



**Village Council
Agenda for Work Session of April 28, 2026
Assembly Hall
395 Magnolia Road, Pinehurst, NC 28374
Pinehurst, North Carolina
4:30 PM**

1. Call to Order
2. General Business
 - A. Discussion of Permit Compliance and Unpermitted Work Enforcement Practices
 - B. Discussion of Short-Term Rentals in the Pinehurst Development Ordinance
 1. Intensification
 2. Non-conforming Use Certificates
 3. Homestays
 4. Accessory Dwelling Units
 - C. Discussion of Regulation of Accessory Dwelling Units (ADUs) in the Pinehurst Development Ordinance
 - D. Discussion of Landscape Buffers in the Pinehurst Development Ordinance
 - E. Update on the New Given Memorial Library and other Construction Projects
3. 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.



**Discussion of Permit Compliance and Unpermitted Work Enforcement Practices
ADDITIONAL AGENDA DETAILS:**

FROM: Shannon Bonecutter, Village Clerk
CC: Village Council;
DATE OF MEMO: 04/20/2026

MEMO DETAILS

ATTACHMENTS

1. Unpermitted work memo 4.8.26

MEMORANDUM

TO: Village Council
FROM: Village Manager
SUBJECT: Permit Compliance and Unpermitted Work – Current Practices and Potential Enhancements
DATE: April 7, 2026

Purpose

At a recent meeting, Council requested additional discussion regarding unpermitted work and whether the Village's current enforcement framework should be strengthened. Staff has reviewed the materials provided, recent enforcement activity, applicable statutory requirements, and our existing processes.

This memo provides an overview of current practices, a snapshot of recent activity, and identifies opportunities for continued improvement.

Permit Compliance Snapshot (Past 12 Months)

- Approximately 2,500 permits are issued annually. This includes all permit types: plumbing, mechanical, electrical, building, accessory structures, decks/patios, fences/walls, new construction, additions/alterations, land disturbance, demolition, pools/spas, docks, and related work.
- With roughly 10,500 single-family homes, apartments, and townhomes in Pinehurst, this equates to about one in four properties obtaining a permit each year.
- Unpermitted work cases identified: 29 (21 of which involve fences and walls).
- Approximate percentage of total activity: 1.16%.
- Repeat offenders: 0.
- Cases requiring penalties beyond a double fee: 1.

Based on current data and enforcement activity, unpermitted work occurs on an occasional basis and does not indicate a systemic compliance issue.

Proactive Identification and Compliance Measures

Staff reviewed enforcement practices with other jurisdictions in Moore County and found that Pinehurst's approach is consistent with peer communities. All operate within the same statutory framework and rely on a combination of field observation, complaint response, and interdepartmental coordination to identify and address unpermitted work.

The Village's proactive approach includes:

- Active field presence by inspectors, with routine identification of work in progress
- Coordination across departments to increase visibility of construction activity

- Prompt investigation and verification of potential unpermitted work (including complaint response)
- Integration of building code and zoning enforcement, meaning staff review projects for both how something is built (code compliance) and whether it is allowed (zoning), helping ensure issues are identified and addressed efficiently
- Permit cross-checks (“soft checks”), where issuance of one permit type (e.g., electrical) triggers staff review to confirm whether additional permits (e.g., building or zoning) are required

While staff makes a proactive and good-faith effort to identify work being completed without permits, it is important to recognize that enforcement is inherently reactive to some degree. Like peer communities, the Village does not have the ability to monitor all private property activity in real time and instead relies on visible activity, inspections, and community reporting to ensure compliance.

Enforcement Process and Tools

When unpermitted work is identified, enforcement actions are carried out in accordance with state law, including required notice, cure periods, and due process protections. The Village utilizes a consistent, compliance-focused approach supported by the following process and tools:

- Investigation and verification of work without a permit
- Issuance of a notice of violation and stop work order, when appropriate
- Opportunity to appeal or seek a variance (where applicable) through the Board of Adjustment (PDO Chapter 5; N.C.G.S. §160D-405)
- Requirement to obtain permits, with applicable double fees for work started without approval (Pinehurst Municipal Code §150.20(B)(1) and Fee Schedule)
- Compliance-driven resolution, with civil penalties applied only when necessary (up to \$500/day for PDO violations; \$50 for Municipal Code violations)

In practice, the administrative effort required to address most unpermitted work is limited, typically involving site verification, communication with the property owner or contractor, and processing the required permit. The existing double permit fee is generally sufficient to recover these costs.

Civil penalties are available as an enforcement tool but are used sparingly and only when compliance is not achieved. In the past 12 months, only one case required penalties beyond the double permit fee, as most property owners and contractors come into compliance once notified.

Most cases are resolved and brought into compliance at the permitting stage without the need for additional enforcement action. Collectively, these tools are consistent with peer communities and are designed to achieve compliance while recovering administrative costs, rather than serving as purely punitive measures.

Opportunities for Improvement: Education and Awareness

If there is an opportunity to improve, it is in awareness, particularly for homeowners completing smaller or DIY projects.

Staff has already taken steps to strengthen communication, including:

- Updates to the Village website to better clarify permitting requirements
- Ongoing efforts to simplify and make permitting information more accessible
- Updated “Do I Need a Permit?” reference materials in the new resident packet

In addition, the next Village newsletter will include a feature article on permits, focusing on common projects and when permits are required. Staff also continues to emphasize permitting requirements during builder workshops and other outreach efforts.

Given Pinehurst’s HOA presence, the Village can also encourage HOAs/POAs to ask applicants a simple question early in the process: “Do you have a Village permit, if required?”

Common Projects That Typically Require a Permit

- New construction and additions
- New decks, patios, and accessory structures
- Electrical, plumbing, or HVAC work as required by the NC Building Code
- New driveways on Village streets

Common Projects That Typically Do Not Require a Permit

- Painting
- Flooring replacement (non-structural)
- Cabinets and countertops
- Roof replacement (if under \$40,000 and no structural work)
- Deck repair and replacement of treads (not framing)
- Landscaping

Board of Adjustment Consideration

A related concern raised informally is not the lack of enforcement, but what happens after enforcement, particularly when cases are appealed or a variance is requested (for zoning regulations only).

Specifically:

- Property owners have the right to file for a variance or appeal a staff-identified violation

- This can create a perception that enforcement outcomes are inconsistent following the variance or appeal process

To address this, staff will:

- Continue to provide training and legal guidance to the Board of Adjustment
- Reinforce statutory standards for variances and quasi-judicial decisions
- Emphasize consistency in findings and application of standards

Additionally, for projects subject to Historic Preservation Commission (HPC) review, staff could incorporate a rough framing inspection for new construction and additions to help identify deviations from approved plans (e.g., added or relocated doors and windows). While this would not capture all deviations, it provides an earlier checkpoint for visible structural changes. *See note below.

Conclusion

The Village maintains a strong, legally compliant, and effective enforcement framework for permit compliance. Current data does not indicate a widespread or systemic issue with unpermitted work.

Within the constraints of statutory requirements, the most effective path forward is to:

- Continue consistent enforcement
- Expand public education and awareness
- Utilize simple proactive measures such as HOA coordination
- Reinforce Board of Adjustment and Historic Preservation Commission standards

Current data also suggests that existing fee structures, including the double permit fee, are sufficient to recover administrative costs and achieve compliance. Additional administrative fees or expanded penalty structures do not appear warranted at this time.

Staff will continue to monitor trends and report back if compliance patterns change.

Note: Historically, the addition or modification of windows and doors was treated as Minor Work and reviewed at the staff level. Under the current standards, these changes are classified as Major Work requiring a COA. Staff recommends revisiting this approach and returning such modifications to Minor Work review. Adjustments to window and door openings are common during construction, and allowing staff-level review would provide appropriate oversight without delaying construction. Under the current process, these types of changes are often completed in the field with the expectation of seeking a post-work COA, which is not an ideal outcome.



Discussion of Short-Term Rentals in the Pinehurst Development Ordinance ADDITIONAL AGENDA DETAILS:

FROM: Doug Willardson, Village Manager
CC: Village Council;
DATE OF MEMO: 04/22/2026

MEMO DETAILS

Council has recently raised several questions and discussion points regarding how short-term rentals (STRs) are regulated within the Pinehurst Development Ordinance (PDO). Staff has compiled the primary topics for review and discussion below.

This is intended to frame the issues, provide clarity on current regulations, and identify where Council may wish to consider policy direction or adjustments.

The following topics will be addressed in more detail in separate memos:

1. Intensification
2. Nonconforming Use Certificates
3. Homestays
4. Accessory Dwelling Units (ADUs)

ATTACHMENTS

None



**Intensification
ADDITIONAL AGENDA DETAILS:**

FROM: Doug Willardson, Village Manager
CC: Village Council;
DATE OF MEMO: 04/23/2026

MEMO DETAILS

There have been some questions from Council regarding how “intensification” should be interpreted as it relates to nonconforming short-term rentals (STRs), particularly around whether the addition of amenities could be considered an expansion of the use.

At a high level, the issue centers on how the Pinehurst Development Ordinance applies to nonconforming uses and what constitutes an impermissible change versus a typical residential improvement. The term “intensification” is not explicitly defined in the ordinance, which has led to some differing perspectives.

The Village Attorney has reviewed this issue and, in general, has indicated that while amenities may increase the attractiveness of a property, they do not necessarily change the nature of the use itself. The ordinance is primarily focused on the scope of the use—such as occupancy or capacity—rather than how frequently the property is used.

Given the legal and policy implications, some members of Council have asked that Dan Hartzog, Village Attorney, meet with us to walk through the issue, provide his legal interpretation, and help ensure everyone has a clear and consistent understanding moving forward.

ATTACHMENTS

None



Non-conforming Use Certificates ADDITIONAL AGENDA DETAILS:

FROM: Doug Willardson, Village Manager
CC: Village Council;
DATE OF MEMO: 04/23/2026

MEMO DETAILS

Council has previously discussed whether to reopen the process for issuing Nonconforming Use Certificates (NCUCs) for short-term rentals (STRs). Based on those discussions, there appears to be general consensus to not move in that direction.

Instead, staff recommends continuing with and formalizing the use of a Letter of Zoning Certification as the appropriate tool.

Under this approach, upon request, the Village would provide a written certification indicating whether a property is eligible to operate as a short-term rental based on the requirements of the ordinance. This includes confirming that:

- The STR was operational prior to October 2022; and
- The use has not experienced a lapse of 365 consecutive days or more

This approach has several advantages:

- It provides clear, case-specific guidance without creating a quasi-permanent entitlement document
- It maintains flexibility for enforcement as conditions change over time
- It avoids reopening a more formal NCUC process, which could create additional administrative burden and expectations of vested rights
- It allows staff to rely on current and verifiable information at the time of the request

To improve transparency, staff proposes that this option be clearly communicated on the Village's STR "Hot Topics" webpage, noting that property owners may request a Letter of Zoning Certification.

Recommendation

Staff recommends that the Village:

1. Continue using Letters of Zoning Certification in lieu of reopening the NCUC process; and
2. Publicly communicate the availability of these letters upon request

This approach provides clarity to property owners while maintaining the Village's ability to administer and enforce STR regulations effectively.

ATTACHMENTS

None



Homestays
ADDITIONAL AGENDA DETAILS:

FROM: Doug Willardson, Village Manager
CC: Village Council;
DATE OF MEMO: 04/23/2026

MEMO DETAILS

Council has raised questions regarding how “homestays” are treated under the Pinehurst Development Ordinance (PDO) and whether they are distinct from, or part of, short-term rentals (STRs).

The PDO currently defines a homestay as:

“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.”

In practice, staff has consistently treated homestays as a form of short-term rental and regulated them accordingly. The primary distinction is that the property owner remains on-site during the rental period.

From a regulatory standpoint, this approach has functioned well and aligns with the broader STR framework. However, Council’s ongoing discussion regarding how “intensification” is defined and applied to STRs could have implications for how homestays are ultimately treated within the ordinance.

Given that, staff believes the current approach is reasonable, but any formal policy direction or ordinance clarification related to homestays may be better considered after Council has provided direction on the intensification issue.

ATTACHMENTS

None



Accessory Dwelling Units ADDITIONAL AGENDA DETAILS:

FROM: Doug Willardson, Village Manager
CC: Village Council;
DATE OF MEMO: 04/23/2026

MEMO DETAILS

Council has raised questions regarding the relationship between accessory dwelling units (ADUs) and short-term rentals (STRs), and whether additional clarification is needed in the Pinehurst Development Ordinance (PDO).

What is an ADU?

An accessory dwelling unit (ADU) is a secondary, self-contained living unit located on the same lot as a primary residence. It typically includes a kitchen, bathroom, and sleeping area and may be attached to or detached from the main home. ADUs are intended to function as subordinate residential units.

ADUs and Short-Term Rentals

The PDO addresses the relationship between ADUs and STRs through Special Requirement SR-9, which allows STR use only where the underlying zoning permits it.

As currently structured, ADUs may only be used as short-term rentals in zoning districts where both uses are allowed. Today, that effectively limits STR use of ADUs to the Hotel (H) District, which applies to a single property in the Village.

In all residential zoning districts, while ADUs may be permitted as a residential use, STRs are not permitted (except for legally established nonconforming uses). As a result, newly established ADUs cannot be used as short-term rentals in residential areas.

ATTACHMENTS

None



Discussion of Regulation of Accessory Dwelling Units (ADUs) in the Pinehurst Development Ordinance ADDITIONAL AGENDA DETAILS:

FROM: Doug Willardson, Village Manager
CC: Village Council;
DATE OF MEMO: 04/22/2026

MEMO DETAILS

Council has raised questions regarding Accessory Dwelling Units (ADUs), how they are regulated under the Pinehurst Development Ordinance (PDO), and whether any changes may be warranted.

What is an ADU?

An accessory dwelling unit (ADU) is a secondary, self-contained residential unit located on the same lot as a primary dwelling. It may be attached (e.g., within or connected to the main home) or detached (e.g., above a garage or in a separate structure), and must include a kitchen, bathroom, living and sleeping area. ADUs are intended to remain subordinate to the principal residence.

Regulatory Authority

Under North Carolina law, ADUs may be regulated as a land use through zoning. This provides the Village broad authority over physical and design characteristics such as size, placement, setbacks, appearance, and parking. However, there is more limited authority over who occupies the unit or how it is used internally.

Current PDO Framework

The Village's current approach is to allow ADUs in appropriate areas while applying clear standards to maintain neighborhood character:

- **Permitted by Right:** ADUs are allowed by right in the R-210, R-MF, VCP, VR, and VMU zoning districts, as well as within the Historic District
- **Special Use Permit Required:** In other residential districts, ADUs require approval through a Special Use Permit process
- **One ADU Per Lot:** The PDO limits properties to a maximum of one ADU per lot
- **Subordinate Use:** The ADU must remain clearly subordinate to the primary dwelling
- **Size Limitations:** ADUs are subject to maximum square footage requirements relative to the primary structure
- **Placement and Setbacks:** ADUs must meet applicable setback requirements and are regulated in terms of where they can be located on a lot
- **Design Compatibility:** ADUs must be compatible in appearance with the primary dwelling within the Historic District
- **Parking Requirements:** Additional off-street parking may be required depending on the configuration

This framework is intended to allow flexibility for property owners while protecting the character of residential neighborhoods.

Key Legal Limitations

There are important areas where the Village's regulatory authority is limited or where additional restrictions could be legally vulnerable:

- **Occupancy and Relationships:** The Village cannot regulate who occupies an ADU based on familial relationships or similar classifications, consistent with the federal Fair Housing Act
- **Arbitrary Occupancy Limits:** Occupancy limits must be tied to applicable building or safety codes (e.g., fire or health standards), not imposed solely through zoning
- **Inspections of Occupied Dwellings:** Entry into occupied residential structures is governed by N.C.G.S. §160D-1207 and generally requires consent or an administrative warrant
- **Overly Burdensome Standards:** Regulations should not be structured in a way that effectively prohibits ADUs where they are otherwise permitted, as this could be challenged as inconsistent with statutory zoning authority under Chapter 160D

Discussion

Overall, the current standards governing ADUs are clear and functioning as intended. The ordinance provides a structured approach that balances flexibility with neighborhood protection, and many of the commonly raised concerns are already addressed through existing provisions.

That said, if there are specific concerns or scenarios Council would like to explore further—whether related to size, placement, parking, or interaction with other uses—staff is happy to take a closer look at potential options.

ATTACHMENTS

None



Discussion of Landscape Buffers in the Pinehurst Development Ordinance ADDITIONAL AGENDA DETAILS:

FROM: Doug Willardson, Village Manager
CC: Village Council;
DATE OF MEMO: 04/22/2026

MEMO DETAILS

Council has asked about how the Village's previous tree buffer ordinance was incorporated into the current Pinehurst Development Ordinance (PDO), and whether any standards were removed or reduced.

Background

The Village previously regulated landscaping on single-family lots through various planting requirements including a buffer yard standard that required trees to be planted based on linear frontage along property boundaries (front, side, and rear yards). These standards were intended to maintain the Village's wooded character, provide visual buffering, and mitigate impacts between properties.

For example, the prior ordinance required planting at a rate such as one tree per 25 or 35 linear feet depending on the yard type. These calculations varied by lot configuration and required applicants to measure each yard and apply the applicable ratio.

Considerations

The previous landscape planting standard required trees to be installed based strictly on linear frontage. While straightforward, that approach often produced inconsistent and sometimes impractical results. Lot configurations vary widely, and a linear-foot formula did not account for differences in lot depth, usable planting area, site constraints, or overall design intent. In some cases, it led to overcrowding in limited spaces, while in others it resulted in under-planting on larger or irregularly shaped lots.

The revised standard replaces the rigid linear requirement with a simplified table establishing minimum tree quantities. This approach provides a more consistent baseline while allowing flexibility to respond to site-specific conditions. It ensures an adequate level of tree planting across all lots, supports better long-term tree health and spacing, and allows designers to place trees in more appropriate and functional locations.

Overall, the change improves both the practicality and effectiveness of the standard by balancing predictability with flexibility, while still achieving the intended aesthetic and environmental outcomes.

What Changed in the PDO

When the PDO was adopted, the prior requirements were not eliminated—they were simplified and translated into a more user-friendly format.

Rather than requiring applicants to calculate tree counts based on linear frontage for each yard, the PDO consolidates those requirements into Table 14.1 – Single Family Development Landscape Standards. This table establishes a minimum number of trees per dwelling unit based on zoning district.

For example:

- R-5/R-8: 4 trees per dwelling

- R-10/R-15: 5 trees per dwelling
- R-20: 6 trees per dwelling
- R-30: 8 trees per dwelling
- R-210: 16 trees per dwelling

A portion of those trees must be located in the front yard as part of the total. Minimum planting sizes (height and caliper) were also carried forward from the previous ordinance.

Key Point

The table-based approach simplifies administration without materially changing the outcome. Under the prior ordinance, typical lot calculations generally produced similar tree counts. The PDO replaces a measurement-heavy system with a clear, per-lot standard.

Additional Provisions Carried Forward

The PDO also retains core elements of the prior ordinance, including:

- Credit for preserving existing trees
- Flexibility in placement due to utilities or site constraints
- Requirement to show trees on landscape plans during review
- Emphasis on preserving mature/specimen trees
- Ongoing maintenance requirements

Discussion

The current standards are clearer, more predictable, and easier to implement, while maintaining the Village's expectations for tree coverage and character. If there are concerns about buffering or canopy, those can be addressed, but the shift to a table format was a simplification—not a reduction—in standards.

ATTACHMENTS

None



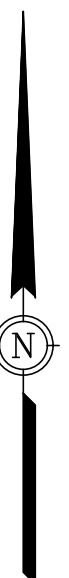
**Update on the New Given Memorial Library and other Construction Projects
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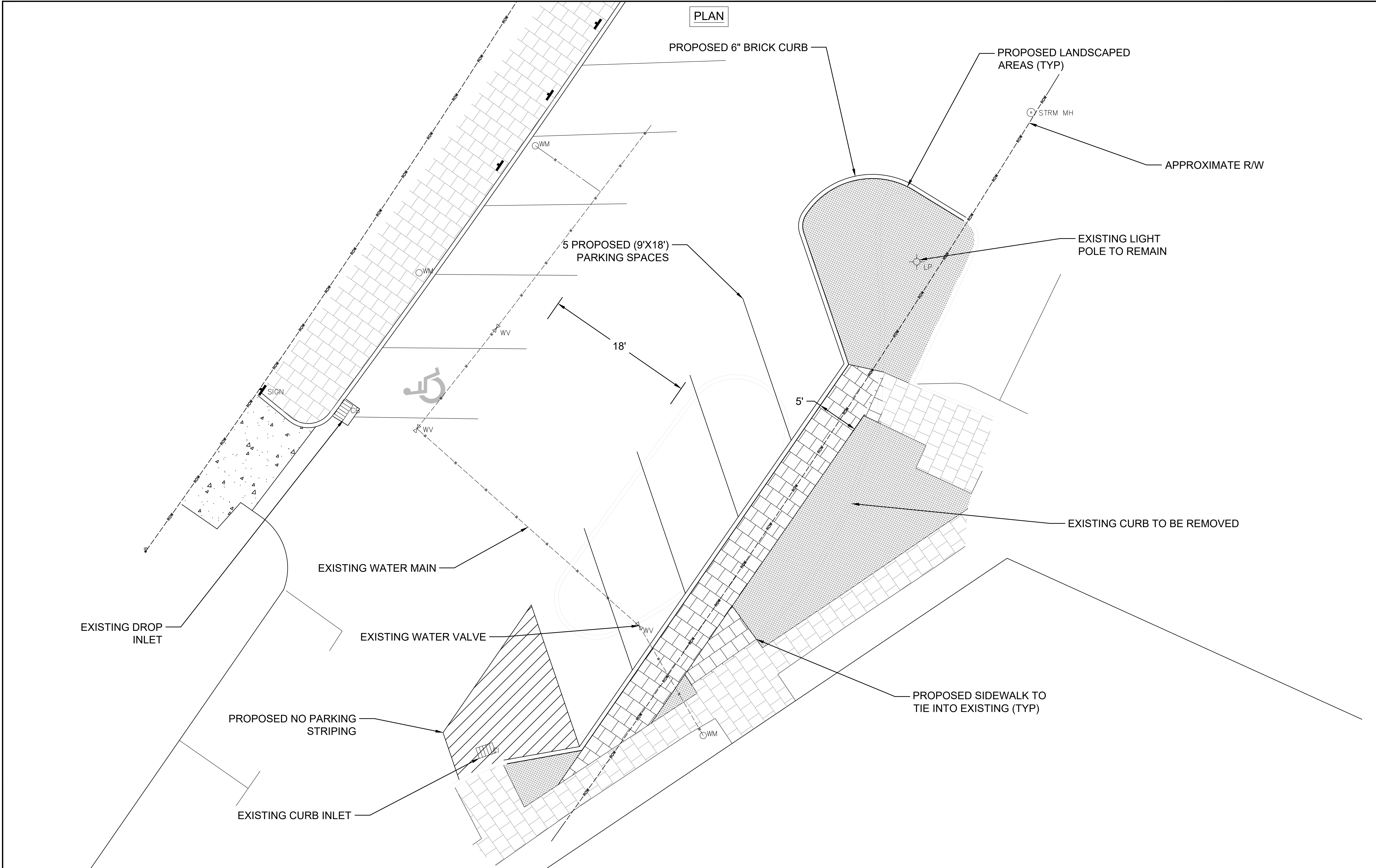
MEMO DETAILS

ATTACHMENTS

1. Theater Building Parking



PLAN



PROPOSED 6" BRICK CURB

PROPOSED LANDSCAPED AREAS (TYP)

APPROXIMATE R/W

STRM MH

EXISTING LIGHT POLE TO REMAIN

5 PROPOSED (9'X18') PARKING SPACES

18'

5'

EXISTING CURB TO BE REMOVED

EXISTING WATER MAIN

EXISTING DROP INLET

EXISTING WATER VALVE

PROPOSED SIDEWALK TO TIE INTO EXISTING (TYP)

PROPOSED NO PARKING STRIPING

EXISTING CURB INLET

55 Broad Street
Asheville, NC 28801
828.252.0575
NC Firm License # C-0459
mcgillassociates.com

PRELIMINARY



NO.	DATE	BY	DESCRIPTION

CHEROKEE ROAD
PROPOSED PARKING ADDITIONS
VILLAGE OF PINEHURST
MOORE COUNTY, NORTH CAROLINA

OFFICE MANAGER D. HONEYCUTT	DESIGNER C. WILLIS
PROJECT MANAGER S. BURWELL	REVIEWER N. SAWYER

REGULAR CAR PARKING EXHIBIT		
DATE 9/11/2023	PROJECT # 23.04039	FUNDING # XXXXXX

SHEET
EX-2