

ORDINANCE #21-06

**AN ORDINANCE AMENDING THE VILLAGE OF PINEHURST
DEVELOPMENT ORDINANCE AS IT PERTAINS TO CHAPTER 9, DESIGN AND
DEVELOPMENT STANDARDS AND PROCESSES**

Whereas, development impacts adjoining uses and properties and can be impacted by adjoining uses and properties through an absence or elimination of vegetative buffering; and

Whereas, development can be impacted by the impacts from activities that occur in adjacent rights-of-way including traffic, noise, dust, and odor through an absence or elimination of vegetative buffering; and

Whereas, development affects the aesthetic character of the Village and the ETJ through the elimination or absence of vegetative buffering; and

Whereas, these regulations will help to mitigate the impact of development impacts through creation of vegetated tree lined buffer yards; and

Whereas, these regulations also contain provisions to incentivize the use of existing qualifying vegetation to provide buffering; and

Whereas, these regulations are consistent with Guiding Principle 1 of the 2019 Comprehensive Plan to retain the small-town charm, scale, and character of the community to ensure a high quality life; and

Whereas, on page 124 of the 2019 Comprehensive Plan Guiding Principle 3 “Places to Live” to Protect & Enhance Existing Neighborhoods; Improve Neighborhood Appearance, Implementation Strategy 3.1 states the Village should periodically evaluate standards for landscape design and planting and amend standards as necessary to meet the needs and desires of the Village; and

Whereas, on page 203 of the 2019 Comprehensive Plan under Guiding Principle 7 “All things Green: Parks, Open Spaces & Natural Resources” for Protecting Pinehurst’s Natural Resources; Preserve Trees states the *urban forest is an important aesthetic, economic, and environmental asset to Pinehurst. It contributes positively to the character of the Village, the health of the environment, the quality of life of residents, and the experience of visitors.* Implementation Strategy 7.6 further suggests the Village to enhance *the Tree Preservation Program and standards for tree planting and preservation in the Pinehurst Development Ordinance.*

Whereas, these regulations are consistent with Guiding Principle 7 of the 2019 Comprehensive Plan to preserve, conserve, and feature Pinehurst’s natural resources; and

Whereas, the 2019 Comprehensive Plan was adopted by the Pinehurst Village Council on October 22, 2019 after undergoing a planning process supported by extensive and robust public participation that included residents, business owners, local interest groups, and elected and appointed officials; and

Whereas, the 2019 Comprehensive Plan is the result of thoughtful public conversations spanning over one year and represents a path forward for the Village of Pinehurst to achieve its vision.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 26th day of October, 2021, makes the following amendments to the Pinehurst Development Ordinance:

Section 1. The Village of Pinehurst Development Ordinance Chapter 9 Section 9.5 Landscaping Requirements, Section 9.14.6 Tree Conservation and Newly Installed Trees and Plants is amended as follows.

Section 9.5 Landscaping and Buffering Requirements

Part 1. General Standards

9.5.1 Purpose and Scope

The regulations of this Section are intended to establish buffer yards associated with development activity within the Village of Pinehurst and its ETJ. Buffer yards help to moderate visual contact, create spatial separation, and minimize adverse impacts on adjacent properties resulting from development. Buffer yards also help to reduce the visual effects and the impacts of traffic, noise, dust, and odor as well as to 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 preserve and enhance the visual character of Village and the ETJ and lessen the impacts of the development.

9.5.1.1 Buffer Yards Established

Buffer Yards: for the purposes of Sections 9.5 and 9.14.6, buffer yards are established and defined as follows. Yard lengths are based on the most interior length of the setback line.

- (A) **Front Buffer:** is equal to the depth of the front yard setback of the zoning district extended to the side property lines.
- (B) **Rear Buffer:** is equal to the depth of the rear yard setback of the zoning district extended to the side property lines.
- (C) **Side Buffer** is equal to the width of the side yard setback from where it intersects both the front and the rear yard.

(D) Side Street Buffer: is equal to the width of the side street setback from where it intersects both the front and the rear yard.

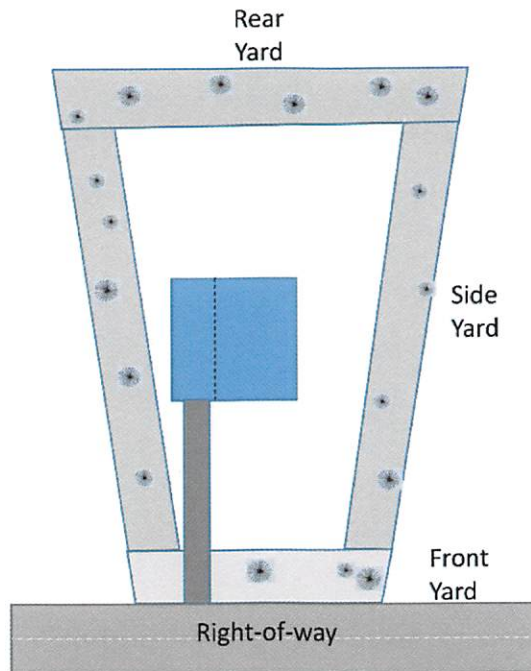


Figure 1. Standard lot yards

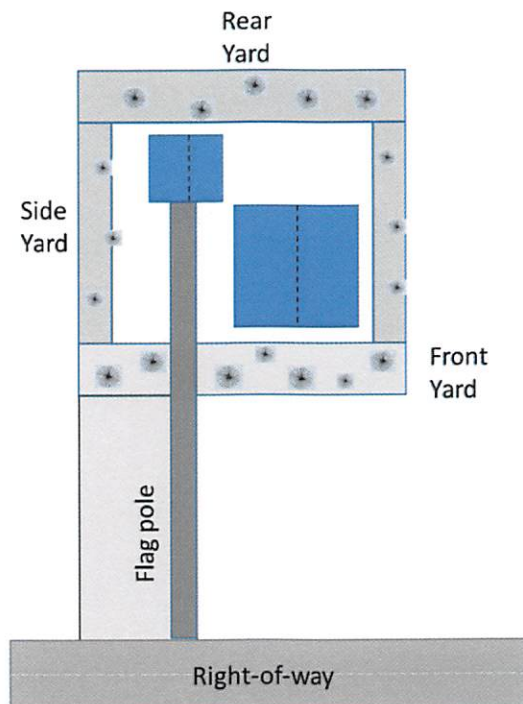


Figure 2. Flag Lot Yards

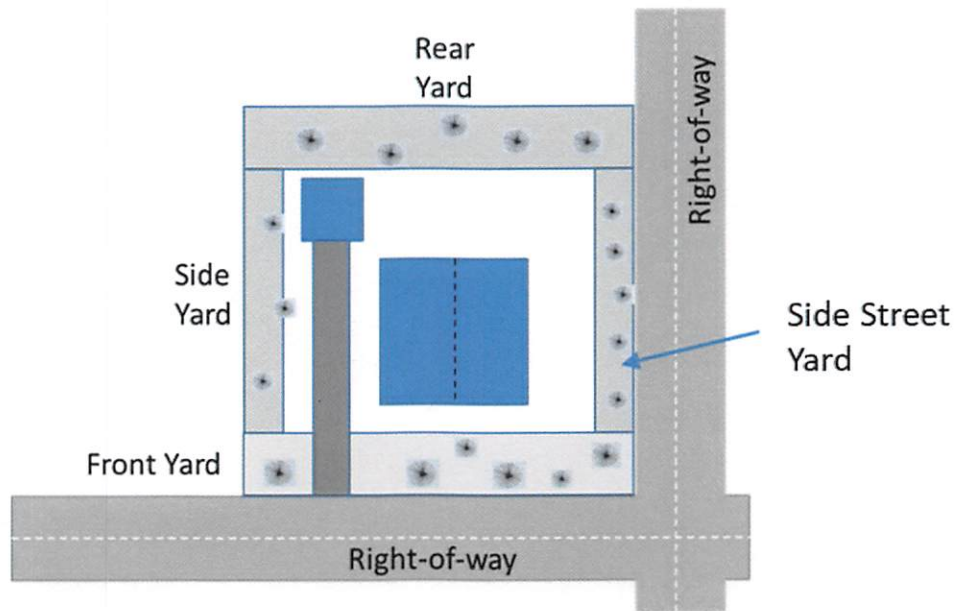


Figure 3. Side Street Buffer Yard

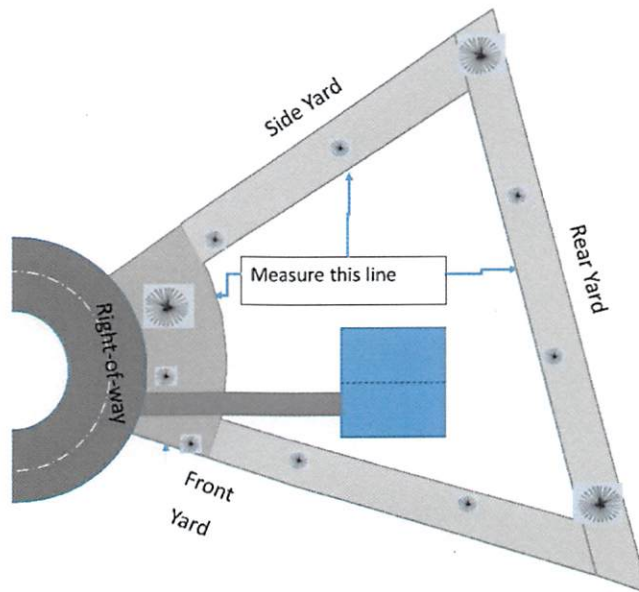


Figure 4. Where to Take Linear Measurements

9.5.1.2 Development Permit for Land Disturbing Activity

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). The development permit application shall be accompanied by a landscape plan when the applicant intends to plant the required buffer yard trees or a tree survey if the applicant proposes to use qualifying trees to meet the buffer yard requirements.

9.5.1.3 Landscape Plans and Tree Surveys

- (A) Landscape plans shall contain the following information:
 - 1) Dimensions of the property lines
 - 2) Location and dimensions of all required buffer yards
 - 3) Location of construction access/driveways
 - 4) Location of trees to be planted;
 - 5) Types of trees to be planted:
 - 6) Size and caliper of trees to be planted:
 - 7) Tree spacing:
 - 8) Summary calculation table of required plantings by buffer yard.
- (B) Tree surveys shall be prepared by a surveyor licensed in the state of North Carolina. Tree surveys shall 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 breast height, and species of all trees to be retained within required buffer yards;
 - 5) Summary calculation table of required plantings by buffer yard.

9.5.1.4 Buffer Yard Standards

- (A) When a land disturbing activity requires issuance of a Development Permit, and 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) perimeter buffer yards must be established per this Section. Planting credits may be used to satisfy buffer yard requirements per 9.5.1.4 (D) using existing qualifying trees.

Table 9.5.1.4 Buffer Yard Standards

| Location | Number of Required Trees |
|-------------------------|---|
| Front Buffer Yard | 1 Qualifying Tree Per 25 Linear Feet of Street Frontage |
| Side Street Buffer Yard | 1 Qualifying Tree Per 25 Linear Feet of Street Frontage |
| Side Buffer Yard | 1 Qualifying Tree Per 35 Linear Feet |
| Rear Buffer Yard | 1 Qualifying Tree Per 25 Linear Feet |

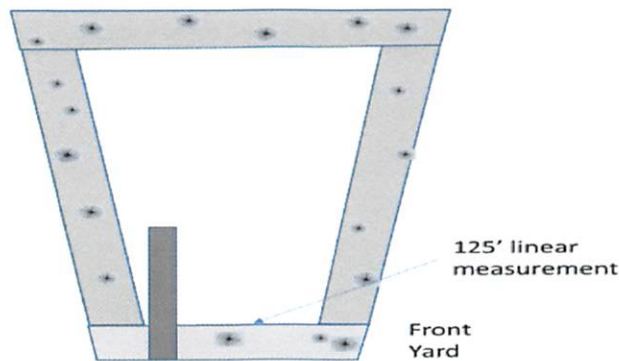
| Planted Tree Type | Minimum Planting Height | Minimum Planting Caliper |
|-----------------------------|-------------------------|--------------------------|
| Evergreen Trees | 6 Feet | 2 Inches |
| Tall Trees from Appendix F | 8 Feet | 2 Inches |
| Short Trees from Appendix F | 6 Feet | 1.25 Inches |

(B) The number of required trees shall be measured in whole numbers. The applicant may round down when calculating the number of trees.

(C) Driveway Allowance

Each parcel shall be provided a deduction for one (1) 20 (twenty) foot wide driveway connection. In the event a driveway intersects two different yards, the property owner shall select which yard receives the credit. This deduction shall be applied by subtracting twenty (20) feet from the linear foot calculation for number of required trees as shown in Table 9.5.1.4 for the yard through which the connection is made.

Example:



$$125' - 20' = 105'$$

$$105' / 25' = 4 \text{ trees required for Front Buffer Yard}$$

(D) Tree Planting Credits

To promote maintenance of the existing tree canopy and preservation of specimen trees, planting credits may be provided toward the requirements of Table 9.5.1.4 for qualifying trees as follows:

- 1) Tree planting credits apply to the buffer yard in which the tree is located.
- 2) One additional tree planting credit may be granted for every four (4) inch increase in tree girth above 12" DBH in the buffer yard where the tree is located.

Example: The front buffer yard is 125 feet in length and requires five (5) trees to comply with buffer yard planting requirement. The front buffer yard contains a healthy 24" oak tree that will be retained per the landscape plan. Preservation of this tree grants four (4) planting credits of the five (5) required trees. Note: Maximum spacing requirements still apply within the front and side street buffer yards.

- 3) Trees subject to the planting credit may be grouped and are not required to meet spacing requirements in the side and rear yards. In order to ensure adequate street yard buffer and to maintain street tree canopy, trees may be grouped in the front and side street buffer yards, however, there shall be no distance less than one tree per every 50 linear feet across the frontage of the buffer yard.
- (E) Planting Credit for Trees Less than eight (8) inches DBH
Where there are insufficient trees present on the property to meet the requirements of Table 9.5.1.4, planting credit may be provided for trees smaller than eight (8) inches DBH but not less than three (3) inches DBH.
- (F) Minor Modifications for Alternate Spacing and Grouping
The Village Planner may authorize modifications to encourage preservation of existing trees in lieu of planting subject to the following standards:
 - 1) To satisfy tree credits described in 9.5.1.1 (D).
 - 2) To allow preservation of trees within a building envelope within a distance no greater than the required buffer yard depth when insufficient trees are available for preservation.

9.5.1.5 Exemptions from buffer yard planting requirements.

- (A) 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.
- (B) Dead, diseased or naturally fallen or severely damaged trees or vegetation, or or trees or vegetation that are a threat to the public health, safety, or welfare based on photographic documentation, observation by the Village Planner, or by the submittal of a report prepared by an arborist or other landscape professional, should be removed. Replacement of the tree(s) would only be subject to buffer requirements to maintain compliance with a required landscape plan.
- (C) Bona fide agricultural and forestry operations shall be exempt from the provisions of this Article. This exemption applies to forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes (NCGS) and activities conducted in accordance with an approved forestry management plan subject Chapter 89B of NCGS and extends to any activity defined as a bona fide farm operation in NCGS 160D-903 within the extraterritorial jurisdiction of the Village.
- (D) 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.
- (E) All real properties owned by the Village of Pinehurst.

9.5.1.6 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 Section. A landscape plan and development permit shall be submitted demonstrating compliance with this Section.

(B) In addition, other remedies up to and including penalties may apply in accordance with Chapter 7 of this Ordinance.

Landscaping standards are incorporated in 9.5 Part 2 Landscape Requirements for Multi-family, Commercial and Industrial projects and in 9.14.6 for Single Family Residential Use.

Section 2. Amend Section 9.5 to insert a new part and renumber the existing text.

Part 2. Landscaping Requirements for All Development Requiring a Permit Other than Single-Family Residential

9.5.2.0 Purpose and Scope

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 purpose of the landscaping standards in this Section shall be to create an appearance in which manmade development is situated within a forest or naturalized setting all zoning districts. All size standards in this section shall conform to the American Standards for Nursery Stock.

9.5.2.1 Landscape Plan Required

A landscape plan shall be submitted to the Village Planner and its approval is a prerequisite for the issuance of a development permit where required.

9.5.2.2 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. Selective thinning of vegetation and removal of dead vegetation may be permitted as long as the intent of the planted buffer requirement is maintained. Driveways and utilities may cross a planted buffer at or as near a perpendicular angle as practical. Paths and walkways may pass through the planted buffer and pedestrian walkways (greenways) may be installed within the buffer area. Grading in the designated planted buffer may be allowed with site plan approval, if the re-vegetation plan is determined to meet the intent of this Section;
- (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) Public Pedestrian Easement Required: The full width of all buffer areas shall be designated as a public pedestrian easement and shown on a recorded plat;
- (D) Application:

- 1) These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments 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. When nonresidential and multi-family uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the nonresidential or multi-family property. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates a nonresidential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.
 - 2) The required planted buffer width is based on the classification shown on Table 9.5.2.2;
 - 3) If said project is adjacent to property that is zoned non-residential or multi-family but is used for single family purposes, half the required planted buffer width along the perimeter of the property adjoining that property shall be required;
 - 4) A class 3 planted buffer shall be installed along and adjacent to NC 2, Midland Road east of the Traffic Circle to the zoning jurisdictional boundary of Pinehurst, on the west side of Hwy. 15/501 from the northern extent of the zoning jurisdictional boundary of Pinehurst southward to the western extent of the traffic circle and the intersection with Hwy. 211, Hwy. 211 from the intersection of McKenzie Rd. to the western extent of the zoning jurisdictional boundary of Pinehurst, Murdocksville Rd. from the intersection of Hwy. 211 to the northern extent of the zoning jurisdictional boundary of Pinehurst and on the west side of Hwy 5 from the intersection of Lake Hills Rd. south to the intersection with Trotter Hills for all non-single family residential uses.
 - 5) If the adjacent property is zoned for residential use but is vacant at the time of the proposed development, the full required planted buffer width shall be provided;
 - 6) If the proposed development is non-residential and the adjacent property is zoned or used for multi-family dwellings, one-half of the planted buffer width shall be provided, but not less than ten (10) feet;
 - 7) 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, whether the property is occupied or not.
- (E) Planted Buffer Classifications and Width:
- 1) Planted buffer width is based on uses in the following classifications:
 - a) Class 1 - 10 feet: Cemeteries, golf courses, passive recreational areas, and;
 - b) Class 2 - 20 feet: Offices, churches, schools, public facilities including playgrounds, ball fields, community swimming pools, and similar facilities, day care facilities, multi-family, residential, hotels;
 - c) Class 3 - 30 feet: Neighborhood commercial and service activities including, but not limited to, retail operations, funeral homes, restaurants, banks, convenience stores;

- d) Class 4 - 50 feet: Commercial activities with higher vehicle activities including, but not limited to, vehicle repair, theatres, outdoor recreation centers, and outdoor storage

Table 9.5.2.2

| REQUIRED PLANTED BUFFER WIDTH IN FEET BASED ON BUFFER CLASSIFICATION AND ADJACENT PROPERTY USE AND ZONE | | | | |
|--|-----------------------------------|---|------------------------------------|---------------------------------|
| ADJACENT PROPERTY USE AND ZONE | | | | |
| Planted Buffer Class | Developed Residential Zone | Principal Residential Use in Nonresidential Zone | Developed Multi-Family Zone | Vacant Multi-Family Zone |
| Class 1 | 10 feet | 10 feet | 10 feet | 10 feet |
| Class 2 | 20 feet | 20 feet | 10 feet | 10 feet |
| Class 3 | 30 feet | 30 feet | 15 feet | 15 feet |
| Class 4 | 50 feet | 50 feet | 25 feet | 25 feet |

- 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, opaque fencing in combination with landscaping or topographic features which will, in the opinion of the Village Planner, achieve the intent of this Section as outlined in Section 9.5.1 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 two (2) horizontal to one (1) vertical and must have a crown width of at least two (2) feet and a minimum height of two (2) feet;

(F) Requirements for Planted Buffer Areas:

- 1) Existing Vegetation. Existing vegetation, regardless of species, shall be used to meet all or part of the requirements of this Section wherever possible, if it provides the same level of obscenity as the planted buffer required below. Vegetation to be saved shall be identified on site plans, along with protection measures to be used during grading and construction. (See Section 9.5.2.7 for protection measures and calculation of credits for existing trees);
- 2) Planting requirements: Planting requirements for planted buffers include both trees (large and small) and shrubs as described below. (See Appendix F for a listing of native/water conserving trees and shrubs.) In calculating buffer planting requirements, areas of driveways are excluded;
 - a) Tree Standards: This requirement may be satisfied as follows:
 - i. One longleaf pine tree with a minimum size of three (3) inch caliper at planting are required per two hundred (200) square feet of buffer area.
 - ii. Two Understory trees a minimum of two-inch caliper are required per five hundred (500) square feet of buffer area, one of which is to be an evergreen species that is not a pine tree.

- iii. 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.
- b) Shrub Standards: Shrubs, a minimum of twenty-four (24) inches in height, 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, preferably in naturalistic groupings so as not to create a hedge-like condition. Shrubs shall be provided at one per seventy-five (75) square feet of buffer area.

9.5.2.3 Landscape Screens

- (A) The purpose of a screen is to use plants and/or other landscape or architectural elements to obscure views from all corridors or adjacent properties.
 - 1) Structures such as loading docks, mini-warehouses, service courts, dumpster areas, mechanical equipment, and outside storage of material stocks or equipment, either for sale or not for sale on the premises, such as, but not limited to, motor vehicles, equipment, or construction equipment shall be screened from unobstructed off-site views. Uses requiring screening as noted in this Ordinance shall be screened according to the requirements of this Section. This screening requirement does not pertain to outdoor display of merchandise located within the Historic Preservation Overlay District that complies with the regulations and design guidelines of that district.
 - 2) Landscape Screen Standards: Features and uses specified above and/or others requiring screens shall provide a visual obstruction from all corridor and adjacent properties in conformance with the following standards: The screen may be composed of view-obscuring vegetation, wall, fence, or berm. The items may be used individually or in combination. The minimum result shall be a semi-opaque seventy-five percent (75%) screen that obscures views from the ground to a height of the object being screened. Evergreen screening plants shall be at least five (5) feet tall at the time of installation and reach the desired height within three (3) years of planting. Additionally, screen areas shall be sufficient size to allow for the mature growth of plant materials when used.

9.5.2.4 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.
- (B) Required Perimeter Landscape Plants:
 - 1) Large trees (unless subject to overhead power lines): Longleaf pines shall be planted at the rate of one three (3) inch caliper tree per twenty (20) linear feet of property line 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 9.5.2.7 of this Section;

- 2) 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 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.
 - a) 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.
 - b) Additionally, shrubs shall not be planted within six (6) feet of the trunk of a tree;
- 3) 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 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 two 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:

- 1) Location: Parking areas shall provide and maintain landscaped areas based upon the parking area. 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. The landscaping within parking areas shall be provided in addition to planted buffer requirements of this Ordinance.
 - a) 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 seventy-five (75) 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:
 - a) One three (3) inch caliper, large hardwood or pine tree per two hundred fifty (250) square feet of required landscaped area. 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;

- b) One understory tree less than three (3) inch caliper at the rate of one eight (8) foot tall tree per one hundred twenty-five (125) square feet of required landscaped area. Understory and evergreen trees shall be located within a minimum growing area of one hundred twenty-five (125) square feet, with a minimum dimension of seven and one half (7½) feet, un-encroached upon by shrubs or impervious pavement. Understory trees may be used to fulfill up to one third (1/3) of the required trees.
- 3) Islands and Medians:
- a) Minimum curb radii of five (5) feet are required on the corners of all tree islands and medians to allow for free movement of motor vehicles around planting materials. (See the Village of Pinehurst Engineering Standards and Specifications Manual). All islands shall have raised curbing around them meeting the Village of Pinehurst Engineering Standards and Specifications Manual to further protect plants from being run over by motor vehicles. Medians without curbing shall include devices to stop vehicles from driving into the planted areas;
 - b) 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 normally be planted less than eighteen (18) feet apart, and small trees/large shrubs shall not normally be planted less than twelve (12) feet apart.
- 4) Existing Trees:
- a) Credit given for existing, healthy, protected trees shall be according to 9.5.2.7 of this Section. Trees used to meet other requirements of this Ordinance may not be used to meet the requirements of this Section.
 - b) Sight Distances: To facilitate safer vehicle circulation within parking lots, shrubs shall be pruned to a maximum height of 42 inches. Tree limbs shall be pruned to no lower than 72 inches from the ground.
- (D) Parking Area Landscaped Yards: Any new or expanded off-street parking areas shall provide landscaped areas meeting the requirements below:
- 1) New or expanded parking areas shall provide a landscaped area, adjacent to and outside of the street right-of-way, and/or adjacent residential property line edge, less driveways, of a minimum of ten (10) feet in width and adjacent non-residential property line edge, less driveways, of a minimum of five (5) feet. Proposed locations of plants and parking spaces shall be arranged to protect plants from vehicles;
 - 2) Planted buffers and/or screens provided adjacent to right-of-way, as required under Sections 9.5.2.2 and/or 9.5.2.3 of this Section, and located between parking lots and streets and/or adjoining residential property may be considered in fulfilling these requirements.
- (E) Street Trees Required
- For all non-single-family developments one three (3) inch caliper, large hardwood or pine tree per forty (40) lineal feet of street frontage minus driveways shall be planted in the road right of way. These street trees shall be approved by the Village Engineer as being acceptable street trees. These trees shall be planted outside of site triangles and not conflict with any utilities. Alternate type and size trees may be approved by the village engineer based on existing site conditions and constraints.

9.5.2.5 Maintenance Responsibility

Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of all required plant material and continued compliance with this Section.

9.5.2.6 Request for Extension of Compliance

- (A) A letter of request for extension of compliance with landscaping requirements may be filed with the Village Planner that states the reasons why the request is being made. 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 longer than ninety (90) days. The letter shall also 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;
- (B) If an extension is allowed by the Village Planner, the applicant shall provide to the village a financial guarantee as set forth in Section 9.17.1.26 sufficient to cover one hundred twenty-five percent (125%) of the installed landscaping costs based on an estimate from a nursery or qualified landscape professional;
- (C) If the initial letter of 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. Failure to comply with the provisions of this Section within the time noted in the letter of request for the extension of compliance with landscaping requirements shall be deemed a violation of this Ordinance. In addition, failure to perform in accordance with this Section shall result in default and the forfeiture of the financial guarantee as set forth in Section 9.17.1.26.

9.5.2.7 Existing Vegetation Credits

- (A) Existing healthy trees and shrubs may be credited toward landscape requirements. Vegetation to be saved shall be identified on submitted plans. Protection measures shall be installed to maintain tree health and such protective measures shall be shown on the submitted plan.
- (B) Credit shall be given for existing, healthy, protected trees shall be on a tree-for-tree basis, for planted buffer areas, and on the basis of fulfilling the requirements for parking areas. When trees exceed 12" in diameter, credit may be granted in accordance with Section 9.5.1.4(C). Existing trees will not be allowed to be counted towards landscape screen requirements. Trees so credited must be at least three (3) inch caliper.

9.5.2.8 Specimen Trees

A specimen tree is any healthy, living tree and includes all of the following:

- 1) Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;
- 2) A trunk DBH of twelve (12) inches or more in the case of the following species:

- i. Ilex species (holly);
 - ii. Magnolia species;
 - iii. Longleaf Pine species;
- 3) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;
 - 4) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or
 - 5) Has been cited by the Village Council as being historically significant.

9.5.2.9 Preservation and Removal 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 save them;
- 3) Notwithstanding any provision of this Ordinance to the contrary, saving of a specimen tree shall constitute evidence that the requirements for a case have been met for a variance application;
- 4) 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:

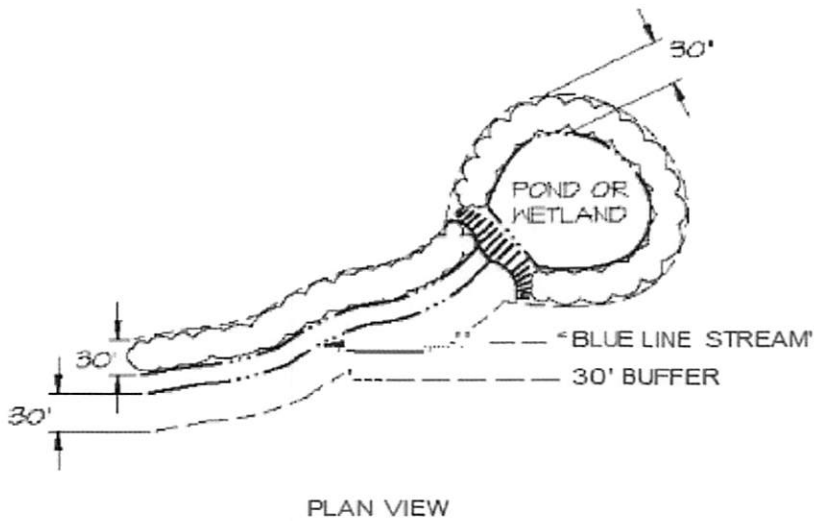
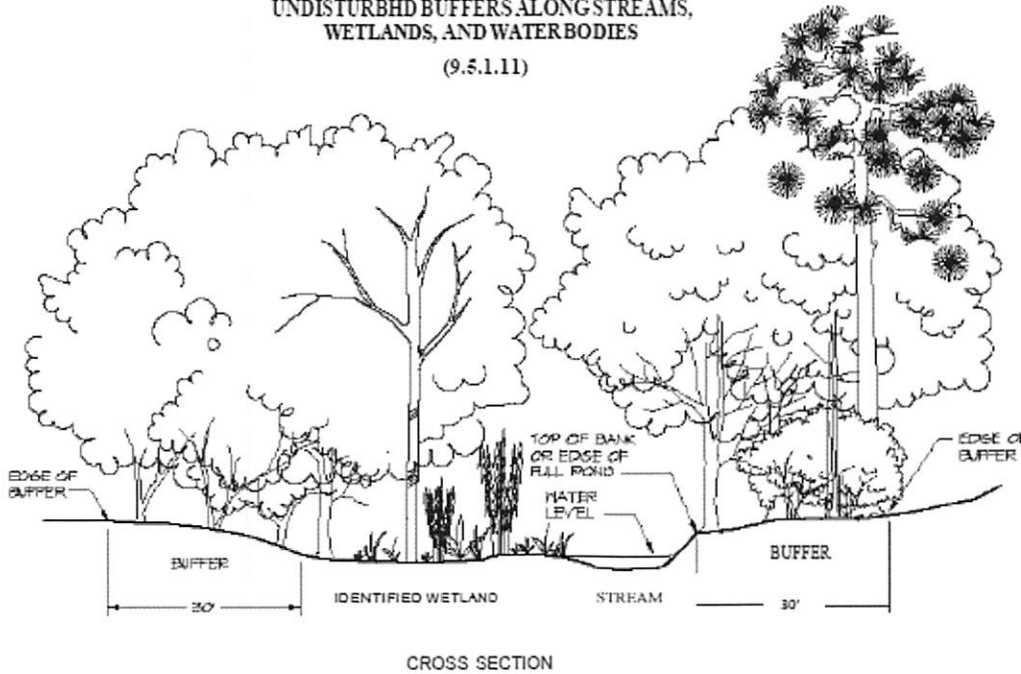
- 1) Specimen trees which are located on individual lots with single homes shall be protected if voluntarily registered by the property owner;
- 2) Registration of such trees shall render the owner of the lot the following privileges: If a permitted accessory structure or addition to a house is being 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.

9.5.2.9 Undisturbed Buffers along Streams, Wetlands, and Water Bodies

- (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 N.C.G.S. §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 8.3.3) may also apply;

**UNDISTURBED BUFFERS ALONG STREAMS,
WETLANDS, AND WATERBODIES
(9.5.1.11)**



(B) The Village Council may permit as a special exception water dependent structures, pedestrian facilities and other similar structures where the Council finds that only minimal disturbance will result. In permitting such facilities, the Council may attach such reasonable conditions as the Council deems appropriate.

Section 3. Amend Chapter 10 of the Pinehurst Development Ordinance to add the following definitions.

Qualifying Tree: Any healthy tree with a diameter breast height of eight inches and greater.

Redevelopment: Demolition of existing principal structure(s) on a parcel or through building additions that increase the building footprint of the principal structure by 50% or more through single or cumulative additions.

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.

Specimen tree is any healthy living tree that:

- 1) Has a trunk diameter at breast height (DBH) of twenty-four (24) inches or more;
- 2) A trunk DBH of twelve (12) inches or more in the case of the following species:
 - i. Ilex species (holly);
 - ii. Magnolia species;
 - iii. Logleaf Pine species;
- 3) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association;
- 4) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or
- 5) Has been cited by the Village Council as being historically significant.

Buffer Yard: is 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.

Section 4. The Village of Pinehurst Development Ordinance Chapter 9, Section 9.14.6 Tree Conservation and Newly Installed Trees and Plants is amended as follows.

9.14.6 Single Family Development Landscaping and Buffer Yard Standards. The following landscaping and buffer yard standards apply to new single development and redevelopment.

(A) Buffer Yards Established

- 1) Planted buffer yards must be established per the requirements of Table 9.14.6 that specifies the minimum number of trees required for each buffer yard within an individual lot or parcel. Buffer yard landscaping may be provided through planting new trees or by using existing qualifying vegetation on site as tree planting credits per 9.5.1.4 (D) or any combination of thereof.

Table 9.14.6 Buffer Yard Standards

| Setback Location | Quantity | |
|-----------------------------|---|-----------------|
| Front Buffer Yard | 1 Qualifying Tree Per 25 Linear Feet of Street Frontage | |
| Side Street Buffer Yard | 1 Qualifying Tree Per 25 Linear Feet of Street Frontage | |
| Side Buffer Yard | 1 Qualifying Tree Per 35 Linear Feet | |
| Rear Buffer Yard | 1 Qualifying Tree Per 25 Linear Feet | |
| Tree type | Minimum Planting Height | Minimum Caliper |
| Evergreen trees | 6 feet | 2 inch |
| Tall trees from Appendix F | 8 feet | 2 inch |
| Short trees from Appendix F | 6 feet | 1.25 inch |

- 2) Tree Preservation Credits: shall be in accordance with 9.5.1.4. (D).
- 3) Driveway Credit: shall be in accordance with Section 9.5.1.4 (C).

(B) Tree Placement and Planting.

- 1) Planted trees may be grouped and staggered in alignment throughout the length of the required buffer yards if there shall be no distance less than one tree per every 50 linear feet within the associated buffer yard. At least one-half of the planted trees in front and side-street yards shall be Longleaf Pines. The remaining trees shall be selected from Appendix F of the Pinehurst Development Ordinance.

- 2) The Village Planner may authorize minor modifications subject to the following:
- a) To allow the preservation of trees within the building envelope if they are within a distance no greater than the required buffer yard depth when insufficient trees are available for preservation.
 - b) Small trees as identified in Appendix F may be used to avoid conflicts with overhead infrastructure.
 - c) To allow alternate species where site and/or soil conditions are not suitable for certain plant/tree species.
 - d) 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 conservation 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 seventy-five percent (75%) opaque.
- (F) Foundation Plantings Required: Foundation plantings shall be provided for all principal and accessory buildings and structures, including storage sheds. 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) gallon or larger at the time of planting, the remainder shall be a minimum of three (3) gallon 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.
- (I) Landscaping Standards for Developed Lots. The following standards apply to existing single family developed lots not being redeveloped.

Table 9.14.6 C Landscaping Standards for Developed Lots

| Zoning District | # of Trees per Dwelling | Size of Tree |
|------------------------|--------------------------------|---------------------|
| R-5, R-8 and R-10 | 4 | 2" DBH |
| R-15, R-20, R-30 | 8 | 2" DBH |
| R-210 | 16 | 2" DBH |

SECTION 5. That the Pinehurst Development Ordinance Amendments as approved in this Ordinance are consistent with the 2019 Comprehensive Plan guiding principles and implementation strategies as identified in this document's preamble.

SECTION 6. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *John C. Strickland*
John C. Strickland, Mayor

Attest:

Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form:
Michael J. Newman
Michael J. Newman, Village Attorney