zoning or Special Use Permit, Variance, or Certificate of Appropriateness, all fences and walls shall comply with the requirements of this Chapter.

C. **Location.** Fences and walls may be located anywhere within or along property lines, except:

   1. In a manner that obstructs visibility for motorists at any street intersection.

   2. No fence or wall may be installed within any public or private easement, including stormwater, drainage, and utility unless written

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permission is received from the easement holder. It is the responsibility of the applicant to identify and receive written permission to install a fence or wall within an easement.

(1) Written approval may be required to be submitted to the Village with a fence permit application.

(2) The Village is not responsible for fixing or replacing fences or walks that are built in easements if they need to be removed for access.

D. **Measurement.** The following standards shall apply to all new permanent or replacement fences and walls:

(1) Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.

(2) In cases where a fence or wall is placed on a berm, the maximum fence or wall height shall include the height of the berm, as measured from the toe of the slope. See *Figure 10.1 Fence Height Measurement*.

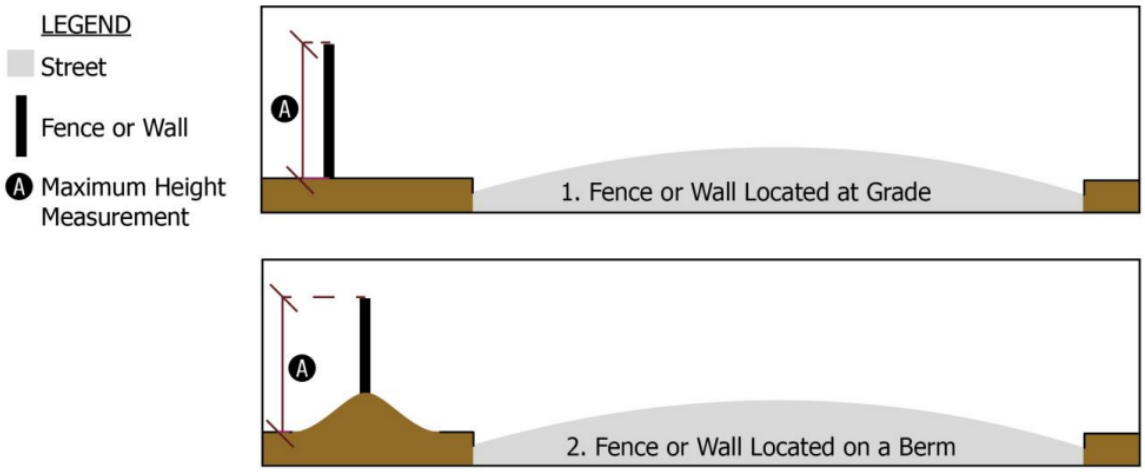
(3) Columns or posts for nonresidential brick or stone walls may exceed 18 inches above the maximum permitted height of the fence or wall.

(4) Safety railings required by the North Carolina Building Code shall not be included in wall height measurements.

(5) Driveway columns may be allowed to a maximum height of five (5) feet. A lighting fixture may be incorporated, but shall not exceed the maximum height.

(6) Fencing on vacant lots is limited to the front yard height limit.

Figure 10.1 Fence Height Measurement



SECTION 10.1 FENCES AND WALLS IN RESIDENTIAL ZONING DISTRICTS

A. **Height.** The maximum height of fences or walls in residential districts shall be in accord with *Table 10.1 Maximum Fence and Wall Height in Residential Districts.*

Table 10.1 Maximum Fence and Wall Height in Residential Districts

Yard	Residential Zoning District
Front	4’
Street Side (2)(3)(4)	6’
Side (1)(2)(4)	6’
Rear (1)(4)	6’

Footnotes

1. Fences, walls and similar structures are prohibited in the lake front and golf course setback for accessory structures.
2. Fences, walls and similar structures are prohibited in or through a required buffer unless the fence or wall has been designed as an integral component and approved as such.
3. On corner lots, a 10’ setback from the side street property line is required for fences located in the side and/or rear yard when those fences exceed 4’ in height.
4. Fences and walls shall not exceed 4’ in height when abutting a defined front yard of an adjacent property.

B. Swimming pool fences shall be constructed in accordance with the North Carolina State Building Code and must adhere to the fence type, style and location requirements of this Ordinance.

1. Pools built prior to 2002 that have not been enclosed with fencing shall be allowed to be fenced and the fencing may encroach up to the minimum amount necessary to meet NC Building Code requirements, upon approval of a permit in accordance with *Chapter 4. Approvals, Variances, and Administrative Appeals*.

SECTION 10.2 FENCES AND WALLS IN NON-RESIDENTIAL ZONING DISTRICTS

A. **Height.** The maximum height of fences or walls in non-residential districts shall be in accord with *Table 10.2 Maximum Fence and Wall Height in Non-Residential Districts*.

Table 10.2 Maximum Fence and Wall Height in Non-Residential Districts

Yard	Non-Residential Zoning Districts
Front (1)	6’
Street Side (1)	6’
Side (1)	6’
Rear (1)	6’

Footnote

1. Fences or walls are not allowed in required buffers unless they are specifically designed to be part of the buffer and have been officially approved as such.

B. In the Recreation Development (RD) zoning district, a chain link fence that conforms with the requirements of *Section 10.3. Permitted Fences* may be installed on the property lines of a lot that borders a lake or other body of water that is in use as a semi-public recreation area. No other type of fence, wall, or similar structure is permitted.

C. Fence height limits are not applied to fences or walls surrounding tennis courts, athletic fields, or public utility features where public safety must be maintained.

SECTION 10.3 PERMITTED FENCES

A. Fences or similar structures not authorized or approved as provided in this Section are prohibited.

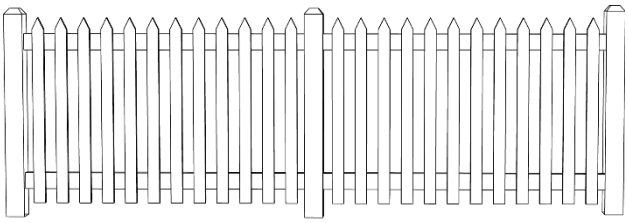
B. The finished side of a fence or wall shall always face out towards the street or adjacent property. The finished side does not include any supporting members or bracing.



C. For the purposes of this Section, fences may be constructed of wood, vinyl, composite materials, coated chain link, decorative metal/wrought iron, brick, stone or masonry. Material substitution may be permitted by the Village Planner where the appearance and material would result in equal or better performance. The following types of fences are allowed, depending upon the specific zoning district in which they are located.

1. **Picket Fence**

(1) The fence shall be constructed of wood, vinyl or composite material and may be unfinished, painted, or stained. The width of the pickets shall not be wider than four inches nominal, with a minimum of one inch between the pickets.



(2) The maximum height is four (4) feet.

(3) The minimum number of horizontal rails is two (2).

2. **Split Rail Fence**



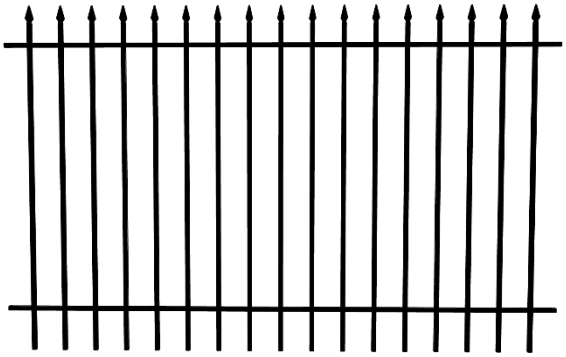
(1) The fence shall be constructed of wood, vinyl, or composite materials.

(2) The use of wire on the inside of the fence is optional but if incorporated must be muted in color (black, green, or brown).

(3) The maximum height is 6 feet except that split rail fences located in the R-210 zoning district may not exceed five (5) feet in height in the front yard.

(4) The minimum number of horizontal rails is two (2).

3. **Metal, Aluminum, or Wrought Iron Fence**



(1) The fence shall be constructed of wrought iron and shall have a powder coating or paint applied to protect the metal from rust and corrosion.

(2) Permitted colors include black, bronze, and dark green.

4. **Chain Link Fence**

(1) The fence shall be constructed of vinyl coated chain link material in black, green, or brown only.

(2) If the fence is on or near a property line and a buffer is not otherwise required, a five (5) foot setback from the property line is required.

(3) Chain link fences may only be used for non-residential uses

5. **Vinyl and Wood Board/Shadow Box/Solid Fence**



(1) The fence shall be constructed of wood, vinyl, or composite materials.

(2) The board width (vertical or horizontal members) shall not be less than four (4) inches nominal and not more than ten (10) inches nominal. Vinyl fences shall have the appearance of meeting this requirement.

(3) Wood fences greater than four (4) feet in height are required to have a minimum of three (3) horizontal rails. This requirement does not apply to vinyl or composite fences.

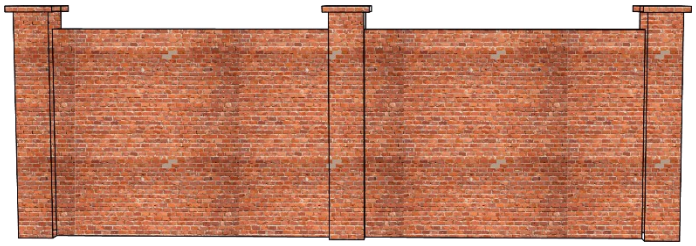
(4) Solid fences may be constructed of vinyl or composite material and may include a decorative lattice detail.

6. Brick or Stone Walls

(1) The wall shall be constructed of brick or masonry/stone materials.

(2) The maximum height including column caps is six (6) feet.

(3) For nonresidential brick or stone walls the column may exceed 18 inches above the maximum permitted height of the fence or wall.





SECTION 10.4 FENCING FOR A TEMPORARY USE

A. Temporary fencing may be erected only upon receiving a Temporary Fence Permit from the Village Planner in accord with *Section 4.3.10 Temporary Use Permit*.

1. The Village Planner shall issue such a permit only after the Police and Fire Chiefs have reviewed the application and found that the proposal has adequate provisions for emergency access and egress to ensure health, welfare, and safety for the general public.

2. A Temporary Use Permit must be issued for all temporary fencing. The Village Council, after conducting a public hearing, shall have the right to suspend or modify the application of this subsection for major events as part of the issuance of a Temporary Use Permit issued under Section 94.14 of the Pinehurst Municipal Code.

B. Fencing for a temporary use is allowed when such fencing is necessary to secure a site provided that such fencing is not erected more than two (2) weeks prior to

commencement of the event and is removed within seven (7) days following the completion of the event.

1. The Village Planner is authorized to allow fencing to be erected earlier than two (2) weeks prior to the commencement of the event or removed later than seven (7) days following the completion of the event provided:

   (1) Such fencing does not abut a residence, and

   (2) The applicant has provided in writing clear evidence that additional time is needed.

2. Temporary fencing shall not exceed a height of six (6) feet unless such fencing is used to screen a "work area," such as a catering facility, from abutting properties or rights-of-way.

3. In cases where the fencing is used to screen a "work area," such fencing shall not exceed a height of eight (8) feet. If eight (8) foot tall chain link fencing is used, such fencing shall have a green mesh cover to further screen the "work area." If chain link fencing is used and such fencing abuts a residence, residentially zoned land, or a right-of-way, such fencing must have a green or brown vinyl coating.

   (1) At the discretion of the Village Planner, the fence may be required to be setback from the property line, particularly if the fencing abuts a residence or residentially zoned land.

   (2) At no point shall a setback encroach beyond the golf course out-of-bounds lines.

4. If the fence is erected prior to an allowed date or not removed by the specified date, the Village reserves the right to enter onto the premises and remove the fence at the expense of the property owner.

SECTION 10.5 RETAINING WALLS

A. A Development Permit in accord with *Section 4.3.11. Development Permit* is required for a retaining wall eighteen (18) inches or taller in height.

B. Retaining walls located in the front yard setback shall not exceed four feet (4) in height for residential properties and six feet (6) in height for nonresidential properties.

C. Retaining walls up to six (6) feet in height may project into the side and rear setbacks, excluding golf course/lake front and side street setbacks.

D. Retaining walls eighteen (18) inches or taller in height shall not be located within the golf course or lakefront setback for accessory structures.

E. Retaining walls eighteen (18) inches or taller in height shall not be closer than five (5) feet to a property line or right of way line.

F. Retaining wall height shall be measured from the lowest ground elevation to the top of the wall.

G. Retaining walls constructed in a series of two (2) or more shall provide a minimum of twelve (12) inches of horizontal separation planted in grass or other vegetation.

H. Retaining walls shall be solid cement, masonry, or wood and constructed to the standards of the North Carolina State Building Code where required and certified by a Professional Engineer licensed to work in the State of North Carolina.

I. The finished side of a retaining wall shall face outwards towards the street or adjacent property.

SECTION 10.6 SCREENING

A. **Purpose**. The purpose of screening regulations is to minimize views of waste receptacles, exterior building and ground equipment, loading docks, and truck parking areas to improve the compatibility between uses and to enhance the appearance of the Village.

B. **Applicability.**

1. The standards in this section shall apply to nonresidential and multifamily developments:

(1) Service Areas/Service Courts shall be fully screened and out of view from all Right-of-Way or adjacent properties.

(2) Uses requiring screening as noted in this Ordinance shall be screened according to requirements of this Section.

(3) The screening requirement does not pertain to:

i. Outdoor display of merchandise located within the Historic Preservation Overlay District that complies with the regulations and design guidelines of that district.

ii. Transformers and similar devices serving electric vehicle charging stations.

C. **Trash Containment Areas.**

1. **General Requirement.** All multi-family and commercial trash containment devices shall have additional standards. Trash containment areas (refuse collection, trash containment devices, compactors, dumpster) shall meet the following standards:

(1) Trash containment areas shall be located and designed to not be visible from the view of adjacent streets and properties.

(2) Trash containment devices may not be located in any front or street yard.

(3) Trash containment devices shall not occupy areas designated for parking spaces or loading areas.

(4) All trash containment areas shall be enclosed on three (3) sides with walls the height of the device up to eight (8) feet high, the fourth side of the enclosure shall be a permanent gate of similar material.

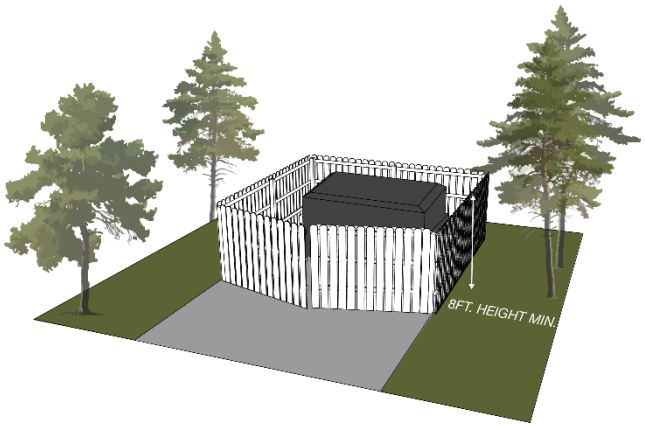
(5) The enclosure shall be constructed of the same material as the principal building on the zoning lot.

(6) Enclosures should be of an adequate size to accommodate all on-site waste receptacles (compactors, dumpsters, etc.).

(7) All trash containment devices shall be placed on a dedicated pad.

(8) Evergreen shrubs shall be installed every three (3) feet along the exterior of the portions of the enclosure adjacent to a public right-of-way or abutting residential parcels (zoned for residential use or with existing residential uses), with the exception of enclosure openings.

Figure 10.2 Trash Containment Area



D. **Utility Service Areas.**

1. **General Requirement.** Screening shall be provided for all ground or wall-mounted mechanical equipment, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, transformers, backflow preventers, and/or above ground water meters, that are visible from any public right-of-way or adjacent property.

   (1) Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by installing a landscape screen of plants selected from Appendix F.

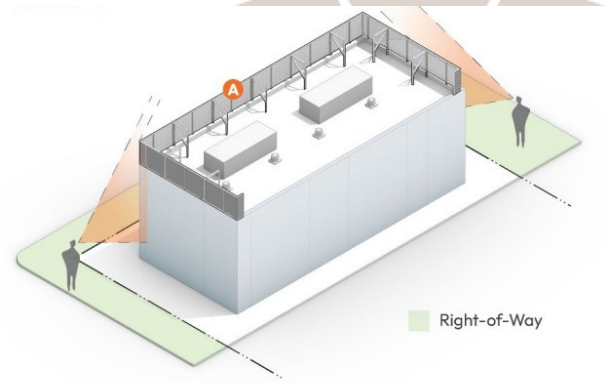
   (2) **Installation Height.** Plantings shall be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.

   (3) **Fences or Walls.** Fences or walls may be used for screening Utility Service Areas shall be opaque, of the same material of the principal building, and be of a height and width equal to or greater than the utility service structures that are being screened.

   (1) A**lternatives.** If, due to site constraints or utility provider restrictions, it is not possible to screen ground or wall-mounted mechanical equipment in accord with the requirements above, the Village Planner may approve an alternate screening method.

E. **Roof-Mounted Mechanical Equipment.**

1. **General Requirement.** Roof-mounted mechanical equipment (air conditioning units, rooftop mounted equipment) shall be screened from adjacent properties and rights-of-way.



2. Any new buildings shall require a parapet wall or architectural element that screens roof mounted equipment or provide an opaque screen around the rooftop mounted equipment.

SECTION 10.7 RIGHTS OF WAYS

A. **Purpose.** No fences, walls, columns or retaining walls shall be located within any public or private right-of-way unless approved by the Village, or other owner of the right of way.

1. For structures proposed within the public right-of-way, the Village reserves the right to require submittal of an application for a Right-of-Way Encroachment Permit in accord with *Chapter 4. Approvals, Variances, and Administrative Appeals* of this Ordinance by the applicant with approval by the Village prior to the encroaching structure being constructed.

2. All structures are limited to a maximum height of thirty (30) inches above grade. These structures do not require a Development Permit.

CHAPTER 11 PARKING, ROADWAY, AND ACCESS

SECTION 11.1 PURPOSE AND SCOPE

The purpose of this Chapter is to regulate vehicle, pedestrian, and bicycle access and mobility in the Village of Pinehurst by:

A. Supporting the ease of movement through a connected transportation system to improve daily life, encourage economic growth, and allow for quick emergency response.

B. Relieving traffic congestion on streets by limiting curb cuts and promoting alternative modes of transportation.

C. Providing adequate, but not excessive, off-street parking.

SECTION 11.2 OFF-STREET PARKING DESIGN AND REQUIREMENTS

SECTION 11.2.1 PURPOSE AND SCOPE

A. **Purpose:** The purpose of this Section is to ensure the Village has adequate parking and loading regulations proportional to community needs. This Section intends to:

1. Recognize parking and loading demands of uses.

Chapter 11. Parking, Roadway, and Access 272
Section 11.1 Purpose and Scope 272
Section 11.2 Off-Street Parking Design and Requirements 272

2. Provide a range of adequate parking and loading standards while providing flexibility to developments.

3. Provide for the safe movement of vehicles and pedestrians through off-street parking areas.

4. Minimize excessive areas of impervious surfaces dedicated to parking.

5. Provide for compatibility between parking and loading areas and adjacent uses as may be applicable.

6. Provide for high quality, safe designs that will be compatible with the character and aesthetic well-being of the Village.

SECTION 11.2.2 OFF-STREET PARKING REQUIREMENTS

A. **Parking Spaces Required.** Permanent off-street parking spaces shall be provided as specified by this Section:

1. **New Development.** All new buildings and structures established after the adoption of this Ordinance shall comply with the regulations of this Chapter.

2. **Redevelopment.** Redevelopment of a building and/or site shall require compliance with the regulations established in this Chapter.

3. **Change of Use.** Before approval of conversion from one type of use or occupancy to another if the new use requires additional parking spaces.

4. Such parking spaces may be provided in a parking garage or in an improved open area, shared parking may be permitted in accordance with *Section 11.2.7. Shared Parking.*

5. In the Village Place Form Based District and in the VMU zoning district credit will be given to count toward the minimum amount of parking required for each on-street parking space located within one hundred (100) feet of the front door of each establishment or for each space provided in a public parking lot located within five hundred (500) feet of the front door of the establishment. This measurement shall be as a pedestrian would walk.

B. **Site Plan Requirements.** Each site plan that is submitted to the Village Planner shall include the following information:

1. Number of required and proposed parking spaces.

2. Location of proposed parking spaces, drive aisles, driveways, and access points.

3. Dimensions of all off-street parking and loading spaces and the means of ingress and egress to such spaces.

C. **Minimum Required Spaces:** Each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in *Table 11.1. Minimum Off-Street Parking Requirements Table*.

D. **Timing of Construction:** All parking areas required under this Section shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses which they serve.

E. **Compact Spaces:** Up to twenty percent (20%) of the total number of required parking spaces may be provided as compact spaces. Compact spaces shall not be less than eight (8) feet in width and 15 feet in length. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

F. **Accessible Parking:** Accessible parking spaces must be provided in compliance with the Americans with Disabilities Act (ADA) in the amounts shown in Table 11.1.

1. Accessible parking spaces must have access aisles that are clearly marked, the same length as the space, and level with the parking space.

2. Car Accessible Parking Spaces must be:

(1) At least 96 inches wide.

(2) Access aisle at least 60 inches wide.

(3) Have no more than a 2.08% slope in all directions.

(4) Have a surface that is firm, stable, and slip resistant.

(5) Include a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (measured to the bottom of the sign).

3. Van Accessible Parking Space must be:

(1) At least 132 inches wide.

(2) Access aisle at least 60 inches wide.

(3) Have no more than a 2.08% slope in all directions.

(4) Provide at least 98 inches of vertical clearance (van height) for the parking space, access aisle, and vehicular route.

(5) Have a surface that is firm, stable, and slip resistant.

(6) Include two signs, mounted at least 60 inches above the ground (measured to the bottom of the sign).

i. International symbol of accessibility

ii. Sign stating the space is van accessible.

Table 11.1 Number of Required Accessible Parking Spaces per Lot

	Number of Handicap-Accessible Spaces		
Total Parking Spaces	**Standard Accessible**	**Van-Accessible**	**Total (Standard + Van)**
1-25	0	1	1
26-50	1	1	2
51-75	2	1	3
76-100	3	1	4
101-150	4	1	5
151-200	5	1	6
201-300	5	2	7
301-400	6	2	8
401-500	7	2	9
500-1,000	5 out of every 6 Accessible Parking Spaces	1 out of every 6 Accessible Parking Spaces	2% of total provided parking
1,000+	5 out of every 6 Accessible Parking Spaces	1 out of every 6 Accessible Parking Spaces	20 plus 1 for each 100 over 1,000

G. **Minimum Parking Standards.** Table 11.2 establishes the minimum parking standards for development within the Village of Pinehurst.

Table 11.2 Minimum Off-Street Parking Requirements Table

Use Types	Minimum Required Parking
RESIDENTIAL	
Single Family Dwelling	2 per dwelling unit
Two Family Dwelling	2 per dwelling unit
Multi-Family Dwelling	1.5 spaces per each one-bedroom unit 2 spaces per each two-bedroom unit 3 spaces per each three-bedroom unit 4 spaces per each four-bedroom unit Guest Spaces – 0.25 per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Triplex/Quadruplex	2 per dwelling unit + 0.25 guest spaces per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Townhouse/Clustered Dwellings	2 per dwelling unit + 0.25 guest spaces per dwelling unit. Guest parking shall be distributed proportionally throughout the site.
Family Care Home (6 or fewer residents)	1 per bedroom
Dwelling-Mixed Use	1.5 per unit (or provided as shared parking)
Manufactured Housing	2 per dwelling unit
Congregate Care	1 per employee on largest shift + 0.25 per bed
Continuing Care Retirement Community	1.5 per individual dwelling unit + 1 per employee on the largest shift + 1 per 200 sf used by the public
Residential Care Facilities (More than 6 Residents)	1 per 4 residents plus 1 per staff person largest shift
LODGING	
Bed and Breakfast Homes	1.5 per guest room
Hotel	1 per guest room plus 1 per 800 sf of assembly space, plus additional spaces for restaurants or other facilities (as noted in this Table).
Short Term Rental	1 parking space per guest room

Use Types	Minimum Required Parking
OFFICE/SERVICE	
Banks, Credit Unions, Financial Services	1 per 300 square feet of gross floor area
Business Support Services	1 per 300 square feet of gross floor area
Dry Cleaning & Laundry Services	1 per 200 square feet of gross floor area
Funeral Home	1 per 300 square feet of gross floor area
Medical Clinic	1 per 250 square feet of gross floor area
Medical Office	1 per 250 square feet of gross floor area
Office	1 per 300 square feet of gross floor area
Personal Services	1 per 250 square feet of gross floor area
Post Office	1 per 250 square feet of gross floor area
Professional Services	1 per 300 square feet of gross floor area
Radio/TV Studio	1 per 500 square feet of gross floor area
Small Equipment Repair/Rental	1 per 300 square feet of gross floor area
Small Engine Repair/Sales	1 per 400 square feet of gross floor area
Veterinary Services/Indoor Kennels	1 per 250 square feet of gross floor area
COMMERCIAL/ ENTERTAINMENT	
Sexually Oriented Business	1 per 400 square feet of gross floor area of retail and one per three seats for entertainment areas
Alcoholic Beverage Sales Store	1 per 200 square feet of gross floor area
Amusements, Indoor	1 per 300 square feet of gross floor area
Bar/Tavern/Night Club	5 per 1,000 square feet
Garden Center	1 per 400 square feet of gross floor area plus 1 per 5,000 square feet of outdoor display area
General Retail	4 per 1,000 square feet of gross floor area
Golf Course	4 per green plus 1 per staff person during largest shift plus one per tee (including driving range). This requirement may be reduced by up to fifty percent for private golf courses with verified parking reduction request.

Use Types	Minimum Required Parking
COMMERCIAL/ENTERTAINMENT	
Outside Sales	1 per 300 square feet of enclosed floor area plus 1 per 5,000 square feet of outdoor display area
Restaurant	5 per 1,000 square feet
Theater, Indoor (Movie or Live Performance)	1 per 3 seals based on design capacity
Vehicle Sales, Rental, Service, Repair	5 spaces per service bay, plus 1 space per employee on largest shift
CIVIC	
Civic/Cultural Facilities	1 per 300 square feet gross floor area
Community Shared Facilities	1 per 300 square feet gross floor area
Country Club	1 per 200 square feet of area within enclosed Buildings (1 per 3 seats of meeting space based on design capacity)
Private Clubs	1 per 4 seats of meeting space based on design capacity
Meeting Facilities/Event Venues	1 per 4 seats of meeting/event space based on design capacity
Public Safety Station	1 per employee of largest shift plus one per parked work vehicle/equipment plus one per 1,000 square feet gross floor area.
Recreation Facilities, Indoor	1 per 200 square feet of gross floor area plus 1 per employee of largest shift.
Recreation Facilities, Outdoor	1 per 200 square feet plus 20 per designated athletic field.
Swimming Pool	1 per 75 square feet of water area
Tennis, Pickleball, or Racquet Court	3 per court
Golf Driving Range	1.5 per tee
Marina	1 per every 2 slips plus one space per staff person on the largest shift
Other Active Outdoor Areas	25 per field/recreation area or 2 per participation station
Other Passive Outdoor Areas	5 per acre

Use Types	Minimum Required Parking
CIVIC	
Park	no requirement
EDUCATIONAL/ INSTITUTIONAL	
Child/Adult Day Care Center	1 per 400 square feet of gross floor area
Community Support Facility	1 per 300 square feet of gross floor area plus 1 per staff person largest shift
Hospital	1.5 per bed plus 1 per staff person largest shift
Ambulatory Health + Emergency/Urgent Care Facility	1 per 400 square feet of gross floor area
Religious Institution	1 per 3 seats in main assembly area based on design capacity
Schools- Elementary & Secondary	2 per classroom except for high schools which shall have 4 per classroom.
Schools - Vocational/Technical	1 per 100 square feet of gross floor area
Studio - Art, Dance, Martial Arts, Music	1 per 300 square feet of gross floor area
AUTOMOTIVE	
Fueling Station	1 per fuel pump
INDUSTRY/WHOLESALE/STORAGE	
Artisan Workshops	1 per staff person largest shift
Manufacturing/Wholesale/Storage	.25 per 1,000 square feet of non-office space
Landfill/Waste Recovery Facilities	1 per staff person largest shift
Recycling Collection Stations Municipal	1 per staff person largest shift
AGRICULTURE	
Farming/Animal Production	no requirement
Horse Farm & Training Track	no requirement
Nurseries	1 per staff person largest shift
Gardens (Community and Private)	2 minimum plus 1 per staff person
INFRASTRUCTURE	
Parking Structure	no requirement

Use Types	Minimum Required Parking
INFRASTRUCTURE	
Parking Lot – Principal Use	no requirement
Telecommunications Facilities	1 per facility
Utilities - Moore County and VOP	1 per facility
Utilities - All Other	1 per facility
ACCESSORY USES	
ATM	2 per non-bank location
Beekeeping	no requirement
Cemetery	no requirement
Child/Adult Day Care Home Occupations	no requirement
Farmer's Markets	1 per 1,000 square feet of area used for storage, sales, or display: may be fulfilled with approved shared parking (per *Section 11.2.7. Shared Parking)*
Concealed Wireless Telecommunication facility	no requirement
Home Occupation	no requirement
Pet Houses and Pet Runs	no requirement
Playground Equipment	no requirement
Accessory Buildings	no requirement
Accessory Dwelling Unit	1 per unit
Accessory Structure	no requirement
TEMPORARY USES	
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	as required for principal uses above
Temporary Expansion of School Facilities	as required for principal uses above
Temporary Real Estate Offices	1 per 300 square feet of gross floor area

Use Types	Minimum Required Parking
TEMPORARY USES	
Model Homes	2 per model home
Yard Sales	no requirement

SECTION 11.2.3 OFF-STREET PARKING DESIGN AND LOCATION

A. **Arrangement.** Off-Street parking shall be arranged so that vehicles may be parked/unparked without moving other vehicles.

B. **Encroachment.** All parking areas shall be located and designed to avoid unnecessary backing onto public streets and alleyways.

C. **Sight Distances.** To facilitate safer vehicle circulation within parking lots, shrubs shall be pruned to a maximum height of forty-two (42) inches. Tree limbs shall be pruned to no lower than seventy-two (72) inches from the ground.

D. **Driveways.** Driveways, drive aisles, and joint access easements must not be used for parking vehicles except for single-family and two-family residential.

E. **Wheel Stops.** Each exterior parking space shall be provided with curbing, a tire stop, or, in the case of unpaved spaces, railroad ties or similar material as set forth in the Village of Pinehurst Engineering Standards and Specifications Manual, interior parking spaces may be exempt from curbing and wheel stops.

F. **Pavement and Gravel.** A minimum of seventy-five percent (75%) of all parking areas shall be paved. Twenty-five percent (25%) of parking areas may be graded gravel. All parking areas shall be in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual. Parking areas serving public park facilities owned and operated by the Village of Pinehurst may consist of one hundred percent (100%) graded gravel.

    1. Alternate paving systems for parking areas may be approved by the Village Planner, in consultation with the Village Engineer, based on site conditions, performance factors and emergency access requirements.

G. **Dimensions.** All parking spaces, aisles between parking spaces, and parking space modules, shall meet the minimum dimensional requirements and geometric design standards set forth in the Village of Pinehurst Engineering Standards and Specifications Manual.

H. **Landscaping and Buffering.** Each parking area shall meet all applicable landscaping, screening, and buffering requirements set forth in *Chapter 8. Landscaping and Buffering Requirements*.

I. **Other Uses.** The parking area may be used only for parking and not for any type of loading, sales, storage, repair work, dismantling, or servicing of vehicles except as otherwise may be permitted by this Ordinance.

J. **Village of Pinehurst Recreational Facilities.** Parking associated with Village of Pinehurst passive recreation facilities may be provided as on-street parking.

K. **On-Street Parking.** Where on-street parking is permitted, the on-street spaces directly along a parcel's frontage for any use except a single-family dwelling may count toward the minimum parking requirement.

SECTION 11.2.4 BICYCLE PARKING

A. **Bicycle Parking Requirements**: Bicycle parking shall be provided for all new non-residential and multi-family developments. Bicycle parking shall meet the following standards:

1. A minimum of four (4) bicycle parking spaces shall be required for all new non-residential uses.

2. A minimum of one (1) bicycle parking space shall be provided for every ten (10) dwelling units in multi-family developments, up to a maximum requirement of thirty (30) bicycle parking spaces. This may be achieved through bicycle racks that are not publicly accessible (i.e. not located on the street) and may be installed interior to a parking garage or dedicated bicycle parking room of the multi-family development.

B. **Bicycle Parking Design Standards.**

1. Bicycle parking shall be located no further than fifty (50) feet from a pedestrian entrance in a visible and convenient area that is well-lit.

SECTION 11.2.5 GOLF CART PARKING

A. For all new commercial and multi-family residential development, up to five percent (5%) of vehicle parking spaces provided may be designated for golf cart parking. Additional golf cart parking spaces for recreational uses may be permitted by the Village Planner.

B. **Requirements.** Golf cart parking shall meet the following standards:

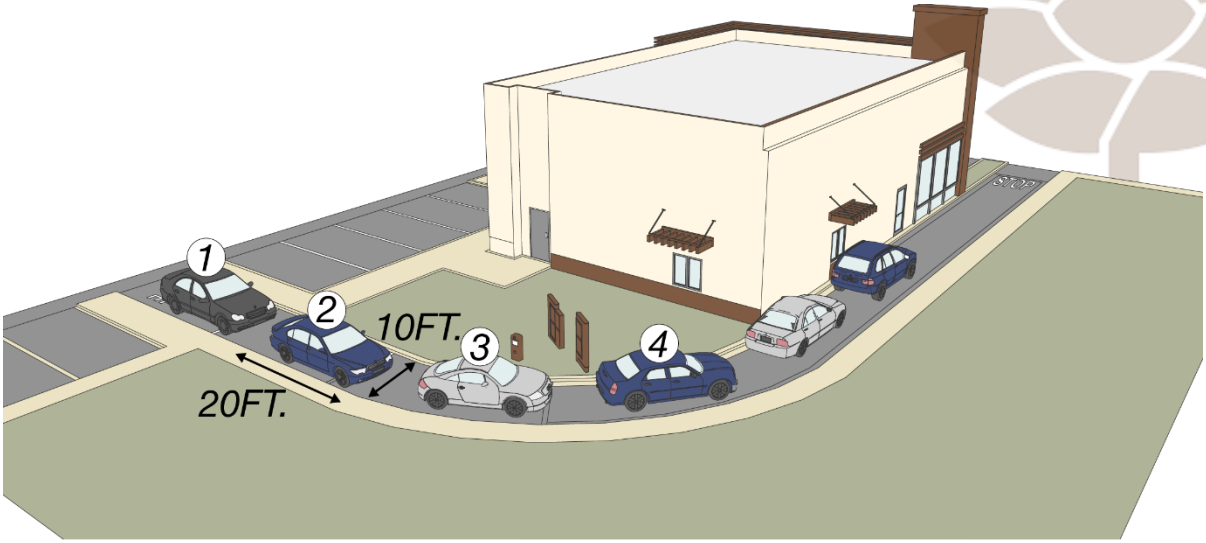
1. Golf carts are subject to the same parking regulations as traditional motor vehicles.
2. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles or in parking spaces specifically dedicated for golf cart parking.
3. Golf cart parking spaces shall measure no less than 6’ x 10’.

SECTION 11.2.6 VEHICLE STACKING REQUIREMENTS

A. **Stacking.**

1. Adequate space must be made available on-site for the stacking, storage, and queuing of vehicles.
2. A stacking space shall be a minimum of ten (10) feet by twenty (20) feet.
3. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets, sidewalks, and crosswalks by vehicles or pedestrians.
4. A restaurant with drive-through facilities must provide a minimum of eight (8) stacking spaces for vehicles when one drive-through lane exists and six (6) spaces at each drive-through when more than one last exists, measured from the pick-up window.
5. Any use with fueling station islands must provide a minimum of 30 feet of stacking space from each end of the island.
6. Other uses that include drive-through facilities such as banks, pharmacies, and similar uses, must provide a minimum three (3) stacking spaces per dedicated drive-through lane.
7. A design alternative may be approved by the Village Planner for a reduced number of stacking spaces if market demand does not require the minimum stacking spaces required per this Section. A narrative and analysis detailing the proposed use and similar establishments within North Carolina shall be required, provided by a Professional Engineer licensed in the State of North Carolina.

Figure 11.1 Stacking Requirements



SECTION 11.2.7 SHARED PARKING

A. One parking lot may contain required spaces for several different uses; however, the required parking spaces assigned to one use may not be counted or assigned to another use, unless otherwise allowed in this Section.

B. The Village Planner may approve the joint use of parking spaces when the peak usage of the available parking by one use will be at night or on Sundays (such as with theaters, assembly halls, or churches), and the peak usage of the available parking by the second use will be other times.

C. To qualify as shared parking for an establishment, spaces must be within 500 feet of the main entrance.

D. Shared parking is permitted by agreement only. The agreement must:

1. Demonstrate that the express legal right to use the parking spaces in question has been obtained.

2. Include a Shared Parking Calculation that specifies the parking being shared and the hours of operation by the uses involved.

3. Be recorded with the Moore County Register of Deeds upon approval.

4. Be enforceable by the Village and approved by the Village Planner and the Village Attorney.

E. An affidavit stating that the shared parking agreement is valid shall be submitted to the Village Planner if any change in use or hours of operation of the affected properties has occurred.

F. A violation shall occur if a use is operated at a time other than during the hours of operation specified in the shared parking agreement. The Village Planner may revoke the Certificate of Use or Occupancy for any use operated in violation of a shared parking agreement.

G. Should there be a change in owners, changes in use, expansion or reduction in building or parking area, a new shared parking agreement as detailed in Section D above shall be submitted to the Village and additional parking may have to be provided as required by this Ordinance or the permit shall be revoked.

SECTION 11.2.8 SATELLITE PARKING

A. Satellite parking may be permitted, subject to certification by the Village Planner that the following requirements have been met:

1. The use being served by the off-site parking shall be a permitted principal use, as was established in *Chapter 6. Zoning Districts and Dimensional Standards,* in the same zoning district within which the lot containing such parking is located.

2. The off-site parking spaces shall be located within 500 feet walking distance, and accessible by sidewalks or other designated safe walkways.

B. Should there be a change in owner, change in use, expansion or reduction in building or parking area, the applicant will have to demonstrate continued compliance through the satellite parking and/or provide additional parking as required by this Ordinance or the development permit shall be revoked.

CHAPTER 12 LIGHTING STANDARDS

SECTION 12.1 PURPOSE AND SCOPE

A. **Purpose and Intent**. The purpose of this Section is to regulate the intensity of outdoor and exterior lighting of non-residential development and establish standards to minimize the adverse impacts of excessive light intensity. The intent of these standards is to:

1. Prevent light from non-residential and commercial developments from excessively illuminating other properties and street rights-of-way.
2. Create and maintain a minimum standard for outdoor lighting.
3. Provide visibility for the safety of motor vehicles and pedestrians.

B. **Applicability**.

1. Approval of an exterior lighting plan shall be a prerequisite to the issuance of a development permit.
2. The following standards are required of all exterior lighting except for streetlights, property owned by the Village of Pinehurst, outdoor recreational uses operated by the Village of Pinehurst or Moore County and those located in RD Districts, except for golf driving ranges and golf courses.

Chapter 12. Lighting Standards . 286
Section 12.1 Purpose and Scope 286
Section 12.2 Standards 287

SECTION 12.2 STANDARDS

A. *Table 12.1 Specific Lighting Standards* defines specific standards for lighting intensity based upon the land use involved. Values are presented in foot-candles (fc) maintained at grade (measured horizontally) and are to be averaged throughout the site to ensure minimum intensity at the edge of the development area. Where a single development occupies multiple lots, the maximum illumination shall be required around the perimeter of the development.

Table 12.1 Specific Lighting Standards

Use	Maximum	Maximum Height
Pedestrian areas/sidewalks	1.0 fc	12 ft - 15 ft
Building entries	10.0 fc	
Street lighting	1.0 fc	30 ft
Open parking areas	3.6 fc	30 ft
Playgrounds	5.0 fc	
Site perimeter	0.5 fc	12 ft - 15 ft

SECTION 12.2.1 MEASURING LIGHTING STANDARDS

Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

SECTION 12.2.2 LIGHTING PLAN

All applicable development per this Section shall provide a lighting plan to be reviewed in conjunction with the application for a development permit in accord with *Chapter 3. Decision Making Bodies*. Lighting plans, required to be provided by a licensed engineer, at minimum, shall comply with the following:

A. All proposed and existing buildings on the site.

B. Pedestrian and vehicular areas.

C. The horizontal location of all proposed and existing outdoor lighting fixtures, including pole and wall-mounted fixtures.

D. Mounting heights of each fixture.

E. Overall height of each pole above grade.

F. Fixture details.

G. Location of externally illuminated signs and associated fixtures.

H. The location of all architectural and landscape lighting fixtures.

I. A foot-candle plan that provides typical foot-candle contours and a point photometric grid that indicates foot-candle levels measured at grade across the site and measuring up to 3 feet off site.

J. Maximum, average, and minimum site foot-candles, uniformity ratio (average and minimum), and deprecation factors are also required.

K. The plan must show horizontal illuminance values in foot-candles for the area to be illuminated.

L. Values must be calculated at grade and include contributions from all on-site fixtures.

M. The plan must plot foot-candles of illumination at ground level to the nearest tenth of a foot-candle, and at horizontal grid intervals of no more than ten (10) feet.

N. The plan shall show illumination levels at the lot line (or perimeter of a development, if applicable) to ensure maximum illumination levels are not exceeded.

O. The manufacturer's cut sheets (specifications) for each proposed fixture.

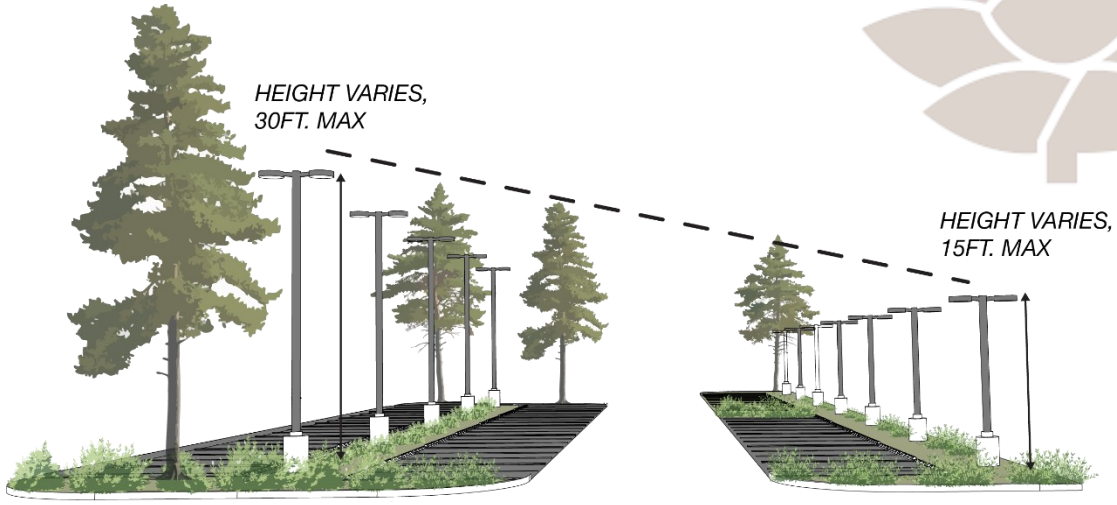
P. Fixture type, including the manufacturer's product identification catalog number, and fixture mounting height.

SECTION 12.2.3 GENERAL DESIGN STANDARDS

A. **Height.**

1. Light fixtures shall be a maximum of thirty (30) feet in height for the lighting of vehicle use areas (such as parking lots or streets) transitioning to twelve (12) to fifteen (15) feet height at the perimeter of the parking area. Taller fixtures are to be located closer to buildings with transitioning heights outward. See Figure 12.1.

Figure 12.1 Parking Lot Lighting Height



2. The Village may require shielding, or other such lighting mitigation measures as it deems appropriate based on the location of the lighting and the adjacent use(s).

3. Light fixtures shall be twelve (12) to fifteen (15) feet in height for pedestrian oriented areas (such as sidewalks, pathways, plazas, and public gathering spaces).

B. **Lighting location.**

1. Lighting fixtures shall be located within landscaped areas when practical, and may not impede pedestrian and or vehicular flows, and be placed to ensure a consistent pattern of light.

2. Outdoor lighting shall be located and operated to minimize the spillover of obtrusive light beyond the boundaries of the property or parcel on which the lighting is sited to prevent annoyance, discomfort, and/or distraction to persons on the other property or parcel.

3. All outdoor lighting fixtures, except for temporary and emergency lighting, that would otherwise cause glare, or obtrusive spill over shall be shielded, recessed or otherwise oriented or treated in such a way to prevent glare or obtrusive spill over.

4. Outdoor lighting shall be placed on the exterior of buildings, along public sidewalks, and at parking lot and building entrances.

SECTION 12.2.4 SPECIFIC DESIGN STANDARDS

A. **External Building Lighting Standards.** External building lighting shall comply with the following standards:

1. Fixtures that decoratively light a building or wall may not light above the parapet of the building or the top of the wall.
2. Landscape and decorative lights are exempt from this subsection.
3. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features.
4. On-site lighting may be used to accent architectural elements but not used to illuminate entire portions of building(s) or sign(s).
5. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 3.0 foot-candles.
6. Building façade and accent lighting will not be approved unless the light fixtures are carefully selected, located, aimed, and shielded so that light is directed only onto the building façade and spillover light is negligible.
7. Motion-activated lighting shall go on only when activated and turn off within five (5) minutes of activation. Motion-activated lighting shall not be triggered by movement off the property.

B. **Parking Area Lighting Standards.**

1. Parking area lighting fixtures may be required to stagger the heights of light fixtures so that the tallest fixtures are in the center of the parking lot, and the lowest heights are at the perimeter of the parking lot.
2. Light fixtures' height shall not exceed thirty (30) feet within the center of a parking area and shall decrease height to twelve (12) to fifteen (15) feet at the boundary of the parking area.
3. Lighting design shall be coordinated with the landscape plan to ensure there are no conflicts.

C. **Pedestrian Lighting Standards.** If pedestrian lighting is provided along internal sidewalks, multimodal paths, civic spaces, and public gathering spaces; it shall meet the following standards:

1. Bollard or path lighting shall not exceed four (4) feet in height.

2. Pedestrian lighting shall provide at least 1.0 foot-candle of illumination and shall not exceed 2.0 foot-candles.

D. **Sign Lighting Standards.** All external lighting for signs shall be designed and located to ensure there is no spillover light. Signs shall follow *Chapter 13. Sign Standards*.

SECTION 12.2.5 GENERAL AESTHETIC STANDARDS

Lighting shall be designed to be uniform throughout a subdivision or development, including the design of light structure and light color.

SECTION 12.2.6 GLARE AND INTERFERENCE

Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

A. Unless otherwise permitted, all lighting shall be beamed downward and away from neighboring property and public streets.

B. All lighting shall be located so that glare and interference with other parcels does not occur.

C. All outdoor lighting fixtures, including display lights, shall be turned off after close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum necessary.

SECTION 12.2.7 DEVELOPMENT

An outdoor lighting plan shall be included in all development permit applications in accord with *Chapter 4. Approvals, Variances, and Administrative Appeals.*

A. The spacing of light shall be provided in the lighting plan submitted by the applicant in cooperation with the electric utility company.

B. All proposed outdoor lighting shall be beamed down and away from adjoining property and streets unless a modification is approved by the Village Council.

SECTION 12.2.8 LIGHTING STANDARDS FOR UNIQUE USES

A. **Sports fields**. Lighting for sports fields and outdoor courts is typically in excess of general outdoor lighting levels. Recreation lighting levels established by the Illuminating Engineering Society of North America (IESNA) are to be used as the standard. Higher lighting levels for tournament or high league play are sometimes required and must be approved by the Village Planner. All sports fields or tennis/pickleball/basketball courts must meet the following minimum standards:

1. Fixtures must be fitted with manufacturer's glare control package.

2. Lighting shall be extinguished no later than one (1) hour after the event ends.

3. Fixtures must be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.

4. Sports fields may have lighting fixtures of a maximum eighty (80) feet in height. The Village Planner may set a shorter pole height if the specific recreational use does not require the taller pole.

5. Spillover illumination levels at the field property lines shall not exceed 0.5 foot-candles.

B. **Convenience store with fuel pumps.** For convenience stores with fuel pumps (i.e. gas station), all light fixtures mounted on the lower surface of canopies must be fully shielded in and of themselves (canopy edges do not qualify as shielding). Light fixtures mounted on canopies may be recessed so that lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to seventy degrees (70°) or less from vertical.

1. The light source shall be metal halide, low-pressure sodium, or high-pressure sodium (maximum of 150 watts).

2. Lighting levels shall be no greater than 20.0 foot-candles under the canopy and no greater than 15.0 foot-candles at the edge of the canopy.

3. Areas outside the service station pump island canopy shall be illuminated so that the maximum horizontal luminance at grade level is no more than 10.0 foot-candles.

SECTION 12.2.9 PROHIBITED LIGHTING

A. **Flashing Lights.** Lights that flash, move, rotate, blink, flicker, vary in intensity or color, or use intermittent electrical pulses are prohibited. Such techniques used for signs that are internal to a building and located behind windows visible from an adjacent right-of-way are not exempt from this requirement.

B. **Floodlights.** Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the site plan.

C. **Tube/Rope Lighting.** Tube lighting in the form of neon or rope lighting is prohibited on building exteriors and along façade trims where it defines a window, door, or

elevation. The utilization of tube lighting behind windows is exempt from this requirement.

D. **Traffic Control.** Lighting that is similar to or could be confused as being a traffic control device are prohibited.

CHAPTER 13 SIGN STANDARDS

SECTION 13.1 PURPOSE AND INTENT

A. The purpose of this Section and the other sign standards contained in this Chapter is to support and complement the various land uses allowed in the Village of Pinehurst by the adoption of standards concerning the placement of signs. These standards are adopted under the zoning authority of the Village to achieve the following:

1. To encourage the effective use of signs as a means of communication in the Village while preserving the rights of free speech under the First Amendment to the United States Constitution.

2. To maintain and enhance the aesthetic environment.

3. To improve pedestrian and traffic safety.

4. To minimize the possible adverse effect of signs on nearby public and private property.

SECTION 13.2 GENERAL REQUIREMENTS

A. **Permits Required**

1. Except as otherwise stated in this Section, signs which are allowed under this Section shall not be erected until and unless the person erecting the sign or the property owner has obtained a Development Permit pursuant to this Ordinance and, where required by the State

Chapter 13. Sign Standards..... 294
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Building Code, a Building Permit from the Planning and Inspections Department.

2. All signs requiring a Development Permit shall be reviewed and approved by the Village Planner prior to said permit, with the exception of proposed signage located within the Historic Preservation Overlay District, which also shall be reviewed and approved by the Historic Preservation Commission or designated staff (COA required).

3. Where the land use which the sign serves requires site plan approval or subdivision plat approval, a temporary or permanent sign denoting the name of the development shall not be permitted or erected on any tract or parcel of land until and unless the site plan or subdivision has received approval from the Village in accordance with the procedures set forth in this Ordinance.

B. **Alteration of Sign Face.** Repainting of a sign, if in conformance with the applicable standards of this Chapter, shall be considered maintenance or repair and shall not require a permit. The changing of tenant name panels on multiple-tenant development signage shall not require a permit.

C. **Compliance Required.** Existing nonconforming signs shall be brought into full compliance subject to the requirements of *Section 2.4. Nonconforming Signs*.

D. **Calculating Sign Face Area.**

1. The sign face is calculated as the entire area within a regular geometric figure, including all elements of the display, including incidental or changeable copy signage, frames, display of identification or licensing required by any agency, and structural elements.

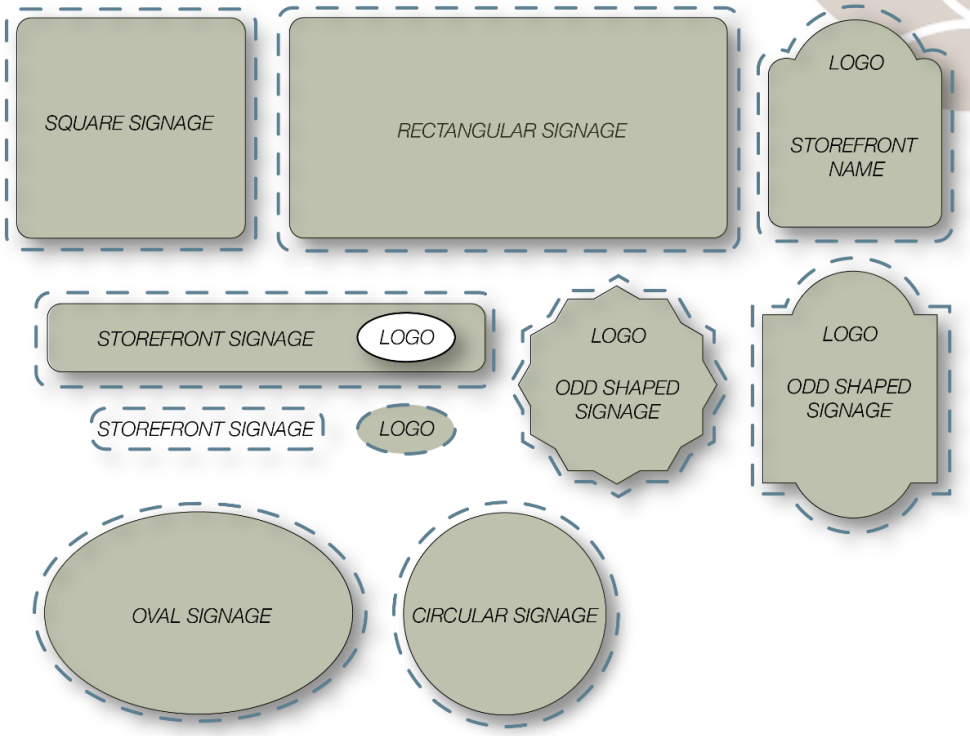
2. The supporting structure shall not be included within the calculation of the sign face area unless otherwise indicated in this Ordinance.

3. In the case of signs mounted back-to-back, only one side is to be included in the calculation of the face area. In all other cases, the face area of each sign is to be calculated separately.

4. For multi-faced signs, the area shall be calculated by adding the area of all faces.

5. For cylindrical signs, such as cubes or other signs which are substantially three-dimensional with respect to their display, all display surfaces should be included in the computation of the face area.

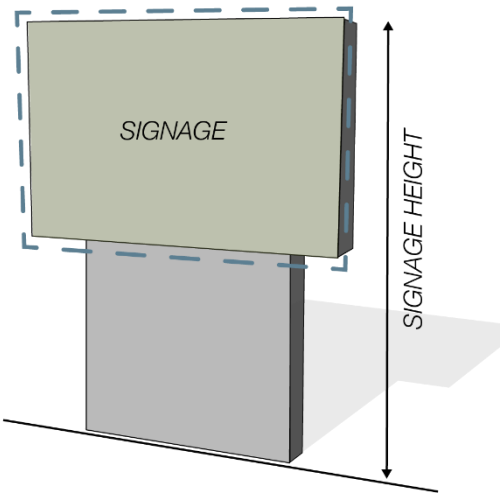
6. If a sign is attached to an entrance wall or fence, only that portion of the wall or fence on which the sign face is placed shall be calculated in the face area.



E. **Calculating Sign Height.**

1. Sign height shall be calculated as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and has lot frontage, whichever is higher, to the top of the highest component of the sign.

2. The finished grade shall be the grade after construction, exclusive of any fill, berms, mounding, or excavating solely for the purpose of locating the sign.



F. **Calculating Wall Area (Sign Measurement)**

1. For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which is determined as follows:

   (1) The area of all parallel vertical surfaces along a single building elevation shall be counted as one wall.

(2) The front of each unit of a multi-tenant building shall be counted as a separate wall.

(3) In cases where a single tenant occupies two or more individual tenant spaces in a multi-tenant building, each tenant shall only be permitted one wall sign. Calculation of the wall area for the purposes of sign area measurement shall include all the units occupied by the tenant.

(4) The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is more parallel with.

(5) A 45-degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.

G. **Location.** Types of signs are authorized by this Section are permitted in zoning districts as provided in *Section 13.4 Permitted Signs by Zoning Districts*.

1. No sign structure shall obstruct any cross-visibility area or traffic control device.

2. In the sight triangle, no freestanding sign may exceed 30 inches in height above the established grade of the street property line.

3. No sign structure shall be within ten (10) feet of utility easements and/or overhead power lines.

4. Unless specifically stated otherwise, setbacks are measured from the nearest point on the sign to the nearest point on a property line.

H. **General Sign Design Standards.**

1. **Design.** Permitted signs are defined in this Section with standards provided. All signs shall be constructed in a professional manner and shall be architecturally consistent with the buildings they identify. Signs shall be or appear to be constructed of stone, masonry, metal, ceramic, glass, plastic, or wood. Ground signs shall include base, cap and column in their design. Signs within Form-Based districts shall be subject to additional standards including architectural styles, treatments/finishes, color(s), location, and size. Refer to *Chapter 7. Form Based Districts* for additional standards.

2. **Colors.** Sign colors shall be uniform between the ground sign and the wall sign. Colors shall be within the approved color palette as noted in Appendix A. Fluorescent, metal flake or iridescent colors or prohibited.

3. **Landscaping.** Ground signs shall be placed in a landscaped setting appropriate to the size and scale of the sign, and character of the site. Landscaping shall comply with *Chapter 8. Landscaping and Buffering*.

4. **Sign Construction Standards.** All signs must be erected in compliance with North Carolina building, electrical, and fire codes, where applicable:

   (1) Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.

   (2) Audio components are prohibited as part of any sign with the exception of drive-through menu signs.

   (3) Signs shall comply with North Carolina Building Code requirements so that the sign cannot be moved by wind or other forces of nature and cause injury to persons or property.

   (4) Signs cannot have intentional moving components, i.e. spinning signs.

   (5) Electric signs that have internal wiring, lighting equipment, and/or external lighting equipment shall not be erected or installed until an electrical permit has been obtained from the Planning and Inspections Department. All such wiring shall be installed underground.

SECTION 13.3 PERMITTED SIGN AREA + NUMBER OF SIGNS

A. **Building Signs.** Building signs include wall, window, canopy/awning, and projecting/blade signs. For the purposes of this Section, the maximum area of all building signs shall not exceed the standards below. Additional specific standards are required for each sign type per *Section 13.5. Permitted Signage by Category*.

B. **Freestanding Signs.** Freestanding signs include monument and subdivision signs as defined in this Section. Freestanding signs shall comply with the size standards below. Additional specific standards are required for each sign type per *Section 13.5. Permitted Signage by Category.*

   1. **Residential Districts**.

      (1) Freestanding signs shall be limited to eight (8) square feet on residential single-family lots and a maximum thirty-two (32) square feet on all other lots.

(2) Freestanding signs shall be limited to a maximum of four (4) feet in height.

(3) Community/subdivision signs are excluded from this standard and shall comply with the standards in *Section 13.5. Permitted Signage by Category*.

2. **Non-Residential Districts**

(1) Freestanding signs shall comply with the specific standards in *Section 13.5. Permitted Signage by Category.*

C. **Total Number of Signs.** A tenant/business is permitted a maximum number of signs as identified below. A tenant/business shall be defined as an owner or lease holder of the individual building/unit within a building.

1. **Building Signs**. A total of three (3) building signs may be permitted per tenant/business. Such signs shall be permitted only on a building frontage along a public or private roadway, or along a parking lot serving the building.

Figure 13.1. Illustrative Example of Building Signs



(1) **Building Size**. The total maximum area of building signs shall be based only on the linear feet of the building frontage.

(2) **Local Road.** Building signs may be placed on the portion of the tenant/building space fronting a local road only when that building frontage includes a public entrance.

2. **Freestanding Signs.** A maximum of three (3) freestanding signs are permitted per development, subject to the specific standards for number of street frontages and the type of freestanding sign per *Section 13.5. Permitted Signage by Category.*

SECTION 13.4 PERMITTED SIGNS BY ZONING DISTRICT

A. **Permitted Signs.** Signs subject to the standards of this section are permitted in the following zoning districts per Table 13.1. If a proposed sign type is not listed in Table 13.1, the Village Planner shall determine if the sign is substantially like a sign listed in the table. If it is deemed similar, the standards applied to the proposed sign shall be the standards of the most applicable similar sign. If not, the sign shall be regarded as prohibited.

Table 13.1 Permitted Signs by Zoning District

PERMITTED SIGNS		R5-R210	RMF	VR		NC	HI	HD	OP	VCP	VC		VMU	PC	FBD	RD
BUILDING SIGNS	RESIDENTIAL DISTRICTS				NONRESIDENTIAL DISTRICTS							SPECIAL DISTRICTS				
Wall						P	P	P	P	P	P		P	P	P	P
Canopy/Awning						P	P	P	P	P	P		P	P	P	P
Projecting		P	P	P		P	P	P	P	P	P		P	P	P	P
FREESTANDING																
Monument		P	P	P		P	P	P	P	P	P		P	P	P	P
Subdivision		P	P	P		P	P	P	P	P	P		P	P	P	P
Ground Directory						P	P	P	P	P	P		P	P	P	P
OTHER SIGNS																
Sidewalk															P	P
Window						P	P	P	P	P	P		P	P	P	P
Theatre Marquee						P										
Post & Arm Sign		P	P	P		P	P	P	P	P	P		P	P	P	P
Address/Tenant ID		P	P	P		P	P	P	P	P	P		P	P	P	P

SECTION 13.5 PERMITTED SIGNAGE BY CATEGORY

A. Signage shall be permitted subject to the standards in the tables below.

1. **Attached Sign Standards.**

Table 13.2 Wall Signs

Definition	Flat signs, channel lettering or three-dimensional signs which are painted or attached (parallel or perpendicular) to the wall of a building or structure.			
Districts Where Sign is Permitted	**VC, VCP, VMX, HD, NC, OP, H, PC, RD**			
Dimensional Standards	Maximum Area	VC, VCP, or VMX	HD, NC, or OP	H, PC, or RD
		6 sq ft.	12 sq ft. / 225 sq ft. in the HD on Buildings 3 stories or taller	24 sq ft.
	Maximum Height	Shall not extend above roofline of building.		
	Maximum Number	1 sign per street frontage per tenant.		
Other Requirements	a. Signs shall only contain name and nature of business.			
	b. Signs shall be professionally etched or printed.			
	c. When 6-inch maximum protrusion, bottom of sign shall be no less than 8 ft above grade.			
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3I.			

Example Graphic	

Table 13.3 Window / Door Signs

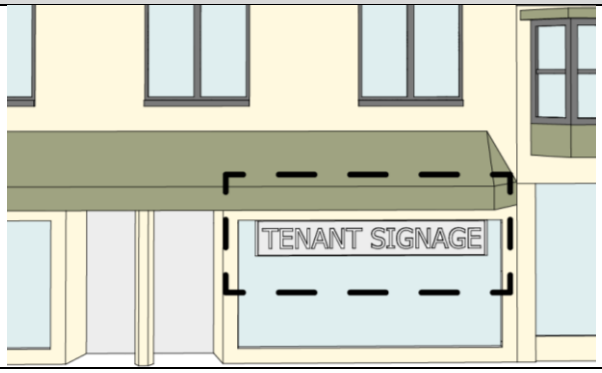
Definition	Flat signs or lettering which are painted or attached to the window of a building or structure.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VC, VMX**	
Dimensional Standards	Maximum Area	20% of the gross glass area, excluding window signs in Sections 13.7 and 13.8
	Maximum Height	N/A
	Maximum Number	1 per street frontage.
Other Requirements	a. Signs shall only contain name and nature of business.	
	b. Signs permitted on windows of minimum size of 30 sq ft.	
	c. Signs shall be professionally etched, painted, or printed.	
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3I.	
Example Graphic		

Table 13.4 Awning / Canopy Signs

Definition	Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VC, VMX**	
Dimensional Standards	Maximum Area	50% of the awning area
	Maximum Height	Canopy/awning signs shall have a minimum clearance of 10’ from the surface below and a maximum height of 4’ above the clearance.
	Maximum Number	1 per awning.
Other Requirements	a. Shall be limited to business identification only.	
	b. Only awnings on the ground story may contain signs.	
	c. Sign materials shall be of similar style and compliment the building façade material.	
Example Graphic		

Table 13.5 Theatre Marquee Signs

Definition	Three-dimensional signs projecting from the side of a building which may extend above the roof line and/or incorporate changeable type.	
Districts Where Sign is Permitted	**Theatres Only.**	
Dimensional Standards	Maximum Area	200 sq ft.
	Maximum Height	N/A
	Maximum Number	1 per theatre
Other Requirements	a. Such signs must be perpendicular to the façade of the building, or at a 45-degree angle from the corner of the building	
Example Graphic		

Table 13.6 Projecting, Suspended Signs

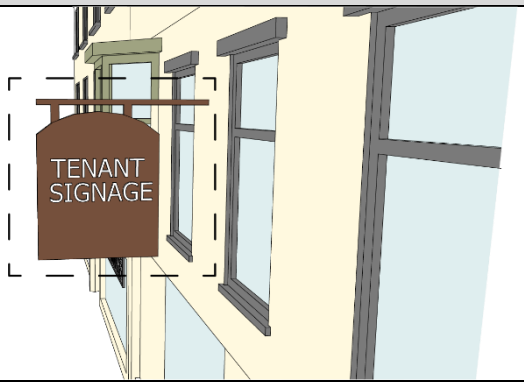
Definition	Pedestrian-scaled signs on the first floor of a building mounted to the side of the building or underside of a balcony or arcade which can be read from both sides.	
Districts Where Sign is Permitted	**All Districts.**	
Dimensional Standards	Maximum Area	4 sq ft per side
	Maximum Height	No sign shall extend above roofline
	Maximum Number	1 per tenant.
Other Requirements	a. All lettering and graphics shall be permanent and shall provide clear pedestrian path up to 8 feet	
Example Graphic		

Table 13.7 Address / Tenant Identification Signs

Definition	Incidental signs that list tenants, unit numbers, address contact information, hours of operation, and similar non-commercial characteristics in a multi-tenant building with common entry.	
Districts Where Sign is Permitted	**All Districts**	
Dimensional Standards	Maximum Area	1.5 sq ft per tenant, owner, location or business. 1 sq ft in the Historic Overlay District.
	Maximum Height	10 ft.
	Maximum Number	1 per tenant.
Other Requirements	a. Signs on mailboxes and newspaper tubes may be in the right-of-way as per applicable postal regulations.	
	b. Street numbers (only) may be painted on the curb.	
	c. Shall have contrasting color to background material.	
	d. Additional standards and allowances apply for multi-tenant developments according to provisions of Section 13.3I.	
Example Graphic		

Table 13.8 Wall Directory Signs

Definition	A type of signage mounted on a wall in public or commercial buildings to help people navigate the space.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VMU, VC.**	
Dimensional Standards	Maximum Area	2 sq ft
	Maximum Height	N/A
	Maximum Number	1 per building entrance.
Other Requirements	a. All tenants shall be served by a wall sign.	
Example Graphic		

2. **Freestanding Sign Standards**

Table 13.9 Ground Signs

Definition	A sign (also known as monument sign or freestanding sign) that is installed directly into the ground with a supporting structure, has columns on the ends of the sign, and is not attached to a building.			
Districts Where Sign is Permitted	**R5 - R210, RMF, VR, PC, RD, NC, H, HD, VCP, OP, VMX, VC.**			
Dimensional Standards	Maximum Area	R5 – R210, or RMF	VR	PC, RD, NC, H, HD, VCP, OP, VMX, VC.
		16 sq ft total area	6 sq ft total area	16 sq ft, 12 sq ft – single-tenant commercial.
	Maximum Height	4 ft.	3 ft.	5 ft, 4 ft in H, VC districts and single-tenant commercial development.
	Maximum Number	1 or 2 sides of major entrance.		1 per street frontage, but no more than 2 per lot. In HD District up to 2 ground signs may be placed at each vehicular entrance.
Other Requirements	a. May not be used in conjunction with other permanent subdivision signage			
	b. Border or molding shall not exceed 6-inch width.			
	c. Signs with border shall be at least 2ft in either horizontal or vertical direction.			

	d. Mulched, turfed, or grassed area of 50 sq ft required at base of all signs without obscuring the sign message.
	e. Additional standards and allowances apply to residential care facilities and institutions, see Section 13.2.
	f. Border or molding shall not exceed 3-inch width
	g. Sign may be double sided. Additional standards and allowances for multi-tenant developments according to provisions of Section 13.3I
	h. All parts of ground signs (on-premises) must be completely out of any public or private right-of-way and any dedicated access easements.
	i. On premises projecting signs that come within six (6) feet of the edge of a right-of-way should be ten feet above the grade and should not extend into the right-of-way.
	j. Ground signs (on-premises) shall be set back at a minimum of fifteen (15) feet from any structure used exclusively as a residence.
	k. The maximum sign area of ground (on-premises) signs is sixteen (16) square feet. Projecting signs in any zoning district shall not exceed an area of six (6) square feet.
	l. The maximum height of a ground (on-premises) sign shall be five (5) feet, measured from the road to which the sign is oriented or grade of the site, whichever is higher. Where a sign interferes with pedestrian clearance or sight distance, the lowest part of the sign shall be a minimum of nine (9) feet from the grade of the site on which the sign is located. Sign height shall be measured from the highest portion of the copy area.
	m. Ground signs (on-premises) which contain two (2) faces may contain up to the maximum sign area as computed under size requirements in this Section, for each face. Signs with three (3) faces shall contain a minimum of fifteen percent (15%) less sign area for each face than the standard maximum. A sign with four (4) faces shall contain a minimum of thirty percent (30%) less sign area for each face than the standard maximum.
	n. Every zoning lot frontage shall be allowed one on-premises ground or projecting sign per property. If the frontage abuts more than one street, one on-premises ground or projecting sign shall be permitted per street.

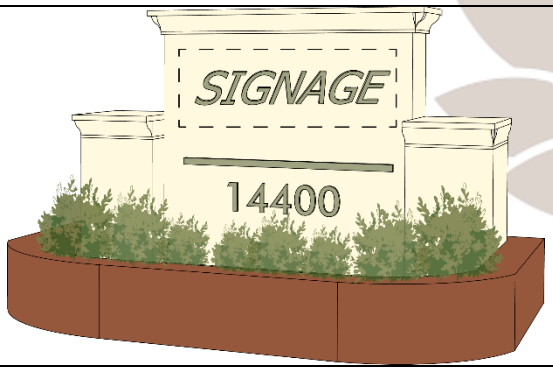
Example Graphic	

Table 13.10 Subdivision Signs

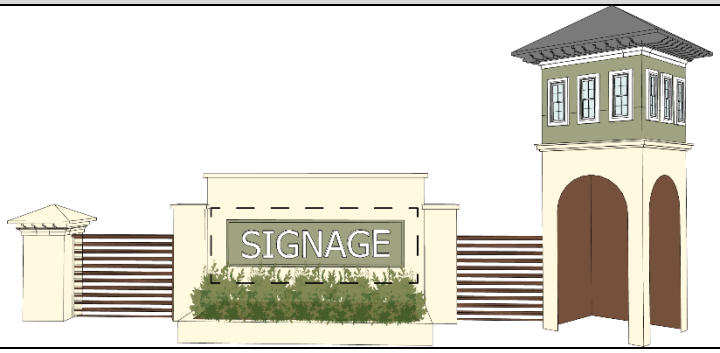
Definition	A ground sign located at the entrance to a subdivision consisting of two or more lots. Subdivision signs shall be located outside all streets rights-of-way, unless permitted by the Village Engineer, and shall not be located on a lot with a principal building.	
Districts Where Sign is Permitted	**Residential and FBD**	
Dimensional Standards	Maximum Area	16 square feet
	Maximum Height	4’
	Maximum Number	One per development entrance.
Other Requirements	a. Minimum setback from lot line - none	
	b. Minimum setback from ROW – 5’	
Example Graphic		

Table 13.11 Post and Arm Signs

Definition	Minor or secondary signs are used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.	
Districts Where Sign is Permitted	**All Districts**	
Dimensional Standards	Maximum Area	4 sq ft per side.
	Maximum Height	4 ft.
	Maximum Number	1 per tenant.
Other Requirements	c. 5 ft minimum front setback and 10 ft minimum side setback.	
	d. No sign shall be located in any required screen yard or within 20 ft from any right-of-way intersection.	
Example Graphic		

Table 13.12 Portable / A-Frame / Sidewalk Sign / Wallboard Sign / Barber Pole

Definition	A sidewalk sign (also commonly referred to as a sandwich board or A-Frame) allows for the display of a message on the sidewalk. Each business is limited to one sidewalk sign, located only in front of the entrance.	
Districts Where Sign is Permitted	**Historic Preservation Overlay District**	
Dimensional Standards	Maximum Area	6 sq ft.
	Maximum Height	4 ft (A-Frame and Pedestal Sign), 3 ft (Wallboard Sign).
	Maximum Number	1 per business.
Other Requirements	a. Sign shall not interfere with pedestrian or vehicular traffic, shall be placed within 12 ft of business main entrance, and shall be removed when business is closed (except for wallboard sign and barber pole).	
	b. Changeable sign shall only be chalkboard or dry erase board.	
	c. Occupant shall obtain historic district approval and development permit from the Village Planner.	
Example Graphic		

Table 13.13 Ground Directory Signs

Definition	A freestanding sign erected on a supporting base, not attached, supported or suspended to or from any building or structure.	
Districts Where Sign is Permitted	**PC, RD, NC, H, HD, VCP, OP, VMU, VC.**	
Dimensional Standards	Maximum Area	15 sq ft max per side, except 6 sq ft max in VC District. 1.5 sq ft per tenant.
	Maximum Height	5 ft, except 4ft in VC and H Districts.
	Maximum Number	1 per building entrance.
Other Requirements	a. All tenants shall be served by a ground sign.	
	b. Border and molding shall not exceed 3 inches and shall be included in total area calculation.	
	c. Signs shall contain only name and/or nature of the business and shall be professionally etched, painted, or printed.	
	d. Comprehensive Sign Plan required per Section 13.12.	
Example Graphic		

SECTION 13.6 SIGNS NOT REQUIRING A PERMIT

The following signs are allowed in all zoning districts, without a Development Permit except where stated, subject to the standards set forth in this section and elsewhere in this Ordinance:

A. **Governmental Signs**

1. Signs posted by the Village, Moore County, State, and Federal agencies in the performance of their duties such as regulatory signs, development/wayfinding signs, welcome signs and traffic signs. Such signs are exempt from these conditions.

2. Signs installed under governmental authority which note the donation of buildings, structures or streetscape materials (such as, but not limited to benches, park facilities, etc.).

B. **Flags, Etc.** Any flag, badge or insignia customarily displayed by any government, governmental agency, or charitable, civic, fraternal, patriotic, religious or similar organization provided such flag, badge or insignia does not exceed a total size of twenty-five (25) square feet and provided that flags in residential zoning districts are not flown at a height greater than twenty (20) feet and flags in non-residential zoning districts are not flown at a height greater than thirty-five (35) feet.

C. **Window Displays**

1. Window signs in non-residential or commercial buildings denoting hours of operation, emergency telephone numbers, credit card acceptance information, or non- neon-like, (including LED lights) "Open" signs shall be no larger than one (1) square feet in total. No window sign type shall be duplicated.

2. Merchandise, pictures or models of products or services that are incorporated as an integral part of a window display.

D. **Building Marker Signs.** A sign cut or etched into masonry, bronze or similar material on a building.

E. **Historical Marker signs**

1. Historical markers, monuments, or signs approved by the Village Council.

2. Signs, corner stones, plaques, and/or similar signs that identify the name, date, or historical information about the structure no larger than one and one-half (1½) square feet.

F. **Legal and Warning Signs**

1. Standard Signs denoting the location of underground utilities.

2. Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.

3. Signs posted in association with Village, Moore County, State or Federal authorities for crime prevention and public safety and health.

4. Signs that are posted upon property to identify private parking areas, or to warn the public against trespassing or danger from animals, or to warn of a private security system provided that no such sign shall exceed 12 inches by 18 inches surface area per side and provided that there are no color regulations. No advertising may be affixed to such a sign.

G. **Occupant/Street Number Signs**

1. Signs that give the name or address of the occupant of a building, mailboxes, newspaper tubes, and similar uses customarily associated with residential and non-residential structures. No development permit is required.

2. All dwellings and non-residential buildings shall have address numbers posted in accordance with Section 95.018 of the Pinehurst Municipal Code.

3. All buildings in the Historic Preservation Overlay District may have a one (1) square foot sign identifying the name of the structure in letters not larger than four (4) inches in height.

H. **Vending Machine/Automatic Teller and Gasoline Pump Signs.** Signs attached to and made an integral part of a vending machine, automatic teller machine or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.

I. **Development Identification Signs.** Development identification signs containing the name and/or logo of a subdivision, multi-family development, or planned development, provided such signs meet the standards of *Section 13.5. Permitted Signage by Category.* A Development Permit is required.

J. **Directional Signs**

1. **Parking Lot Signs**

(1) Only one (1) sign identifying the entrance and exit to a parking lot, with a surface area no greater than two (2) square feet, and only one (1) non-illuminated sign prescribing parking regulations, with a surface area no greater than four (4) square feet may be erected at each entrance or exit to the parking lot. No other signs shall be erected in conjunction with the parking lot except for handicapped signs, parking time limits, and reserved spaces.

2. **Civic Activities Signs**

(1) One (1) ground sign identifying direction to the schedule, rules, and regulations for municipal, school, churches, recreational, and club-sponsored activities, provided that:

(2) The surface area of the sign is no more than six (6) square feet per side.

(3) The sign is located at least five (5) feet from any public or private street right-of-way. Such sign may use manually changeable copy.

(4) A development permit is required. May be separate or incorporated into a ground sign.

3. **All Other Directional Signs**

(1) No more than two (2) signs per entrance or exit shall be permitted.

(2) Directional signs must be located on the premises to which directions are indicated.

(3) Such signs may not exceed three (3) feet in height if freestanding.

(4) Directional signs may not exceed four (4) square feet per face.

(5) Such signs may contain no copy (i.e., company name or logo) other than directional information.

(6) Illumination of such signs shall be as permitted for on-premises signs in the land development district where the sign is located.

K. **Incidental Signs**

1. Signs containing information necessary or convenient for persons coming on premises shall be located on the premises to which the information pertains.
2. No advertising may be affixed to such a sign.
3. Such signs must be single faced only and wholly attached to a building (maybe located on windows or doors).

L. **Small Informational Signs.**

1. Signs not exceeding twelve (12) inches in any dimension that are intended to provide safety, security, or courtesy information on private property, including but not limited to:

   (1) Alarm company notification signs.

   (2) “Curb Your Pet” or pet waste control signs.

   (3) Electric or invisible fence warning signs.

   (4) Similar signs intended for property identification, security, or safety awareness.

   (5) Such signs shall not be illuminated and shall be limited to one (1) per street frontage or access point, unless otherwise required by law or utility provider.

SECTION 13.7 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.** One (1) sign for lots of less than five (5) acres in area and two (2) signs for lots of more than five (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 three (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.** One (1) sign per development entrance not to exceed two (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 three (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.** One (1) sign for lots of less than five (5) acres in area and two (2) signs for lots of more than five (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 three (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 NCGS § 163-166.40 and concluding seven (7) days after the election.

6. **Setback from Edge of Pavement.** 3 feet

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.** One (1) sign-on-lot where sale is located and six (6) 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 three (3) days and in any event must be removed within one (1) day of completion of the event.

6. **Setback from Edge of Pavement.** 10 feet

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 four (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.** One (1) on-site and four (4) off-site.

2. **Maximum Area.** 12 x 18 inches.

3. **Time Duration.** The signs shall be placed on the day of the "open house" and must be removed by the end of the first regular workday 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.** One (1) wall sign or one (1) window sign. Signs permitted by Sections 13.7 and 13.8 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 may obtain a temporary signage permit provided that:

1. **Maximum Number.** One (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.

SECTION 13.8 EXEMPT SIGNS

A. **Local, State, and National Flags.** Local, state, and national flags shall have no limitations.

B. **Job Site Signs.** Signs placed in districts that help contractors identify job sites are permitted provided they shall be removed when that trade is no longer active at the site.

SECTION 13.9 PROHIBITED SIGNS

A. **Prohibited Signs in all Zoning Districts**

1. Any private or unofficial sign or sign structure that is erected, constructed, or maintained in a public or private street right-of-way, except otherwise provided in this Ordinance. Small signs 12” in any dimension or less are permitted along curbs or sidewalks.

2. Any sign that is located within or obstructs a sight triangle at a street or driveway intersection.

3. Any sign that is located in any manner or place to constitute a hazard to traffic.

4. Any moving sign set in motion by wind, except for flags, mechanical, electrical, or any other means except for barber pole signs used in connection with an active barber shop. This shall include, but not be limited to, propellers, balloons, or discs.

5. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity. Any searchlight or similar device.

6. Any illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, or the edges of walls, except for perimeter

down-lighting which is shielded to illuminate open sales areas but not land outside those areas.

7. Any sign that obstructs or substantially interferes with passage through any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building.

8. Portable signs, including any sign painted or displayed on vehicles or trailers if the vehicle or trailer is parked in a location for the primary purpose of displaying the sign, except for signs that are painted on, or attached to commercial vehicles which are not parked for the primary purpose of displaying the sign (excludes A-Frame, wallboard, and pedestal signs located within the Historic Preservation Overlay District (*Section 13.5. Permitted Signage by Category*, *Table 13.12. Portable / A-Frame / Sidewalk Sign/ Wallboard Sign/Barber Pole*).

9. Any sign that copies or imitates an official sign, or that purports to have official status. This shall not include traffic, directional or regulatory signs or notices erected by a federal, state, county, or municipal government agency. This provision shall not apply to commercial developments located within the Pinehurst South Form Based District. These developments may have up to three (3) off-premise signs if both of the following occur:

   (1) The signs are placed on property under common ownership within the development.

   (2) The signs are located within 400 feet of the development.

10. Signs on the roof or above the parapet of a building.

11. Wall or window signs in all residential zoning districts, except for house numbers, historical names, and those signs permitted by *Section 13.5. Permitted Signage by Category*, *Table 13.3. Window / Door Signs.*

12. Changeable copy signs except manually changeable signs as permitted in *Section 13.7. Temporary Signs.*

13. No lighting shall be erected or utilized for temporary signs, except for signs described in *Sections 13.8. Exempt Signs.*

14. Any sign placed on a utility pole, street signpost, traffic signal support, hydrant, bridge, overpass, tree, or rock that is not installed or approved by the Village of Pinehurst.

15. Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited.
16. Sign structures on which no sign is erected are prohibited.
17. Abandoned signs or sign structures must be removed within sixty (60) days of becoming an abandoned sign or sign structure.
18. Signs containing or consisting of pennants, ribbons, streamers, balloons, feather flags, bow signs, or spinners are prohibited.
19. Gas or air-filled balloons, figures, or other inflatable signs.
20. Signs projected onto someone else's property digitally or with lights
21. Unpainted plywood signs.
22. Off-premises signs or signage that advertises goods or services provided on a different lot, tract or site from where the sign is located. This prohibition does not apply to subdivision signs in accord with *Section 13.5. Permitted Signage by Category*, *Table 13.9. Ground Signs*.
23. Outdoor advertising, whether on-or off-premise.

SECTION 13.10 SIGN ILLUMINATION

A. **External Illumination.**

1. Only stationary and shielded light sources directed solely onto the sign are permitted.
2. External illumination shall not shine or provide glare directly on rights-of-way or adjacent residential uses.
3. Flashing and intermittent lights are prohibited. Window signs, interior tube lighting and/or illumination along windows, or signs within an establishment below four (4) square feet are exempted from this requirement.
4. Outline, strip lighting, and neon tube lighting on the exterior of sign structures are not permitted.
5. Flame as a source of light is prohibited.

B. **Internal Illumination.**

1. Only illumination with a designation of “white” or “day lite” shall be emitted.
2. Poles and other support structures shall not be internally illuminated.
3. The letters or message of internally illuminated signs shall consist of non-reflective material.
4. Flame as a source of light is prohibited.
5. In any Residential District, internally illuminated signs are not permitted, except such internally illuminated signs in any Residential District which existed as of the effective date of this Ordinance.

C. Illumination in signs shall not impair the vision of motor vehicle drivers.

D. Signs shall not exceed 0.2 footcandles at the property line.

E. **Awning illumination.** No awning shall be lighted so as to cause the awning to be illuminated. Back lighting of a sign message shall not be allowed. Surface lighting of signage on awnings is allowed provided that the primary function of the lighting is to light the sign message.

Table 13.14 Permitted Signage Illumination by Location

	None Permitted	External Illumination	Internal Illumination
R5 - R210, RMF, VR		•*	
Residential Care Facilities/Churches		•	
RD, H, VCP, VC, VMU, PC		•	
HC, NC, OP, HD		•	•**

* Only ground signs may be illuminated.

** Awning / Canopy signs may not be illuminated internally.

SECTION 13.11 OTHER SIGN REGULATIONS

A. **Removal of Illegal Signs in Right-of-Way and on Public Properties**

1. The Village Planner or designee may remove and dispose of any sign placed on public property or within the right-of-way of any public street.

2. Signs determined to be in violation of this Ordinance and removed from public property, or a public right-of-way, shall be discarded.

3. In addition to other remedies and penalties of this Section, the Village has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

B. **Maintenance**. All signs must be maintained to be safe in their approved, permitted state. Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a permit as long as the sign content, color, and sign size remain the same.

1. Disfigured, cracked, ripped, or peeling paint, poster paper, or other material shall not be permitted.

2. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts.

3. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign message from the street or right-of-way from which it is to be viewed, unless such vegetation is incorporated as a landscape element.

4. No illuminated sign may stand with only partial lighting (i.e. some components dark).

5. Non-commercial messages. Any sign, display or device allowed under this Chapter may contain, in lieu of any other copy, any otherwise lawful non-commercial message.

C. **Abandoned and Unsafe Signs.**

1. Abandoned and Unsafe Signs. Any sign that no longer advertises a bona fide business conducted, or a product sold, and/or is deteriorated/broken/damaged as to cause harm to the public, shall be removed within ninety (90) days per *Chapter 5. Enforcement.*

D. **Signs Associated with All Institutional Uses**

1. **Ground Sign.** One (1) ground sign shall be permitted per street front, not to exceed two (2) total, identifying the name of the respective Institution, subject to the following standards:

   (1) **Maximum Area.** 15 square feet (including molding, which shall not exceed 6 inches in width)

   (2) **Maximum Height.** 4 feet

   (3) **Maximum Length.** 12 feet

   (4) **Illumination.** Sign may be externally or internally illuminated by white light. External lighting shall be shielded.

   (5) **Landscaping.** Sign shall have at least a 2-foot perimeter of landscaped area at the base of the sign.

2. **Wall Sign.** One (1) wall sign shall be permitted, subject to the following standards:

   (1) **Maximum Area.** 32 square feet. If the sign contains only a symbol and no text or other markings, the sign may total 70 square feet.

   (2) **Illumination.** Sign may be externally or internally illuminated by white light. External lighting shall be shielded.

E. **Signs Associated with Gas/Fueling Stations**

1. **Ground Sign.** Establishments that sell gasoline in non-residential districts shall have the following ground signs allowed under this section:

   (1) **Maximum Number.** One (1) sign per frontage with a maximum of two (2) signs

   (2) **Maximum Area.** 12 square feet per side

   (3) **Maximum Height.** 4 feet

   (4) **Border and Molding.** 3 inches and shall be included in total area calculation of a sign.

2. **Price/Directional Signs.** Gasoline prices and/or location of self-service areas may be located at and secured to each pump island and shall have:

(1) **Maximum Area.** 6 square feet per side

(2) **Maximum Height.** 4 feet

(3) **Maximum Length.** 6 feet

3. **Inspection Station.** Where the establishment provides inspection services, an official State of North Carolina inspections sign may be erected on the property.

4. **Canopies.** Signs on gas station canopies are considered to be wall signs and shall be no larger than six (6) square feet.

F. **Drive-Through Menu Signs.** For each establishment with a lawful, permitted use that utilizes a drive-through lane, a maximum two (2) drive-through menu signs shall be allowed for each drive-through lane.

1. Each allowed drive-through sign may be either a freestanding monument sign or an attached sign and shall not exceed forty (40) square feet in sign area and ten (10) feet in height.

2. Drive-through signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.

3. Drive-through signs shall require a permit.

G. **Movie Theaters and Performance Halls.** A changeable copy marquee may apply to either a ground or projecting sign with a fifty percent (50%) addition to the maximum size permitted in the zoning district.

SECTION 13.12 COMPREHENSIVE SIGNAGE PLANS

SECTION 13.12.1 PURPOSE AND INTENT

The purpose of this Chapter is to establish standards and procedures for the review and approval of Comprehensive Signage Plans (CSPs) to ensure coordinated, aesthetically appropriate, and effective signage within multi-tenant developments, large commercial or mixed-use centers, planned developments, and other projects as required. This Chapter is intended to promote visual harmony, reinforce community identity, reduce sign clutter, and protect the health, safety, and general welfare of the public.

SECTION 13.12.1 APPLICABILITY

A Comprehensive Signage Plan shall be required under the following circumstances:

A. **Multi-Tenant Developments.** Any development with three (3) or more separate tenant spaces on a single parcel.

B. **Shopping Centers and Office Complexes.** Any commercial or office development with more than 20,000 square feet of gross floor area.

C. **Special Purpose Campuses.** Institutional campuses (e.g., hospitals, universities).

D. **As Otherwise Required.** When required as a condition of a Conditional Use Permit, Planned Development, or other discretionary entitlement.

SECTION 13.12.3 REQUIRED CONTENT

A Comprehensive Signage Plan shall include the following components:

A. **Cover Sheet and Site Information**

1. Project name, address, and parcel identification.
2. Contact information for the applicant and property owner.
3. Vicinity map and site plan.

B. **Narrative Description**

1. Intent and objectives of the CSP.
2. Description of project type and tenant mix.

C. **Site Plan**

1. Location of all proposed and existing freestanding signs.
2. Location of primary building entrances and vehicular access points.

D. **Sign Inventory Table**

1. Listing of all proposed sign types (e.g., wall, monument, projecting).
2. Dimensions (height, width, area) and materials.
3. Illumination type (internal, external, halo, non-illuminated).

E. **Design Guidelines and Standards**

1. Color palette and typography standards.
2. Construction materials and fabrication details.
3. Mounting techniques and sign placement rules.
4. Illumination specifications and restrictions.

F. **Master Sign Program Matrix.**

1. Allocation of allowable sign area per tenant or building.
2. Provisions for anchor vs. inline tenants (if applicable).

G. **Maintenance Plan.**

1. Description of ongoing maintenance responsibilities.
2. Replacement standards for damaged or aged signage.

SECTION 13.12.4 REVIEW AND APPROVAL PROCESS

A. **Application Submittal.** Applications must be submitted to the Planning and Inspections Department using the approved forms and shall include all items listed in *Chapter 4. Approvals, Variances, and Administrative Appeals*.

B. **Review Authority.** CSPs shall be reviewed and approved by the Village Planner or designee.

C. **Findings for Approval.** The reviewing authority must find that the proposed CSP:

1. Meets requirements of Chapter 13.
2. Ensures consistency in sign design, placement, and scale across the development.
3. Does not adversely affect public safety or the visual environment.

D. **Modifications.**

1. Minor modifications may be approved administratively by Village staff.
2. Substantial changes shall require an amendment to the approved CSP subject to the original approval procedure.

SECTION 13.12.5 RELATIONSHIP TO OTHER SIGN REGULATIONS

A. **Superseding Standards.** An approved Comprehensive Signage Plan may establish alternative standards that supersede the otherwise applicable provisions of the Sign Code, provided they meet the intent and findings required under *Section 13.3. Permitted Sign Area + Number of Signs.*

B. **Code Conflicts.** In the event of a conflict between the CSP and other sign regulations in Chapter 13, the approved CSP shall prevail, unless otherwise determined by the reviewing authority.

SECTION 13.12.6 ENFORCEMENT AND COMPLIANCE

A. **Binding Effect.**

1. All signage within a development subject to a CSP must comply with the approved plan.

2. Deviations shall constitute a violation of this Ordinance and may be subject to enforcement actions as noted in *Chapter 5. Enforcement.*

B. **Expiration.** CSP approvals shall remain valid unless modified or revoked. In the event of phased development, sign implementation shall correspond to the applicable development phase.

CHAPTER 14 LOT AND SUBDIVISION STANDARDS

SECTION 14.1 WATER AND SEWER REQUIREMENTS

A. **General.** All subdivisions and all developments (including single-family dwellings) shall be designed for and connected to Public water or sewer or meet applicable Health Department requirements for on-site systems where Public water or sewer is not required to be provided. The developer shall be responsible for obtaining all necessary permits and approvals for any water or sewer system extensions.

B. **Oversized Water and Sewer Facilities.** The Village, Moore County Utilities or other public utility providers may, in order to serve future development, require the developer to install certain oversized water and sewer improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the developer.

C. **Water Requirements.** Any subdivision or development that has public water system lines available shall be required to extend the public water system throughout the development or the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps, related utility appurtenances and capped service to the property line of each lot as required by the Village Engineering Standards and Specifications Manual and/or other public utility providers. Such systems shall be designed and

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installed to allow for future extension to adjoining property as determined by the Village Engineer in consultation with the Pinehurst Fire Department.

1. The term "available" shall mean that there is an existing public water line of adequate size and water flow and/or pressure within three hundred (300) feet of the outside boundary line of the subdivision or development; or the Village, Moore County Utilities or other public utility provider, at its option, indicates its commitment to extend such a water line within three hundred (300) feet of the property line of the subdivision or development at no cost to the developer and there are no legal or topographic problems that prevent the developer from connecting onto and extending the existing system to the subdivision or development.

    (1) In the event there are phases to the subdivision or development, or the subdivision or development is a part of a larger tract of land owned or under the control of the developer, then in that case public water service shall be deemed to be available if an existing or proposed public water system line extends or will be extended within three hundred (300) feet to the larger tract of land.

2. In the event the Village, Moore County Utilities or other public utility provider elects not to extend a water line of sufficient size, flow, and/or pressure within three hundred (300) feet of the subdivision or development boundary because of topographic features, legal obstacles, or financial reasons, then the developer shall not be required to extend public water lines to each lot nor provide public water service to the subdivision or development.

D. **Sewer Requirements.** Any subdivision or development that has public sewer system lines available shall be required to extend the public sewer system throughout the subdivision or development to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift stations, pumps, clean outs, taps, other related appurtenances and service to the property line of each lot as required by the Village Engineering Standards and Specifications Manual and/or other public utility provider.

1. The term "available" shall mean that there is an existing public sewer line of adequate size and sufficient capacity within three hundred (300) feet of the outside boundary line of the subdivision or development or the Village, Moore County Utilities or other public utility provider, at its option, indicates its commitment to extend such a sewer line within three hundred (300) feet of the property line of the subdivision or development at no cost to the developer and

there are no legal or topographic problems that prevent the developer from connecting onto and extending the existing system to the subdivision or development. In the event there are phases to the subdivision or development, or the subdivision or development is a part of a larger tract of land owned or under the control of the developer, then in that case public sewer service shall be deemed to be available if an existing or proposed public sewer system line extends or will be extended within three hundred (300) feet to the larger tract of land.

2. In the event the Village, Moore County Utilities or other public utility provider elects not to extend a sewer line of sufficient size and capacity within three hundred (300) feet of the subdivision or development boundary because of topographic features, legal obstacles, or financial reasons, then the developer shall not be required to extend Public sewer lines to each lot nor provide public sewer service to the subdivision or development.

SECTION 14.2 DESIGN STANDARDS FOR SINGLE FAMILY DWELLINGS

SECTION 14.2.1 PURPOSE

The intent of this Section is to assure that single family residential development is compatible with existing development and consistent with its site and surroundings and the Statement of Intent of this Ordinance.

SECTION 14.2.2 DESIGN CRITERIA AND REVIEW PROCEDURES

A. Appendix B of this Ordinance contains the checklist to be used by the applicant as well as the staff in the review and permit authorization process.

B. A foundation survey is required prior to construction above the foundation if it is shown on the submitted plan that the structure is within five (5) feet of the required setback and the structure has a permanent foundation or is a swimming pool.

C. Revisions and changes will be considered and approved or disapproved by the Village Planner. Examples of changes include site plan, landscape plan, change of height or the addition of elements not previously shown. All proposed changes shall be submitted in electronic format to the Village Planner. Village staff will evaluate the proposed changes and provide a response to the applicant. For all changes, redrawing of plans shall be required.

SECTION 14.2.3 EXTERIOR BUILDING MATERIALS AND COLORS

A. Structures found in the Historic Preservation Overlay District are subject to the standards and requirements of that district, see *Section 6.4.1. Historic Preservation Overlay District*, and other applicable standards of this Ordinance.

SECTION 14.2.4 SINGLE FAMILY DEVELOPMENT LANDSCAPING

A. The following landscaping standards apply to new single-family development and redevelopment.

Table 14.1 Single Family Development Landscape Standards

Zoning District	Number of Trees Per Dwelling	Number of Trees Required in Front Yard*
R-5, R-8	4	1
R-10, R-15	5	1
R-20	6	2
R-30	8	2
R-210	16	4
New Planting Size Requirements		
Tree Type	**Minimum Planting Height**	**Minimum Caliper**
Evergreen Trees	6 feet	2 inches
Tall Trees	8 feet	2 inches
Small Trees	6 feet	1.25 inches

*Note that this requirement is part of the total number of trees required per dwelling, not in addition to. See Appendix F for a list of allowable trees.

1. Tree Preservation Credits shall be in accordance with *Section 8.1.2.D. Use of Existing Trees for Credit* .

B. **Tree Placement and Planting.**

1. The Village Planner may authorize minor modifications subject to the following:

   (1) Small trees as identified in Appendix F may be used to avoid conflicts with overhead infrastructure.

   (2) To allow alternate species where site and/or soil conditions are not suitable for certain plant/tree species.

(3) To allow for alternative placement due to presence of public utility easements.

C. As part of the required single-family site plan review process, the approximate location, size and type of trees to be used to meet this standard shall be shown on a landscape plan.

D. All trees used to meet the intent of this Section shall be healthy and well protected during construction. See Appendix F for a listing of trees which are known to be adaptive and naturalized in the Sandhills of North Carolina. Any of these trees can be used in meeting the tree standards of this Section.

E. HVAC units, pool equipment, well houses, and other structures on the property shall be screened with landscaping material or fencing so as to be fifty (50%) opaque.

F. **Foundation Plantings Required.** Foundation plantings shall be provided for all principal and accessory buildings along the front and sides. The number of plants or plant groupings shall be provided based on the linear footage of foundation along all sides of each structure minus doorways, and steps at a rate of one (1) shrub or plant grouping per six (6) linear foot of foundation. A minimum of fifty percent (50%) of the required plantings shall be five (5) gallons or larger at the time of planting, the remainder shall be a minimum of three (3) gallons in size. Said plantings are not required to be placed in a uniform, linear arrangement when installed and plant groupings or ground cover beds may be used to meet the intent of this section.

G. The site shall be designed to minimize the removal of mature specimen trees, for example, Longleaf Pine, Dogwood, American Holly and Southern Magnolia.

H. **Maintenance/Alteration of Landscape Plans.** Changes or alterations to a previously approved landscape plan require approval of a Development Permit showing compliance with the landscaping and buffer yard standards of this Section.

SECTION 14.2.5 SINGLE-FAMILY DWELLING DEVELOPMENT REVIEW PROCESS

A. When staff determines that the application is complete and in compliance with this Ordinance, a Development Permit shall be issued.

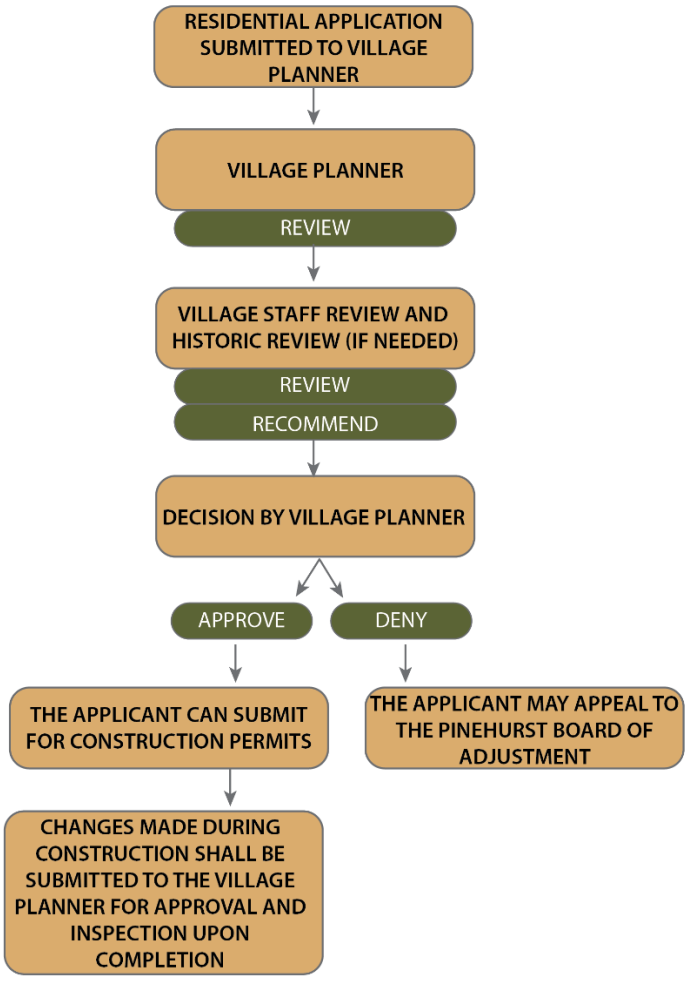
B. Applicants may then apply for a building permit (at the discretion of the applicant, building permits may be applied for prior to the issuance of the Development Permit, but a building permit shall not be issued prior to a Development Permit).

C. Throughout construction, exterior changes may occur. All changes must be resubmitted to the Planning and Inspections Department and be reviewed for compliance.

D. If the structure has a permanent foundation (or is a swimming pool) and is shown to be within five (5) feet of the setback on the approved plans a final survey in addition to the foundations survey shall be provided showing compliance.

E. Upon completion of the project the Village Planner will conduct a compliance inspection and sign off on a Certificate of Occupancy, if required.

F. Single Family Residential Plan Review Flow Chart



G. **Certificate of Occupancy.** A Certificate of Occupancy will only be issued upon:

1. Receipt of a final survey demonstrating compliance with all dimensional standards, if required.

2. Final inspection and recommended approval by the Village Planner or designee.

3. Final inspection and approval by the Building Inspector and Fire Marshal, if required.

4. Final inspection of driveway by Public Works Department, if required.

SECTION 14.3 DESIGN STANDARDS FOR MAJOR AND MINOR SITE PLANS

SECTION 14.3.1 GENERAL DESIGN STANDARDS FOR MAJOR AND MINOR SITE PLANS

A. All site plan development shall meet the following standards before they may be approved by the Village Planner or Village Council:

1. The proposed development shall comply with all general development standards for the zoning district in which it is located, as set forth in this Ordinance.

2. Traffic circulation and control patterns within the site shall be adequate to provide access to adjoining properties where appropriate and streets and shared driveways shall be provided for adjoining developments where possible.

3. Walkways shall be located so that pedestrians may walk from store to store or building to building on the site and on adjacent properties.

4. Where on-site travel lanes and/or driveways connect to adjacent properties and allow traffic movement between adjacent properties, such lanes and driveways shall be constructed in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual and in this Ordinance.

5. Parking shall not be allowed along the travel lanes and driveways as described above and adequate no-parking signs shall be installed along all such travel lanes and driveways.

6. Water supplies, fire protection facilities and sanitary sewer facilities shall be adequate to serve the type and amount of the total planned development in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

7. Drainage systems shall be adequate for the disposition of storm water in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

SECTION 14.3.2 REQUIRED IMPROVEMENTS FOR MAJOR AND MINOR SITE PLANS

A. **Required Features.** In addition to meeting the standards set forth in *Section 14.3.1. General Design Standards for Major and Minor Site Plans* above, the developer or applicant shall be required to do the following:

1. To dedicate any additional right-of-way necessary to achieve the width required for all streets adjoining the property.

2. To reserve but not dedicate right-of-way for highways to which the development is prohibited from having access.

3. To improve all rights-of-way adjoining the property in accordance with the requirements set out in the Engineering Standards and Specifications Manual and the Village's Thoroughfare Plan.

4. To install sidewalks along the frontage of existing streets. This requirement does not have to be met when it is documented by the applicant that the property is prohibited from having a vehicular driveway from the exiting street due to access control or other requirements.

5. To install street signs in accordance with (B) below.

6. To install street lighting in accordance with (C) below.

7. To provide public water and sewer service in accordance with the Engineering Standards and Specifications Manual and public utility providers.

8. To provide required open space.

B. **Street Signs.** Street name signs that comply with the Engineering Standards and Specifications Manual or NCDOT shall be placed at all street intersections. The developer shall install the signs or pay the actual cost for Village installation at the discretion of the Village or NCDOT. The developer shall be required to replace or repair any street sign which is damaged during construction.

C. **Street Lighting.** Street lighting shall be installed by the developer with underground wiring but only at the following road junctions and crossroads that:

1. Experience high volumes of periodic traffic after darkness (e.g. hospital shift changes).
2. Are part of an intersection with a primary State Highway.
3. Will facilitate pedestrian traffic in the Village Commercial District.

SECTION 14.4 SUBDIVISION STANDARDS

SECTION 14.4.1 REQUIRED OPEN SPACE

A. **Purpose.** The purpose of the required open space is to manage the subdivision of land for residential development in a manner that results in more effective conservation of the natural environment, preservation of the Village's community character, provide active and passive recreational opportunities, and add to the visual character of a development. Required open spaces are designed to function as a municipal land use management tool that will enable the conservation and protection of a site's important features, including natural, historical and archaeological resources and community character, such as scenic vistas, view sheds, and greenway connections.

1. All major subdivisions of land in the following residential zoning districts shall comply with the following required open space regulations and all structures in the zoning districts shall comply with the following dimensional requirements, except as may be otherwise provided by this Ordinance.
2. Unless strictly outlined in this Section, vehicle use areas, streets, driveways, and sidewalks shall not be used toward the open space calculation.

Table 14.2 Table of Required Open Space Dimensional Requirements

	R-210	R-30	R-20	R-15	R-10	R-8
Minimum Amount of Required Open Space	25%	15%	15%	15%	15%	15%
Minimum Lot Size	3.5 acres	24,000 sq. ft	16,000 sq.ft.	12,000 sq.ft.	8,000 sq. ft.	6,400 sq. ft.
Minimum Lot Width At the Setback Line	100 feet	80 feet	65 feet	60 feet	60 feet	50 feet
Minimum Front Yard Setbacks	100 feet	32 feet	32 feet	24 feet	24 feet	16 feet
Minimum Side Yard Setbacks	40 feet	16 feet	12 feet	12 feet	12 feet	8 feet
Side Street Setbacks	50 feet	16 feet	16 feet	16 feet	16 feet	12 feet
Minimum Rear Yard Setbacks	50 feet	24 feet	24 feet	24 feet	20 feet	16 feet
Maximum Lot Covered By Impervious Surface	30%	36%	42%	45%	48%	50%

*** Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Required Open Space regulation of this Ordinance and to the future development of the lots created under these regulations. All unmodified applicable dimensional requirements presented in the Table of Dimensional Requirements, Section 9.2a, shall apply.

B. **Areas Not Included in Open Space.** The following are not considered open space and cannot be counted toward minimum open space requirements:

1. Private yards including those with single family residential lots, not part of an open space or conservation easement.
2. Street right-of-way or private easements.
3. Vehicular parking areas and driveways.
4. On-site wastewater treatment facilities, including septic tank drain fields.
5. Stormwater control measures.

6. Areas providing entry signage.

7. Designated outdoor storage areas.

C. **Open Space Design.** Open spaces shall allow for public areas, semi-public areas, and/or private outdoor areas. All open space areas shall be landscaped in accordance with this PDO and provide uniform design and coordinated experiences for the user.

D. **Open Space Allocation.**

1. At least fifteen percent (15%) of the open space shall remain in its natural state. This open space shall be provided in one or more parcels with the objective of maintaining natural systems and wildlife corridors, but consideration shall be given to connecting open space within a subdivision and to adjacent properties and subdivisions.

2. **Active and Passive Features.** At least twenty-five percent (25%) of the open space shall be dedicated and designed to allow for active recreation and/or passive recreation features.

   (1) Passive or active recreation areas shall be located so as to provide accessibility to all residents of the residential subdivision.

   (2) Examples of active recreation and passive recreation features are identified in *Table 14.4 Example Active and Passive Features*, and may include but are not limited to those listed.

Table 14.3 Example Active and Passive Features

Active Features	Passive Features
Lawn Games and Concrete Gaming Tables	Walking Trails
Hard Courts (Tennis, Pickleball, etc.)	Boardwalks
Playgrounds	Gardens
Swimming pools and/or splash pads	Greens
Athletic Fields (Baseball, Soccer, etc.)	Picnic Areas
Clubhouse, Pavilions, Amenity Centers, Gazebos, Shade Structures	Lakes and Ponds
Exercise Facilities	Benches and Seating Areas
Plazas	Natural Areas
	Greenways

(3) The Village Planner may administratively approve similar features which are in keeping with the intent of this ordinance.

E. **Access.** Common recreation areas shall be located and designed to be easily accessible for residents and users of the development. Open spaces shall make accommodations to provide universal designs that may be enjoyed by different target users and provide for ADA accessibility.

F. **Ownership, Management, and Maintenance of Common Open Space.**

1. Required common open space area shall be managed and maintained as permanent open space through one or more of the following options:

(1) Open space may be held in common ownership by the owner(s) of the development, who will be responsible for managing and maintaining the land for its intended open space purposes.

(2) Open space areas may be conveyed to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes.

(3) Open space areas may be conveyed to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

(4) Open space areas may be dedicated to the public and conveyed to the Village or other public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

2. Easements may be established on those parts of individually-owned lots including open space areas that require the areas to be managed consistent with their intended open space purposes and prohibit any inconsistent future development. Any options involving private ownership of required common open space area shall include association by-laws, deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities. Such instruments shall be approved by the Village as sufficient to comply with this standard before or in conjunction with approval of any Subdivision Approval for

the development, or any Construction Plan Approval for the development if no Subdivision Approval is required.

3. Responsibility for managing and maintaining common open space areas lies with the owner of the land comprising the areas. Failure to maintain common open space areas in accordance with the approved development shall be a violation of this ordinance. Identification of who bears responsibility for managing and maintaining common open space areas shall be shown on any recorded subdivision plat or site plan.

SECTION 14.4.2 REQUIRED DEDICATIONS, IMPROVEMENTS AND DESIGN STANDARDS IN GENERAL

A. The requirements of this Section refer to all subdivisions, both residential and non-residential, unless otherwise noted.

B. The following dedications and improvements shall be installed in accordance with the appropriate standards where required prior to the approval of the final plat of a subdivision or the phase of a subdivision:

1. Land, easements.
2. Required or provided open space and common areas.
3. Monuments and markers.
4. Streets.
5. Curbs and gutters.
6. Storm drainage.
7. Sidewalks and greenways.
8. Utilities.
9. Street signs.
10. Streetlights.
11. Street yards, street trees and landscaped buffers around the perimeter of the subdivision.
12. Financial guarantees and warranties.

C. A Building Permit shall not be issued, and a building or structure shall not be occupied, until and unless all dedications, or payment in lieu thereof, and improvements required by this Section have been installed in a satisfactory manner and approved by the appropriate Village staff for the final plat.

D. A subdivision may be approved and in phases provided that no phase is smaller than twenty percent (20%) of the entire area of the subdivision, or two (2) lots, whichever is larger and provided that the infrastructure for the phase has been installed in a satisfactory manner and approved by the Village Planner and Village Engineer.

SECTION 14.4.3 BLOCKS

A. Block lengths shall not exceed one thousand (1,000) feet and shall be no less than three hundred (300) feet except where said block adjoins a golf course or lake or other natural features. Block formations shall avoid long sections of straight lines.

B. Pedestrian ways or crosswalks, no less than five (5) feet in width, shall be provided near the center and entirely across any residential block which is five hundred (500) feet or more in length where necessary to provide adequate pedestrian circulation or access to schools, churches, retail stores, personal service establishments, or transportation facilities.

SECTION 14.4. 4 LOTS

A. The size, shape, and location of lots shall be established with due regard to topographic conditions, contemplated uses, and the character of the surrounding area.

B. Side lot lines shall be substantially at right angles or radial to street lines.

C. The minimum width of the lot at the street right-of-way line shall meet the requirements of Table 14.3 and be large enough to accommodate all driveways, drainage facilities, and utilities in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

D. All residential buildings shall be oriented toward the front yard. For corner lots and through lots, setbacks based on the proposed direction of the building, should be shown on the plats.

E. Flag lots shall be limited to one (1) lot per subdivision or two percent (2%) of the total number of lots whichever is greater.

SECTION 14.4.5 STREETS

A. All streets within a subdivision shall be designed and built in accordance with the standards of this Section and in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual. These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles to accommodate for thoroughfare plans and the Village of Pinehurst Engineering Standards and Specifications Manual.

B. Streets shall be designed and located with regard to existing and proposed streets, to the topography of the area, to such natural features as streams and forested areas, to public convenience and safety and to the proposed use of land to be served by such streets. The proposed street layout shall be consistent with good land planning practices for the type of development proposed and shall be coordinated with the street system of surrounding areas. All streets shall provide for the continuation or extension of the principal streets in surrounding areas and shall provide reasonable means of ingress and egress for surrounding properties. Street design shall avoid long sections of straight street lines. Roundabouts shall be provided where traffic conditions would warrant in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual.

C. The names of the streets and the addresses of the individual lots in the subdivision shall be reviewed and approved as part of the preliminary plat.

D. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided for all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutters whenever the street is continued.

E. **Street Trees Required.** See *Section 8.2.5.D Street Trees Required*.

SECTION 14.4.6 SURVEY MONUMENTS AND MARKERS

The subdivider shall install subdivision and property monuments and markers as required by NCGS and the standards of practice for land surveying in North Carolina.

SECTION 14.4.7 STREET LIGHTING

A. Street lighting shall be installed by the developer with underground wiring, but only at the following road junctions and crossroads that:

1. Periodically experience high volumes of traffic after darkness (e.g. hospital shift changes).
2. Are part of an intersection with a primary State Highway.
3. Will facilitate pedestrian traffic in the Village Commercial District.

SECTION 14.4.8 STORM DRAINAGE

A. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Village Engineer in accordance with Village of Pinehurst Engineering Standards and Specifications Manual.

B. No surface water shall be channeled or directed into a sanitary sewer.

C. Where feasible, the subdivider shall connect to an existing storm drainage system. In the absence of an existing storm drainage system, the developer shall be required to channel all storm water drainage to an existing watercourse where practicable.

D. Lakes, ponds, creeks and similar areas will be accepted for maintenance by the Village only if the Village Council determines that sufficient land to be dedicated for a public use not limited to the development which it lies.

E. The Village shall accept no responsibility to maintain any storm drainage structures or easements, except for those lying within a Village right-of-way or traversing Village-owned property.

F. Where a subdivision is traversed by a stream, lake, pond, water course or drainage way, an easement shall be provided conforming with the lines of such streams and of sufficient width as will be adequate for the purposes of maintenance as determined by the Village Engineer.

G. Before installation, a complete set of construction plans for the proposed storm drainage system prepared by a registered professional engineer shall be submitted for approval by the Village Engineer.

SECTION 14.4.9 SIDEWALKS

A. Sidewalks are required on one (1) side of all new streets in all residential developments when they serve eight (8) or more dwelling units and on both sides of all new streets in non-residential developments and subdivisions in accordance with the construction requirements set forth in the Village of Pinehurst Engineering

Standards and Specifications Manual. Sidewalks are also required on existing street frontage of all non-residential subdivision developments.

B. Along private gated streets that are being added to an existing neighborhood as a subsequent phase, the sidewalk requirement may be waived by the Village Council as part of the preliminary plat approval if it is determined that it is in the best interest of the public and the existing neighborhood to allow for the continuation of the development pattern within the existing sections of the development.

C. Before installation, a complete set of construction plans for the proposed sidewalk system prepared by a registered design professional, licensed in the State of North Carolina, shall be submitted for approval by the Village Planner.

SECTION 14.4.10 UTILITIES

A. The application for a preliminary subdivision plat must be accompanied by satisfactory evidence as to the adequacy of the proposed method and system of water supply and sanitary sewage collection and disposal and by a Certificate of Approval thereof by the Health Department or public utility provider. Public water and sewer shall be required where available in accordance with *Section 14.1 Water and Sewer Requirements*.

B. In addition to the requirements of the Moore County Health Department and any State agencies regarding water and sewage systems, all water and sewer mains shall be installed with the connections for individual service lines included, running from the mains to the property line of the property to be served, where said connections will run under the pavement and paved areas, they shall be installed prior to paving.

C. Water mains and sanitary sewers shall be installed in accordance with State of North Carolina Standards and Village of Pinehurst Engineering Standards and Specifications Manual and public utility providers for each lot in the tract of land to be subdivided in whole or in part.

D. Before installation, a complete set of construction plans for the proposed water and/or sewage system prepared by a registered professional engineer shall be submitted for approval by the Village Engineer or public utility provider.

E. The Village or public utility provider may require installation of oversized facilities when it is in the interest of future development of property not owned by the subdivider. The Village or public utility provider shall pay for that portion of the improvement that exceeds the typical Village or public utility provider standards if

the oversized facilities are required for use of development of property other than that of the subdivider. Any payment by the Village or public utility provider shall be based upon costs pre-approved by the Village or public utility provider.

F. All electrical, cable antennae, natural gas, telephone, and other service lines shall be installed underground in accordance with offsets and depth specified by the Village or public utility provider.

SECTION 14.4.11 NAME OF SUBDIVISION

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Moore County unless it is an extension of that subdivision.

SECTION 14.4.12 HISTORIC PROPERTIES AND NATURAL ASSETS

A. In any subdivision, actions will be taken to safeguard the heritage of the Village by preserving any archaeological site or any property therein, or located on adjacent property thereto, that embodies important elements of its cultural, social, economic, political or architectural history and likewise all due consideration should be given to promoting the use and conservation of such property for the education, pleasure and enrichment of all the residents of the State of North Carolina.

B. The name and location of all historic properties, located within the proposed subdivision or within any contiguous property, shall be clearly identified on both the preliminary and final plats if any such historic property is listed on the U.S. Department of Interior's National Register of Historic Places.

SECTION 14.4.13 TIMING AND INSPECTION OF IMPROVEMENTS

A. **Level Required for Final Plat Approval.** The final plat shall not be approved until and unless the subdivider has installed all improvements in accordance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance.

B. **Final Plat Inspection.** Prior to approval of the final plat, the Village Engineer and Village Planner shall inspect all improvements for conformance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance. The Village Engineer and Village Planner shall have fifteen (15) business days after the applicant has requested an inspection to inspect and certify the improvements as being constructed in accordance with the approved preliminary plat, construction drawings, and with the requirements of this Ordinance, or to provide the applicant with a list specifying all defects, deficiencies, and required repairs.

C. **Building Permit.** The Planning and Inspections Department shall issue no Building Permit for development within the subdivision until and unless the subdivider has installed all improvements in accordance with the requirements of this Section and the approved preliminary plat, construction drawings, and with the requirements of this Ordinance, and all such improvements are functional, and the final plat has been recorded for the lot to be built upon.

D. **Improvements Not Required for Final Plat Approval.** A final plat may be approved with outstanding infrastructure if a financial guarantee is provided in accord with *Section 14.4.14. Financial Guarantees*. A financial guarantee may be provided for some remaining infrastructure including sidewalks, paths, greenways, final lift, and landscaping.

SECTION 14.4.14 FINANCIAL GUARANTEES

A. **Guarantee.** In lieu of prior construction of the improvements required by this Ordinance, the sub-divider shall guarantee that such improvements will be carried out according to Village specifications at his/her expense. Additionally, the sub-divider shall submit a schedule for the completion of the remaining infrastructure improvements.

B. **Types of Guarantees.** Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina or certified check drawn in favor of the Village, or cash deposited with the Village, or a letter of credit from a local bank. Such guarantees shall be in an amount of not less than one hundred twenty-five (125) percent of the estimated cost of the construction of the required improvements.

C. **Time Limit.** Improvements must be completed by the developer within five (5) years of the approval of the guarantee. The applicable guarantee shall be renewed at least fifteen (15) days prior to expiration or be self-renewing. Failure to renew the guarantee fifteen (15) days prior to the expiration shall be considered defaulting by the developer. Any renewal of the guarantee shall be done in the same fashion as the original guarantee.

D. **Default by Developer.**

1. Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, the Village may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Village.

2. Upon payment, the Village, in its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.

E. **Release of Guarantee.** The Village Manager, or designee, may release a portion of any security posted as the improvements are completed and recommended for approval by the Village Planner or Village Engineer. Such funds shall be released within thirty (30) days after approval of all improvements by the Village Planner or Village Engineer.

F. **As-Built Drawings Required.** As a condition of release of any guarantee, as-built drawings and plans of all water system, sewer system, streets, sidewalks and storm drainage system facilities shall be prepared by the subdivider and submitted to the Village Engineer and Moore County Utilities at the time of request for Final Plat approval or release of any surety for required improvements, whichever comes later. These plans should show all easements and/or rights-of-way to demonstrate that the required improvements and facilities are properly placed. These drawings need not be placed on the final plat.

G. **Village Attorney Review.** All instruments for the financial guarantee may be referred to the Village Attorney.

H. **Note on Plat.** There shall be language placed on the final plat that states that all of the required improvements have not been installed for the development and that the lots being platted may not be buildable until such time as all required improvements have been made.

CHAPTER 15 DEFINITIONS

SECTION 15.1 USE AND MEANING OF WORDS

A. Words contained in this chapter are those having an applied meaning and relative to the purposes of this Ordinance. Words not listed in this chapter shall be defined by reference to:

1. The latest edition of the State of North Carolina Building Code or, if not defined therein;

2. The latest edition of Webster's New International Dictionary, unabridged.

SECTION 15.2 DEFINITIONS

Accessory Building. Buildings that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of common accessory structures include but are not limited to: garages and carports. Pole barns and hay sheds qualify as accessory structures where associated with bona fide farms and may or may not be located on the same parcel as the principal structure.

Accessory Structure. Arbors, trellises, pergolas, and storage sheds located on the same parcel as the principal structure and the use of which is incidental to the principal structure.

Accessory Dwelling. A dwelling unit either added within an existing single family detached dwelling or in a separate accessory structure on the same lot as the principal dwelling, or within a commercial building for

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use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation and sleeping.

Accessory Use. A use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.

Act of God. An extraordinary interruption by a natural cause (as a flood or earthquake) of the usual course of events that experience and/or care cannot reasonably foresee or prevent.

Active Frontage. Where retail or restaurant space, lobbies, or building amenities must be located on the ground floor facing the street, encompassing a minimum of sixty percent (60%) of the square footage of the building.

Active Recreation. Recreational features that include equipment and recreation taking place at prescribed places, sites or fields, which allow for the active needs of residents or users of the development in which they serve. Examples of Active Recreation features include playgrounds, swimming pools, athletic fields, and amenity centers.

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure, including porches, and other additions that change the volume/area or building footprint. Additions to existing buildings shall comply with the requirements for new construction.

Administrative Decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards. Also known as ministerial or administrative determinations.

Administrative Hearing. A proceeding to gather facts needed to make an administrative decision.

Adult. A person who has attained the legal age of majority; or eighteen (18) years.

Adult Day Care. A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of residence, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.

Adult Establishment. Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital

areas, or the female breast as listed and defined in NCGS § 14.210.10 (or any successor thereto).

A-frame Sign. A sign with any upright, rigid supporting frame in the form of a triangle with steeply angled sides that is hinged or joined at its top in the shape of the letter "A" forming a triangle which conveys a message. Such A-frame signs do not include human directional signs upon which a sandwich board sign is hung, nor does it include signs which are attached to metal prongs similar to real estate signs.

Agriculture, Livestock. Any use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as rabbits and fish and fur-bearing animals in captivity. This definition is not to include horse farms, as they are listed as a separate use.

Agriculture, Non-Livestock. The use of land for the production of grains, field crops, vegetables, fruits, nuts, and horticulture and floriculture.

Agri-Tourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Alcoholic Beverage Sales Store. The retail sales of liquor, spirits and/or other alcoholic beverages for off-premises consumption as a primary use and owned or operated by the State of North Carolina Alcoholic Beverage Commission.

Alley. A public or private service road which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration. Any change, addition, or modification to a building or structure that does not increase its size or footprint, but may affect its appearance, materials, or internal configuration. This includes changes to architectural details, finishes, or structural components, but excludes routine maintenance or repair that does not affect the design or character of the structure.

Amusements, Indoor. Establishments that provide commercial entertainment activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys.

Amusements, Outdoor. Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water parks.

Animal Hospital. A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals that are admitted for overnight stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.

Annexation Petition. Also known as a voluntary annexation petition. The extension of the Village boundaries by the petition of the owners of real property following the form of petition specified by NCGS § 160A-31.

Antenna. A transmitting and/or receiving device used in telecommunications that radiates or captures radio and/or television signals.

Antenna Collocation. Uses involving the placement of antennas on a vertical projection (including a structure built for communications) that does not require substantial modifications and meets the definition of an “eligible facility” in NCGS § 160D-931.

Antenna, Directional. An antenna or array of antennas designed to concentrate on a radio signal in a particular area.

Antenna, Microwave. A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Antenna, Omnidirectional. An antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.

Antenna, Whip. An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional. Their size varies based upon the frequency and gain for which they are designed.

Apiary. The assembly of one (1) or more colonies of bees at a single location.

Approved. Certified as correct or otherwise meeting the requirements of this Ordinance by a Village official or other authority having jurisdiction.

Aquifer. A water bearing stratum of permeable rock, sand or gravel.

Architect. A professional architect registered by the State of North Carolina.

Area of Shallow Flooding. A designated zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard. The land in the one hundred (100)-year flood plain, as designated by the Federal Emergency Management Agency (FEMA), subject to a one (1) percent or greater chance of flooding in any given year.

Art Gallery. A space for the exhibition or sale of art, usually visual art, including, but not limited to, paintings, photography, and sculpture.

Artisan Workshops. The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building. These typically involve the work of artisans or craftsmen.

As-Built Plan. A set of engineering or site drawings that delineate the specific permitted development as actually constructed.

ATM. Self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Attached Dwelling. A building which contains two or more dwelling units which share one (1) or more common walls fifty (50) percent or more of their length, with each dwelling unit located on a separate lot.

Automotive Repair. The automotive repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Awnings. An architectural projection that provides weather protection, identity and/or decoration, and is wholly supported by the building to which it is attached, and is comprised of a lightweight, rigid, or retractable skeleton over which an approved cover is attached.

Backyard Pens / Coops. The long-term keeping of fowl, rabbits, and other similar small creatures in backyards as an accessory use to existing residential structures.

Banks, Credit Unions, Financial Services. Establishments that engage in financial transactions that create, liquidate, or change ownership of financial instruments. Banks,

credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds. In addition to banks and credit unions, financial services institutions may include credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

Bar/Tavern/Night Club. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Base Flood Elevation (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. If the Base Flood Elevation (BFE) is not specified for a Special Flood Hazard Area, it may be determined through engineering studies conducted by federal, state, or other qualified sources, utilizing FEMA-approved engineering methodologies.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement. That portion of a building that is partly or completely below grade.

Bed. A piece of furniture or built-in fixture used or intended for sleeping or resting, typically found in residential, lodging, or institutional settings. For occupancy calculations, each bed may represent one sleeping space.

Bed and Breakfast Homes. A structure constructed as a single-family dwelling, occupied by the owner, in which rooms are rented for lodging of transient guests for compensation and where no meals other than breakfasts are served.

Beekeeping. The rearing and breeding of honeybees.

Berm. Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

Best Management Practices (BMP). Structural or non-structural measures or techniques used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Bicycle Rack. A facility for short-term or long-term bicycle parking.

Billiard/Pool Hall. Any place where the primary use is one (1) or more billiard or pool tables, operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit. This shall not exclude other permitted uses from having no more than two (2) billiard or pool tables as an accessory use.

Block. A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the Village of Pinehurst or its extraterritorial zoning jurisdiction or any combination of the above.

Boarding or Rooming House. Short or long-term accommodation that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodation, or single room occupancy units that provide a number of related services including but not limited to housekeeping, meals, and laundry services.

Bona Fide Farm Purposes. Includes the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry; horse rearing, feeding, training, caring, boarding and management; and all other forms of agriculture as defined in NCGS § 106-581.1 and all other purposes described in NCGS § 160D-903.

Boutique Shop. A small shop or store that sells specialized goods, including such items as gifts, fashionable clothes, accessories, or food.

Broadcasting Studio. A programming origination studio for a television station, radio station or cable television provider.

Buffer Yard. A landscaped or vegetated area intended to partially obstruct the view of adjacent land uses or properties from one another and are classified and measured as follows.

A. Front is equal to the depth of the front yard setback of the zoning district extended to the side property lines.

B. Rear is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.

C. Side is equal to the width of the side yard setback from where it intersects both the front and the rear yard.

D. Side Street is equal to the width of the side street setback from where it intersects both the front and rear yard.

Building. Any structure used or intended for supporting or sheltering any occupancy, storage or use.

Building Envelope. An area of land upon which a principal and/or an accessory building may be erected as defined by the building setbacks on a lot of record.

Building Floor Area. The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.

Building Footprint. The portion of a lot's area, which is enclosed by the foundations of buildings, plus any cantilevered upper floors.

Building Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

Building Inspector. An officer or other designated authority charged with the administration of the State Building Code and other duties described within this Ordinance.

Building Permit. A permit that allows the commencement of construction of a structure or building, after being issued by the Planning and Inspections Department pursuant to Chapter 3 of this Ordinance and the State Building Code.

Building Setback Line(s). Lines parallel to and inside of the lot lines, at the setback distances prescribed by this Ordinance.

Building Setback. The minimum distance from the property line to the farthest projection of the exterior face of buildings, walls or any other form of construction (i.e. decks, landings, terraces, porches and patios on grade).

Built-Upon Area (BUA). Per NCGS § 143-214.7D, impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. None of the following surfaces shall be considered “built-upon area”: a slatted deck, water area of a swimming pool, a surface of number 57 stone laid at least four inches thick over a geotextile fabric, a trail that is either unpaved or paved as long as the pavement is porous, landscaping material, artificial turf.

Bulkhead. A vertical wall structure designed to retain shoreline material.

Business Support Services. Establishments that provide any of the following. document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, tax preparation, legal services and office product sales.

Caliper Measurement. Caliper measurement of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four (4) inches, the caliper should be measured at twelve (12) inches above the ground.

Canopy Tree. A large-growing, shade-producing tree with an expected mature height of 40 feet or greater and spread at maturity of 30 feet or greater.

Canopy. An architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and by at least one support at the outer end.

Cemetery. Land used or intended to be used for the burial of pets or of the human dead and dedicated for cemetery purposes, including mausoleums and columbariums.

Certificate of Occupancy. A document issued by the Village of Pinehurst at the conclusion of all work done under all permits following inspections by the appropriate inspector, showing that all completed work complies with the applicable state and local laws and the terms of all permits. No new building or part thereof may be occupied, and no existing building that has been altered or moved may be occupied until the Planning and Inspections Department has issued a valid Certificate of Occupancy.

Child/Adult Day Care. An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate children or adults based on state regulations; not an accessory to residential use.

Civic/Cultural Facilities. Facilities designed to serve the community by promoting cultural advancement. Such facilities may include live theater, dance, or music establishments; art galleries, studios, and museums; exhibitions, or similar facilities; libraries, auditoriums, conference facilities, and convention centers.

Civil Penalty. A monetary fine imposed for violations of the ordinance, assessed at $500 per day for each day the violation continues. This penalty may be recovered by

the Village of Pinehurst through a civil action in the nature of debt if the offender does not pay within the prescribed time after being cited.

Clinic. Any building or portion thereof, the principal use of which is for offices of one (1) or more licensed physicians, ophthalmologists, dentists, physical or occupational therapists, psychologists, or the like for the examination and treatment of persons on an out-patient basis only and ambulatory/outpatient care facilities. See also medical laboratory and medical office.

Clubs and Lodges, Civic or Fraternal. Private not-for-profit social or civil associations, corporations, or other entities consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state, regional and national officials of that organization.

Clustered Dwelling. A housing development technique that concentrates dwellings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Cluster Mailbox Unit. A freestanding, pedestal-mounted mailbox that consists of multiple mailbox compartments and parcel lockers that can lock individually.

Columbarium. A structure of vaults for the placement of cremation urns in a cemetery.

Column. A rigid, relatively slender, upright support, composed of relatively few pieces, a decorative pillar, most often composed of stone and typically having a cylindrical or polygonal shaft with a capital and usually a base.

Commercial Vehicles. Vehicles for hire or used for business as described below:

A. A large vehicle designed for off-road usage such as a bulldozer, front-end loader, and similar construction equipment;

B. A vehicle designed to transport sixteen (16) or more passengers; or

C. A vehicle equipped with external modifications designed to be used in trade including, but not limited to, externally-mounted tools, machinery, equipment, tool, or equipment racks.

Community Center. Structures and/or facilities which accommodate gatherings, indoor/outdoor cooking, picnicking, recreation, and administration of homeowner associations, neighborhood groups, or other people having permission to use such facilities.

Community Park. A relatively large park owned by the Village of Pinehurst or Moore County providing a wide variety of active and passive uses to the entire Village.

Community Shared Facilities. Facilities designed to serve as amenities for residential neighborhoods. Such facilities are typically operated by homeowner's associations or similar groups and provide recreational space within the context of that residential neighborhood.

Community Support Facility. A non-profit or government facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

Comprehensive Plan. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the Village of Pinehurst.

Concealed Wireless Telecommunications Facility. A structure that is fabricated in a manner that aesthetically masks its appearance as a communications facility that is installed within or on an existing structure. Examples include church steeples, bell towers, light standards, signs, utility poles, flag poles, building facades, water tanks, silos, and other structures which conceal telecommunications antennas and equipment from visibility. A communications tower shall not be considered a concealed wireless telecommunications facility.

Conditional Zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such property. (see also the North Carolina Unit Ownership Act (NCGS Chapter 47A) and/or the North Carolina Condominium Act (NCGS Chapter 47C).

Conference/Convention Center. A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

Contiguous. Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a railroad or public utility right-of-way.

Corner Lot. A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. The building's orientation, driveway and entrance should align with this primary front yard but may also be allowed on the other street-facing side. Additional side yard setbacks might be needed for corner lots.

Country Club. Land area and buildings containing golf courses, recreational facilities, a clubhouse and customary accessory uses; open only to members and their guests for common purposes of a social and athletic nature.

Covered Entry. A covered platform, covered with eave overhang, pediment, or roof over the main entrance.

Crematoria. Establishments for the preparation of the dead through cremation in a furnace. This definition includes crematoria for the internment of animal remains.

Critical Root Zone. A circular area surrounding a tree, of which the center is the center of the tree trunk, and the radius is the distance from the outside of the trunk to any point twelve (12) times the diameter at breast height (DBH), which points constitute the circumference of the critical root zone. The critical root zone shall extend to a depth of five (5) feet below surface ground level.

Cul-de-sac. A street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround.

Cutoff Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at cutoff angle that is less than ninety (90) degrees.

Cutoff Angle. Formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff Light. An artificial outdoor lighting fixture designed to ensure that no light is directly omitted above a horizontal line parallel to the ground.

DBH - Diameter at Breast Height. The total cross-sectional diameter of the trunk or trunks of a tree measured four and one half (4½) feet from the ground at the center of the tree.

Deck. An exterior floor supported on at least two opposing sides by an adjacent structure and/or posts, piers or other independent supports.

Declaration. Any instruments, however denominated, that create a Planned Community Neighborhood and any amendments to those instruments.

Dedication. A transfer by the owner of ~~his~~ property to the Village. Such dedication shall be made by written instrument and is deemed complete only with acceptance by the Village Council plus the recording of each written acceptance by the Village Council plus the recording of each with the Moore County Register of Deeds. Dedications may be made for streets, recreation areas, parks, greenways, utility easements, etc.

Demolition. The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the façade or any significant exterior architectural features which are integral to the character of the resource, for whatever purpose, including new construction or reconstruction.

Density. The number of dwelling units per acre determined by dividing the total number of dwelling units located on a development site by the gross area

Design Alternative. A proposed variation from the standard design or development requirements outlined in the Ordinance, intended to achieve the same or better level of quality, functionality, or aesthetic compatibility. Design alternatives may be considered when strict adherence to the Ordinance would result in unnecessary hardship or when an innovative approach can meet the intent of the regulation. Approval of a design alternative typically requires review by the Village Planner or designee to ensure it aligns with the goals of the Comprehensive Plan and maintains the character of the community.

Detached Townhome. A dwelling unit or units conforming to the townhome development standards as stated in this Ordinance but physically located on separate lots.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. Unless the context clearly indicates otherwise, the term means any of the following:

A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

B. The excavation, grading, filling, clearing, or alteration of land.

C. The subdivision of land as defined in NCGS § 160D-802.

D. The initiation or substantial change in the use of land or the intensity of use of land.

Development Agreement. A written agreement between the Village and a developer or applicant that sets down the rights and responsibilities of each party as pertaining to a single development.

Development Approval. A written, administrative, or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, building permits and development agreements.

Development Floor Area. The total building floor area of any construction projects simultaneously developed by a single developer.

Development Permit. A permit issued by the Planning and Inspections Department that authorizes the commencement of development provided all of the other necessary permits have been obtained.

Discharge Point. That point at which stormwater runoff leaves a tract of land in a concentrated flow pattern.

Disposal. As defined in NCGS § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

District. A mapped area, (otherwise known as a "zoning district"), to which a uniform set of regulations applies as established by this Ordinance.

Dock. A platform constructed beyond the shoreline to which boats may be secured.

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, hospital or other similar public, semi-public use.

Drainageway. A natural or artificial stream, closed conduit, or depression that carries surface water.

Drive-Through/Drive-In Facility. A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include automated teller machines (ATM'S), gas stations or other vehicle services, which are separately defined.

Driveway. A vehicle driving surface providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dry Cleaning & Laundry Services. Coin-operated laundry, dry cleaning pick-up stores without dry cleaning equipment, or dry-cleaning stores that do not provide cleaning services to other collection stations or stores.

Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more people, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling. A building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Accessory. A dwelling unit either detached or attached, such as a garage apartment or cottage located on a lot with an existing single-family dwelling.

Dwelling, Mixed-Use. A dwelling within a mixed-use development and/or structure.

Dwelling, Multifamily. A building or portion thereof containing three (3) or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule.

Dwelling, Single Family. A free-standing building designed for and/or occupied for living purposes. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with North Carolina State Building Code.

Dwelling, Two Family. A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.

Easement. A grant by a property owner to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines, streets or greenway trails. Such grant shall be recorded with the Moore County Register of Deeds by an appropriate instrument.

Eave. The lower edge of a roof extending beyond the exterior wall.

Effective Radiated Power (ERP). The product of the antenna power input and the numerically equal antenna power gain.

Elevated Building. A non-basement building

A. Built, in the case of a building in flood zones A1-30, AE, A, A99, AO, AH, B, C, or X to have the top of the elevated floor, above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water, and;

B. Adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of flood zones A1-30, AE, A, A99, AO, AH, B, C, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the movement of flood waters.

Emergency Services Facilities. Any building or group of buildings housing a police department, fire department, emergency medical services (EMS) or rescue squad.

Encroachment. The extension or placement of any building, structure, or improvement into a required setback, easement, or public right-of-way beyond the limits permitted by the Ordinance.

Engineer. A professional engineer registered by the State of North Carolina.

Engineering Standards. The standards and specifications contained in the Village of Pinehurst Engineering Standards and Specifications Manual (ESSM).

Erosion. The wearing away of land surfaces by the action of wind, gravity, water, or any combination thereof.

Evidentiary Hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision.

Exempt Subdivision. All divisions of a tract or parcel which conform to either of the following criteria.

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;

B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

C. The public acquisition or purchase of strips of land for the widening or opening of streets;

D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

E. The division of a tract into plots or lots used as a cemetery.

Existing Building. Any building or structure erected prior to the adoption of this Ordinance, or one for which a valid building permit has been issued.

Existing Development. Includes those projects meeting at least one (1) of the following criteria for the purposes of the Watershed Protection Overlay Zoning District only:

A. Having a current building permit used by the Village; or

B. Having an approved site-specific development plan issued by the Village as authorized by NCGS § 160A-385.1.

C. Conforming single-family lots of record, which received final plat approval before July 1, 1993. (the date of mandatory compliance with the NCGS).

Extraterritorial Jurisdiction (ETJ). The unincorporated territory surrounding Pinehurst in which the provisions of this Ordinance apply and described on the Village's Zoning Map.

Façade. The exterior elevation of a building.

Family Care Home (6 or fewer residents). A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six (6) resident handicapped persons and is certified by the State of North Carolina. (NCGS Ch. 168, Article 3)

Farm. A plot of land used for the raising of crops, livestock, or other plants and animals, including orchards, vineyards and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities.

Farmers' Markets. A temporary sales establishment operated primarily in the open air, for the distribution of horticulture or agricultural products including, but not limited to vegetables, fruits, meats, eggs, dairy products, grains, prepared foods, Christmas trees and greens, flowers, and similar products.

Farming, Animal Production. A property used primarily for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, and all other forms of agriculture, excluding commercial poultry and swine production. Industries in the animal production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

Fascia. A flat, horizontal board below roof eave.

Fence. A structure eighteen (18) inches or taller used to delineate a boundary or as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

Finished Grade. The grade after construction, exclusive of any filling, berms, mounding, or excavating.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope.

Flood Boundary and Floodway Map (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Fringe. That part of an area of special flood hazard that is not located in the floodway.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency

Management Agency. The flood insurance study report includes Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), if published.

Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Zone. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain Management Regulations. This Ordinance and development regulations, building codes, health regulations, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain or Flood Prone Area. Any land area susceptible to being inundated by water from any source.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway. The channel of a river, stream, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot.

Floor Area Ratio. Floor Area Ratio (FAR). Non-Residential Development (“Intensity”) is measured in Floor Area Ratio (FAR). FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located. For example, a 5,000-square foot building on a 10,000 square foot lot equals an FAR of 0.5.

Floor Area. The gross total horizontal area of 1) all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings; 2) the centerlines of a party wall separating such buildings or portions thereof; 3) within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls. However, this definition excludes the case of non-residential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public, and which are not designed or used as areas for sales, display, storage, service, or production.

Floor. The level base of a room; the lower inside surface of a building; the horizontal structure dividing a building into stories.

Florist. A retail business, which sells flowers and ornamental plants, other decorative items, and plant materials for temporary or interior uses.

Flush Mounted Solar Panel. A solar panel that is attached to the roof of a structure on the same plane as the roof and not projecting more than six and one-half (6.5) inches from the roof plane.

Footcandle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. One footcandle is equal to one lumen per square foot.

Franchise Architecture. A building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

Freeboard. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The base flood elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.

Front Yard. A yard across the full width of the lot, extending from the farthest projection of the structure including but not limited to steps, eaves, porches, terraces or patios (excluding, however, steps and overhangs permitted to project into the yard) to the front property and/or right-of-way line.

Frontage. All of the real property abutting a street line measured along the street line.

Fueling Station. An establishment that primarily retails automotive fuels. These establishments shall not provide services such as automotive maintenance repair. Fueling stations include structures that are specialized for selling fuel with storage

tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the fueling station.

Funeral Homes. a commercial establishment for preparing the dead for burial or interment, including cremation, and conducting memorial services and funerals (i.e. providing facilities for wakes, arranging transportation for the deceased and selling caskets and related merchandise).

Gable roof. A double sloping roof with a ridge and gables at each end.

Gambrel roof. A double sloped barn-like roof.

Garden (Community and Private). An outdoor area for the small-scale production of vegetables and flowering plants for personal or communal use. This definition does not include crop production and nurseries.

Garden Center. A retail outlet primarily engaged in the sale of crops, plants, vines, or trees and their seeds, but not including the production of such plants on site. Such uses may be a part of larger general commercial uses or may stand alone as individual facilities.

Gateway Sign. A monument or pylon-style sign marking the entrance to a district, campus, neighborhood, or municipality.

General Retail. An establishment engaged in the sale of goods, merchandise, or consumer products directly to the general public for personal or household use. General retail includes, but is not limited to, stores selling clothing, electronics, books, home goods, sporting equipment, and similar items. This use typically occurs within an enclosed building and may include ancillary services such as product repair or customization.

Geothermal Heating and Cooling Closed Loop System. A closed loop system is a system that circulates a water-based solution through a "loop" of small diameter, underground pipes. The system consists of an indoor unit and a buried earth loop. In the winter, fluid circulating through the system's earth loop absorbs stored heat and carries it indoors. The indoor unit compresses the heat to a higher temperature and distributes it throughout the building. In the summer, the system reverses, pulling heat from the building, carrying it through the earth loop and depositing it in the cooler earth.

Glare. The effect of brightness in the field of view that causes annoyance or discomfort or interference with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Glazing. The portion of an exterior building surface occupied by glass or windows. Also referred to as transparency.

Golf Course. A course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as principal or accessory use, nor shall it include driving ranges, which are not accessory to a golf course.

Golf Driving Range. A facility for driving golf balls not otherwise associated with a golf course.

Government. Any agency, office bureau or corporation licensed by any duly authorized authority of the United States, the State of North Carolina, Moore County, any regional government, or the Village of Pinehurst.

Grade Plane. A reference plane representing the average of the finished ground level adjoining the building at exterior walls.

Greenway. A linear open space, either privately-owned or owned by the Village or another unit of government, which may contain a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.

Gross Density. The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, considering the entire area of that tract or parcel.

Groundcover. Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Ground Sign. A freestanding sign that is permanently affixed to the ground, typically supported by one or more poles or a solid base, and not attached to any building. Ground signs are used to identify businesses, institutions, or facilities and are subject to specific dimensional, illumination, and landscaping standards depending on the zoning district and use.

Halfway Homes. A place where people are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

Handicapped Person. A person with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy,

autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS § 122C-3(11)b.

Hazardous Material. Any substance listed as such in: SARA section 302, extremely hazardous substances, CERCLA hazardous substances, or section 311 of CWA (oil and hazardous substances).

Hazardous Waste Facility. As defined in NCGS Chapter 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heated Square Feet. Heated square feet of a dwelling unit is space that is intended for occupancy that is heated by a conventional heating system or systems that are permanently installed.

Heavy Equipment/Manufactured Home Rental/Sales. Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Hip Roof. A roof with slopes in the direction of each elevation, commonly with roof slopes in four (4) directions.

Historic Structure. Any structure that is:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register;

B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district;

C. Individually listed on the North Carolina Inventory of Historic Places;

D. Individually listed on a Moore County, Pinehurst or other local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program as determined by the Secretary of Interior; or Directly by the Secretary of Interior in states without approved programs.

Holiday Decorations/Display. Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature and which contain no advertising material.

Home Occupation. An occupation or profession conducted within a dwelling unit or accessory structure by a resident that is incidental to the primary use of the dwelling as a residence. For the purposes of this Ordinance telecommuting or working from home on an irregular basis shall not constitute the establishment of a home occupation.

Homestay. The rental of a habitable room or rooms within a dwelling unit or attached accessory dwelling unit made available by short-term lease or other financial consideration for a period of less than 30 consecutive days while the full-time resident resides on-site during the duration of the rental period.

Horse Farm & Training Track. A property used for the breeding, training, and stabling and care of horses. Such facilities provide services such as riding lessons, dressage instruction, hiring of horses for riding, stud services, and temporary or permanent boarding of horses. Other than horses, these facilities do not produce or sell any agricultural products.

Hospice Care Campus. A freestanding licensed hospice facility or facilities which provide palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of terminally ill patients and their families in a group residential or inpatient setting. Said facility or facilities will be under the supervision of an identifiable hospice administration as defined by the NCGS. Incudes associated buildings directly providing support to the campus and hospice services by a hospice team or interdisciplinary team, as well as temporary residential accommodations for the hospice patients' families.

Hospice Patient. A patient diagnosed as terminally ill by a physician licensed to practice medicine in North Carolina, who the physician anticipates having a life expectancy of weeks or months, generally not to exceed six months, and who alone, or in conjunction with designated family members, has voluntarily requested and been accepted into a licensed hospice program.

Hospice Patient's Family. The hospice patient's immediate kin, including a spouse, brother, sister, child, or parent. Other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement among the hospice patient, the relation or individual and the hospice team.

Hospice Services. The provision of palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital. A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. The facility must be licensed by the North Carolina Division of Facility Services (DFS) as a hospital (general or psychiatric). Hospitals include ancillary facilities such as clinical laboratories, outpatient facilities, training facilities, and staff offices.

Hotel. Establishments providing lodging and short-term accommodation for travelers. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are also included in this category. This definition also includes "inns."

Hot Tub/Spa. A structure usually large enough to accommodate several people that is filled with hot aerated water used for recreation or physical therapy and is often placed outside of doors such as on a porch or deck.

Ice Vending. A free-standing structure designed for the sale and production of ice.

Illegal Sign. Any sign erected, maintained altered, removed, or replaced in violation of this Ordinance, or any amendments hereto.

Impervious Surface. Per NCGS § 143-214.7D, any material which reduces and prevents water from infiltrating through the surface and into the subsoil. None of the following surfaces shall be considered “impervious surface”: a slatted deck, water area of a swimming pool, a surface of number 57 stone laid at least four inches thick over a geotextile fabric, a trail that is either unpaved or paved as long as the pavement is porous, landscaping material, artificial turf.

Industry. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials, such as lubricating oils, plastics, resins or liquors. This includes medical and testing laboratories, facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site,

where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundry.

Industry, Heavy. Any non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge, any facility which manages or disposes of hazardous or nonhazardous solid waste, or any use that involves the use or storage of any hazardous materials or substances used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically, the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated twenty-four (24) hours a day, seven (7) days a week).

Injection Wells. Any excavation that is cored, bored, drilled, jetted dug or otherwise constructed, whose depth is greater than its largest surface dimension and which is used or intended to be used, for the injection of fluids or solids into the subsurface or groundwater.

Integral Solar Panel. A form of roofing in which solar cells are integrated into the roofing material.

Interior/Inside Lot. A lot bounded by a street on only one side. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.

Internet Sweepstakes Facilities. Any business enterprise where people utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

Irrigation Wells. Wells constructed for irrigation only and not for human consumption.

Jurisdictional Stream. A stream or other waterbody that meets the definition of “waters of the United States” or “waters of the State,” and is thus subject to the jurisdiction of the US Army Corps of Engineers or the NC Department of Environmental Quality.

Kennels, Indoor. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale. Also includes the training or overnight boarding of animals for people other than the owner of the lot. Does not include a veterinary clinic in which the overnight boarding of animals is necessary for or

accessory to the testing and medical treatment of the physical disorders of animals. Animals are kept predominately indoors.

Kennels, Outdoor. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale. Also includes the training or overnight boarding of animals for people other than the owner of the lot. Does not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. Animals are kept predominantly outdoors.

Land Disturbing Activity. Refers to an activity on a property that results in a change to the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, clearing, grading, filling, and excavation.

Landfill / Waste Recovery Facilities. A disposal or salvage facility for hazardous or nonhazardous solid waste, scrap metal, vehicles and other scrap materials. This includes recycling and resource recovery facilities that separate and sort recyclable material from waste streams and/or sort commingled recyclable materials, such as paper, plastics, used beverage cans, and metals into distinct categories. This definition is not intended to be inclusive of outdoor storage yards, beneficial fill activities or landfills classified as land clearing and inert debris (LCID) facilities operated in association with an active building permit on the same or adjacent parcel.

Landscape Architect. A professional landscape architect registered by the State of North Carolina.

Landscape Plan. A plan identifying existing landscape elements, proposed changes, and protection measures to be used to aid the survival of such landscape elements as set forth in this Ordinance.

Landscape Screen. A method of visually obscuring one abutting structure or use from another by fencing, walls, berms, or densely planted vegetation.

Landscaped Area. A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns and plantings.

Large Trees. Deciduous or evergreen trees with a mature height and spread of thirty (30) feet or greater.

Legislative Decision. The adoption, amendment, or repeal of a regulation in this Ordinance. This term also includes the decision to approve, amend, or rescind a development agreement.

Legislative Hearing. A hearing to solicit public comment on a proposed legislative decision.

Live-Work Units. An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted). Live-work units exist as variations of either the detached house building type or the townhome building type and shall be subject to their applicable requirements.

Local Bank. Any bank, savings and loan association, or trust company with a physical branch located in the State of North Carolina and within a one hundred (100) miles radius of the Village of Pinehurst.

Lodging Unit. A furnished room of a minimum of two hundred (200) square feet that includes sanitary facilities, and that may include limited kitchen facilities.

Lot Coverage. Determined by dividing that area of the lot that is occupied or covered by the total horizontally projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth. The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

Lot Front. In the case of an interior or corner lot, the house frontage lot line along the street right-of- way.

Lot Length. The distance between the front and rear property lines measured along a line midway between the side property lines.

Lot Lines. A line forming a boundary of a lot. Where a lot of record includes a right(s)-of-way, the lot lines shall not extend into the right(s)-of-way.

Lot of Record (existing lot). A lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance; a plat of which has been recorded by the owner in the office of the Moore County Register of Deeds; or a lot described by metes and bounds, the description of which has been recorded by the owner in the office of the Moore County Register of Deeds.

Lot Width. The straight-line distance between the points where the building setback line intersects the two (2) side lot lines.

Lot. A parcel of land in undivided ownership occupied or intended for occupancy by a building together with its accessory buildings including the open space required under this Ordinance.

Lot, Flag. A lot with minimal frontage on a public street where access to the public street is by a narrow private driveway.

Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Lumen. A unit of measure of the quantity of light that falls on an area of one (1) square foot, every point of which is one foot from the source of one (1) candela.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Major Site Plan. A site plan which is submitted to the Village Council for approval pursuant to this Ordinance and meets the requirements of this Ordinance in which three (3) or more acres of land is disturbed.

Major Subdivision. Any subdivision other than an exempt or minor subdivision.

Mansard Roof. A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Manufactured Home Park. The location of two (2) or more manufactured or mobile homes on a parcel of land, for rent or sale, shall constitute a manufactured home park.

Manufactured Home. A structure that: (1) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (2) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (3) is over forty (40) feet long and over ten (10) feet wide; and, (4) is originally designed for human occupancy and provides complete, independent living facilities for one (1) family when connected to required utilities.

Master Association. A nonprofit organization established pursuant to NCGS § 47F-3-101, or 47C-3-101, by Declaration, or its common law equivalent, or other nonprofit organization formed prior to the NC Planned Community Act and referenced in a Declaration with powers to enforce, adopt and amend the bylaws, rules, and regulations pursuant to NCGS § 47F-3-102 or 47C-3-102, or and by Declaration, or other governing documents, is responsible to maintain or provide for maintenance of all common property and management of all Neighborhood Lodging Accommodations within the Planned Community Neighborhood.

Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

Medical Clinic. Facilities that provide outpatient ambulatory or outpatient healthcare such as emergency medical clinics, ambulatory surgical centers, dialysis centers, outpatient family planning services, community health centers and clinics and blood and organ banks; and shall include general practice medicine, dental offices and medical specialists.

Medical Dormitory. Facilities with a primary purpose to temporarily provide rooms for medical students in training, medical staff, or visitors of patients at an acute care hospital, and outpatients under treatment.

Medical Laboratory. A facility (not associated with another institution or business) to receive and process blood, body fluids and tissue samples for the purpose of providing test results primarily for medical offices and hospitals.

Medical Office. A use or building where medical treatment, consultation and/or analysis is conducted, and which does not primarily involve the sale or transfer of goods by the medical business to the customer at that location. This includes but is not limited to dental offices, mental health offices, and medical offices.

Metes and Bounds. A means of describing the location of land by defining boundaries in terms of directions (courses) and distances from one (1) or more specified points of reference.

Minor Site Plan. A site plan that is submitted to the Village Planner for approval pursuant to this Ordinance and that meets the requirements of this Ordinance.

Minor Subdivision. A subdivision of land not meeting the Exempt Subdivision requirements which does not involve any of the following:

A. Creation of more than five (5) lots from any one tract of land (as the tract existed on October 23, 1995) whether such lots are created at one (1) time or over a period of ten (10) years, thereafter;

B. Dedication or improvement of any new street other than widening approved existing streets.

Minor Watershed Variance. For the purposes of the watershed protection overlay district only, a minor variance is any variance that does not qualify as a major variance.

Mixed Use Development. The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact physical form.

Model Sales Home. A permanent building which is typical of the dwellings in the residential development in which it is located, and which is temporarily used for the purpose of display and sales associated with that residential property but intended for ultimate use as a residential dwelling unit.

Modification. A change or adjustment to an existing development, structure, site plan, or ordinance provision that does not constitute a complete replacement or new development.

Modular Structure. A factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection. Such structure must meet all requirements of the North Carolina Uniform Residential Building Code and must have attached a North Carolina validating stamp.

Mooring Buoy. A floating object anchored to the lakebed to which boats or floats/rafts may be secured.

Multi-Family Development. One (1) or more buildings containing multi-family dwellings located on a single property.

Multi-Family Dwelling. A dwelling, or combination of dwellings, or portion of a building on a single lot used for the purpose of providing three (3) or more dwelling units that may share means of ingress and egress.

Municipal Public Service Facility. Any building, structure, facility or complex that the Village of Pinehurst operates in order to provide public services to the residents of Pinehurst. These buildings and grounds may consist of but are not limited to the

following: office/professional space, fleet maintenance activities, indoor equipment and material storage, outdoor equipment and material storage, under shed vehicle/equipment storage, yard debris piles, fuel tanks and associated pumps, radio antennae, vehicle wash bays, recycling storage, heavy and light vehicle parking, as well as ancillary and accessory uses associated with any of the above uses or necessary to provide public services to the Village of Pinehurst.

Municipal Recycling Collection Stations. A Village of Pinehurst operated center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

Muted Color. A color that has tinted, subdued shades or hues that are not bright or reflective.

National Geodetic Vertical Datum (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

National Flood Insurance Program. A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas within a community that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.

Natural Erosion. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Natural Watercourse. any stream, river, swamp, canal, or other waterway in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

Neighborhood Lodging Accommodation (NLA). is the lodging use of a Dwelling Unit within a Planned Community Neighborhood where the Dwelling Unit is leased, offered or made available by short term lease or other financial consideration for a time period or lease term of less than 30 consecutive days which use is permitted or not prohibited through Declaration or other governing documents and is authorized and managed through the Master Association of the Planned Community Neighborhood.

Net Density. The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, not considering the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include but are not limited to street rights-of-way, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers, buffers and recreational and open spaces.

New Construction. Any construction of a new structure, building or dwelling unit other than "substantial improvement" or an addition, repair or renovation to an existing structure or building.

Nonconforming Lot. A lot that met all legal requirements when it was platted or otherwise recorded, but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

Nonconforming Sign. Any sign that met all legal requirements when constructed but that does not comply with this Ordinance or a subsequent amendment hereto. An illegal sign is not a non-conforming sign.

Nonconforming Structure. A building or structure that met all legal requirements when constructed but which does not comply with this Ordinance or a subsequent amendment hereto.

Nonconforming Use. Any legally existing use that met all legal requirements when it was first established, which fails to comply with the provisions of this Ordinance or a subsequent amendment hereto.

Nonconformity. Any use, building, structure, or lot which was lawful at the time it was constructed or established but which fails to comply with one (1) or more of the applicable regulations or standards of this Ordinance or a subsequent amendment hereto.

Non-Cutoff Light. An artificial outdoor lighting fixture designed to allow light to be directly emitted in all directions.

Non-Residential. Used or intended for purposes other than as a dwelling unit.

Non-Residential Development. Any construction, expansion, or redevelopment of land or structures intended for uses other than single-family or multi-family residential purposes. Can include commercial, industrial, institutional, recreational, and governmental uses.

Nursery. A retail or wholesale enterprise, which grows trees, shrubs, vines and other plants for sale or distribution.

Nursing Home Dwelling Unit. A room or other portion of a nursing home intended for no more than two (2) people.

Nursing Home. A facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care

for three (3) or more people unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients who, on admission, are not acutely ill as a rule and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities and obstetrical facilities. A "nursing home" provides care for people who have remedial ailments or other ailments, for which medical and nursing care are indicated, who, however, are not sick enough to require general hospital care. Nursing care is the primary need, but they require continuing medical supervision. (NCGS § 131E-101(6)). They include the following:

A. **Adult Care Home.** An assisted living residence in which the housing management provides twenty-four (24) hour scheduled and unscheduled personal care services to two (2) or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to people with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Designated, trained staff may administer medication in an adult care home. Adult care homes that provide care to two (2) to six (6) unrelated residents are commonly called family care homes. (NCGS § 131D-2 (a) (1b), 8/30/04);

B. **Assisted Living Residence.** Any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agencies. The department may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS § 131E-102. Effective October 1, 1995, there are two (2) types of assisted living residences: adult care homes and group homes for developmentally disabled adults. Effective July 1, 1996, there is a third type, multi-unit assisted housing with services. (NCGS § 131D-2 (a)(1d), 8/30/04);

C. **Continuing Care Retirement Community.** A building or group of buildings which provides individuals lodging together with nursing services, medical services, or other health related services, pursuant to an agreement effective for the life of the individual(s), or for a period in excess of one (1) year. Care must be provided by people who are not related by blood, marriage, or adoption of the individuals who are residents/patients;

D. **Hospice.** Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. A Hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families that are experienced during the final stages of terminal illness and during dying and bereavement;

E. **Hospice Inpatient Facility.** A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill;

F. **Hospice Residential Care Facility.** A freestanding licensed hospice facility which provides palliative and supportive medical and other services to meet the physical, psychological, social, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting;

G. **Intermediate Care Facility for the Mentally Retarded**. Facilities licensed pursuant to Article 2 of Chapter 122C of NCGS for the purpose of providing health and rehabilitative services based on the developmental model and principles of normalization for people with mental retardation, autism, cerebral palsy, epilepsy or related conditions;

H. **Multi-Unit Independent Housing with Services.** An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement that makes personal care services accessible and available through at least one (1) licensed home care or hospice agency. The residents have a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not need twenty-four (24)-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multi-unit assisted housing with services programs are required to register with the division of facility services and to provide a disclosure statement. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

1. Emergency response system;
2. Charges for services offered;
3. Limitations of tenancy;
4. Limitations of services;
5. Resident responsibilities;
6. Financial/legal relationship between housing management and home care or hospice agencies;
7. A listing of all home care or hospice agencies and other community services in the area;
8. An appeals process; and
9. Procedures for required initial and annual resident screening and referrals for services. Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the NCGS, are exempt from the regulatory requirements for multi-unit assisted housing with services programs. (NCGS § 131D-2(a)(7a) 8/30/04);
10. Respite care, institutional. provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time. The insured receives care for the respite period in an institutional setting, such as a nursing home, family care home, rest home, or other appropriate setting;
11. Respite care, non-institutional. provision of temporary support to the primary caregiver of the aged, disabled, or handicapped individual by taking over the tasks of that person for a limited period of time in the home of the insured or other appropriate community location.

Nonconforming Use Certificate. A Nonconforming Use Certificate is an official acknowledgment of a legal nonconformity by the Village of Pinehurst based on documentation provided proving the existence of the legal nonconformity. A Nonconforming Use Certificate acknowledges that the nonconformity is officially recognized at the time of issuance and may only continue to exist as such so long as it is not discontinued, enlarged, extended or intensified as governed by this ordinance.

Office. A use or building where business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This

includes but is not limited to general business offices, government offices, insurance offices, law offices, and real estate sales and management offices.

Official Maps or Ordinances. Any maps or ordinances officially adopted by the Village Council as a guide to or for required standards of development.

Off-Site Sign. Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional, or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

Off-Street Parking Space. A space which is designed for the parking or temporary storage of one (1) vehicle and is located outside of a dedicated street right-of-way.

Open Space. Any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, greenways and tennis courts. This term includes land under an obligation to keep such land free from development except for recreational facilities for a stated period of time. Such land may be conveyed to a homeowner's association with responsibility for maintenance or be publicly owned. Areas used primarily for stormwater retention/detention shall not be considered open space.

Outparcel. A lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.

Outside Sales. The retail sale of goods and products outside of a permanent structure that are clearly secondary to the function contained in that structure. This includes but is not limited to landscape materials, lawn and garden supplies, and produce. This definition is not intended to include the specific use category of automobile sales or nurseries and garden centers.

Overlay District. A district which applies supplementary or replacement regulations to land which is classified into a General Use District or Conditional Use District.

Owner. Any person, agent, firm, partnership or corporation having a legal or equitable interest in property.

Park. Land owned by the Village of Pinehurst, which is used or intended to be used for public recreation, including both active and/or passive recreation.

Parking Area. A designated area operated as the principal use of a property either as commercial use or an accessory use for adjacent property.

Parking Lot, Principal Use. A stand-alone parking lot that is available for public or private use, but that is not accessory to another use.

Parking Structure. An above ground or subsurface parking deck or garage.

Passive Recreation. Recreational features that do not require prepared facilities such as sports fields or pavilions and require minimal disruption to a site. Examples of Passive Recreation features include trails, boardwalks, and seating areas.

Patio Dwelling. A multiple of not more than six (6) single-family dwellings connected on not more than two (2) sides by common walls.

Pawnshops. Premises operated by a pawnbroker (established by NCGS) who is engaged in the business of lending money to the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

Pedestal Signs. A sign not permanently affixed to the ground or building, constructed on a stand allowing it to be self-supporting and portable.

Pedestrian Path. A cleared way for pedestrians or bicycles that may or may not be paved or otherwise improved.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind.

Permit. An official document or certificate issued by the village or an official thereof, authorizing performance of a specified activity or granting a particular right, use or duty.

Permit Choice. State laws that permit an applicant to choose which set of development rules to follow if the development rules change between the time an applicant's application form is determined to be complete and when a decision is made on the application by the Village.

Permitted Use. A land use that is a permitted use in the zoning district in which it is located, and which is subject to the approval procedures.

Permeable Surfaces. Surfaces that allow water to pass through or around them. Examples include but are not limited to permeable pavers, permeable pavement, permeable asphalt, and permeable concrete.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Personal Services. Cosmetic services such as hair and nail salons, tanning salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services, micro-blading, Botox/filler, etc.

Personal Services, Restricted. A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

Pet House. A small structure providing shelter for a pet while it is outside of a home.

Pet Run. An outdoor fenced enclosure for the sole purpose of allowing a pet to be outdoors in a controlled area without being tethered.

Pitch of Roof. The angle of the roof slope, expressed in ratio of vertical to horizontal.

Planned Community Neighborhood (PCN). A contiguous area containing at least twenty (20) acres, or twenty (20) dwelling units as included within a platted subdivision or condominium development for which any person or corporation, by virtue of ownership of a lot or Dwelling Unit within the PCN, is by Declaration governed by a Master Association with powers to enforce and adopt and amend, the bylaws, rules, and regulations and which property owners within the PCN are obligated to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or common areas or other real estate described in the Declaration. This definition also applies to planned communities created prior to January 1, 1999, that elect to make NCGS Chapter 47F applicable to the planned community by an affirmative vote or written agreement signed by lot owners of lots, or unit owners of units, to which at least sixty-seven percent (67%) of the votes in the association are allocated.

Plat. A map or plan of a parcel of land which is to be or has been subdivided, containing sufficient data in order that a determination may be readily made as to the location, bearing and length of every street and alley line, lot line, easement boundary line and other boundary line and meeting the required standards of this Ordinance.

Playground Equipment. Equipment or structures including swing sets, sandboxes, jungle gyms, slides, and other similar items intended for permanent recreational use.

Note: substantially sized playhouses that meet the North Carolina State Building Code definition for accessory structure are considered to be accessory structures.

Political Sign. A sign attracting attention to political candidates or political issues.

Pond. A permanent, natural, or artificial inland body of water either controlled by natural barriers or by dams and of relatively constant surface level, in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.

Portable Sign. Any sign that is not permanently affixed to a building, structure, or the ground, or that is not designed to be permanently affixed to a building, structure, or the ground.

Porch. A covered or uncovered projection from the main wall of a building, located at or above grade, that provides ingress or egress to a building but is not used for livable space.

Portico. A porch or walkway, open to the outside air that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building. A covered porch attached to the main facade of a building, supported by columns.

Post Office. Establishments conducting operations of the United States postal service including permanent, contract, and lease stations.

Potable Wells. Private drinking water wells.

Primary Level. The level of a building containing the primary living areas such as the kitchen, den and living room. This term may also include bedrooms. A basement is not considered to be at a primary level.

Principal Building. The main structure on a lot in which the principal use of that lot is conducted.

Principal Use. The primary purpose or function of a building, structure, or parcel of land.

Private Area. A space that is not open to the general public and is for the exclusive use of the owner or specific individuals. Examples of a private area include private offices within a commercial building or a single-family home.

Private Clubs. Facilities designed to provide meeting and event space for non-profit membership organizations. Such organizations include alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and

veterans' membership organizations primarily engaged in promoting the civic and social interests of their members.

Private Garage. Any building or space used as an accessory to, or a part of the main buildings permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is conducted in any way.

Private Road or Street. Any road or street which is not publicly owned and/or maintained and is used for access by the occupants of the development and their guests.

Professional Land Surveyor. An expert knowledgeable in the delineation and demarcation of lot lines, land ownership, grading, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.

Professional Office. A use or building maintained by a member of a recognized profession for the conduct of that profession. This includes, but is not limited to, the office of a physician or other licensed health care professional, lawyer, accountant, realtor, investment broker, engineer, or architect.

Professional Services. Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, landscape architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

Property. All real property subject to the provisions of this Ordinance.

Public Area. A space that is open to the general public for use and enjoyment, with no access restrictions. Examples of a public area include public parks, streets, and sidewalks.

Public Safety Station. Facilities for federal, state and local law enforcement, fire protection agencies and emergency medical services, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

Public Water Supply. A system for the supply of potable water to two (2) or more dwellings or business units, or any combination thereof.

Qualifying Tree. Any healthy tree with a diameter breast height of eight (8) inches and greater.

Quasi-Judicial Decision. A decision involving the finding of facts regarding a specific application of a development regulation that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Quorum. The minimum number of members of a decision-making body that must be present in order to legally conduct official business or take official action.

Racetrack. A commercial outdoor course prepared for the competitive activities of animals, automobiles, other vehicles, bicycles or skateboards. Such uses may also include seating for spectators, equipment and staging areas, and concession areas.

Radio/TV Studio or Station. A broadcasting facility of a television, radio, cable television provider, or other programming provider, which shall not include transmitting towers or antennae on site.

Real Estate Sales Office. A building or structure, which is located on the site of a development or subdivision and temporarily used for the purpose of selling or leasing properties located within that development or subdivision. This is different from a Model Sales Home.

Rear Yard. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. Eaves, steps, uncovered porches, terraces and patios are considered part of the main building.

Recreation Area. An area of common open space developed to provide recreational facilities for the use of the residents of the community and/or the general public. Such recreational facilities may include but are not limited to golf courses, parks, playgrounds and athletic areas, swimming pools, tennis courts, picnic areas, riding trails, and appropriate service facilities.

Recreation Facility, Indoor. A facility providing recreational activities enclosed within buildings, including indoor swimming pools and tennis courts, gymnasiums, exercise facilities and associated activities.

Recreation Facilities, Outdoor. Privately owned active or passive recreation area such as ball fields, batting cages, skateboard parks, playgrounds, driving ranges, miniature golf courses, greenway trails, tennis courts, riding stables, campgrounds, theatres, and performance areas and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, picnic shelters.

Recreational Center. A building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums.

Recreational Vehicle Park. The use of land, which includes two (2) or more spaces (sites) which are provided for temporary rental only, upon which recreational vehicles are provided utility hook-ups and services. If offered, service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other permitted services shall only be provided by the facility operator for the use and convenience of recreational vehicles.

Recreational Vehicle. A vehicle that is:

A. Built on a single chassis or capable of being placed in or on a vehicle;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or towable by a motor vehicle;

D. Designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use; and

E. Is fully licensed and ready for highway use.

Record Drawing. A reproducible drawing showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines and connections, and other features or improvements which have been installed on or off the property pursuant to a development plan approved under this Ordinance, to be used to determine compliance with the requirements of this Ordinance.

Redevelopment. Demolition of existing principal structure(s) on a parcel or through building additions that increase the building footprint of the principal structure by fifty percent (50%) or more through single or cumulative additions.

Reference Level. The bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all special flood hazard areas.

Regulatory Flood Protection Elevation. The base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Rehabilitation Facility. An indoor facility including uses such as exercise equipment, specialized rehabilitation equipment, game courts, swimming pools, locker rooms where patients and members receive physical therapy or other medical treatment.

Religious Institution. Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary accessory uses including space for religious education, kitchens, activity rooms, staff housing (rectory, parsonage) and offices.

Required Setback. The minimum distance between the property line and the building required by the zoning district and measured from the property line.

Residential Care Facilities (more than 6 residents). A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than six (6) individuals. Residential care facilities include group homes (NCGS § 131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS § 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages, their associated uses and structures including, but not limited to: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks, barber/beauty shops for residents, and other similar services that are available exclusively to the residents and staff of the facility. This term excludes family care homes and halfway houses.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc.

Resource Conservation Facilities. Fishponds, nature preserves, botanical and zoological gardens, water reservoirs, lakes, ponds, engineered storm water control devices and dams.

Restaurant. Any retail establishment whose principal business is the preparation and service of food and beverages as a ready-to-eat meal, on or off the premises.

Retail Store. A single building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to antiques, clothing stores, appliance stores, bakeries, coffee shops, wine shops, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.

Right-of-Way. An area owned or maintained by the Village, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

Satellite Dish Antenna. Any antenna of any size, including DSS antennae and any supporting structure, designed to receive signals from orbiting satellites or similar sources.

Schools, Elementary & Secondary. A public or private institution for education or learning including athletic, cafeteria, recreational facilities, and after-school care, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education.

Schools, Vocational/Technical. A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

Sediment. Solid particulate matter, both mineral and organic, that has been, or is being transported by water, air, gravity, or ice from its site of origin.

Semi-Detached Dwelling. Two (2) single-family dwellings connected on one (1) side by a common dividing wall. Each single-family dwelling is to be situated on its own lot with a zero-lot line between units.

Semi-Public Area. A space that is open to the general public but may have some limitations on access, such as hours of operation, membership requirements, or other restrictions. These areas often act as a transition between public areas and private areas. Examples of Semi-public areas include a privately owned public space or a store or café.

Septic System /Tank. Private wastewater disposal systems for private home use.

Service Court. Enclosed area attached to, or on the same lot as, a principal building which contains HVAC equipment, trash containers, service doors, docks, and other similar facilities.

Setback. (see building setback).

Sexually Oriented Business. Any place defined as an "adult establishment" as defined by NCGS § 14-202.10 as such statute may be amended from time to time, including adult cabarets, and except the definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Sexually oriented business specifically includes, however, any massage business where "massages" are rendered by any person exhibiting "specified anatomical areas" and/or where "massages" are performed on any client's "specified anatomical areas." "specified anatomical areas" are those defined by NCGS § 14-202.10 as such statute may be amended from time to time.

Shooting Range. A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, archery, air guns, black powder or any other similar sport shooting in an outdoor environment and/or outdoor facility.

Shoreline. The line made by the natural intersection of the water on the shore.

Short Term Rental. A use of a Dwelling Unit for transient lodging occupancy under a short-term lease or for other financial consideration for a time period, lease term or sublease term of less than 30 consecutive days for a cumulative total of more than 14 days in any calendar year. Short Term Rental does not include other defined lodging uses identified on Tables 7.1 and 7.2 in Section 7.3 Tables of Permitted and Special Uses and Special Requirements or Table 6.3 in Section 6.6 Table of Permitted and Special Uses and Special Requirements.

Shutter. A decorative cover for a window, fit to actual height of window.

Side Yard. An open space on the same lot with a building (steps, eaves, and uncovered porches, terraces or patios are considered part of the main building), and the sideline of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required.

Sight Triangle (horizontal sight distance). The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to

ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This does not include seasonal or holiday displays, flags denoting a school or sport, or garden art.

Single Family Residential. Any development where:

A. No building contains more than one (1) dwelling unit;

B. Every dwelling unit is on a separate lot; and

C. Where no lot contains more than one (1) dwelling unit.

Single-Family Dwelling. A detached dwelling or condominium unit consisting of a single dwelling unit only.

Single-Family Site Plan. A site plan prepared for single family residential development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and/or accessory buildings.

Site Plan. A scaled drawing and supporting text showing the relationship between the lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legal required development regulations that are applicable to the project and the site plan review. A site plan review based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Site-Specific Vesting Plan. A plan submitted in which the applicant requests vesting describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plans may be of the following types: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation.

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Small Equipment Repair/Rental. The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van, but excluding small gasoline or other combustion engines.

Small Engine Repair/Sales. The repair, servicing, alteration or restoration of lawn mowers, leaf blowers, and other small gasoline or combustion engines as a primary use, including the incidental wholesale and retail sale of parts and supplies as an accessory use.

Small/Micro Wireless Facility. These facilities shall be defined by NCGS § 160A-400.51.

Small Trees/Large Shrubs. Deciduous or evergreen trees or shrubs with a mature height or spread of ten (10) to thirty (30) feet.

Solar Panel. A solar thermal collector used to convert energy contained within the sun's rays into energy. 'Solar panel' may refer to a photovoltaic module which is an assembly of solar cells used to generate electricity.

Solid Waste Disposal Facility. As defined in NCGS § 130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site. As defined in NCGS § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Event. Any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales (pursuant to Article 17 of Chapter 66 of the General Statutes), and fund-raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM).

Special Flood Hazard. Any area designated on a Flood Hazard Boundary Map or Flood Insurance Rate Map panel designated as a Zone A.

Special Use. A land use listed in Chapters 6 and 7 of this Ordinance as a special use in the zoning district in which it is located, and which is subject to the approval procedures set forth in Section 4.3 of this Ordinance.

Specimen Tree. Any healthy living tree that:

A. Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;

B. A trunk DBH of twelve (12) inches or more in the case of the following species:

    1. Ilex species (holly);

    2. Magnolia species;

    3. Longleaf Pine species.

C. Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;

D. Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or

E. Has been cited by the Village Council as being historically significant.

Stable. A building in which horses are sheltered and fed; such a building has stalls or compartments on a lot of not less than three (3) acres in size.

Storage, Self-Service. A building for the indoor keeping of materials; containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Storage, Outside Storage Yard. The keeping of any material for a period greater than forty-eight (48) hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property. Storage of construction materials on an active job site may not be defined as outside storage.

Storage, Warehouse, Indoor Storage. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

Storm Drainage Facilities. The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.

Storm Water Runoff. Direct runoff of water resulting from precipitation in any form, which cannot percolate into the surface or be accommodated satisfactorily by the existing drainage system, and which therefore travels overland to the nearest channel.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof next above. It is measured as the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Stream. A perennial or intermittent stream shall be deemed present if the feature is shown on either the most recent version of the soil survey map prepared by the natural resources conservation service of the United States Department of Agriculture (USDA) or the most recent complete version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). [Universal Stormwater Model Ordinance for North Carolina]

Stream Buffer (Lake Buffer). The area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Street. A right-of-way for vehicular traffic abutting property, including avenue, place, way, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

Structure. For floodplain management purposes only, a walled and roofed building, a manufactured home, including a gas or liquid storage tank(s), or other man-made facilities or infrastructure that are principally above ground. For all other purposes of this Ordinance means which is built or constructed.

Studio, Art, Dance, Martial Arts, Music. Facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Subdivider. Any person, firm, or corporation who divides or develops any land in a subdivision under the applicable provisions of this Ordinance.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of new streets or a change in existing streets. The following shall not be included within this definition:

A. The combination or recombination of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.

B. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

C. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

D. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.

E. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the NCGS.

Substantial Damage. Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed but does not include:

Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official, and which are the minimum necessary to assure safe living conditions; or,

Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Swale. A gentle man-made or natural depression in grade for drainage of surface water.

Swimming Pool. Any structure intended for swimming or recreational bathing. This includes in- ground, above-ground and on-ground swimming pools, hot tubs and spas.

Seasonal Swimming Pool. Any structure intended for swimming or recreational bathing that contains water forty-eight (48) inches deep or less. These are intended to be structures that are easy to erect and remove at the end of the swimming season and typically are not hard-wired for electricity if needed or provided.

Technical Review Committee (TRC). A staff committee appointed by the Village Manager and chaired by the Village Planner for the purpose of providing the Village Planner with technical advice on subdivision and development plan matters.

Telecommunications Facility. A structure whose primary purpose is to support communications equipment. This definition includes tower/antenna combinations (not tower/antenna/building combinations) and the height measurement applies to those combinations. The foregoing notwithstanding, this definition shall not include wire-supporting electric power transmission and telephone poles. The setback, security, and screening provisions of this Ordinance apply to telecommunication facilities as herein defined, only.

Temporary Certificate of Occupancy. A Certificate of Occupancy issued under the terms on the North Carolina Building Code which expires under its own terms after a limited time.

Temporary Facility. A structure or site established for a limited duration to support a permitted temporary event, activity, or use. Temporary facilities may include tents, portable buildings, trailers, or other non-permanent installations that do not require full compliance with permanent building standards, provided they meet safety, zoning, and public service requirements as determined by this Ordinance.

Temporary Portable Building. A building intended for nonresidential use for a limited time period, consisting of one (1) or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.

Temporary Sign. A sign that can be used only for a designated period of time.

Temporary Use. Land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

Theater, Indoor (movie or live performance). A specialized facility for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and complex structures with no more than two (2) theaters.

Through Lot. A through lot is any zoning lot, not a corner lot, that adjoins two (2) street lines opposite each other and parallel or within forty-five (45) degrees of being parallel to each other. Any portion of a through lot that is not or could not be bounded by two (2) such opposite street lines, and two (2) straight lines intersecting such street lines, shall be subject to the regulation for an interior lot.

Tower, Lattice. A guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

Tower, Monopole. A structure composed of a single spire used to support communications equipment.

Tower. See communication tower.

Townhome. A building with two (2) or more residential units that are located side by side where each unit has a separate entrance from the outside. Townhomes typically have one (1) primary yard (rear) and a small front setback to provide some landscaping.

Townhouse Unit Development. A type of subdivision utilizing a development design technique, which enables substantial modification of lot size standards and setback regulations without increasing the allowable density for the zoning district in which the development is located. The common open space is substantially increased for the benefit of all occupants of the townhouse development.

Tract. Contiguous parcel(s) of land being disturbed or to be disturbed as a unit, regardless of ownership.

Traffic Sign. A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.

Transitional Shelter. An area within a principal church structure that is used for temporary housing for no more than twelve (12) consecutive months. The building or

structure shall meet all requirements of the Pinehurst Municipal Code, Section 150.01 (North Carolina Building Code).

Transportation Impact Analysis. An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

Understory Tree. Trees whose total height at maturity is less than thirty (30) feet.

Use Zone. The area under and around playground equipment where a child might fall and that is free of other equipment and obstacles.

Utilities-Moore County and VOP. Facilities or systems for the distribution of steam or water, the collection, treatment and disposal of sewage or refuse; of similar functions necessary for the provision of public services. Radio transmission facilities less than one hundred eighty (180) feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities.

Utilities are divided into three (3) classes:

Class 1 - distribution, transmission and collection lines (above and below ground) including wastewater collection, and water distribution lines; pumping stations, and lift stations;

Class 2 - elevated water storage tanks; package treatment plants; or other similar facilities in connection with steam and water facilities, not including cellular communication towers.

Class 3 - generation, production, or treatment facilities such as water and sewage plants.

Utilities-All Other. Any facility not owned by Moore County or the Village of Pinehurst, including a building or structure that houses or contains facilities or equipment, for the operation of public utility water, wastewater, waste disposal, gas, electric or telecommunication land line services. Public utility facilities include, but are not limited to, wastewater collection lines, water distribution lines, water pumping stations and filtration plants, wastewater and storm water treatment plants, gas transmission and distribution lines, electrical transformer stations, electric transmission and distribution lines, telecommunications land lines and exchanges, wells, houses, and water towers.

Variance. The permission to depart from the literal requirements of this Ordinance, granted by the Board of Adjustment to a property owner where the enforcement of the literal requirements of this Ordinance will result in undue hardship.

Vehicle Rental/Leasing/Sales. Establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or golf carts.

Vehicle Services - Maintenance, Repair/Body Work. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping. This may be an accessory use to an establishment that provides vehicle rental/leasing/sales.

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan and as specified in NCGS § 160D-108.

Veterinary Services / Indoor Kennels. Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming, where outdoor activities are incidental.

Village Planner. The Planning Director or his or her designee.

Violation. An infringement or breach of a duty or right granted under this Ordinance, or a failure to comply with one (1) or more of the provisions of this Ordinance.

Wall, Parapet. That portion of a building wall that extends above the level of the roofline.

Wall, Party. A firewall on an interior lot line used or adapted for separation or joint service between two (2) buildings.

Wall, Retaining. A wall designed to prevent the lateral displacement or movement of soil or other material.

Wall. An erection of stone, brick, wood, metal or other material intended to delineate a boundary or serve as a barrier or means of protection, confinement, screening or as an aesthetic component of landscaping.

Wallboard Signs. A sign not permanently affixed to the wall intended to allow for changeable message, such as sales and menu items. Signs must be flush mounted to the wall surface when displaying and not covering any window or doors.

Waste. Any discarded, abandoned, or unwanted material, including liquid, solid, or gaseous substances, generated by residential, commercial, industrial, or institutional activities.

Waste Disposal System. Any public or private sewage system or public or private septic system.

Water Surface Elevation (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watercraft. A boat or other vessel such as a jet ski, kayak, canoe, paddle board, or surfboard that travels on water.

Watershed Administrator. An official or designated person of the Village responsible for administration and enforcement of this Ordinance.

Watershed Management Area. That land area of a water supply watershed that is defined on maps on file in the Village Hall, provided that more precise boundaries may be established by topographic data from actual site surveys.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wayfinding Sign. A sign that provides directional, identification, or informational guidance to key destinations within a defined area.

Welcome Center. A building or portion thereof, providing visitors a location with information on the area's attractions, lodging, maps, and other items relevant to tourism and the area. Often, these centers are operated by the local government or chamber of commerce.

Wetlands. Those areas that are defined as wetlands by the United States Army Corps of Engineers. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in

saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such people or companies. The intent of these establishments is not to sell to the general public.

Woodlands. Land that is undeveloped except for roads and utilities and contains stands of indigenous trees.

Writ of Certiorari. A statutory appeal procedure by which a party with standing may challenge a quasi-judicial decision by petitioning the superior court for review, based strictly on the existing record, without re-litigation of underlying facts and pursuant to NCGS § 160D-1402.

Yard Sale. Any sale open to the public conducted from or on a residential premise or in any residential zone for the purpose of disposing of personal property or other property, including but not limited to all sales entitled “estate”, "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea," "rummage," and similar names.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or driveways or as otherwise provided herein.

Zero Lot Line. Where a building and its foundation area, and/or a small yard or patio area, are conveyed under the following conditions:

A. Minimum lot area and width are non-applicable;

B. Must have open space on all sides not connected to a building;

C. Units within a patio home, duplex or multifamily structure using the zero-lot line must be separated by an applicable fire rated wall(s).

Zoning District. A use district established in Chapters 6 and 7 of this Ordinance.

Zoning Lot. A zoning lot is either:

A. A lot of record existing on the effective date of the zoning ordinance or any applicable subsequent amendment thereto; or

B. A tract of land, either not subdivided or consisting of two (2) or more abutting lots of record located within a single block in single ownership.

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APPENDIX A - SKETCH PLAN

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Plot/Sketch Plan

This plan submittal type should be used for developments in which no permanent foundations are being constructed or for minor work such as patios, decks, fences in both single family, multifamily and non-residential development. This is the most basic of plan types allowed for development.

Required information to be included on the plot/sketch plan:

A. Property lines.

B. Existing structures to scale.

C. New structures to scale.

D. Setbacks.

E. Estimated impervious surfaces.

F. Any other information the Village Planner identifies as necessary.

G. All plans and drawing sheets shall be drawn to a scale that is easily legible.

Note: No foundation or final surveys are required.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance.

APPENDIX B - SINGLE-FAMILY DEVELOPMENT REVIEW

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

CHECKLIST FOR SINGLE-FAMILY DEVELOPMENT REVIEW APPLICATIONS

Submission Requirements for Single-Family Development Applications:

This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

The following documents shall be submitted, if applicable, for issuance of a building permit, development permit, floodplain development permit, clearing/grading permit, driveway permit, and Certificate of Appropriateness.

- ☐ Application Form
- ☐ Site Plan/Topographic Survey including driveway connections (see below)
- ☐ Elevation Drawings, including building heights
- ☐ Exterior Material Form and Samples, if application is associated with a Certificate of Appropriateness.
- ☐ Driveway Permit Application
- ☐ Building permit submittal requirements in accordance with the current edition of the North Carolina State Building Code;
- ☐ Other Agency Permits and Approvals, as required
    - o Sedimentation and Erosion Control Plan (NCDEQ)
    - o NCG01 Construction Stormwater Permit Acknowledgement (NCDEQ)
    - o Driveway Permit (NCDOT)

- Right-of-way Encroachment (NCDOT)
- On-site Wastewater Disposal Permit (Moore County Environmental Health)
- Well Permit (Moore County Environmental Health)
- US Fish and Wildlife Approval (particularly for Red-cockaded Woodpeckers) and/or a biological assessment from an environmental consultant concluding no impacts for RCW habitat.
- U.S. Army Core of Engineers (ACOE)

This plan submittal type should be used for single family home development in which permanent foundations are being constructed such as new home construction, additions to homes, swimming pools and accessory buildings. It is intended to be used when more precise information is needed to avoid a structure being constructed out of compliance and minimize the cost of making the development compliant.

A. **Required information to be included on the Single Family Site Plan:**

1. Indicate existing and proposed topographic elevations and finished floor elevation on site plan. Contour lines shall be indicated with no larger than two foot intervals for existing and proposed (LIDAR data may be utilized);
2. Show scale and North arrow;
3. All plans and drawings shall be drawn to a scale that is easily legible. Site plans shall be prepared by a North Carolina licensed surveyor or engineer.
4. Vicinity Map - must be legible and lot easily located;
5. Title block with site name and location;
6. Indicate zoning classification of property on plan;
7. Show total acreage including area and dimensions of the entire tract;
8. Provide developer/builder name, address and telephone number on plans;
9. Provide designer's name, address and telephone number on plans;
10. Indicate adjoining lot lines, lot number and subdivision name on plans;
11. Indicate by note, minimum dwelling size proposed for each floor;
12. Show front, side and rear building setbacks;

13. Show road frontage at the right-of-way and lot width at the building line;
14. Show all easements.
15. Clearly show the location of any additions/alterations (to scale);
16. Location of all proposed and existing accessory structures to include pet runs, fences, LPG tank(s), irrigation well, etc.;
17. Driveway and sidewalk locations;
18. Building elevation (front, rear, and sides) shown with finished grade and building height on all elevations, to scale;
19. Show location of silt fence;
20. Existing and proposed impervious areas including the calculations on new construction and additions/alterations;
21. Tree survey that locates and identifies specimen trees within 100' of a development site, showing the critical root zone for each tree to be preserved or reflect this information on the landscaping plan;
22. Landscaping plans shall include plant location, plant name, gallon size, and indicate any HVAC unit or units, decks, patios, driveways, and sidewalks;
23. Floodplain and wetland delineation if applicable;
24. Location of septic, and/or existing drainage structures;
25. Existing and proposed utility connections;
26. Any other information the Village Planner identifies as necessary.

The Village Planner may allow for modifications or waivers to the required information for this plan type based on the individual proposal and what is needed to determine compliance. The Village Planner may allow for a plot/sketch plan listed in Appendix A to be submitted rather than the single family plan type based on the individual proposal and what is needed to determine compliance.

APPENDIX C - GENERAL CONCEPT PLAN

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Information required for General Concept Plans:

- Neighborhood Meeting Information (Appendix G)
- Basic map information including title block with owner, applicant's name and contact information, designer's name and contact information, surveyor's name and contact information; north arrow, scale in text and graphics, vicinity map, and revision block. "Bubbles" or "clouds" shall show revisions with date.
- If the conceptual plan is based on a survey, provide a separate drawing of work product by surveyor signed, sealed and dated showing precision ratio and tied to NC grid.
- The present and proposed zoning classification(s) of the tract;
- Adjoining property lines;
- The height, size and location of existing and proposed structure(s);
- A table showing proposed use of land and structures, zoning classification, and dimensional requirements;
- Building elevation drawings, including building heights;
- Proposed planting areas including walls and fences and the treatment of any existing natural features;
- The owner names, addresses, LRK #, zoning and deed references of adjoining property;
- All existing and proposed easements, reservations, rights-of-way and all setbacks required for the zoning district;
- General location and size of existing utilities both on-site and to the site, proposed tie-in location to existing public utilities (including water, sewer, drainage, etc.) and proposed location of utilities to serve the site;

- ☐ General location and type of existing and proposed stormwater facilities;
- ☐ Delineation of the 100-year flood plain;
- ☐ Development Intensity:
  - o For residential uses this shall include number of units and outline of area within which structures will be located.
  - o For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
- ☐ Existing and maximum proposed impervious coverage reflected in square feet SF and acreage;
- ☐ Parking and circulation plan, showing location, arrangement and number of existing and proposed parking spaces. Parking calculations shall also be shown;
- ☐ Ingress and egress to adjacent areas;
- ☐ Proposed dimension and number of signs and their locations;
- ☐ Proposed phasing and approximate completion time of the project;
- ☐ Survey base map that provides legal metes and bounds including location of regulated (e.g., US Fish and Wildlife designated red-cockaded woodpecker trees) and specimen trees.
- ☐ Trip generation based on ITE standards and the Village's Engineering Standards and Specifications Manual for the proposed uses.
- ☐ Roadway/signal improvements for the development proposal.
- ☐ Proposed pedestrian improvements including sidewalks, greenways, etc.
- ☐ ISO computations based on the approximate/proposed square footages for each type of use.
- ☐ Current and proposed topography. Use of LIDAR data is acceptable for conceptual plans, however, actual surveyed topography shall be required for formal site plan submittal.
- ☐ Indicate driveway connections on adjacent properties along and across adjacent rights-of- way.

APPENDIX D - SITE PLANS

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance.

Information required for Major and Minor Site Plans:

- Neighborhood Meeting Information (Appendix G)
- Map size shall be electronically formatted to be reproducible at 24"x36"with a scale no less than one (1) inch equals fifty (50) feet for all major and minor site plans (an index plan shall be used if multiple sheets are needed);
- Show north arrow, scale of drawings, precision ratio, lot dimensions, setbacks, area in square feet and acres;
- Revision blocks with date of revisions and "bubbles" or "clouds" to show changes on the map with date;
- A signed and sealed map of the entire tract, including the boundary of the entire tact by metes and bounds tied to North Carolina grid and the location and dimension of all onsite and adjacent offsite easements, including but not limited to drainage, utility, public access, aerial utility, and permanent and temporary construction easements;
- The location and dimension(s) of all existing and proposed building(s) on the site. Show the finished floor elevations for the existing building(s) and the proposed floor grades, including basement, for each floor of the proposed building(s), if applicable;
- The location and dimension(s) of all proposed or existing impervious surfaces on the site, including but not limited to driveways, sidewalks, parking lots, loading and other vehicle use areas, and curb and median cuts;
- Indicate front, side, and rear setbacks for all existing and proposed structures;
- Provide a Title Block:
    - Property owner's name; address, telephone number(s), email address;

- Applicant's name; address, telephone number(s), email address; and
- Designer's name, address, telephone number(s), email address;
- Provide a Development Data Block or Chart listing of the following data;
- Zoning of the tract with dimensional requirements.

- Existing and proposed gross square footage of buildings;
- Amount of square footage utilized in parking and loading areas (see landscape standards Chapter 8);
- Number of parking spaces proposed and required;
- Number of handicapped parking spaces proposed and required;
- Required and proposed minimum landscape area square footages;
- Residential uses: indicate maximum density allowed and the proposed density;
- Proposed linear footage of roads;
- Conditional zoning and special use conditions, if applicable;
- Existing and proposed built-upon area in square feet, acreage and as a percentage of site;
- Identify any existing development predating the effective date of watershed regulations;
- Indicate the owner, address, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets);
- Show locations, size and configuration of common open space for residential development, if applicable.
- Location of permanent dumpsters and service areas.
- Indicate location and method of screening of all existing and proposed propane tanks, HVAC, mechanical systems, dumpsters and any other structures or facilities that require screening as per Chapter 10;
- Vicinity map showing location of tract at scale of not less than one (1) inch equals five hundred (500) feet;

- Proposed location of all storm water facilities and appropriate calculations in accordance with the Engineering Standards and Specification Manual by a qualified design professional;
- Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories, and grade of each story, including basement, height and location;
- Provide a topographic survey of the site certified by a registered land surveyor showing existing site features, existing contour lines at a minimum interval of two (2) feet that are field verified, and all proposed contours. All proposed contours shall be tied to North Carolina grid.
- Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of or record of the last instrument in the chain of title;
- Plan of each floor of parking garage, if applicable;
- Utility plan showing the sizes, composition and location of all existing and proposed underground and overhead utilities such as water, sanitary sewer, gas, electric, and telephone cables, fire protection infrastructure, etc. both within the property and in adjacent streets, where practical;
- Show all road improvements required in conformance with thoroughfare plan, including any right-of-way dedications, sight triangles (per Sect. 9.1.G and the Village of Pinehurst Engineering Standards and Specifications Manual) and traffic control devices (MUTCD 3B.16);
- Submit a plan showing the location and specifications for all outdoor lighting with calculations showing compliance with section 9.8.
- Submit a plan showing the location and design of all landscaping improvements and landscaped areas, include data relative to credits for existing and required and supplemental planting;
- Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the property, including a foraging study for the Red-cockaded Woodpecker, wetlands, floodplains, and also showing specimen trees as defined in Section 8.3.1.

- Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadways/signal improvements for the development proposal.
- Approved street names and property numbers;
- A statement on whether the site is in a watershed and, if so, which watershed.
- Delineate area and boundary of floodplains, floodways, wetlands, and watershed areas.
- ISO calculations based on the approximate square footage of each type of use.
- Proposed fire hydrant and fire lane locations.
- Documentation from public utility provider concerning ability to serve the proposed development with water and sanitary sewer.
- Plan approval signature block on all pages of submittal sheets.
- Indicate driveway connections on adjacent properties along and across adjacent rights-of-way.
- Site plan drawings shall include all information required in Section 1.03b. Site Plans of the Village of Pinehurst Engineering Standards and Specifications Manual.
- All building permit submittal requirements shall be in accordance with the current edition of the North Carolina State Building Code;
- Any other information the Village Planner may deem necessary to determine compliance with this Ordinance.

APPENDIX E - SUBDIVISION PLATS

The Village of Pinehurst requires electronic submission of all signed applications and supplemental materials including the submittal checklist and fees using the Village's Online Permit Center which may be accessed through the Village of Pinehurst website at www.vopnc.org. If you have difficulty using this system, please contact Village staff for assistance. Final plats shall be submitted electronically to the Village Planner through the Online Permitting Center for review and to the County of Moore in accordance with recordation requirements of the Register of Deeds.

SUBDIVISION PLAT INFORMATION

Information to be submitted with applications for major and minor preliminary and final subdivision approval and for subdivision construction plans.

- All maps shall be drawn to scale and the scale shall be not less than 1"=200'. An index plan shall be used where the subdivision is shown on more than one sheet;
- Map size shall be electronically formatted to be reproducible at 24"x36", except that final plats shall conform to the dimensional requirements of the Moore County Review Officer and Register of Deeds;
- All preliminary and final plats shall be prepared by a registered land surveyor of the State of North Carolina or a licensed Engineer of the State of North Carolina in accordance with NCGS § 47-30.

INFORMATION REQUIRED FOR MAJOR AND MINOR PRELIMINARY SUBDIVISIONS

- Title block containing the name of the subdivision. Include previous names for approved subdivisions (if any), date and revision date(s);
- Name and owner of the tract, surveyor, engineer and/or land planner, their addresses, business telephone, and fax numbers, and professional registration numbers (if any);
- North arrow and scale
- Zoning of the tract;
- Acreage of tract;
- Acreage of dedicated open space;
- The total number of lots proposed;

- Smallest lot;
- Total linear feet in streets as measured along the center line;
- Setbacks: Provide a table of minimum building setbacks, including:
  - Front yard setback;
  - Side yard setbacks;
  - Any required landscaped or watershed buffers and other required setbacks or buffers;
  - Rear yard setback;
  - Corner yard setback;
- The location on the property of all existing and proposed property lines, easements, political boundary lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and properties of historic or cultural significance;
- Buildable area per lot, in square feet and existing built-upon area in lot in square feet and as a percentage of lot;
- Area to be covered by impervious surface for the project;
- Provide on plans, a listing of all approved conditions of the conditional zoning district, if applicable;
- Indicate the names of adjoining property owners or subdivisions;
- Indicate the zoning and existing land use of all adjoining properties;
- Indicate the location of all property lines, setbacks, lot numbers, and lot dimensions in square feet and acres. Indicate the location of the existing property boundaries and the location of intersecting lines of adjoining properties by metes and bounds;
- Provide a tree survey showing the location of any buffers and trees therein required under the provisions of this Ordinance and the location of any special environmentally sensitive areas affecting the subdivision, including a foraging study for the Red-Cockaded Woodpecker, wetlands, and floodplains and showing specimen trees as defined in the landscape Section 8.3.1;

- Indicate the location of proposed parks, school sites, or other open space, if any. Indicate if the property is private or public. If public, indicate if it is proposed to be dedicated to the Village.

- Where required, indicate proposed streets, sidewalks, traffic control devices, street names, rights-of-way, roadway widths and approximate grades. Indicate if the streets are to be public or private. Show typical cross sections. Depict sight triangles per Section 9.1. (G) of the Pinehurst Development Ordinance and the 3.02.a of the Village of Pinehurst Engineering Standards and Specifications Manual. Street names are to be coordinated with 911 for duplication of names;

- Provide a grading plan delineating existing ground contours at two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan. A full topographic survey and grid of the site is not required;

- Submit a sketch vicinity map showing the proposed subdivisions in relationship to surrounding property and streets;

- Provide a plan showing the location, general type, and number of plantings required in the perimeter buffer, streetscape, and other required landscaping areas;

- Trip generation based on ITE Standards and the Village Engineering Standards and Specifications Manual for the proposed uses along with proposed roadway/signal improvements for the development proposal.

- Indicate driveway locations on adjacent properties along and across adjacent rights-of-way.

- Any other information the Village Planner may deem reasonable and necessary to determine compliance with this Ordinance.

INFORMATION REQUIRED FOR MAJOR AND MINOR FINAL PLATS

- Title block containing subdivision names; vicinity map; legal description including township, county and state; the date of any revisions to the plat; a North arrow and deflection; scale in feet per inch and a bar graph; the name and address of the owner(s); and the name, address, registration number and seal of the engineer and/or surveyor;

- Exact boundary lines of tract in heavy line, full dimensions of lengths and bearings, and intersecting boundaries of adjoining lands;

- Street names, rights-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;
- Accurate descriptions and locations of all monuments, markers, and control points;
- Location, purpose, and dimensions of areas to be used for other than residential purposes;
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary, street, and setback line including dimensions, bearings, or deflection angles, radius, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest tenth and angles to the nearest minute;
- Boundaries of floodways and one hundred-year flood plains, wetlands and water supply watershed designation;
- Lots numbered consecutively throughout the subdivision;
- The names of owners of adjoining properties;
- Building setbacks (both on plat and in table format);
- Site calculations, including:
    - Total acreage;
    - Total number of lots;
    - Acreage in lots;
    - Acreage in street rights-of-way;
    - Linear feet of each individual street.

SUBMITTAL OF EXEMPT AND FINAL PLATS FOR RECORDATION

One (I) paper copy of Exempt and Final Plats shall be submitted for signature by Village staff for recordation.

CERTIFICATES TO BE SHOWN ON PRELIMINARY SUBDIVISION PLATS AS APPROPRIATE

A. Minor Preliminary Subdivisions:

Minor Preliminary Plat Approved

_____

Village Planner

Village of Pinehurst

_____

Date

B. Major Preliminary Subdivision Plat Recommended for Approval

I hereby certify that this major preliminary subdivision was approved by the Pinehurst Village Council on the _____ day of _____ , 20____

_____

Village Manager

C. Major Preliminary Subdivision Plat associated with an approved General Concept Plan.

I hereby certify that this Major Preliminary Subdivision Plat is in accordance with the approved General Concept Plan and therefore deemed approved.

_____ _____

Village Manager Date

D. Certifications to be shown on Major and Minor Final Plats and Exempt Plats (use the appropriate certificates):

Certificate of Approval

Approved for recording by the Village Planner of the Village of Pinehurst, North Carolina on the _____ day of _____ , 20 ____ pursuant to the Pinehurst Development Ordinance. Must be recorded within thirty (30) days of this date.

_____

Village Planner

Village of Pinehurst

Certificate of Survey and Accuracy

I, _____ , certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____ , Page _____ , etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ , Page _____ ; that the ratio of precision as calculated is 1: _____ ; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____ , 20_____.

Seal or Stamp

_____

Surveyor

_____

Registration #

Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) owner(s) of the property shown and described herein, that the property is within the Subdivision Jurisdiction of the Village of Pinehurst and that I (we) hereby adopt this plan of subdivision with my (our) free consent and hereby establish all lots and dedicate all streets, alleys, walks, parks and other open space to public or private use as noted.

_____

_____

Owner(s)

NCDOT Construction Standards Certification

(for NCDOT Streets)

Department of Transportation

Division of Highways

Proposed Subdivision Road

Construction Standards Certificate

Approved: _____

District Engineer

Date: _____

Onsite Water and/or Sewer Note

(where appropriate)

Note: (ALL the LOTS) or (LOTS # _____) as shown on this Plat are proposed to be served with onsite water and/or sewer systems. The lots as shown meet the minimum size prescribed by the Moore County Health Department for such system(s). However, the recording of this Plat does not guarantee that any such lots will meet the requirements for the approval by the Health Department for such onsite system(s).

_____

Engineer/Surveyor License or Registration #

Special Flood Hazard Area Note

(word to represent actual situation)

Note: (Part of) this property (does)(does not) lie in a Special Flood Hazard Area

Reference: Flood Panel # _____

Date: _____ (of Panel)

(If part of the property is in a Special Flood Hazard Area, it shall be shown graphically on the plat.)

Review Officer Certificate

State of North Carolina

County of Moore

I, _____ , Review Officer of Moore County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.

_____

Review Officer

_____

Date

Register of Deeds Certificate

State of North Carolina, _____Moore_____ County

This instrument was presented for registration and recorded in Map Book , Page ____ , this _____ day of _____ , 20___ at _____ (a.m.)(p.m.).

_____

Register of Deeds

Certificate of Exemption

I hereby certify that this plat is exempt from the development ordinance under the definitions of subdivision contained in NCGS § 160D-802 and Chapter 15 of the Village of Pinehurst Development Ordinance for one of the following reasons:

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this Ordinance;

B. The division of land into parcels larger than ten (10) acres where no street right-of-way dedication;

C. The public purchase of strips of land for the widening or opening of streets; or

D. The division of a tract of land in single ownership whose entire area is no greater than two (2) acres in three (3) or fewer lots where no street right-of- way dedication is involved and where the resulting lots are equal to or exceed the standards set forth in this Ordinance.

_____

Village Planner

_____

Surveyor

PLAT CERTIFICATES

APPENDIX F - PLANT PALETTE

The Plant Palette provides a list of approved trees and plants and should be used for landscaping within open spaces, lots, buffers, screens, streetscapes, etc. as required by this ordinance.

** indicates that the tree is a Permitted Street Tree

Latin Name	Common Name	Native/Adaptive	Notes
Deciduous Tall Trees (>30')			
Acer floridanum	Southern Sugar Maple	native	beautiful bark
Acer rubrum	Red Maple	native	great Fall color
Betula nigra	River Birch	native	beautiful bark/deer resistant
Catalpa bignonioides	Southern Catalpa	native	
Celtis occidentalis	Hackberry**		
Cladrastis kentukea	Yellowwood**	native	
Fagus gradifolia	American Beech	native	silver bark
Gleditsia triacanthos var. inermis	Thornless Honey Locust**	native	street tree/deer resistant
Gymnocladus dioicus	Kentucky Coffeetree**	native	
Liquidambar styraciflua	Sweetgum	adaptive	evergreen/street tree
Liriodendron tulipifera	Tulip Poplar	native	
Magnolia virginiana	Sweetbay	native	
Nyssa sylvatica	Blackgum**	native	good fall color
Platanus occidentalis	Sycamore	native	
Quercus coccinea	Scarlet Oak**	native	street tree
Quercus falcate	Southern Red Oak**	native	
Quercus pagoda	Cherrybark Oak	native	
Quercus phellos	Willow Oak**	native	
Quercus rubra	Red Oak**	native	
Quercus shumardii	Shumard Oak**	native	
Quercus stellata	Post Oak**	native	
Taxodium distichum	Bald Cyprus**	native	street tree/deer resistant
Tilia americana	Basswood**	native	good for pollinators
Ulmus americana	American Elm**	native	street tree/use disease resistant
Evergreen Tall Trees (>30')			
Cedrus deodora	Deodar Cedar	adaptive	

Latin Name	Common Name	Native/Adaptive	Notes
Chamaecyparis thyoides	Atlantic White Cedar	native	
Magnolia grandiflora	Southern Magnolia**	native	deer resistant
Pinus echinata	Shortleaf Pine	native	deer resistant
Pinus palustris	Longleaf Pine**	native	deer resistant
Pinus serotina	Pond Pine	native	
Pinus taeda	Loblolly Pine	native	
Quercus virginiana	Live Oak**	native	
Deciduous Small Trees (10 - 30 ft)			
Alnus serrulata	Alder	native	good for wet soils
Amelanchier arborea	Serviceberry	native	flowering
Amelanchier canadensis	Juneberry	native	flowering
Carpinus caroliniana	American hornbeam	native	
Cercis canadensis	Eastern redbud**	native	flowering
Chionanthus virginicus	Fringe Tree	native	flowering
Cornus alternifolia	Pagoda dogwood	adaptive	flowering
Cornus florida	Flowering Dogwood**	native	flowering : use disease resistant
Cotinus obovatus	Smoketree	native	
Crataegus spp.	Hawthorn	native	flowering/deer resistant
Halesia carolina	Carolina Silverbell	native	flowering/deer resistant
Hamamelis virainiana	Witch-hazel	native	flowering in Jan/Feb /deer resistant
Magnolia x soulangiana	Magnolia	adaptive	flowering
*Ostrya virginiana**	Hophornbeam	native	
*Oxydendrum arboreum**	Sourwood	native	
Salix caroliniana	Coastal Willow	native	NCDEQ stormwater BMP tree
Sassafras albidum	Sassafrass	native	
Evergreen Small Trees (10 - 30 ft)			
Ilex opaca	American Holly**	native	deer resistant
Ilex vomitoria 'Will Fleming'	Will Fleming Yaupon Holly	native	tolerates salt spray
Juniperus virginiana	Eastern Red Cedar	native	deer resistant

Latin Name	Common Name	Native/Adaptive	Notes
Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	native	
Prunus caroliniana 'Compacta'	Carolina Cherry Laurel	native	deer resistant
Large shrubs (6-12 ft)			
Aesculus pavia	Red Buckeye*	native	deer resistant
Buxus semp. 'Dee Runk'	Fastigate American Boxwood	adaptive	evergreen
Cornus amomum	Silky Dogwood	native	
Cyrilla racemiflora	Swamp Cyrilla	native	semi-evergreen
Ilex 'Conaf'	Oakleaf Holly	adaptive	evergreen
Ilex deciduas	Possumhaw	native	good winter berries
Ilex verticillata	Winterberry	native	good winter berries
Myrica cerifera	Wax Myrtle	native	evergreen/deer resistant
Rhododendron arborescens	Sweet azalea	native	
Rhododendron calendulaceum	Flame azalea	native	
Rhododendron catawbiense	Mountain rosebay	native	evergreen
Rhus copallina	Winged Sumac	native	
Rhus glabra	Smooth Sumac	native	
Viburnum rufidulum	Rusty Blackhaw	native	keep off sidewalks due to fruit
Viburnum x rhytidophylloides 'Allegheny'	LeatherleafViburnum	adaptive	evergreen
Medium Shrubs (4-6ft)			
Abelia 'Edward Goucher'	Edward Goucher Abelia	adaptive	evergreen
Camellia japonica	Camellia	adaptive	evergreen
Gardenia jasminoides	Gardenia	adaptive	evergreen
Hypericum densiflorum	Dense St. John's Wort	native	semi-evergreen
Itea virginica	Virginia Sweetspire	native	semi-evergreen
Kalmia latifolia	Mountain laurel	native	evergreen
Rhododendron carolinianum	Carolina Rhododendron	native	evergreen
Rhododendron periclymenoides	Wild or Pinxter azalea	native	

Latin Name	Common Name	Native/Adaptive	Notes
Rhododendron vaseyi	Pinkshell azalea	native	evergreen
Viburnum x rhytidophylloides 'Cree'	Dwarf Leatherleaf Viburnum	adaptive	evergreen
Low Shrubs (Under 4 ft)			
Abelia x grandiflora	Glossy Abelia	adaptive	deer resistant
Buxus mic. Winter Gem'	Korean Boxwood	adaptive	evergreen
Buxus mic. 'Wintergreen'	Korean Boxwood	adaptive	evergreen
Clethera alnifolia	Summersweet Clethra	native	
Cornus sericea	Redosier Dogwood	adaptive	
Hydrangea aborescens	Snowhill Hydrangea	native	flowering
Hypericum prolificum	Shrubby St. John's Wort	native	flowering
Ilex glabra 'Compacta '	Compact Inkberry Holly	adaptive	evergreen
Leucothoe fontanesiana	Drooping leucothoe	native	evergreen
Rosa carolina	Carolina rose	native	flowering
Rosa palustris	Swamp rose	native	flowering
Vaccinium macrocarpon	Cranberry	native	evergreen
Vaccinium pallidum	Lowbush blueberry	native	
Viburnum acerifolium	Maple-leaf Viburnum	native	
Ferns			
Adiantum pedatum	Maidenhair fern	native	deer resistant
Asplenium platyneuron	Ebony spleenwort	native	evergreen
Athyrium felix-feimina	Lady fern	native	deer resistant
Dennstaedtia punctilobula	Hay-scented fern	native	
Dryopteris marginalis	Wood fern	native	evergreen
Onoclea sensibilis	Sensitive fern	native	
Osmunda cinnamomea	Cinnamon fern	native	deer resistant
Polystichum-acrostichoides	Christmas fern	native	evergreen/deer resistant
Grasses			
Andropogon gerardii	Bio bluestem	native	
Andropogon virginicus	Broomsedge	native	
Arundinaria gigantea	River cane		
Carex pensylvanica	Pennsylvania sedge	native	

Latin Name	Common Name	Native/Adaptive	Notes
Carex plantaginea	Plantain-leaved sedge	native	
Chasmanthium latifolium	River Oats	native	
Panicum virgatum	Switch-grass	native	deer resistant
Schizachyrium-scoparium	Little bluestem	native	
Sorghastrum nutans	Indian grass	native	deer resistant
Perennials			
Amsonia spp.	Blue star	adaptive	
Aquilegia canadensis	Wild columbine	native	deer resistant
Asclepiasincarnata	Swamp milkweed	native	
Asclepiastuberosa	Butterfly-weed	native	
Aster novea angliae	New England aster	native	
Astilbe spp.	Astilbe	adaptive	
Baptisia spp.	Wild indigo	adaptive	
Chelone lyonii	Pink turtlehead	native	
Coreopsis 'Moonbeam'	Coreopsis	adaptive	deer resistant
Dicentra eximia	Bleeding heart	native	
Echinacea spp.	Coneflower	adaptive	deer resistant
Geranium 'Rozanne'	Wild geranium	adaptive	
Helianthus resinosus	Sunflower	native	
Hemerocallis spp.	Daylily	adaptive	
Heuchera americana	Alumroot	native	
Heuchera 'Palace Purple'	Coral Bells	adaptive	
Hosta spp.	Hosta	adaptive	
Iris cristata	Dwarf crested iris	native	
Liatris spicata	Blazing star	native	
Lobelia cardinalis	Cardinal flower	native	deer resistant
Monarda didyma	Bee-balm	native	deer resistant
Nepeta faassenii	Catmint	adaptive	deer resistant
Pachysandra procumbens	Allegheny spurge	native	
Phlox carolina	Carolina phlox	native	
Phlox divaricata	Wild blue phlox	native	
Phlox paniculata	Garden phlox	native	
Polygonatum billorum	Solomon's seal	native	

Latin Name	Common Name	Native/Adaptive	Notes
Rudbeckia 'Goldsturm'	Black-eyed Susan	adaptive	
Salvia 'May Night'	May Night Salvia	adaptive	deer resistant
Silene virginica	Fire pink	native	
Solidago rugosa	Winkle-leaf goldenrod	native	
Tiarella cordifolia	Foamflower	native	
Vernonia novehoracensis	New York ironweed	native	

APPENDIX G - NEIGHBORHOOD MEETINGS

NOTICE REQUIREMENTS

A. **Radius.** Notify all property owners within 300 feet of the subject property and all registered HOAs within 0.25 miles. Distances exclude ROW.

B. **Method.** First-class mail.

C. **Timing.** Notices must be mailed at least 14 days before the meeting.

D. **Contents.** Using the Village Meeting Notice Letter template:

1. Purpose of the meeting.
2. Description of the proposal.
3. Date, time, and location of the meeting.
4. Applicant/representative contact info.
5. Project location map.
6. Virtual access link and call-in number, if applicable.

MEETING FORMAT AND CONTENT

A. **Meeting Format.**

1. Meetings should be in-person at a location accessible to the public and close to the project site, if feasible.
2. A virtual component is recommended for accessibility (Zoom, Microsoft Teams, WebEx, etc.).
3. Virtual attendees must have access to all visuals (maps, drawings) shown at the meeting.

B. **Meeting Content.** At a minimum, the applicant must:

1. Explain the proposal clearly, including zoning changes, site layout, and uses.
2. Describe the approval process and timeline.
3. Present visuals (maps, plans, site renderings, as appropriate).
4. Discuss potential community impacts (traffic, buffering, noise, etc.).

5. Provide contact information for follow-up questions.

POST-MEETING SUBMITTALS

The following must be submitted with the application:

- ☐ Mailing list and proof of mailing.
- ☐ Copy of the meeting notice.
- ☐ Sign-in sheet (include emails if provided).
- ☐ Meeting minutes summarizing the questions and concerns raised, along with the applicant responses and any related community input.
- ☐ Copies of all presentation materials.
- ☐ A recording of the virtual meeting.

Consider Ordinance 25-17 Amending the Name of the "Zoning Board of Adjustment" to the "Board of Adjustment" in the Village of Pinehurst Municipal Code

ADDITIONAL AGENDA DETAILS:

FROM: Shannon Konstantinou, Village Clerk
CC: Village Council; Doug Willardson
DATE OF MEMO: 11/03/2025

MEMO DETAILS

Staff requests Council consideration of an ordinance amending the Pinehurst Municipal Code to rename the “Zoning Board of Adjustment” to the “Board of Adjustment.”

This change is a housekeeping amendment intended to align the Village’s terminology with the updated *Pinehurst Development Ordinance (PDO)* and with the naming convention established under North Carolina General Statute §160D-302. The statute authorizes local governments to appoint a *Board of Adjustment* to hear appeals, variances, and other quasi-judicial matters.

The amendment will ensure consistency across all Village documents and ordinances, eliminating references to the outdated term “Zoning Board of Adjustment.”

Recommendation: Adopt the *Ordinance Amending the Name of the Zoning Board of Adjustment to the Board of Adjustment* in the Pinehurst Municipal Code to maintain consistency with the new PDO and state law.

ATTACHMENTS

1. DRAFT Ordinance 25-17 Amending the Name of the Zoning Board of Adjustment to the Board of Adjustment in the Village of Pinehurst Municipal Code

ORDINANCE #25-17:

AN ORDINANCE AMENDING THE NAME OF THE ZONING BOARD OF ADJUSTMENT TO THE BOARD OF ADJUSTMENT IN THE VILLAGE OF PINEHURST MUNICIPAL CODE.

WHEREAS, the Village of Pinehurst wishes to amend the name of the "Zoning Board of Adjustment" to the "Board of Adjustment" in the Pinehurst Municipal Code; and

WHEREAS, this amendment is to make references to the Board consistent with the newly updated Pinehurst Development Ordinance and with North Carolina General Statute § 160D-302 authorizing the appointment of a Board of Adjustment.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in Regular Meeting assembled this 18th day of November 2025, that all references to the "Zoning Board of Adjustment" in the Pinehurst Municipal Code be amended to read "Board of Adjustment".

THIS ORDINANCE passed and adopted this 18th day of November 2025.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Patrick Pizzella, Mayor

Attest:

_____
Shannon Konstantinou, Village Clerk

DRAFT

Consider Resolution 25-53 Authorizing the Sale of Certain Real Property at Public Auction (Torrey Pines & Longleaf NW)

ADDITIONAL AGENDA DETAILS:

FROM: Shannon Konstantinou, Village Clerk
CC: Village Council; Doug Willardson
DATE OF MEMO: 10/27/2025

MEMO DETAILS

Staff requests Council consideration of *Resolution #25-53*, which authorizes the sale of two Village-owned parcels of surplus property through a public auction.

The properties proposed for sale are:

- **1060 Longleaf Drive NW (Parcel ID #00023270, Unit 15 Lot 14 PH II)**
- **15 Torrey Pines Lane (Parcel ID #00023556, Unit 1 Lot 574 PH I)**

Both parcels are vacant and have been identified as surplus to the needs of the Village. Consistent with G.S. 160A-270(a), the sale will be conducted by public auction through *All the Way Auctions* between December 23, 2025, and December 30, 2025.

Auction terms include:

- Proof of funds and bidder registration required;
- 10% buyer's premium due at closing;
- 10% non-refundable due diligence fee due within 24 hours of Council acceptance;
- Closing within 45 days of bid acceptance;
- Property sold "as is" with no warranty.

Following the auction, the highest bid will be reported to Council for acceptance or rejection within 30 days. No sale will be finalized without Council approval.

Recommendation: Adopt *Resolution #25-53*, authorizing the sale of surplus Village-owned property located at 1060 Longleaf Drive NW and 15 Torrey Pines Lane via public auction in accordance with North Carolina General Statute 160A-270.

ATTACHMENTS

1. DRAFT Resolution 25-53 Authorizing the Sale of Certain Real Property at Public Auction (Torrey Pines & Longleaf NW)

RESOLUTION #25-53:

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY AT PUBLIC AUCTION.

WHEREAS, the Village Council of the Village of Pinehurst desires to dispose of certain surplus property of the Village of Pinehurst.

NOW, THEREFORE, BE IT RESOLVED by the Village Council that:

1. The following described properties are hereby declared to be surplus to the needs of the Village of Pinehurst:
    a. Vacant lot located at 1060 Longleaf Dr. NW., Parcel ID #00023270, Unit 15 Lot 14 PH II. (Attachment A)
    b. Vacant lot located at 15 Torrey Pines Ln., Parcel ID #00023556, Unit 1 Lot 574 PH I. (Attachment B)

2. The Village Manager is authorized to receive, on behalf of the Village Council, bids at public auction for the purchase of the described properties.

3. The public auction will be held from December 23, 2025, to December 30, 2025, at https://bid.allthewayauctions.com/ui. The terms of sale shall be:

    a. Bidders must register with All the Way Auctions and submit proof of funds.
    b. A 10% "Buyer's Premium" will be paid by the highest bidder at closing.
    c. A 10% non-refundable "Due Dilligence Fee" deposit is due to All the Way Auctions within 24 hours of acceptance of the highest bid by the Village Council.
    d. All loan types considered and / or cash.
    e. Highest bidder will complete the purchase within 45 days of the Village Council acceptance of their bid.
    f. The property is sold in its current condition, as is, and the Village gives no warranty with respect to usability of the property.

4. The Village Clerk shall cause a notice of the public auction to be published in accordance with G.S.160A-270(a).

5. The highest bid shall be reported to the Village Council and must be accepted or rejected by the Village Council within 30 days of the report.

6. No sale may be completed until the Village Council has approved the highest bid.

THIS RESOLUTION passed and adopted this 18th day of November 2025.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

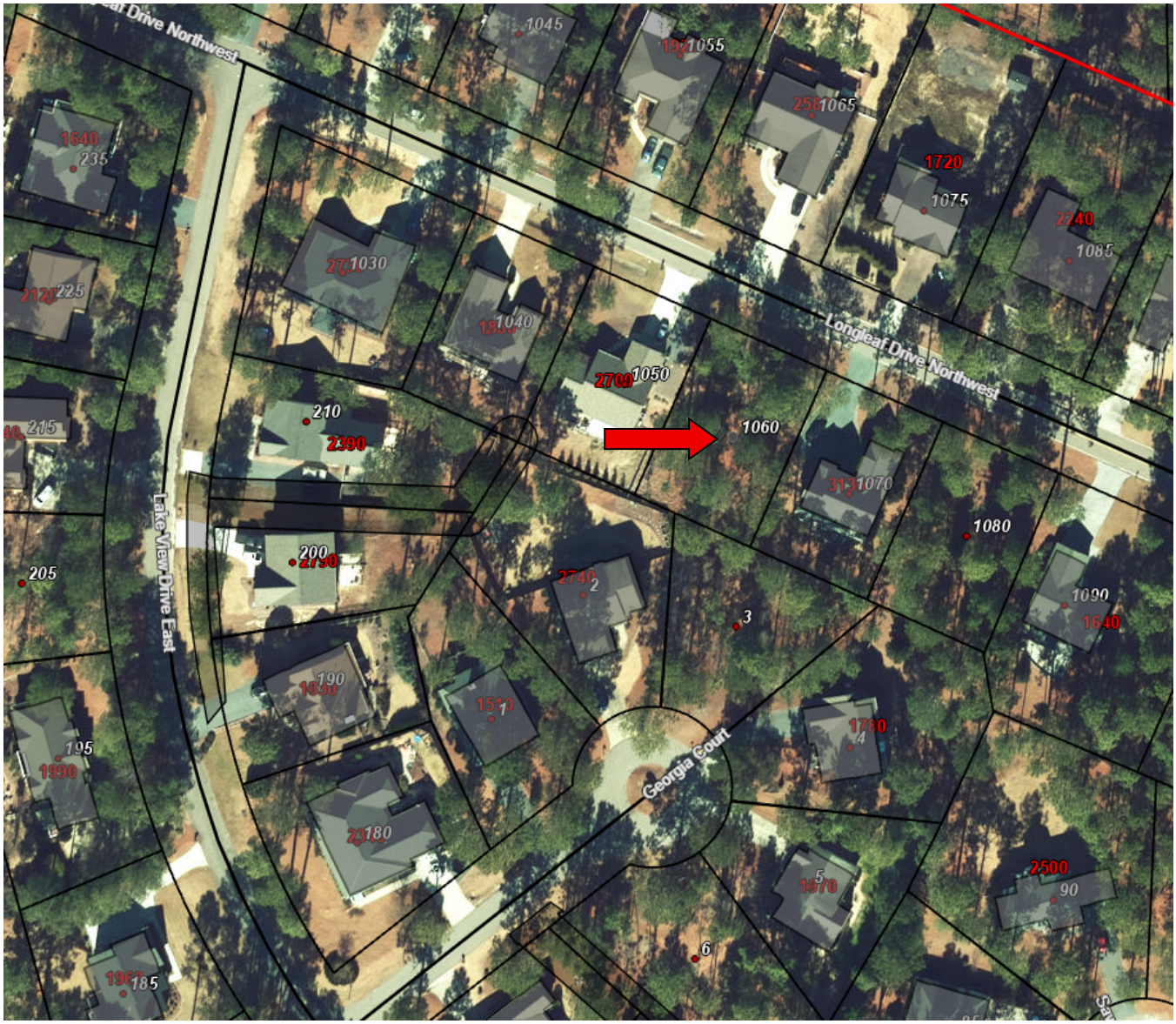
By: _____
Patrick Pizzella, Mayor

Attest:

_____
Shannon Konstantinou, Village Clerk

DRAFT

Attachment A (1060 Longleaf Dr. NW)



Attachment B (15 Torrey Pines Ln.)



Consider Bids for the Fiscal Year 2026 Resurfacing Project
ADDITIONAL AGENDA DETAILS:

FROM: Shannon Konstantinou, Village Clerk
CC: Village Council; Doug Willardson; Mike Apke
DATE OF MEMO: 11/07/2025

MEMO DETAILS
This item is to consider bids for the Village's annual road resurfacing project.

Three (3) licensed contractors submitted unit pricing on 11/6/2025 to resurface approximately 5 miles of Village streets, plus alternate bids to re-establish striping on the roadways. A list of the streets included in the bid package is attached for reference, along with a Bid Tabulation that summarizes all bids received.

The low base bid (resurfacing only) was submitted by Turner Asphalt from Raleigh in the total amount of $1,329,119.60. When the alternate bids for re-striping are added to the base bids, the low bidder is Fred Smith Company from Raleigh in the total amount of $1,451,420.00. Our FY26 Powell Bill budget for road resurfacing is $1.5 million.

Turner Asphalt and Fred Smith Company are both reputable contractors that have successfully completed road resurfacing projects for the Village in the past. The project bidding documents allow us to award the contract to the bidder determined to be in the best interest of the Village, and "may be made based solely on the base bid or the base bid with any combination of any alternate bids."

After reviewing the bids, staff recommends that the Village award the FY26 resurfacing project to Turner Asphalt for the base bid amount of $1,329,119.60, and that we not accept Turner's alternate bid price for re-striping work. Staff instead proposes to re-bid the striping work as a standalone project, to be completed after the road resurfacing.

In keeping with previous practice, staff also requests that the motion include that the Village Manager is authorized to execute change orders and add additional quantities at the original unit pricing with the overall amount not to exceed $1.5 million (FY26 Powell Bill Fund budget).

Please note that the actual contract is not attached as the Contractor typically does not obtain performance bonds or payment bonds that go with the contract until after Council authorizes the execution.

ATTACHMENTS
1. FY26 Road Resurfacing Bid Results
2. 6-Proposed_Resurfacing_FY26

Bid Tabulation Sheet
Village of Pinehurst
FY26 Annual Street Resurfacing & Improvement Project

Bidder	Total Base Bid (Resurfacing)	Alternate Bid No. 1 (Pavement Markings)	Total Base and Alternate Bids
Turner Asphalt	$1,329,119.60	$170,934.00	$1,500,053.60
Fred Smith Company	$1,397,790.00	$53,630.00	$1,451,420.00
Barnhill Contracting	$1,447,890.00	$75,930.00	$1,523,820.00

FY26 Annual Street Resurfacing Improvement Project - Street Listing

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	Markings: White & Yellow Line Striping	Markings: Stop bars	Markings: Crosswalks	Markings: School Marking
Village Acres Area								
Longleaf Dr NW	Traffic Circle	Dead End	2042	21	Y			
Duncan Lane	Longleaf Dr NW	CDS	352	20	N			
Alexander Lane	Longleaf Dr NW	CDS	430	20	N			
Lake View Drive East	Longleaf Dr NW	Georgia Ct	637	20	N			
Georgia Court	Lake View Dr E	CDS	285	20	N			
Longleaf Dr W	Peebles Place	Cypress Ln	2302	22	Y			
Total Length in Neighborhood:			**6048**					

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalks	School Marking
Pinedale Area								
Dunvegan Court	Midland Road	CDS	808	20	N			
Total Length in Neighborhood:			**808**					

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalks	School Marking
Pinehurst Lake Area								
Cedar Lane	Gingham Lane	Cedar Court	735	20	N			
Cedar Court	Cedar Lane	CDS	114	40	N			
Burning Tree Road	Pine Vista Drive	Statler Lane	2001	21	Y	2		
Burning Tree Road	Crystal Court	Westlake Point Dr	1156	21	Y			
Statler Lane	Burning Tree	Diamondhead	1232	21	Y	2		
Old Pool	St. Andrews Dr	Oakmont	301	20	N			
Lake Shore Drive	Burning Tree	Catalpa	987	20	N			
Catalpa Lane S	Lake Shore Dr	Overcup Ln	299	21	N			
Total Length in Neighborhood:			**6825**					

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalks	School Marking
Pinehurst No. 6								
Deerwood Lane	Beasley Drive	Scioto Lane	1003	21	Y			
Deerwood Lane	Greenbrier Lane	Juniper Creek	3281	21	Y			
Randolph Court	Juniper Creek	CDS	277	20	N			
Overpeck Lane	Deerwood	Juniper Creek	1438	21	N			
Total Length in Neighborhood:			**5999**					

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalks	School Marking
Old Town								
Kelly Road	Midland Road	Rattlesnake Trail	2399	21	Y	4	1	2
Total Length in Neighborhood:			**2399**					

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalks	School Marking
Donald Ross Area								
Linden Lane	Linden Road	CDS	273	20	N			
Donald Ross Drive	Linden Road	Travis Lane	4080	21	Y			
Total Length in Neighborhood:			**4353**					

FY 2026 Financial Dashboard as of and for the Quarter Ended September 30, 2025

ADDITIONAL AGENDA DETAILS:

FROM: Dana Van Nostrand, Financial Services Director
CC: Village Council;
DATE OF MEMO: 11/03/2025

MEMO DETAILS
Please see the attached financial dashboard as of and for the quarter ended September 30, 2025.

ATTACHMENTS
1. Quarterly Financial Dashboard 9.30.25

QUARTERLY FINANCIAL DASHBOARD

FISCAL YEAR ENDING JUNE 30, 2026

Reporting Period: September 30, 2025

CASH & INVESTMENTS	Sep-25	Sep-24
Petty Cash	$ 950	$ 950
PNC Bank Account	373,610	311,787
NCCMT - Cash/Govt Account	10,331,331	30,090,107
NC Investment Pool	20,019,806	-
Total Cash & Investments	**$ 30,725,697**	**$ 30,402,844**
	PERCENT OF TOTAL	
Petty Cash	0%	0%
PNC Bank Account	1%	1%
NCCMT - Gov't Account	34%	99%
NC Investment Pool	65%	0%
Total Cash & Investments	100%	100%
Yield Percentage	3.87%	4.85%

GENERAL FUND BALANCE SHEET	Sep-25	Sep-24
Cash & Investments	$ 26,838,656	$ 29,194,647
Taxes Receivable	2,803,302	2,684,542
Due from Other Agencies	3,206,099	3,019,189
Other Assets	103,801	154,870
Total Assets	**$ 32,951,858**	**$ 35,053,248**
Accounts Payable & Accrued Liabilities	$ 182,515	$ 157,974
Deposits	281,046	240,221
Unearned/Unavailable Revenues	3,209,705	3,151,442
Total Liabilities	**$ 3,673,266**	**$ 3,549,637**
Fund Balance	29,278,592	31,503,611
Total Liabilities & Fund Balance	**$ 32,951,858**	**$ 35,053,248**

GENERAL FUND FUND BALANCE	Sep-25	Sep-24
Nonspendable	$ 54,845	$ 87,199
Restricted:		
Stabilization by State Statute	7,391,746	7,687,442
Other Restricted	357,107	362,413
Committed:		
Library & Archives	-	544,777
Future Capital	9,280,234	9,674,900
Assigned:		
Fund Balance Appropriated	6,100,273	8,080,132
Unassigned	6,094,387	5,066,748
Fund Balance, June 30	**$ 29,278,592**	**$ 31,503,611**
Fund Balance % of Budgeted Expend.	91%	99%

OTHER FUNDS	Sep-25	Sep-24
Library Exp. Capital Project	Project to Date	
Fund Balance	$ 3,887,041	$ 1,208,197
Investment Income	197,263	105,432
Donations	500	-
Transfers from General Fund	4,200,000	1,400,000
Capital Expenditures	510,722	297,235
SMPO Special Revenue	Fiscal Year to Date	
Assets	$ 51,466	$ 21,380
Liabilities	51,466	21,380
Revenues	16,951	2,938
Expenditures	16,951	2,938
General Capital Assets	As of	
Capital Assets	$ 66,215,820	$ 62,138,117
Leases & Subscriptions	862,534	811,901
General Long-Term Debt	As of	
Lease & Subscription Liabilities	$ 365,922	$ 216,782
Compensated Absences	2,578,986	965,683
Pension Liabilities	8,412,708	8,397,759

AD VALOREM TAXES	Sep-25	Sep-24
VALUATION (in thousands)		
Real Property	$ 5,734,463	$ 5,648,913
Motor Vehicles	86,451	87,096
Total Valuation	**$ 5,820,914**	**$ 5,736,009**
CURRENT YEAR LEVY		
Real Property	$ 12,904,356	$ 12,711,833
Motor Vehicles	194,502	199,109
Total Levy	**$ 13,098,858**	**$ 12,910,942**
Current Levy Collection %	78.69%	79.24%

COLLECTIONS	Sep-25	
	BUDGET	ACTUAL
Real Property	$ 12,880,000	$ 10,118,862
Motor Vehicles	796,000	194,795
Refunds/Reliefs	(11,000)	(2,639)
Tax Interest	10,000	1,318
Total Ad Valorem Collections	**$ 13,675,000**	**$ 10,312,336**

GENERAL FUND BUDGET	CURRENT YEAR			FY 2025
REVENUES	**BUDGET**	**ACTUAL**	**PERCENT**	**PERCENT**
Ad Valorem Taxes	$ 13,675,000	$ 10,312,336	75%	76%
Intergovernmental Revenues	10,069,400	2,216,345	22%	24%
Other Revenues	2,553,830	542,383	21%	19%
Interest Income	768,000	203,181	26%	28%
Total Revenues	**$ 27,066,230**	**$ 13,274,245**	**49%**	**50%**
EXPENDITURES				
Governing Body	$ 162,580	$ 32,342	20%	19%
Administration	1,788,553	396,079	22%	29%
Financial Services	1,002,360	353,608	35%	38%
Human Resources	679,780	125,210	18%	19%
Police	4,683,308	1,019,706	22%	21%
Fire	4,445,348	921,655	21%	20%
Inspections	486,790	108,776	22%	22%
Public Services Administration	854,990	163,492	19%	14%
Streets & Grounds	1,973,153	389,475	20%	21%
Powell Bill Funds	1,500,100	-	0%	0%
Solid Waste	2,635,330	529,968	20%	20%
Recreation	2,643,622	614,953	23%	24%
Library	633,264	121,531	19%	22%
Harness Track	744,339	231,106	31%	26%
Fair Barn	453,037	85,179	19%	21%
Planning	1,287,116	272,983	21%	16%
Debt Service	357,050	76,616	21%	35%
Total Operating Expenditures	**$ 26,330,720**	**$ 5,442,679**	**21%**	**21%**
Total Capital Expenditures	5,854,583	1,000,014	17%	4%
Total Expenditures	**$ 32,185,303**	**$ 6,442,693**	**20%**	**17%**
Other Financing Sources (Uses)	(981,200)	263,728		
Net Change in Fund Balance	**$ (6,100,273)**	**$ 7,095,280**		
Salaries & Benefits	$ 17,207,800	$ 3,564,595	21%	21%
Other Operating	9,122,920	1,878,084	21%	20%
Total Operating Expenditures	$ 26,330,720	$ 5,442,679	21%	20%

OTHER CURRENT YEAR DATA	Harness Track		Fair Barn	
	BUDGET	ACTUAL	BUDGET	ACTUAL
Total Revenues	**$ 233,830**	**$ 26,806**	**$ 273,500**	**$ 55,160**
Operating Expenditures	744,339	231,106	453,037	85,179
Capital Expenditures	324,043	55,584	90,583	12,962
Total Expenditures	**$ 1,068,382**	**$ 286,690**	**$ 543,620**	**$ 98,141**
Discounts	-	-	-	37,900
% of Operating Expenditures Covered	31%	12%	60%	65%

ANALYTICAL COMMENTS
FISCAL YEAR ENDING JUNE 30, 2026
Reporting Period: September 30, 2025

SUMMARY
- As of September 30, 2025 the Village is in strong financial position. Revenues and expenditures are tracking in line with estimates used to develop the FY 2026 budget and five-year forecast.

CASH & INVESTMENTS
- Total cash and investments increased $320 thousand, or 1%, compared to September 30 of the prior year. The increase is primarily attributable to the FY 2025 surplus of approximately $1.3 million across all funds, partially offset by an increase in liabilities due to the timing of FY 2026 expenditure payments.
- Cash and investment balances continue to follow historical trends year-to-date. We transferred approximately $20 million of excess cash to a NC Investment Pool account in September. The addition of NCIP to the portfolio is intended to enhance investment income on excess cash, yielding approximately 10-20 basis points more than NCCMT.
- Investment yields for the quarter have remained in line with the federal funds benchmark rate (4.25%-4.5%) during July and August. On September 17, the Federal Reserve reduced the rate by 0.25% reflecting a modest shift in monetary policy.

GENERAL FUND BALANCE SHEET
- Cash and Investments was the key driver of the $2 million decrease in total assets, due to transfers to the Library CPF in prior years and nearly an additional $800 thousand in capital expenditures this year compared to the same time last year.
- Due from Other Agencies increased $187 thousand from:
  - $252 thousand more in refunds for sales tax paid, collected in October this year versus September last year.
  - $35 thousand less due from the Town of Taylortown for FY 2026 fire services. Payment was made in September this year, whereas none was received in the prior year.
  - $36 thousand more from Moore County for Ad Valorem taxes, offset by $80 thousand less in sales tax due from NCDOR.
- Accounts Payable and Accrued Liabilities increased $25 thousand primarily due to higher retirement contributions resulting from increased retirement rates set by the NC General Assembly and higher employee salaries.

GENERAL FUND FUND BALANCE
- Restricted fund balance decreased $301 thousand, driven by higher liabilities and lower encumbrances as of 9/30/25 as compared to the prior year. Liabilities and encumbrances increase the fund balance restricted by state statute.
- Fund balance committed for the Library & Archives was reduced to zero in FY 2025 to help fund transfers from the General Fund to the Library CPF.
- Fund balance committed for future capital is $395 thousand lower than the prior period based on the 6/30 calculations from the audit.
- Fund balance assigned for the fund balance appropriation (FBA) is $2 million lower than last year reflecting the lower FBA included in the FY 2026 budget. The FBA is lower due to less capital spending and transfers in the FY 2026 budget vs. FY 2025.
- Unassigned fund balance increased $1 million, largely due to the release of nearly $2 million from assigned for FBA.

OTHER FUNDS
- Library design services are complete, with total costs of $510 thousand. The Library Expansion Capital Project Fund remains well funded, and construction is expected to begin in the near future.
- The SMPO began its second full year of operations, with Q1 expenditures totaling $17 thousand. Of this amount, $14 thousand was funded through Federal grants and $3 thousand through member dues.
- The Village added $4.1 million to its capital assets (at cost) and $50 thousand in leases in FY 2025, reflecting continued investment in infrastructure and equipment.
- The compensated absences liability increased $1.6 million due to the implementation GASB Statement No. 101 in FY 2025, which requires recognition of the portion of sick leave expected to be used in future periods in the 9/30/25 balance.

AD VALOREM TAXES
- Tax values and levies increased in Q1 compared to the prior period, moving in tandem.

GENERAL FUND BUDGET

REVENUES
- Ad Valorem Taxes are on track with the FY 2026 budget, with 75% of the budgeted revenues collected to date.
- Local option sales tax revenues are slightly behind budget, reflective of seasonal fluctuations in revenue estimates.
- Other Revenues are slightly below budget for Q1 due to the cyclical pattern of stall rentals at Harness Track.
- Interest income is on target with the budget, with rates stable in July and August and a modest decline in September.

EXPENDITURES
- The Administration department has spent 7% less than last year due to vacation payouts in the prior year and the Organizational Performance Director vacancy in the current year.
- Financial Services is down 3% compared to Q1 of last year, due to an increased budget, resulting in a lower spending percentage even though overall spending remains consistent with the prior year.
- The Public Services Administration department is 5% ahead of FY 2025 spending, partly due to the Assistant Public Works Director position being vacant until November 2024.
- The Harness Track department is 5% ahead of last year's spending, reflecting restaurant floor repairs required after an inspection.
- Planning department expenditures are 5% higher than Q1 FY 2025, primarily due to professional services for the PDO rewrite, not previously incurred in Q1 FY 2025.
- Debt service expenditures are 14% less this time last year. The FY 2026 budget increased by approximately $150 thousand due to the Enterprise vehicle lease estimates, but vehicle lease payments didn't start until September.
- Overall, operating expenditures are 21% spent, trending with the prior year.
- The pace of completion for capital expenditures is ahead of last year. Projects such as Juniper Creek sidewalks, Cedar Court drainage improvements are progressing earlier. Additionally, leased vehicles are arriving sooner from Enterprise than previous experience with purchasing vehicles.
- The Other Financing Uses budget includes a $1.9 million transfer to the Library CPF, partially offset by $830 thousand in lease liabilities. Q1 actuals include proceeds from the sale of a parcel on Longleaf Drive and lease liabilities for three (3) vehicles received from Enterprise in August.

OTHER CURRENT YEAR DATA
- Harness Track revenues were $10 thousand higher through Q1 compared to last year. However, additional operating expenditures were incurred for necessary maintenance to the track restaurant. As a result, the % of operating expenditures covered by operating revenues increased by about 2% compared to Q1 of last year. Note the training season begins in October.
- The Fair Barn covered 65% of its operating expenditures with operating revenues. Discounts have remained relatively flat, increasing only $1 thousand compared to the same period last year. This occurred because the base fee for non-profits increased from $1,000-$1,500 in FY 2025 to $2,000-$2,500 this year to align with competing venues and the higher for-profit rates.

FY 2026 Performance Dashboard as of and for the Quarter Ended September 30, 2025

ADDITIONAL AGENDA DETAILS:

FROM: Doug Willardson, Village Manager
CC: Village Council;
DATE OF MEMO: 11/12/2025

MEMO DETAILS

The purpose of this memo is to provide an updated summary of progress on the Village's six active Initiative Action Plans (IAPs), which support the Council's strategic priorities and Balanced Scorecard framework. Each IAP represents a major initiative designed to achieve measurable progress toward the community's long-term goals.

Update the Pinehurst Development Ordinance (PDO)
The comprehensive rewrite of the PDO continues to advance. The public hearing that began on October 30 will continue at this meeting to allow for additional comment and maybe adopted before we come to this agenda item. The updated ordinance reflects recommendations from the 2019 Comprehensive Plan, modernizes development and design standards, removes inconsistencies, and incorporates statutory changes under NCGS 160D.

Redevelopment of Village Place / Public Services Relocation
Staff met with representatives from the Pinehurst Resort to discuss coordination opportunities related to the Village Place redevelopment area.

Expand and Renovate Given Memorial Library/Tufts Archives
A pre-construction meeting was held last week. Ground clearing is likely to begin in December. A groundbreaking ceremony will be held shortly after that dependent on weather and holiday schedules.

Improve Fire Department Rescue Response Times
Recieved SAFER grant to partially fund six new firefighters. Working to hire those positions so we can begin our quick-response unit.

Implement Multi-Modal Transportation Plan
99% complete with the No. 6 Sidewalk project--phase 1. Phase 2 will be bid in quarter 2 and constructed in quarter 3. The Village received NCDOT approval to proceed with the Airport Road Greenway. Staff is being entered into the NCDOT system to move forward with design and construction. These projects will serve as a key segment of the Village's broader multimodal network to enhance pedestrian and bicycle connectivity.

Short-Term Rental (STR) Monitoring & Compliance
Staff continues proactive outreach to STR hosts, consistent with Council's prior direction. Compliance monitoring through Granicus remains active, helping ensure enforcement of existing regulations and the integrity of neighborhood character. Staff is also reviewing sample noise ordinances provided for consideration and plans to bring potential updates to Council for future

discussion.

Conclusion
Progress continues across all IAPs, with several projects entering key implementation phases before year-end. Staff will continue to track milestones and provide updates as projects advance.

Recommendation:
This memo is for informational purposes only. No Council action is requested at this time.

ATTACHMENTS
None