VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF SEPTEMBER 27, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM

1. Call to Order.
2. Invocation by Reverend John Kinyon, Redeemer Church and Pledge of Allegiance led by Mayor Strickland
3. Reports:

   Manager

   Council
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

      September 13, 2022 Council Regular Meeting
      September 13, 2022 Council Work Session

   End of Consent Agenda.

5. Easement Request by Duke Energy
6. Motion to Recess Regular Meeting and Enter Public Hearing No. 1
7. Public Hearing No. 1 - Moratorium Extension in Small Area Plan areas

   The purpose of this public hearing is to hear comments on extending the moratorium on real estate development activity in Village Place and Pinehurst South to allow time to amend and adopt the Pinehurst Development Ordinance as needed to implement the plans.
8. Motion to adjourn Public Hearing No. 1 and Re-Enter Regular Meeting
9. Discuss and Consider Ordinance #22-14 Extending a Moratorium (Small Area Plan)

   The purpose of this agenda item is for discussion on extending Moratorium Ordinance on real estate development activity to allow time to complete plans and code amendments.
10. Motion to Recess Regular Meeting and Enter into Public Hearing No. 2
11. Public Hearing No.2 - Amendments to the Pinehurst Development Ordinance to Establish Regulations for Short Term Rentals
12. Motion to Adjourn Public Hearing No. 2 and Reenter the Regular Meeting

13. Discuss and Consider Ordinance #22-15 Amending the Pinehurst Development Ordinance
14. Discuss and Consider a Resolution Authorizing the Sale of Surplus Capital Assets.
15. Consider budget amendment to upgrade traffic signals at two intersections on Hwy 15-501 to decorative green metal posts and mast arms.
16. Consider dedication of Winged Foot Road and associated right-of-way in Villas at Forest Hills to the Village of Pinehurst.
17. Discuss and Consider Budget Amendment and Awarding FY23 Resurfacing Contract to Fred Smith Company
18. Discuss and Consider Pinehurst South Small Area Plan

    The purpose of this item is for Village Council to discuss the Pinehurst South Small Area Plan.
19. Other Business.
20. Comments from Attendees.
21. 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.

DISCUSS AND CONSIDER ORDINANCE 22-14 EXTENDING A MORATORIUM (SMALL AREA PLAN)

ADDITIONAL AGENDA DETAILS:

FROM:
Darryn Burich

CC:
Jeff Sanborn and Village Council

DATE OF MEMO:
9/21/2022

COUNCIL
ADDITIONAL AGENDA DETAILS:

ATTACHMENTS:

	Description
🗋	2022 Village Council Key Partners & Collaborators

Council Member to Report	Partners & Collaborators
John Strickland	Convention and Visitors Bureau
	FirstHealth
	*Moore County, NC - Rotating
	Moore County Transportation Committee
	NCDOT/TARPO
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Partners in Progress
	Pinehurst Resort
Patrick Pizzella	*Moore County, NC - Rotating
	NCDOT/TARPO
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Partners in Progress
	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
Jane Hogeman	Beautification Committee
	Chamber of Commerce
	*Moore County, NC - Rotating
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Pinehurst Business Partners
	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
Lydia Boesch	Bicycle and Pedestrian Advisory Committee
	Convention and Visitors Bureau
	*Moore County, NC - Rotating
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
Jeff Morgan	FirstHealth
	*Moore County, NC - Rotating
	Moore County Schools
	*Neighborhood Advisory Committee - Rotating
	*North Carolina - Rotating
	Triangle J. COG

APPROVAL OF VILLAGE COUNCIL MEETING MINUTES

ADDITIONAL AGENDA DETAILS:

September 13, 2022 Council Regular Meeting
September 13, 2022 Council Work Session

FROM:

Kelly Chance

CC:

Jeff Sanborn

DATE OF MEMO:

9/20/2022

MEMO DETAILS:

Attached are the draft minutes from the September 13, 2022 Council Regular and Work Session meetings for Council consideration and approval.

ATTACHMENTS:

	Description
🗋	September 13, 2022 Council Regular Meeting Minutes
🗋	September 13, 2022 Council Work Session Minutes

VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF SEPTEMBER 13, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM

DRAFT

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday August 9, 2022, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:
Mr. John C. Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Jeff Morgan, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Kelly Chance, Village Clerk

And approximately 22 attendees, including 7 staff and 1 press

1. Call to Order.
Mayor Strickland called the Village Council meeting to order.

2. Reports:

Village Manager

- Mr. Jeff Sanborn, Village Manager, had nothing to report.

Village Council

- Mayor Strickland reported he attended the barbecue festival in the village over the weekend. He acknowledged the work by the Village Police Department over the past several weeks, in protecting the Village of Pinehurst, and gave his thanks to all public safety personnel and first responders for their service. Mayor Strickland reported he attended the Partners in Progress at the Moore County Economic Development Authority, along with Mayor Pro Tem Pizzella, where it was reported that approximately 36,000 new jobs have been created within the NC corps. Area.
- Councilmember Boesch reported she attended the Barbecue Festival as well and noted there were 100 people that volunteered to help with that event. She reported Peter Stillwell provided the new economic impact numbers for the recent US Kids Golf tournament, which she noted shows the economic impact for Moore County being over $10 million. She stated the average family spent an excess of $8,000, with the average night spent in the community being six to seven nights. She further stated there were 2200 participants from 55 different countries, and the average family attendees was 4.2 per player.
- Mayor Pro Tem Pizzella reported the Harness Track and Fair Barn were featured in the new edition of Our State Magazine. He stated he attended the Pinehurst Number 6 community meeting where the walkways project was discussed. He noted they have done their own intensive survey and will provide us with some feedback.
- Councilmember Hogeman reported the Beautification Committee met and are working on revamping the Manning award for

landscaping, both for residential and commercial properties, which will be presented in June each year. She noted they are also adopting the marker that is on Ritter Road to commemorate the 1900 solar eclipse.

- Councilmember Morgan provided no report.

3. 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
   - June 14, 2022, Council Closed Session
   - August 9, 2022, Council Regular Meeting
   - August 9, 2022, Council Work Session

End of Consent Agenda.
Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Morgan, Council unanimously approved the Consent agenda by a vote of 5-0.

4. Discuss and Consider Resolution #22-22 Amending the Village of Pinehurst Fees and Charges Schedule – Library and Archives.
Brooke Hunter, Finance Director, and Audrey Moriarty, Library Services Director, presented Council with a resolution to amend the VOP Fees and Charges schedule. Ms. Hunter stated the fees and charges for the Given Memorial Library and Tufts Archives were originally approved by Council in February 2022 with an effective date in April 2022, coinciding with the transfer of operations to the Village. She noted they have been operating under the current fee schedule since April and have requested some revisions to assist with interpretations.

Ms. Hunter reported the main change was moving from an "image usage" fee structure to an "entity type" fee structure to eliminate some of the ambiguity staff has encountered when determining how to charge customers. She stated there are now three types of fees for digital images: commercial entity, non-commercial entity, and non-profit entity. She noted this will make it easier for library and archives staff to administer and comply with the fee schedule.

Ms. Hunter stated the proposed changes include an effective date of September 14, 2022, pending approval.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved Resolution 22-22, amending the Village of Pinehurst Fees and Charges Schedule, by a vote of 5-0.

5. Budget Amendment Request for Harness Track Improvements.
Mark Wagner, Park and Recreation Director, presented Council with an ordinance to amend the ordinance appropriating funds for operations of the VOP for Fiscal Year 2023, regarding revenues and expenditures of the General Fund for Harness Track Improvements. He reported staff received multiple bids for facility improvements at the Pinehurst Harness Track. He stated some projects are already underway in which funding was currently available. He noted this includes renovations to grooms' quarters in Barn 14, and demo/rebuilding paddocks on the property.

Mr. Wagner stated, to complete the remaining projects scheduled for FY23, staff is requesting a budget amendment in the amount of $56,000. He noted the total cost of all projects underway or planned is $263,500, with current available funds in the amount of $207,500. He reported the total available funds includes the $50,000 grant from the State of North Carolina.

Mr. Wagner reported the list of projects planned for FY23 are as follows:

- Barn 14 Grooms Quarters Renovations
- Demo, Grade, Rebuild Paddocks
- Demo, Rebuild Office in Barn 3
- Drainage Improvements (Barn 8, 9, 14, 15)

- Paint Barn 6, 8, & Track Restaurant
- Repairs to Clubhouse/Office (water damage)
- Construct Concrete Pad w/Sides at Barn 14 (animal waste)
- Regrade & Add Material to Roads

Mr. Wagner stated should the budget amendment be approved; contractors are ready to begin work the following week on the remaining projects with a chance that all or most of the projects can be completed prior to the start of the training season in mid-October.

Mayor Strickland stated that at Council's direction, Mr. Wagner was asked to consider other projects and come up with a plan that would seem to be the best areas to put dollars into, that would give a return on investment. He noted this list is well thought out and Council voiced their appreciation.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Ordinance 22-12, Amending the ordinance appropriating funds for operations of the Village of Pinehurst for Fiscal Year 2023, regarding revenues and expenditures of the General Fund for the Village of Pinehurst, NC for Harness Track Improvements.

6. Budget Amendment Request for Cannon Park Turf.

Mark Wagner, Parks and Recreation Directed presented Council with a proposal from FieldTurf USA, Inc. to install synthetic turf on Cannon Park Field 1. He stated the total construction cost for the project is not to exceed $1,302,498.19, which the contractor has agreed to after discussions with staff following the Council work session in August. He noted design costs are an additional $61,965, which brings the total project cost to $1,364,463.19.

Mr. Wagner reported the current FY23 budget has $1,237,000 included for this project. He stated to complete the project, staff is requesting a budget amendment in the amount of $145,000 to be appropriated from Fund Balance. He reported this amendment will cover all project costs with FieldTurf, plus additional funds for the perimeter fencing as previously discussed.

Mr. Wagner stated the Finance Department has prepared an ordinance for Council consideration and approval. Council inquired about the potential to be hot in the summer, but Mr. Wagner reported the material proposed does not put out the same heat as other products and is about 30 degrees cooler. Councilmember Morgan commented that he appreciated the cost analysis provided by Mr. Wagner and he thinks this will be a tremendous improvement in the aesthetics of Cannon Park.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved Ordinance 22-11, Amending the ordinance appropriating funds for operations of the Village of Pinehurst for Fiscal Year 2023, regarding revenues and expenditures of the General Fund for the Village of Pinehurst, NC for Synthetic Turf Installation.

7. Parks and Recreation Master Plan Update Contract Approval

Mark Wagner, Parks and Recreation Director presented Council with a contract proposal with McAdams Company to update the Parks and Recreation Master Plan. He stated the proposal has been revised to include a meeting with Council at the onset of the project to solicit input. He noted the contract amount totals $54,717.50 and requires Council approval.

Councilmember Hogeman voiced her concern that the terms of the contract are not reasonable.

Upon a motion by Councilmember Boesch, seconded by Councilmember Morgan, Council approved to authorize the mayor or his designee to enter into a contract agreement with McAdams Company in the amount of $54,717.50 to update the Parks and Recreation Master Plan for the Village of Pinehurst by a vote of 4-1, with Councilmember Hogeman casting the no vote.

8. Discuss and Consider Pinehurst South Small Area Plan

Darryn Burich, Planning and Inspections Director, presented Council with a continuation of discussion on the different types of activities, businesses, and permitted uses that would be allowed in the Office Professional use district which is the area south of

Blake Boulevard. Councilmember Hogeman stated the plan is not what she understood it would be for the east side of Route 5, south of Blake. She stated she thought it would be an office park and not a walkable mixed use with residential thrown in. She further stated her concerns about the traffic conditions on highway 5 and the limited infrastructure. Councilmember Morgan stated this is not the point in the process where we are writing a blank check to allow developers to do anything. He noted this discussion is to provide guidance to move forward with what he felt is reasonable.

Council directed Mr. Burich to provide a new diagram to help clarify what higher density in one area and lower density in another would look like and bring that back to Council for further discussion. Mayor Strickland noted at this time, Council will be able to think and discuss more on the traffic impact and the capacity infrastructure of highway 5.

9. Other Business.

No other business was discussed.

10. Comments from Attendees.

- Susan, Dundee Road resident, addressed Council on short-term rentals as a vacation rental owner for 27 years. She asked Council to please consider accepting the Planning and Zoning Board recommendations and allow short-term rentals to continue with restrictions and put into motion a reasonable plan that will make all residents happy and proud of this unique resort village we call home.
- Teresa Jones, Glen Abbey Trail resident, addressed Council and thanked the Pinehurst residents who were on the Planning and Zoning Board for their service to the Village of Pinehurst. She urged Council to follow the recommendations regarding short term rentals and stated if Council ignores their recommendations, then they are saying to all residents who volunteer, we don't value your time and input.
- Philip Sounia, Pinehurst resident, addressed Council about Short-term rental data and encouraged Council to consider third-party oversight.
- Elaine Bologna, Abbotsford Drive resident, addressed council about the topics of the Council meeting and encouraged them to pay attention to their values, mission and vision, and use a lot of teamwork and be unanimous.
- Eric Leissner, Lake Forest Drive resident, addressed Council on stormwater runoff and wastewater management.

11. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 7:00 p.m.

Respectfully Submitted,

Kelly Chance,
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.
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DRAFT

VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF SEPTEMBER 13, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a work session at 7:09 p.m., Tuesday, September 13, 2022, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance:

Mr. John C. Strickland, Mayor
Mr. Patrick Pizzella, Mayor Pro Tem
Ms. Lydia Boesch, Councilmember
Mr. Jeffrey Morgan, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeff Batton, Assistant Village Manager
Ms. Kelly Chance, Village Clerk

And approximately 13 attendees, including 6 staff and 1 press.

1. **Call to Order.**
   Mayor John Strickland, called the Council work session to order.

2. **Recommendation of Architectural Firm Finalists for the Memorial Library & Tufts Archives Renovation.**
   Doug Willardson, Assistant Village Manager, presented Village Council with an update on recommendations for potential Architectural Firms for the Given Memorial Library and Tufts Archives renovation design. He reported the Village received seven proposals, all of which are from firms located in or have offices located in North Carolina.

   Mr. Willardson stated an evaluation committee made up of the Assistant Village Manager of Operations, himself, the Library Director, Assistant Library Director, and the Planning Supervisor, reviewed each of the proposals. He noted the evaluation committee recommends CPL Team, Clearscapes, and Oakely Collier Architects as finalists to the Council. He stated these firms stand out as having the qualifications and experience to provide the Village with a great product, including experience designing distinguished libraries and work with historical buildings. He noted each have completed high-quality projects in the Village previously.

   Council will interview each of the finalists and announce the decision at a future Village Council meeting.

3. **Discuss Peddling and Soliciting Municipal Code.**
   Jeff Sanborn, Village Manager, and Kelly Chance, Village Clerk, addressed Council on the need for changes to the current Municipal Code, Chapter 110: Peddling and Soliciting on Private Property. Mr. Sanborn reported the Village of Pinehurst Police Department can no longer run a background check for non-criminal purposes and Village Staff can not run a background check on individuals not seeking employment with the Village. Staff recommended that Council consider eliminating for-profit solicitation in the Village of Pinehurst.

   Mayor Strickland and Council concurred that their wishes were to rework the Municipal Code to eliminate for-profit solicitation and Staff will present the proposed changes for discussion and consideration at a future Council regular meeting.

DRAFT

4. Status Update of Stormwater Management and Master Plan.

Mike Apke, Public Services Director, presented Council with an overview of the Stormwater Management and Master plan initial findings and recommendations, to seek Council guidance. He reported the Project Oversight Group members are Jeff Batton, Asst. Village Manager, himself, Darryn Burich, Planning & Inspection Director, Megan Skjellerup, Asst. Public Services Director, Michael Hanson, P.E. with McGill, and David Honeycutt, P.E. with McGill.

Mr. Apke reported the Village of Pinehurst has engaged McGill Associates to assist with the preparation of a Stormwater Management and Master Plan in response to the VOP's 2019 Comprehensive Plan identification of the expansion and enhancement of stormwater management efforts as a "Strategic Opportunity." He defined stormwater as water that naturally accumulates because of rain or snow. He noted property owners are ultimately responsible for managing stormwater across their land, including residential lots, and stated as a property owner, the Village is subject to the same rules and regulations as private property owners. He further noted that pipes and ditches within the public right-of-way along Village maintained streets are the responsibility of the Village and stated the Village Council allocated $385,000 in FY23 for small drainage projects.

Mr. Apke stated in 1977, the NC Supreme Court adopted the "Rule of Reasonable Use" which is based on the premise that water naturally flows downhill. He stated private landowners have the legal right to make reasonable use of their land and the person on the lower estate must receive and pass water from the higher estate. He noted disputes between private landowner can be resolved in civil court actions. Mr. Apke reported on a couple of project successes in the Village, such as the Village Green Parking Lot which was designed using an underground Chamber Storage and infiltration. He stated another success was at the Cannon Park Parking Lot, which utilized the process of dry detention. He noted other projects included Pinehurst Coins and Royal Oak Townhomes.

Mr. Apke stated the primary purposes of the Plan, which has been divided into two (2) phases, are to identify effective strategies, evaluate funding mechanisms, and guide the future of stormwater management in Pinehurst. He noted Phase 1 will include reviewing existing VOP policies, ordinances, regulations, and work order tickets to note trends and issues in Pinehurst. He stated they will also review Design Storm and Return Frequency during this phase. He noted they will review options, seek public engagement, and then provide recommendations for implementing standards for post-construction maintenance.

Mr. Apke stated Phase 2 will assist with solutions in "problem areas" identified in the public input phase and a determination on funding needs completed. He noted at this phase they will analyze whether the creation of a stormwater utility is feasible and/or desirable for the Village, while also evaluating advantages, disadvantages, and feasibility of establishing a delegated erosion control program in lieu of using NCDEQ for these services.

Mr. Apke reported the preliminary recommendations from McGill were to not recommend adding water quality criteria at this time, no buffer changes, do implement specific SCM Maintenance inspection guidelines, and do create a Stormwater Development Manual. He noted staff will complete work on the project and present Council with the full document by the end of December 2022 to allow inclusion of staffing or funding changes in FY24 budget requests.

5. Discuss Proposed Nuisance Lighting Regulations

Jeff Sanborn, Village Manager, stated there has been a substantial number of complaints about a lighted display on a private property parcel that is impacting some of the neighbors. He noted he looked at the current municipal code in chapter 92, under the pollutants and noise control section, to pull from the framework that exists, to take a stab at a way to address the concern. He noted he tried to work through the enforceability part, which is challenging, and he will continue to work on the proposed chances and present them at a future meeting.

6. Discuss Moratorium Extension for Small Area Plan Areas.

Darryn Burich reported that the current moratorium extension is due to expire on October 6 and he is seeking guidance from Council on whether they want to extend it for another 120 days or end it. Council discussed the legal risk if it was continued and requested that Darryn research further the legalities. They noted if plausible they would like to extend the moratorium for an additional 120 days.

7. Discuss and Review Planning & Zoning Board Recommendations on STRs.

Darryn Burich provided a follow-up on the Planning & Zoning Board recommendations on short-term rentals. Council concurred that the next step will be to hold a public hearing on September 27th, with an opportunity to discuss any legal concern with the Village Attorney, and then work toward having a final decision within the next couple of Council meetings.

8. Other Work Session Business

No other work session business was discussed.

9. Potential Future Agenda Items

Councilmember Boesch requested to have the traffic circle discussion placed on a near future work session agenda.

10. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Boesch, Council unanimously approved to adjourn the work session, by a vote 5-0, at 9:39 p.m.

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Respectfully Submitted,

Kelly Chance,
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org

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DRAFT

EASEMENT REQUEST BY DUKE ENERGY
ADDITIONAL AGENDA DETAILS:

FROM:
Mark Wagner

CC:
Jeff Sanborn

DATE OF MEMO:
9/2/2022

MEMO DETAILS:
Staff received a request from Duke Energy for an easement at West Pinehurst Community Park to provide service to home lots on the other side of Chicken Plant Road.

Attached is the easement agreement which requires Council approval and a ROW map showing the proposed location. Duke would need to remove two pines and some smaller scrub oaks to create the 30' clearing for the power lines and poles.

Staff has met on site with representatives from Duke Energy and do not believe granting the easement will impact current use or future development of the site.

Duke Energy has provided responses to questions prior to the September 13th Council meeting, and will also have representatives present to answer any additional questions as necessary.

Thank you

ATTACHMENTS:

Description

- Easement
- Right of Way Map
- Duke Energy Responses to Village Council Questions

Prepared by: Duke Energy Progress, LLC
Return to: Duke Energy Progress, LLC
Attn: Sophie Creech
1020 W Chatham Street
Cary, NC 27511

Parcel # 854210259581

EASEMENT

State of North Carolina

County of Moore

THIS EASEMENT ("**Easement**") is made this ____ day of _____ 20____, from **VILLAGE OF PINEHURST, NC**, a North Carolina municipal corporation ("**Grantor**", whether one or more), to **DUKE ENERGY PROGRESS, LLC**, a North Carolina limited liability company ("**Grantee**").

Grantor, for and in consideration of the sum of One and 00/100 Dollar ($1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers (collectively, "**Facilities**").

Grantor is the owner of that certain property described in that instrument recorded in Deed Book 2233, Page 113, Moore County Register of Deeds ("**Property**").

The Facilities shall be overhead, except as needed on or under the ground to support the overhead Facilities, and located in, upon, over, along, through, and across a portion of the Property within an easement area described as follows:

A strip of land thirty feet (30') in uniform width, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, (hereinafter referred to as the "**Easement Area**").

The rights granted herein include, but are not limited to, the following:

1. Grantee shall have the right of ingress and egress over the Easement Area, Property, and any adjoining lands now owned or hereinafter acquired by Grantor (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).
2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions.
3. Grantee shall have the right to trim, cut down, and remove from the Property, at any time or times and using safe and generally accepted arboricultural practices, dead, diseased, weak, dying, or leaning trees or limbs, which, in the opinion of Grantee, might fall upon the Easement Area or interfere with the safe and reliable operation of the Facilities.
4. Grantee shall have the right to install necessary guy wires and anchors extending beyond the boundaries of the Easement Area.
5. Grantee shall have the right to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening, or alterations.
6. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor.
7. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage to the surface area of the Easement Area and Property resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to the damage, and shall only be to the extent such damage was caused by Grantee or its contractors or employees.
8. All other rights and privileges reasonably necessary, in Grantee's sole discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities.

The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights.

TO HAVE AND TO HOLD said rights, privilege, and easement unto Grantee, its successors, licensees, and assigns, forever. Grantor warrants and covenants that Grantor has the full right and authority to convey to Grantee this perpetual Easement, and that Grantee shall have quiet and peaceful possession, use and enjoyment of the same.

IN WITNESS WHEREOF, Grantor has signed this Easement under seal effective this ____ day of _____, 20_____.

VILLAGE OF PINEHURST, NC
a North Carolina municipal corporation

_____ (SEAL)
Jeff Batton, Assistant Village Manager

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of _____, certify that Jeff Batton, as Assistant Village Manager of VILLAGE OF PINEHURST, NC, a North Carolina municipal corporation, personally appeared before me this day and acknowledged the due execution of the foregoing EASEMENT.

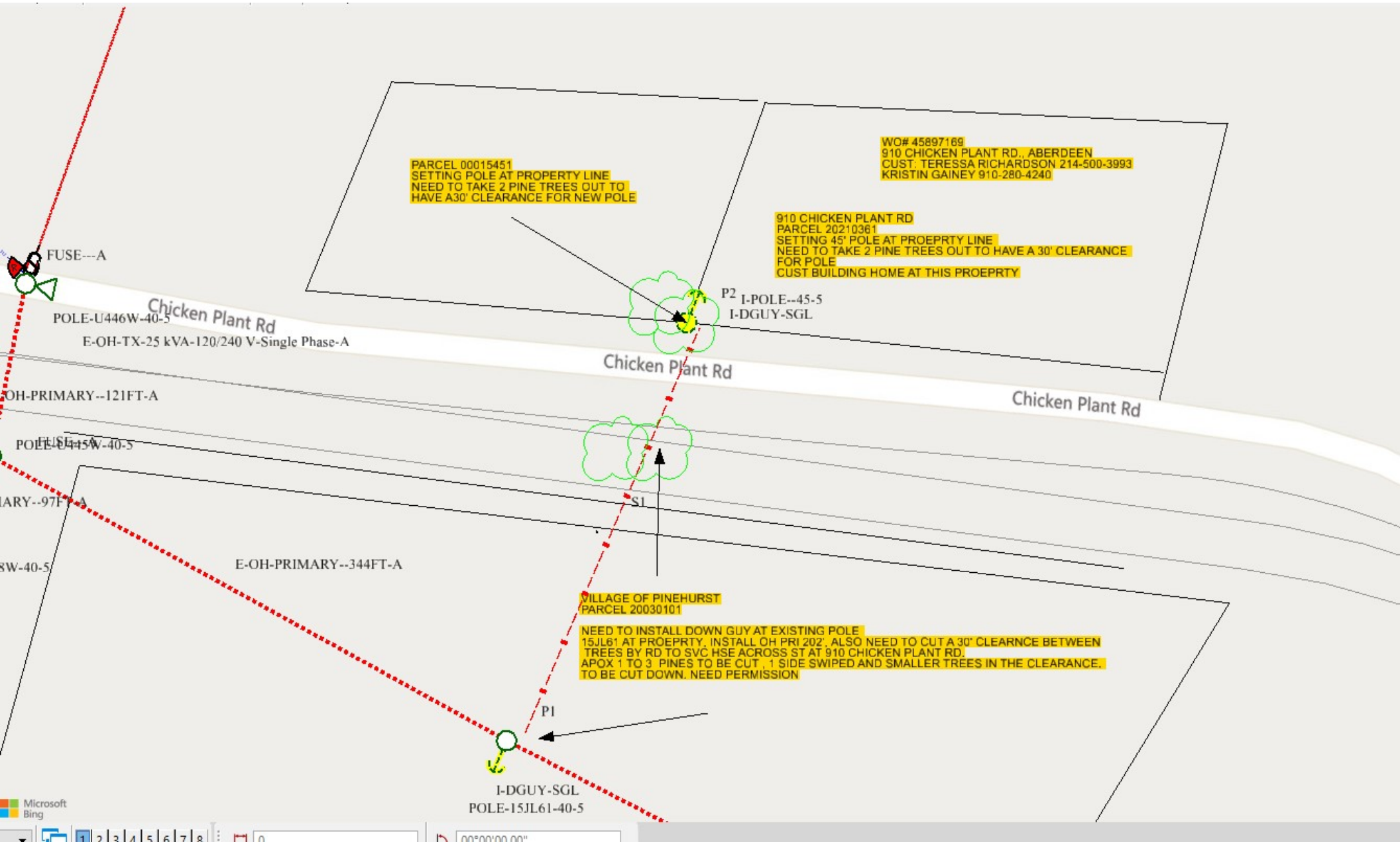
Witness my hand and notarial seal, this ____ day of _____, 20_____.

(Notary Seal)

Notary Public: _____

Commission expires: _____

For Grantee's Internal Use:
Work Order #: 45897169


WO# 45897169
910 CHICKEN PLANT RD., ABERDEEN
CUST: TERESSA RICHARDSON 214-500-3993
KRISTIN GAINEY 910-280-4240
PARCEL 00015451
SETTING POLE AT PROPERTY LINE
NEED TO TAKE 2 PINE TREES OUT TO
HAVE A30' CLEARANCE FOR NEW POLE
910 CHICKEN PLANT RD
PARCEL 20210361
SETTING 45' POLE AT PROEPRTY LINE
NEED TO TAKE 2 PINE TREES OUT TO HAVE A 30' CLEARANCE
FOR POLE
CUST BUILDING HOME AT THIS PROEPRTY
FUSE---A
POLE-U446W-40-5
Chicken Plant Rd
E-OH-TX-25 kVA-120/240 V-Single Phase-A
P2
I-POLE--45-5
I-DGUY-SGL
Chicken Plant Rd
Chicken Plant Rd
OH-PRIMARY--121FT-A
POLE-U445W-40-5
S1
E-OH-PRIMARY--344FT-A
VILLAGE OF PINEHURST
PARCEL 20030101
NEED TO INSTALL DOWN GUY AT EXISTING POLE
15JL61 AT PROEPRTY. INSTALL OH PRI 202', ALSO NEED TO CUT A 30' CLEARNCE BETWEEN
TREES BY RD TO SVC HSE ACROSS ST AT 910 CHICKEN PLANT RD.
APOX 1 TO 3 PINES TO BE CUT , 1 SIDE SWIPED AND SMALLER TREES IN THE CLEARANCE.
TO BE CUT DOWN. NEED PERMISSION
P1
I-DGUY-SGL
POLE-15JL61-40-5
Microsoft
Bing

Responses to questions raised by Village of Pinehurst

Wo# 45897169
910 Chicken Plant Rd., Aberdeen
ROW – Sophie (working)

This form of easement seems very broad. It attaches to the whole 67-acre parcel, and does not specify where the easement will go - just a 30-foot-wide strip with wherever they install the Facilities as the centerline.
This is how we reference the property. The only way to really change this language is to have an Exhibit A at the requesting customer's expense. For this project, the new line indicated on the map (below) is the only work we propose. No additional poles are needing to be installed on the Village of Pinehurst property. We will be attaching a 140-foot line extension and down guy at the existing pole. Duke Energy will be paying for all of this infrastructure that is being put into place to serve this customer.

This is the most efficient approach, and will be the least disruptive to the Village of Pinehurst's property. Other options would require extensive tree trimming along the roadside 30-foot deep for approximately 500 feet, or would require setting approximately 3 new poles with extensive tree trimming.

In Section 1, the Electric Company also has access over property adjoining the Easement Area;
This language is included to address access to our facilities in an emergency situation only.

In Section 4 it has the right to install Facilities beyond the boundaries of the Easement Area.
Section 4 addresses miscellaneous maintenance work that might require minimal encroachment outside of our prescribed ROW, i.e., a longer guy wire due to a taller pole. We don't foresee this taking place on this project.

In Section 5 it has the right to relocate the Facilities and the Easement Area itself.
Section 5 addresses relocation of the Duke Energy line due to NCDOT conflict, i.e., road widening. As deep as this pole sits in the property this pole should never have an impact from a DOT project.

The purpose of the Easement, on the first page, is very broad. The Facilities could be more than just lines serving a single home. And what are "communication purposes of Incumbent Local Exchange Carriers"? That's not defined - is it cell phone towers? Could there be big tower installations?
Additional line(s) and facilities (other than the ones shown on the drawing) would require a new easement if they are installed outside of the easement area we are seeking with the current easement agreement. This language addresses joint use partners attaching to our poles, i.e., Spectrum, BellSouth, etc. This does not give Duke Energy or any other utility the right to install a cell tower, etc., without going through the necessary steps in acquiring the

required permissions, etc. Only Primary power lines will be installed with this line extension. No other Utility company will be attached to the proposed line.

If Duke Electric is selling space to other utilities, does the Village get a portion of that profit?
Duke does not “sell space” to other utilities. Per the utilities’ agreement, utilities will jointly use poles when feasible to reduce the amount of required, additional pole lines…limiting the footprint of utilities required space.

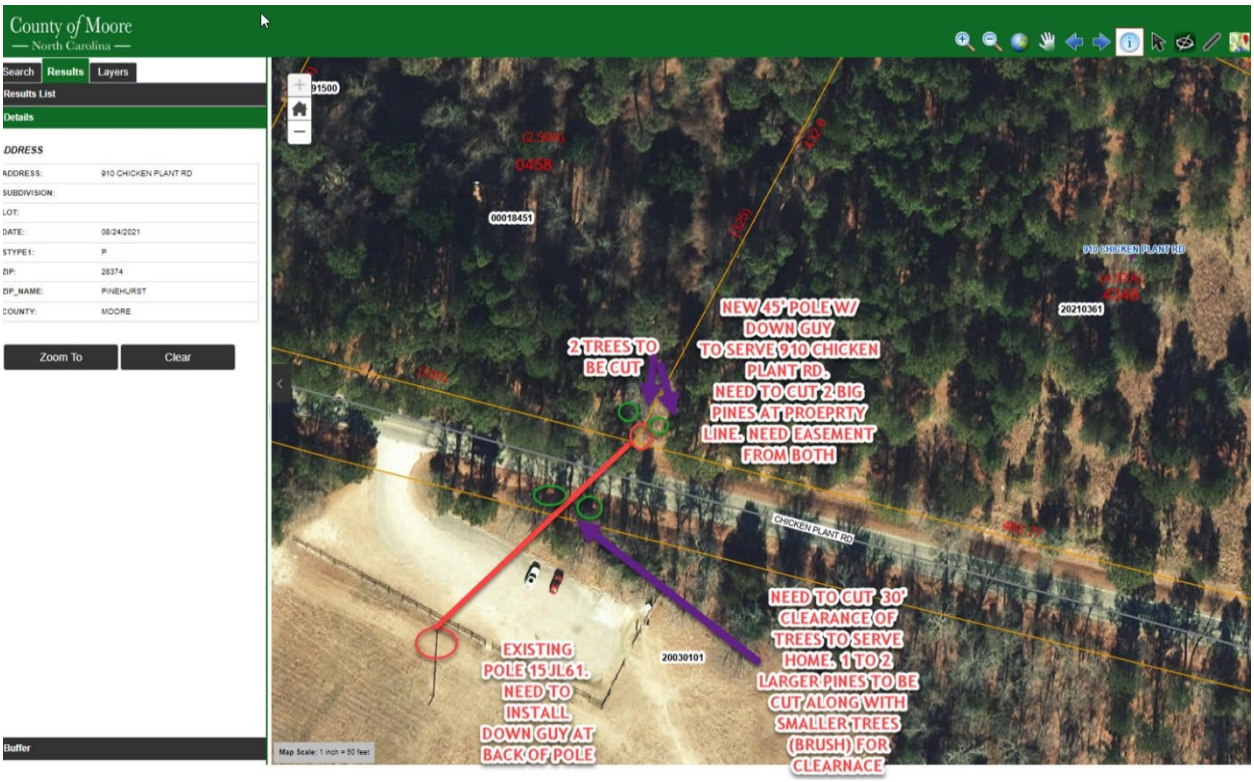
Is the Village getting anything for this other than the $1.00?
Duke does not pay for distribution ROW. The $1 is for legal purposes to make this an executable contract. If the Village was to request/require compensation, the requesting customer would be responsible for any money due.

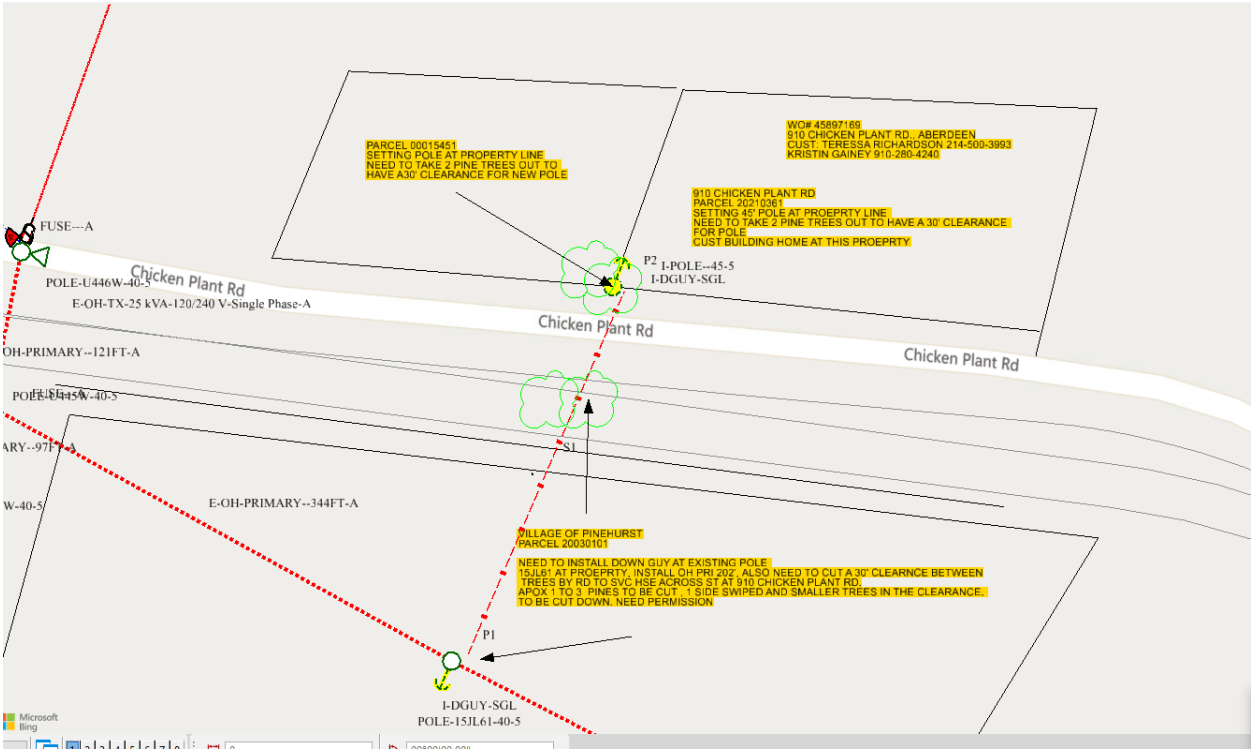
Apparently this spur line is meant to serve a new house going in on the north side of Chicken Plant. It appears that the Easement will run out through the main entrance drive to the Park. Will that interfere with future development of the Park? Section 6 says the Village can't put any structures or improvements that "may" interfere with the Easement.
The Main Entrance Drive to the park is approximately 120 feet from the proposed line extension. So, the overhead power line will not cross the main entrance driveway. The overhead line will cross part of the parking area.

Item 6 is to protect our easement area around our facilities. For example, you can’t build a permanent structure within our 30-foot ROW of our powerline, but in all instances like this, if a decision is made to build a permanent structure, Duke Energy will work to relocate the line, if feasible, to accommodate the new structure.

Section 8 grants the Electric Company "all other rights and privileges reasonably necessary, in [their] sole discretion" for the operation of the Facilities.
We are using our standard easement language and this paragraph will need to stay in the easement. If necessary, we can agree to changing the reference to “sole” with“reasonable”

Should we narrow the location or scope of this at all?
The easement language is to cover a broad range of work that Duke Energy typically encounters, but in this instance, the highlighted section above sums up what is really at issue. Duke Energy will not construct or extend any additional facilities than what is proposed. Routine/necessary maintenance will be the only future work that will occur on this pole line. Any deviations, additions, etc., to this pole line would require Duke Energy to go through this same requesting process.


County of Moore
North Carolina
Search
Results
Layers
Results List
Details
ADDRESS
ADDRESS: 910 CHICKEN PLANT RD
SUBDIVISION:
LOT:
DATE: 08/24/2021
STYPE1: P
ZIP: 28374
ZIP_NAME: PINEHURST
COUNTY: MOORE
Zoom To
Clear
Buffer
00018451
910 CHICKEN PLANT RD
20210361
20030101
CHICKEN PLANT RD
2 TREES TO BE CUT
NEW 45' POLE W/ DOWN GUY TO SERVE 910 CHICKEN PLANT RD. NEED TO CUT 2 BIG PINES AT PROEPRTY LINE. NEED EASEMENT FROM BOTH
NEED TO CUT 30' CLEARANCE OF TREES TO SERVE HOME. 1 TO 2 LARGER PINES TO BE CUT ALONG WITH SMALLER TREES (BRUSH) FOR CLEARNACE
EXISTING POLE 15 JL61. NEED TO INSTALL DOWN GUY AT BACK OF POLE
Map Scale: 1 inch = 50 feet


PARCEL 00015451
SETTING POLE AT PROPERTY LINE
NEED TO TAKE 2 PINE TREES OUT TO HAVE A30' CLEARANCE FOR NEW POLE
WO# 45897169
910 CHICKEN PLANT RD., ABERDEEN
CUST. TERESSA RICHARDSON 214-500-3993
KRISTIN GAINEY 910-280-4240
910 CHICKEN PLANT RD
PARCEL 20210361
SETTING 45' POLE AT PROEPRTY LINE
NEED TO TAKE 2 PINE TREES OUT TO HAVE A 30' CLEARANCE FOR POLE
CUST BUILDING HOME AT THIS PROEPRTY
FUSE---A
POLE-U446W-40-5
E-OH-TX-25 kVA-120/240 V-Single Phase-A
Chicken Plant Rd
P2
I-POLE--45-5
I-DGUY-SGL
Chicken Plant Rd
Chicken Plant Rd
OH-PRIMARY--121FT-A
POLE-U445W-40-5
S1
E-OH-PRIMARY--344FT-A
VILLAGE OF PINEHURST
PARCEL 20030101
NEED TO INSTALL DOWN GUY AT EXISTING POLE 15JL61 AT PROEPRTY. INSTALL OH PRI 202'. ALSO NEED TO CUT A 30' CLEARNCE BETWEEN TREES BY RD TO SVC HSE ACROSS ST AT 910 CHICKEN PLANT RD. APOX 1 TO 3 PINES TO BE CUT. 1 SIDE SWIPED AND SMALLER TREES IN THE CLEARANCE. TO BE CUT DOWN. NEED PERMISSION
P1
I-DGUY-SGL
POLE-15JL61-40-5
Microsoft Bing

PUBLIC HEARING NO. 1 - MORATORIUM EXTENSION IN SMALL AREA PLAN AREAS

ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to hear comments on extending the moratorium on real estate development activity in Village Place and Pinehurst South to allow time to amend and adopt the Pinehurst Development Ordinance as needed to implement the plans.

FROM:
Darryn Burich

CC:
Jeff Sanborn

DATE OF MEMO:
9/22/2022

MEMO DETAILS:
Please see attached memo for more information.

ATTACHMENTS:

	Description
🗋	Staff Memo
🗋	Proposed Ordinance # 22-14
🗋	Moratorium Area Maps
🗋	Ordinance #21-03 Exhibit C
🗋	Ordinance #21-15 Exhibit D
🗋	Ordinance #22-01 Exhibit E
🗋	Ordinance #22-04 Exhibit F

MEMORANDUM

To: **Mayor Strickland and Village Council**
From: **Darryn Burich, Director of Planning and Inspections**
Date: **September 22, 2022**
Subject: **Moratorium Extension for the Village Place/Rattlesnake Trail Corridor and the Pinehurst South/NC Highway 5 Commercial Area**

The proposed moratorium currently in effect in the Small Area Plan areas (Village Place and Pinehurst South) is set to expire October 6th, 2022. The Village Place Small Area Plan has been approved by both the Planning and Zoning Board and Council. The Pinehurst South Small Area Plan has been approved by the Planning and Zoning Board and has been under consideration by Council and taken up again at its September 27th meeting. The Planning and Zoning Board has commenced work on the form based code and zoning updates to implement the land use and development aspects of the Village Place Plan. The Planning and Zoning Board has not yet taken up work on the form based code and zoning updates on the Pinehurst South Plan because the Plan has not yet been approved by Council.

This would be the fourth extension of the moratorium that if approved, would have the planning areas under moratorium since February 10th, 2021 and would be approaching 2 years if extended. This process has taken considerably longer than staff anticipated when the original moratorium ordinance was adopted. While there are no statutory limitations on the length of a moratorium, any moratorium length must be justified in the context of moving forward to solve the problems necessitating establishment of the moratorium. The initial reason for requesting the moratorium was to preserve the area from inappropriate development in the context of the 2019 Comprehensive Plan. The Village Place Plan has been approved and Pinehurst South should be approved by the time the moratorium expires on October 6th. The PDO code amendments will not be adopted by time of expiration of the moratorium.

The Planning and Zoning Board has scheduled special work sessions to consider the zoning updates and has made progress on the Village Place updates but work still remains and will continue while also recognizing that the cumulative impact of all the extra meetings can be a strain on members of the Planning and Zoning Board. Much of the work being done on the Village Place form based code and zoning updates will be used for corresponding zoning updates and form based code for Pinehurst South so the time frame to develop Pinehurst South *should* theoretically be shorter. Staff anticipates the time frame to adopt any zoning code updates to implement the plans may take considerable longer once public hearings are scheduled and deliberations commence prior to adoption of any actual PDO amendments.

The 2019 Comprehensive Plan goal of creating two small area plans should be accomplished by the time the moratorium expires. The two plans envision creation of compact mixed use areas based on development in and around the Village center. Existing zoning does not effectively implement that development pattern and should be an incentive for property owners wishing to develop (or redevelop) to support Village initiated zone changes or to initiate zone changes themselves.

Extending the moratorium for another 120 days as proposed will continue to move towards the goal of adopting the corresponding PDO updates to implement the small area plans. Staff will continue to work with the Planning and Zoning Board to develop such PDO updates. However, staff cannot provide a reasonable estimation regarding how long that will take nor an estimate once the code updates are developed how long it will take to adopt any of the proposed updates. Should Council not want to extend the moratorium staff will continue to develop the code updates as expeditiously as possible

ORDINANCE #22-14:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless excluded pursuant to Section 6 of #21-03 or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, the Village has extended the moratorium three times through adoption of Ordinances #21-15, #22-01, and #22-04; and

WHEREAS, moratorium Ordinance #22-04 expires on October 6, 2022; and

WHEREAS, the Village has not completed the small area plans or zoning ordinance amendments for the specified geographic areas; and

WHEREAS, the Village Planning and Zoning Board met on May 5, 2022 to provide a recommendation to the Village Council on the Small Area Plans; and

WHEREAS, extending the moratorium will allow additional time for adoption of said plans and zoning ordinance updates; and

WHEREAS, allowing real estate development activity to reoccur in the said areas may result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan and proposed Small Area Plans; and

WHEREAS, extending the moratorium by an additional 120 days would aid in the accomplishment of the purpose of Ordinance #21-03, #21-15, #22-01, and #22-04, as described respectively in Exhibits C, D, E and F.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 27th day of September, 2022, as follows:

Section 1. That the moratorium imposed by Ordinance #21-03 on February 10, 2021 and extended by Ordinance's #21-15, #22-01, and #22-04, is hereby extended for an additional one-hundred-twenty (120) day period from the date of expiration, thus, to expire on February 3, 2023.

Section 2. That all sections of Ordinance #21-03, #21-15, #22-01, and #22-04, attached as Exhibits C, D, E and F remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 27th day of September, 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

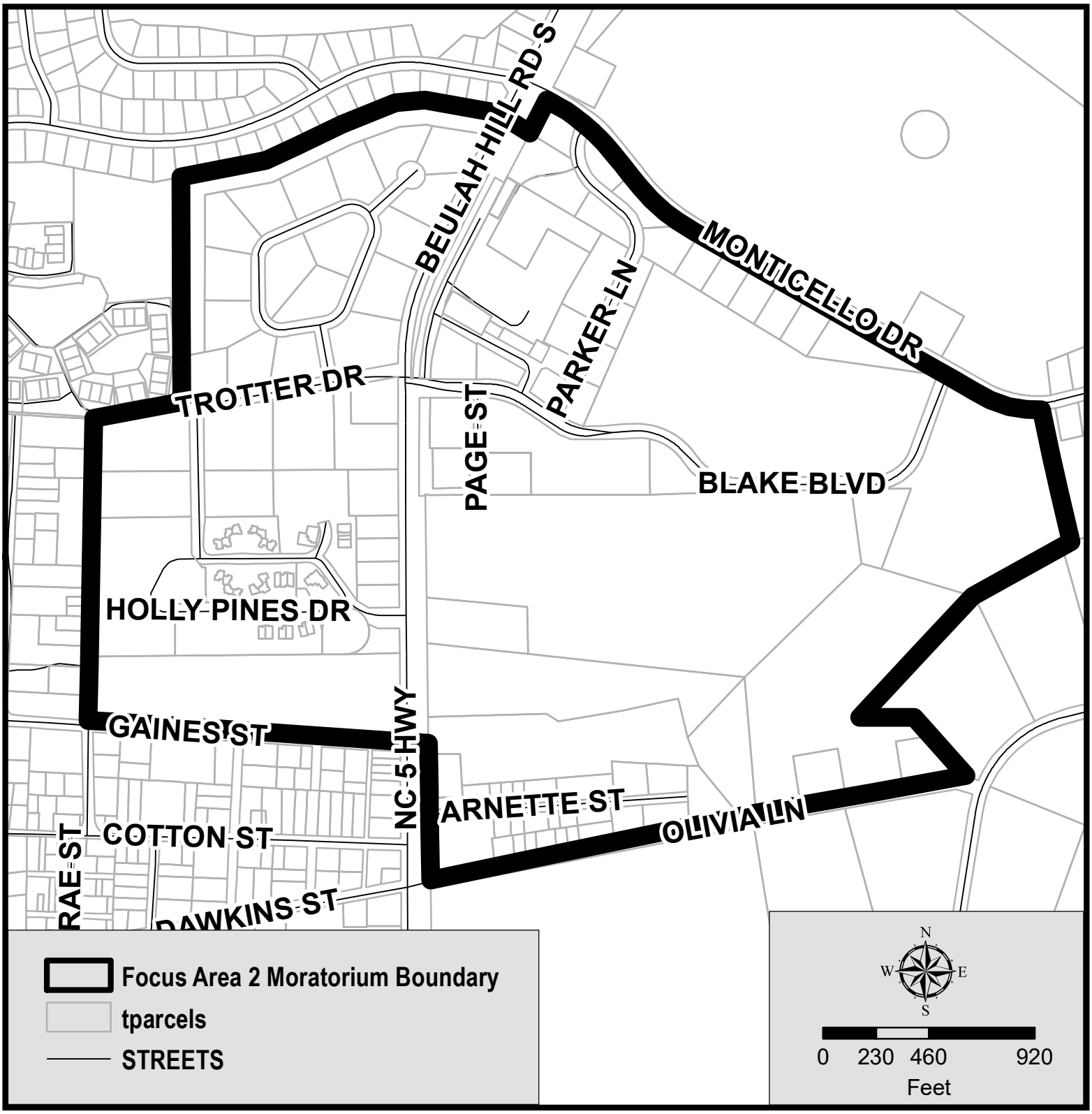
Approved as to Form:

_____
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

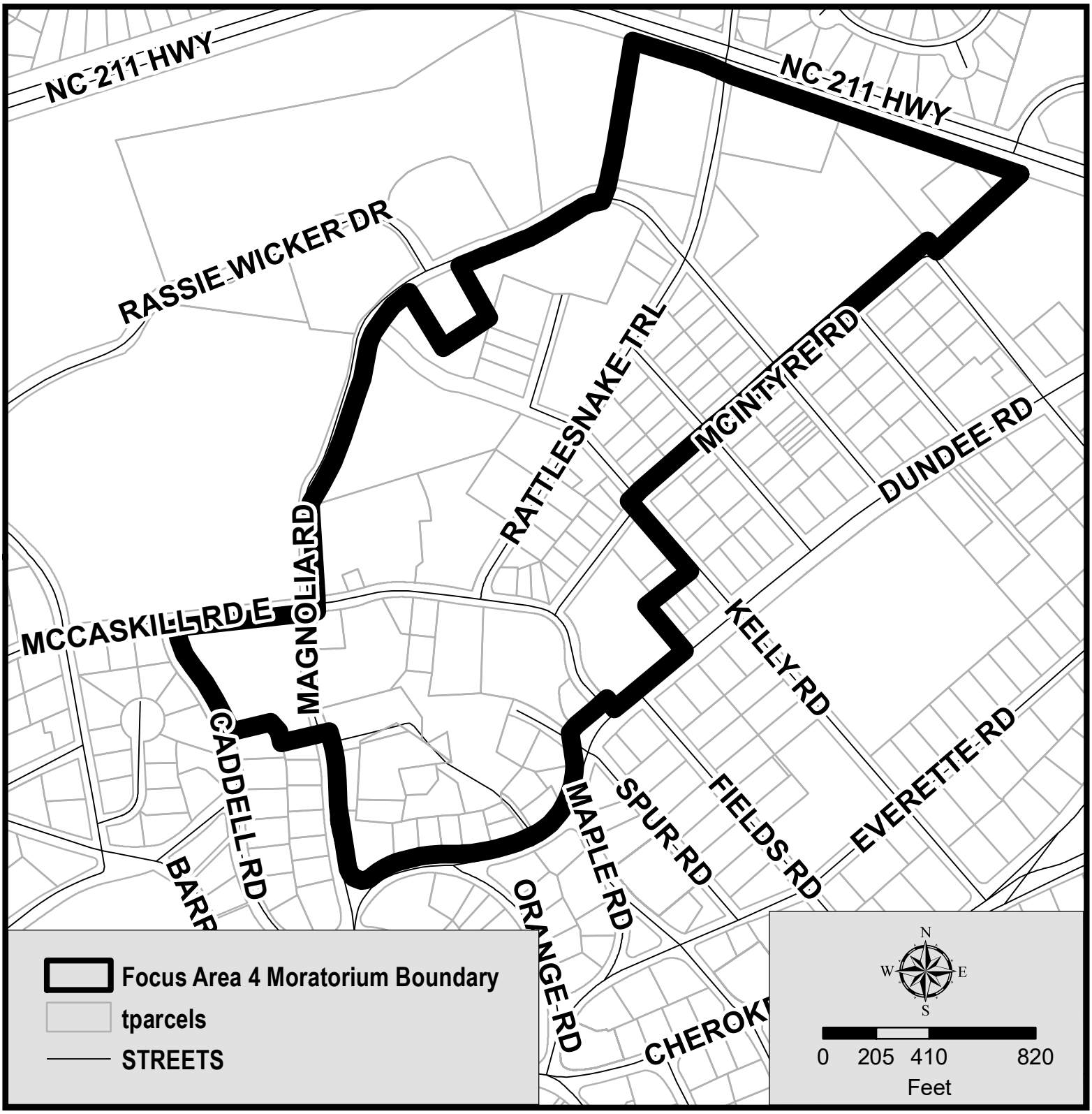


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein.It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10.
Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

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; or
b. The excavation, grading, filling, clearing, or alteration of land; or
c. The subdivision of land as defined in NCGS 160D-802; or
d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

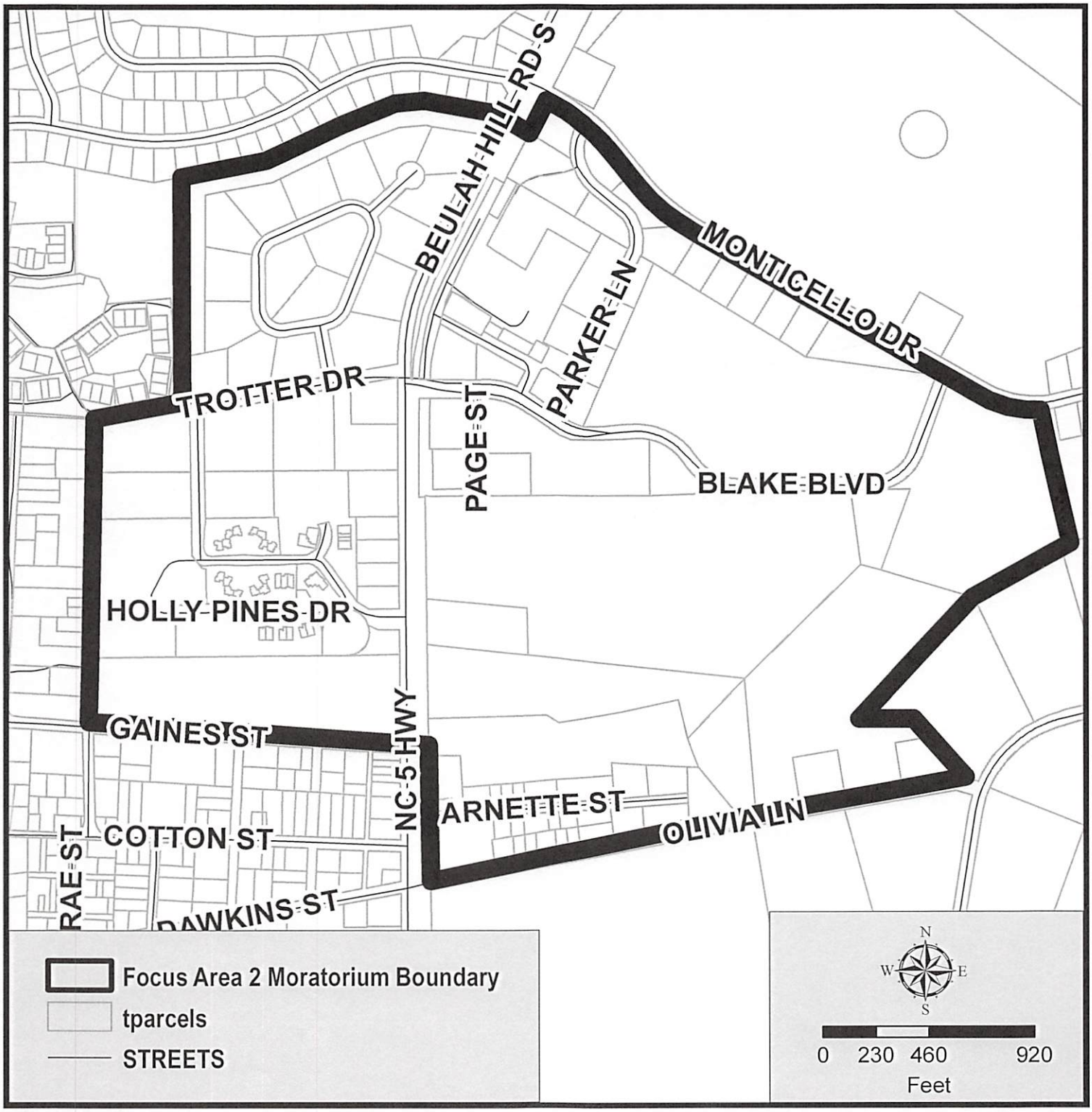
_____
Beth Dunn, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium
NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

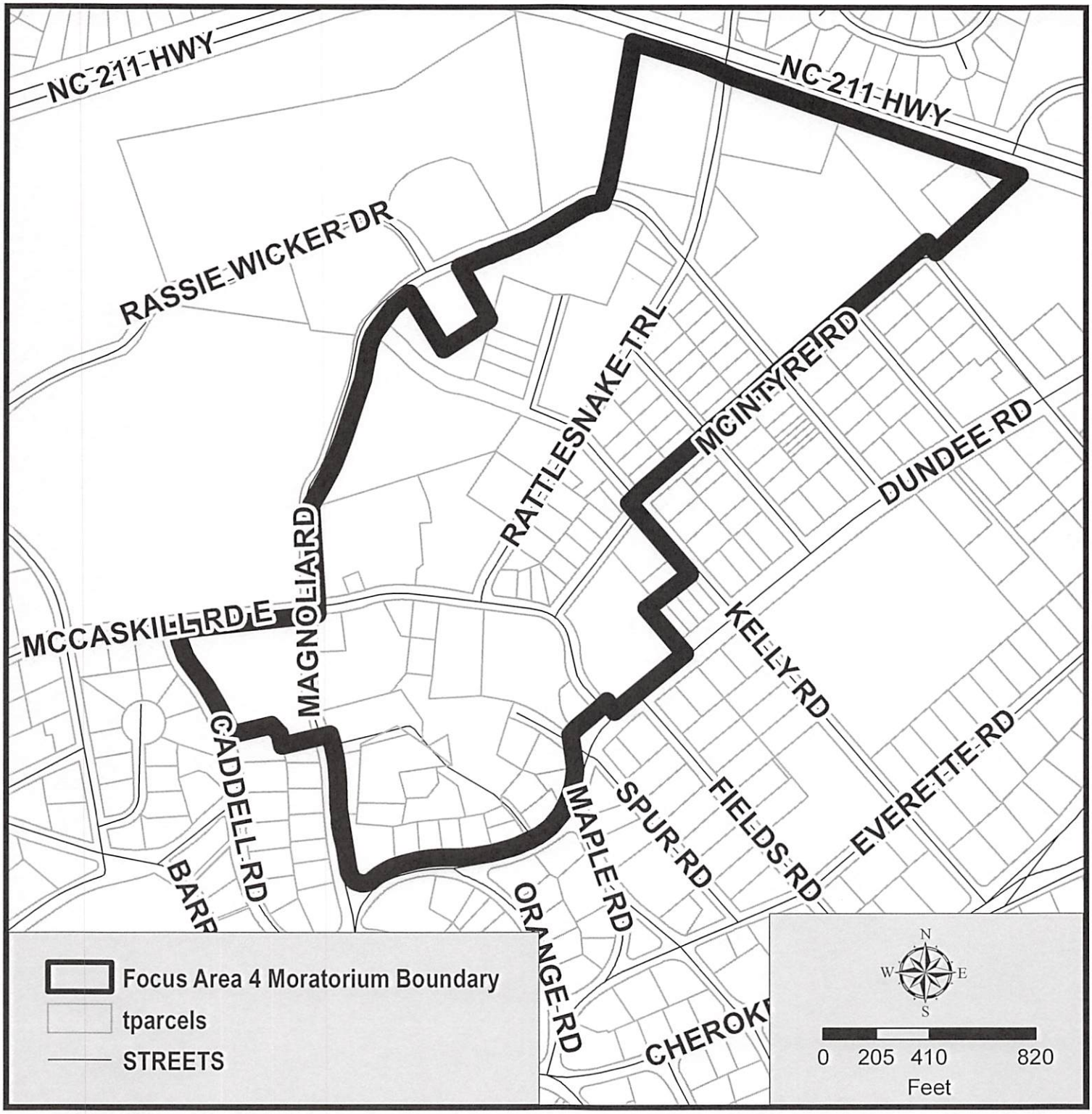


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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

ORDINANCE #21-15:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, said moratorium expires on November 10, 2021; and

WHEREAS, the Village has not completed the small area plans and form based codes for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and codes will be presented for adoption by the Village; and

WHEREAS, Ordinance #21-03 will expire before completion of said plans codes; and

WHEREAS, extending the moratorium will allow time for completion of said plans and codes; and

WHEREAS, allowing real estate development activity to reoccur in the said areas will result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 90 days would aid in the accomplishment of the purpose of Ordinance 21-03 as described in Exhibit C.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 26th day of October 2021, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 is hereby extended for an additional ninety-day period from the date of expiration, thus, to expire on February 08, 2022.

Section 2. That all sections of Ordinance 21-03 attached as Exhibit C remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 26th day of October, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

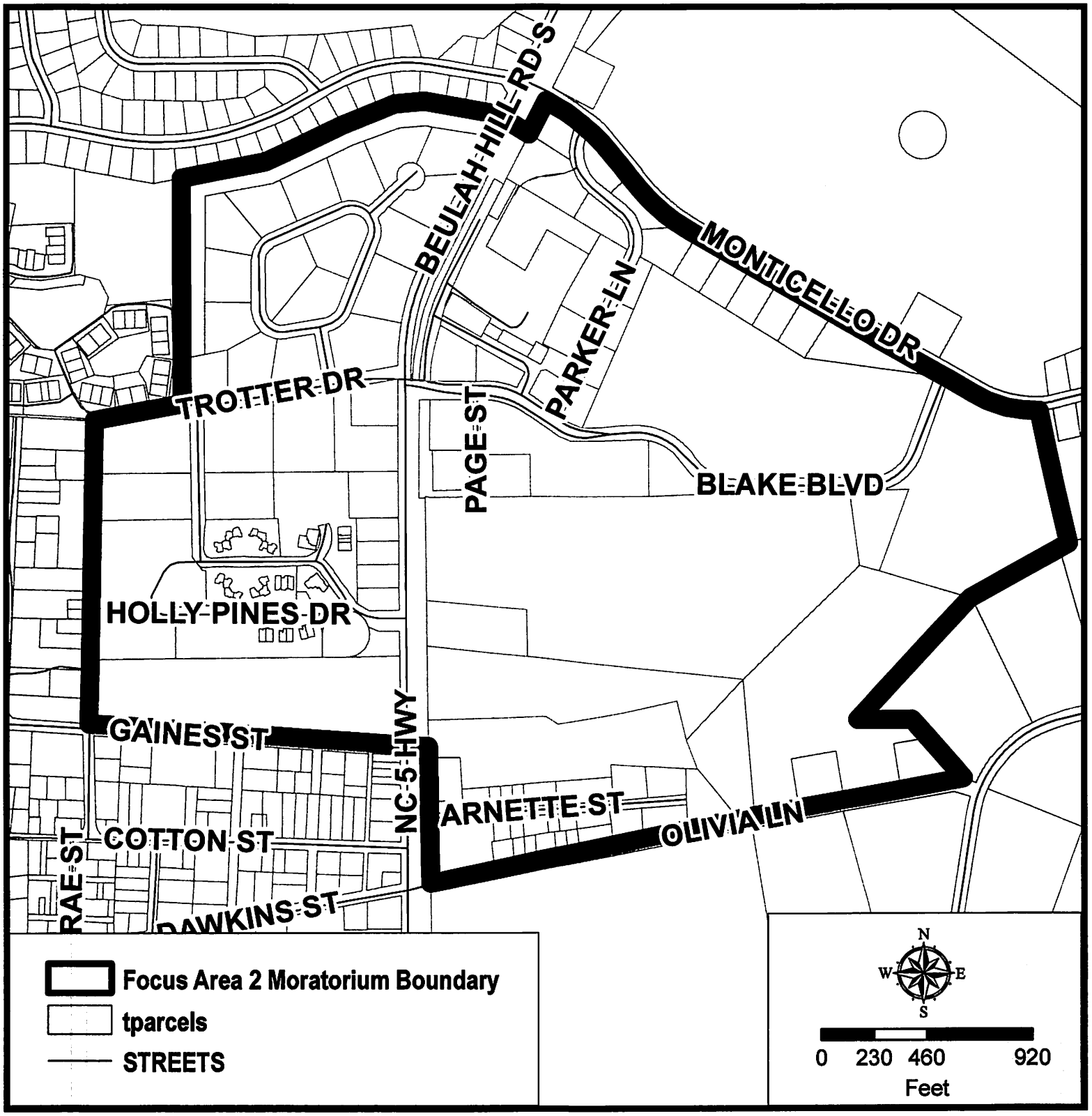
Approved as to Form:

_____
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

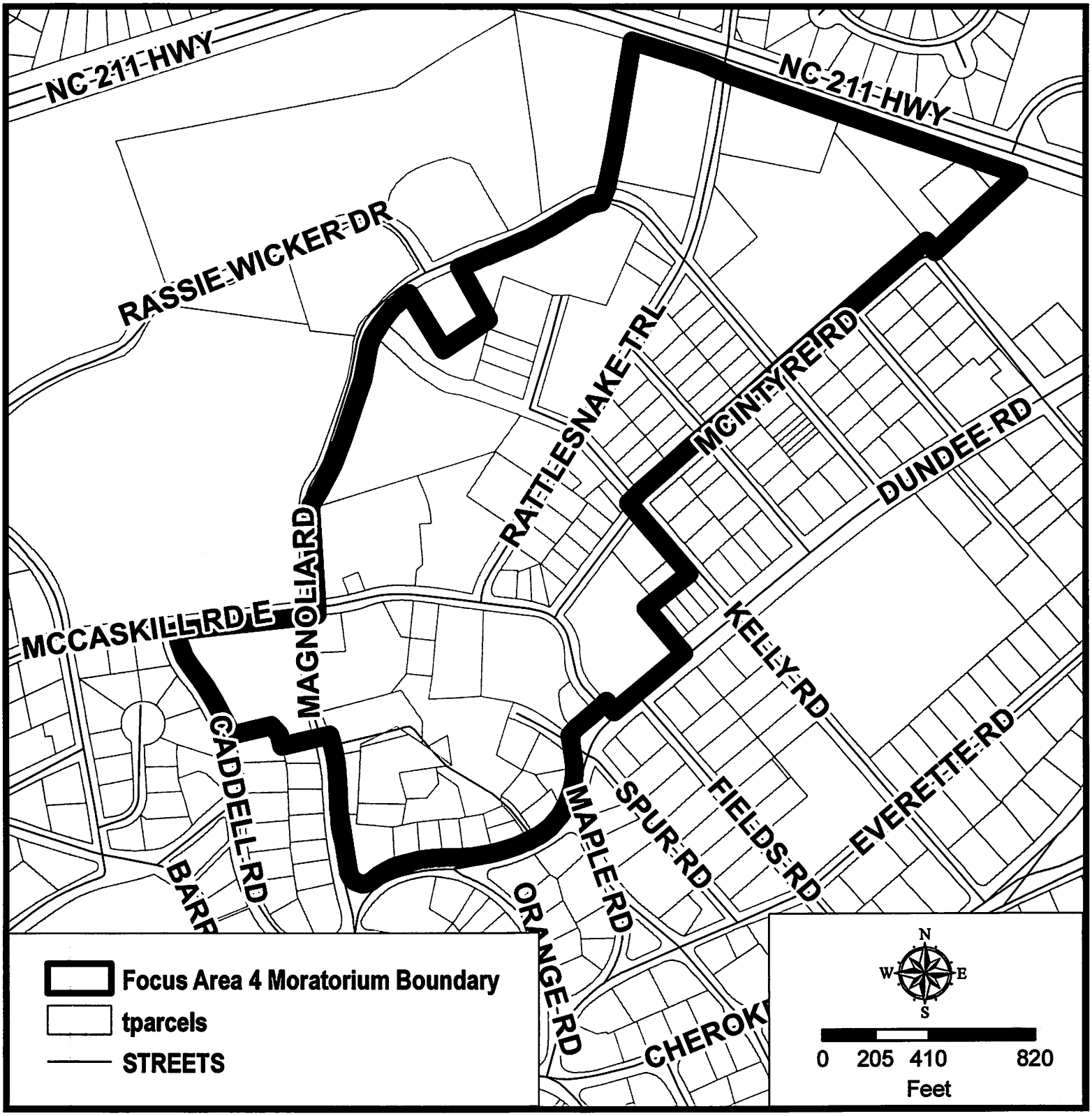


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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

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; or
b. The excavation, grading, filling, clearing, or alteration of land; or
c. The subdivision of land as defined in NCGS 160D-802; or
d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By _____
John C. Strickland, Mayor

Attest:

_____
Beth Dunn, Village Clerk

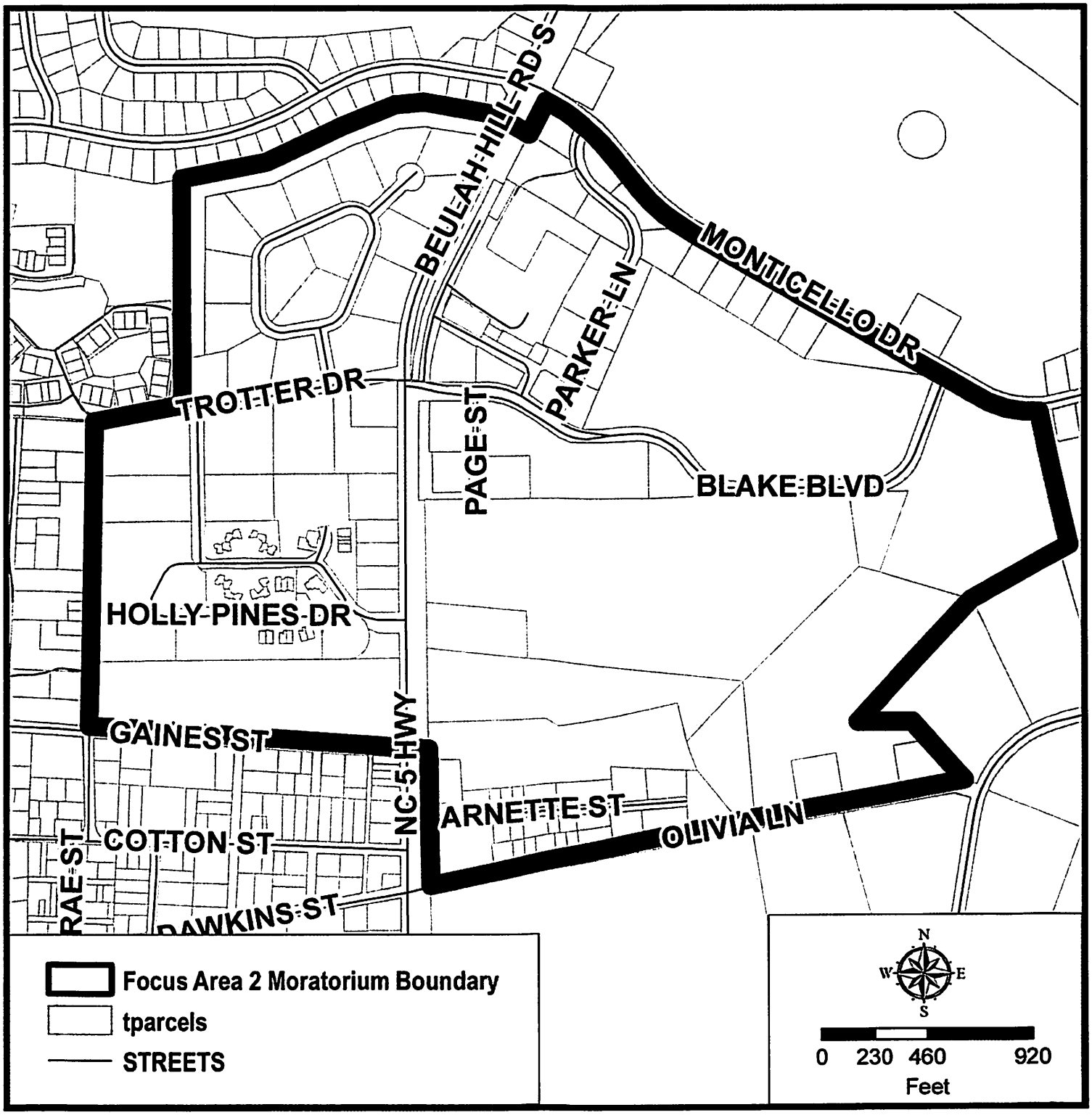
Approved as to Form:

_____
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

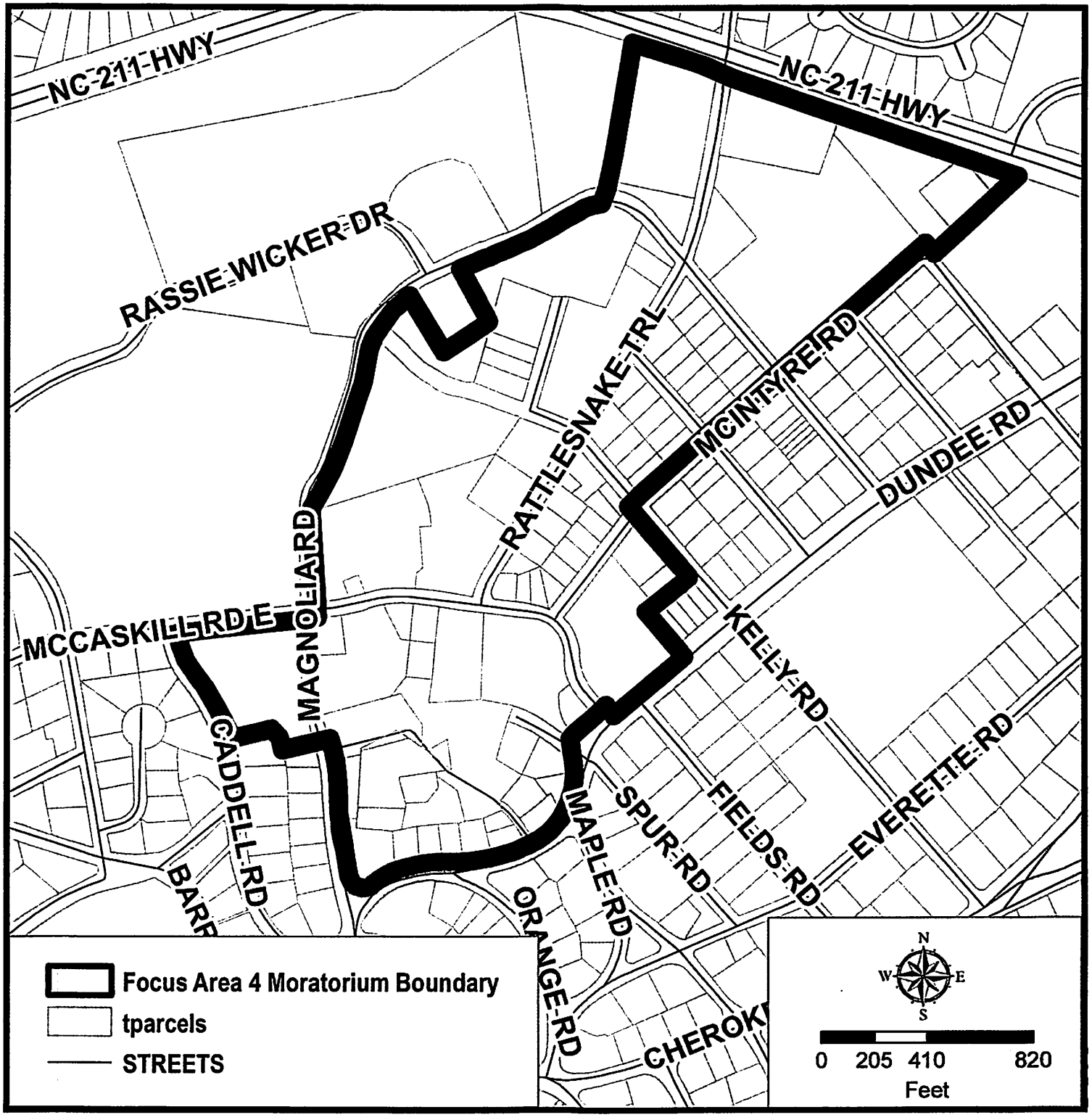


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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

ORDINANCE #22-01:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, the moratorium was extended an additional 90 days from its original expiration date of November 10, 2021; and

WHEREAS, the moratorium expires on February 08, 2022; and

WHEREAS, the Village has not completed the small area plans or zoning ordinance amendments for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and zoning ordinance amendments will be evaluated and presented for adoption by the Village; and

WHEREAS, the Village held an open house on February 2, 2022 where draft Small Area Plans were presented; and

WHEREAS, Ordinance #21-15 will expire before completion of said plans and zoning ordinance updates; and

WHEREAS, extending the moratorium will allow time for completion of said plans and zoning ordinance updates; and

WHEREAS, allowing real estate development activity to reoccur in the said areas may result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 120 days would aid in the accomplishment of the purpose of Ordinance #21-03 and #21-15 as described respectively in Exhibits C and D.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 8th day of February 2022, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 and extended by Ordinance #21-15 is hereby extended for an additional one-hundred twenty (120) day period from the date of expiration, thus, to expire on June 8, 2022.

Section 2. That all sections of Ordinance #21-03 and #21-15 attached as Exhibits C and D remain in full effect throughout the extension.

Section 3. That this moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 8th day of February, 2022.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

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; or
b. The excavation, grading, filling, clearing, or alteration of land; or
c. The subdivision of land as defined in NCGS 160D-802; or
d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

_____
Beth Dunn, Village Clerk

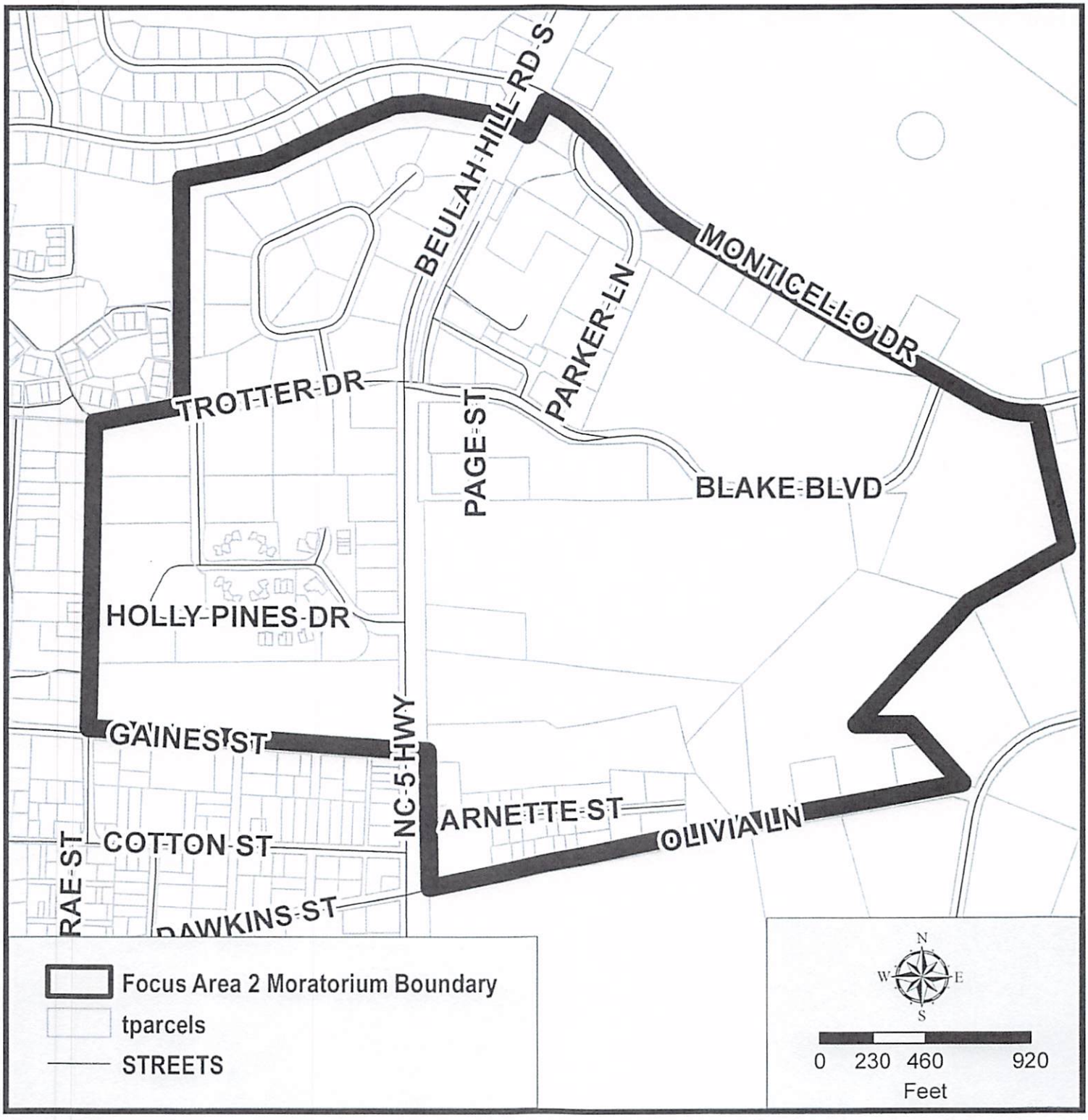
Approved as to Form:

_____
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

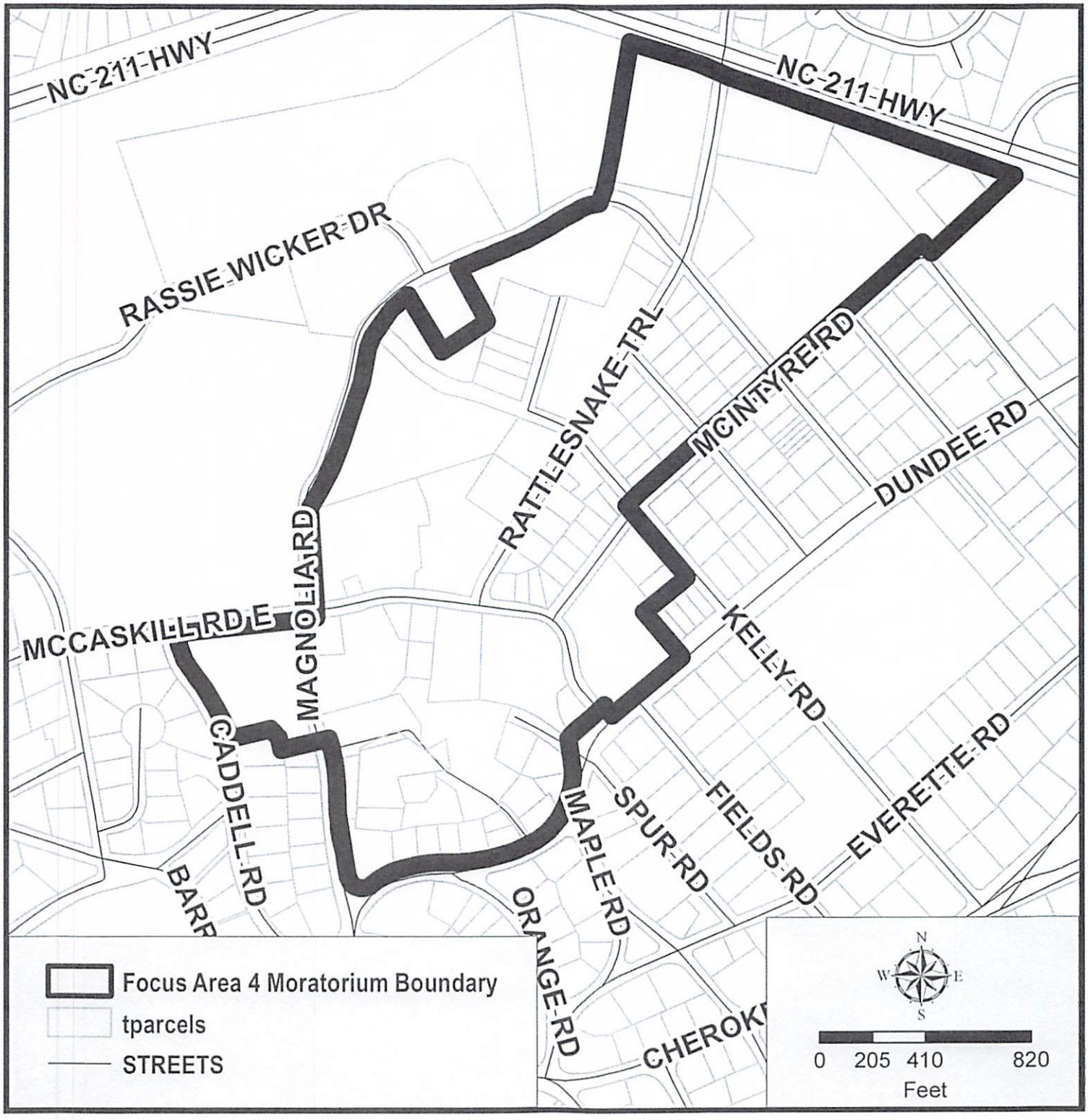
NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)



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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium
Village Place/Rattlesnake Trail Corridor (Focus Area 4)



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein.It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10.
Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT D

ORDINANCE #21-15:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless exempted or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed in Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, said moratorium expires on November 10, 2021; and

WHEREAS, the Village has not completed the small area plans and form based codes for the specified geographic areas; and

WHEREAS, the Village has entered Phase III of the planning process where the said plans and codes will be presented for adoption by the Village; and

WHEREAS, Ordinance #21-03 will expire before completion of said plans codes; and

WHEREAS, extending the moratorium will allow time for completion of said plans and codes; and

WHEREAS, allowing real estate development activity to reoccur in the said areas will result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan; and

WHEREAS, extending the moratorium by an additional 90 days would aid in the accomplishment of the purpose of Ordinance 21-03 as described in Exhibit C.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 26th day of October 2021, as follows:

Section 1. That the moratorium imposed by Ordinance # 21-03 on February 10, 2021 is hereby extended for an additional ninety-day period from the date of expiration, thus, to expire on February 08, 2022.

Section 2. That all sections of Ordinance 21-03 attached as Exhibit C remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 26th day of October, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

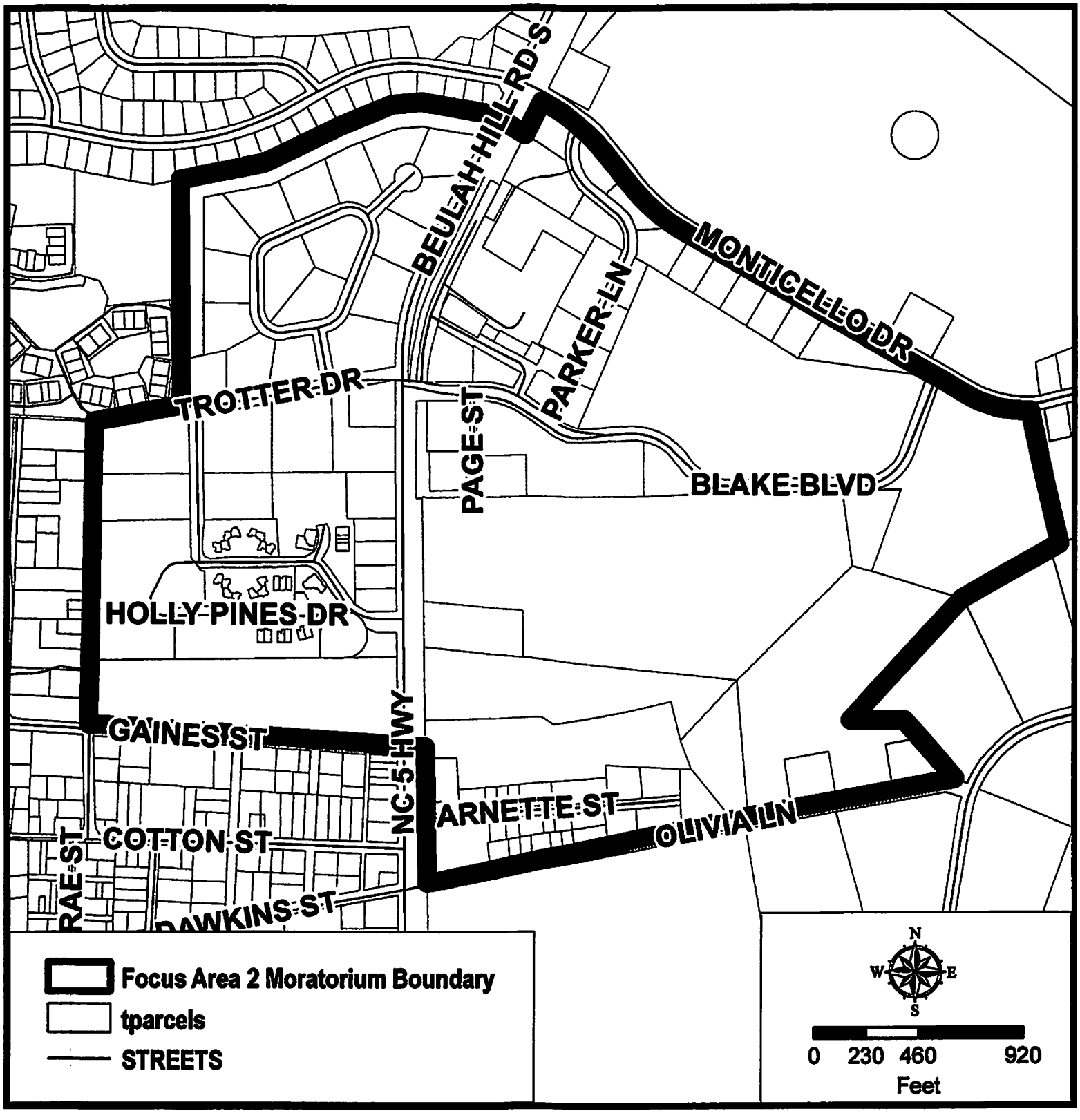
Approved as to Form:

_____
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

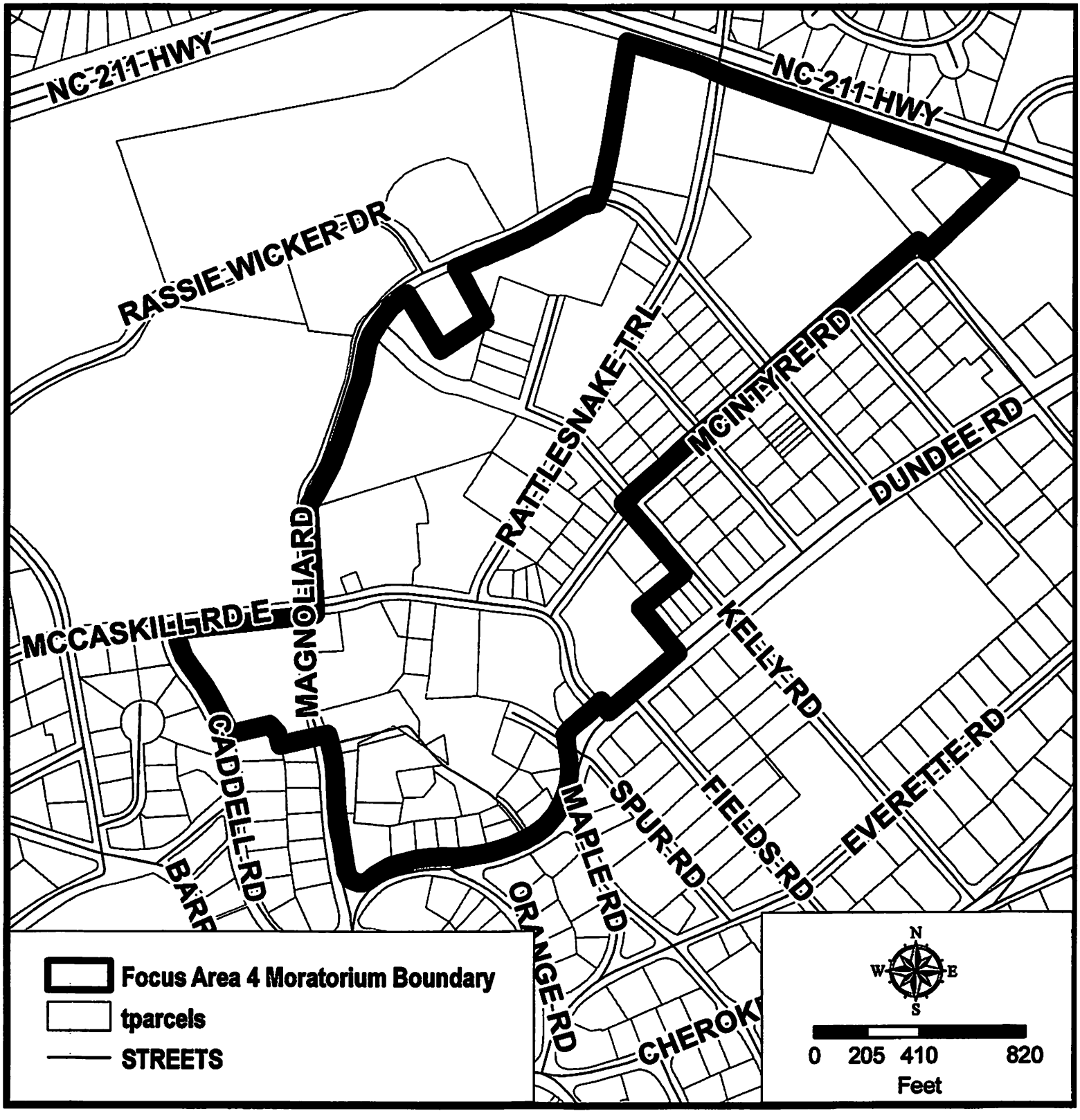


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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT C

ORDINANCE #21-03:

AN ORDINANCE OF THE VILLAGE OF PINEHURST ADOPTING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extraterritorial jurisdiction;

WHEREAS, on October 22, 2019 the Village of Pinehurst adopted the 2019 Comprehensive Plan which provides recommendations to manage future growth of the community and identified five Focus Areas as important areas to influence and manage growth and development:

1. Existing Extra-Territorial Jurisdiction (ETJ)
2. NC Highway 5 Commercial Area - (Pinehurst South)
3. Medical District
4. Village Place/Rattlesnake Trail Corridor
5. NC Highway 211 Commercial Area

WHEREAS, the goals, standards, and guidelines, as outlined in the 2019 Comprehensive Plan for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) is for office, medical, life science, and research facilities supported with small-scale retail services and residential uses and the vision for the Village Place/Rattlesnake Trail Corridor (Focus Area 4) is to create a more mixed-use, walkable area that is more conveniently connected to the Village Center;

WHEREAS, the Village's existing zoning and development regulations applicable to Focus Areas 2 and 4 are incompatible and incongruous with the intended character and vision for the Focus Areas described in the 2019 Comprehensive Plan;

WHEREAS, allowing real estate development activity to occur prior to adoption of Small Area Plans for Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, proactively rezoning the areas without a comprehensive analysis of Focus Areas 2 and 4 is an inadequate alternative to a moratorium because it could also result in development and land uses that are incompatible and incongruous with the 2019 Comprehensive Plan's goals, standards, and guidelines;

WHEREAS, the 2019 Comprehensive Plan specifically recommended that Small Area Plans and design standards with Form Based Codes be developed for the NC Highway 5 Commercial Area – Pinehurst South (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4);

WHEREAS, the Village of Pinehurst has entered into a contract with Design Collective Inc., to prepare Small Area Plans and Form Based Codes for Focus Areas 2 and 4, which are expected to be completed and adopted in the early fall of 2021;

WHEREAS, the goals, standards, and guidelines outlined in the 2019 Comprehensive Plan are best achieved if development within these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed that will help to determine the appropriate zoning necessary to achieve consistency and congruity with the 2019 Comprehensive Plan adopted by the Pinehurst Village Council;

WHEREAS, this ordinance shall be known and cited as the Village of Pinehurst Small Area Plans Interim Zoning-Moratorium Ordinance; and

WHEREAS, the purpose of this Ordinance is to serve as the initial phase of the adoption by the Village of Small Area Plans, which areas are to be preserved by maintaining the status quo of existing land uses and development patterns in the areas shown on the attached maps, referred to as Exhibit A and Exhibit B, in accordance with the 2019 Comprehensive Long Range Plan of the Village of Pinehurst. It is the further purpose of this Ordinance to promote the health, safety, morals, and general welfare of the citizens of the Village of Pinehurst, specifically within the areas depicted on Exhibit A and on Exhibit B, by lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, including consideration to provide for their orderly growth, expansion, and development;

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina as follows:

Section 1. Area. This Ordinance shall be applicable to all property within the boundaries of the areas depicted on the maps attached hereto, referred to as Exhibit A and Exhibit B, subject to the exclusions provided in Section 6.

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council may renew this moratorium or extend its duration, as necessary, consistent with the requirement of NCGS 160D-107(e). The Village Council may terminate this moratorium earlier by action of the Village Council.

Section 3. Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no development shall occur in the areas depicted on the maps identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development.

Section 4. Definition. As used in this Ordinance, the term listed below shall have the following meaning, as defined in North Carolina General Statute (NCGS) 160D-102(12):

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; or
b. The excavation, grading, filling, clearing, or alteration of land; or
c. The subdivision of land as defined in NCGS 160D-802; or
d. The initiation or substantial change in the use of land or the intensity of use of land.

Section 5. Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate any terms of this ordinance the Village of Pinehurst may enforce its terms by any means available pursuant to NCGS 160D-404.

Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

1. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval,
5. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
6. Existing single-family residential uses as regulated by current North Carolina Residential Building Codes,
7. Projects undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
8. Alterations and repairs to existing buildings regulated by North Carolina State Building Codes.
9. Site improvements required to comply with the American with Disabilities Act.
10. Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.

11. Development in an approved subdivision in which substantial infrastructure expenditures have been incurred, including roadway, water, and/or sewer infrastructure, regardless of whether individual parcel owners within the subdivision have submitted a complete application for development approval.

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 10th day of February, 2021.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

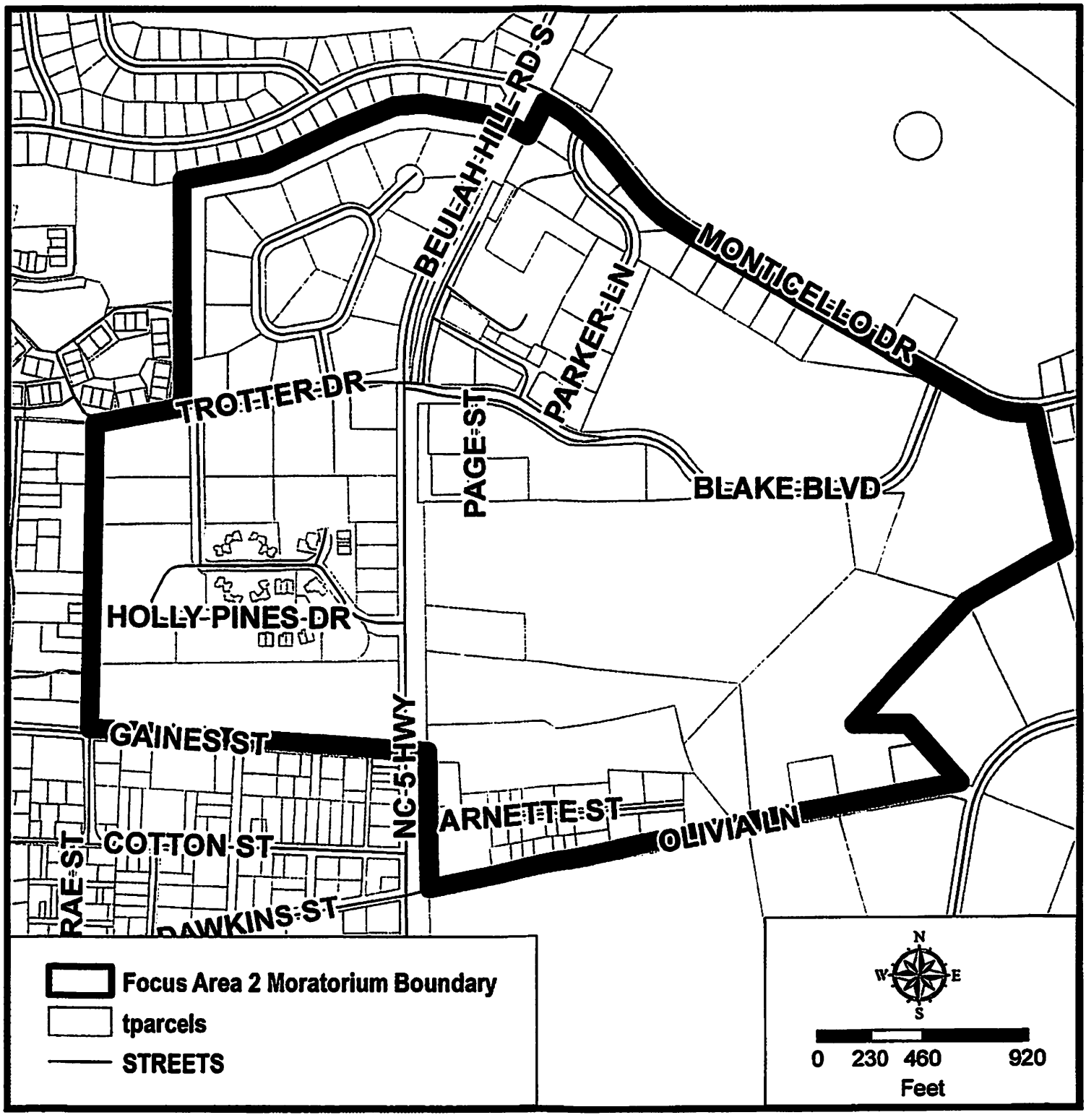
_____
Beth Dunn, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium
NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)

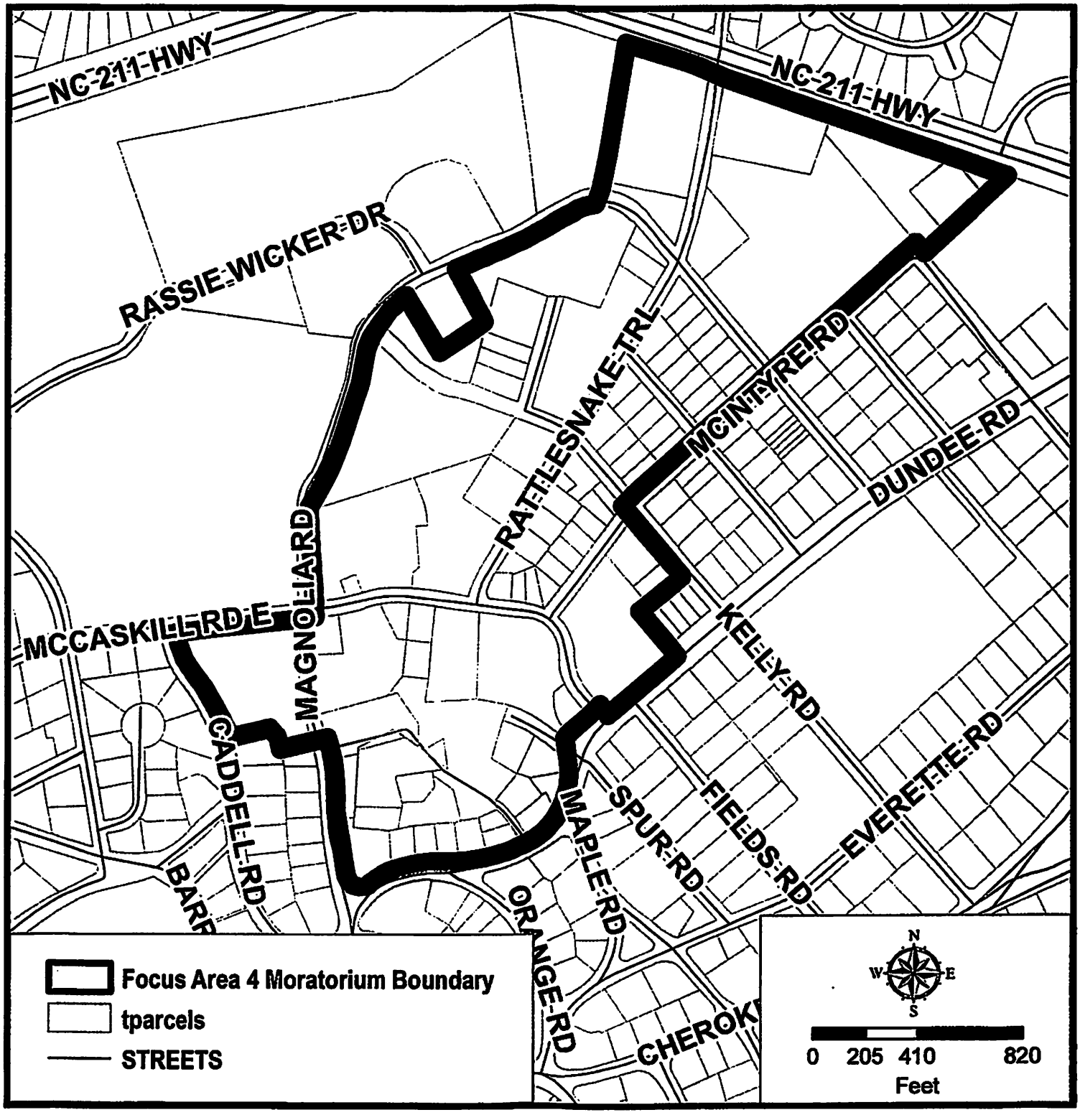


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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

ORDINANCE #22-04:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless excluded pursuant to Section 6 of #21-03 or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, the Village has extended the moratorium two times through adoption of Ordinances #21-15, and #22-01; and

WHEREAS, moratorium Ordinance #22-01 expires on June 8, 2022; and

WHEREAS, the Village has not completed the small area plans or zoning ordinance amendments for the specified geographic areas; and

WHEREAS, the Village Planning and Zoning Board met on May 5, 2022 to provide a recommendation to the Village Council on the Small Area Plans; and

WHEREAS, extending the moratorium will allow additional time for adoption of said plans and zoning ordinance updates; and

WHEREAS, allowing real estate development activity to reoccur in the said areas may result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan and proposed Small Area Plans; and

WHEREAS, extending the moratorium by an additional 120 days would aid in the accomplishment of the purpose of Ordinance #21-03, #21-15, as described respectively in Exhibits C, D, and E.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 24th day of May, 2022, as follows:

Section 1. That the moratorium imposed by Ordinance #21-03 on February 10, 2021 and extended by Ordinance's #21-15, #22-01 is hereby extended for an additional one-hundred twenty (120) day period from the date of expiration, thus, to expire on October 6, 2022.

Section 2. That all sections of Ordinance #21-03, #21-15, #22-01 attached as Exhibits C, D and E remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 24th day of May, 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DISCUSS AND CONSIDER ORDINANCE #22-14 EXTENDING A MORATORIUM (SMALL AREA PLAN)

ADDITIONAL AGENDA DETAILS:

The purpose of this agenda item is for discussion on extending Moratorium Ordinance on real estate development activity to allow time to complete plans and code amendments.

FROM:
Darryn Burich

CC:
Jeff Sanborn and Village Council

DATE OF MEMO:
9/21/2022

ATTACHMENTS:

	Description
🗋	Ordinance #22-14 Moratorium Extension (Draft)

ORDINANCE #22-14:

AN ORDINANCE OF THE VILLAGE OF PINEHURST EXTENDING A MORATORIUM ON REAL ESTATE DEVELOPMENT ACTIVITY IN SPECIFIC GEOGRAPHIC AREAS WITHIN THE VILLAGE OF PINEHURST AND THE VILLAGE OF PINEHURST'S EXTRATERRITORIAL JURISDICTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina adopted an Ordinance #21-03 (attached as Exhibit C) on February 10, 2021 imposing a nine (9) month moratorium on real estate development activity in the areas depicted on the maps attached hereto, identified as Exhibit A and Exhibit B, and unless excluded pursuant to Section 6 of #21-03 or the development is conducted by a public utility or public agency and/or it can be demonstratively shown to the Village Council that the health, safety and welfare of the public requires that the moratorium be waived with regard to that specifically proposed development; and

WHEREAS, said ordinance specifies that the moratorium, as detailed Ordinance #21-03, may be extended, as necessary, consistent with the requirement of NCGS 160D-107(e); and

WHEREAS, the Village has extended the moratorium three times through adoption of Ordinances #21-15, #22-01, and #22-04; and

WHEREAS, moratorium Ordinance #22-04 expires on October 6, 2022; and

WHEREAS, the Village has not completed the small area plans or zoning ordinance amendments for the specified geographic areas; and

WHEREAS, the Village Planning and Zoning Board met on September 1, 2022 to provide a recommendation to the Village Council on the Small Area Plans; and

WHEREAS, extending the moratorium will allow additional time for adoption of said plans and zoning ordinance updates; and

WHEREAS, allowing real estate development activity to reoccur in the said areas may result in development incompatible and incongruous with the intended character and vision for said areas as recommended in the 2019 Comprehensive Plan and proposed Small Area Plans; and

WHEREAS, extending the moratorium by an additional 120 days would aid in the accomplishment of the purpose of Ordinance #21-03, #21-15, #22-01, and #22-04, as described respectively in Exhibits C, D, E and F.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 27th day of September, 2022, as follows:

Section 1. That the moratorium imposed by Ordinance #21-03 on February 10, 2021 and extended by Ordinance's #21-15, #22-01, and #22-04, is hereby extended for an additional one-hundred-twenty (120) day period from the date of expiration, thus, to expire on February 3, 2023.

Section 2. That all sections of Ordinance #21-03, #21-15, #22-01, and #22-04, attached as Exhibits C, D, E and F remain in full effect throughout the extension.

Section 3. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of this moratorium, the permit choice provisions of NCGS 160D-108(b) shall be applicable when permit processing resumes. This allows an applicant to choose which version of the development regulation will apply if development regulations change between the time the application was submitted and a decision is made.

THIS ORDINANCE passed and adopted this 27th day of September, 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

PUBLIC HEARING NO.2 - AMENDMENTS TO THE PINEHURST DEVELOPMENT ORDINANCE TO ESTABLISH REGULATIONS FOR SHORT TERM RENTALS

ADDITIONAL AGENDA DETAILS:

FROM:
Darryn Burich and Alex Cameron

CC:
Jeff Sanborn

DATE OF MEMO:
9/22/2022

MEMO DETAILS:
The purpose of this meeting is to discuss and consider a recommendation to Village Council for text amendments to the Pinehurst Development Ordinance (PDO) to address short term rentals and permit revocation. The proposed amendments would affect the following PDO sections:

- Section 4 Public Hearings, Permits and Approvals
- Section 8.5 Table of Permitted and Special Uses and Special Requirements
- Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements
- Section 10.2 Definitions

Planning and Zoning Board action on the proposed amendments may involve approving as proposed, approving with suggested modifications, or recommending denial of all or parts of the proposed amendments.

The Planning and Zoning Board's advisory recommendation will be forwarded for review as part of the Village Council's consideration on the proposed amendments.

Please see attached documents to this agenda item for more information.

ATTACHMENTS:

Description

- Staff Memo
- Staff Report for P&Z Board
- Exhibit A - Proposed Draft PDO Amendments
- Signed STR Amendments Comp Plan Consistency Statement
- Exhibit B - Draft PDO Amendments based on P&Z Recommendation
- Draft 09-01-2022 P&Z Minutes
- Draft 09-06-2022 P&Z Special Meeting Minutes
- Ordinance #22-08 - Municpal Code Amendments for Neighborhood Quality of Life Improvements
- Amortization Memo
- Neighborhood QOL 09-06-2022 P&Z Presentation
- Draft Ordinance #22-15

1895
VILLAGE OF
PINEHURST

PLANNING AND INSPECTIONS DEPARTMENT COUNCIL STAFF MEMO

To:	Mayor Strickland and Village Council
From:	Darryn Burich, Director of Planning and Inspections
	Alex Cameron, Planning Supervisor
Date:	September 22, 2022
Subject:	Proposed PDO Amendments to Address Short Term Rentals and Permit Revocation

This memo supplements the staff report prepared for the Planning and Zoning Board's 09/06/22 public hearing. Please see that report for a more detailed description of the proposed text amendments.

On 09/01/22 a public hearing was held by the Planning and Zoning Board to take comments on the proposed PDO text amendments related to establishing regulations for short term rentals and permit revocation. The public hearing was attended by approximately 329 persons. After several hours of comments involving 50 speakers, both in favor and opposed, the Board took up initial discussion on the proposed amendments. An initial motion was rejected (5-3) to not approve a recommendation of the proposed PDO amendments submitted for consideration. Also, for sake of time and being able to make a recommendation back to Council, the Planning and Zoning Board moved to not take action on the Homestay aspects of the proposed amendments. Due to the length of the meeting, the meeting was continued by the Board to 09/06/22. For more information, please see the meeting videos or the draft meeting minutes in Novus Agenda.

The sections below provide a brief description of the Planning and Zoning Board's action on the PDO amendments by section.

Section 4.2.12 Revocation of Development Permit

P&Z approved the proposed amendments to Section 4.2.12 and 10.2 as part of one motion.

During the discussion adding a "cease and desist order" and removal of incomplete construction elements was discussed. The Village's development codes do provide the ability to issue stop work orders so adding a cease and desist is not necessary. There is not however clear language in the PDO for site restoration or removal of incomplete building elements and this is situation that has occurred on a small number of properties and could potentially be addressed with a PDO amendment. Staff will have to continue to research ways to potentially address these situations.

Section 10.2 Definitions

Some concern was raised about the ability to enforce the proposed 14 day grace period and what type of tracking system might be established for such purposes. Staff would address the situation as a potential use violation and once made aware of the situation would open a compliance investigation similar to how other use violations are addressed.

Section 8.5 Table 8.51a Table of Permitted and Special Uses and Special Requirements

P&Z discussed various aspects of not including STRs in single family neighborhoods as proposed by Council. Also discussed was including STR's in other zoning districts that permitted mixed-use development and multiple family uses. Ultimately P&Z approved a motion (5-3) to add STRs as permitted uses in all the single family residential zoning districts as well as NC Neighborhood Commerical, OP Office and Professional, VCP Village Cottage Professional, and VR Village Residential. Staff's assessment of the P&Z recommendation is that a majority felt that the regulations proposed with SR-9 along with the recent Municipal Code changes could address many of the issued raised by the public and represented a compromise between prohibition and reasonable land use regulation.

Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements – SR-9 Short Term Rental

P&Z unamimously approved creation of proposed SR-9 that creates special development requirements for short term rentals. During discussion P&Z proposed various minor edits to the SR as well as adding Item 16 requiring conspicuous posting within the STR of the contact information and rules. P&Z also recommended for Item 13 removing "large gatherings" and capitalizing Special Events to be consistent with PDO definition. Concern was raised that there was not a definition of what constitutes a large gathering and therefore issues with enforceability.

Comprehensive Plan Consistency

P&Z approved (6-2) that the proposed amendments are consistent with the 2019 Comprehensive Plan.

Conclusion

As there are some significant differences between the Council proposed text amendments forwarded to P&Z for review and what ultimately P&Z recommended to Council, staff has created and included in Novus Exhibit B. Exhibit B, incorporates the Planning and Zoning Boards recommendations to indicate how the proposed amendments would be structured should Council adopt the P&Z recommendation, which major changes are the permitted use table and minor edits to SR-9 Short Term Rental along with removal of "Homestays" at this time. P&Z would certainly be willing to take up further discussion Homestays and provide a recommendation to Council in that regard.

PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board

From: Darryn Burich, Planning & Inspections Director
Alex Cameron, Planning Supervisor

Date: August 22, 2022

Subject: **Proposed Text Amendments to the Pinehurst Development Ordinance (PDO) to address Short Term Rentals and permit revocation. The amendments are to the following sections:**

Section 4	**Public Hearings, Permits and Approvals**
Section 8.5	**Table of Permitted and Special Uses and Special Requirements**
Section 8.6	**Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements**
Section 10.2	**Definitions**

Text Amendment Process

Pursuant to Section 6 of the Pinehurst Development Ordinance (PDO) and Article 6 of North Carolina General Statute Chapter 160D, zoning ordinances or development regulations may be adopted, amended or repealed. The purpose of initiating changes to the text of the zoning ordinances are to make adjustments to the text of the development regulations 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 and are in furtherance of Section 1.2 of the PDO (Statement and Intent of This Ordinance).

Prior to considering action on these items, the proposed amendments shall be referred to the local planning board (Planning and Zoning Board) for review, comment and to forward a recommendation on the proposal, which is an *advisory* recommendation only.

Legislative public hearings are held for each the planning board and governing board review and consideration of the proposed zoning ordinance. Both boards shall also consider the currently adopted Comprehensive Plan and comment on whether the proposed action is consistent with the plan.

An amendment to the text of the PDO may only 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

Background on the Proposed Amendments

For the past several months, staff has been working at Council's direction to develop regulations pertaining to the use of dwelling units for short term rental (STR) purpose. Council's interest was, in part, responding to a number of citizen voiced concerns about an unregulated land use (short term rentals) and its impact on the quality of life within neighborhoods and especially within single family neighborhoods. Concerns about noise, trash, parking, and unruly guests have frequently been raised as common issues coupled with an overriding concern that short term rental uses as a transient lodging type use impact the integrity and fabric of the single family neighborhood. Moreover, concern has been raised about increasing numbers of single family homes transitioning to short term rentals, especially within the last 2-3 years, displacing persons wishing to live within the community and making homes less affordable, or creating concentrations of STRs in single family zoned neighborhoods.

Currently there are no regulations within the PDO that address the use of dwelling units as short term or long term rentals. From a Pinehurst Development Ordinance (PDO) standpoint, a house being used for a short term rental, is the same as a house being used for a long term rental. This is due in large part because there is not a current definition in the PDO of what defines a short term rental land use. Part of the definition issue is that the PDO currently defines a **dwelling** as "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. The ordinance does not further require an occupant to establish occupancy nor identify a minimum time that a unit has to be rented or leased for living.

In order to best regulate land uses, the land use has to be defined in the ordinance and then the land use can be classified as a permitted or special use within any of the general use zoning districts. Defining the land use also provides the ability to create specific development standards for that land use.

The approach to addressing short term rentals has followed two paths; Municipal Code Neighborhood Quality of Life amendments and PDO amendments. The first path has included various amendments to the Pinehurst Municipal Code (e.g. overnight parking, unruly gatherings, etc.) that would apply to both STRs as well as traditional single family uses involving longer

periods of occupancy (Ordinance # 22-08 and included in Novus Agenda for this item). The second path involves amendments to the Pinehurst Development Ordinance (PDO) that will define STRs as a land use, establish where they may be permitted, and developing various standards to applicable to the land use through approval of a Development Permit. A development permit is the controlling form of approval for use of land within the Village.

These proposed regulations generally include:

1. Defining short term rentals and homestays as land uses that would be added to Section 10 Definitions in the PDO. Creating the land use definition will then allow for regulatory control within the Village's General Use Districts (e.g. R-10, R30, VMU, RMF, etc.).
2. Establishing various regulatory standards or special requirements (SR-9) that a STR would have to comply with in order to obtain a development permit to establish the land use. Please see Section 8.6 of the PDO for more information regarding special requirements.
3. Designating STRs and Homestays as land uses that may be Permitted by Right in various General Use District on Table 8.51a of the PDO.
4. Requiring new STRs created after the effective date of the ordinance obtain a development permit to establish the land use in districts where they are permitted by right.
5. Requiring that existing STRs within various zoning districts designated as Permitted by Right be required to obtain a development permit to establish the land use and come into compliance with the SR-9 or cease operations as a short term rental use by a certain date.
6. Requiring that existing STRs within various zoning districts not designated as Permitted by Right to cease operating as a short term rental use by a certain date.
7. Creating a process to revoke development permits for violations that would apply to any development permit issued not just STRs. Revocation is permitted by G.S. 160D-403(f).

Proposed PDO Amendments

The proposed amendments would affect the following sections of the PDO:

- Section 4 Public Hearings, Permits and Approvals
  - Amendments to this section would create the development permit revocation process.
- Section 8.5 Table of Permitted and Special Uses and Special Requirement
  - Amendments to this section would add "short term rental" and "homestay" to the "Uses Type" column within the Table 8.5.1a. This would then allow for those uses to be designated with an "X" denoting that it would be "Permitted by Right" within the various general use zoning districts.
- Section 8.6 Special Requirement (SR) to the Table of Permitted and Special Uses and Special Requirements
  - An amendment to this section would create SR-9 that would establish standards for short term rentals
- Section 10.2 Definitions
  - This would define Short Term Rental and Homestay within the PDO and provide for regulating the land uses as part of Chapter 8 Zoning.

Chapter 10 Village of Pinehurst Ordinance Definitions

- **Section 10.2 Definitions**
  - **Short Term Rental**
  - **Homestay**

Staff is proposing two additional land use definitions in Chapter 10 that will allow for regulation of the land uses similar to regulation of other land uses in the Village's jurisdiction. By creating the land use definition subsequent requirements for development approvals can be developed and said rules can be enforced and potentially revoked for violations.

The two definitions are similar to definitions found in other North Carolina communities and across the nation so the names and definitions are not unique and staff feels they do a relatively good job of identifying and differentiating the uses. The major difference between the two is that the STR involves use of the dwelling unit while the owner is not present on the property during the duration of the rental use versus a Homestay where the property owner is present on the property. Homestay was added as a definition to create a distinction between the land uses as the concerns raised have generally centered around STRs, which may not have the same level of direct management that a Homestay has.

Short Term Rental: a whole house lodging occupancy where a dwelling unit is 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 for a cumulative total of more than 14 days in any calendar year. Short term rentals do not include the other defined lodging uses identified on Table 8.5.1a of the Table of Permitted and Special Uses and Special Requirements.

Homestay is 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.

Chapter 8 Zoning

- **Section 8.5 Table of Permitted and Special Uses and Special Requirements**
  - **8.5.1a Table of Permitted and Special Uses and Special Requirements**

Chapter 8 of the PDO establishes the various general use zoning districts (e.g. R-10, R-30, VMU, VC, etc.) and Table 8.5.1a identifies which types of uses are permitted by right in the district by general land use (e.g. Residential, Lodging, Office/Service, etc.). Once listed in the table with an "X" that would designate that use as "Permitted by Right" and a development permit may be obtained subject to meeting ordinance requirements. The table below identifies the general use type (Lodging) that an STR is proposed to be included in as it is similar to the other transient lodging uses such as Bed and Breakfast Homes and Hotels. The table also includes a SR (Special Requirement) that would pertain to the use. For STRs, staff has proposed creating SR-9, which will be discussed in more detail in the following sections of this memo (proposed SR-9 would relocate existing SR-9 to SR-21).

Relative to the Homestay use, staff is proposing to add that to the Accessory Uses section of table 8.5.1a. Per Section 10.2 of the PDO, an accessory use is defined as a use on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.

The proposed "X's" placed on the table have been recommended by Council based on several work sessions. As currently proposed, the only districts where STRs would be Permitted by Right would be R-MF (Multiple Family), VMU (Village Mixed-Use), and VC (Village Commercial). The proposed "?'s" are those districts where Council has specifically requested a recommendation by the Planning and Zoning Board with respect to whether the Board feels those uses are appropriate in those districts. An additional consideration, suggested by Council could be to add a SR requirement to the Homestay use such as proposed SR-9.

The districts recommended by Council are generally those that would not be predominantly single family in nature and may be more suited for STR use such as the R-MF district which includes the 1970s condos developed along the golf courses. The VMU and VC districts permit mixed use development that could include residential over commercial.

Four zoning districts not proposed for inclusion but may warrant additional consideration. Neighborhood Commercial (NC) and Office and Professional also permit mixed use development. Village Cottage Professional (VCP) and Village Residential (VR) permit stand-alone multiple family dwellings and townhouses. Please see the attached *Table 1* at the end of

this memo that identifies the various residential and lodging uses permitted in the various zoning districts.

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

Adding SR 9 will require relocation of existing SR-9 which is proposed to relocate to SR-21

X Permitted by Right SU Special Use Permit SR Special Requirement

Chapter 8 Zoning

- **Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements.**
  - **SR-9 Short Term Rental**
  - **SR-21 Banks, Credit Unions, Financial Services, Professional Services**

The PDO contains a list of special requirements that apply to various uses and generally include additional development standards. In this instance, staff is proposing to create SR-9 to establish various standards with respect to the short term rental use. Staff is recommending STRs be created as SR-9 to keep it proximate to other Lodging uses such as Bed and Breakfast Homes (SR-7) and Hotel (SR-8). The current SR-9 Banks, Credit Unions, Financial Services, Professional Services would relocate to a reserved SR as SR-21.

Standard 1 requires a Development Permit to establish the land use. Standards 2-10 generally relate to a development or minimum housing standard. Standard 10 allows accessory dwelling units to be used for STR purposes where Permitted by Right. Standard 12 states that STR's may not be used to host special events or large gatherings. Standard 13 discusses revocation. Standard 14 establishes a timeframe for existing STRs permitted by right to come into compliance with SR-9 and/or cease operations by a specified date. Standard 15 amortizes nonconforming STRs away by July 31, 2024 after which the use would have to revert to a

permitted by the zoning classifications. For example, an STR in a single family zoning district would have to revert back to a single family use by the deadline.

SR-9 Short Term Rental

1) Development Permit is required for establishment of all new short term rental units after the effective date of this Ordinance. Development Permits are non-transferable when a property is sold or transferred. Nonconforming short term rental units shall be regulated by subsections 14 and 15 below.
2) Maximum occupancy per unit is based on two (2) adult guests per bedroom.
3) A minimum of one (1) parking space shall be provided per bedroom on approved surfaces and locations per the applicable parking regulations of this Ordinance.
4) A minimum of one (1) smoke detector shall be provided per bedroom.
5) A minimum one (1) carbon monoxide detector shall be provided per level or floor of the dwelling unit.
6) Bedrooms and other habitable rooms shall meet the minimum light and ventilation requirements of Section 153.18 of the Pinehurst Municipal Code.
7) Bedrooms shall meet the minimum size requirements of Section 153.19 of the Pinehurst Municipal Code.
8) 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.
9) 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.
10) 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.
11) Accessory Dwelling Units may be permitted for short term rental where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements.
12) In residential zoning districts, short term rental units shall not be used for special events or large gatherings.
13) Revocation. If it is determined that more than 3 verified violations occur within a 365 day period the development permit may be revoked for a period of 365 days after which a new permit may be issued. For purposes of this Section any three or more verified violations of any combination of the following occurring at the short term rental premises shall apply:
    a. Any Pinehurst Development Ordinance regulation as adopted as Chapter 152 of the Pinehurst Municipal Code; or
    b. Section 92.16 of the Pinehurst Municipal Code Regulating Unreasonably Loud, Disturbing Sound Levels; or
    c. Section 92.17 of the Pinehurst Municipal Code Regulating Unruly Gatherings

d. Chapter 153 of the Pinehurst Municipal Code Establishing Minimum Housing Standards.

e. A verified violation is a determination made by a code enforcement official, law enforcement officer, or a judge, following notice of a violation being issued by the Village. Noticed violations of the Pinehurst Development Ordinance may be appealed as provided in Chapter 5 of this Ordinance pursuant to G.S. 160D-405.

14) Compliance Period; Existing Nonconforming Short Term Rental Units Permitted By Right

a. Owners of existing short term rental units where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements owners shall apply for a Development Permit and come into full compliance with SR-9 no later than January 1, 2024 or cease operation as a short term rental on that date. For purposes of this Section a nonconforming short term rental unit is a dwelling unit used for short term rental purposes and is located in a General Use Zoning District where it is identified as being Permitted by Right in Table 8.5.1a and does not have a Development Permit for use as a short term rental unit as of the effective date of this ordinance.

15) Amortization Period; Existing Short Term Rental Units Not Permitted by Right

a. Owners of existing short term rental units where not Permitted by Right in Table 8.5.1a are prohibited and shall cease operation as a short term rental by October 1, 2025. For purposes of this Section a short term rental unit not permitted by right is a dwelling unit used for short term rental purposes where it is not identified as being Permitted by Right in Table 8.5.1a.

Chapter 4 Public Hearings, Permits and Approvals

- **Section 4 Permits and Approvals**
  - **Section 4.12.12 Revocation of Development Permit**

Section 4 of the PDO identifies the processes and procedures for obtaining various types of permits (e.g. development, building, temporary use, etc.) but lacks procedures for revoking a development permit. The most common permit issued relative to PDO requirements is the Development Permit.

While Section 4 identifies the processes and procedures for obtaining a permit, it does not include any provisions to revoke a permit and there may be times when having this ability would be beneficial from a code compliance standpoint. This would establish a process and procedure for revoking a development permit. Particularly, staff is proposing this as part of the short term rental discussions that would provide the ability to revoke development permits for various violations as proposed in Special Requirement 9.

Development approval revocation is specifically permitted pursuant to G.S 160D-403(f) "Revocation of Development Approvals" and identifies the procedures for doing so including appeals. The PDO language proposed below is consistent with state statute.

4.2.12 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.

Terms under which a development permit may be revoked include:

(A) Any substantial departure from the approved application, plans, or specifications; or

(B) 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; or

(C) False statements or misrepresentations made in securing the approval; or

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

Revocation of a development permit by the Village Planner may be appealed as provided in Chapter 5 and pursuant to G.S. 160D-405.

Adding permit revocation would provide an additional code compliance tool that could be used to address ongoing and sometimes more complex compliance issues that include all development issues, not just STRs. Once revoked, a person wishing to reestablish the use through a development permit, would need to submit the same information needed to obtain the original permit, which for most situations should be disincentive enough to allow the situation to deteriorate to the level of having to revoke the permit.

Comprehensive Plan Consistency Statement

The 2019 Village of Pinehurst Comprehensive Plan, Guiding Principle 3 Places to Live (page 118) recommends in part that the Village should "Protect and enhance the quality and character of existing residential neighborhoods." Additionally, the Comprehensive Plan includes a subsection titled "Address Short Term Rentals" (page 127) ending with Implementation Strategy 3.9 which states: "Continue to monitor the legislative authority of the Village to regulate short term rentals and evaluate options to address the impacts of short term rentals on single family neighborhoods."

The PDO amendments as proposed attempt to enhance the character and address the impacts of short term rentals specifically on single family neighborhoods by:

1) Defining the short term rental use as a lodging use to provide for its zoning classification as a permitted use in the Village's various zoning districts.
2) Not designating short term rentals as "Permitted by Right" within any of the Village's single family zoning districts (etc. R-210, R-30, R-20, R-15, R-10, R-8, R-5) to prevent the continued displacement of owner-occupied or long term residents from the single family neighborhoods.
3) Recommending as a permitted use in the Village's more intense commercial districts of VMU and VC which permit a mixture of land uses to include commercial and residential uses. These districts are not predominantly single family uses in nature.

4) Recommending as a permitted use in the Village's multiple family district (R-MF) recognizing that multiple family districts are in general more transient in nature.
5) Establishing minimum standards for short term rentals as part of a new Special Requirement (SR-9)
6) Requiring a Development Permit for new short term rentals created after the effective of the ordinance where Permitted by Right to ensure that the minimum standards are met prior to the establishment of the use similar to other uses as regulated by the Pinehurst Development Ordinance.
7) Requiring a Development Permit for existing short term rentals where Permitted by Right created after the effective of the ordinance to ensure that the minimum standards are met for the land use or to cease operations a short term rental land use by a specified date.
8) Amortizing away, after a specified date, short term rental land uses from zoning districts that are predominantly single family nature and zoning to maintain and/or restore the single family character of the neighborhood.
9) Relative to the proposed amortization period, providing a sufficient amount of time for short term rentals not permitted by right to recoup costs and transition from being a short term rental use to that allowed by the zoning district.

Staff feels the proposed PDO amendments are consistent with the 2019 Comprehensive Plan.

Recommendation

As previously discussed, the proposed PDO amendments are based on Council direction and Council/staff discussions over the course of the past several months in multiple work sessions. The Planning and Zoning Board is now asked to provide a recommendation on the proposed PDO amendments as discussed in this staff memo as well as identified in Exhibit A in Novus Agenda as "Proposed PDO Amendments".

There are three aspects to the Board's review of the proposed amendments. The first aspect is to review the amendments to the following PDO as proposed:

- **Section 10.2 Definitions**
  - **Short Term Rental (approve definition)**
  - **Homestay (approve definition)**
- **Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements.**
  - **SR-9 Short Term Rental (approve proposed standards)**
  - **SR-21 Banks, Credit Unions, Financial Services, Professional Services (approve relocation)**
- **Section 4 Permits and Approvals**
  - **Section 4.12.12 Revocation of Development Permit (approve process)**

As part of its deliberations on the above amendments, the Board may recommend modifications to the proposed language such as better clarifying a proposed definition or Special Requirement Standard.

The second aspect to the Board's review is to provide a recommendation as to the districts proposed by Council where STRs would be "Permitted by Right" in Table 8.5.1a.

LODGING	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Short Term Rental										X					?		X	X	9*

As part of its deliberations on STR inclusion into the various general use districts, **the Board may recommend additional districts for inclusion as Permitted by Right (with an "X" on the table) or not to be permitted by right.** The Council has specifically requested consideration as to the VCP (Village Cottage Professional district) as noted in the table with a "?". As previously discussed, more districts may warrant inclusion based on uses permitted within those districts or the intended character of those districts as identified in PDO Section 8.2.

The third aspect to the Board's review is provide a recommendation as to the districts into which the Homestay use would be Permitted by Right as an accessory use and whether or not SR-9 should apply to Homestay uses as well. Council has not provided a specific recommendation on Homestays.

ACCESSORY USE	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	OP	VCP	VR	VMU	VC	SR
Homestay			?	?	?	?	?	?	?	?	?			?	?	?	?	?	?

Planning and Zoning Board Action:

The Planning and Zoning Board shall consider each proposed amendment to the development ordinance and make a recommendation to Village Council on the proposed amendment. In considering an amendment, the Board shall conduct a legislative public hearing on the application. During the public hearing, the Board will take public comments on the proposal, review the proposed amendments, discuss and deliberate. The Board may decide to continue the hearing in order to give time or consideration to address concerns raised or receive more input or data. After conducting the public hearing, the Board will formulate a recommendation to Village Council and also make a statement on whether the proposed amendment is consistent with the Comprehensive Plan. The Board should make a recommendation to Village Council within 30 days of the first scheduled public hearing. If no recommendation is made within the 30 day window, Village Council may take the up the proposal without a recommendation.

The Planning and Zoning Board has the following options:

1. Recommend adoption of the proposed amendments as drafted.
2. Recommend adoption of the proposed amendments with revisions (to any of the sections as presented).
3. Continue the public hearing to gather more input or comment on the proposal.
4. Recommend rejection of the proposed amendments.

Attachment: Table 1

Zoning District	Short Term Rental	Homestay	Dwelling – Single Family	Dwelling – Two Family	Dwelling – Multifamily	Dwelling – Townhouse/ Clustered Dwellings	Dwelling – Mixed Use	Accessory Dwelling^	Bed & Breakfast Homes	Hotel
R-5		?**	Permitted					Special Use		
R-8 R-10 R-15 R-20 R-30		?**	Permitted					Special Use		
R-210		?**	Permitted					Accessory Use	Permitted	
R-MF	Permitted*	?**	Permitted	Permitted	Permitted	Permitted		Accessory Use		
NC		?**					Permitted			
H		?**							Permitted	Permitted
HD		?**								Permitted
OP		?**					Permitted			
VCP	?**	?**	Permitted	Permitted	Permitted	Permitted		Accessory Use	Permitted	
VR		?**	Permitted	Permitted	Permitted	Permitted		Accessory Use	Permitted	
VMU	Permitted*	?**	Permitted	Permitted	Permitted	Permitted	Permitted	Accessory Use	Permitted	Permitted
VC	Permitted*	?**					Permitted			Permitted

^ Under the Historic Preservation Overlay, special use becomes a permitted use for accessory dwellings.

*Proposed based on direct input from Village Council during previous work sessions developing proposed ordinance language. P&Z is requested to provide recommendation.

**P&Z additional recommendation.

4.2.12 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.

Terms under which a development permit may be revoked include:

(A) Any substantial departure from the approved application, plans, or specifications; or

(B) 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; or

(C) False statements or misrepresentations made in securing the approval; or

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

Revocation of a development permit by the Village Planner may be appealed as provided in Chapter 5 and pursuant to G.S. 160D-405.

DRAFT

8.5.1a Table of Permitted and Special Uses and Special Requirements

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

**Adding SR-9 will require current SR-9 to move to SR-21*

X Permitted by Right

SU Special Use Permit

SR Special Requirement

Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements

Principal Uses

~~**SR-9 Banks, Credit Unions, Financial Services, Professional Services**~~ **(to be recodified as SR-21 below)**

SR-21 Banks, Credit Unions, Financial Services, Professional Services

SR-9 Short Term Rental

1) Development Permit is required for establishment of all new short term rental units after the effective date of this ordinance. Development Permits are non-transferable when a property is sold or transferred. Nonconforming short term rental units shall be regulated by subsections 14 and 15 below.
2) Maximum occupancy per unit is based on two (2) adult guests per bedroom.
3) A minimum of one (1) parking space shall be provided per bedroom on approved surfaces and locations per the applicable parking regulations of this Ordinance.
4) A minimum of one (1) smoke detector shall be provided per bedroom.
5) A minimum one (1) carbon monoxide detector shall be provided per level or floor of the dwelling unit.
6) Bedrooms and other habitable rooms shall meet the minimum light and ventilation requirements of Section 153.18 of the Pinehurst Municipal Code.
7) Bedrooms shall meet the minimum size requirements of Section 153.19 of the Pinehurst Municipal Code.
8) 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.
9) 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.
10) 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.
11) Accessory Dwelling Units may be permitted for short term rental where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements.
12) In residential zoning districts, short term rental units shall not be used for special events or large gatherings.

DRAFT

13) Revocation. If it is determined that more than 3 verified violations occur within a 365 day period the development permit may be revoked for a period of 365 days after which a new permit may be issued. For purposes of this Section any three or more verified violations of any combination of the following occurring at the short term rental premises shall apply:
    a. Any Pinehurst Development Ordinance regulation as adopted as Chapter 152 of the Pinehurst Municipal Code; or
    b. Section 92.16 of the Pinehurst Municipal Code Regulating Unreasonably Loud, Disturbing Sound Levels; or
    c. Section 92.17 of the Pinehurst Municipal Code Regulating Unruly Gatherings
    d. Chapter 153 of the Pinehurst Municipal Code Establishing Minimum Housing Standards.
    e. A verified violation is a determination made by a code enforcement official, law enforcement officer, or a judge, following notice of a violation being issued by the Village. Noticed violations of the Pinehurst Development Ordinance may be appealed as provided in Chapter 5 of this Ordinance pursuant to G.S. 160D-405.
14) Compliance Period; Existing Nonconforming Short Term Rental Units Permitted By Right
    a. Owners of existing short term rental units where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements owners shall apply for a development permit and come into full compliance with SR-9 no later than January 1, 2024 or cease operation as a short term rental on that date. For purposes of this Section a non-conforming short term rental unit is a dwelling unit used for short term rental purposes and is located in a General Use Zoning District where it is identified as being Permitted by Right in Table 8.5.1a and does not have a Development Permit approved for use as a Short Term Rental Unit as of the effective date of this ordinance.
15) Amortization Period; Existing Short Term Rental Units Not Permitted by Right
    a. Owners of existing short term rental units where not Permitted by Right in Table 8.5.1a are prohibited and shall cease operation as a short term rental by October 1, 2025. For purposes of this Section a short term rental unit not permitted by right is a dwelling unit used for short term rental purposes where it is not identified as being Permitted by Right in Table 8.5.1a.

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Section 10.2 Definitions

Short Term Rental: a whole house lodging occupancy where a dwelling unit is 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 for a cumulative total of more than 14 days in any calendar year. Short term rentals do not include other lodging uses as identified on Table 8.5.1a of the Table of Permitted and Special Uses and Special Requirements.

Homestay is a 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.

DRAFT

PLANNING AND ZONING BOARD
STATEMENT OF CONSISTENCY WITH THE LONG RANGE COMPREHENSIVE PLAN
SEPTEMBER 06, 2022 SPECIAL MEETING

TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE to address short term rentals and permit revocation (Sections 4.2.12, 10.2, 8.6, and 8.5).

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed text amendments as contained in the approved motions **ARE** consistent with the Village of Pinehurst 2019 Comprehensive Plan. Achieving goals in accordance with the Comprehensive Plan are considered reasonable and are in the best interest of the public.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the text amendments to the Pinehurst Development Ordinance with the following revisions:

Section 8.5 Table of Permitted and Special Uses and Special Requirements

- Add all residential districts, NC, OP, VCP, and VR as permitted by right with "SR"

Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements

- *Item 4: Add "and one fully operational fire extinguisher."*
- *Item 12: Capitalize "Special Events" and remove "large gatherings"*
- *Item 13 E: Modify first sentence to "verified violation is a determination made by a code enforcement officer or a judge. Following such determination, notice of violation shall be issued by the Village."*
- *Item 16: To read "Contact information and these special requirements shall be conspicuously posted or otherwise made available to tenants."*

1895
VILLAGE OF
PINEHURST

HISTORY, CHARM, AND SOUTHERN HOSPITALITY

This is the 15th day of SEPTEMBER, 2022.

Chair of the Planning and Zoning Board

Shannon Konstantinou

Shannon Konstantinou
Clerk to the Planning and Zoning Board

Cc: Darryn Burich
Alex Cameron

4.2.12 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.

Terms under which a development permit may be revoked include:

(A) Any substantial departure from the approved application, plans, or specifications; or

(B) 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; or

(C) False statements or misrepresentations made in securing the approval; or

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

Revocation of a development permit by the Village Planner may be appealed as provided in Chapter 5 and pursuant to G.S. 160D-405.

DRAFT

8.5.1a Table of Permitted and Special Uses and Special Requirements

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

**Adding SR-9 will require current SR-9 to move to SR-21*

X Permitted by Right

SU Special Use Permit

SR Special Requirement

Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements

Principal Uses

~~**SR-9 Banks, Credit Unions, Financial Services, Professional Services**~~ **(to be recodified as SR-21 below)**

SR-21 Banks, Credit Unions, Financial Services, Professional Services

SR-9 Short Term Rental

1) Development Permit is required for establishment of all new short term rental units after the effective date of this ordinance. Development Permits are non-transferable when a property is sold or transferred. Nonconforming short term rental units shall be regulated by subsections 14 and 15 below.
2) Maximum occupancy per unit is based on two (2) adult guests per bedroom.
3) A minimum of one (1) parking space shall be provided per bedroom on approved surfaces and locations per the applicable parking regulations of this Ordinance.
4) A minimum of one (1) smoke detector shall be provided per bedroom and one fully operational fire extinguisher.
5) A minimum one (1) carbon monoxide detector shall be provided per level or floor of the dwelling unit.
6) Bedrooms and other habitable rooms shall meet the minimum light and ventilation requirements of Section 153.18 of the Pinehurst Municipal Code.
7) Bedrooms shall meet the minimum size requirements of Section 153.19 of the Pinehurst Municipal Code.
8) 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.
9) 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.
10) 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.
11) Accessory Dwelling Units may be permitted for short term rental where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements.

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12) In residential zoning districts, short term rental units shall not be used for Sspecial Eevents ~~or large gatherings~~.

13) Revocation. If it is determined that more than 3 verified violations occur within a 365 day period the development permit may be revoked for a period of 365 days after which a new permit may be issued. For purposes of this Section any three or more verified violations of any combination of the following occurring at the short term rental premises shall apply:

   a. Any Pinehurst Development Ordinance regulation as adopted as Chapter 152 of the Pinehurst Municipal Code; or
   b. Section 92.16 of the Pinehurst Municipal Code Regulating Unreasonably Loud, Disturbing Sound Levels; or
   c. Section 92.17 of the Pinehurst Municipal Code Regulating Unruly Gatherings
   d. Chapter 153 of the Pinehurst Municipal Code Establishing Minimum Housing Standards.
   e. A verified violation is a determination made by a code enforcement official, law enforcement officer, or a judge., ~~f~~Following ~~notice of a violation being~~such determination, notice of violation shall be issued by the Village. Noticed violations of the Pinehurst Development Ordinance may be appealed as provided in Chapter 5 of this Ordinance pursuant to G.S. 160D-405.

14) Compliance Period; Existing Nonconforming Short Term Rental Units Permitted By Right

   a. Owners of existing short term rental units where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements owners shall apply for a development permit and come into full compliance with SR-9 no later than January 1, 2024 or cease operation as a short term rental on that date. For purposes of this Section a non-conforming short term rental unit is a dwelling unit used for short term rental purposes and is located in a General Use Zoning District where it is identified as being Permitted by Right in Table 8.5.1a and does not have a Development Permit approved for use as a Short Term Rental Unit as of the effective date of this ordinance.

15) Amortization Period; Existing Short Term Rental Units Not Permitted by Right

   a. Owners of existing short term rental units where not Permitted by Right in Table 8.5.1a are prohibited and shall cease operation as a short term rental by October 1, 2025. For purposes of this Section a short term rental unit not permitted by right is a dwelling unit used for short term rental purposes where it is not identified as being Permitted by Right in Table 8.5.1a.

~~a.~~16) Contact information and these Special Requirements shall be conspicuously posted or otherwise made available to tenants.

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Section 10.2 Definitions

Short Term Rental: a whole house lodging occupancy where a dwelling unit is 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 for a cumulative total of more than 14 days in any calendar year. Short term rentals do not include other lodging uses as identified on Table 8.5.1a of the Table of Permitted and Special Uses and Special Requirements.

~~**Homestay** is a 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.~~

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PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, SEPTEMBER 01ST, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM

Board Members Present:	**Board Members Absent:**	**Staff Present:**
Jeramy Hooper, Chair	None	Darryn Burich, Planning Director
Jack Farrell, 1st Vice-Chair		Alex Cameron, Planning Supervisor
Julia Latham, 2nd Vice-Chair		Kelly Brown, Planning & Zoning Specialist
David Alzamora		
Sonja Rothstein		
Paul Roberts		
Louise Mercuro		
Matt Jones		
Phillip Shumaker		

Approximately 329 attendees, 11 staff members, and 1 member of the press were present and 173 people watched the live-stream.

I. Call to Order

Mr. Hooper called the meeting to order at 04:00 PM, confirmed a quorum was present, and explained the purpose of this meeting. The Board introduced themselves and Mr. Hooper introduced Staff.

II. Approval of Minutes

A. 08-04-2022 Regular Meeting Minutes

Ms. Rothstein moved to approve the minutes of the August 04th, 2022 Regular Meeting. Seconded by Mr. Alzamora. Approved by a vote of 8-0.

Ms. Mecuro moved to recess the Regular Meeting and enter into the Public Hearing. Seconded by Mr. Shumaker. Approved by a vote of 8-0.

III. New Business

A. Public Hearing No. 1 – PDO Amendments to Address Short Term Rentals, Homestays, and Permit Revocation

The purpose of the public hearing is to discuss text amendments to the Pinehurst Development Ordinance (PDO) to address short term rentals and permit revocation. These proposed amendments would affect the following sections of the PDO:

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Section 4 *Public Hearings, Permits and Approvals*
Section 8.5 *Table of Permitted and Special Uses and Special Requirements*
Section 8.6 *Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements*
Section 10.2 *Definitions.*

Mr. Burich explained the proposed text amendments were in response to concerns expressed to Village Council over short-term rentals and their impact on quality of life within single family residential neighborhoods. He stated Village Council has adopted nuisance regulations to address concerns such as overnight parking and unruly gatherings. Based on a number of work sessions held by Village Council, Mr. Burich and Mr. Cameron drafted proposed text amendments to the Pinehurst Development Ordinance which address short-term rental concerns through a regulatory approach:

- Defining short-term rentals and homestays (Section 10 Definitions).
- Establishing regulatory standards (Special Requirement SR-9).
- Designating short-term rentals and homestays as land uses that may be permitted on Table 8.5.1(a).
- Requiring a development permit to establish the land use in districts where permitted by right.
- Requiring non-conforming short-term rentals, where permitted by right, to obtain a development permit and com into compliance with SR-9 or cease operations by a certain date.
- Requiring that existing short-term rentals, where not permitted by right, to cease operating as a short-term rental use by a certain date.
- Creating a process to revoke development permits for violations.

He stated Village Council has directed the Planning and Zoning Board to review the draft amendments and provide recommendations. Mr. Cameron stated the Board's recommendation is advisory only. He stated they have thirty (30) days to provide written feedback to Village Council, otherwise Village Council can consider the proposed text amendment with the Planning and Zoning Board's official recommendation.

The Board opened the floor for public comments and 53 people spoke. Comments were generalized as opposing the proposed text amendments and/or supporting short-term rentals, supporting the proposed text amendments and/or opposing short-term rentals, and two comments urging compromise.

- Char Rohr, 1 Village Lane, opposed short-term rentals. She stated there were several short-term rentals in the neighborhood. She discussed the negative impact of short-term rentals on residential neighborhoods, such as parking and occupancy.
- John Webster, 140 McKenzie Rd W, opposed short-term rentals. He stated that a ban in residential neighborhoods would only affect about 50 short-term rentals. He argued

that a ban would not have the negative economic impact on revenue, jobs, and taxes claimed by short-term rental supporters.

- Chris Boyette, 181 Linden Road, supported short-term rentals. He stated his wife took care of several short-term rentals and a ban would affect their income.
- Debbie Lalor, 80 Azalea Road, opposed short-term rentals. She stated the residents already voted on the issue of short-term rentals when they voted for a Village Council and Comprehensive Plan that is supposed to limit growth in Pinehurst.
- Charlie Shaw, 25 Maple Road, supported the proposed text amendments. He stated the Village's short-term rental map is not accurate or complete as there are rentals near him not listed. He discussed negative experiences with short-term renters, such as noise, and stated luckily a majority of rental guests are good.
- Polk Dillon, 175 Cherokee Road, opposed short-term rentals. He stated Pinehurst is not resort and compared it to Myrtle Beach. He stated the residents are the ones who support local businesses, not visitors alone.
- Phil Sounia, 29 Bedford Circle, supported short-term rentals. He stated a short-term rental ban would have a negative economic impact. He suggested using resource-based management as strategy to write, pass, and provide feedback on short-term rental regulations between owners and local government.
- Jordin Mellott, of Aberdeen, supported short-term rentals. She stated she worked for Sandhills Vacation Rentals and that her livelihood depended on vacation rentals in Pinehurst.
- Jennifer Stoddard, 41 Shaw Road SW, supported short-term rentals. She stated she never had a problem with the short-term rentals in her neighborhood. She also stated people use short-term rentals for reasons other than vacations or parties.
- Deb Wimberly, Donald Ross Drive, opposed short-term rentals. She stated she did not want to live among strangers, but neighbors.
- Beata Lorinc, 315 Beulah Hills Road N, supported short-term rentals. She stated she was a short-term rental owner who maintains her property and opposed an outright ban.
- Lauren Sumrall, 12 Lacosta Lane, opposed short-term rentals. She discussed the negative impact of empty short-term rentals on residential neighborhoods.
- Collett Kolinski, of 25 Queens Court, opposed short-term rentals. She discussed the negative impact of short-term rentals on the beauty of the community and supported regulations to curb property abuses, such as exceeding occupancy, parking, management of the property.
- Carol Wheeldon, Lake Forest Drive SW, supported regulations that would make everyone happy.
- Barbara Longeway, 26 Glasgow Drive, supported short-term rentals. She stated short-term rental regulations should be enacted by HOAs, not the Village of Pinehurst. She also stated instead of banning short-term rentals, the Village should encourage hotels as the Pinehurst Resort is unaffordable.

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- John Kinzer, 600 Linden Road, supported short-term rentals. He stated the only way he could afford his Pinehurst house is by renting it out as a vacation rental. He supported modifications to the proposed regulations that meet in the middle.
- Latane Meade, 600 Linden Road, supported short-term rentals. He stated there is middle ground in regard to short-term rental regulation and was concerned about the value of his vacation home dropping if there was a short-term rental ban.
- Manfred Rothstein, 165 McKenzie Road W, stated he is not opposed to short-term rentals but supports regulations that help him not be aware of them.
- Kevin Drum, 41 Shaw Road SW, stated he is not opposed or for cottage rentals, but stated short-term rentals are part of Pinehurst's historic legacy. He stated a ban would cause negative economic impact, hurt Village businesses, and affect jobs.
- Christina Bowen, 9 Pinehurst Manor Drive, supported short-term rentals. She stated short-term rentals are not used for just parties and vacations.
- Teresa Johns, 15 Glen Abbey Trail, supported short-term rentals. She stated the Village's 2022 Neighborhood Quality of Life Survey did not support assertions that short-term rentals negatively affect quality of life.
- Samantha Cole, of Aberdeen, supported short-term rentals. She stated she was a realtor representing the Mid-Carolina Regional Association of Realtors, owned a rental management company and owned short-term rentals. She did not support the proposed ordinance and stated any restrictions reduces freedom and has an economic impact.
- Jennifer Carlson, 1000 Burning Tree Road, supported short-term rentals. She stated she is realtor and that if the proposed regulations were approved, it would negatively cause a drop in home prices.
- Cathy Larose, 85 Ponte Vedra Drive, supported short-term rentals. She discussed how a majority of houses recently sold in Pinehurst are owner occupied as opposed to short-term rentals and that the proposed regulations would negatively impact property values.
- Brandon Goodman, of Southern Pines, supported short-term rentals. He stated he is a short-rental owner and opposed the proposed regulations, including a ban or amortization. He also stated that 95% of the complaints on MyVOP app were levied against properties that are not vacation rentals.
- Nick Cino, 5 Piedmont Lane, supported short-term rentals. He stated the results of the Village's Neighborhood Quality of Life Survey do not show there is a real problem with vacation rentals. He also stated the role of government is not to tip the scale in favor of one economic interest over another in reference to an email from the Pinehurst Resort opposing short-term rentals, included with his comments in the docket file.
- Donna Outen, 1135 Morganton Road, supported short-term rentals. She stated she is a realtor and short-term rental owner and never had a complaint. She stated there are ways to come to a joint decision about short-term rentals without banning them.
- Lou Bologna, 91 Abbottsford Drive, supported short-term rentals. He stated short-term rentals held under corporations are owned by full-time residents, such as himself. He stated that a small percentage of all homes owned in Pinehurst are rentals. Further, he

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stated that there would be economic loss with a ban and encouraged Village Council to work with all residents for a solution.

- Elaine Bologna, 91 Abbottsford Drive, supported short-term rentals. She stated that home share is tied to current economic stability and history of Pinehurst and that short-term rental owners have a vested interested in maintaining their properties.
- Matt Vick, 37 Melton Drive, supported short-term rentals. He stated he manages 51 short-term rentals in the Village. He stated there is a lack of economic data for banning short-term rentals and that a ban would just shift the short-term rental market to the condos and multi-family housing.
- Susan Raff, Pinehurst, supported short-term rentals. She stated she built and manages two short-term rentals, discussed the positive interactions she has had with rental guests, and stated a ban would be denying the rights of homeowners.
- Michael Conley, 20 Aronimink Lane, supported short-term rentals. He read a letter from his son Brian which stated that he has invested money into a short-term rental property which has supported local businesses.
- Brian Conley, 20 Aronimink Lane, supported short-term rentals. He positively described the type of guests he has had at his vacation rentals and stated there has been no complaints.
- Leasa Haselden, 325 Linden Road, supported short-term rentals. She stated she has never been threatened or bothered by short-term renters.
- Crystal Welch, 2540 Longleaf Drive SW, supported short-term rentals. She stated she works with Pinehurst short-term rentals and knows Pinehurst regulations, such as trash cans. She spoke about the criminal offenses of three of her non-short term rental neighbors and discussed positive interactions with short-term renters.
- Rose Heintz, 225 Lake Forest Drive SW, opposed short-term rentals. She stated a majority of short-term rentals are owned by corporations or non-resident owners and that her concerns have been downplayed by them. She described Pinehurst as a residential community with residents at the heart of it.
- Jason Aslanian, 2060 Longleaf Drive W, opposed the proposed text amendments as they would be hard to enforce. He stated he wanted to bring back common sense and find common ground no matter what side of the short-term rental debate you are on.
- Bob Coates, 21 Edinburgh Lane, supported the proposed text amendments. He stated the intent of the current development ordinance is clear - no commercial lodging in single family neighborhoods. He did not support an amortization period.
- Steve Saye, 5 McDonald Road E, supported short-term rentals. He stated if the proposed regulations were enacted, the Village would be sued. He stated he has lived near and owns short-term rentals and has had no problems at the end of the day.
- Jeff Heintz, 225 Lake Forest Drive SW, opposed short-term rentals. He said he agrees with Mrs. Heintz, who spoke earlier.
- Carol Coates, 21 Edinburgh Lane, opposed short-term rentals. She stated she did not want the instability that short-term rentals represent. She stated there is no rational for an amortization period as the current development regulations do not allow commercial

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lodging in single family neighborhoods. She also stated based on recent property sales, short-term rentals would turn a profit if sold. She stated that short-term rental owners are not Village residents and are just financially motivated.

- Scott Thomas, 2133 Midland Road, supported short-term rentals. He stated he owns and has been around short-term rentals and has never experienced troubles with them. He stated that property rights need to be protected.
- Avery Heilbron, 82 Deerwood Lane, supported short-term rentals. He stated he is not resident and that his short-term rental has allowed him financial freedom. He stated it is not a get rich quick scheme and he has invested money into his rental. He also stated none of the quality-of-life issues exist in his rental.
- Lisa Kuecker, 70 Laurel Road, supported short-term rentals. She stated she has used her home as a vacation rental and had positive experiences with rental guests. She stated Myrtle Beach is not a fair comparison to Pinehurst and to look how similar markets have handled short-term rentals.
- Tiffany Evans, 10 McFarland Road, encouraged moderation and opposed a ban. She stated understands issues with neighbors, but they cannot be controlled even if they are short-term or long-term neighbors. She stated that if short-term rentals are banned, investors will go somewhere else like Carthage.
- David Byers, 125 McCaskill Road W, opposed short-term rentals. He stated he has had issues with noise and inappropriate language and comments from short-term renters near him.
- Nick Vickers, 7 York Place, supported short-term rental regulations. He stated there is a short-term rental in his cul-de-sac which causes minor annoyances, but the short-term renters he has met have been courteous. He supported moderation such as permitting and limiting short-term rentals certain parts of town.
- Cliff Sumrall, 12 Lacosta Lane, supported the proposed text amendments, specifically stating the proposed changes in Table 8.5.1(a) look good to him and the Board is moving in the right direction.
- Jackie Tucker, 1 Par Court, supported short-term rentals. She stated there are rentals all around her and she hosts guests from multiple golf events. She stated that owners need to be held accountable through fines, but not to kill the economy by banning short-term rentals.
- Peter Gauthier, 40 Oakmont Circle, supported short-term rentals. He stated he uses his home as a short-term rental on the weekends to supplement his retirement income and would have to sell if banned. He stated he has property rights. He also stated that he has not had one issue or complaint and that the police can address many issues.
- Marcus Larose, 85 Ponte Vedra Drive, supported short-term rentals. He stated without short-term rentals that US Kids Golf could not exist in Pinehurst.
- Pete Green, 700 Linden Road, opposed short-term rentals. He stated he is a former short-term rental owner but sold it for profit. He said there are short-term rentals around him and complained about noise and drug issues. He stated he also has property rights

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to enjoy a quiet neighborhood. He stated short-term rentals should be kept out of the historic district.

- Debbie Putz, 1 Sandhills Place, supported short-term rentals. She stated absentee short-term rental owners are the issue, not short-term rentals managed by professional property managers.

Mr. Alzamora moved to adjourn the Public Hearing and re-enter the Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 8-0.

Recommendation to Council

The Board mainly engaged in policy discussion on short-term rentals and did not provide an official recommendation to Council at this meeting. Mr. Roberts did not support commercial uses in residential neighborhoods and recommended adding exceptions to allow short-term rentals during events such as the US Kids Open and the US Open. Mr. Shumaker suggested short-term rentals are not an ordinance issue but an enforcement issue, and wants to see an economic impact study. Mr. Alzamora needed to see data that supported the claims that short-term rentals harm residential communities before considering regulation. Mr. Farrell stated the Village cannot make land use decisions based upon someone's economic condition. He stated rentals would still be allowed for 14 days periods or long-term. Ms. Latham stated she was unsure which facts and data were accurate and needed economic data put together by sources that she trusts. She supported the 14-day grace period, but questioned how it could be tracked and enforced by staff. Mr. Jones stated short-term rentals are not distinct enough from residential use but are distinct enough to need special requirements. He also questioned enforceability by staff and stated better definitions were needed. Ms. Rothstein stated she was overwhelmed by the public comments and that she needed more information, such as how many short-term rentals are there. Ms. Mercuro believed short-term rentals are mainly an enforcement issue, not a land use issue. Mr. Farrell stated it is a community rights versus property rights issue and questioned if permanent residences and short-term rentals are compatible uses. Some board members were ready to vote on the proposed ordinance; a majority of board members needed more information and time before considering a vote. The Chair entertained the following motion:

Mr. Alzamora moved the Planning and Zoning Board recommend the Pinehurst Village Council reject the proposed text amendments to Sections 4, 8.5, 8.6, and 10.2. Seconded by Mr. Shumaker. Failed by a vote of 3-5.

The Board agreed they were not ready to make a recommendation to Village Council on homestays and decided to table the discussion until a future meeting to separate it from the conversation on short-term rentals.

Mr. Farrell moved the Planning and Zoning Board exclude homestays from their recommendation to Village Council. Seconded by Mr. Jones. Approved by a vote of 8-0.

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Due to the late hour and needing time to review public comments and gather more information, the Board agreed to discuss the proposed text amendments at a future special meeting.

Mr. Alzamora moved to move the deliberation on the proposed PDO amendments to September 6, 2022 at 4:30 pm at Village Hall. Seconded by Ms. Latham. Approved by a vote of 8-0.

B. General Business

The Board did not have general business to discuss.

C. Next Meeting Dates
09-06-2022 Special Meeting (To be Noticed)
09-15-2022 Special Meeting - Work Session
10-06-2022 Regular Meeting

D. Motion to Adjourn
Mr. Farrell moved to adjourn the Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 8-0 at 9:51 PM.

Respectfully Submitted,

Kelly Brown
Acting Clerk to the Board &
Planning and Zoning Specialist
Village of Pinehurst
A videotape of this meeting is located on the Village website: www.vopnc.org.

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.

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PLANNING AND ZONING BOARD
SPECIAL MEETING
TUESDAY SEPTEMBER 06TH, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM

Board Members Present:	**Board Members Absent:**	**Staff Present:**
Jeramy Hooper, Chair		Darryn Burich, Planning Director
Jack Farrell, 1st Vice-Chair		Alex Cameron, Planning Supervisor
Julia Latham, 2nd Vice-Chair		Doug Willardson, Assistant Village Manager
Paul Roberts		Matthew McKirahan, Organizational Performance Director
David Alzamora		Kristin Bunton, Communications Specialist
Sonja Rothstein		Kelly Chance, Village Clerk
Matt Jones		Alfred Cassidy, Senior Planner
Phillip Shumaker		Maria Carpenter, Planner
Louise Mercuro		Shannon Konstantinou, Clerk to the Board
		Lori Hercules, IT Technician

Approximately 19 member(s) of the public in attendance.

I. Call to Order

Mr. Hooper called the meeting to order at 04:30 PM, confirmed a quorum was present, asked the Board to introduce themselves, introduced Staff, and explained the purpose of this meeting.

II. General Business

Mr. Burich gave a recap of the Regular Meeting on September 01st, 2022, and outlined the purpose and goals of the current meeting. Mr. Burich introduced Mr. McKirahan and outlined the purpose of Mr. McKirahan's presentation on the Neighborhood Quality of Life Survey results.

A. Review of Neighborhood Quality of Life Survey Results

Mr. McKirahan reviewed a PowerPoint presentation on the Neighborhood Quality of Life Survey results with the Board. The Neighborhood Quality of Life Survey was compiled by ETC Institute and presented to Village Council during the July 26, 2022 Work Session meeting. Mr. McKirahan outlined the survey methodology, reviewed the survey response and verification process, provided analysis of the various sections of the survey results, and answered Board

questions on the self-reporting nature of the survey, the timeframe for sending survey requests and gathering survey responses, and the margin of error percentage for the survey responses being the result of random chance.

B. Discuss and Consider a Recommendation to Village Council on PDO Amendments to Address Short Term Rentals and Permit Revocation

The purpose of the public hearing is to discuss text amendments to the Pinehurst Development Ordinance (PDO) to address short term rentals and permit revocation. These proposed amendments would affect the following sections of the PDO:

Section 4	*Public Hearings, Permits and Approvals*
Section 8.5	*Table of Permitted and Special Uses and Special Requirements*
Section 8.6	*Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements*
Section 10.2	*Definitions*

Mr. Hooper and Mr. Burich outlined the process the Board will follow when considering the proposed PDO amendments.

Ms. Latham asked the Board to table motions until the end of the discussion in order to facilitate a more cohesive decision.

Mr. Hooper asked if any Board member objected to the process of discussing each PDO amendment section separately and holding motions to the end of the discussion. None objected.

Mr. Farrell reminded the Board a motion to eliminate any and all discussion of Homestays from the proposed PDO amendments had been passed at the Regular Meeting on September 01, 2022. Mr. Hooper verified any and all discussion of Homestays was to be eliminated from the Board's discussion of PDO amendments.

Mr. Shumaker asked to respond to an accusation made by a member of the public that he had a conflict of interest in relation to Short-Term Rentals. Mr. Shumaker stated he does not own nor have any financial gain or brokerage or management of any short-term rentals within the Village of Pinehurst.

Mr. Hooper thanked Mr. Shumaker for the clarification.

Mr. Burich reviewed Exhibit A: Proposed PDO Amendments starting with Section 4.2.12: Revocation of Development Permit. The Board, Mr. Burich, and Mr. Cameron discussed the need to review the revocation process for a permit

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should permits be required for short-term rental property use, the language and process for permit revocation being taken from the State statute, the delegation of enforcement falling to the Village per the State, the Board of Adjustment being the appellate body, revocation applying to other permits as well as to short-term rental permits, what the notification and investigation process would look like in relation revocation, how the revocation language is related to other proposed PDO amendments, how the revocation process will differ between development permits and short-term rental permits, the evidentiary requirements for enforcement and appeal of revocations of permits, the outsourcing of short-term rental data mining, the role the Village Planner and Board of Adjustment would play in issuance and revocation of permits, supervision and oversight of the permitting process, the need to be forward thinking in developing the ordinance while allowing for adjustments to be made as a natural part of the process, the impact interpretation will have on enforcement of the ordinance, and the tools at Staff's disposal for implementing the ordinances.

The Board, Mr. Burich, and Mr. Cameron discussed researching adding "cease and desist order" and removal of incomplete construction elements / site restoration language to the ordinance in relation to the revocation process.

Section 10.2: Definitions was brought up for review. The Board, Mr. Burich, and Mr. Cameron discussed the timeline of "less than 30 consecutive days and for a cumulative total of more than14 days in any calendar year" language as contained in the definition and the commonality of this language being used in relation to regulation of short-term rentals, the enforcement difficulty when it comes to the timelines as defined, how the rental timeline applies to income tax regulation, the need to have some kind of notification / tracking apparatus in place to be able to enforce timeline regulations, the practicality and cost of outsourcing short-term rental tracking, the legal power / standing the Village will have in enforcing short-term regulation, the advisory nature of the Board, the difficulty but not impossibility of enforcing short-term rental regulations, the less than 14 days in any calendar year timeline allowing residents to rent their properties for large community events such as the U.S. Open, and the different standards or requirements that must be met for Homestays versus Bed & Breakfast versus Short-Term Rental properties in relation to how these different uses are defined.

Section 8.6: Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements - SR-9 Short Term Rental was brought up for review. Mr. Hooper and Mr. Burich asked each Board member to provide feedback on the proposed amendments to this section.

Ms. Mercuro had no comments to provide at this time.

Ms. Rothstein had no comments to provide at this time.

Mr. Burich reviewed some aspects of the proposed amendments relating to specific regulation requirements and nuisance issues raised by residents relating to short-term rentals.

Mr. Jones asked for clarification on whether "bedroom" is defined in the PDO in relation to enforcement of item 2 of SR-9. Mr. Burich verified a "bedroom" is defined by minimum area, light, ventilation, and minimum height as set forth in the minimum housing regulations.

Ms. Latham asked for clarification on the expiration of develop permits in relation to item 1 of SR-9, asked whether the differentiation between expiration / notification requirements will call into question whether the short-term rental permit is truly a type of develop permit and not a registration, inspection requirements for short-term rental permits, display or posting requirement of permit notifying renter of requirements to be met as a tool for monitoring violations, item 10 being changed to state "studio", item 12 referring to "large gathering" which is not defined in the PDO and clarifying "Special Event" being referred to is as defined in the PDO, item 13A referencing chapter 152 of the PDO is too wide a reference and includes items that would not be specific to short-term rental permits, the need to get the information contained in chapter 153 of the PDO into the renters hand to use as a tool for catching violations, and the language of 13E should be changed to read "verified violation is a determination made by a code enforcement officer or a judge (period). Following such determination notice of violation shall be issued by the Village (period)". Mr. Burich and Mr. Cameron stated development permits run with the land however the short-term rental permit will require different notification requirements when ownership changes, registration would be akin to yearly expiration and renewal requirements whereas the proposed short-term rental permit would only trigger expiration or notification requirements when a change of ownership occurs similar to when a business changes ownership, no intention to require an inspection for short-term rental permit applications but would require some type of affirmation of a checklist of requirements, agreement with prominently posting regulations / rules required to maintain the short-term rental permit and is not an uncommon requirement, and "Special Event" was intended to refer to a commercial type event / venue use of the property and would be subject to some level of interpretation.

Mr. Burich stated research on the expiration or notification requirements of short-term rental permits making the permit more akin to a license or registration would need to be done.

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Mr. Farrell reviewed regulations from another municipality relating to short-term rentals and stated the requirement of prominently displayed notification of contact information who is within a certain proximity or response time duration to the short-term rental and Village rules should be added, and more robust language should be added relating to operational and code compliant smoke and carbon monoxide detectors along with a fire extinguisher and unobstructed escape routes. Mr. Burich agreed with the addition of more robust language relating to safety equipment and stated more research would need to be done on the regulation requirements in relation to contact information and proximity of the contact to or response time to an issue at the short-term rental.

The Board discussed regulations being set up for short-term rentals much like a commercial business, establishing contact information for the property as a standard and the usefulness of tenants and possibly neighbors having this information, the fact that a development permit requirement for short-term rentals establishes a searchable contact information list by default during the application process, debated what constitutes a "reasonable" amount of time for the contact person to respond when notified of an issue at a short-term rental, and discussed aspects of the proposed requirements that are similar to commercial property requirements.

Mr. Alzamora stated he takes no issue with regulating short-term rentals through permitting, the issue with the discussion on short-term rentals is the use is permitted by right and making some of the suggested changes take away fundamental property rights, there isn't any information that shows the negative impact of a short-term rental on a neighborhood is greater than intermittent occupation or vacant properties, there is a risk to taking the step of prohibiting short-term rentals, utilizing Village mechanisms through more regulation or permitting requirements is more defensible than prohibition, and proposed prohibition is regulating owners versus regulating the actual use of the property.

Mr. Hooper asked the Board to review the table of use and verified with Mr. Alzamora he is in favor of adding short-term rental to the table of use for residential areas. Mr. Alzamora stated agreement due to short-term rental use being allowed by right in single family zones.

Mr. Shumaker stated agreement with Mr. Alzamora and with Mr. Farrell's recommendation regarding safety equipment language being added, and questioned whether referencing state statute or law would be more pragmatic than writing the statute or law out to help cut down on regulation amendments when statutes or laws are changed. Mr. Burich stated referencing state statute or law instead of writing the statute or law out will be done where it makes sense to do so.

Mr. Roberts stated all proposed standards are paramount for safety especially for those who do not know the building, short-term rentals should be permitted in areas that are accommodating to such uses, and exceptions should be made for allowing short-term rentals during large community events such as the U.S. Open.

Mr. Burich reviewed with the Board the need to further discuss the language of items 13 and 14.

Mr. Hooper recessed the Special Meeting at 06:31 PM for a 10 minute break.

Mr. Hooper reconvened the Special Meeting at 06:41 PM.

Section 8.5: Table of Permitted and Special Uses and Special Requirements was brought up for review. Mr. Burich asked the Board to review the table of uses as proposed and provide feedback.

Mr. Roberts asked for clarification on Village Cottage Professional. Mr. Burich stated Village Cottage Professional (VCP) refers to a handful of properties located within the Village core area and is currently mostly a single family residential area and read the description of VCP to the Board.

Mr. Roberts stated support for the table as proposed with the addition of short-term rentals being allowed in VCP.

The Board, Mr. Burich, and Mr. Cameron discussed the role of HOA's in regulating short-term rentals, the impact prohibition would have on long established communities with short-term rental programs, the inequity of allowing short-term rentals in certain single family / residential areas but not others, and Council's desire to get feedback from the Board specifically on allowing short-term rentals as a use in the VCP area.

Mr. Shumaker stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

Mr. Alzamora stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

Mr. Farrell stated support for the table as proposed with the addition of short-term rentals being allowed in VCP.

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Ms. Latham expressed concern over limiting short-term rental use to only certain areas, the impact an increased demand would have on a limited supply especially given the major shift of short-term rentals to the most economic housing type available in Pinehurst, the quality of life being diminished for residents in multi-family areas, and the increased density / infrastructure demand limiting short-term rentals to only certain areas will have on those areas; and stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

Mr. Jones expressed concern making such drastic changes to allowed uses as proposed in such a short period of time, and stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

Ms. Rothstein expressed concern over resident feedback that short-term rentals are already making housing options in both single and multi-family areas unreasonable, and stated support for the table as proposed with the addition of short-term rentals being allowed in VCP.

Ms. Mercuro stated support for short-term rentals being an allowed use in all areas, including VCP, provided regulations and permitting requirements are adopted.

The Board, Mr. Burich, and Mr. Cameron discussed how to proceed with a motion for recommendation to the Council, concerns over areas of the proposed amendments and what additional language changes need to be made, and debated what areas short-term rentals should be permitted and the problem of prohibiting short-term rentals in areas where HOA's / communities have long established short-term rental programs.

Mr. Hooper asked Mr. Burich if there were any topics or items the Board needed to address that hadn't already been discussed. Mr. Burich stated the Board had discussed everything he felt was pertinent to the decision at hand, reviewed the aspects of the proposed amendments the Board does support and the aspects of the proposed amendments the Board does not support, and re-iterated there are areas Staff will do further research on prior to presenting the proposed amendments to Council.

The Board debated what sections of the proposed amendments the Board was prepared to make a motion on. It was decided the Board would make one motion on Sections 4 and 10.2, and separate motions on Sections 8.5 and 8.6.

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Mr. Alzamora moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written to Sections 4 and 10.2. Seconded by Mr. Jones. Approved by a vote of 8-0.

The Board debated whether short-term rentals are appropriate in single family areas or only in multi-family areas, the definition of single family dwelling, the impact prohibiting short-term rentals in certain areas will have both economically and on the quality of life in all areas of the Village, and whether short-term rentals are essentially unregulated businesses.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Sections 8.5 - Table of Permitted and Special Uses and Special Requirements and 8.6 - Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements with uses as noted adding all residential districts and the VCP district, and to the special requirements of 8.6.
*Mr. Jones did not complete the motion and the motion was not seconded as the Board and Mr. Burich began debate and discussion.

The Board and Mr. Burich debated making a motion on Sections 8.5 and 8.6 jointly or separately; and discussed whether items 14 and 15 would be applicable if recommendations are adopted by Council, potential revisions to items 13, 14 and 15, and regulation requirements as outlined in the section. It was decided to make separate motions on Sections 8.5 and 8.6. The Board and Mr. Burich reviewed the different areas as outlined in Section 8.5 and the different types of uses already allowed in some of the areas.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Section 8.5 - Table of Permitted and Special Uses and Special Requirements:

- ***Uses as noted adding all Residential, and VCP.***

*The motion was not seconded as the Board and Mr. Burich began debate and discussion.

The Board and Mr. Burich discussed additional areas having short-term rental added as a use due to similar uses existing or being similar to residential, single family areas.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Section 8.5 - Table of Permitted and Special Uses and Special Requirements:

- ***Uses as noted adding all Residential, NC, OP, VCP, and VR.***

Seconded by Mr. Alzamora. Approved by a vote of 5-3; with Mr. Roberts, Mr. Farrell, and Ms. Rothstein voting "Nay".

The Board and Mr. Burich discussed whether items 14 and 15 would be applicable if recommendations are adopted by Council and the amortization timeline proposed, potential revisions to items 4, 5, 12, 13, 14 and 15, regulation requirements as outlined in the section, the potential to revise or amend the PDO should the proposed amendments be too strict or not strict enough, what falls under the umbrella of a violation when applying the PDO to short-term rental permits, the addition of item 16 covering contact information and regulation notification, and the role and tools of enforcement of short-term rental regulations.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Section 8.6 - Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements:

- ***Item 4: Add "and one fully operational fire extinguisher.";***
- ***Item 12: Capitalize "Special Events" and remove "large gatherings";***
- ***Item 13E: Modify the first sentence to read "verified violation is a determination made by a code enforcement officer or a judge (period). Following such determination notice of violation shall be issued by the Village (period)." The rest can remain as is;***
- ***Item 16: To be added and to read "Contact information and these special requirements shall be conspicuously posted or otherwise made available to tenants."***

Seconded by Mr. Alzamora.

The Board and Mr. Burich discussed the necessity for the amortization period being included in the proposed amendments should Council decide to prohibit short-term rentals in single family areas and the need to amend Mr. Jones' motion to include language on operational safety equipment.

Mr. Jones moved the Planning and Zoning Board recommend the Pinehurst Village Council approve the proposed amendments as written with the following revisions to Section 8.6 - Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements:

- ***Item 4: Add "and one fully operational fire extinguisher.";***
- ***Item 12: Capitalize "Special Events" and remove "large gatherings";***
- ***Item 13E: Modify the first sentence to read "verified violation is a determination made by a code enforcement officer or a judge (period).***

Following such determination notice of violation shall be issued by the Village (period)." The rest can remain as is;

- ***<u>Item 16</u>: To be added and to read "Contact information and these special requirements shall be conspicuously posted or otherwise made available to tenants."***

Seconded by Ms. Rothstein. Approved by a vote of 8-0.

Mr. Hooper asked the Board to consider a consistency statement for Council. The Board debated if separate consistency statements were needed for each approved motion or if one inclusive consistency statement could be made for all approved motions. It was decided to make one inclusive consistency statement for all approved motions.

Mr. Jones moved the Planning and Zoning Board adopt the Statement of Consistency and authorize its Chair to execute the document as the proposed text amendments as contained in the approved motions <u>are</u> consistent with the Village of Pinehurst 2019 Comprehensive Plan. Achieving goals in accordance with the Comprehensive Plan are considered reasonable and are in the best interest of the public. Seconded by Mr. Alzamora. Approved by a vote of 6-2, with Mr. Farrell and Ms. Rothstein voting "Nay".

The Board discussed whether Homestays or Form-Based Code would be the topic covered at the next meeting. It was determined Form-Based Code would be the topic covered at the September 15, 2022.

III. Next Meeting Dates
09-15-2022 Special Meeting - Work Session
10-06-2022 Regular Meeting

IV. Motion to Adjourn
<u>Mr. Alzamora moved to adjourn the Special Meeting. Seconded by Ms. Latham. Approved by a vote of 8-0 at 07:55 PM.</u>

Respectfully Submitted,

Shannon Konstantinou
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst
A videotape of this meeting is located on the Village website: www.vopnc.org.

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ORDINANCE #22-08:

AN ORDINANCE AMENDING CHAPTERS 72, 92, 130 AND 153 OF THE PINEHURST MUNICIPAL CODE.

WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11- 25 which established the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the " Village of Pinehurst, North Carolina Municipal Code" and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to amend Chapters 72, 92, 130 and 153 in the Pinehurst Municipal Code in order to further promote and protect quality of life in Pinehurst's various residential neighborhoods; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled this 28th day of June, 2022 as follows:

SECTION 1. That the following amendments be made to Chapter 72:

§ 72.01 PARKING PROHIBITED AT ALL TIMES.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in the Parking Prohibited at All Times Parking Schedule, Parking Schedule I, compiled under the direction of the Village Manager and kept on file in the office of the Village Clerk.

(1986 Code, § 7-3.1) Penalty, see § 72.99

§ 72.02 PARKING IN OR NEAR INTERSECTIONS.

It shall be unlawful for any person to park any vehicle in any street right-of-way intersection or upon any public street right-of-way within 30 feet of any street intersection.

(1986 Code, § 7-3.2) Penalty, see § 72.99

§ 72.03 PARKING TIME LIMITED ON CERTAIN STREETS.

No person shall park a vehicle for longer than the time limit shown in the Parking Time Limited on Certain Streets Parking Schedule, Parking Schedule II, compiled under the direction of the Village Manager and kept on file in the office of the Village Clerk, at any time between the hours listed in the schedule of any day upon any of the streets or parts of streets described in Parking Schedule II.

(1986 Code, § 7-3.5) (Ord. 90-14, passed 05-21-1990) Penalty, see § 72.99

§ 72.04 PARALLEL, DIAGONAL AND PERPENDICULAR PARKING ONLY.

(A) No person shall park on any street shown in the Parallel Parking Only Parking Schedule, Parking Schedule III, compiled under the direction of the Village Manager and kept on file in the office of the Village Clerk, unless they park on a parallel basis.

(1986 Code, § 7-3.6)

(B) No person shall park on any street shown in the Diagonal Parking Only Parking Schedule, Parking Schedule IV, compiled under the direction of the Village Manager and kept on file in the office of the Village Clerk, unless they park on a diagonal basis.

(1986 Code, § 7-3.7)

(C) No person shall park on any street shown in the Perpendicular Parking Only Parking Schedule, Parking Schedule VI, compiled under the direction of the Village Manager and kept on file in the office of the Village Clerk, unless they park on a perpendicular basis.

(1986 Code, § 7-3.7)

(D) The Village Manager may provide temporary permission for alternate parking methods in these areas for oversized vehicles, trailers or equipment being used for current permitted construction activities, planned maintenance activities, and other activities where the Manager determines it is in the best interest of the public, tenants, and property owners to permit temporary alternate parking methods. The Village Manager is authorized to place restrictions they deem appropriate to the specific location and nature of the request.

(E) This section does not apply to unplanned emergency response for repair and maintenance activities. This section does not apply to routine, short-term delivery and pick-up activities. See § 72.08 Loading and Unloading Zones for applicable regulations.

(Ord. 88-15, passed 10-17-1988; Ord. 90-12, passed 04-17-1990; Ord. 90-14, passed 05-21-1990; Ord. 20-15, passed 12-8-2020) Penalty, see § 72.99

§ 72.05 RESERVED. OVERNIGHT PARKING ON RESIDENTIAL STREETS.

(A) No person shall park on any Village street, or within the Village's right-of-way adjacent to any street, that is within or abutting single-family residential zoning (R5, R8, R10, R15, R20, R30 and R210) unless they are parking in Village marked and

delineated parking spaces or are parking between the hours of 7:00 am and 11:00 pm. Parking governed by § 72.01, § 72.02, and § 72.03 takes precedence over § 72.05.

(B) This section does not apply to unplanned emergency response for repair and maintenance of disabled vehicles, installation or repair of utilities, or the provision of emergency services.

(C) Penalty, see § 72.99

§ 72.07 PARKING AND STORAGE OF CERTAIN VEHICLES.

(A) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL VEHICLE. Any vehicle designed, equipped or used for trade meeting any of the following criteria:

(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 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.

(1986 Code, § 7-17.2)

OVERSIZED VEHICLE. Any of the following vehicles or any vehicle that is similar in nature to any of the following vehicles: buses, recreational vehicle (RV), campers, box trucks, cargo trucks, truck-tractors, dump trucks and moving vans.

(1986 Code, § 7-17.3)

TRAILER. Any of the following trailers or any trailer that is similar in nature to any of the following trailers: travel trailers, semi-trailers, horse trailers, livestock trailers, commercial trailers, recreational trailers, utility trailers or landscape trailers. All of these ***TRAILERS*** shall include covered varieties as well as open air varieties.

(1986 Code, § 7-17.4)

LIGHT DUTY TRUCK. A pickup truck, sport utility vehicle, van, minivan or other licensed and powered vehicle having a gross vehicle weight rating of no more than 8,500 lbs. and a payload capacity of no more than 4,000 lbs.

FOR A FEE. In exchange for any payment or other thing(s) or right(s) having value.

COMMERCIAL PURPOSE. Any purpose that supports or enhances business outcomes for any corporation, company, limited liability company, limited partnership or sole proprietorship.

(B) *Parking and/or storage prohibited.* Commercial vehicles, oversized vehicles and trailers shall not be parked or stored in any residentially zoned districts or on any public

right-of-way adjacent thereto unless they are kept within a totally enclosed structure. ~~No vehicles shall be parked or stored for a fee, or for any commercial purpose, on any property in the jurisdiction of the village unless the use of the property for the purpose of parking or storing vehicles for a fee exists on the date of adoption of this section (April 26, 2005), or the use of the property for the parking or storing of vehicles for a fee receives specific approval from the Village Council.~~ The provisions of this section shall not apply to:

(1) Vehicles or equipment being used for current permitted construction activities or engaged in routine pickups, deliveries or similar typical activities;

(2) Vehicles or equipment being used for service activities or in case of emergencies resulting from breakdowns requiring repairs to the vehicle;

(3) Vehicles involved in a governmental purpose and/or performing an emergency function;

(4) Vehicles that are licensed as a school, church or nonprofit organization bus and kept on property owned by the same; or

(5) Vehicles that are incidentally associated with and stored/parked at a permitted or conditional use or legally existing nonconforming use as set forth in the Pinehurst Development Ordinance.

(1986 Code, § 7-17.1)

(6) A single, light duty truck belonging to a permanent resident or the employer of a permanent resident of the residential property and parked entirely on that same residential property.

(C) No commercial vehicles, oversized vehicles or trailers shall be parked or stored for a fee, or for any commercial purpose, on any property in the jurisdiction of the village unless the use of the property for the purpose of parking or storing vehicles for a fee exists on the date of adoption of this section (April 26, 2005), or the use of the property for the parking or storing of vehicles for a fee receives specific approval from the Village Council.

(~~C~~D) *Administration and enforcement.* The Chief of Police and the Zoning Enforcement Officer shall be responsible for the administration and enforcement of this section. The Chief of Police shall be responsible for administration and enforcement of this section for situations on public streets and highways within the village, on property owned by the village and in instances of illegal commercial parking of vehicles, or parking or storage of vehicles for a fee, as described in division (C) above. The Chief of Police is authorized to cause the violation of the prohibition of commercial parking or storage of vehicles, for a fee, to cease and desist immediately. The Zoning Enforcement Officer shall be responsible for administration and enforcement of this section for other situations on private property.

(E) Penalty, see § 72.99.

(1986 Code, § 7-17.5)

(Ord. 03-54, passed 11-25-2003; Ord. 05-05, passed 04-26-2005) ~~Penalty, see § 72.99~~

§ 72.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 70.99.

(B) Violations of the terms of § 72.07 on private property shall subject the real estate property owner ~~violator~~ to ~~the penalties and remedies, either criminal or civil or both~~ a civil penalty of $100 per violation, with each day the violation exists constituting a separate and distinct offense ~~as set forth in § 10.99 of this code~~. However, violations of the § 72.07 prohibition of commercial parking or storage of vehicles, for a fee, shall be punishable by a fine of $500 per violation, with each day the violation exists constituting a separate and distinct offense.

(C) Violations of the terms of § 72.07 within a Village or State right-of-way shall subject the vehicle owner to the provisions of § 70.99. In order to ensure pedestrian safety, The Police Department or the Village Manager may cause the vehicle in violation to be removed, without notice, at the expense of the vehicle owner.

(D) In order to ensure pedestrian safety, The Police Department or the Village Manager may cause vehicles in violation of § 72.05 to be removed, without notice, at the expense of the owner.

SECTION 2. That the following amendments be made to Chapter 92:

§ 92.01 CERTAIN CONDITIONS DECLARED NUISANCES.

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) *Growth of weeds and grass.* The uncontrolled growth of noxious weeds or grass, in excess of eight inches, causing or threatening to cause a hazard detrimental to the public health or safety or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(B) *Accumulations of animal or vegetable matter.* Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind, which is or may be dangerous or prejudicial to the public health;

(C) *Accumulations of rubbish and the like.* Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation

therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(D) *Open storage.* The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items, which may be unsightly, or may be dangerous or prejudicial to the public health or public safety;

(E) *Indoor furniture.* Indoor upholstered furniture or upholstered furniture intended for indoor use being stored outdoors causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation or infestation therein of rats, mice, snakes, vermin or insects of any kind which is or may be dangerous or prejudicial to the public health;

(F) *Conditions violating Health Department rules.* Any condition detrimental to the public health or public safety, which violates the rules and regulations of the Moore County Health Department;

(G) *Combustible items.* Any accumulation of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, damaged trees, downed or leaning trees or any other combustible materials or objects of a like nature;

(H) *Burned or partially burned buildings and structures.* Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Village Building Official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;

(I) *Damaged structures and resulting debris.* The existence of any of the following conditions associated with damaged structures or their resultant debris shall constitute a public nuisance:

(1) Damaged structure in danger of collapsing;

(2) Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury; or

(3) Any structure, regardless of condition, or any debris from damaged structure, which is located in whole or in part in a public trust area or public land;

(J) *Structurally deteriorated, or storm damaged automobile service station canopies or other canopies and signs.* Any automobile service station canopy or other canopies, awnings with loose or deteriorated materials or signs with loose, unanchored or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles or deterioration;

(K) *Standing water.* Any man-made condition which allows for standing water on a property which could breed insects or create offensive odors; ~~and~~

(L) *Miscellaneous*. Any other condition that is specified as a nuisance in the village's ordinances and codes.

(1986 Code, § 3-2.1) (Ord. 03-31, passed 06-24-2003) ~~Penalty, see § 10.99~~

§ 92.02 INVESTIGATION OF COMPLAINTS.

The Village Code Enforcement Officer or his or her designee, upon notice from any person of the existence of any of the conditions described in § 92.01, shall cause to be made, by the appropriate county official or village official, any investigation as may be necessary to determine whether conditions exist as to constitute a public nuisance as declared in § 92.01.

(1986 Code, § 3-2.2) (Ord. 03-31, passed 06-24-2003)

§ 92.16 REGULATING UNREASONABLY LOUD, DISTURBING SOUND LEVELS.

(A) *Unlawful sound levels.* It shall be unlawful for any person, or business entity (business entity includes, but is not limited to, a sole proprietorship, limited partnership, limited liability company, and corporation) to create or assist in creating, or to permit, continue, or permit the continuance of any unreasonably loud, disturbing sound levels in the village, taking into consideration volume, duration, frequency, time of day and other characteristics of the sound, unless specifically authorized by the village (see division (C) of this section).

(B) *Prohibited activities.* The following activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but the enumeration shall not be deemed to be exclusive:

(1) The playing of any musical instrument or electronic sound amplification equipment in a manner or with such volume, that a sustained noise level of 40 dBs or more between the hours of 10:00 p.m. and 7:00 a.m. or 55 dBs or more at other times can be measured from any nearby residential property (sustained is defined as a continuous measurement over the threshold for at least ten seconds, or at least 15 instances of measurements over the threshold in a 60-second period. When taking measurements, the measuring official will ensure no significant ambient or contributing noise is present, or will measure ambient and contributing noise levels separately when the offending noise is silent so that they can be subtracted);

(2) The keeping of any animal or bird which makes frequent or long continued sounds, that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity;

(3) The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in a manner as to create unreasonably loud, disturbing sounds;

(4) The operating of any non-construction business activity in or near any residential area in the village so loud that a sustained noise level of 40 dBs or more between the hours of 10:00 p.m. and 7:00 a.m. or 55 dBs or more at other times can be measured from any nearby residential property (sustained is defined as a continuous measurement over the threshold for at least ten seconds, or at least 15 instances of measurements over the threshold in a 60-second period. When taking measurements, the measuring official will ensure no significant ambient or contributing noise is present,

or will measure ambient and contributing noise levels separately when the offending noise is silent so that the can be subtracted);

(5) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during their normal operating hours, or within 150 feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of the institutions, provided signs are displayed indicating that the area is a school, educational facility, church, court or hospital;

(6) The erection (including excavation), demolition, alteration or repair of any building in any district other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, excluding holidays. This restriction shall not pertain to the following:

(a) Interior work on an occupied dwelling at any time that does not produce noise that a reasonably prudent person would recognize as likely to unreasonably disturb persons on adjacent property or in the vicinity.

(b) Emergency repairs to dwellings or structures that are needed to protect health or property.

(c) On Sundays and holidays, home maintenance and improvement tasks may be performed by home occupants with or without unpaid/un-contracted assistance, between the hours of 10:00 a.m. and 7:00 p.m. using power and hand tools that are generally available for retail sale from home improvement and hardware stores as long as said work does not produce noise that a reasonably prudent person would recognize as likely to unreasonably disturb persons on adjacent property or in the vicinity.

(d) Upon receipt of prior written approval from the Village Planning and Inspections Department, any construction, demolition, alteration or repair not otherwise allowed by this restriction may be performed. This provision is intended to accommodate work that is in the best interests of the village as a whole, as well as work contracted or paid for by a home occupant that must be done on a Sunday or holiday for valid reasons.

(7) The operation of power equipment including but not limited to lawn and garden maintenance equipment, generators (not including home stand-by power generators in operation during periods of utility power outages and test periods) and landscaping construction and maintenance equipment between the hours of 8:00 p.m. and 7:00 a.m.

(8) The use of any electronic sound amplification equipment for advertising, paging or solicitation purposes, except with an appropriate permit; and

(9) The conduct of, or participation in, any recreational activity in a residential district in the village which creates sound levels so loud that a sustained noise level of 40 dBs or more between the hours of 10:00 p.m. and 7:00 a.m. or 55 dBs or more at other times can be measured from any nearby residential property (sustained is defined as a continuous measurement over the threshold for at least ten seconds, or at least 15 instances of measurements over the threshold in a 60-second period. When taking measurements, the measuring official will ensure no significant ambient or contributing

noise is present or will measure ambient and contributing noise levels separately when the offending noise is silent so that they can be subtracted).

(C) *Approval of exceptions.*

(1) Persons wishing to engage in activities other than those involving the erection (including excavation), demolition, alteration or repair of any building prohibited by this section may do so when specific written approval is obtained from the village. Written permission shall not be unreasonably withheld and may contain appropriate conditions and restrictions designed to minimize the disruptive impact. Written permission for activities significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restrictions. Written permission issued under this section may specify that the permission granted will continue for a stated period or until revoked after actual notice. Persons shall not be held in violation of this section when acting in conformity with permitted conditions, but any permission may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels, or significant complaints from residents.

(2) In case permission is denied, written permission is provided with conditions unacceptable to the application, or permission is revoked, the applicant shall be entitled to a prompt, informal hearing with the Village Manager or his or her designee, upon submission of a written request. Any person aggrieved by a matter regulated by this section may submit to the Village Manager written comments, including requests for appropriate relief.

(D) Penalty, see § 92.99

(1986 Code, § 11-2) (Ord. 96-02, passed 01-22-1996; Ord. 05-18, passed 06-07-2005; Ord. 05-22, passed 08-23-2005; Ord. 13-46, passed 11-12-2013; Ord. 13-48, passed 12-10-2013; Ord. 15-17, passed 12-08-2015; Ord. 20-13, passed 10-13-2020)

§ 92.17 UNRULY GATHERINGS.

(A) Unruly gatherings at residential properties are prohibited. For the purpose of regulating this prohibited activity, the following shall constitute an unruly gathering:

(1) The presence of at least one person who is not a permanent resident of the residential property, and

(2) Three or more validated offenses among the following types committed within 100 yards of the subject property and within a 24 hour period during which the 1non-resident of the property was present, and committed by persons present at the subject property within that same 24 hour period:

a) Disorderly conduct

b) Serving alcohol to minors or contributing to delinquency of minors

c) Illegal substance use or possession

d) DWI or DUI

e) Violations of § 92.16

f) Assault charges

g) Vandalism charges

h) Urinating or defecating in public

i) Indecent exposure or other lewd conduct constituting a criminal offense

j) Any felony offense charges

(B) Any additional groupings of three or more validated and qualifying offenses during any qualifying 24 hour period, even if it overlaps the 24 hour period for another Unruly Gathering violation, will constitute an additional violation of § 92.17.

(C) Penalty, see § 92.99.

§ 92.99 PENALTY.

(A) All provisions of § 92.16 will be enforced by the Chief of Police and the Police Department's assigned officers.

(B) Any person, or business entity (business entity includes but is not limited to a sole proprietorship, limited partnership, limited liability company, and corporation) violating any of the provisions of §§ 92.16(B)(1), 92.16(B)(4) and 92.16(B)(9), or failing or neglecting or refusing to comply with the same, shall be issued a notice of civil infraction subject to a maximum penalty of $500 and/or shall be guilty of a Class 3 misdemeanor and subject to a fine of $100 or imprisonment not to exceed 30 days. Civil penalties will start at $100 for the first infraction within a 24-month period, and will escalate by $100 for each subsequent infraction within a 24-month period up to the maximum of $500. For penalty purposes each violation recorded and subsequently abated on any distinct enforcement officer visit shall constitute a separate offense (See G.S. § 14-4(a) and § 160A-175).

(C) In cases where violations of §§ 92.16(B)(1), 92.16(B)(4) and 92.16(B)(9) are committed by a person or persons under contract (rental or otherwise) with the legal owner of the property on which the violation occurs and the legal owner of the property is not present during the offense, the owner is subject to civil penalty under § ~~92.17~~ 92.99(B). This provision does not prevent additional penalty enforcement against the person or persons under contract or other code violators on the property (See G.S. § 14-4(a) and § 160A-175).

(D) Property owners in violation of § 92.17 will be subject to a fine of $1,000 for the first offense. Any subsequent offenses on the same property within 24 months of a previous offense will subject the property owner to a fine of $2,000. Penalties imposed pursuant to § 92.17 do not prevent imposition of penalties for underlying offenses.

(~~D~~E) In all other cases under Chapter 92, violators are subject to penalty, under § 10.99.

SECTION 3. That the following addition be made to Chapter 130:

§ 130.06 PUBLIC URINATION AND DEFECATION PROHIBITED.

(A) Except in designated restrooms, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building, or on private property

(B) Having the permission of the real property owner or person in lawful possession of the real property shall constitute an affirmative defense to the charge of urinating or defecating on private property.

(C) Penalty. Any person who violates this section shall be guilty of a Class 3 misdemeanor and shall be fined $500.

SECTION 4. That the following amendments be made to Chapter 153:

§ 153.20 SAFE AND SANITARY MAINTENANCE.

(A) *Exterior foundation, walls, and roofs.* Every foundation wall, exterior wall, and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(B) *Interior floors, walls, and ceilings.* Every floor, interior wall, and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(C) *Windows and doors.* Every window, exterior door, basement, or cellar door and hatchway shall be substantially weather tight, watertight, and rodent proof and shall be kept in sound working condition and good repair.

(D) *Stairs, porches, and appurtenances.* Every outside and inside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.

(E) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.

(F) *Supplied facilities*. Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Drainage.* Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(H) *Noxious growth.* Every yard and all exterior property areas shall be kept free of noxious growth.

(I) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.

(J) *Renter Safety*. Lack of smoke detectors and carbon monoxide detectors in rented or leased (regardless of term) residential properties as required by NCGS 42-42, NCGS 43A-31 or any successor language. Penalty: Property owners who do not correct deficiencies in accordance with this requirement within 30 days of written notification by the Village of Pinehurst will be fined $250 for each offense.

(K) *Penalty*. Unless otherwise specified, the penalty associated with violations of § 153.20 is as specified in §10.99.

SECTION 5. That these Ordinance amendments shall be and remain in full force and effect from July 1, 2022.

THIS ORDINANCE is passed and adopted this 28th day of June, 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374
Phone: 910-295-8646
Fax: 910-295-4434

Village of Pinehurst

Memo

To: Village Council

From: Doug Willardson

CC: Village Managers

Date: July 20, 2022

Re: Amortization Schedule

As Council continues to sort through the data surrounding short-term rentals (STRs), we are anticipating what some of the future questions or needs may be. If Council determines to prohibit STRs in specific zoning locations, there will need to be a transition or amortization period in which STR owners can recoup their initial investments in homes and transition them into other uses. Below is our reasoning for recommending, at a minimum, a three-year amortization period.

First, we determined the expected net operating income of a property. This was done by using the capitalization rate (cap rate). The cap rate is the net operating income divided by the purchase price multiplied 100. Industry sources show that the cap rate varies but the typical range is from 4.5% to 6.0%. Information from Lodgify shows that the cap rate for the Raleigh-Durham area is 4.6%. For our purposes, we used the rate of 4.5%. Therefore, by multiplying the purchase price by 4.5% we can get an approximate net operating income of a property.

Second, based on industry standards we estimated that 60% of the initial improvements made to a home will be recouped in the increased market value of the home. Thus, the remaining 40% is lost to the STR owner and will need to be recouped through operating income. The cost of improvements for each home will vary, but we will assume on the high side that 25% of the purchase price will be invested into the property initially.

Finally, to determine the length of time needed to recoup the initial lost investment in a property, we need to divide the lost value by the annual net operating income. The entire formula can be seen in the example below:

Purchase Price: $350,000

Net Operating Income:

$350,000 purchase price * Cap Rate of 4.5% = $15,750

Lost Value of Improvements:

$350,000 purchase price * 25% for improvements * 40% lost value = $35,000

Years to Recoup Lost Value of Improvements:

$35,000 / $15,750 = 2.22 Years

In this formula, the variable is the amount spent on improvements; the higher the percentage of the home's purchase price spent on improvements more time is needed to recoup those costs. If 23% of the home's purchase price were spent on improvements, exactly two years would be needed to recoup those lost dollars. If 34% were spent on improvements, the time needed to recoup the costs is three years.

Three years provides even those STR owners that spent significant amounts of money on improving their property the opportunity to recoup those funds. Also, a minimum three-year period will provide adequate time for owners to transition their properties to other uses and ensure that an excess of properties don't arrive on the market simultaneously.

Neighborhood Quality of Life Survey
Final Report
September 6, 2022

Neighborhood Quality of Life Survey

Quick Facts on Survey Partner:

ETC Institute, Olathe, KS

- A National Leader in Market Research for Local Governmental Organizations
- Surveyed more than 2,000,000 persons since 2010 for more than 900 communities in 49 states.
- Conducts the Village's annual Community and Business Surveys

Neighborhood Quality of Life Survey

Quick Facts on Survey Methodology:

Survey Goals:

- Representative sample of Village of Pinehurst residences with regard to geographic dispersion, age, gender, and race/ethnicity
- Postcard mailings with QR code and link to survey for 4,000 residences
- Sample size to be no less than 350 verified completed surveys
- Margin of error of +/- 5.5% at the 95% confidence level

Timeline:

- Approximately two weeks (June 23-week of July 4). The timeline was determined by the number of verified responses to meet margin of error goal.

Survey Tool:

- Electronic survey accessed via QR code or link on postcard
- Responses were verified via required question at end of survey

Neighborhood Quality of Life Survey

Understanding the Report

General Survey Results:

- 401 verified responses
- Margin of error +/- 4.8% at 95% confidence level
- The response percentages by neighborhood closely mirrors the neighborhood response percentage from the 2021 Community Survey
- The Village of Pinehurst considers a difference of **+/- 10% to be a significant finding**.

Cross-Tabular Analysis:

- Chi-square tests of significance
  - Definition: A Chi-square test compares observed results with expected results. The purpose is to determine if the observed and expected results are due to random chance.
  - Chi-square tests are used with categorical variables, whereas correlations are used with quantitative variables.
  - Pgs. 18-37 compare the results of **"How many vacation rentals or short-term rental properties within a two-minute walk of your front door"** with other questions within the survey to determine possible relationships.
    - Upper case letter = *99% probability* of an actual difference between respondents in the identified categories
    - Lower case letter = *95% probability* of an actual difference between respondents in the identified categories

Full Report

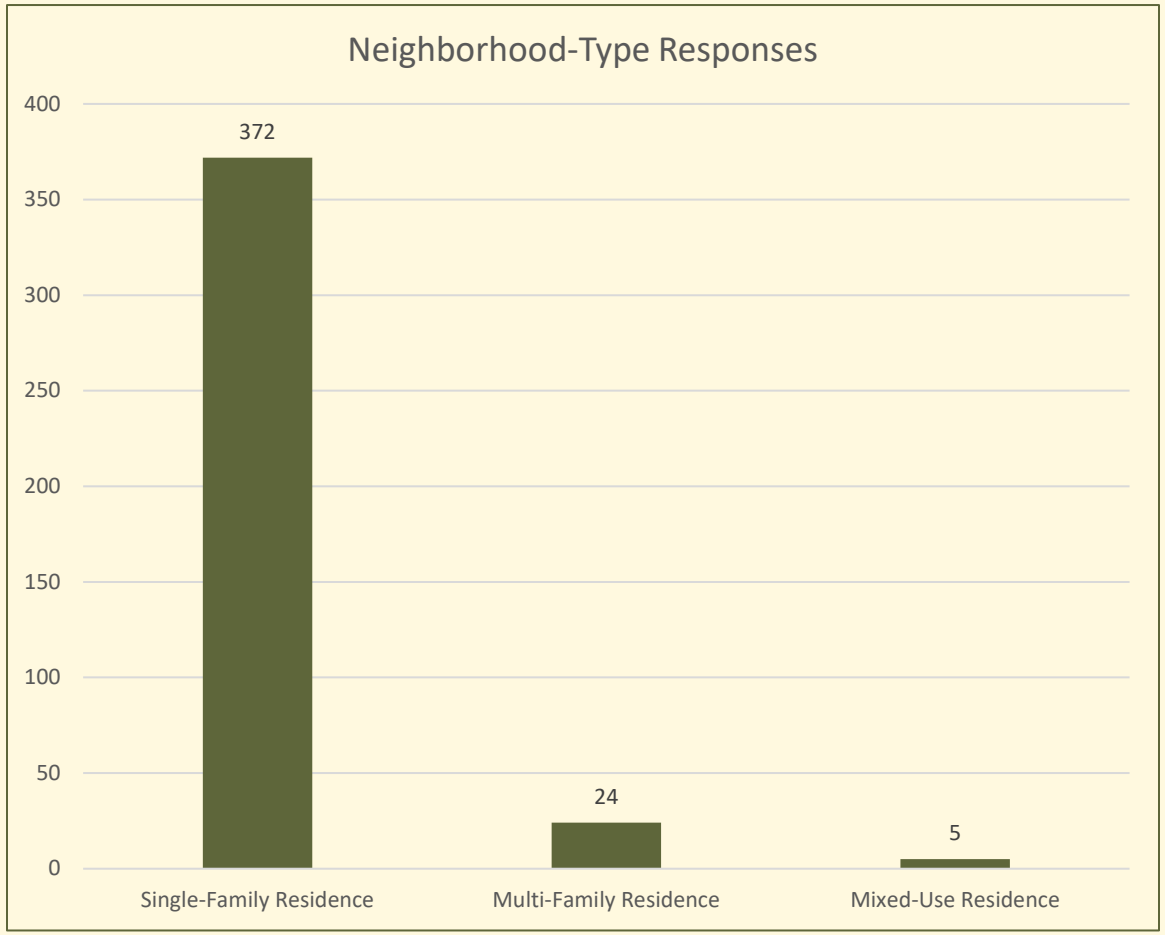
General Results

Neighborhood Quality of Life Survey

General Results

Survey Findings:

- Participants self-selected their neighborhood type from three categories: Single-family, Multi-family, Mixed-use
- Approximately 93% of respondents selected single-family to the question “How would you describe your immediate neighborhood?”
- The small number of multi-family and mixed-use responses makes it difficult to draw clear conclusions from these two groups.



Neighborhood Quality of Life Survey

Overall Quality of Life

Survey Findings:

- In general, respondents positively rated the quality of life in their immediate neighborhoods.
- **95% of respondents** selected either *good* or *excellent* when rating the quality of life in their immediate neighborhood.

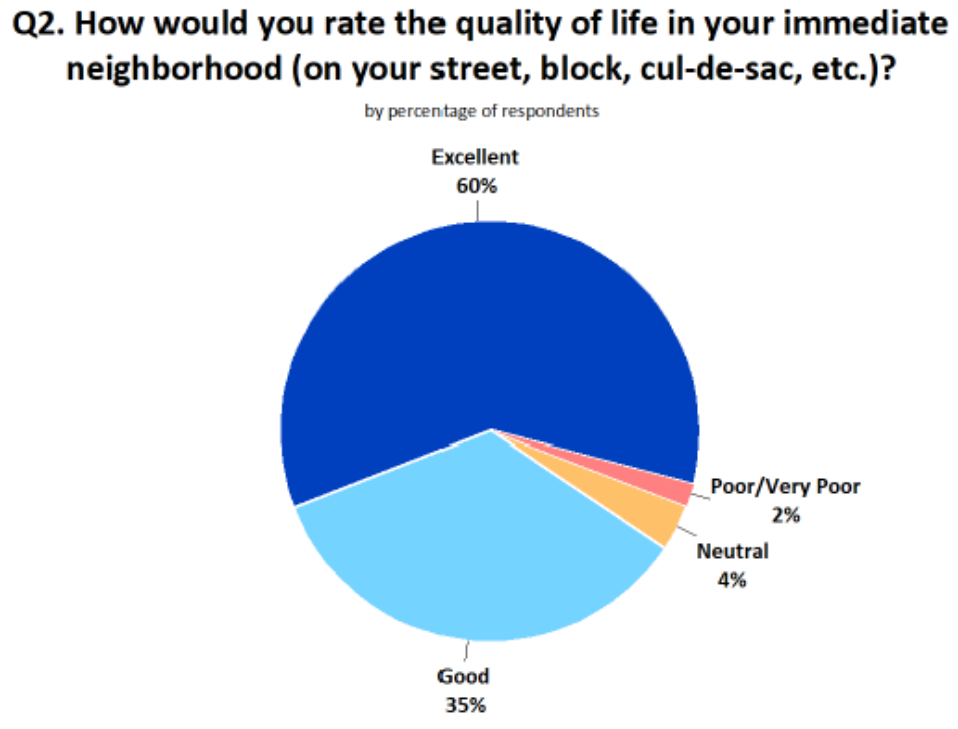


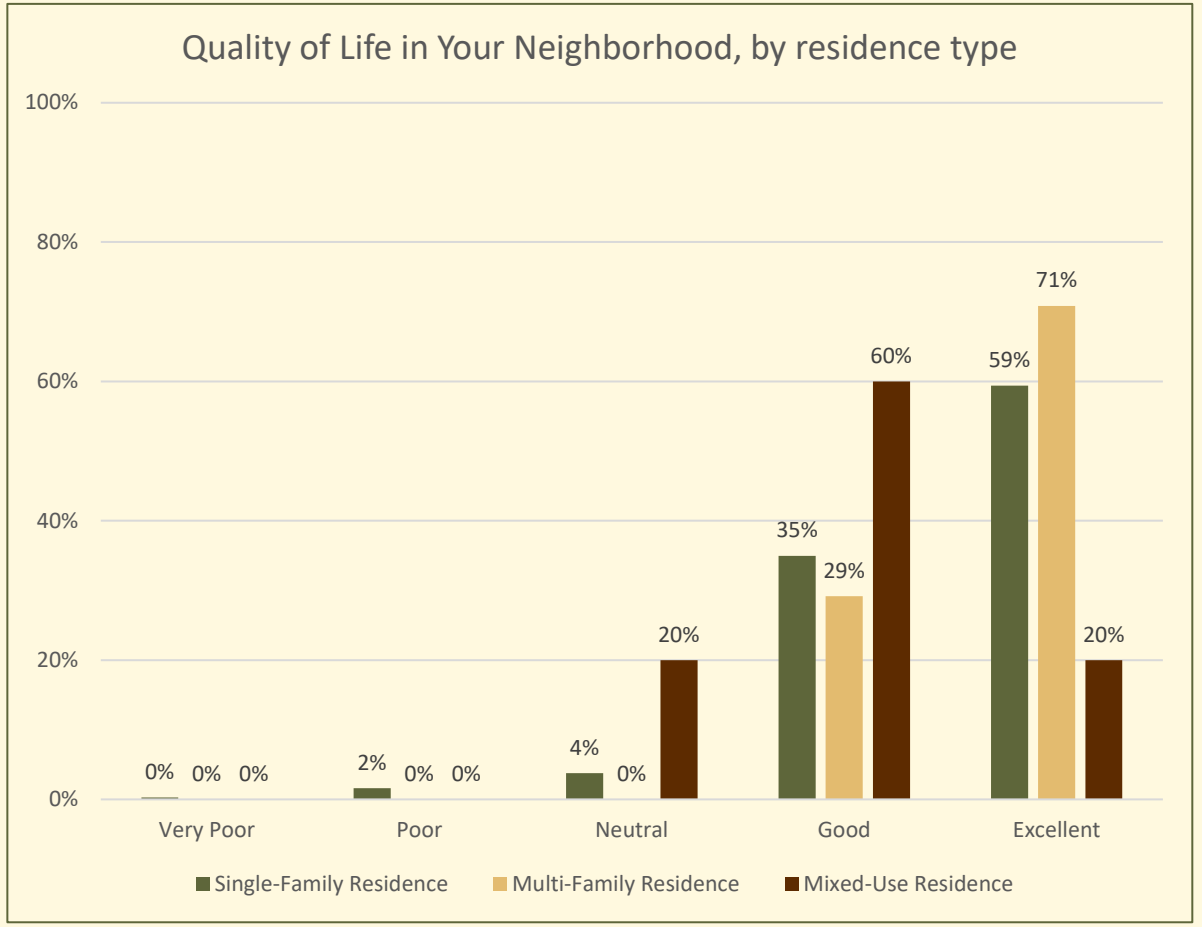
Chart Source: ETC Institute

Neighborhood Quality of Life Survey

Overall Quality of Life

Survey Findings:

- In general, respondents positively rated the quality of life in their immediate neighborhoods.
- **94% of single-family resident respondents** selected either *good* or *excellent* when rating the quality of life in their immediate neighborhood.



Neighborhood Quality of Life Survey

Overall Quality of Life

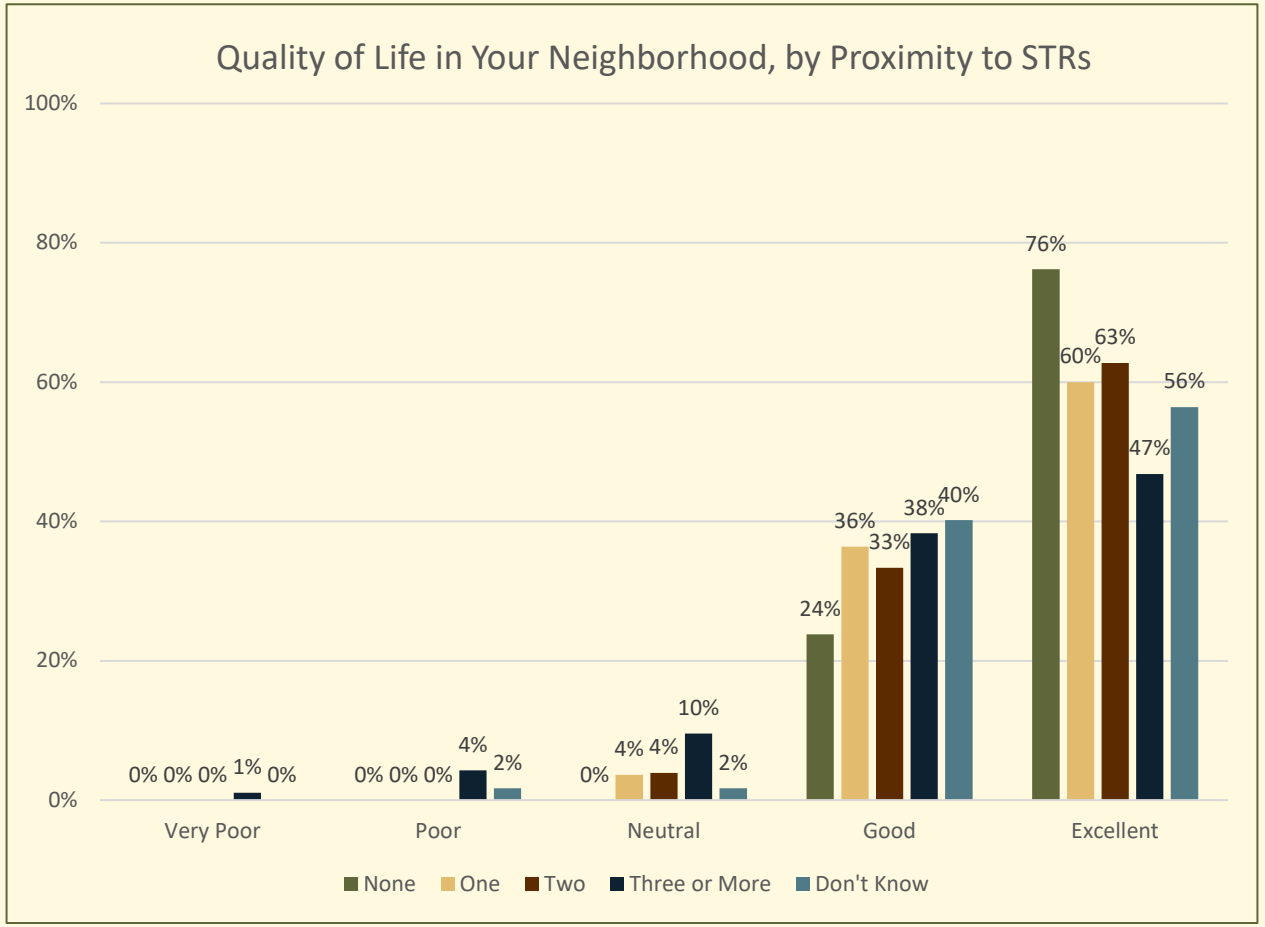
Survey Findings:

- When segmenting solely by proximity to short-term rentals, **76% of respondents with no perceived vacation or short-term rental in proximity** rated their quality of life as *excellent.*

  By comparison:

  - One rental property – 60%
  - Two rental properties – 63%
  - Three or more rental properties – 47%
  - Don't know – 56%

- Respondents with one or more perceived vacation or short-term rentals were more likely to select *good* over *excellent* for the quality of life in their immediate neighborhood, compared to those perceiving no such rentals.



Neighborhood Quality of Life Survey

Cross-Tabular Results

Overall Quality of Life

Survey Findings:

- Of respondents choosing *excellent*, there is a **99% probability** that there is an actual difference between respondents that have three or more vacation/short-term rentals within proximity of their front door, compared to those with none (46.8%; 76.2%).
- Of respondents choosing *good*, there is a **95% probability** that there is an actual difference between respondents that have three or more vacation/short-term rentals within proximity of their front door, compared to those with none (38.3%; 23.8%).

Q2. How would you rate the quality of life in your immediate neighborhood (on your street, block, cul-de-sac, etc.)?

N=401	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q2. How would you rate quality of life in your immediate neighborhood						
Excellent	76.2% bDE	60.0% a	62.7%	46.8% A	56.4% A	59.6%
Good	23.8% de	36.4%	33.3%	38.3% a	40.2% a	34.9%
Neutral	0.0% D	3.6%	3.9%	9.6% Ae	1.7% d	3.7%
Poor	0.0%	0.0%	0.0%	4.3%	1.7%	1.5%
Very poor	0.0%	0.0%	0.0%	1.1%	0.0%	0.2%

Table Source: ETC Institute

Neighborhood Quality of Life Survey

Overall Factors that Impact Quality of Life in Neighborhoods

Survey Findings:

- There are five factors that over 90% of respondents feel are either very important or important:
  1) Safety (99%)
  2) Quiet, peaceful setting (98%)
  3) Housing aesthetics (97%)
  4) Community services (94%)
  5) Walkable streets (91%)

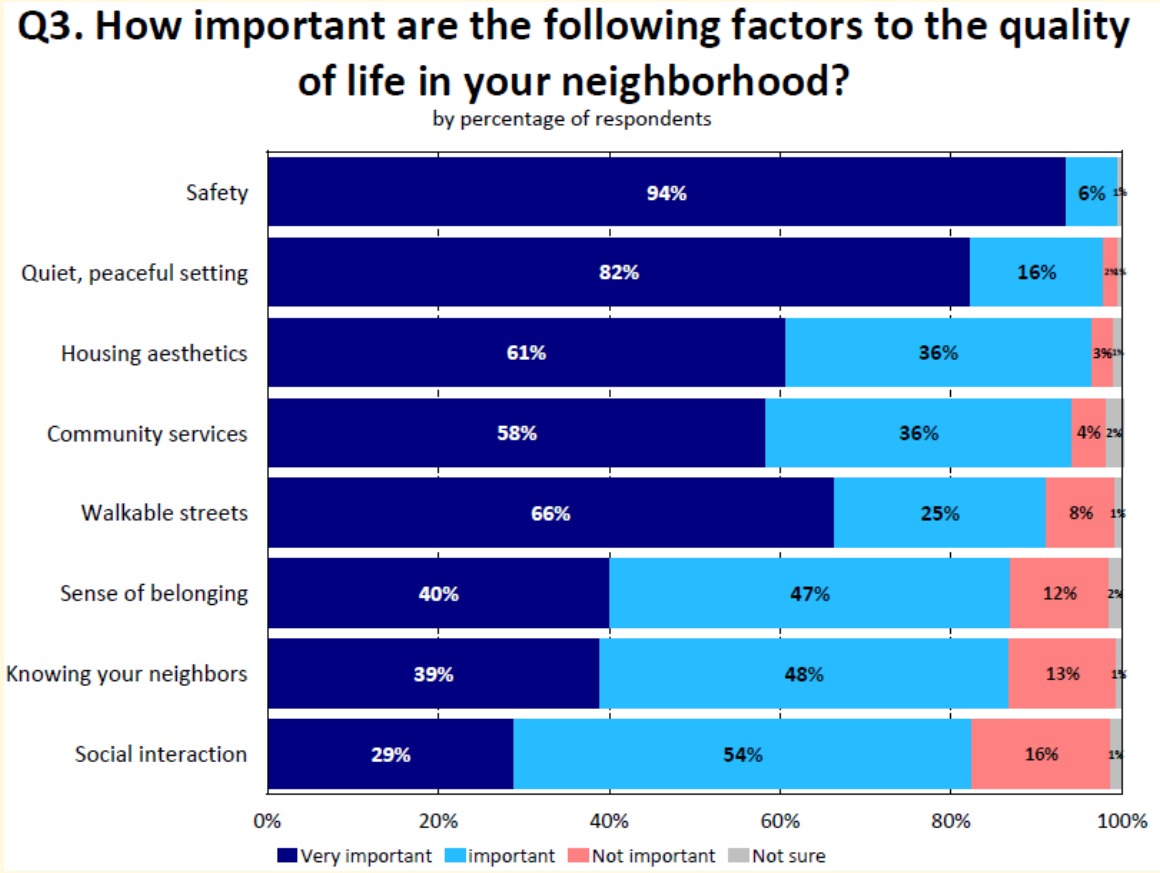


Chart Source: ETC Institute

Neighborhood Quality of Life Survey

Top Four Factors that Impact Quality of Life in Neighborhoods

Survey Findings:

- When asked to identify the four factors MOST IMPORTANT to the quality of life in your neighborhood, three factors received a total of 50% or more of the responses:
  1) Safety (88%)
  2) Quiet, peaceful setting (77%)
  3) Walkable streets (62%)

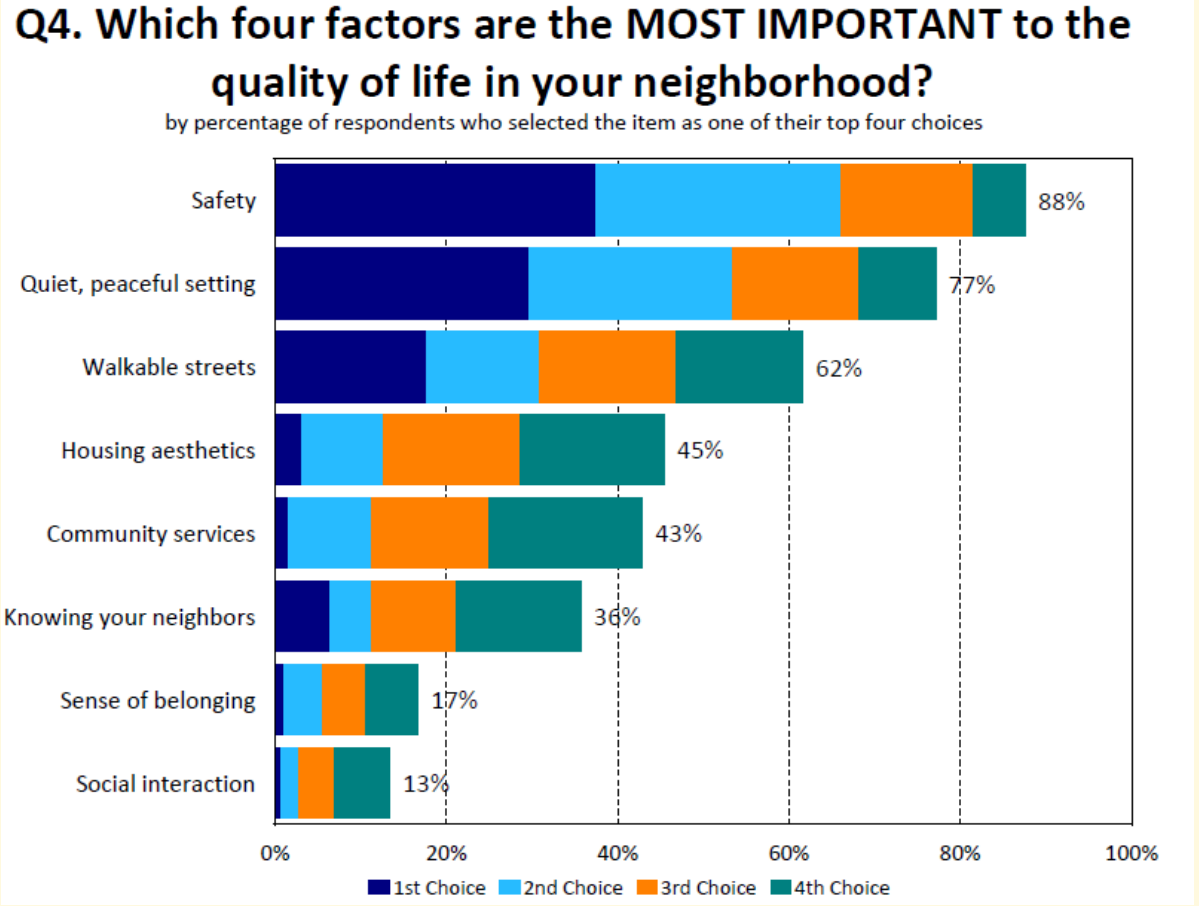


Chart Source: ETC Institute

Neighborhood Quality of Life Survey

Cross-Tabular Results

Factors in Quality of Life

Survey Findings:

- Of those selecting *knowing your neighbors*, there is a **99% probability** of an actual difference between respondents selecting three or more compared to none (48.9%; 28.6%).
- Of those selecting a *quiet, peaceful setting*, there is a **95% probability** of an actual difference between residences with one or two perceived vacation/short-term rentals within proximity compared to both none and three or more.

Table Source: ETC Institute

Q4. From the list of items in Question 3, which FOUR factors are the MOST IMPORTANT to the quality of life in your neighborhood? (top 4)

N=401

	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q4. Sum of Top 4 Choices						
Walkable streets	59.5%	56.4%	62.7%	57.4%	68.4%	61.6%
Quiet, peaceful setting	72.6% bc	87.3% ad	88.2% ad	70.2% bc	76.1%	77.1%
Knowing your neighbors	28.6% D	34.5%	33.3%	48.9% Ae	31.6% d	35.7%
Safety	86.9%	92.7%	90.2%	84.0%	87.2%	87.5%
Community services	35.7%	47.3%	41.2%	40.4%	48.7%	42.9%
Sense of belonging	16.7%	18.2%	11.8%	16.0%	18.8%	16.7%
Housing aesthetics	47.6%	54.5% e	47.1%	45.7%	38.5% b	45.4%
Social interaction	19.0% Bc	3.6% Ade	5.9% ad	18.1% bc	13.7% b	13.5%
None chosen	3.6%	0.0%	2.0%	2.1%	2.6%	2.2%

Cross-Tabular Results

Vacation/Short-term Rentals to Frequency of Issues

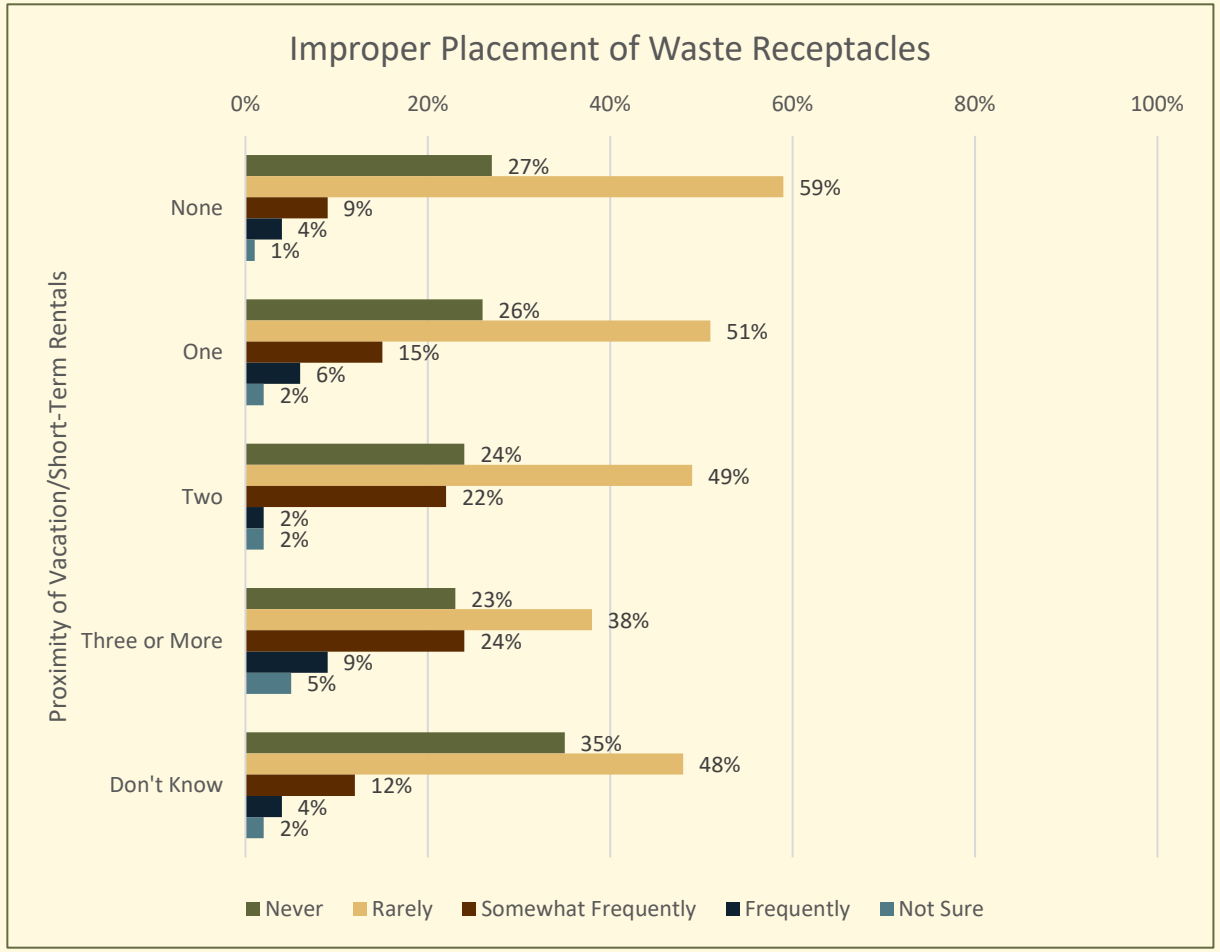
Neighborhood Quality of Life Survey

Observed Issues within Your Neighborhood

Single-Family Neighborhood Respondents

Survey Findings:

- A majority of single-family neighborhood respondents responded that they never or rarely observed an issue with the improper placement of waste receptacles.
- 23% or more of all single-family neighborhood respondents, **regardless of vacation/short-term rental choice**, reported never having an issue with the improper placement of waste receptacles.
- Of those that identified vacation/short-term rentals, frequency tended to increase with the number of identified vacation/short-term rentals.
- The largest percentage of frequency was seen by single-family respondents identifying three or more vacation/short-term rental properties within their proximity, at 33% (24% *somewhat frequently*, 9% *frequently*).



Neighborhood Quality of Life Survey

Cross-Tabular Results

Waste Receptacles

Survey Findings:

- Of respondents choosing *rarely*, there is a **99% probability** that there is an actual difference between those with no perceived vacation/short-term rentals compared to those with three or more (59.5%; 36.2%).
- Of respondents choosing *somewhat frequently*, there is a **95% probability** that there is an actual difference between those with no perceived vacation/short-term rentals compared to those with three or more (9.5%; 21.3%).

Q5. How frequently have you observed the following in your neighborhood?

N=401	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q5-1. Improper placement of waste receptacles						
Frequently	3.6%	5.5%	2.0%	9.6%	3.4%	5.0%
Somewhat frequently	9.5% d	14.5%	21.6%	21.3% a	12.8%	15.5%
Rarely	59.5% D	50.9%	51.0%	36.2% A	48.7%	48.6%
Never	26.2%	27.3%	23.5%	25.5%	33.3%	27.9%
Not sure	1.2% d	1.8%	2.0%	7.4% ae	1.7% d	3.0%

Table Source: ETC Institute

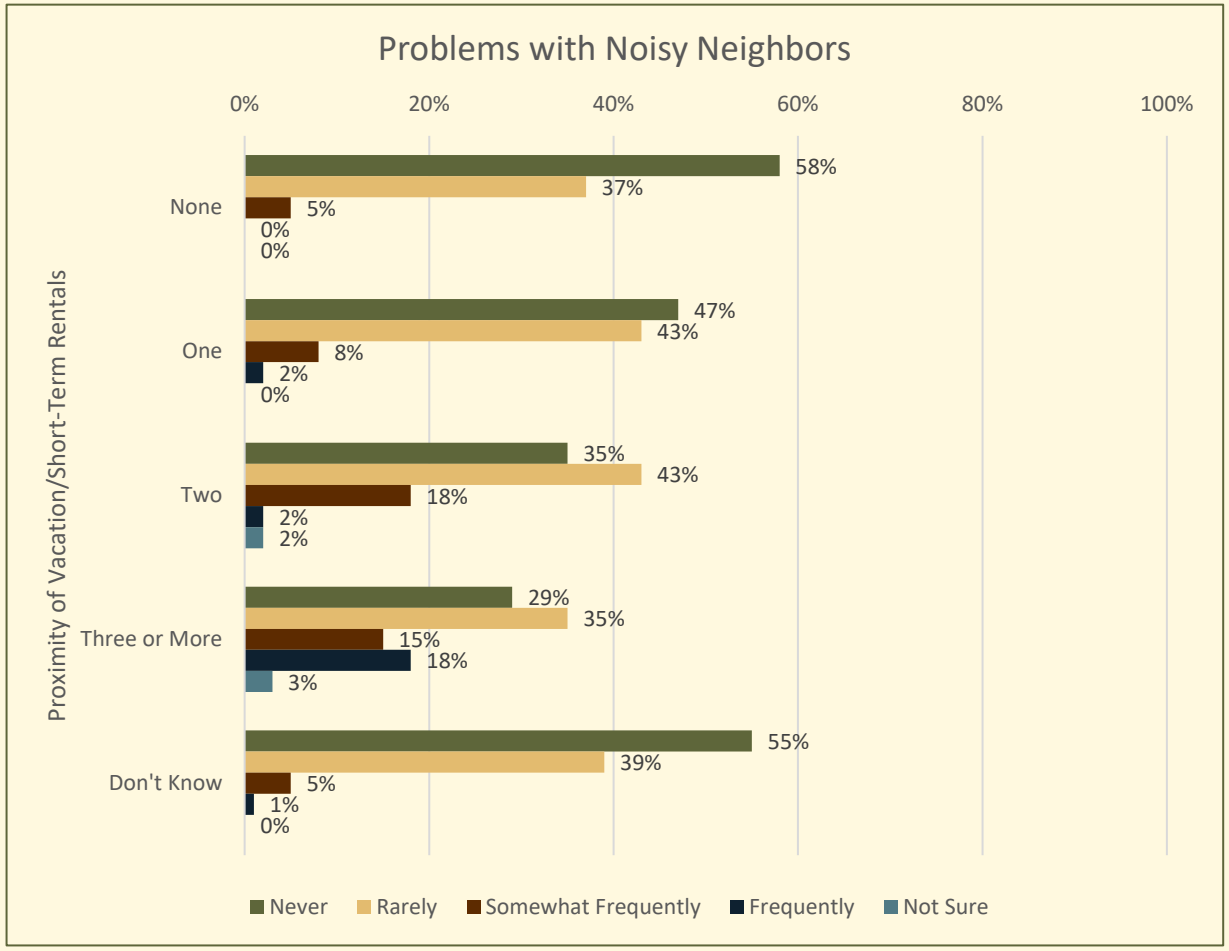
Neighborhood Quality of Life Survey

Observed Issues within Your Neighborhood

Single-Family Neighborhood Respondents

Survey Findings:

- Of those respondents who identified vacation/short-term rentals within their proximity, **overall frequency of problems with noisy neighbors increased as the number of vacation/short-term rentals increased**.
- A majority of respondents choosing no vacation/short-term rentals, or were not sure, reported never having an issue with noisy neighbors.
- Of those respondents who identified vacation/short-term rentals within their proximity, choices of *never* **significantly decreased** from 58% (none) to 29% (three or more).



Neighborhood Quality of Life Survey

Cross-Tabular Results

Noisy Neighbors

Survey Findings:

- Of respondents choosing *frequently*, there is a **99% probability** there is an actual difference between those with three or more vacation/short-term rentals within proximity compared to all other options (17%; </=2%).
- Of respondents choosing somewhat frequently, there is a **95% probability** that there is an actual difference between those with two or more vacation/short-term rentals within proximity compared to those with none (>/=17%; 4.8%).

Q5. How frequently have you observed the following in your neighborhood?

N=401	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q5-2. Problems with noisy neighbors						
Frequently	0.0% D	1.8% D	2.0% D	17.0% ABCE	0.9% D	4.7%
Somewhat frequently	4.8% cd	7.3%	17.6% aE	17.0% aE	5.1% CD	9.7%
Rarely	38.1%	41.8%	43.1%	34.0%	40.2%	38.9%
Never	57.1% cD	49.1% d	35.3% ae	29.8% AbE	53.8% cD	45.9%
Not sure	0.0%	0.0%	2.0%	2.1%	0.0%	0.7%

Table Source: ETC Institute

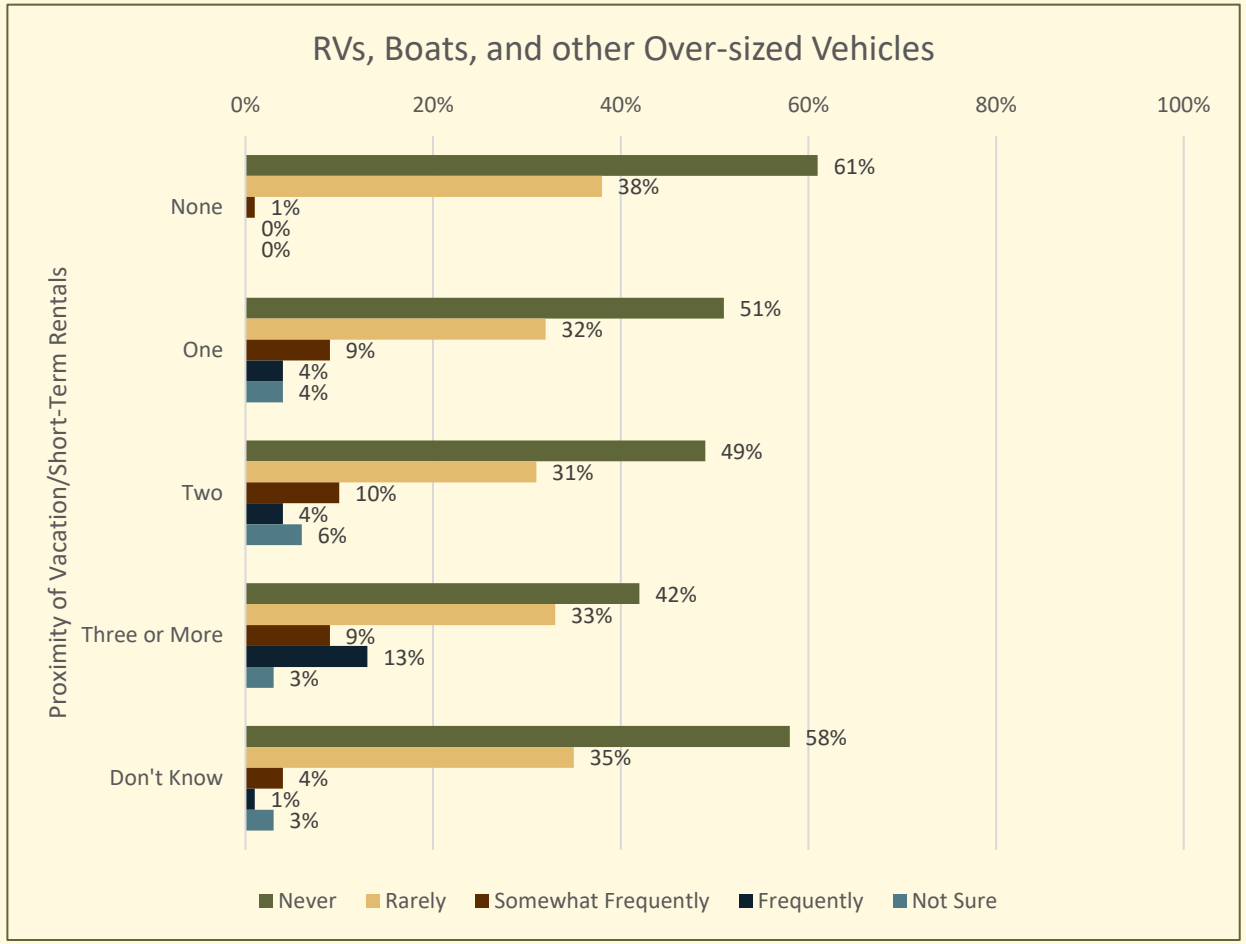
Neighborhood Quality of Life Survey

Observed Issues within Your Neighborhood

Single-Family Neighborhood Respondents

Survey Findings:

- 22% of respondents who chose three or more vacation/short-term rentals within their proximity reported observing the issue of over-sized vehicles **AT LEAST** *somewhat frequently,* as compared to 1% for those reporting no vacation/short-term rentals.
- Four of the five short-term rental categories received approximately 50% or more responses of *never* to the observed issue of over-sized vehicles. **The one exception: respondents reporting three or more vacation/short-term rentals at 42%.**
- As the number of observed vacation/short-term rentals within proximity increases from none to three or more, reported frequency percentages generally shift from *never* to *somewhat frequently* and *frequently.*



Neighborhood Quality of Life Survey

Cross-Tabular Results

RVs, Boats, and Other Over-sized Vehicles

Survey Findings:

- Of respondents choosing *frequently*, there is a **99% probability** that there is an actual difference between those that chose no vacation/short-term rentals in proximity compared to those with three or more within their proximity (0%; 11.7%).
- Of respondents choosing *somewhat frequently*, there is a **95% probability** that there is an actual difference between those that chose no vacation/short-term rentals in proximity compared to those with one or more within their proximity (1.2%; >/=7.4%).

Q5. How frequently have you observed the following in your neighborhood?

N=401	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q5-3. RVs, boats, & other over-sized vehicles						
Frequently	0.0% D	3.6%	3.9%	11.7% AE	0.9% D	4.0%
Somewhat frequently	1.2% bcd	9.1% a	9.8% a	7.4% a	3.4%	5.5%
Rarely	36.9%	30.9%	29.4%	34.0%	34.2%	33.7%
Never	61.9% d	52.7%	51.0%	44.7% ae	59.0% d	54.4%
Not sure	0.0% c	3.6%	5.9% a	2.1%	2.6%	2.5%

Table Source: ETC Institute

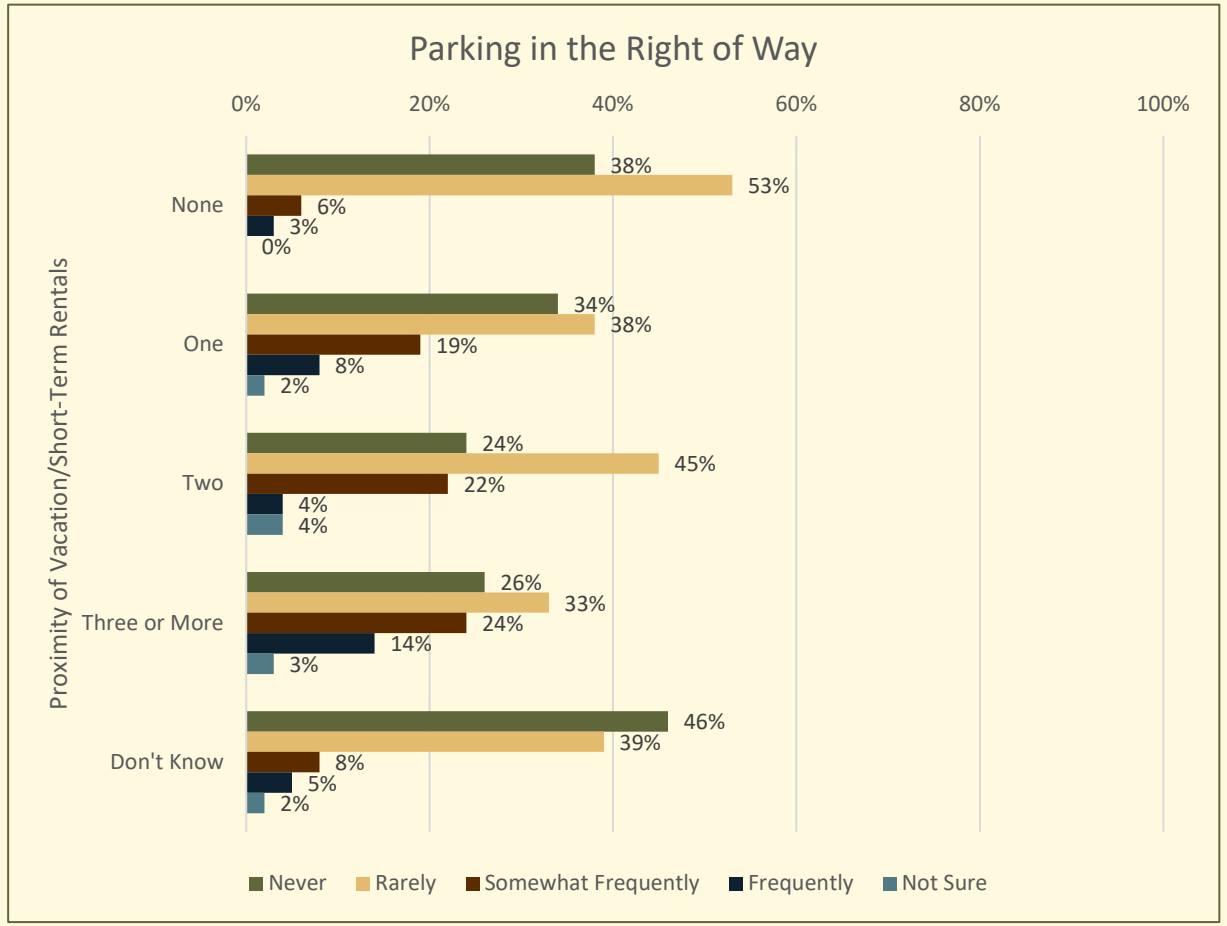
Neighborhood Quality of Life Survey

Observed Issues within Your Neighborhood

Single-Family Neighborhood Respondents

Survey Findings:

- A majority of respondents in all categories reported *never* or *rarely* observing an issue with parking in the right of way.
- 9% of respondents who identified no vacation/short-term rentals selected **AT LEAST** *somewhat frequently* for parking in the right of way, **significantly lower** compared to 21% for one rental, 26% for two rentals, and 38% for three or more rentals.
- Reported problems with parking in the right of way were **significantly more frequent** for respondents who reported at least one vacation/short-term rental in proximity to their home than those who reported none.
- Reported problems with parking in the right of way were less substantial when comparing between respondents who reported one, two, or three or more vacation/short-term rentals.



Neighborhood Quality of Life Survey

Cross-Tabular Results

Parking in the ROW or Excessive Vehicles

Survey Findings:

- Of respondents choosing *frequently*, there is a **99% probability** that there is an actual difference between those that chose no vacation/short-term rentals in proximity compared to those with three or more within their proximity (2.4%; 13.8%).
- Of respondents choosing *somewhat frequently*, there is a **99% probability** that there is an actual difference between those that chose no vacation/short-term rentals in proximity compared to those with two or more within their proximity (6%; >/=21.6%).

Q5. How frequently have you observed the following in your neighborhood?

N=401	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q5-4. Parking in the right-of-way or excessive vehicles						
Frequently	2.4% D	7.3%	3.9%	13.8% A	6.0%	7.0%
Somewhat frequently	6.0% bCD	18.2% a	21.6% Ae	22.3% AE	8.5% cD	14.2%
Rarely	53.6% De	40.0%	47.1%	31.9% A	38.5% a	41.4%
Never	38.1%	32.7%	23.5% E	29.8% e	45.3% Cd	35.7%
Not sure	0.0%	1.8%	3.9%	2.1%	1.7%	1.7%

Table Source: ETC Institute

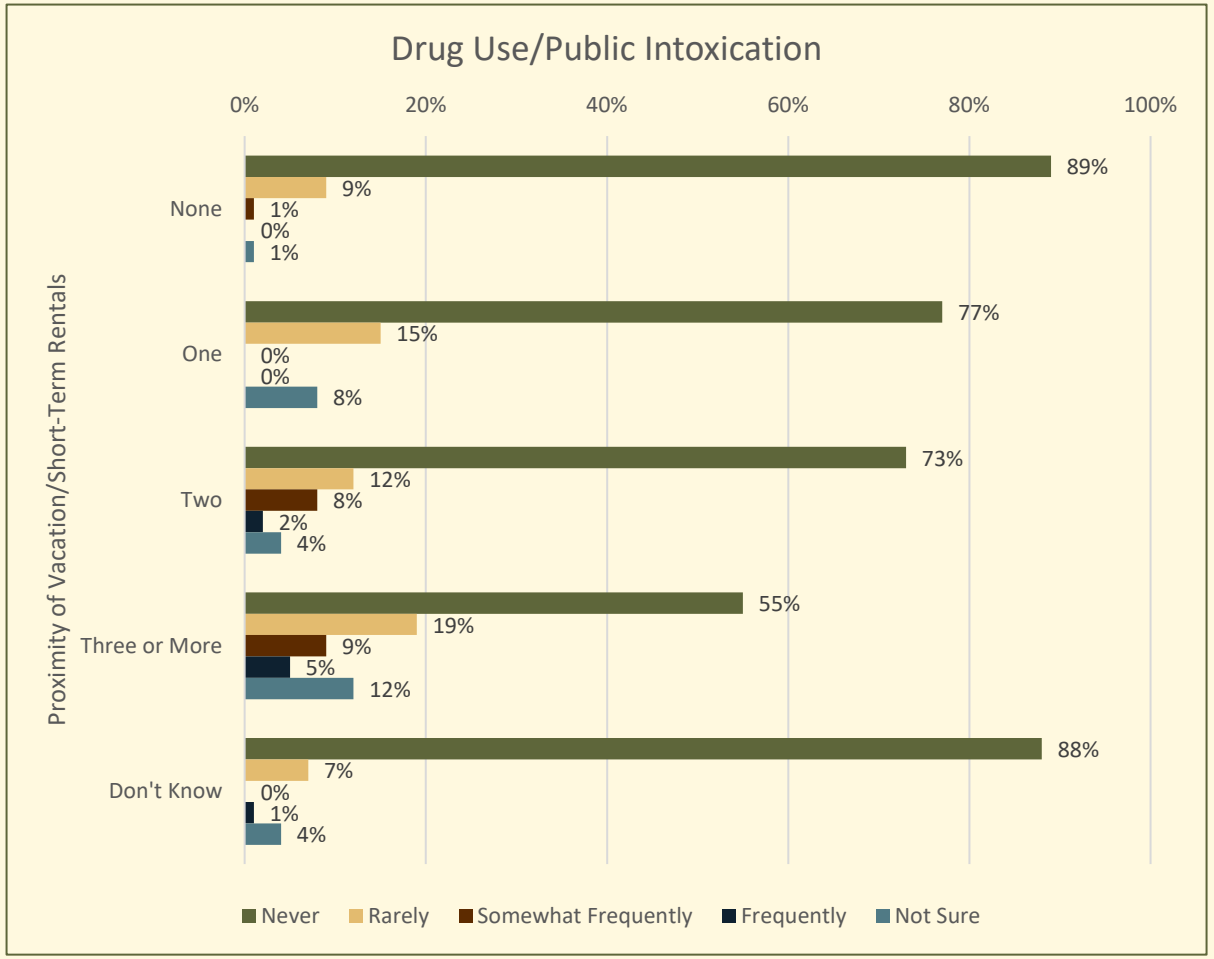
Neighborhood Quality of Life Survey

Observed Issues within Your Neighborhood

Single-Family Neighborhood Respondents

Survey Findings:

- Reported observed issues with drug use and public intoxication were nearly non-existent for respondents who reported no vacation/short-term rentals in proximity to their home: 89% reported *never*, 9% reported *rarely*.
- Reported problems were more frequent for respondents who report two or three or more vacation/short-term rentals in proximity to their home, compared to those reporting none:
  - None – 1% *somewhat frequent* or *frequent*
  - Two – 10% *somewhat frequent* or *frequent*
  - Three of more – 14% *somewhat frequent* or *frequent*



Neighborhood Quality of Life Survey

Cross-Tabular Results

Drug Use, Public Intoxication

Survey Findings:

- Of respondents choosing *somewhat frequently*, there is a **99% probability** that there is an actual difference between those that chose no vacation/short-term rentals in proximity compared to those with three or more within their proximity (1.2%; 10.6%).
- Of respondents choosing *frequently*, there is a **95% probability** that there is an actual difference between those that chose no vacation/short-term rentals in proximity compared to those with three or more within their proximity (0%; 5.3%).

Q5. How frequently have you observed the following in your neighborhood?

N=401	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q5-5. Drug use, public intoxication						
Frequently	0.0% d	0.0%	2.0%	5.3% a	0.9%	1.7%
Somewhat frequently	1.2% cD	0.0% cd	7.8% abE	10.6% AbE	0.0% CD	3.7%
Rarely	8.3% d	14.5%	11.8%	19.1% aE	6.8% D	11.7%
Never	89.3% bcD	76.4% ad	74.5% ade	55.3% AbcE	88.0% cD	77.3%
Not sure	1.2% bd	9.1% a	3.9%	9.6% a	4.3%	5.5%

Table Source: ETC Institute

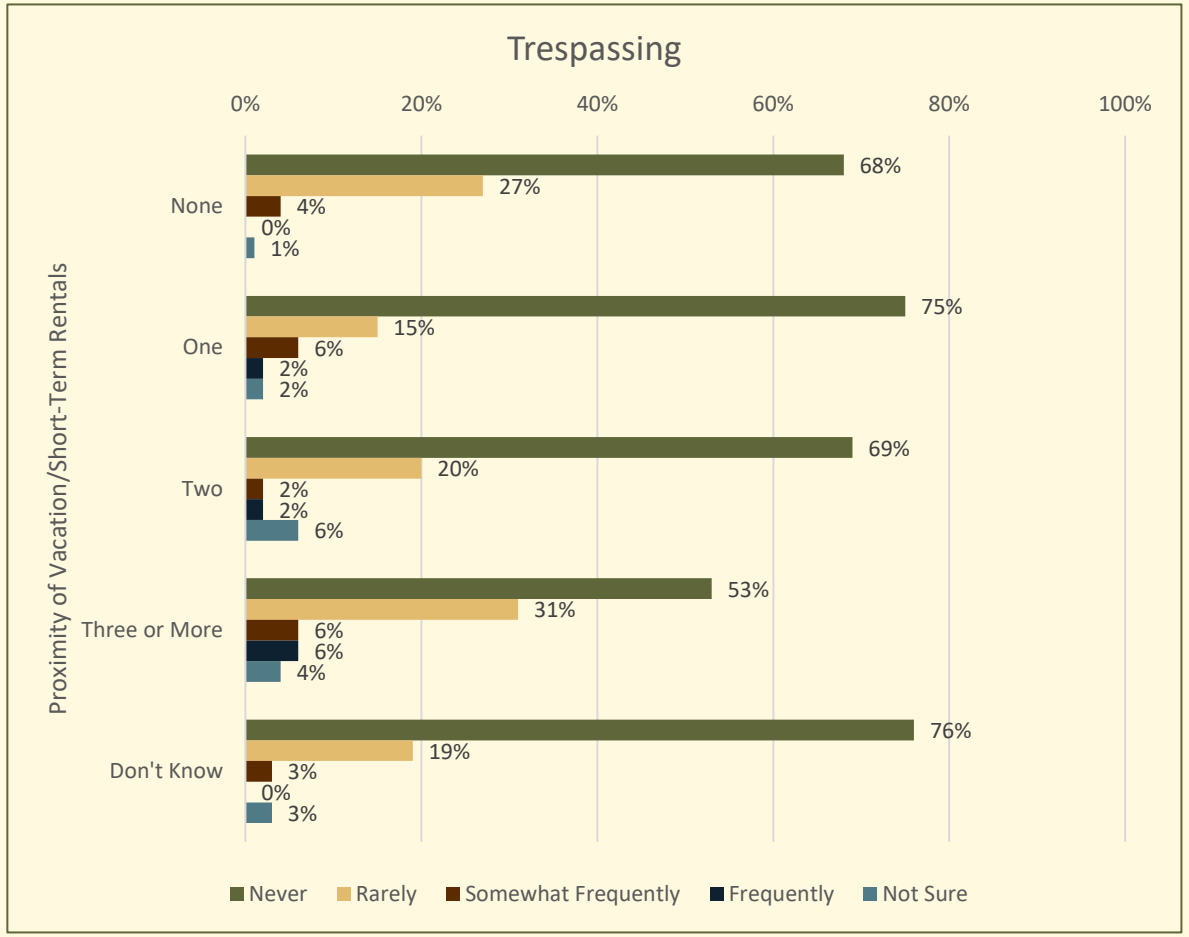
Neighborhood Quality of Life Survey

Observed Issues within Your Neighborhood

Single-Family Neighborhood Respondents

Survey Findings:

- Overall, trespassing was less of an observable issue compared to the previous problems.
- Over 80% of all single-family neighborhood respondents stated they never or rarely observed trespassing.
- 12% of single-family neighborhood respondents who identified three or more vacation/short-term rental properties within proximity of their property stated they observed trespassing somewhat frequently (6%) or frequently (6%), the highest percentage across vacation/short-term rental categories.
- Observed trespassing responses generally migrate from *never* to *rarely* as the number of identified vacation/short-term rentals increases.



Neighborhood Quality of Life Survey

Cross-Tabular Results

Trespassing

Survey Findings:

- Of respondents choosing *frequently*, there is a **95% probability** that there is an actual difference between those that chose no vacation/short-term rentals in proximity compared to those with three or more within their proximity (0%; 5.3%).

Q5. How frequently have you observed the following in your neighborhood?

N=401	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q5-6. Trespassing						
Frequently	0.0% d	1.8%	2.0%	5.3% ae	0.0% d	1.7%
Somewhat frequently	3.6%	5.5%	2.0%	6.4%	2.6%	4.0%
Rarely	28.6%	14.5% d	19.6%	30.9% b	19.7%	23.4%
Never	66.7%	76.4% D	70.6%	54.3% BE	75.2% D	68.1%
Not sure	1.2%	1.8%	5.9%	3.2%	2.6%	2.7%

Table Source: ETC Institute

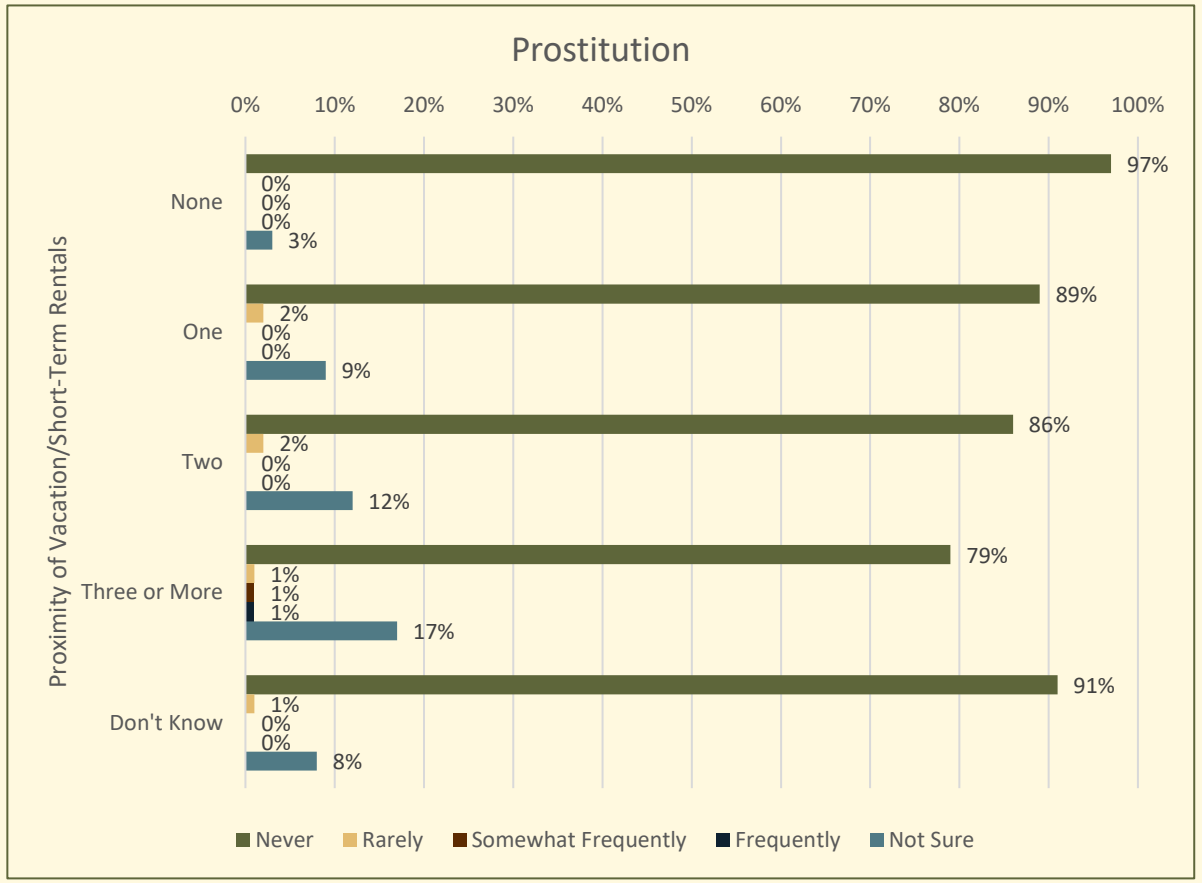
Neighborhood Quality of Life Survey

Observed Issues within Your Neighborhood

Single-Family Neighborhood Respondents

Survey Findings:

- Prostitution was not identified to be a **significant** problem, regardless of the proximity of vacation/short-term rentals.



Neighborhood Quality of Life Survey

Cross-Tabular Results

Prostitution

Survey Findings:

- Statistically significant differences were seen only in responses of *never* or *not sure*.

Q5. How frequently have you observed the following in your neighborhood?

N=401	Q7. How many vacation rentals or short-term rental properties are within a two-minute walk of your front door					Total
	None A	One B	Two C	Three or more D	Don't know E	A
Q5-7. Prostitution						
Frequently	0.0%	0.0%	0.0%	1.1%	0.0%	0.2%
Somewhat frequently	0.0%	0.0%	0.0%	1.1%	0.0%	0.2%
Rarely	0.0%	1.8%	2.0%	2.1%	0.9%	1.2%
Never	97.6% bcD	87.3% a	86.3% a	79.8% Ae	91.5% d	88.8%
Not sure	2.4% bcD	10.9% a	11.8% a	16.0% A	7.7%	9.5%

Table Source: ETC Institute

Neighborhood Quality of Life Survey

Questions and Comments

ORDINANCE #22-15

AN ORDINANCE AMENDING THE VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE TO ADDRESS SHORT TERM RENTALS, HOMESTAYS AND PERMIT REVOCATION

WHEREAS, Section 160A-174 of the North Carolina General Statutes empowers local government to, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to health, safety or welfare of its citizens and the peace and dignity of community, and may define and abate nuisances; and

WHEREAS, Section 160D-701 of the North Carolina General Statutes provides: "Zoning regulation shall be made [by local governments] in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction; and

WHEREAS, the Village of Pinehurst finds that the growth of the tourism industry in North Carolina has led to a greatly expanded market of privately owned residences that are rented to tourists for vacations, leisure, and recreational purposes. Use of properties for short term rental located in single family neighborhoods is conducted by the owners of these residences or licensed real estate brokers acting on their behalf located present unique situations not normally found in the rental of primary residences for long terms, and therefore make it necessary for the Village Council, through its grant of zoning authority by G.S. 160D-701 to encourage the most appropriate use of land within the Village and to regulate the competing interests of landlords of short term rentals and residents owning property and living long term and/or full-time in the Village's single family residential zoning districts; and

WHEREAS, pursuant to the foregoing, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance (PDO) on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, Section 1.2 of the PDO states that the regulations contained in the PDO have been adopted in order to accomplish the following goals as related to this proposed Ordinance:

a) Preserve and enhance Pinehurst's residential neighborhoods while addressing the housing needs of current and future residents; and
b) Promote the health, wellness, and safety of Pinehurst's residents; and

WHEREAS, on October 22, 2019 the Village Council adopted the 2019 Comprehensive Plan that included seven (7) guiding principles to help preserve and enhance the high quality of life in the Village; and

WHEREAS, Implementation Strategy 3.9 states that the Village should "continue to monitor the legislative authority of the Village to regulate short term rentals and evaluate options to address the impacts of short term rentals on single-family neighborhoods."; and

WHEREAS, a "short term rental" (STR) is a transient lodging use of a residential dwelling unit whereby the dwelling unit is rented for a period of less than thirty (30) days for financial or other consideration and is not currently defined by the PDO as a separate land use; and

WHEREAS, an STR as an undefined land use does not currently have adopted regulatory development and use standards similar in nature to how other transient land uses are regulated within the Village, including into which zoning districts such land uses may be permitted through placement on the Table 8.51a Table of Permitted and Special Uses and Special Requirements and whether any Special Requirements apply to the land use; and

WHEREAS, the use of dwelling units for short term rental land use has increased significantly within the Village according to data provided by Host Compliance (a short term rental monitoring company) that showed a 21% growth of listings from 2021 to 2022; and

WHEREAS, approximately 43% of short term rental units are located within areas planned and zoned for single family use; and

WHEREAS, the growth and concentration of short term rental land uses within areas zoned for single family use disrupt and adversely affect the residential fabric of the neighborhood by replacing more permanent residents with transient users that do not have the same sense of attachment and affiliation to the neighborhood than do longer term residents; and

WHEREAS, continued unregulated growth of transient lodging short term rental uses within single family residential neighborhoods threatens to alter and diminish the long term residential character of these neighborhoods; and

WHEREAS, the areas zoned for single family land use (R-5, R-10, R-15, R-20, R-30, and R-210) are primarily comprised of single family uses. The lower density residential development and full-time residents of these neighborhoods contribute to their economic stability and neighborhood character. Restricting short term rentals maintains and promotes housing opportunities for full-time residents, reduces nuisances to full-time residents, and preserves the overall neighborhood character of single family residential districts; and

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WHEREAS, short term rentals are more appropriate in Village Commercial (VC) and Village Mixed Use (VMU) zoning districts that are closer to the Village's center that provide greater guest amenities to transitory tourists/visitors such as shopping and restaurants; and

WHEREAS, areas zoned multiple family (R-MF) traditionally have had more transient populations, and historically have been the location for short term rental properties and second homes (e.g. Diamondhead condominium developments), and their location in areas zoned for multiple family use (R-MF) are therefore more appropriate for short term rental use; and

WHEREAS, on September 1, 2022 the Pinehurst Planning and Zoning Board held a public hearing and received public comments on the proposed amendments; and

WHEREAS, on September 6, 2022 the Pinehurst Planning and Zoning Board recommended the Village Council amend Sections 4 and 10.2 of the Pinehurst Development Ordinance as drafted; and

WHEREAS, on September 6, 2022 the Pinehurst Planning and Zoning Board recommended the Village Council amend Sections 8.5 and 8.6 of the Pinehurst Development Ordinance with the following revisions:

Section 8.5 Table of Permitted and Special Uses and Special Requirements

- Add all residential districts, NC, OP, VCP, and VR as permitted by right with "SR"

Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements

- Item 4: Add "and one fully operational fire extinguisher."
- Item 12: Capitalize "Special Events" and remove "large gatherings"
- Item 13 E: Modify first sentence to "verified violation is a determination made by a code enforcement officer or a judge. Following such determination, notice of violation shall be issued by the Village."
- Item 16: To read "Contact information and these special requirements shall be conspicuously posted or otherwise made available to tenants."

WHEREAS, the Pinehurst Planning and Zoning Board adopted a statement that the proposed amendments, as recommended by the Planning and Zoning Board, are consistent with the 2019 Comprehensive Plan; and

WHEREAS, a public hearing was held on September 27, 2022, in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance and the recommendations made by the advisory Pinehurst Planning and Zoning Board, at which time all interested citizens, residents and property owners in the Village

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of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to the contents of any proposed text amendments to be made by the Village Council; and

WHEREAS, Section 6 of the PDO and Article 6 of North Carolina General Statute Chapter 160D, zoning ordinances or development regulations may be adopted, amended or repealed. The purpose of initiating changes to the text of the zoning ordinances are to make adjustments to the text of the development regulations 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 and are in furtherance of Section 1.2 of the PDO; and

WHEREAS, the use of properties for short term rentals located in single family neighborhoods present unique situations not normally found in the rental of primary residences for long terms, and therefore make it necessary for the Village Council to amend the PDO to regulate short term rental use of land within the Village and its extraterritorial jurisdiction; and

WHEREAS, the Village Council, after carefully considering all of the facts and circumstances surrounding the proposed amendments to the text of the Pinehurst Development Ordinance, have determined that it is reasonable and is in the best interest of the Village of Pinehurst and its extraterritorial jurisdiction, and that it is consistent with the 2019 Comprehensive Plan, and that the Pinehurst Development Ordinance be further amended, making the amendments set forth in this Ordinance; and

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 27th day of September 27, 2022, make the following amendments to the Pinehurst Development Ordinance:

SECTION 1. The Village of Pinehurst Development Ordinance Chapters and Sections is amended as follows.

4.2.12 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.

Terms under which a development permit may be revoked include:

(A) Any substantial departure from the approved application, plans, or specifications; or

(B) 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; or

(C) False statements or misrepresentations made in securing the approval; or

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

Revocation of a development permit by the Village Planner may be appealed as provided in Chapter 5 and pursuant to G.S. 160D-405.

8.5.1a Table of Permitted and Special Uses and Special Requirements

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

X Permitted by Right

SU Special Use Permit

SR Special Requirement

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Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements

Principal Uses

SR-9 Banks, Credit Unions, Financial Services, Professional Services (to be recodified as SR-21 below)

SR-21 Banks, Credit Unions, Financial Services, Professional Services

SR-9 Short Term Rental

1) Development Permit is required for establishment of all new short term rental units after the effective date of this ordinance. Development Permits are non-transferable when a property is sold or transferred. Nonconforming short term rental units shall be regulated by subsections 14 and 15 below.
2) Maximum occupancy per unit is based on two (2) adult guests per bedroom.
3) A minimum of one (1) parking space shall be provided per bedroom on approved surfaces and locations per the applicable parking regulations of this Ordinance.
4) A minimum of one (1) smoke detector shall be provided per bedroom.
5) A minimum one (1) carbon monoxide detector shall be provided per level or floor of the dwelling unit.
6) Bedrooms and other habitable rooms shall meet the minimum light and ventilation requirements of Section 153.18 of the Pinehurst Municipal Code.
7) Bedrooms shall meet the minimum size requirements of Section 153.19 of the Pinehurst Municipal Code.
8) 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.
9) 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.
10) 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.

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11) Accessory Dwelling Units may be permitted for short term rental where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements.

12) In residential zoning districts, short term rental units shall not be used for special events or large gatherings.

13) Revocation. If it is determined that more than 3 verified violations occur within a 365 day period the development permit may be revoked for a period of 365 days after which a new permit may be issued. For purposes of this Section any three or more verified violations of any combination of the following occurring at the short term rental premises shall apply:

    a. Any Pinehurst Development Ordinance regulation as adopted as Chapter 152 of the Pinehurst Municipal Code; or

    b. Section 92.16 of the Pinehurst Municipal Code Regulating Unreasonably Loud, Disturbing Sound Levels; or

    c. Section 92.17 of the Pinehurst Municipal Code Regulating Unruly Gatherings

    d. Chapter 153 of the Pinehurst Municipal Code Establishing Minimum Housing Standards.

    e. A verified violation is a determination made by a code enforcement official, law enforcement officer, or a judge, following notice of a violation being issued by the Village. Noticed violations of the Pinehurst Development Ordinance may be appealed as provided in Chapter 5 of this Ordinance pursuant to G.S. 160D-405.

14) Compliance Period; Existing Nonconforming Short Term Rental Units Permitted By Right

    a. Owners of existing short term rental units where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements owners shall apply for a development permit and come into full compliance with SR-9 no later than January 1, 2024 or cease operation as a short term rental on that date. For purposes of this Section a non-conforming short term rental unit is a dwelling unit used for short term rental purposes and is located in a General Use Zoning District where it is identified as being Permitted by Right in Table 8.5.1a and does not have a Development Permit approved for use as a Short Term Rental Unit as of the effective date of this ordinance.

15) Amortization Period; Existing Short Term Rental Units Not Permitted by Right

    a. Owners of existing short term rental units where not Permitted by Right in Table 8.5.1a are prohibited and shall cease operation as a short term rental by October 1, 2025. For purposes of this Section a short term rental unit not permitted by right is a dwelling unit used for short term rental purposes where it is not identified as being Permitted by Right in Table 8.5.1a.

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Section 10.2 Definitions

Short Term Rental: a whole house lodging occupancy where a dwelling unit is 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 for a cumulative total of more than 14 days in any calendar year. Short term rentals do not include other lodging uses as identified on Table 8.5.1a of the Table of Permitted and Special Uses and Special Requirements.

Homestay is a 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.

SECTION 2. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance

SECTION 3. Severability: Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall affect the validity of any ordinance as a whole or any part thereof which is not specifically declared to be invalid. If any court of competent jurisdiction invalidates the application of any provision of this ordinance, then such judgement shall not affect the remaining portions not specifically included in that judgment.

SECTION 4. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

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VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DISCUSS AND CONSIDER ORDINANCE #22-15 AMENDING THE PINEHURST DEVELOPMENT ORDINANCE

ADDITIONAL AGENDA DETAILS:

FROM:
Darryn Burich & Alex Cameron

CC:
Jeff Sanborn

DATE OF MEMO:
9/21/2022

MEMO DETAILS:
The purpose of this agenda item is to consider Ordinance #22-15 which would amend the Pinehurst Development Ordinance to address permit revocation, short term rentals and homestays.

The ordinance language attached represents the Council recommendation sent to the Planning and Zoning Board. Recommendations from the Planning and Zoning Board may be incorporated in full or in part dependent on Council deliberations.

For additional material related to this agenda item, please see the Public Hearing agenda item.

ATTACHMENTS:

	Description
🗋	Draft Ordinance #22-15

ORDINANCE #22-15

AN ORDINANCE AMENDING THE VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE TO ADDRESS SHORT TERM RENTALS, HOMESTAYS AND PERMIT REVOCATION

WHEREAS, Section 160A-174 of the North Carolina General Statutes empowers local government to, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to health, safety or welfare of its citizens and the peace and dignity of community, and may define and abate nuisances; and

WHEREAS, Section 160D-701 of the North Carolina General Statutes provides: "Zoning regulation shall be made [by local governments] in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction; and

WHEREAS, the Village of Pinehurst finds that the growth of the tourism industry in North Carolina has led to a greatly expanded market of privately owned residences that are rented to tourists for vacations, leisure, and recreational purposes. Use of properties for short term rental located in single family neighborhoods is conducted by the owners of these residences or licensed real estate brokers acting on their behalf located present unique situations not normally found in the rental of primary residences for long terms, and therefore make it necessary for the Village Council, through its grant of zoning authority by G.S. 160D-701 to encourage the most appropriate use of land within the Village and to regulate the competing interests of landlords of short term rentals and residents owning property and living long term and/or full-time in the Village's single family residential zoning districts; and

WHEREAS, pursuant to the foregoing, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance (PDO) on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, Section 1.2 of the PDO states that the regulations contained in the PDO have been adopted in order to accomplish the following goals as related to this proposed Ordinance:

a) Preserve and enhance Pinehurst's residential neighborhoods while addressing the housing needs of current and future residents; and
b) Promote the health, wellness, and safety of Pinehurst's residents; and

WHEREAS, on October 22, 2019 the Village Council adopted the 2019 Comprehensive Plan that included seven (7) guiding principles to help preserve and enhance the high quality of life in the Village; and

WHEREAS, Implementation Strategy 3.9 states that the Village should "continue to monitor the legislative authority of the Village to regulate short term rentals and evaluate options to address the impacts of short term rentals on single-family neighborhoods."; and

WHEREAS, a "short term rental" (STR) is a transient lodging use of a residential dwelling unit whereby the dwelling unit is rented for a period of less than thirty (30) days for financial or other consideration and is not currently defined by the PDO as a separate land use; and

WHEREAS, an STR as an undefined land use does not currently have adopted regulatory development and use standards similar in nature to how other transient land uses are regulated within the Village, including into which zoning districts such land uses may be permitted through placement on the Table 8.51a Table of Permitted and Special Uses and Special Requirements and whether any Special Requirements apply to the land use; and

WHEREAS, the use of dwelling units for short term rental land use has increased significantly within the Village according to data provided by Host Compliance (a short term rental monitoring company) that showed a 21% growth of listings from 2021 to 2022; and

WHEREAS, approximately 43% of short term rental units are located within areas planned and zoned for single family use; and

WHEREAS, the growth and concentration of short term rental land uses within areas zoned for single family use disrupt and adversely affect the residential fabric of the neighborhood by replacing more permanent residents with transient users that do not have the same sense of attachment and affiliation to the neighborhood than do longer term residents; and

WHEREAS, continued unregulated growth of transient lodging short term rental uses within single family residential neighborhoods threatens to alter and diminish the long term residential character of these neighborhoods; and

WHEREAS, the areas zoned for single family land use (R-5, R-10, R-15, R-20, R-30, and R-210) are primarily comprised of single family uses. The lower density residential development and full-time residents of these neighborhoods contribute to their economic stability and neighborhood character. Restricting short term rentals maintains and promotes housing opportunities for full-time residents, reduces nuisances to full-time residents, and preserves the overall neighborhood character of single family residential districts; and

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WHEREAS, short term rentals are more appropriate in Village Commercial (VC) and Village Mixed Use (VMU) zoning districts that are closer to the Village's center that provide greater guest amenities to transitory tourists/visitors such as shopping and restaurants; and

WHEREAS, areas zoned multiple family (R-MF) traditionally have had more transient populations, and historically have been the location for short term rental properties and second homes (e.g. Diamondhead condominium developments), and their location in areas zoned for multiple family use (R-MF) are therefore more appropriate for short term rental use; and

WHEREAS, on September 1, 2022 the Pinehurst Planning and Zoning Board held a public hearing and received public comments on the proposed amendments; and

WHEREAS, on September 6, 2022 the Pinehurst Planning and Zoning Board recommended the Village Council amend Sections 4 and 10.2 of the Pinehurst Development Ordinance as drafted; and

WHEREAS, on September 6, 2022 the Pinehurst Planning and Zoning Board recommended the Village Council amend Sections 8.5 and 8.6 of the Pinehurst Development Ordinance with the following revisions:

Section 8.5 Table of Permitted and Special Uses and Special Requirements

- Add all residential districts, NC, OP, VCP, and VR as permitted by right with "SR"

Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements

- Item 4: Add "and one fully operational fire extinguisher."
- Item 12: Capitalize "Special Events" and remove "large gatherings"
- Item 13 E: Modify first sentence to "verified violation is a determination made by a code enforcement officer or a judge. Following such determination, notice of violation shall be issued by the Village."
- Item 16: To read "Contact information and these special requirements shall be conspicuously posted or otherwise made available to tenants."

WHEREAS, the Pinehurst Planning and Zoning Board adopted a statement that the proposed amendments, as recommended by the Planning and Zoning Board, are consistent with the 2019 Comprehensive Plan; and

WHEREAS, a public hearing was held on September 27, 2022, in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed amendments to the Pinehurst Development Ordinance and the recommendations made by the advisory Pinehurst Planning and Zoning Board, at which time all interested citizens, residents and property owners in the Village

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of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to the contents of any proposed text amendments to be made by the Village Council; and

WHEREAS, Section 6 of the PDO and Article 6 of North Carolina General Statute Chapter 160D, zoning ordinances or development regulations may be adopted, amended or repealed. The purpose of initiating changes to the text of the zoning ordinances are to make adjustments to the text of the development regulations 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 and are in furtherance of Section 1.2 of the PDO; and

WHEREAS, the use of properties for short term rentals located in single family neighborhoods present unique situations not normally found in the rental of primary residences for long terms, and therefore make it necessary for the Village Council to amend the PDO to regulate short term rental use of land within the Village and its extraterritorial jurisdiction; and

WHEREAS, the Village Council, after carefully considering all of the facts and circumstances surrounding the proposed amendments to the text of the Pinehurst Development Ordinance, have determined that it is reasonable and is in the best interest of the Village of Pinehurst and its extraterritorial jurisdiction, and that it is consistent with the 2019 Comprehensive Plan, and that the Pinehurst Development Ordinance be further amended, making the amendments set forth in this Ordinance; and

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 27th day of September 27, 2022, make the following amendments to the Pinehurst Development Ordinance:

SECTION 1. The Village of Pinehurst Development Ordinance Chapters and Sections is amended as follows.

4.2.12 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.

Terms under which a development permit may be revoked include:

(A) Any substantial departure from the approved application, plans, or specifications; or

(B) 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; or

(C) False statements or misrepresentations made in securing the approval; or

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

Revocation of a development permit by the Village Planner may be appealed as provided in Chapter 5 and pursuant to G.S. 160D-405.

8.5.1a Table of Permitted and Special Uses and Special Requirements

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

X Permitted by Right

SU Special Use Permit

SR Special Requirement

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Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements

Principal Uses

SR-9 Banks, Credit Unions, Financial Services, Professional Services (to be recodified as SR-21 below)

SR-21 Banks, Credit Unions, Financial Services, Professional Services

SR-9 Short Term Rental

1) Development Permit is required for establishment of all new short term rental units after the effective date of this ordinance. Development Permits are non-transferable when a property is sold or transferred. Nonconforming short term rental units shall be regulated by subsections 14 and 15 below.
2) Maximum occupancy per unit is based on two (2) adult guests per bedroom.
3) A minimum of one (1) parking space shall be provided per bedroom on approved surfaces and locations per the applicable parking regulations of this Ordinance.
4) A minimum of one (1) smoke detector shall be provided per bedroom.
5) A minimum one (1) carbon monoxide detector shall be provided per level or floor of the dwelling unit.
6) Bedrooms and other habitable rooms shall meet the minimum light and ventilation requirements of Section 153.18 of the Pinehurst Municipal Code.
7) Bedrooms shall meet the minimum size requirements of Section 153.19 of the Pinehurst Municipal Code.
8) 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.
9) 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.
10) 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.

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11) Accessory Dwelling Units may be permitted for short term rental where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements.

12) In residential zoning districts, short term rental units shall not be used for special events or large gatherings.

13) Revocation. If it is determined that more than 3 verified violations occur within a 365 day period the development permit may be revoked for a period of 365 days after which a new permit may be issued. For purposes of this Section any three or more verified violations of any combination of the following occurring at the short term rental premises shall apply:

    a. Any Pinehurst Development Ordinance regulation as adopted as Chapter 152 of the Pinehurst Municipal Code; or

    b. Section 92.16 of the Pinehurst Municipal Code Regulating Unreasonably Loud, Disturbing Sound Levels; or

    c. Section 92.17 of the Pinehurst Municipal Code Regulating Unruly Gatherings

    d. Chapter 153 of the Pinehurst Municipal Code Establishing Minimum Housing Standards.

    e. A verified violation is a determination made by a code enforcement official, law enforcement officer, or a judge, following notice of a violation being issued by the Village. Noticed violations of the Pinehurst Development Ordinance may be appealed as provided in Chapter 5 of this Ordinance pursuant to G.S. 160D-405.

14) Compliance Period; Existing Nonconforming Short Term Rental Units Permitted By Right

    a. Owners of existing short term rental units where Permitted by Right in Table 8.5.1a Table of Permitted and Special Uses and Special Requirements owners shall apply for a development permit and come into full compliance with SR-9 no later than January 1, 2024 or cease operation as a short term rental on that date. For purposes of this Section a non-conforming short term rental unit is a dwelling unit used for short term rental purposes and is located in a General Use Zoning District where it is identified as being Permitted by Right in Table 8.5.1a and does not have a Development Permit approved for use as a Short Term Rental Unit as of the effective date of this ordinance.

15) Amortization Period; Existing Short Term Rental Units Not Permitted by Right

    a. Owners of existing short term rental units where not Permitted by Right in Table 8.5.1a are prohibited and shall cease operation as a short term rental by October 1, 2025. For purposes of this Section a short term rental unit not permitted by right is a dwelling unit used for short term rental purposes where it is not identified as being Permitted by Right in Table 8.5.1a.

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Section 10.2 Definitions

Short Term Rental: a whole house lodging occupancy where a dwelling unit is 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 for a cumulative total of more than 14 days in any calendar year. Short term rentals do not include other lodging uses as identified on Table 8.5.1a of the Table of Permitted and Special Uses and Special Requirements.

Homestay is a 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.

SECTION 2. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance

SECTION 3. Severability: Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall affect the validity of any ordinance as a whole or any part thereof which is not specifically declared to be invalid. If any court of competent jurisdiction invalidates the application of any provision of this ordinance, then such judgement shall not affect the remaining portions not specifically included in that judgment.

SECTION 4. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

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VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DISCUSS AND CONSIDER A RESOLUTION AUTHORIZING THE SALE OF SURPLUS CAPITAL ASSETS.

ADDITIONAL AGENDA DETAILS:

FROM:
Brooke Hunter

CC:
Jeff Sanborn & Doug Willardson

DATE OF MEMO:
9/20/2022

MEMO DETAILS:
Village Ordinance #17-02 authorizes the Village Manager to sell surplus assets with an estimated market value of less than $10,000. The item listed on the attached resolution could potentially bring over $10,000 at auction. This item is a 2002 KME Predator fire engine.

We are requesting that the Council adopt the attached resolution authorizing the sale of the listed asset. This item will be listed on the Village's GovDeals electronic auction website.

Thank you for your consideration. Please let me know if you have any questions.

ATTACHMENTS:

	Description
🗋	Resolution 22-23 - Authorizing Disposal of Surplus Capital Assets
🗋	Ordinance 17-02 Authorizing Disposal of Assets Less than $10,000

RESOLUTION #22-23:

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO DISPOSE OF CERTAIN SURPLUS CAPITAL ASSETS.

THAT WHEREAS, Village Ordinance #17-02 authorizes the Village Manager to sell surplus assets with an estimated market value of less than $10,000; and

WHEREAS, the Village desires to dispose of the following asset that may exceed an estimated value of $10,000:

2002 KME Predator Fire Engine VIN #: 1K9AF42892N058392; and

WHEREAS, pursuant to North Carolina General Statutes 160A-266(a), the Village Manager may dispose of the personal property, as approved by the governing body, subject to certain limitations, by any of the following methods:

Private negotiation and sale,
Advertisement for sealed bids,
Negotiated offer, advertisement, and upset bid,
Public auction (including electronic auction), or
Exchange; and

WHEREAS, the Village is required to publish the contents of this resolution after its adoption and no sale shall be consummated thereunder until 10 days after its publication;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 27th day of September, 2022 as follows:

SECTION 1. The Village Manager is authorized to sell the surplus capital asset listed above using any of the means approved by NCGS 160A-266(a).

SECTION 2. Copies of this resolution shall be furnished to the Village Clerk, Village Manager, and Financial Services Director for their direction and implementation.

THIS RESOLUTION passed and adopted this 27th day of September, 2022.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT

ORDINANCE #17-02:

AN ORDINANCE PRESCRIBING PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN $10,000

THAT WHEREAS, the Village of Pinehurst from time to time has personal property which is no longer needed or required; and

WHEREAS, North Carolina General Statute 160A-266 authorizes Village Council to adopt procedures for the disposal or exchange of personal property valued at less than $30,000 for any one item or group of items; and

WHEREAS, North Carolina General Statute 160A-270 provides that the Village Council may conduct electronic auctions of the Village's personal property by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services; and

WHEREAS, Village Council desires to adopt procedures for the disposal and exchange of surplus personal property valued at less than $10,000 for any one item or group of items, including but not limited to disposal and exchange by electronic means;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in a regular meeting assembled this 28th day of February, 2017 as follows:

SECTION 1. Property That Can be Disposed of Under this Ordinance. The Village Manager is hereby authorized to declare surplus and dispose of any personal property owned by the Village of Pinehurst when, in his or her judgment, each of the following three criteria are met:

a) the item or group of items to be disposed of has a fair market value of less than ten thousand dollars ($10,000.00);
b) the property is no longer necessary for the conduct of Village business; and,
c) sound property management principles and financial considerations indicate that the interests of the Village of Pinehurst would be best served by disposing of the property.

Personal property that, in the judgment of the Village Manager, meets these three criteria is referred to in this Ordinance as "Surplus Property."

SECTION 2. Methods of Disposition. The Village Manager may dispose of Surplus Property by any means which he or she judges reasonably calculated to secure for the Village the fair market value in money or other consideration and to accomplish the disposal efficiently and economically, including but not limited to the methods of sale provided in Article 12 of North Carolina General Statutes, Chapter 160A-266 and 160A-270. Such sale may be public or private, and with or without notice and minimum waiting period.

SECTION 3. Sale by Electronic Auction. As one of several means of disposing of Surplus Property, the Village Manager is specifically authorized to dispose of Surplus Property by electronic means. The Village Manager is authorized to establish procedures for disposing of Surplus Property by electronic means, and is further authorized to use existing public or private electronic auction services to dispose of Surplus Property. Notwithstanding the requirements of North Carolina General Statute 160A-270, the Village shall not be required to provide advance notice of electronic auctions of such Surplus Property.

SECTION 4. Terms of Disposition. The Surplus Property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Village of Pinehurst if greater value may be obtained in that manner, and the Village Manager is hereby authorized to execute and deliver any applicable title documents necessary or appropriate to consummate such sale. If no offers are received within a reasonable time, the Village Manager may retain the property for the Village, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No Surplus Property may be donated except by resolution of the Village Council.

SECTION 5. Records and Reports. The Village's Financial Services Director shall keep a record of all property sold under the authority of this Ordinance and that record shall describe the property sold or exchanged, to whom it was sold, or with whom it was exchanged, and the amount of money or other consideration received for each sale or exchange.

SECTION 6. Delegation. The Village Manager is authorized to delegate any or all of the authority granted or responsibilities assigned under this Ordinance to the Financial Services Director.

SECTION 7. This Ordinance is adopted pursuant to the provisions of North Carolina General Statutes 160A-266 and 160A-270.

THIS ORDINANCE passed and adopted this 28th day of February, 2017.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

_____
Lauren M. Craig, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

CONSIDER BUDGET AMENDMENT TO UPGRADE TRAFFIC SIGNALS AT TWO INTERSECTIONS ON HWY 15-501 TO DECORATIVE GREEN METAL POSTS AND MAST ARMS.

ADDITIONAL AGENDA DETAILS:

FROM:
Jeff Batton

DATE OF MEMO:
9/20/2022

MEMO DETAILS:
NCDOT has informed the Village that it is pursuing two intersection improvement projects along Hwy 15-501 that are of interest to the Village.
One project is the realignment of Hwy 15-501 and Page Road which includes a new traffic signal. The other is the addition of a southbound right turn lane at Hwy 15-501 and Memorial Dr. which includes a revision to the existing traffic signals. Currently both intersections are designed for standard wood poles and crosswire traffic signals.
The Village has the opportunity to enhance these signals to green metal poles and mast arms by paying the cost difference between the standard signal specifications and the enhanced signal specifications. This enhanced traffic signal specification would be consistent with most of the other traffic signals in the Village. Participating in this would also be consistent with Village practice of taking advantage of the opportunity to enhance traffic signals when DOT is doing major intersection work.
The Village cost-share to upgrade to green metal poles and mast arms is $216,200. This opportunity was unforeseen during FY2023 Strategic Operating Plan preparation and thus is not included in the FY2023 budget.
Staff recommends we pursue the enhanced traffic signals consistent with the Council's goal of "Promote High Quality Development and Appearance."
If Council concurs, a approval of attached budget amendment will be required.
Thanks.

ATTACHMENTS:

	Description
🗋	Ord. #22-16 Budget Amendment

ORDINANCE #22-16:

AN ORDINANCE AMENDING THE ORDINANCE APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2023, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND (DECORATIVE STOPLIGHTS AT TWO KEY INTERSECTIONS ON HWY 15-501)

THAT WHEREAS, on June 14, 2022, the Village Council adopted the Fiscal Year 2023 (FY2023) Strategic Operating Plan appropriating funds for operations of the Village of Pinehurst; and

WHEREAS, the opportunity to cost share with the North Carolina Department of Transportation on upgrading traffic signals from wood poles and cross wires to green decorative metal poles and mast arms for two intersection improvement projects on Hwy 15-501 was an unforeseen opportunity at time of FY2023 budget development and adoption; and

WHEREAS, the Village Council has an adopted goal to "Promote High Quality Development and Appearance"; and

WHEREAS, upgrading traffic signals to green decorative metal poles and mast arms is consistent with both the goal and other traffic signals throughout the Village of Pinehurst; and

WHEREAS, the Village wishes to upgrade the traffic signals by appropriating funds from fund balance to the Community Development capital land account for this project;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 27th day of September 2022, as follows:

SECTION 1. To amend the General Fund with regard to revenues and expenditures, the revenue and expenditure accounts are to be changed as follows:

Account No.	**Account Name**	**Debit**	**Credit**
10-40-720-7100	Capital Outlay: Land	$216,200	
10-00-190-3905	Fund Balance		$216,200

SECTION 2. Copies of this budget amendment shall be furnished to the Village Clerk, Village Manager and to the Financial Services Director for their direction and implementation.

THIS ORDINANCE passed and adopted this 27th day of September 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

DRAFT

Attest:

Approved as to Form:

_____

Kelly Chance, Village Clerk

_____

Michael J. Newman, Village Attorney

DRAFT

CONSIDER DEDICATION OF WINGED FOOT ROAD AND ASSOCIATED RIGHT-OF-WAY IN VILLAS AT FOREST HILLS TO THE VILLAGE OF PINEHURST.

ADDITIONAL AGENDA DETAILS:

FROM:
Jeff Batton

CC:
Village Council

DATE OF MEMO:
9/20/2022

MEMO DETAILS:
Windjam 7, developer of Villas at Forest Hills is requesting the Village to accept the road and right-of-way of Winged Foot Road as originally intended when the development was approved.
Winged Foot Road is the final road to be dedicated to the Village within this development and is completely built out with most, if not all, homes sold and occupied.
The road, sidewalk and associated infrastructure has been inspected and a punch list of items remains to be completed. The Village currently holds a cash financial guarantee in the amount of $37,875 from Windjam 7 and Windjam 7 wishes to forfeit the guarantee in favor of the Village so that punch list items may be expeditiously completed. Windjam 7 has further committed to cover cost over runs up to a grand total of $45,000.
Village staff have reviewed costs to complete punch list items and is confident the needed repairs can be accomplished within the existing $37,875 financial guarantee. The primary costs associated with the punch list is road repairs. Based on unit pricing quotes received for the FY23 Village-wide road resurfacing project, this road will be brought up to standard for a cost of $18,000. There are a few concrete sidewalk repairs, curb and gutter repairs, and some minor shoulder rehabilitation that should easily fall within the balance of $19,875.
Being the development is complete and the residents living on this road will have punch list items addressed more quickly by the Village, staff recommends we accept the forfeiture of the financial guarantee along with the road dedication and proceed with the punch list items.
If Council concurs with the staff's recommendation, adoption of the accompanying ordinance will be necessary.
Thanks.

ATTACHMENTS:

	Description
🗋	Ord. #22-17

ORDINANCE #22-17

AN ORDINANCE ACCEPTING PETITION FOR DEDICATION OF STREETS WITHIN THE VILLAGE OF PINEHURST AND AMENDING CHAPTER 7, SCHEDULE II AND SCHEDULE IV OF THE PINEHURST MUNICIPAL CODE AS IT PERTAINS TO REGULATING TRAFFIC ON THESE STREETS WITHIN THE VILLAGE OF PINEHURST, NORTH CAROLINA.

THAT WHEREAS, Windjam 7, LLC a North Carolina limited liability company (hereinafter referred to as "Windjam") is desirous of dedicating said street and right-of-way to the Village of Pinehurst, a municipal corporation of the State of North Carolina (hereinafter referred to as "Village"); and

WHEREAS, the recorded plat for Villas at Forest Hills depicts all streets and rights-of-way within the subdivision as being dedicated for public use; and

WHEREAS, Windjam has, by release of a cash guaranty in the amount of $37,875.00, together with the obligation to provide additional funds to, not to exceed $7,125.00, provided for completed construction of that certain street and right-of-way as shown on the attached Exhibit A in accordance with the requirements of the Village; and

WHEREAS, the Village Council of the Village of Pinehurst has agreed to officially accept the proposed dedication of the street and right-of-way; and

WHEREAS, the street and right-of-way identified by yellow highlight on Exhibit A will be open to the public and shall be maintained by the Village;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst North Carolina in the regular meeting assembled this 27th day of September, 2022, as follows:

SECTION 1. That, pursuant to NCGS chapter 160 A, article 15, the street and right-of-way offered for dedication and shown on the attached Exhibit A, copies of which are attached hereto and made a part hereof, is hereby accepted as a public street and right-of-way of the Village of Pinehurst, North Carolina.

SECTION 2. That Schedule II of section 7, STOP INTERSECTIONS of the Pinehurst Municipal Code, is amended by adding the following:

Stop Sign On	***At Intersection With***
Winged Foot Road	Forest Hills Drive
Winged Foot Road	Shadow Creek Court

SECTION 3. That Schedule IX of Section 7, SPEED LIMITS of the Pinehurst Municipal Code, shall be applicable and the speed limit is established as 25 mph unless otherwise posted.

SECTION 4. That the Pinehurst Police Chief and the Public Services Director are hereby directed and empowered to erect the necessary traffic signs on the above stated roads.

SECTION 5. That this ordinance shall be and the same as here by effective from and after the date of its adoption.

THIS ORDINANCE is passed and adopted this 27th day of September, 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By:_____

Attest:

Approved as to form:

_____ _____

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

DISCUSS AND CONSIDER BUDGET AMENDMENT AND AWARDING FY23 RESURFACING CONTRACT TO FRED SMITH COMPANY

ADDITIONAL AGENDA DETAILS:

FROM:
Mike Apke, P.E., Public Services and Engineering Director

CC:
Jeff Sanborn, Jeff Batton, and Brooke Hunter

DATE OF MEMO:
9/20/2022

MEMO DETAILS:
This item is to consider awarding the Village's annual road resurfacing contract to Fred Smith Company from Raleigh, North Carolina. Please note that Fred Smith Company acquired Riley Paving in October 2020 and continues to maintain an office and asphalt plant in Carthage. They also completed the Village's resurfacing project in FY21.

Four (4) contractors submitted unit pricing on an initial list of approximately four (4) miles of roads to resurface on August 30, 2022. A street listing and map showing the roads included in the bid package are attached for reference. Utilizing the Village's estimated quantities of items within the project, Fred Smith Company's total bid amount to complete the project is $1,352,951.00.

This bid is approximately 21% higher than the low bid received by the Village to resurface four (4) miles of roadways in FY22, but it is also significantly less than the other three (3) bids received for the FY23 project. A Bid Tabulation summary showing all bids received is attached for reference.

The Village's Powell Bill budget for FY23 is $1.3 million; therefore, the low bid exceeds the current funds available. The Village could reduce the scope of work and resurface less than four (4) miles, or approve a budget amendment to complete the full project. In addition to the road resurfacing, the Powell Bill budget includes road shoulder rehabilitation performed by a separate contractor after the resurfacing work has been completed. At this time, staff estimates the total FY23 Powell Bill project cost, including road resurfacing and shoulder rehabilitation, to be $1,472,875.00.

In order to achieve our annual goal of resurfacing at least four (4) miles of roadways, staff recommends a budget amendment to complete the full scope of work. This would require an additional $172,875.00 of funding, which is summarized as follows:

- $37,875.00 from the forfeiture of the Windjam Development performance bond
- $135,000.00 of fund balance appropriation

If the amendment is approved, our plan would be to award an original contract to Fred Smith Company in the amount of $1,352,951.00 via motion and request that the motion include that the Village Manager is authorized to execute change orders to add additional quantities at the original unit pricing with the overall amount not to exceed $1,472,875.00.

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:

	Description
🗋	FY23 Resurfacing Bid Summary
🗋	FY23 Proposed Resurfacing List
🗋	FY23 Resurfacing Package Map
🗋	Budget Amendment Ordinance

BID TABULATION

Village of Pinehurst

2023 Annual Street Resurfacing & Improvement Project

				Fred Smith Company Raleigh, North Carolina		Turner Asphalt Raleigh, North Carolina		Barnhill Contracting Fayetteville, North Carolina		Hudson Paving Rockingham, North Carolina	
Item	**Description/Unit**	**Unit**	**Estimated Qty**	**Unit Price ($)**	**Ext Total ($)**	**Unit Price ($)**	**Ext Total ($)**	**Unit Price ($)**	**Ext Total ($)**	**Unit Price ($)**	**Ext Total ($)**
1	1.25" Overlay, NCDOT Type SF9.5B*	SY	52,000	$13.00	$676,000.00	$17.16	$892,320.00	$16.10	$837,200.00	$19.35	$1,006,200.00
2	Class 'A' Full Depth Patching (3" depth NCDOT Type I-19B), done by a milling machine, placed down with a paving machine)	SY	17,200	$35.50	$610,600.00	$37.95	$652,740.00	$53.35	$917,620.00	$57.00	$980,400.00
3	Mill out existing pavement 1.25 inches (Racquet Lane and Winged Foot)	SY	2,000	$6.05	$12,100.00	$3.50	$7,000.00	$16.00	$32,000.00	$22.50	$45,000.00
4	Adjust Sewer Manholes - Structural Adjustment	EA	62	$260.00	$16,120.00	$500.00	$31,000.00	$130.00	$8,060.00	$450.00	$27,900.00
5	Adjust Water Valves - Structural Adjustment	EA	9	$54.00	$486.00	$500.00	$4,500.00	$26.00	$234.00	$250.00	$2,250.00
6	Sewer Manhole Lid Alterations	EA	10	$115.00	$1,150.00	$500.00	$5,000.00	$211.00	$2,110.00	$600.00	$6,000.00
			Total Base Bid		$1,316,456.00		$1,592,560.00		$1,797,224.00		$2,067,750.00
Alt-1.1	Pavement Markings, 4-inch White and Yellow Reflectorized Thermoplastic Striping**	LF	36,500	$0.92	$33,580.00	$3.50	$127,750.00	$1.10	$40,150.00	$1.20	$43,800.00
Alt-1.2	Pavement Markings, 24-inch White Reflectorized Thermoplastic Stop Bars	EA	3	$405.00	$1,215.00	$150.00	$450.00	$490.00	$1,470.00	$475.00	$1,425.00
Alt-1.3	Pavement Markings, 10-foot White Reflectorized Thermoplastic Crosswalk (Blue Road)	EA	1	$1,700.00	$1,700.00	$150.00	$150.00	$2,060.00	$2,060.00	$2,000.00	$2,000.00
			Total Alt #1 Bid		$36,495.00		$128,350.00		$43,680.00		$47,225.00
	TOTAL OF BASE BID + ALTERNATE BID ITEMS				$1,352,951.00		$1,720,910.00		$1,840,904.00		$2,114,975.00

**Striping applies to Juniper Creek Blvd, Burning Tree Road, and Pine Vista from Linden to Burning Tree

2023 Annual Street Resurfacing Improvement Project-
Street Listing

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalk	Curbing	MH	WV
Village Acres Neighborhood										
Harding Court	Adams Circle	Cul-De-Sac	135	20	N			N	1	2
Moore Drive	Longleaf Dr E	Dead End	934	21	N			N	3	0
Total Length in Neighborhood:			**1069**							

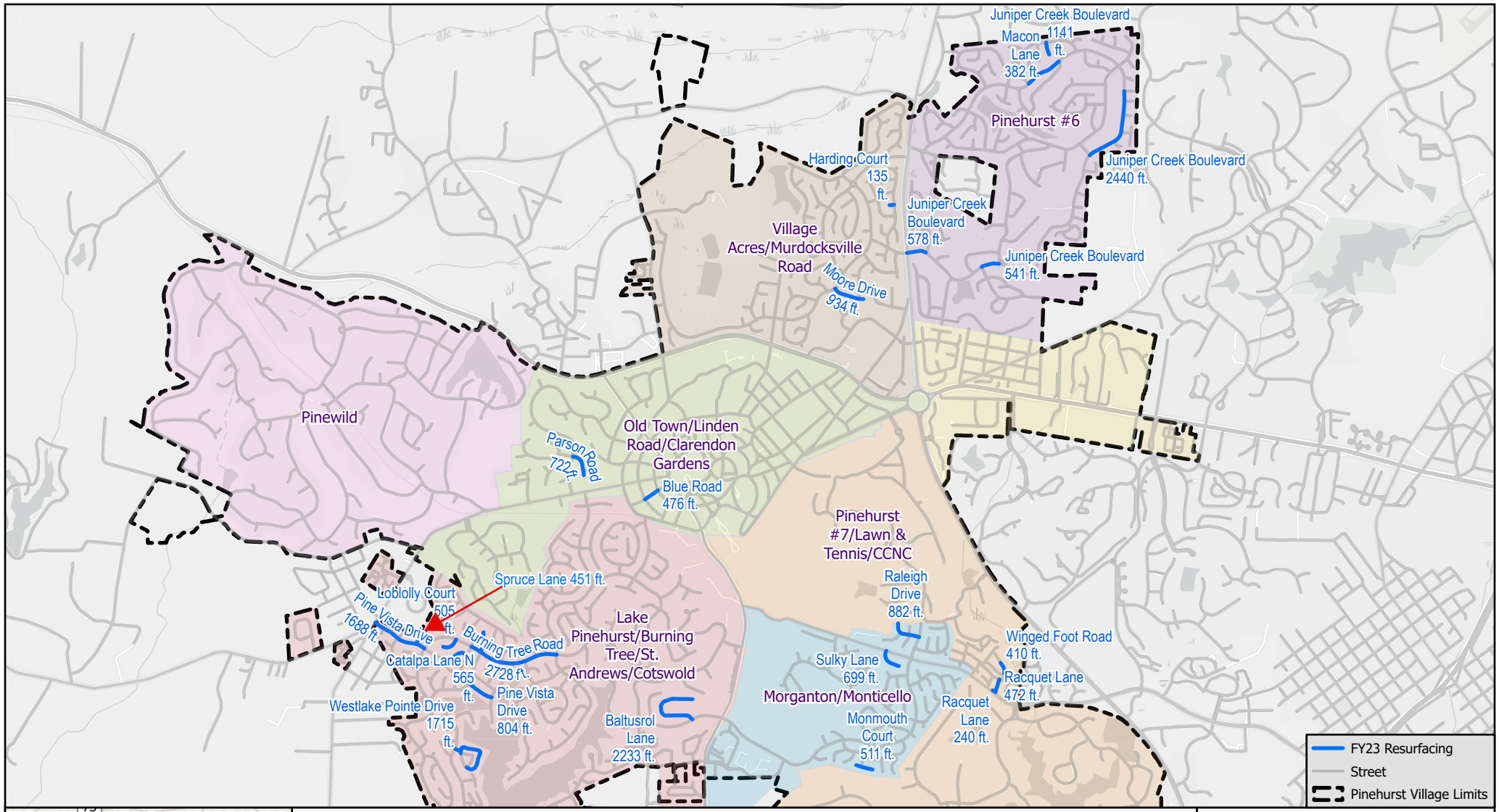
Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalk	Curbing	MH	WV
Pinehurst #6 Neighborhood										
Juniper Creek Blvd	US 15-501	Wampanoag Dr	578	2-12' lanes	Y	1		Y	4	0
Juniper Creek Blvd	Glen Abbey	Scioto Lane	541	22	Y	1		Y	2	0
Juniper Creek Blvd	Golfers Way	Watson Court	2440	22	Y			Y	0	0
Juniper Creek Blvd	Peachtree Lane	Hampshire Lane	1141	22	Y			Y	2	0
Macon Lane	Hampshire Lane	Cul-De-Sac	382	21	N			Y	2	0
Total Length in Neighborhood:			**5082**							

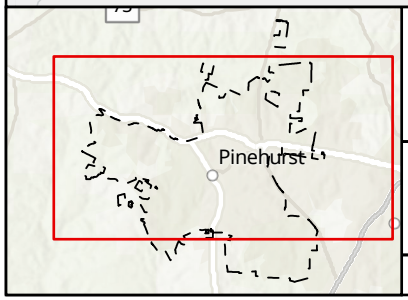
Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalk	Curbing	MH	WV
Lawn and Tennis Neighborhood										
Racquet Lane	Forest Hills Drive	Cul-De-Sac	322	17	N			Y	1	0
Racquet Lane	Cul-De-Sac		132	10	N			Y	0	0
Winged Foot	Unit 35	Unit 125	410	21	N			Y	0	0
Total Length in Neighborhood:			**864**							

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalk	Curbing	MH	WV
Old Town/Linden/Donald Ross/Clarendon Gardens Neighborhood										
Parson Road	Donald Ross Drive	Cul-De-Sac	722	20	N			N	2	0
Blue Road	Shaw Road SW	McCaskill Road W	476	18	N		1	N	0	0
Total Length in Neighborhood:			**1198**							

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalk	Curbing	MH	WV
Morganton/Monticello Neighborhood										
Monmouth Court	Cul-De-Sac	Cul-De-Sac	511	20	N			N	0	0
Raleigh Drive	Monticello Drive	Dead End	882	20	N			N	4	0
Sulky Lane	Morganton Road	Cul-De-Sac	699	20	N			N	2	0
Total Length in Neighborhood:			**2092**							

Street	Beginning Description	End Description	Approximate Length (ft)	Approximate Width (ft)	White & Yellow Line Striping	Stop bars	Crosswalk	Curbing	MH	WV
Lake Pinehurst/Burning Tree/St. Andrews Neighborhood										
Westlake Pointe Dr	Burning Tree Road	Westlake Pointe Ln (2)	1715	20	N			N	8	0
Loblolly Court	Burning Tree Road	Cul-De-Sac	505	20	N			N	2	2
Gambel Court	Pitch Pine Lane	Cul-De-Sac	413	20	N			N	2	2
Pine Vista	Linden Road	Burning Tree Road	1688	21	N	1		N	5	1
Pine Vista	Gingham Lane	Lake Shore Dr	804	20	N			N	2	0
Spruce Lane	Pine Vista Drive	Cul-De-Sac	451	20	N			N	2	1
Burning Tree Road	Pitch Pine Lane	Lake Forest Drive	2728	21	Y			N	9	0
Catalpa Lane N	Burning Tree Road	Cul-De-Sac	565	20	N			N	3	0
Baltusrol Lane	Lake Hills Road	Cul-De-Sac	2233	21	N			N	6	1
Total Length in Neighborhood:			**11102**							





Public Services - FY23 Resurfacing Overview

Moore County GIS (NC), State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, Esri, NASA, NGA, USGS, Moore County GIS (NC), Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS

2022

Coordinate System: NAD 1983 StatePlane North Carolina FIPS 3200 Feet

N

0 0.5 1 Mi

0 1 2 Km

ORDINANCE #22-18:

AN ORDINANCE AMENDING THE ORDINANCE APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2023, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA (RESURFACING CONTRACT)

WHEREAS, in the FY 2023 General Fund budget, $1,300,000 was appropriated in the Powell Bill division for road resurfacing and shoulder restoration; and

WHEREAS, after bids for the resurfacing project were received, the estimated cost of resurfacing plus shoulder rehabilitation was approximately $1,472,875, which exceeded the funds available for the project; and

WHEREAS, the total project cost estimate includes $37,875 of improvements to Winged Foot Road and related infrastructure at the Villas at Forest Hills, which will be funded by a forfeited performance bond; and

WHEREAS, additional funding of $135,000 is required to complete recommended projects and these appropriations were not included in the FY 2023 Budget when originally adopted;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 27th day of September 2022, as follows:

SECTION 1. To amend the FY 2023 General Fund budget with regard to revenues and expenditures, the revenue and expenditure accounts are to be changed as follows:

Account No.	Account Name	Debit	Credit
10-20-430-5300	Contracted Services	$172,875	
10-00-120-3826	Forfeited Performance Bond Revenue		$37,875
10-00-190-3905	Fund Balance Appropriated		$135,000

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Village Council, Village Manager, and Financial Services Director for their direction and implementation.

DRAFT

THIS ORDINANCE passed and adopted this 27th day of September 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

_____
Kelly Chance, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

DRAFT

DISCUSS AND CONSIDER PINEHURST SOUTH SMALL AREA PLAN

ADDITIONAL AGENDA DETAILS:

The purpose of this item is for Village Council to discuss the Pinehurst South Small Area Plan.

FROM:
Darryn Burich and Alex Cameron

CC:
Jeff Sanborn

DATE OF MEMO:
9/22/2022

MEMO DETAILS:
Staff has developed an updated "Preferred Build-Out" Plan based on Council input and included in Novus as separate exhibit. Staff is also including information on general trip generation rates from the Institute of Transportation Engineers Trip Generation Rates (10th Edition) and an article from a Professional Traffic Operations Engineer.

See staff memo for more information.

ATTACHMENTS:

	Description
🗋	Staff Memo
🗋	Draft Preferred Build-Out Map
🗋	Trip Generation Rates (General)
🗋	Trip Generation Article (Spack)
🗋	SAP Pinehurst South
🗋	P&Z Rec Land Use Plans
🗋	2019 Comp Plan Focus Area Recommendation

MEMORANDUM

To: **Mayor Strickland and Village Council**
From: **Darryn Burich, Director of Planning and Inspections**
Date: **September 22, 2022**
Subject: **Pinehurst South Small Area Plan Update**

At its September 13, 2022 meeting, Council asked if staff could develop a preferred land use scenario that incorporated the high intensity land uses proposed on the west side of NC-5 with that of the low intensity land use scenario on the east side of NC-5 south of Blake Boulevard. Staff has made those adjustments and created a new map titled "Preferred Build Out-Plan" for Council consideration. The map is added as a separate exhibit in Novus Agenda and has not yet been incorporated into the Small Area Plan and won't until there is general consensus on the map.

Please note that approving the plan with this new map does not establish any new regulatory control within the area because approving the Plan doesn't change existing zoning. What the map does is provide a guide to developing zoning code updates to implement the Plan similar to the work underway for the Village Place Plan and in particular the Regulating Plan that will control building form, type, and land use. Please see the agenda materials in Novus Agenda for the September 15, 2022 Planning and Zoning Board Work Session for more information and an example of the process that will be followed with Pinehurst South code updates.

Questions also came up at the last meeting regarding potential trip generation with the various land use scenarios which staff has done some follow-up research on. At this point in the planning process only trip generation generalities can be provided based on the types of land uses proposed in the area because there are so many different variables that impact trip generation. Differing land uses have different trip generation rates in general and different sized developments will generate differing amounts of trips. Different types of commercial and retail operations that have differing trip generation rates. For example, a fast food restaurant generates more trips than does a fast casual than does a quality restaurant. The same concept applies to various other use categories as well. The size of these operations also impact trip generation.

Not knowing specifically, the exact type and size of the land use type make it very hard to provide a very accurate trip generation number given that the land uses and development pattern shown on the maps are all illustrative and subject to change. Yes, the boxes on the plan that show types of nonresidential development but what is not known exactly is the type of commercial or retail use or if the building is only one story. That is why when we actually have a development proposal, we can run trip generation numbers and even potentially require a traffic impact analysis. However, those too are estimates based on models and studies and can be inaccurate.

In general, retail produces the most peak trips per hour followed by office, single family, industrial, apartments/condos/townhouses according to the Institute of Transportation Engineers (ITE) Trip Generation Report 10th Edition. I have included an article from Mike Spack, PE, PTOE Professional Traffic Operations Engineer highlighting some "general" trip generation and road capacity. Am also including "Common Trip Generation Rates (PM Peak Hour) from differing land use types for reference from the 10th Edition Trip Generation Report (2017).

Hopefully the new map and traffic information is helpful and Council will be able to approve the Plan. Staff and P&Z can then commence work on the code updates along with the Village Plan Small Area Plan.

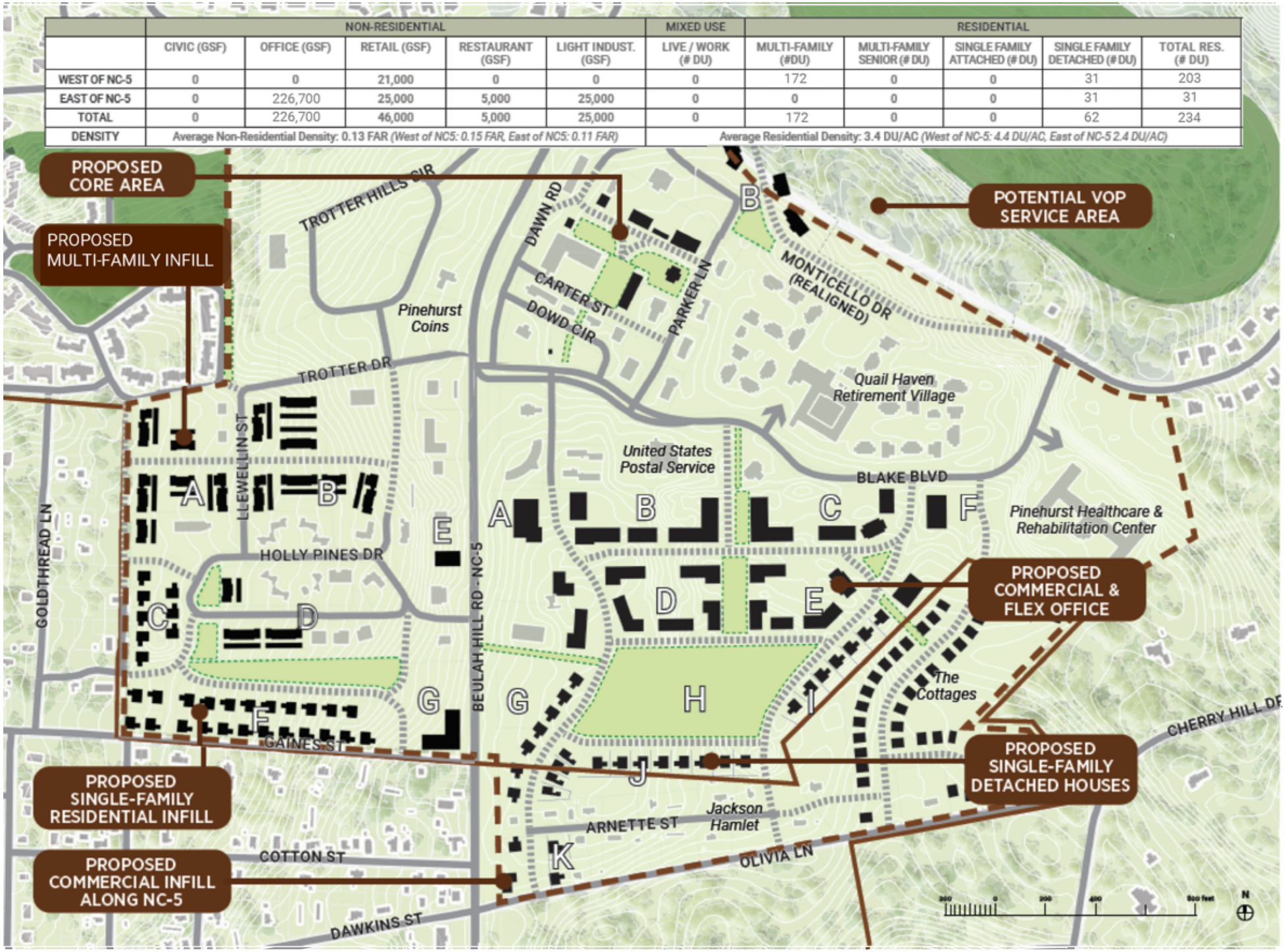
Preferred Build-Out Plan

The Preferred Build-Out Plan scenario represents efforts to incorporate the proposed high intensity development scenarios west of NC-5 with that of the low intensity development scenario east of NC-5 of how the build-out of Pinehurst South may occur over the next 50+ years. Incorporating the residential low intensity build-out scenario on the east side of NC-5 should help to lessen overall trip generation and help to provide for a more mixed use neighborhood consistent with the Comprehensive Plan.

This scenario shows the following:

- A core area is established between Monticello Dr. and Blake Blvd., east of NC-5
- To the south of Blake Blvd., a large Central Green creates a focal point for new, mixed-use development, serving as a space for activities and gathering and a transition to nearby residential
- Single-Family Detached (SFD) fronts three sides of this Green.
- On the west side of NC-5, SFD, Multi-family (MF), and small open spaces infill the residential areas, while commercial infill fronts NC-5.

	NON-RESIDENTIAL					MIXED USE	RESIDENTIAL				
	CIVIC (GSF)	OFFICE (GSF)	RETAIL (GSF)	RESTAURANT (GSF)	LIGHT INDUST. (GSF)	LIVE / WORK (# DU)	MULTI-FAMILY (#DU)	MULTI-FAMILY SENIOR (# DU)	SINGLE FAMILY ATTACHED (# DU)	SINGLE FAMILY DETACHED (# DU)	TOTAL RES. (# DU)
WEST OF NC-5	0	0	21,000	0	0	0	172	0	0	31	203
EAST OF NC-5	0	226,700	25,000	5,000	25,000	0	0	0	0	31	31
TOTAL	0	226,700	46,000	5,000	25,000	0	172	0	0	62	234
DENSITY	Average Non-Residential Density: 0.13 FAR *(West of NC5: 0.15 FAR, East of NC5: 0.11 FAR)*					Average Residential Density: 3.4 DU/AC *(West of NC-5: 4.4 DU/AC, East of NC-5 2.4 DU/AC)*					



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

INSTITUTE OF TRANSPORTATION ENGINEERS
COMMON TRIP GENERATION RATES (PM Peak Hour)

(Trip Generation Manual, 10th Edition)

Code	Description	Unit of Measure	Trips Per Unit	Setting/Location: General Urban/ Suburban	Setting/Location: Dense Multi-Use Urban
PORT AND TERMINAL					
30	Intermodal Truck Terminal	1,000 SF GFA	1.72		
90	Park-and-Ride Lot with Bus Service	Parking Spaces	0.43		
INDUSTRIAL					
110	General Light Industrial	1,000 SF GFA	0.63		
130	Industrial Park	1,000 SF GFA	0.40		
140	Manufacturing	1,000 SF GFA	0.67		
150	Warehousing	1,000 SF GFA	0.19		
151	Mini-Warehouse	1,000 SF GFA	0.17		
154	High-Cube Transload & Short-Term Storage Warehouse	1,000 SF GFA	0.10		
155	High-Cube Fulfillment Center Warehouse	1,000 SF GFA	1.37		
156	High-Cube Parcel Hub Warehouse	1,000 SF GFA	0.64		
157	High-Cube Cold Storage Warehouse	1,000 SF GFA	0.12		
160	Data Center	1,000 SF GFA	0.09		
170	Utilities	1,000 SF GFA	2.27		
180	Specialty Trade Contractor	1,000 SF GFA	1.97		
RESIDENTIAL					
210	Single-Family Detached Housing	Dwelling Units	0.99		
220	Multifamily Housing (Low-Rise)	Dwelling Units	0.56		
221	Multifamily Housing (Mid-Rise)	Dwelling Units	➔	0.44	0.18
222	Multifamily Housing (High-Rise)	Dwelling Units	➔	0.36	0.19
231	Mid-Rise Residential with 1st-Floor Commercial	Dwelling Units	0.36		
232	High-Rise Residential with 1st-Floor Commercial	Dwelling Units	0.21		
240	Mobile Home Park	Dwelling Units	0.46		
251	Senior Adult Housing - Detached	Dwelling Units	0.30		
252	Senior Adult Housing - Attached	Dwelling Units	0.26		
253	Congregate Care Facility	Dwelling Units	0.18		
254	Assisted Living	1,000 SF GFA	0.48		
255	Continuing Care Retirement Community	Units	0.16		
260	Recreation Homes	Dwelling Units	0.28		
265	Timeshare	Dwelling Units	0.63		
270	Residential Planned Unit Development	Dwelling Units	0.69		
LODGING					
310	Hotel	Rooms	0.60		
311	All Suites Hotel	Rooms	➔	0.36	0.17
312	Business Hotel	Rooms	0.32		
320	Motel	Rooms	0.38		
330	Resort Hotel	Rooms	0.41		
RECREATIONAL					
411	Public Park	Acres	0.11		
416	Campground / Recreation Vehicle Park	Acres	0.98		
420	Marina	Berths	0.21		
430	Golf Course	Acres	0.28		
431	Miniature Golf Course	Holes	0.33		
432	Golf Driving Range	Tees/Driving Positions	1.25		
433	Batting Cages	Cages	2.22		
434	Rock Climbing Gym	1,000 SF GFA	1.64		
435	Multi-Purpose Recreational Facility	1,000 SF GFA	3.58		
436	Trampoline Park	1,000 SF GFA	1.50		
437	Bowling Alley	1,000 SF GFA	1.16		
440	Adult Cabaret	1,000 SF GFA	2.93		
444	Movie Theater	1,000 SF GFA	6.17		
445	Multiplex Movie Theater	1,000 SF GFA	4.91		
452	Horse Racetrack	Seats	0.06		
454	Dog Racetrack	Attendees	0.15		
460	Arena	1,000 SF GFA	0.47		
462	Professional Baseball Stadium	Attendees	0.15		
465	Ice Skating Rink	1,000 SF GFA	1.33		
466	Snow Ski Area	Slopes	26.00		
473	Casino/Video Lottery Establishment	1,000 SF GFA	13.49		
480	Amusement Park	Acres	3.95		
482	Water Slide Park	Parking Spaces	0.28		
488	Soccer Complex	Fields	16.43		
490	Tennis Courts	Courts	4.21		
491	Racquet/Tennis Club	Courts	3.82		
492	Health/Fitness Club	1,000 SF GFA	3.45		
493	Athletic Club	1,000 SF GFA	6.29		
495	Recreational Community Center	1,000 SF GFA	2.31		
INSTITUTIONAL					
520	Elementary School	1,000 SF GFA	1.37		
522	Middle School / Junior High School	1,000 SF GFA	1.19		
530	High School	1,000 SF GFA	0.97		
534	Private School (K-8)	Students	0.26		
536	Private School (K-12)	Students	0.17		
537	Charter Elemantary School	Students	0.14		
538	School District Office	1,000 SF GFA	2.04		
540	Junior / Community College	1,000 SF GFA	1.86		
550	University/College	1,000 SF GFA	1.17		
560	Church	1,000 SF GFA	0.49		
561	Synagogue	1,000 SF GFA	2.92		
562	Mosque	1,000 SF GFA	4.22		
565	Daycare Center	1,000 SF GFA	11.12		
566	Cemetery	Acres	0.46		
571	Prison	1,000 SF GFA	2.91		
575	Fire and Rescue Station	1,000 SF GFA	0.48		
580	Museum	1,000 SF GFA	0.18		
590	Library	1,000 SF GFA	8.16		

INSTITUTE OF TRANSPORTATION ENGINEERS
COMMON TRIP GENERATION RATES (PM Peak Hour)

(Trip Generation Manual, 10th Edition)

Code	Description	Unit of Measure	Trips Per Unit	Setting/Location: General Urban/ Suburban	Setting/Location: Dense Multi-Use Urban
MEDICAL					
610	Hospital	1,000 SF GFA	0.97		
620	Nursing Home	1,000 SF GFA	0.59		
630	Clinic	1,000 SF GFA	➔	3.28	5.18
640	Animal Hospital / Veterinary Clinic	1,000 SF GFA	3.53		
650	Free-Standing Emergency Room	1,000 SF GFA	1.52		
OFFICE					
710	General Office Building	1,000 SF GFA	➔	1.15	0.87
712	Small Office Building	1,000 SF GFA	2.45		
714	Corporate Headquarters Building	1,000 SF GFA	0.60		
715	Single Tenant Office Building	1,000 SF GFA	1.74*		
720	Medical-Dental Office Building	1,000 SF GFA	3.46		
730	Government Office Building	1,000 SF GFA	1.71		
731	State Motor Vehicles Department	1,000 SF GFA	5.20		
732	United States Post Office	1,000 SF GFA	11.21		
733	Government Office Complex	1,000 SF GFA	2.82		
750	Office Park	1,000 SF GFA	1.07		
760	Research and Development Center	1,000 SF GFA	0.49		
770	Business Park	1,000 SF GFA	0.42		
RETAIL					
810	Tractor Supply Store	1,000 SF GFA	1.40		
811	Construction Equipment Rental Store	1,000 SF GFA	0.99		
812	Building Materials and Lumber Store	1,000 SF GFA	2.06		
813	Free-Standing Discount Superstore	1,000 SF GFA	4.33		
814	Variety Store	1,000 SF GFA	6.84		
815	Free Standing Discount Store	1,000 SF GFA	4.83		
816	Hardware / Paint Store	1,000 SF GFA	2.68		
817	Nursery (Garden Center)	1,000 SF GFA	6.94		
818	Nursery (Wholesale)	1,000 SF GFA	5.18		
820	Shopping Center	1,000 SF GFA	3.81	3.81	4.92
823	Factory Outlet Center	1,000 SF GFA	2.29		
840	Automobile Sales (New)	1,000 SF GFA	2.43		
841	Automobile Sales (Used)	1,000 SF GFA	3.75		
842	Recreational Vehicle Sales	1,000 SF GFA	0.77		
843	Automobile Parts Sales	1,000 SF GFA	4.91		
848	Tire Store	1,000 SF GFA	3.98		
849	Tire Superstore	1,000 SF GFA	2.11		
850	Supermarket	1,000 SF GFA	9.24		
851	Convenience Market (Open 24 Hours)	1,000 SF GFA	49.11		
853	Convenience Market with Gasoline Pumps	1,000 SF GFA	49.29		
854	Discount Supermarket	1,000 SF GFA	8.38		
857	Discount Club	1,000 SF GFA	4.18		
860	Wholesale Market	1,000 SF GFA	1.76		
861	Sporting Goods Superstore	1,000 SF GFA	➔	2.02	1.65
862	Home Improvement Superstore	1,000 SF GFA	➔	2.33	3.35
863	Electronics Superstore	1,000 SF GFA	4.26		
864	Toy/Children's Superstore	1,000 SF GFA	5.00		
865	Baby Superstore	1,000 SF GFA	1.82		
866	Pet Supply Superstore	1,000 SF GFA	3.55		
867	Office Supply Superstore	1,000 SF GFA	2.77		
868	Book Superstore	1,000 SF GFA	15.83		
869	Discount Home Furnishing Superstore	1,000 SF GFA	1.57		
872	Bed and Linen Superstore	1,000 SF GFA	2.22		
875	Department Store	1,000 SF GFA	1.95		
876	Apparel Store	1,000 SF GFA	➔	4.12	1.12
879	Arts and Craft Store	1,000 SF GFA	6.21		
880	Pharmacy / Drugstore without Drive-Through Window	1,000 SF GFA	8.51		
881	Pharmacy / Drugstore with Drive-Through Window	1,000 SF GFA	10.29		
882	Marijuana Dispensary	1,000 SF GFA	21.83		
890	Furniture Store	1,000 SF GFA	0.52		
897	Medical Equipment Store	1,000 SF GFA	1.24		
899	Liquor Store	1,000 SF GFA	16.37		
SERVICES					
911	Walk-In Bank	1,000 SF GFA	12.13		
912	Drive-In Bank	1,000 SF GFA	20.45		
918	Hair Salon	1,000 SF GFA	1.45		
920	Copy, Print, and Express Ship Store	1,000 SF GFA	7.42		
925	Drinking Place	1,000 SF GFA	11.36		
926	Food Cart Pod	Food Carts	3.08		
930	Fast Casual Restaurant	1,000 SF GFA	14.13		
931	Quality Restaurant	1,000 SF GFA	7.80		
932	High-Turnover (Sit-Down) Restaurant	1,000 SF GFA	➔	9.77	9.80
933	Fast Food Restaurant without Drive-Through Window	1,000 SF GFA	28.34		
934	Fast Food Restaurant with Drive-Through Window	1,000 SF GFA	➔	32.67	78.74
935	Fast Food Restaurant with Drive-Through Window and No Indoor Seating	1,000 SF GFA	42.65		
936	Coffee/Donut Shop without Drive-Through Window	1,000 SF GFA	36.31		
937	Coffee/Donut Shop with Drive-Through Window	1,000 SF GFA	➔	43.38	83.19
938	Coffee/Donut Shop with Drive-Through Window and No Indoor Seating	1,000 SF GFA	83.33		
939	Bread / Donut / Bagel Shop without Drive-Through Window	1,000 SF GFA	28.00		
940	Bread / Donut / Bagel Shop with Drive-Through Window	1,000 SF GFA	19.02		
941	Quick Lubrication Vehicle Shop	1,000 SF GFA	8.70		
942	Automobile Care Center	1,000 SF GFA	3.11		
943	Automobile Parts and Service Center	1,000 SF GFA	2.26		
944	Gasoline / Service Station	1,000 SF GFA	109.27		
945	Gasoline / Service Station with Convenience Market	1,000 SF GFA	88.35		
947	Self Service Car Wash	Wash Stalls	5.54		
948	Automated Car Wash	1,000 SF GFA	14.20		
949	Car Wash and Detail Center	Wash Stalls	13.60		
950	Truck Stop	1,000 SF GFA	22.73		
960	Super Convenience Market/Gas Station	1,000 SF GFA	69.28		
970	Winery	1,000 SF GFA	7.31		

Note: All land uses in the 800 and 900 series are entitiled to a "pass-by" trip reduction of 60% if less than 50,000 ft^2 or a reduction of 40% if equal to or greater than 50,000ft^2.

***From 9th edition, no PM peak hour in 10th**

An area designated as **General Urban/Suburban** in the *Trip Generation Manual* is an area associated with almost homogeneous vehicle-centered access. Nearly all person trips that enter or exit a development site are by personal passenger or commercial vehicle.

The area can be fully developed (or nearly so) at low-medium density with a mix of residential and commercial uses. The commercial land uses are typically concentrated at intersections o spread along commercial corridors, often surrounded by low-density, almost entirely residential development. Most commercial buildings are located behind or surrounded by parking.

The mixing of land uses is only in terms of their proximity, not in terms of function. A retail land use may focus on serving a regional clientele or a services land use may target motorists or pass-by vehicle trips for its customers. Even if the land uses are complementary, a lack of pedestrian, bicycling, and transit facilities or services limit non-vehicle travel.

An area designated as **Dense Multi-Use Urban** in the *Trip Generation Manual* is a fully developed area (or nearly so), with diverse and complementary land uses, good pedestrian connectivity, and convenient and frequent transit. This area type can be a well-developed urban area outside a major metropolitan downtown or a moderate size urban area downtown.

The land use mix typically includes office, retail, residential, and often entertainment, hotel, and other commercial uses. The residential uses are typically multifamily or single-family on lots no larger than one-fourth acre. The commercial uses often have little or no setback from the sidewalk. Because the motor vehicle still represents the primary mode of travel to and from the area, there typically is on-street parking an often public off-street parking.

The complementary land uses provide the opportunity for short trips within the Dense Multi-Use Urban area, made conveniently by walking, biking, or transit. The area is served by significant transit (either rail or bus) that enables a high level of transit usage to and from area development.

Numbers Every Traffic Engineer Should Know, Traffic Corner Tuesday, Traffic Engineering Standards Traffic Facts

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By Mike Spack, PE, PTOE

I originally posted this article several years ago. I attend a lot of meetings where I'm seen as the expert on traffic issues and I get asked questions related to basic standards and general practice. You can always respond that you don't know the answer and you need to look it up, but you look better if you're able to rattle off the numbers from memory. To that end, I have updated the list of questions and answers that every traffic engineer should consider memorizing.

About how much traffic will my development generate? *(round numbers based on ITE Trip Generation Report, 10th Edition)* ***(Corrections were made to these numbers as of as of Jan 25, 2018 at 10:00 pm)***

- Single Family Houses (per unit): 10 trips per day, 1 per peak hour
- Apartments/Condos/Townhouses (per unit): 7 trips per day, 0.7 per peak hour
- Office (per 1000 sq ft): 10 trips per day, 1.5 per peak hour
- Retail (per 1000 sq ft): 38 trips per day, 4.2 per peak hour
- Industrial (per 1000 sq ft): 5 trips per day, 0.9 per peak hour

Planning level daily capacity of a road *(Round numbers based on Level of Service D/E thresholds in HCM 6th Edition)*

- 2 lane local street: 1,000 vehicles per day based on livability
- 2 lane (w/ left turn lanes): 18,300 vehicles per day
- 4 lane (w/ left turn lanes): 36,800 vehicles per day
- 6 lane (w/ left turn lanes): 55,300 vehicles per day

Peak hour capacity of an intersection *(Based on Level of Service D/E thresholds in HCM 6th Edition)*

- Stop sign controlled: 35 seconds/vehicle
- Roundabout controlled: 35 seconds/vehicle
- Traffic Signal controlled: 55 seconds/vehicle

Theoretical maximum saturation flow rate per lane *(this will allow you to do quick calculations in your head to check reasonableness at big events)*

- 1,900 vehicles per hour per lane

Threshold for when you need to add a second (dual) left turn lane at a signalized intersection?

- 300 left turning vehicles from that leg of the intersection in the peak hour

Width of a commercial driveway *(based on NCHRP Report 659)*

- One lane in only: 14 feet curb to curb
- Two lane, bi-directional: 24 feet curb to curb
- Three lane, one lane in with median than two lanes out: 40 feet curb to curb
- Minimum industrial driveway: 26 feet curb to curb

Size of a footprint that a roundabout can take

- Single lane diameter: 132 foot
- Double lane diameter: 165 foot

Closeness between driveways and intersections *(these are very rough rules of thumb — other regions are less stringent)*

- On a local street: 150 feet
- On a collector street: 660 feet
- On an arterial: 1,320 feet to 2,640 feet (with medians, right-in/right-outs can be 660 feet away)

Parking needed for functionality *(these are suburban rules of thumb – urban conditions require less, but that's very situational)*

- Multifamily Residential: 1 per bedroom
- Retail: 4 per 1,000 SF
- Restaurant: 15 per 1,000 SF (varies a lot)

Interested in learning more about the numbers every traffic engineer should know? Check out our Traffic Corner Tuesday webinar replay titled *Numbers Every Traffic Engineer Should Know*.



Mike Spack, PE, PTOE

Mike is the founder of Spack Enterprise and creative force and principal writer behind MikeOn Traffic.

He is the recognized industry leader of traffic studies and traffic data collection. He is also the author or numerous industry leading guides used by transportation professionals around the world and presenter for Traffic Corner Tuesday webinars.

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Mike Spack

My mission is to help traffic engineers, transportation planners, and other transportation professionals improve our world.

Learn More About Me

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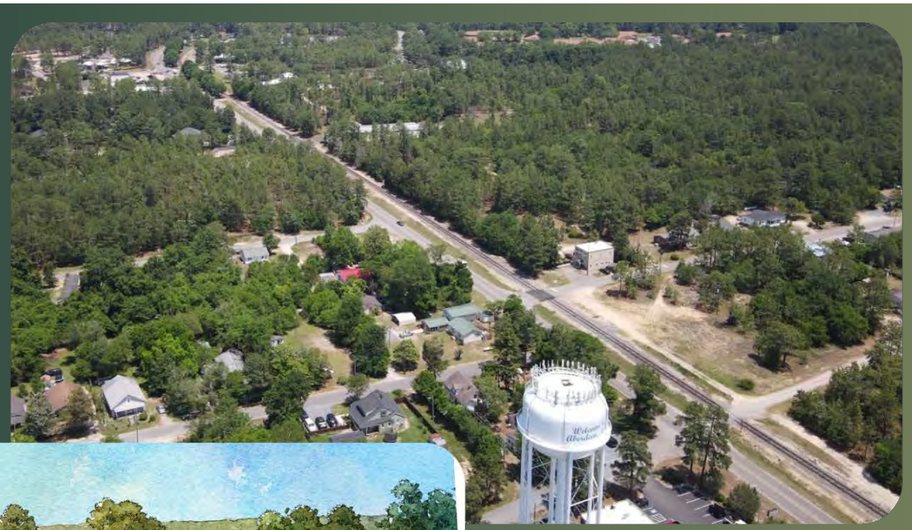
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VILLAGE OF PINEHURST SMALL AREA PLAN

PINEHURST SOUTH

COUNCIL ADOPTION (TBD)

PLANNING AND ZONING BOARD ACTION: 5/5/22

Design Collective

DUGGAL REAL ESTATE ADVISORS

Moving forward. RKA RAMEY KEMP ASSOCIATES

1895 VILLAGE OF PINEHURST

ACKNOWLEDGMENTS

ELECTED & APPOINTED OFFICIALS

JOHN C. STRICKLAND
Mayor

PATRICK PIZZELLA
Mayor Pro Tempore

LYDIA BOESCH
Treasurer

JEFF MORGAN
Council Member

JANE HOGEMAN
Council Member

JUDY DAVIS
Former Council Member

KEVIN DRUM
Former Council Member

VILLAGE STAFF

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Market Analyst, Facilitator

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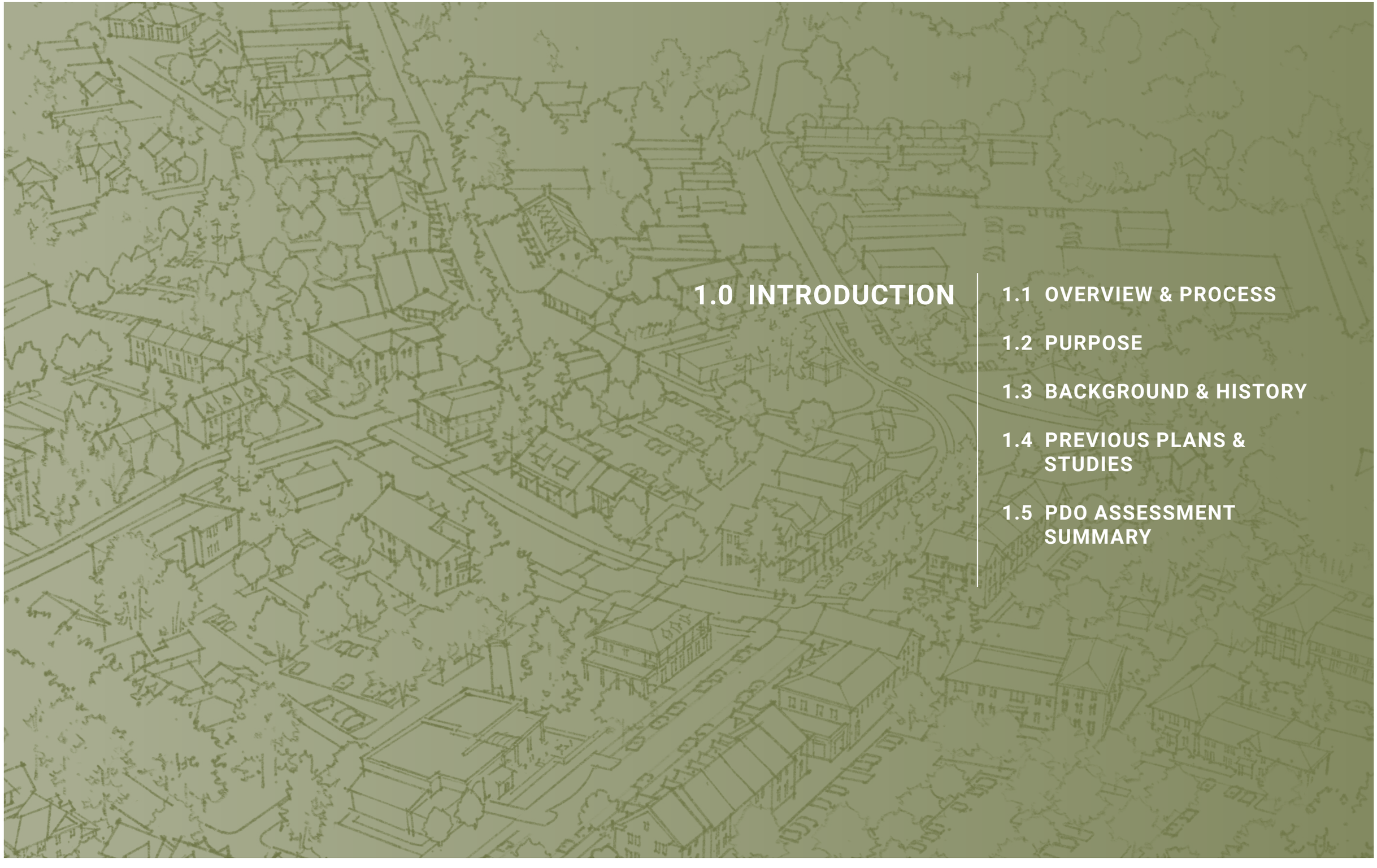
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1.0 INTRODUCTION

1.1 OVERVIEW & PROCESS

1.2 PURPOSE

1.3 BACKGROUND & HISTORY

1.4 PREVIOUS PLANS & STUDIES

1.5 PDO ASSESSMENT SUMMARY

1.1 OVERVIEW & PROCESS

Overview

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

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

The focus of this document is on the Pinehurst South Small Area Plan. For recommendations pertaining to Village Place, please see the *Village Place Small Area Plan*.

The scope for the Pinehurst South Small Area Plan (SAP) project included planning, streetscape, and landscape design; market/economic analysis; and transportation planning. The consultant team, led by Design Collective, worked on behalf of the Village and prepared plan recommendations, zoning regulations, and development standards specific to Pinehurst South that, once adopted by the Village, will guide future private development as well as public capital improvement projects.

Process

The Small Area Plans effort occurred in the three following phases, with stakeholder involvement in all phases. Work began in November 2020 with adoption projected in late 2021. For additional information on stakeholder input and public feedback, refer to Section 3.0 of this document.

PHASE 1: DATA COLLECTION; EXISTING CONDITIONS INVENTORY AND ANALYSIS

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

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

PHASE 2: PLANNING AND DESIGN

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

PHASE 3: MASTER PLAN REPORT

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

Project Goals

The following project goals were identified in the project RFP, issued by the Village:

- Create a small area plan to facilitate redevelopment as an "Innovation Hub" with office, medical, life science, and research facilities with small-scale retail services and residential uses;
- Create an implementable plan to make the community's vision for the area a reality in keeping with previous planning efforts and the newly adopted Comprehensive Plan;
- Economic feasibility, urban design, and improving the public realm (e.g., roadways, sidewalks, parks, plazas, open spaces) are key aspects of this plan that must include specific and achievable actions;
- Extend the vision of Tufts, Olmsted, and Manning from the Village Center to NC-5 and throughout the Pinehurst South study area;
- The Plan should recognize (but not require) the foundational principles set forth in the National Historic District Nomination (Nomination) submitted to the National Park Service in 1994. The area should feature:
  - Abundant landscaping, walking paths and open spaces while
  - Minimizing traffic and maintaining the human scale of buildings.
- Guiding Principles 1, 2, 5 and 7 of the 2019 Comprehensive Plan are especially important to the development of the Small Area Plans;
- Explore traffic relief measures pertaining to NC-5;
- Buffering and mitigating the impact of new development will be an important part of this planning effort;
- Care must be taken to consider the interaction of any proposed new use with existing uses in the area, and to consider the impact of any proposed new use on the surrounding neighborhoods; and
- Provide sufficient and discrete parking for any proposed use will be an important consideration.

Planning Goals

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

- Provide a connected street network that will help disperse and alleviate traffic congestion on NC-5
- Explore placemaking and creating a center east of NC-5, between Monticello and Blake Boulevard, building off the nexus of the Post Office, Pharmacy, ABC, Dowd Cabin, and the new Girls & Boys Club;
- Incorporate a variety of new Open Spaces, to serve surrounding office and residential users and a Shared-Use Path (SUP) adjacent to the Railroad to connect Pinehurst South to the Village Center;
- Explore an alternative approach from the Innovation Center suggested in the 2019 Comprehensive Plan which is likely better suited to Focus Area 3, anchored by an institution;
- Explore variety of residential types (including cottages, townhouses, live-work, and missing middle res.) and infill commercial; and
- Explore the realignment of Monticello Drive to accommodate the relocation of the Village's Public Service Facility from Village Place to the property south of the Harness Track.

Locator Map

The Village of Pinehurst boundary encompasses approximately 17.3 square miles of land area. The two focus areas, Village Place and Pinehurst South, are located to the north and south of the Village Center, the historic hub of the community. Connecting these two focus areas is a range of housing, lodging accommodations, retail, and recreational amenities, including golf courses, lakes, and walking and bike trails.



KEY

- VILLAGE OF PINEHURST
- SMALL AREA PLAN BOUNDARIES

1.2 PURPOSE

The purpose of this plan is to define the characteristics of future development that are supportable and appropriate for Pinehurst, to guide change towards a predictable and agreed upon outcome. This plan addresses land use; street types; open space; pedestrian and bicycle facilities and connectivity; and numerous other considerations. Recommendations will consider impacts and benefits, traffic, revenues and costs, phasing, zoning, development standards, Pinehurst Development Ordinance (PDO) updates, and other implementation strategies.

The document includes the following components:



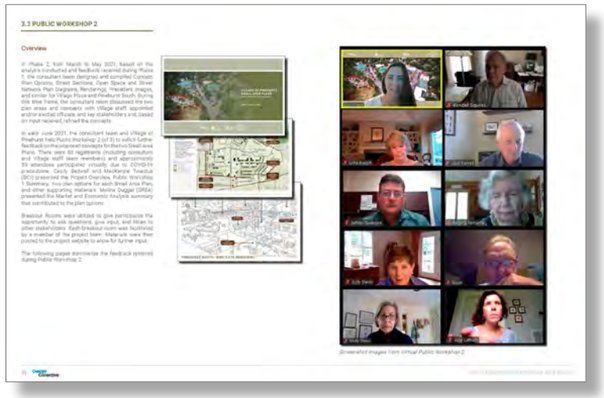
SECTION 1.0: INTRODUCTION

Provides a brief overview of the project location, the objectives and process, and a general description of the document's content.



SECTION 2.0: EXISTING CONDITIONS

Examines the physical and market conditions of Pinehurst South through photo documentation, analysis of data, stakeholder interviews, and community feedback.



SECTION 3.0: PUBLIC OUTREACH

Provides a brief overview of the stakeholder interviews and public workshops that were implemented as part of the public outreach process.



SECTION 4.0: RECOMMENDATIONS

Provides a brief overview of the approach, concept planning, and feedback that the consultant team used as guidance towards the final recommendations.

Highlights development opportunities; describes street systems; and provides illustrative and photographic examples of open spaces and streetscape design elements.



SECTION 5.0: IMPLEMENTATION

Summarizes fiscal analysis data as it relates to the implementation of the proposed concept design and approach for Pinehurst South.

This document does not cover development standards required for construction review within the Pinehurst South Small Area Plan, including Site Design, Street Design, Landscape Design, Architectural Design, and Sign Design criteria. For more information on the on the criteria and the submission and review process, please refer to the Pinehurst South Form-Based Code and the Pinehurst Development Ordinance.

Existing Conditions

Site Aerial

The aerial image shows the Pinehurst South Small Area Plan (SAP) boundary as a brown dashed line. The Village of Pinehurst



KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST

Background and History

The Village of Pinehurst is a small, traditional town located in North Carolina, approximately 70 miles from Raleigh and 100 miles from Charlotte. Located equidistant to these two major cities, the Village is accessed by Yadkin Road - NC 211 and US 15 as the two major thoroughfares that bisect its boundary.

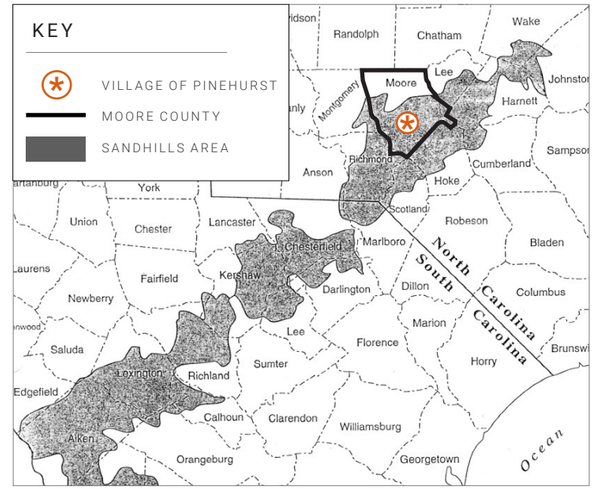
One of two National Historic Landmark Districts in North Carolina, the Village is deeply rooted in its setting and history. The area is nestled in “the Sandhills” of Moore County, characterized by rolling hills, covered by deep coarse sands and forested areas. Longleaf pines, in particular, were a major resource for the region and harvested to produce turpentine for the naval industry and lumber. By the late 1800s, the growth of the Raleigh and Augusta Railroad became a catalyst for industry and development.

By 1895, James Walter Tufts purchased the original lands of the Village, approximately 5,980 acres, to create a health resort and wellness community centered around pulmonary issues. He hired one of the country’s most prestigious landscape architecture firm at the time, Olmsted, Olmsted, and Eliot to plan and design the Village.

The Village of Pinehurst was first opened in January 1896 with the Holly Inn and several guest cottages as the initial phases of development. Since then, the Village has grown to become an iconic golf destination and anchor site of the U.S. Open, supported by the Pinehurst Resort, a variety of hotels, boutique shops and restaurants, and a wide range of trails, natural amenities, and historic sites for visitors to enjoy.



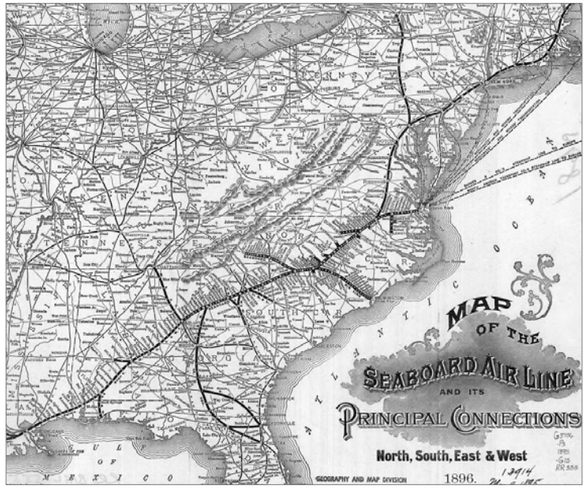
Regional map



Map of the Sandhills Area



Longleaf pine is a pine species native to the area. Pine resin was extracted and collected into barrels for distilling into turpentine used to make oil paint for ships and buildings.

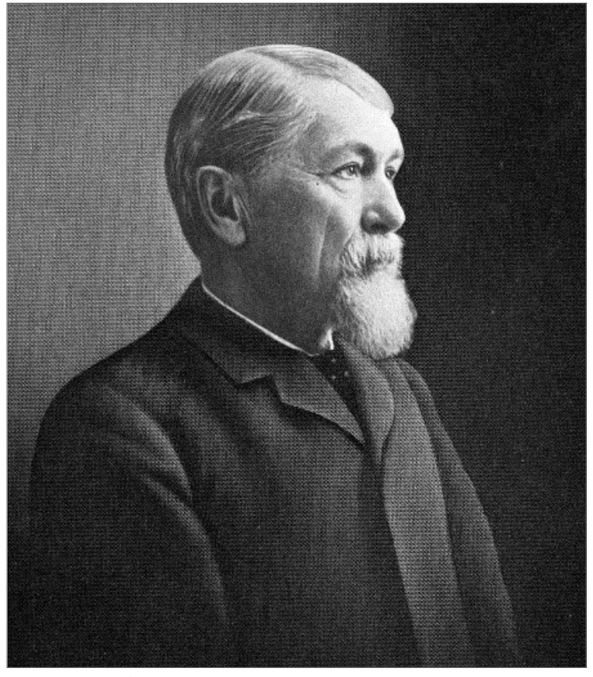




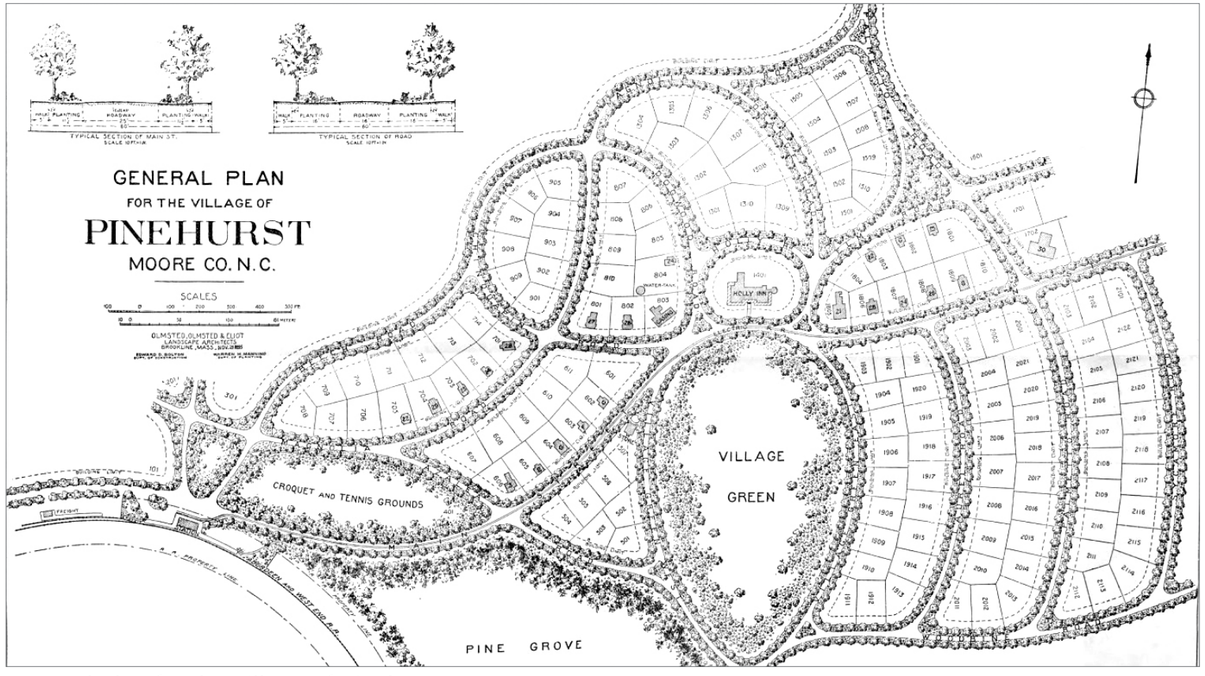




In the 1800s, pollution in cities and the expansion of rail lines to the south provided the catalyst for people to retreat to warmer and healthier environments, contributing to the growth and development of parts of North Carolina.



James Walter Tufts



General Plan for the Village of Pinehurst - 1895

1.4 PREVIOUS PLANS AND STUDIES

Since becoming a municipality in the 1980s, at least eight plans have been completed, either encompassing the full area of the Village, or focusing on a particular neighborhood. A summary of each relevant study can be found below.

2020 STRATEGIC OPERATING PLAN

As the most recent previous planning effort untaken by the Village, this plan identified growth in population and increased development as the primary issues facing the Village. The plan established the following priorities and areas of focus:

1. Safeguard the community;
2. Promote high quality development and appearance;
3. Promote a thriving business community;
4. Promote transportation mobility and connectivity;
5. Protect the environment;
6. Promote active living and cultural opportunities;
7. Professionally manage a high performing organization;
8. Attract and retain an engaged workforce; and
9. Maintain a healthy financial condition.

2019 COMPREHENSIVE PLAN

The Village completed the *2019 Comprehensive Plan* as a guide to manage growth for the next 15-20 years. The planning effort included a significant level of public participation including numerous public forums and online engagement. The Plan outlined the following seven guiding principles:

1. Retain the small-town charm, scale, and character of the community to ensure a high quality of life. Celebrate and preserve the historic Village and traditions that make Pinehurst desirable and unique.
2. Balance the need to conserve land while allowing purposeful, quality development in strategic locations to meet the needs of residents, businesses, and visitors. Ensure high quality development that reflects the character of the community and maintain high quality gateways and corridors to ensure the built environment is in keeping with the character of Pinehurst.
3. Protect and enhance the quality and character of existing residential neighborhoods. Seek opportunities to offer a variety of housing types that appeal to a wide range of households and enable residents to live in Pinehurst throughout all stages of life. Ensure neighborhoods are connected to walkable destinations such as parks, open spaces, recreational facilities, and other activity centers.
4. Provide a safe, reliable and efficient transportation system that promotes and enhances mobility and connectivity between neighborhoods and destinations through a multi-modal network of complete and walkable streets, sidewalks and paths for vehicles, golf carts, pedestrians, and cyclists.
5. Support the golf, tourism and healthcare industries that make up the economic backbone of the community by encouraging entrepreneurship, supporting diverse and innovative businesses, and developing a thriving arts, culture, and entertainment market. Encourage a variety of shopping, dining, and cultural opportunities for residents and visitors alike.
6. Ensure supporting infrastructure and community facilities exist to meet the needs of existing and future Pinehurst residents, businesses, and visitors. Partner with other providers to plan for and expand infrastructure as necessary to ensure a high quality of life.
7. Preserve, conserve, and feature Pinehurst's natural resources with expanded parks, open spaces, and events that enhance the health and well-being of the community and the environment.



2019 Envision the Village Concept Renderings



2015 COMPREHENSIVE BIKE PLAN

The *2015 Comprehensive Pedestrian Plan* was completed to evaluate the needs of current and future residents and visitors in the Village. The efforts included input from a Steering Committee, several Community Workshops/ Events and a Pedestrian/Bicycle Survey. The following Goals and Objectives were established:

- Increase the options for bicycling as an alternate form of transportation within the Village
- Provide attractive, yet safe, bicycling connections from Village residential areas to nearby destinations
- Promote bicycling as a healthy exercise
- Create a bicycle environment that is friendly to all users - including seniors, disabled persons and children
- Improve connections between disparate parts of the Village
- Promote bicycle safety

2015 COMPREHENSIVE PEDESTRIAN PLAN

The *2015 Comprehensive Pedestrian Plan* was completed at the same time as the *2015 Comprehensive Bike Plan* to evaluate the needs of current and future residents and visitors in the Village. The efforts included input from a Steering Committee, several Community Workshops/ Events and a Pedestrian/Bicycle Survey. The following Goals and Objectives were established:

- Increase "walkability" in the Village of Pinehurst
- Create a pedestrian network that is an important part

of the urban structure

» Promote walking as healthy exercise

» Create a pedestrian environment that is friendly to all users – including seniors, disabled persons and children.

» Improve connections between disparate parts of the Village.

2011 VILLAGE OF PINEHURST THOROUGHFARE PLAN

The *2011 Village of Pinehurst Thoroughfare Plan* was completed as an update to the original Thoroughfare Plan completed 20 years prior by the North Carolina Department of Transportation. The intent was to ensure a dynamic and strategic road network for the Village of Pinehurst for future travel and development needs. As stated in the report, the intent was to create a local consensus of the vision for Pinehurst's future transportation system. The plan included a designation of roadways as Major Thoroughfares, Minor Thoroughfares, and Collector Streets, as well as a Thoroughfare Map identifying each road classification. The plan recommended the following principles for the Village's local road improvements:

» Advocate for context sensitive design in all transportation planning and design efforts

» Continue to prefer roundabouts over signalized intersection and other traffic control devices when considering intersection improvements.

» Assure appropriate landscaping as a high priority on road projects in our jurisdiction

» Preserve the tree canopy on local and regional projects to maintain our community character

» Preserve and enhance landscaping at gateway intersections

» Maintain and enhance landscape along road corridors

» Maintain strong design controls in the transportation planning review process

» Continue to investigate methods to minimize the overall costs of future pavement maintenance

» Continue to monitor traffic speeds

» Continue efforts to minimize the number of curb cuts and other possible disruptions to traffic flow, capacity, and safety on major roads.

» Continue to plan for additional sidewalks and trails to be integrated with local streets and NCDOT projects

2010 COMPREHENSIVE LONG RANGE PLAN

The *2010 Comprehensive Long Range Plan* was a two part document including a Strategic Element and an Implementation Element. The Strategic Element guided the overall strategic direction of the Village to preserve and enhance the overall sense of place. The Implementation Element included a detailed compilation of tasks and programs to be completed. The plan outlined four thematic elements: Enhance, Preserve, Guide and Support. With the plan, the Village intended to:

» Preserve and enhance the unique character and ambience of the entire community, especially the historic Village Center

» Enhance the quality of life for present and future residents

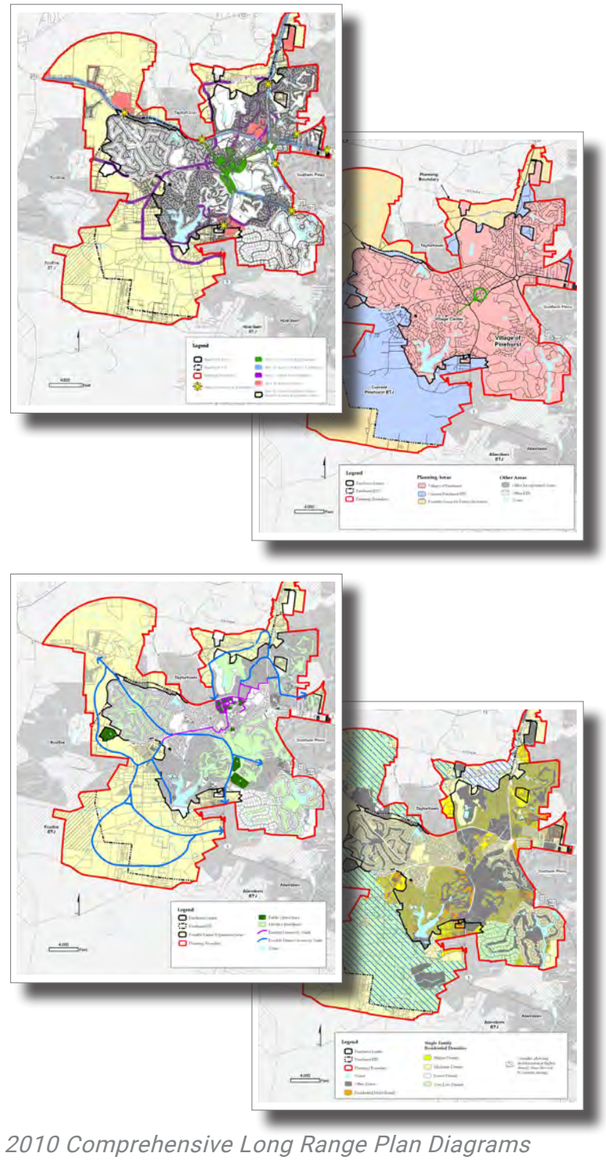
» Guide growth or change in ways that complement the unique character and ambience of the community

» Address community needs in the most efficient and cost-effective manner

» Maintain the legacy of Pinehurst for future residents and visitors to enjoy.

2008 NEW CORE MASTER PLAN

The *2008 New Core Master Plan* focused on an area of approximately 19 acres in the Village Center as an opportunity for redevelopment. The study included participation of a Steering Committee as well as extensive public participation, including a three-day charrette. The Key Concepts and Principles for the Plan included:



2010 Comprehensive Long Range Plan Diagrams

» Continuation of the scale, design, architectural character and "walkability" of the Village Center

» A mix of uses – retail, office, residential and open spaces

» Addition of roads and sidewalks to provide access to the interior of the plan area and to continue the Village's interconnecting street pattern

» Clustering retail uses on the southern portion of the plan area, where they would be in close proximity to the Village Center and enhance its strength as a specialty retail location

» Adding a variety of residential uses – cluster homes including single-family residential, townhouses, live-work units, and other market-supported residential forms

» Adaptive reuse and/or relocation of historic structures

» Pedestrian emphasis

» Providing at least as much parking as needed for development in the New Core

1994 NATIONAL HISTORIC LANDMARK NOMINATION

The *1994 National Historic Landmark Nomination* highlights the history and making of Pinehurst by Frederick Law Olmsted, Warren H. Manning, and James Tufts. The document highlights the intentions of the Olmsted plan to ensure the "overlay of an evergreen landscape on a curvilinear pattern of Village streets" as the heart of the design for the recreational resort and details many aspects of the original plan and development.

A companion to the 1994 National Historic Landmark Nomination was the creation of the Village of Pinehurst Historic District Standards and Guidelines, created in 2006 and updated through September of 2013.

1.5 PDO ASSESSMENT SUMMARY

The development ordinance for the Village, known as the *Pinehurst Development Ordinance (PDO),* includes regulations for all development (whether new, or modifications to existing, development) and became effective October 2014.

As part of the analysis of the Small Area Plan (SAP) Existing Conditions, the consultant team completed a comprehensive review of the PDO, looking for items of concern, compiled in this summary, that may inhibit achieving the envisioned future of Village Place and Pinehurst South.

The PDO regulations were adopted in accordance with the then current, *2010 Comprehensive Long Range Village Plan,* as well as all other then current Village plans and policies, in order to accomplish the following goals:

- Preserve and enhance the unique character and ambience of the entire community, especially the historic Village Center;
- Enhance the quality of life for present and future residents;
- Guide growth or change in ways that complement the unique character and ambience of the community
- Address community needs in the most efficient and cost-effective manner; and
- Maintain the legacy of Pinehurst for future residents and visitors to enjoy.

While these goals remain valid, since the adoption of the PDO, several additional planning efforts have been undertaken, including the *2019 Comprehensive Plan*. Along with many other key strategies and recommendations, the new comprehensive plan called for a full update to the PDO, specifically to include corridor standards, conservation subdivision standards, and character-based zoning concepts. The Small Area Plan (SAP) effort, and the following summary, builds off of this *2019 Comprehensive Plan* key recommendation.

For the SAP, the consultant team focused on the following sections of the PDO.

SECTION 8.2 GENERAL USE ZONING DISTRICTS

The General Use Zoning Districts section of the PDO provides land use regulations for nineteen (19) districts allowing for a variety of uses appropriate to the character of each individual district. The following items were noted as concerns for this section, relative to the SAP effort:

- Section 8.2.5 defines R-10, R-8 and R-5 as High-Density Residential Zones, however, high-density uses (such as Multi-family and Townhouse Dwellings) are not permitted by the Section 8.5 Table of Permitted Uses. Only Single-Family Dwellings are permitted and are not considered a high-density type.
- In addition to the specific item listed above, generally, the Euclidian or used-based zoning districts are counter to the recommendation in the *2019 Comprehensive Plan* for character-based zoning. The Form-Based Codes (FBC), to be developed as part of this SAP effort, in contrast, align with the comprehensive plan's recommendation and will shift the focus from use-based zoning to building form and character. The FBC are intended to supplant the current PDO for Village Pace and Pinehurst South areas only.

SECTION 8.5 & 8.6 TABLE OF PERMITTED USES & SPECIAL USES

Section 8.5 of the PDO contains a list of uses which may be permitted in one or more of the various General Use Zoning Districts established by the Ordinance. While Section 8.6 defines the Special Requirements as called for in Section 8.5. The following items were noted as concerns for these sections, relative to the SAP effort:

- There are several terms used in the Table of Permitted Uses & Special Uses which are inconsistent or in conflict with Section 10.2 Definitions. These terms may be limiting or unintentionally promote certain uses in areas that are not intended by the PDO. In particular, the following items were noted:
  - The terms "Industry, Heavy" and "Heavy" while used in Section 10.2, are not included in the Section 8.5. It is unclear where uses in this category would be classified in Section 8.5.
  - In regard to Senior Housing, Section 8.5 lists the categories "Residential Care Facilities (More than 6 Residents)" and "Child/Adult Daycare Center". These terms do not address the additional uses listed in Section 10.2 as defined under "Nursing Home: Adult Care Home , Assisted Living Residence, Continuing Care Retirement Community, and Hospice". Therefore, it is unclear whether these additional uses were intentionally omitted and, if so, why.
  - Section 8.5 does not include "Office", as defined in Section 10.2 as "general business office, government offices, insurance offices, law office and real estate and management offices". The specificity of the uses listed in the table may be problematic for certain types of office that may be desirable.
  - The term "Dwelling - Mixed Use" is used in Section 8.5, however, it is unclear whether the term "Live-Work Unit" (as defined in Section 10.2) is included as a Dwelling-Mixed Use. This may potentially limit the ability for development of Live-Work units.
- SR-3 Dwelling, Multi-Family:
  - The minimum size for a multi-family dwelling is one thousand five hundred (1,500) heated square feet. This size is well outside the typical unit size and may preclude new development from occurring and/or providing a range of unit sizes to meet market demand.

SECTIONS 9.1 & 9.2 TABLE OF DIMENSIONAL REQUIREMENTS

Section 9.1 of the PDO defines the minimum design and development standards for all buildings, sites, and infrastructure. While Section 9.2 defines the dimensional requirements for all uses and structures in the General Use Zoning Districts.

The following items were noted as concerns for these sections, relative to the SAP effort:

- Minimum Front Yard Setback: The minimum front yard setback for the majority of districts is greater than or equal to 20'. This may be problematic for smaller infill lots and/or to allow for a street frontage that relates to a pedestrian scale where building frontage is desirable and helps to create an engaging streetscape.
- The Minimum Rear Yard Setback in most districts is a minimum of 20' or more. This may preclude the redevelopment of small infill lots or lots that do not require on-lot parking and/or are rear-loaded.
- As written, the principal building as well as other structures including decks, landings, terraces, porches, and patios (with minimal exclusions) shall not be located within setbacks (*see 9.1.E.2*). This standard may unintentionally eliminate desirable building elements (such as deep front porches and bay windows).
- Building Height: While "Dwelling - Multifamily" is a permitted use in the VCP and VR districts, the building height is limited to 35', thereby limiting these buildings to 2 stories with a sloped roof (unless placed in an off-hill site condition or designed with a flat roof). As noted under Section 10.2 below, Building Height is measured to the highest point of the roofline, which precludes a 3-story building with a properly sloped roof and may unintentionally force a flat roof or a truncated sloped roof with a well.

SECTION 9.14 DESIGN STANDARDS FOR SINGLE FAMILY DWELLINGS & 9.3 VILLAGE DISTRICT DESIGN STANDARDS

Section 9.14 of the PDO defines design standards for Single-Family Dwelling development to ensure it is compatible with existing development and consistent with its site and surroundings. While Section 9.3 defines

design standards for the Village Districts to promote development that is functionally and structurally compatible with the existing Village Center and pedestrian area.

The following items were noted as concerns for these sections, relative to the SAP effort:

- While the landscape design standards in Section 9.14 go into some detail and specify minimum quantities, the Exterior Building Materials portion is very limited (perhaps due to the restrictions placed on one- and two-family dwelling design standards by the state). The majority of this section is focused on process rather than design standards.
- The Village District Design Standards are applicable only to the following districts: Village Mixed Use, Village Cottage Professional, and Village Residential. Therefore, the following residential districts, R-5, R-8, R-10, R-15, R-20, R-30, R-210, and R-MF, as well as Office Professional (OP) district do not have design standards, limiting the design oversight of these areas.
- Certain standards are vague or impractical; e.g., shake is limited to 15% per block, requiring the architect or builder to calculate every facade on the block in lieu of their proposed building only and allowing the first buildings to consume a full block's allotment of shake; facade lighting standards address glare, but do not address light trespass, full cut-off fixtures to protect the night sky, light temperature, or energy-conserving lamps; public spaces shall be incorporated in the Village Mixed-Use District, but no other districts and there is mention of minimum size, frequency, appropriate types, amenities, and similar.

SECTION 10.2 DEFINITIONS

Section 10.2 of the PDO contains definitions of words used within the ordinance. The following items of concern were noted for this section:

- Building Height is defined as "the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof". The preferred method requires building height to be measured to the eave or to the midpoint of the roof, allowing properly pitched roof slopes and tall floor-to-ceiling heights reflective of the Village's architectural character.
- Live-Work Units are defined as "variations of either the detached house building type or the townhome building type". It is recommended to also include Dwelling - Mixed Use to coordinate with the Table of Permitted Uses & Special Uses in Section 8.6.
- The use of the phrase "detached house" should match "Dwelling, Single Family".
- "General Retail" is a term used in Section 8.5, however is not defined in Section 10.2.

To see current zoning districts and permitted uses that exist within the Small Area Plan boundaries, see pages 22-23 of this document.

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2.0 EXISTING CONDITIONS

2.1 OVERVIEW

2.2 EXISTING CONDITIONS

2.3 MARKET ANALYSIS SUMMARY

2.1 OVERVIEW

Existing Conditions

Located south of the Village Center along NC-5, Pinehurst South encompasses approximately 290 acres with almost 47% of the area undeveloped. A portion of this area is in the unincorporated area of the Village of Pinehurst known as the Village's Extraterritorial Zoning Jurisdiction (ETJ). Some of the development in this study area is older, more auto-centric, and may be considered out of character with the Village.

The *2019 Comprehensive Plan* recommends redevelopment with office, medical, life science, and research facilities supported with small-scale retail services and residential uses. Given the availability of undeveloped land, Pinehurst South offers the unique opportunity to expand the character of Pinehurst and create a new gateway for the Village to the south.

To ensure the small area plans support the Village's vision, the design team conducted a thorough assessment and inventory of existing conditions to understand the historic, cultural, environmental, social, market, and economic assets of Pinehurst.

The plan builds on the strengths of the existing conditions; upholds the planning principles of the original Tufts, Olmsted, and Manning vision and plan; and extends the Village's small-town scale, architectural character, and walkability outward rather than allowing auto-oriented commercial development to creep inward over time.

This section includes the photographs, diagrams, and conclusions of this documentation and analysis phase, which was then used, along with stakeholder input, as the groundwork for the concept planning phase (Phase 2).

The Existing Conditions and Analysis diagrams include:

- Existing Illustrative Plan
- Figure Ground Plan Diagram
- Historic District Plan Diagram
- Street Network Plan Diagram
- Posted Speed and Traffic Control Plan Diagram
- Land Use Plan Diagram
- Zoning Plan Diagram
- Topography Plan Diagram
- Open Space + Trails + Sidewalk Plan Diagram
- Market Analysis Summary

The following observations were made as part of the Existing Conditions study:

- Forest cover is abundant in Pinehurst South; however, the area lacks meaningful and organized open spaces for the community's use.
- There is a grouping of existing and planned commercial and civic uses in the area between Monticello Drive and Blake Boulevard, including the Post Office, Pinehurst Fire Station No. 2, American Legion, the soon-to-be-relocated Boys & Girls Club, and a new headquarters building for NAHB.
- Multi-family and Single-Family Detached (SFD) residential are the primary uses west of NC-5. This area is poorly connected for pedestrian, bicycle, golf cart, and vehicle circulation as well as to other surrounding streets and trails.
- Trotters Hill Office Park is an enclave of separate professional office buildings. Several lots have been developed, including several in recent years, particularly those adjacent to and with visibility from NC-5. With the recent construction, few undeveloped parcels within the office park remian.
- There is a range of residential architecture in Pinehurst South, some of which is in keeping with the historic character of Pinehurst and some that appears quite out of place or in disrepair.
- Similarly, there is a range of commercial architecture in Pinehurst South, some of which is in keeping with the historic character of Pinehurst and some that appears quite out of place as ubiquitous, auto-centric development.
- Overall, the area remains largely undeveloped and, thus, presents an opportunity for development that responds to the market demand but additionally upholds the Village's character.



Monticello Drive
Source: Design Collective



Blake Blvd & NC-5
Source: Design Collective



Multi-Family Residential - Abingdon Square
Source: Design Collective



United States Post Office - Blake Blvd
Credit: Google



Blake Blvd Railroad Crossing
Source: Design Collective



Commercial - Pinehurst Dental/Trotters Hill Office Park
Credit: Google



Commercial - Trotters Hill Office Park
Source: Design Collective



Commercial - Pinehurst Coins
Credit: Google Images



Flooring Gallery
Credit: Google

2.2 EXISTING CONDITIONS

Illustrative Site Plan

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



KEY

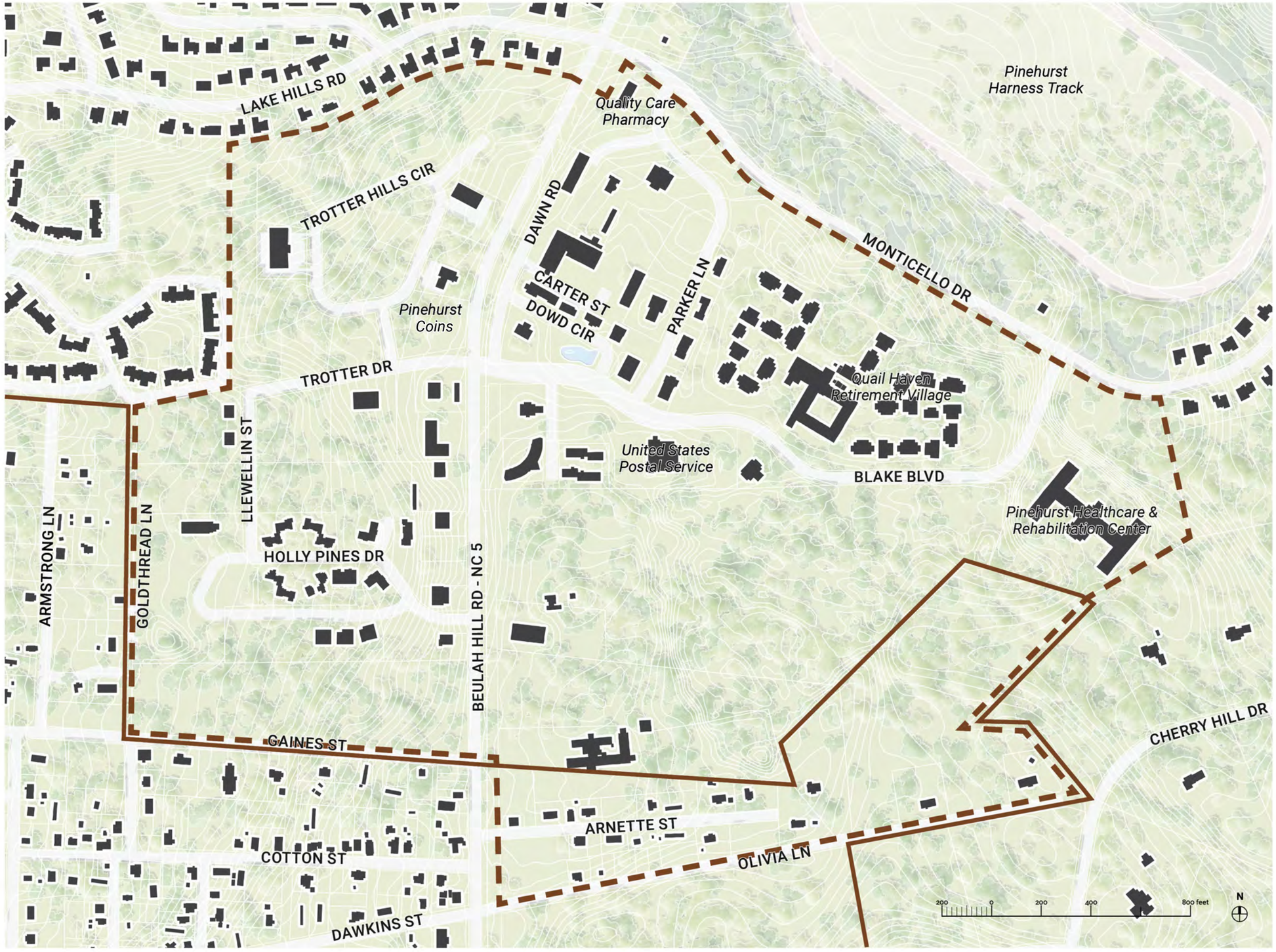
- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- BUILDING FOOTPRINTS
- PARKS/ OPEN SPACE

Figure Ground

The Existing Figure Ground plan shows the relationship of built and unbuilt space in Pinehurst South.The development patterns in the study area are characterized by commercial uses accessed off of Beulah Hill Road - NC-5 with a mix of residential building types interspersed to the west and east. Undeveloped parcels exist in Trotter Hills, a planned office development located in the northwest corner of the study area. The development consists of 17 parcels with approximately 1/3 of the lots either developed, permitted, or under review. Larger underutilized land with no projected development exists in the southeast corner of the study area.

KEY

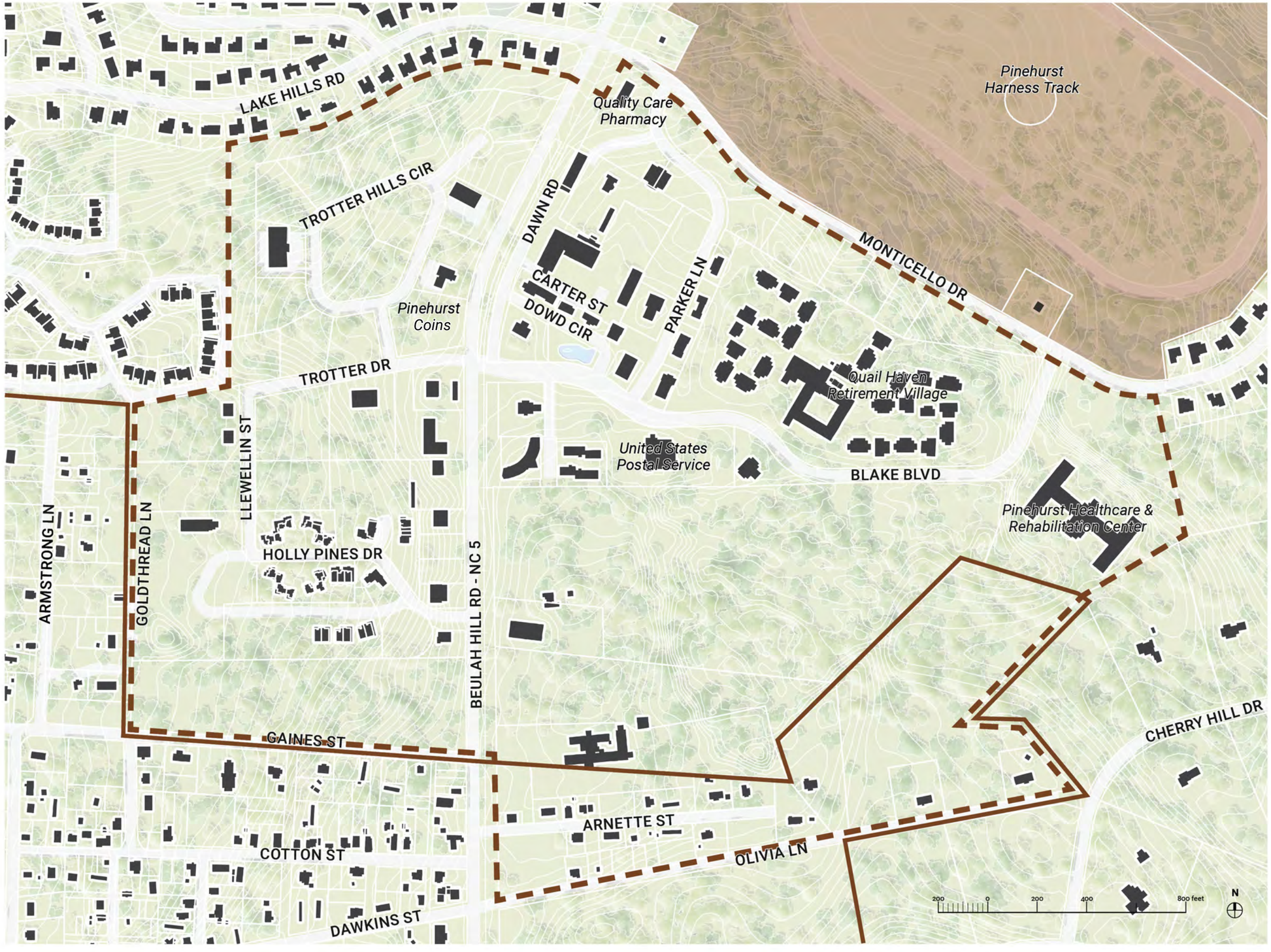
- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- BUILDING FOOTPRINTS



Historic District

The Historic District is comprised of properties that fall within the National Historic Landmark district or that were surveyed and identified as important fixtures within the community. These properties are subject to additional review by the Historic Preservation Commission and the Historic District Standards to ensure the history and charm of the Village of Pinehurst is preserved.

No portion of the Historic District expands into the Pinehurst South study area, however, the Pinehurst Harness Track lies directly to the north and is within the District.

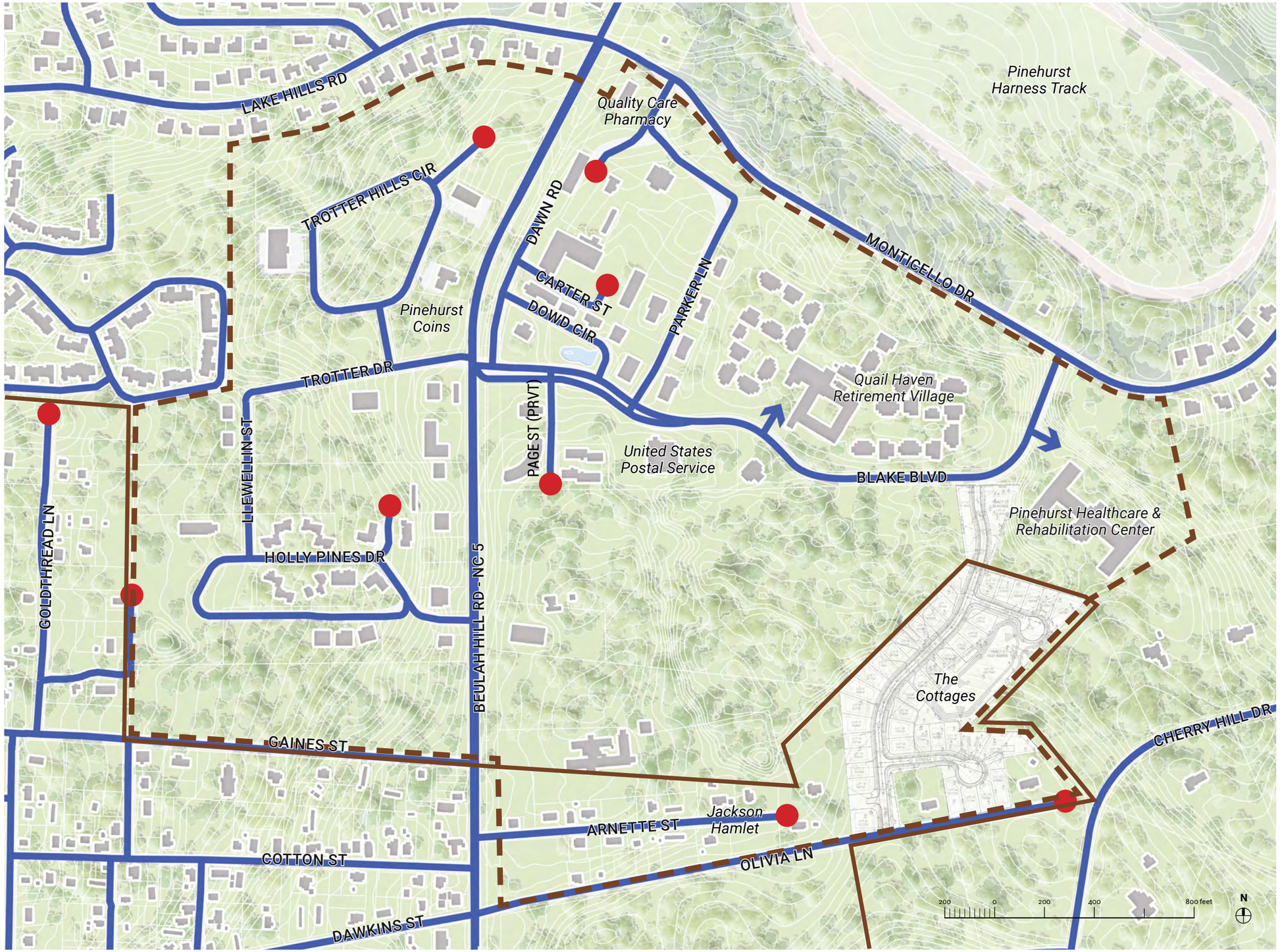


Street Network

The Pinehurst South study area spans Beulah Hill Road - NC-5, a major connector street that provides direct access to the Village Center to the north and US 501 to the south. Neighborhood streets are organic and disconnected with many dead-end conditions throughout the study area.

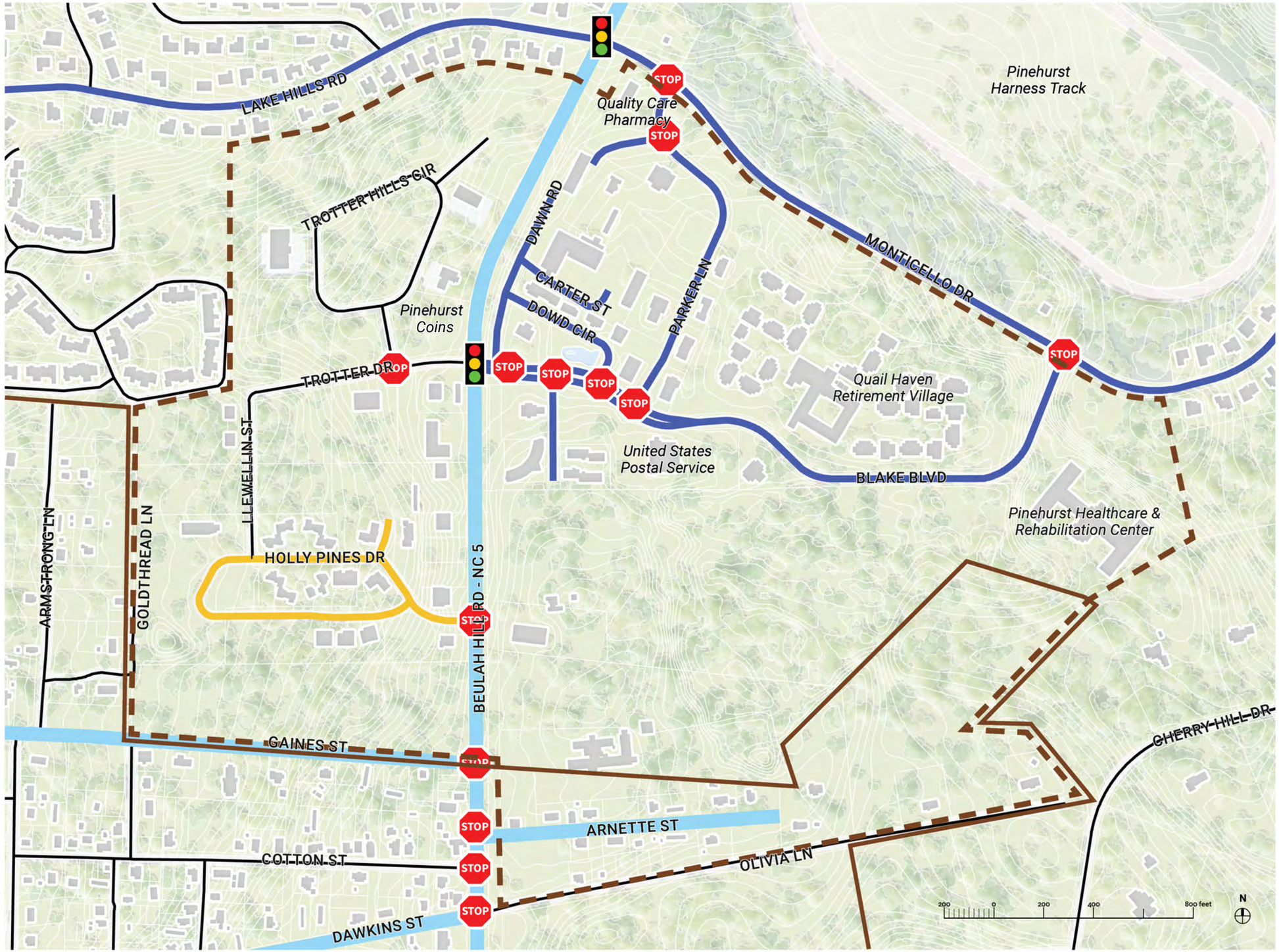
KEY

- VILLAGE OF PINEHURST
- SMALL AREA PLAN BOUNDARY
- EXISTING ROADS
- EXISTING DEAD END



Posted Speed and Traffic Control

The streets within the study area boundary have a range of posted speeds. Beulah Hill Road - NC-5 is 35 mph. A majority of the neighborhood streets are 25 mph with the exception of Holly Pines Drive which is 10 mph. Stop signs are located at all Beulah Hill Road - NC 5, Blake Boulevard, and Monticello Drive intersections. For added control and safety, traffic signals have been placed along Beulah Hill Road - NC 5 at the intersections of Blake Blvd and Monticello Drive.

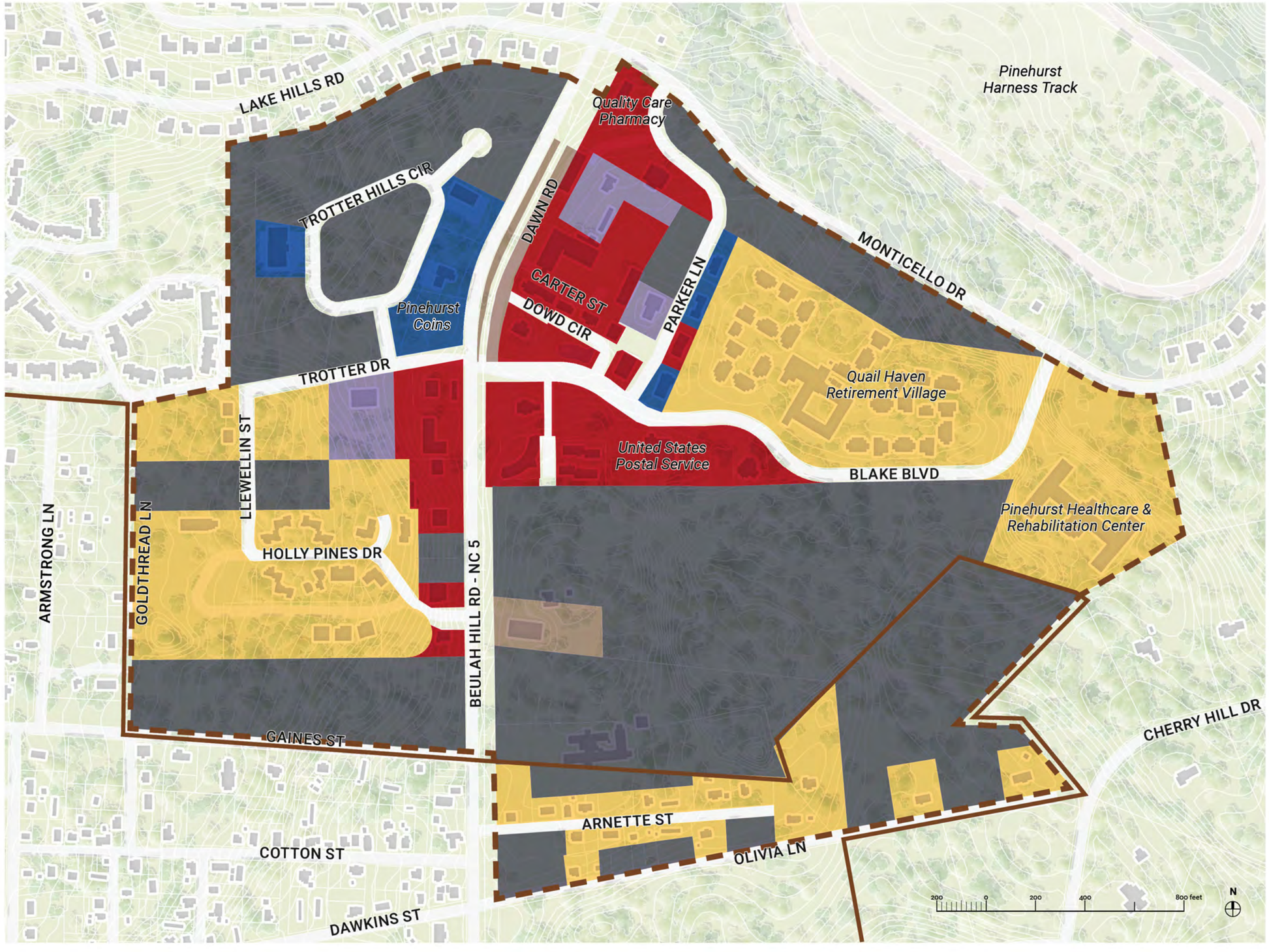


KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- STOP CONTROL
- TRAFFIC SIGNAL
- NO DATA AVAILABLE
- 10 MPH
- 25 MPH
- 35 MPH
- 45 MPH
- 55 MPH

Land Use

The study area includes a mix of land uses. A majority of the commercial uses are centered along Beulah Hill Road - NC-5 with residential uses and large vacant properties surrounding the commercial core. A large percentage of the study area is vacant or underutilized.

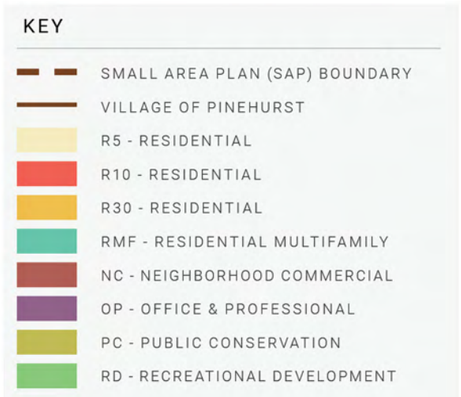


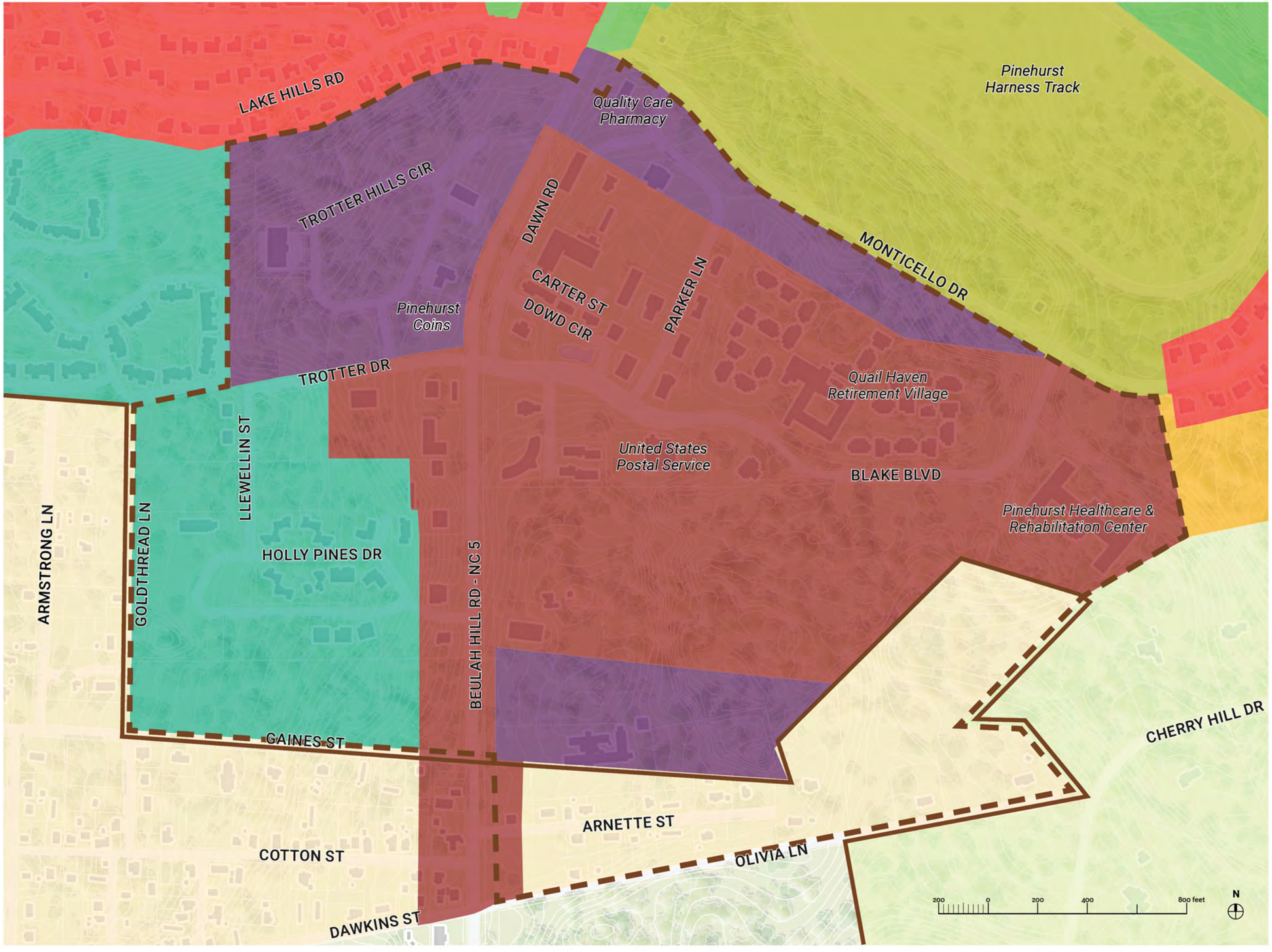
KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- CIVIC
- RETAIL
- OFFICE
- RESIDENTIAL
- INDUSTRIAL
- VACANT
- PARKS/ OPEN SPACE

Zoning

A majority of the eastern half of the study area is zoned Neighborhood Commercial (NC) with a mix of Office and Professional (OP) and Residential (R5) zones. The western half of the study area is Office and Professional (OP) to the north with Residential Multifamily (RMF) to the south.





Existing Zoning and Permitted Uses

The following zoning districts exist within the Pinehurst South Small Area Plan boundary. For a full matrix of all zoning districts and permitted land uses, reference Section 8.5 of the *Pinehurst Development Ordinance* (PDO).

KEY

- ✓ PERMITTED USES
- **SR** SPECIAL REQUIREMENTS, SEE SECTION 8.6
- **SU** SPECIAL USE PERMIT REQUIRED, SEE SECTION 4.5
- ✗ PROHIBITED USES

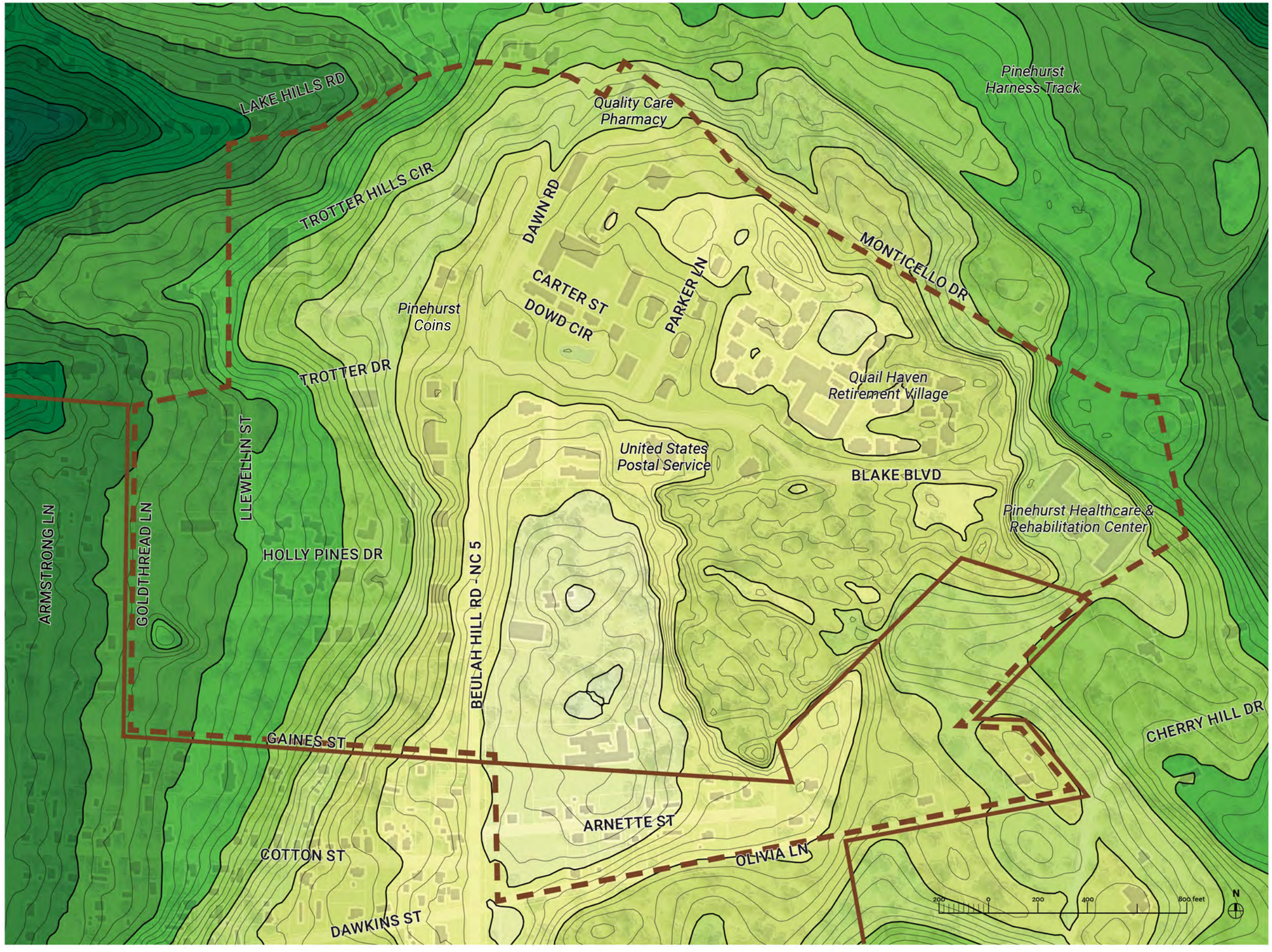
	USES																NOTES
	DWELLING - SINGLE FAMILY	DWELLING - TWO FAMILY	DWELLING - MULTIFAMILY	DWELLING - TOWNHOUSE/ CLUSTERED DWELLINGS	DWELLING - MIXED USE	BED AND BREAKFAST HOMES	HOTEL	MEDICAL CLINIC	PERSONAL SERVICES	PROFESSIONAL SERVICES	GENERAL RETAIL	RESTAURANT	CIVIC/CULTURAL FACILITIES	RESIDENTIAL CARE FACILITIES (> 6 RESIDENTS)	PARKING STRUCTURE	Maximum Building Height	
R5 - RESIDENTIAL	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	SU	✗	35'	*Intended principal use of land is high-density residential uses, intended to discourage any use detrimental to the residential nature.*
RMF - RESIDENTIAL MULTIFAMILY	✓	✓	SR	SR	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	35'	*Intended principal use of land is multi-family and/or single family dwellings, intended to discourage any use that would be detrimental to the residential nature.*
NC - NEIGHBORHOOD COMMERCIAL	✗	✗	✗	✗	SR	✗	✗	✓	✓	✓	SR	SR	✓	✓	✗	35'	*Intended principal use of land is small scale commercial, retail, office and service to residential districts*
OP - OFFICE & PROFESSIONAL	✗	✗	✗	✗	SR	✗	✓	✓	✓	✓	✗	SU	✗	✓	SR	35'	*Intended to provide for limited office and retail development, as a transition between business districts and residential land uses*

Topography

The topography of the study area is characterized by a natural ridge line along Beulah Hill Road - NC-5. The study area sits at a plateau along the eastern side with grades sloping downward towards Pinehurst Lake.

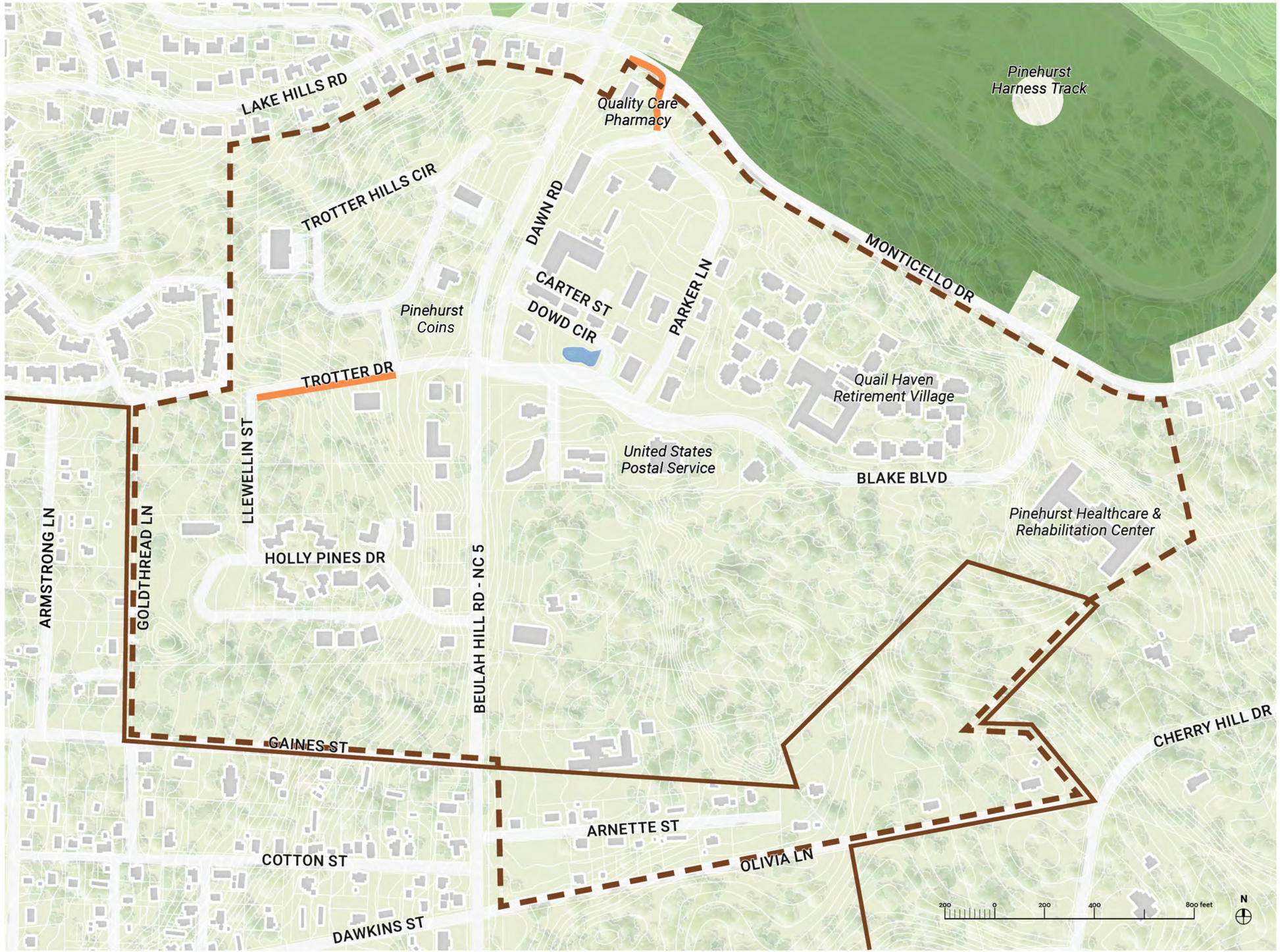
KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- +550
- +450



Open Space + Trails + Sidewalks

The study area contains no dedicated public open space or trails within its boundary. There are only two segments of sidewalks that currently exist on parker Lane and a portion of Trotter Drive. Just north of the study area is the Pinehurst Harness Track, one of the oldest continuously operating equine sports facilities in the state.



KEY

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

2.3 MARKET ANALYSIS SUMMARY

Background and Objectives

A Market Analysis report was prepared by Duggal Real Estate Advisors, LLC (DREA); the following pages provide a summary; the full report can be found on the project website: https://engage.vopnc.org/smallareaplans. The data was collected in November and December 2020 and January 2021.

The market analysis is one step in the process to determine the feasibility of land uses within the Village of Pinehurst and the plan areas. It ascertains the quantitative and qualitative aspects of demand for land uses that might be appropriate for future development in the plan areas and quantifies the potential scale and timing of these uses.

Also known as the Highway 5 Commercial Area, Pinehurst South is an approximate 290 acre limited growth and redevelopment area on the Village's south side containing approximately 145 parcels.

Summary of Market Opportunity

For the market analysis, DREA examined six different land uses: for-sale residential, for-rent residential, retail, office, hospitality, and golf. The following is a summary of the opportunity for each of the land uses in the Pinehurst South plan area.

The overall market opportunity takes into account the current and projected future market conditions, future demand potential, and the suitability for the land use within the Village.

Summary of Demand

For each of the land uses, DREA completed a demand model to understand the future potential of the land use within the Village or Moore County, depending on the land use. To determine how much of each land use would likely locate within the plan areas, it was necessary to consider where else within the Village the land use could be located. For example, if there is demand for one rental project every three to eight years within the Village, it cannot be located in both planning areas, but in reality, it could be located in either one or another location in the Village, making it difficult to assign demand.

For many land uses, there has been and will be more demand for the product type within the Village than the amount of supply that has been or will be available (i.e., more houses would likely sell if they were available).

Summary of Demand for Land Uses within Plan Areas

DREA then considered how much of the demand could be located within the plan areas if the area was zoned for it, landowners were interested in selling, and developers would build it. While the market analysis quantifies realistic development opportunities, actual land use allocation is guided by planning exercises, site constraints, the desired vision, and stakeholder input, in balance with market demand.

The potential for most of the land uses is present in both plan areas. Although there is some flexibility in these numbers as stated before, DREA put together guidelines based upon the market to help the planning team understand the magnitude of demand in each of the plan areas. Below is the demand summary for Pinehurst South.

For-Sale Residential

- Likely a stand-alone residential community as opposed to mixed with other product.
- Given land availability, could have 1-2 projects. Each would be 30-50 units.
- However, the demand for this product is deep, and the planning area can support as much for-sale product as desired.
- Could be either single-family detached or attached product.
- Pricing would vary based upon product type and positioning, but would likely be in the range of $250,000 to $450,000.

For-Rent Residential

- Could be either a stand-alone larger community (typically larger, 150-200 units) or integrated into a mixed-use area.
- Integrated into a mixed-use area, the apartments would still likely be horizontal mixed-use (e.g. the apartments are next to the retail and office, not above). This would likely be a smaller project (80-120 units).
- Rents would be similar to the newest apartments at the time of construction. At this point, the newest apartments in the market are The Greens at approximately $1.35/SF. At an average size of approximately 1,000 square feet, that would equate to a rent of approximately $1,350 per month.

Retail

- Any retail would prefer to be located and accessed off of NC-5. If a project were created on the east side of NC-5, it would still be important to have NC-5 visibility.
- Could be a stand-alone shopping center on the west side of NC-5. This would depend on having an anchor within the project such as a grocery store or drug store. The size of the center would depend on what type of anchor, ranging from 50,000-80,000 SF in size total. This would likely not materialize for some time as the area continues to develop and mature.
- There is also demand for retail on the east side of NC-5. Due to access issues, it would be small-scale, and just to support local businesses and residents. There would likely be less than 10,000 SF total.
- If there was a shopping center on the west side of NC-5, the retail on the east side would be more limited, and vice versa.
- Any retail located within Pinehurst South would be locally serving.
- The maximum amount of retail in the area is likely to be 80,000 SF with a grocery store, and less than 40,000 SF without a grocery store at build-out.
- Rents would need to be $24-$30/SF to support new construction

Office

- Office could either be like the product available at Turnberry (small format, 1-2 story) or integrated into a mixed-use center.
- Although there is not a lot of office demand annually, given the limited amount of office land available in other areas, this would be an appropriate location to save land for future office use.
- Even at 2,000 SF of office per year, in 50 years, the total amount would be 100,000 SF. Tenants and owner-occupied space would be a collection of medical, locally-serving professional services, and potentially related to the USGA.
- Rents for office would be in the $18-$22/SF range.
- Part of the area could be a modified Innovation Hub – meaning it could be planned to attract and facilitate companies and technologies related to golf, but be willing to accept other industries and users as well.

Hospitality

- The planning area could support a hotel if it were part of a mixed-use area. If there were enough businesses, it could support the workers in the area. Otherwise, it would likely support tourists. Type of hotel depends on place creation.
- A new hotel would likely have around 100 rooms.



Overall, Pinehurst South is best suited for residential and office uses. Hospitality could be an option as well. Large-scale retail would be challenging given the access issues, but locally-serving retail would be viable.

Strengths

- Land availability
- Direct access to Pinehurst Resort via NC 5
- New development in area
- Strong businesses in area (such as Quail Haven Retirement Village)

Weaknesses

- No common theme to buildings
- Unrelated land uses
- Traffic issues

Opportunities

- Capitalize on growth along NC 5
- Concentration of public and semi-public services (post office, fire station, VA services)
- Create a distinct identity for area
- Build off of USGA
- Infill development

Threats/Challenges

- RR crossings & limited access
- Significant amount of vacant land south of the study area along NC Hwy 5 that could take demand potential away



Quail Haven Retirement Village



Fire station



Abingdon Square Townhomes



Retail

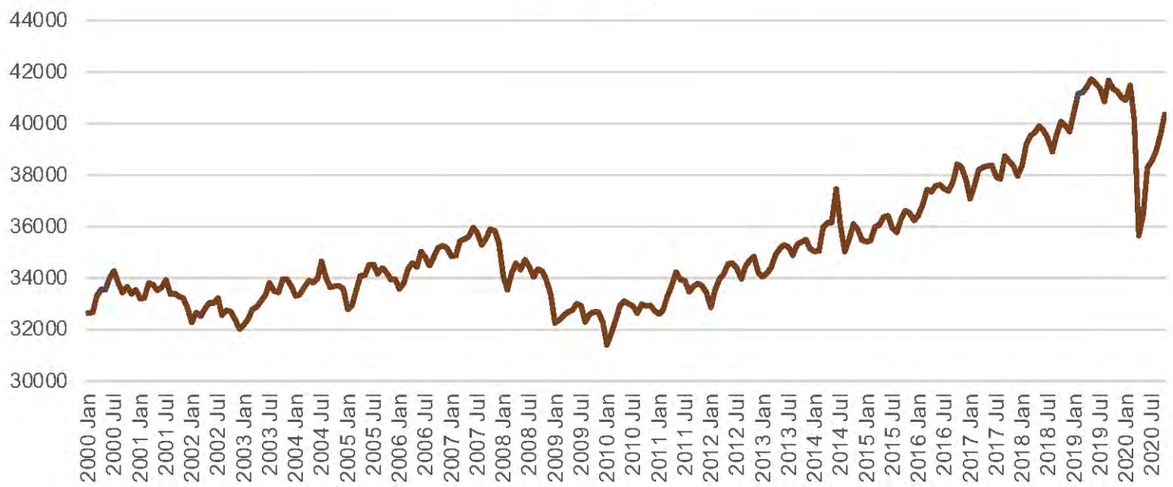


Veterans Guardian Claim Consulting



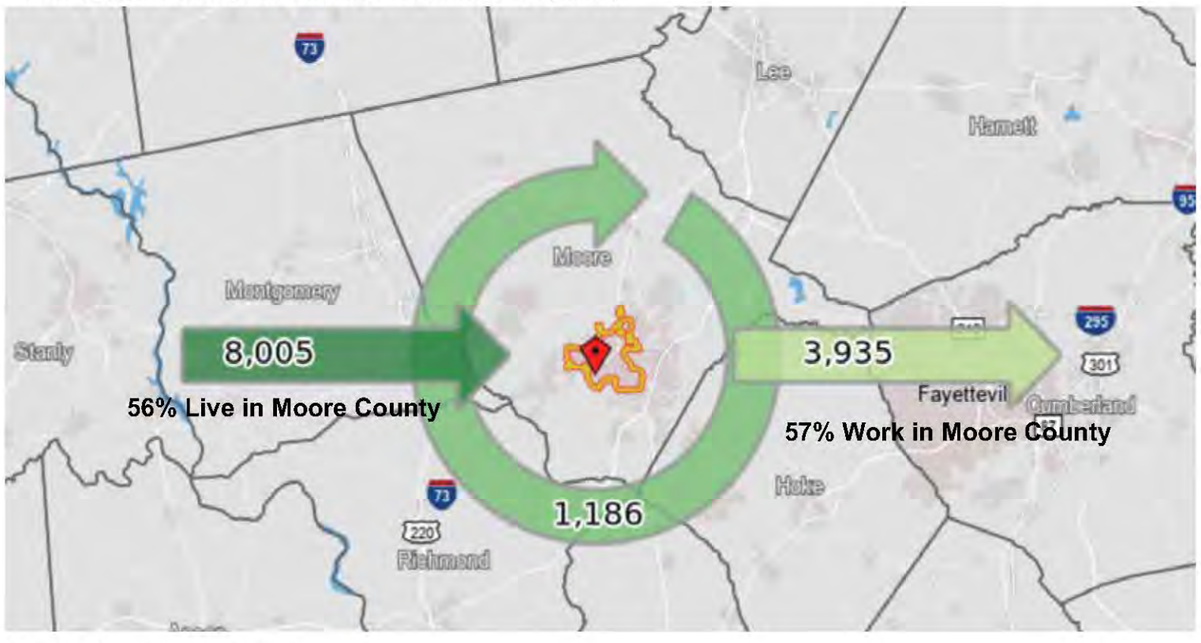
Open space along Blake Blvd.

Moore County, NC Employment (2000-2020)



Source: BLS

Inflow and Outflow of Workers in Pinehurst (2017)



Source Census on the Map

Jobs by Industry in Pinehurst (2020)

Industry	Businesses	%	Employees	%
Health Care and Social Services	575	54%	5,880	52%
Accommodation and Food Services	42	4%	2,839	25%
Other Services - Repair, Personal Care, Laundry, Religious, etc.	69	6%	434	4%
Professional, Scientific, and Technical Services	58	5%	396	3%
Arts, Sports, Entertainment, and Recreation	23	2%	358	3%
Retail: Home, Food, Automobiles, Personal Care	35	3%	262	2%
Education	11	1%	257	2%
Real Estate and Rentals	47	4%	234	2%
Public Administration	12	1%	173	2%
Banking, Finance and Insurance	56	5%	145	1%
Construction	25	2%	89	1%
Information	12	1%	85	1%
Other	108	10%	248	2%
Total	1,073	100%	11,400	100%

Source: North Carolina Department of Commerce, Labor & Economic Analysis

People Who Work in Pinehurst (Where Workers in Pinehurst Live)

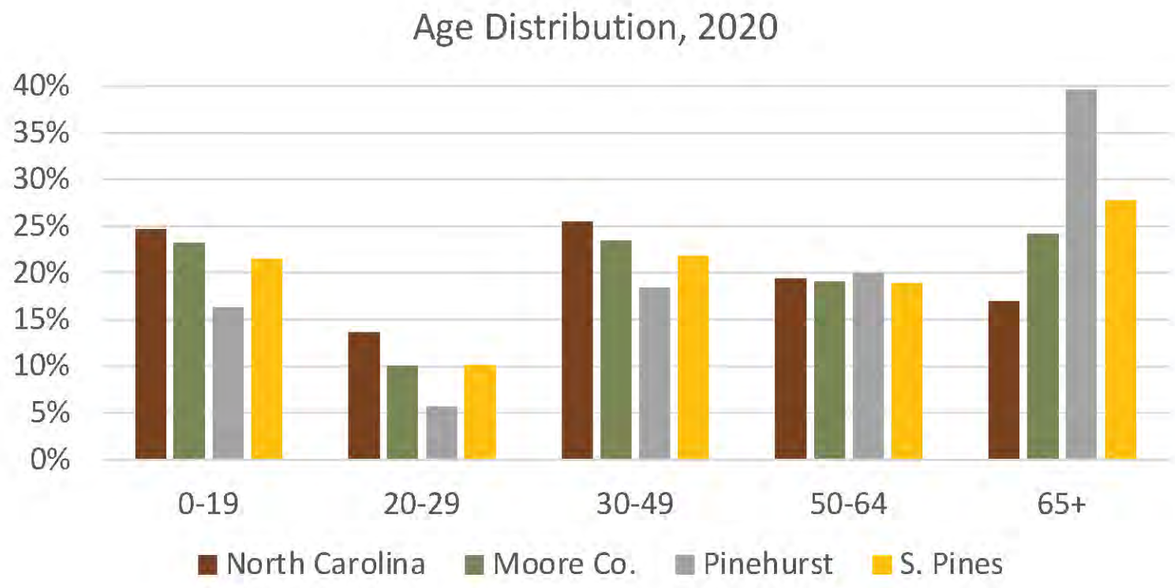
Of the people that work in Pinehurst, approximately 50% of them are aged 30-54, while 32% are over the age of 55, and 18% are under the age of 29.

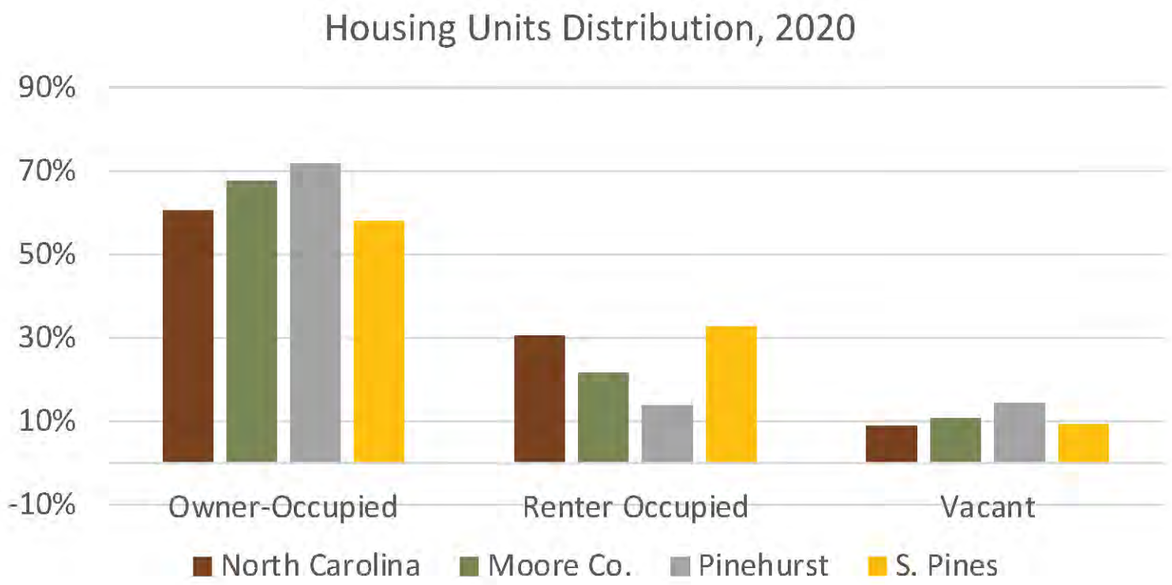
Almost half of the workers make more than $3,333 per month. Over 50% of the workforce has some college, an Associates degree, Bachelor's degree or higher.

Household Data for NC, Moore County, Pinehurst, and Southern Pines (2020-2025)

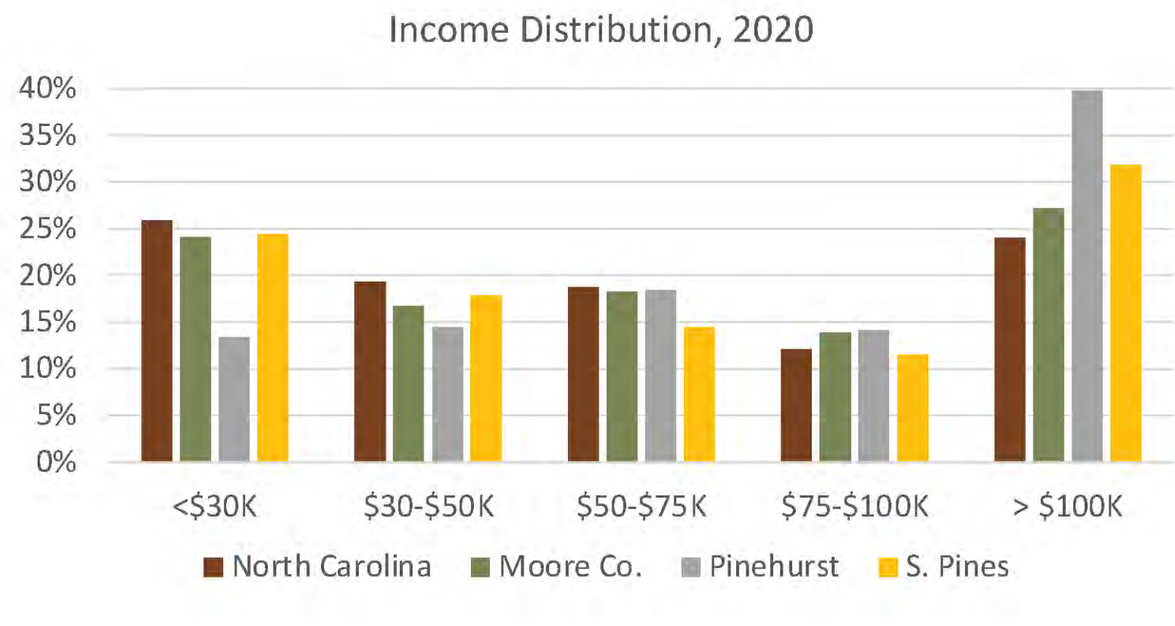
Geography	2020	2025	Growth	Annual Growth Rate
North Carolina	4,341,543	4,494,724	153,181	0.7%
Moore County	43,651	45,169	1,518	0.7%
Moore Co. as % of NC	1.0%	1.0%	1.0%	
Pinehurst Village	7,885	8,100	215	0.5%
Pinehurst as % of Moore	18.1%	17.9%	14.2%	
Southern Pines Town	7,142	7,207	65	0.2%
Southern Pines as % of Moore	16.4%	16.0%	4.3%	

Source: AccessNC, North Carolina Department of Commerce, Labor and Economic Analysis



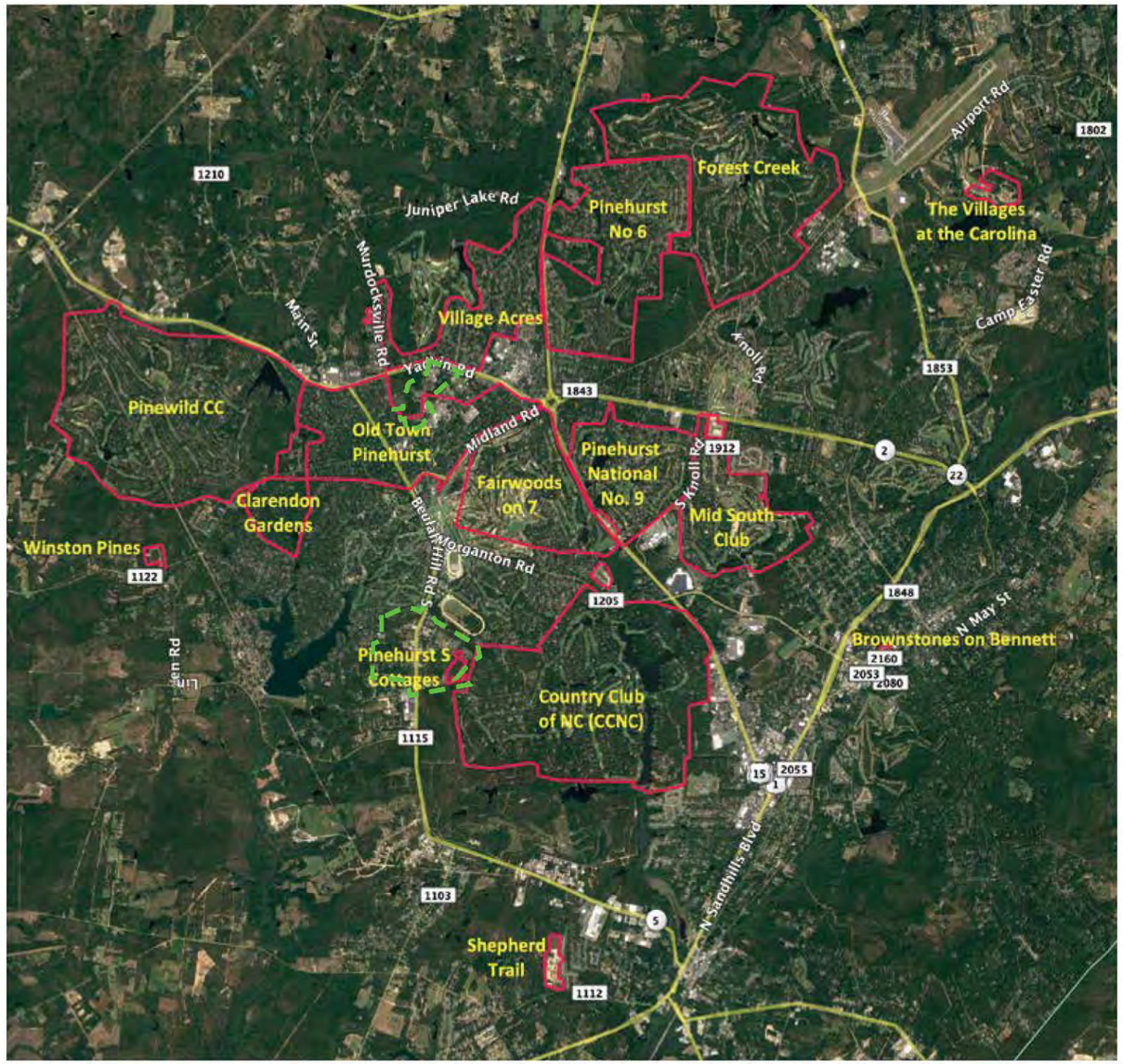


Source: AccessNC, North Carolina Department of Commerce, Labor and Economic Analysis



Source: AccessNC, North Carolina Department of Commerce, Labor and Economic Analysis

For-Sale Residential



KEY

SMALL AREA PLAN (SAP) BOUNDARY

FOR-SALE COMMUNITY OUTLINE

Permits and sales continue to increase

Healthy market with strong demand fundamentals

For-sale in Pinehurst tends to be single-family detached

Demand is high

Home prices continue to rise in Pinehurst - still more attainable/affordable than similar housing in other parts of the country

New homes in non-golf oriented communities are $300,000 to $500,000 on average

New, infill housing in golf-oriented master-planned communities are $450,000 to $750,000

VP

Single-family homes selling in Village Place tend to be priced from $200,000 to $400,000. **Two new homes sold for approximately $300,000**

New product within the study area could be a combination of small lot single-family detached, townhome/attached, and possibly condominium product

The price point would likely be above existing homes within the study area

PS

There are very few for-sale houses within the Pinehurst South study area

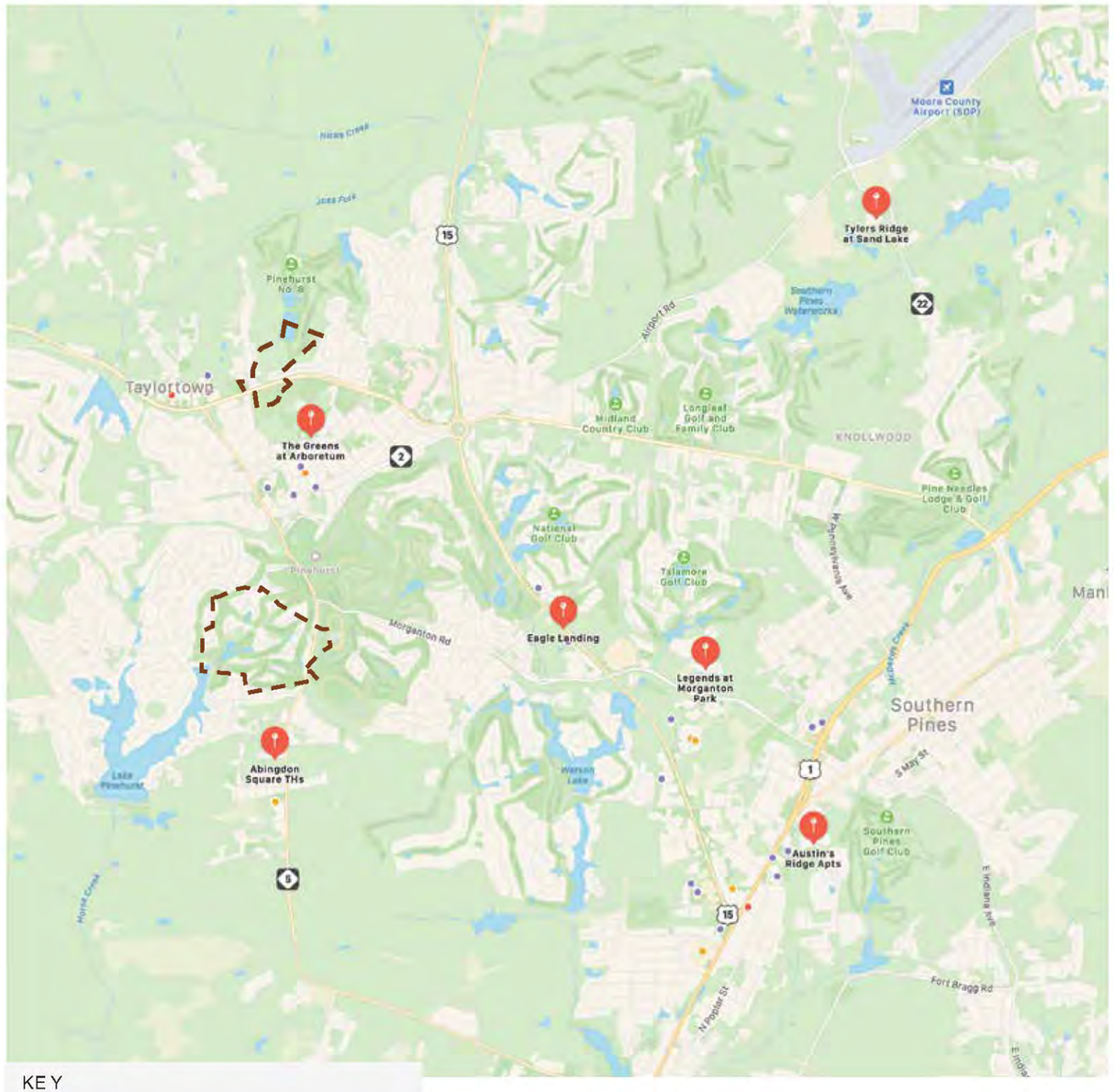
Nearby townhouse community built in the late 1980s sells for approximately $180,000 and $230,000

For-sale homes would be marketable in the study area. There could be a combination of small lot single-family detached and townhome/villa product

The pricing would be above the existing product, and likely within the middle band of new houses in the Pinehurst area

Pinehurst is projected to see strong owner household growth over the coming years; both Village Place and Pinehurst South could capture this growth and help create new, walkable, mixed-use neighborhoods

For-Rent Residential



KEY

SMALL AREA PLAN (SAP) BOUNDARY

APARTMENT COMPLEX

Vacancy continues to remain low (3%) despite the addition of 180 apartment units since 2020

Most Pinehurst rental product is single-family detached homes

Strong, in-balance apartment market

Demand is moderate

Rental rates, although not overly high compared to more suburban areas, have continued to rise in recent years

New rental product in Pinehurst is likely to rent at the higher end of the market, similar to The Greens at Arboretum

One bedrooms range from $1.43 to $1.63 per square foot, two bedrooms range from $1.18 to $1.26 per square foot, and three bedrooms range from $1.25 to $1.55 per square foot

The Greens, a relatively new apartment complex, is located within Village Place

Additional new for-rent residential would be marketable within the study area

It is walkable to the Village Core, is close to services and amenities, and close to open space

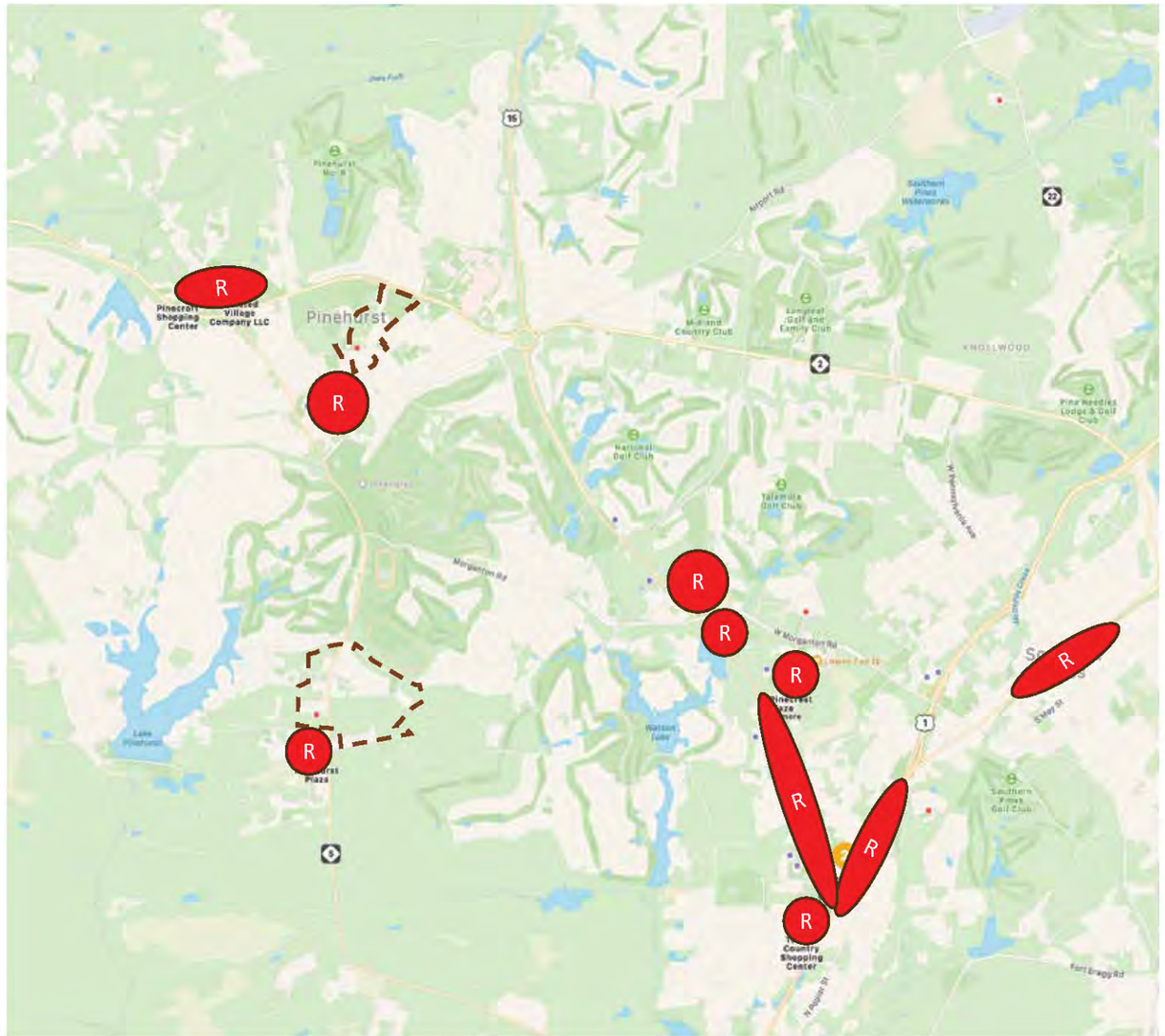
Pinehurst South currently has a rental townhome community, Abingdon Square Townhomes, and the Inn at Quail Haven Village, a senior continuing care retirement community (CCRC)

It would be a marketable location for a rental community

It would likley be positioned below new apartments in Village Place given it is not walkable and farther from services and amenities

Pinehurst is projected to see modest rental household growth over the coming years; both Village Place and Pinehurst South could capture this growth and help create new, walkable, mixed-use neighborhoods

Retail



KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- R — RETAIL SHOPPING

Retail occupancy is currently down due to Covid-19, but still performing relatively well compared to other similar parts of the state

Occupancy should increase after the pandemic is over

Demand is moderate, and tied to household growth

The average rental rate has been relatively stable

Rental rates are approaching the amount needed for new construction (roughly $24 to $30/SF)

VP

Village Place is adjacent to the Village Center

Small retail cluster along Rattlesnake Trail. This area could be built upon

Village Place would be an appropriate location for retail including restaurants, entertainment, tourist-oriented, and locally serving retail.

Larger format retail would prefer to be along NC 211, while smaller retail could be an extension of the Village Core, brewery, and retail along Rattlesnake Trail

PS

Pinehurst South is adjacent to some underperforming, older retail

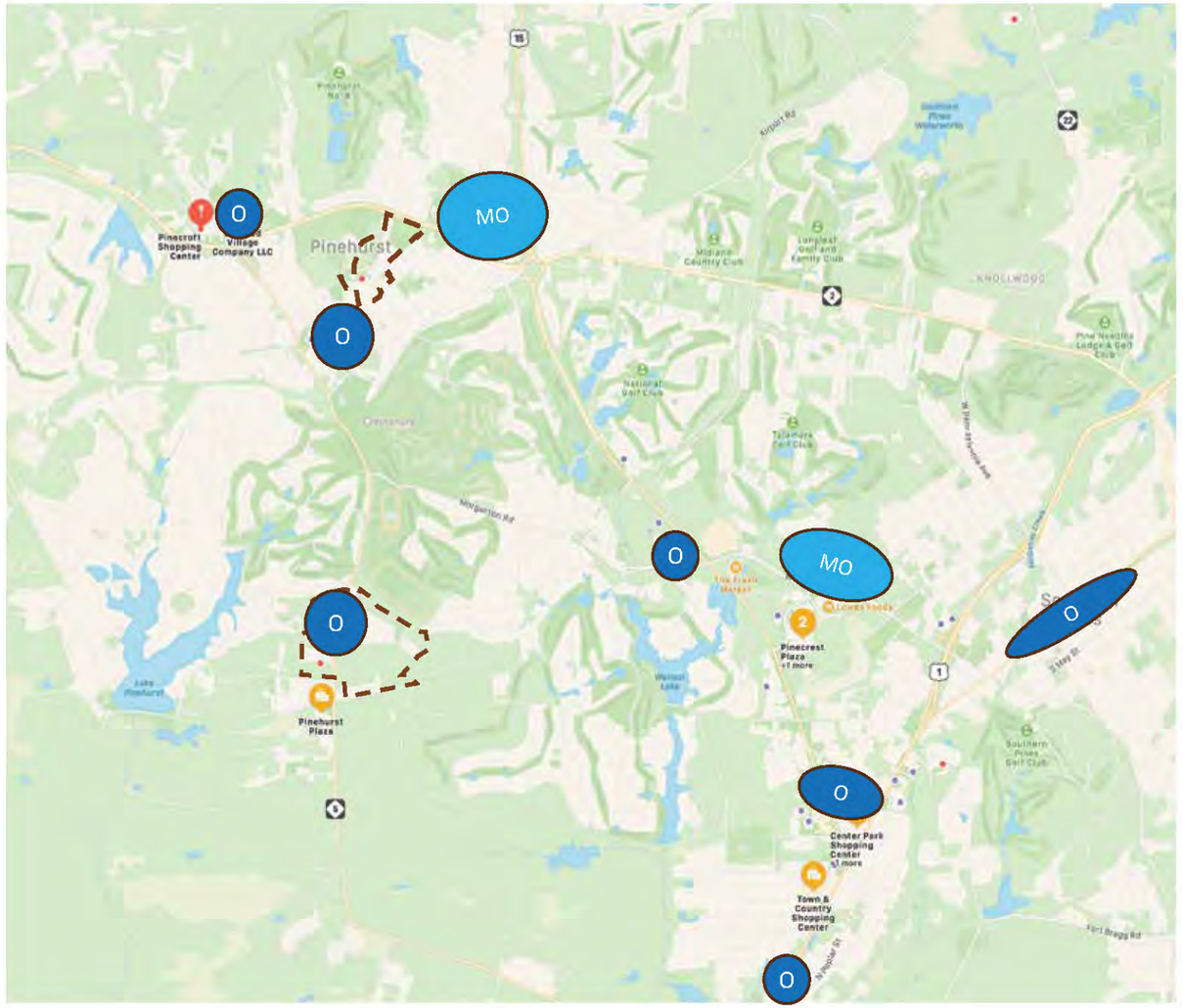
A few retail businesses in PS including the new ABC store, bank, and framing shop

Pinehurst South reasonable location for retail. Main challenge on eastern side of NC 5 is access – retail needs good access, and the rail road crossings make that difficult

Western side of NC 5 would be a good location for locally-serving retail and perhaps shopping center

Pinehurst is projected to see modest retail growth over the coming years; both Village Place and Pinehurst South could capture this growth and help create new, walkable, mixed-use neighborhoods.

Office



KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- O — GENERAL OFFICE
- MO — MEDICAL OFFICE

Occupancy continues to remain high and there has been turnover within buildings

New space has been constructed and slowly leased within the area

Pinehurst office is primarily medical and/or locally serving

Demand is relatively low

Rental rates for most tenants remains below the threshold to build new product

New office product can be built when leases reach $18-$22/SF

This is starting to happen through the Pinehurst area, so new office construction begins to be feasible

There is very little office currently located within Village Place

Location would be appropriate for small-scale office that is locally-serving and generated such as accountants and real estate professionals

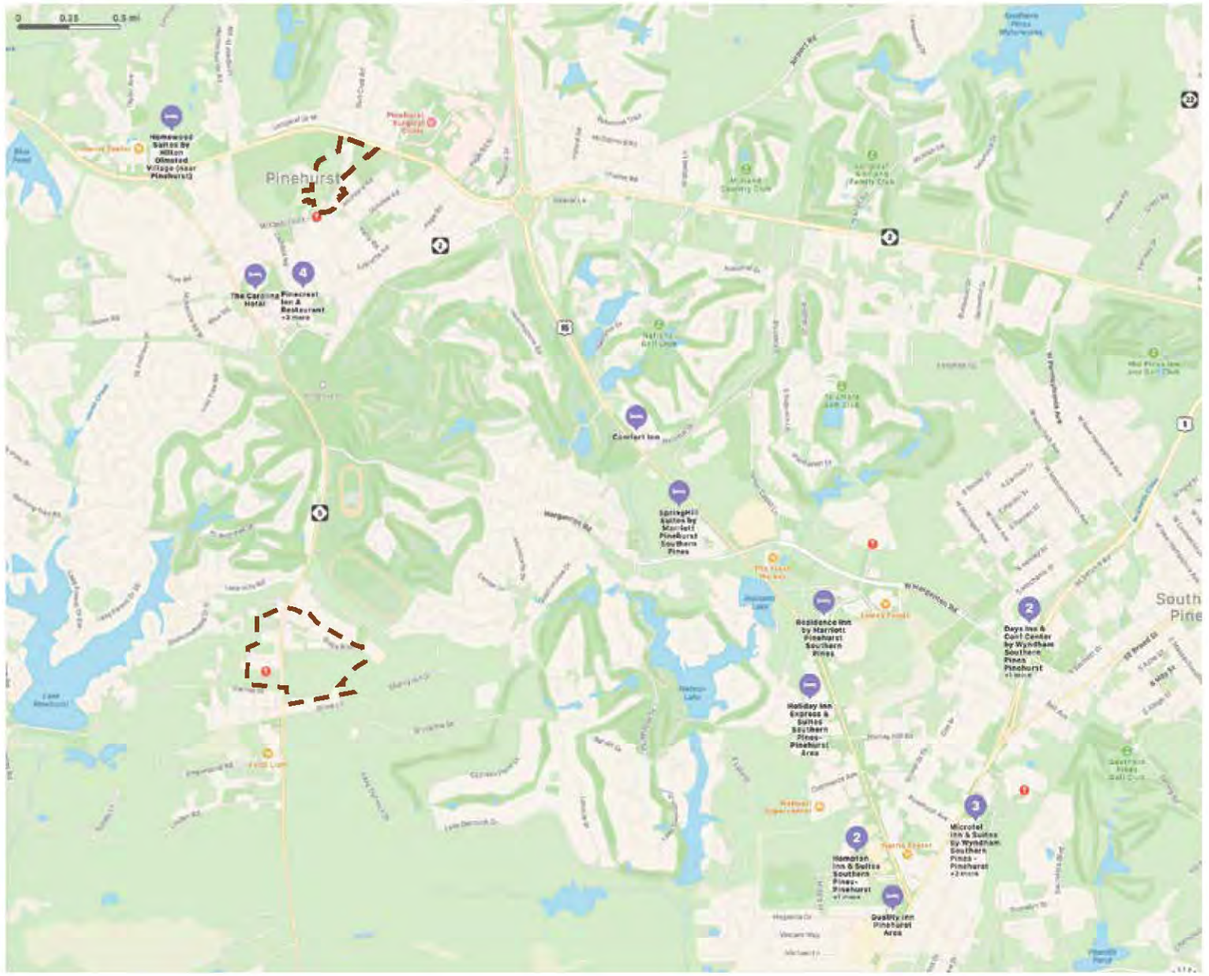
Pinehurst South has a fair amount of office

Some of it is medical office, such as dentists, and some is locally-serving such as financial planners

Location would be appropriate for both office mixed in with other uses as well as more stand-alone, larger office given land availability

Pinehurst is projected to see limited office growth over the coming years; both Village Place and Pinehurst South could capture this growth. In VP it would be part of a walkable, mixed-use neighborhoods. In PS it could also be more office-park like space.

Hospitality



KEY

SMALL AREA PLAN (SAP) BOUNDARY

HOTELS

Occupancy is currently down due to Covid-19

After the pandemic, market is likely to fully rebound to previous occupancy levels (65%)

Demand is low to moderate

The Average Daily Rate has remained strong despite Covid-19 at $131 for 2020

RevPAR is down to $61 for 2020, but should return to pre-Covid levels ($90 in 2019)

VP

The Manor is located within Village Place. 42 rooms and recently renovated. Higher-end hotel in the area

Village Place good location for additional hotel rooms. Close to downtown, NC 211, and could appeal to golf, medical, and business travelers

PS

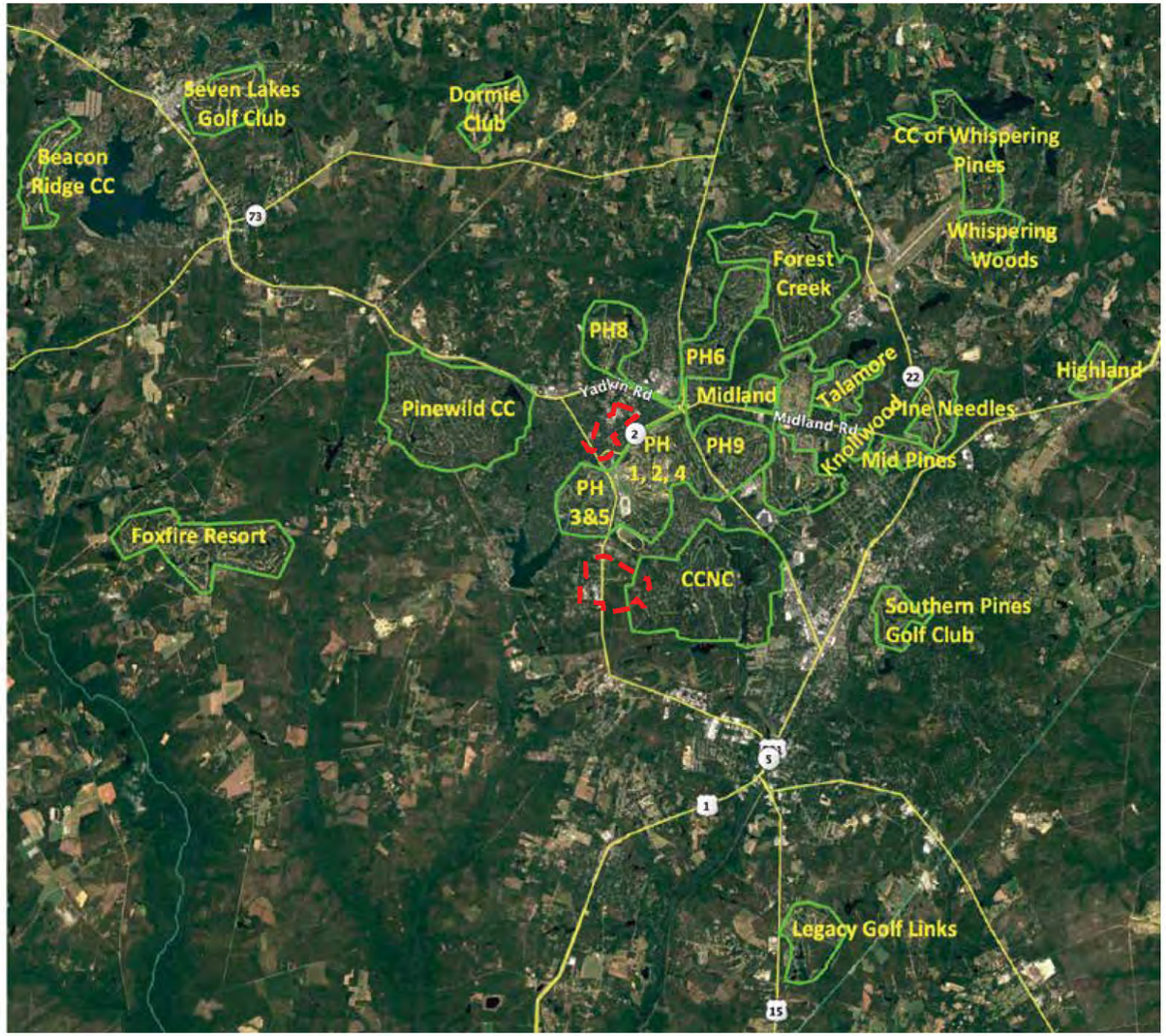
There are no hotels currently in or near Pinehurst South

Majority of hotels in the area are concentrated either close to Pinehurst Center or along the major highways including US 15-501 and US 1

Currently, Village Place would be a more attractive location for a hotel than Pinehurst South

Pinehurst is projected to see modest hospitality growth over the coming years; both Village Place and Pinehurst South could capture this growth and help create new, walkable, mixed-use neighborhoods.

Golf



Participation is currently up in the US for the first time in many years

Pinehurst has also seen an increase in the amount of golfers and rounds played this year

According to the National Golf Foundation, the average round in the US costs $61 in 2020

Pinehurst has rates far above the national average for golf

VP

Village Place cannot accommodate a new golf course

Given the nature of the other land uses, this is not as good of a location for other golf uses that might be appropriate in Pinehurst South

PS

Pinehurst South cannot accommodate a new golf course

It could be an appropriate location for golf operations facilities

Pinehurst and the surrounding area are projected to see modest golf growth in the coming years; neither Village Place nor Pinehurst South could support a golf course. Pinehurst South could be a viable location of golf-support activities (maintenance, back of house, etc.).

Summary of Market Opportunity

Land Use	Overall Market Opportunity	Village Place	Pinehurst South
For-Sale Residential	✓✓✓✓✓	✓✓✓✓	✓✓✓✓
For-Rent Residential	✓✓✓	✓✓✓	✓✓✓
Retail	✓✓✓✓	✓✓✓	✓✓✓
Office	✓✓	✓✓	✓✓
Hospitality	✓✓✓	✓✓✓	✓✓✓
Golf	✓✓	O	✓

Key: ✓✓✓✓✓ = best, ✓ = worst, O = none

Land Use	Demand Potential	Locations within Pinehurst
For-Sale Residential	80-120 homes/year	Almost anywhere
For-Rent Residential	15-25 units/year	Major roads, VP, PS, Village Cntr
Retail	20-25,000 SF/ every 5 years	Major roads, VP, PS, Village Cntr
Office	Up to 5,000 SF/year	Medical area, VP, PS, Village Cntr
Hospitality	25 rooms/yr. in Moore Co.	Resort, Village Cntr, PS, VP
Golf	2-3 courses over the next 10 years in Moore Co.	Focus Area 1 is the only area with space

Summary of Demand for Land Uses within Planning Areas

Land Use	Pinehurst South
For-Sale Residential	Unlimited (up to build-out capacity) 1 project would sell approximately 15-25 homes per year
For-Rent Residential	1-2 projects of up to 200 units each, depending on the location Timing depends on where else apartments have been constructed
Retail	Up to 80,000 SF with grocery, 40,000 SF without grocery
Office	Up to 100,000 SF Limited amount per year. 5,000 SF total in Village. Pinehurst South could capture some of that. Could increase, depending on impact of USGA
Hospitality	1 hotel with approximately 100 rooms
Golf	Possibly some support functions (although the land probably has a higher and better use than maintence for golf)

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3.0 PUBLIC OUTREACH

3.1 OVERVIEW

3.2 PHASE 1 OUTREACH SUMMARY

3.3 PHASE 2 OUTREACH SUMMARY

3.1 OVERVIEW

Public participation helps ensure the plan addresses community concerns and ideas, foster an inclusive and transparent planning process, identify key opportunities and priority areas, and build momentum to move a planning process towards adoption and implementation. Stakeholder input and feedback were critical to creating a community-supported vision for Pinehurst South

A critical task throughout the planning effort was to gather stakeholder input on existing conditions and feedback on proposed concepts. This engagement was conducted through a variety of outreach methods.

Stakeholder Interviews

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

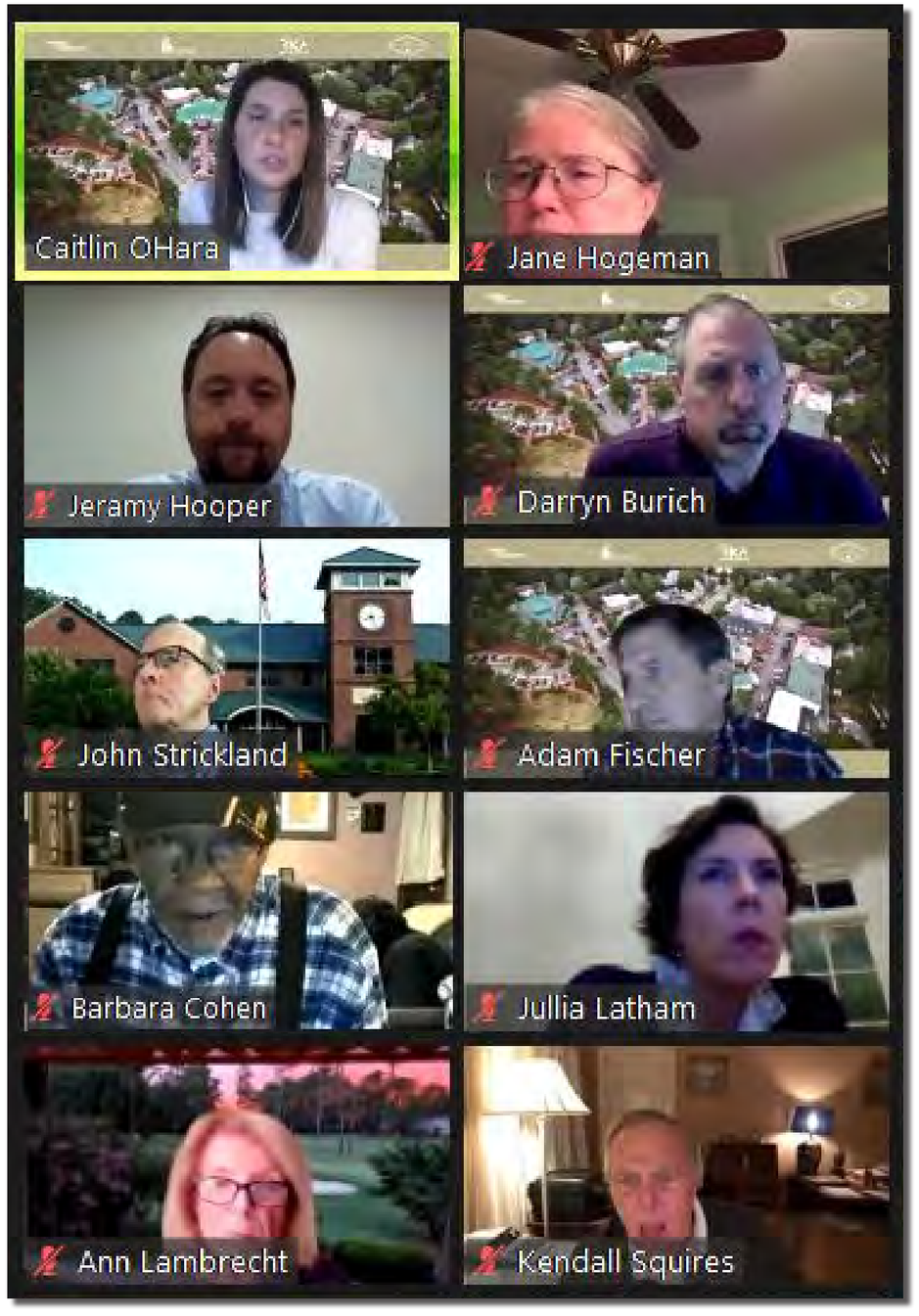
Public Workshops

The consultant team and the Village of Pinehurst held three public workshops to elicit feedback and present work to stakeholders. The workshops were held as follows:

- In February 2021, Public Workshop 1 was held to outline a vision for the future of the two Small Area Plans with public input and guidance. There were 148 registrants (including consultant and Village staff team members), and approximately 100 attendees participated virtually, due to COVID-19 precautions.
- In early June 2021, Public Workshop 2 was held to solicit further feedback on the proposed concepts for the two Small Area Plans. There were 88 registrants (including consultant and Village staff team members) and approximately 59 attendees participated virtually, due to COVID-19 precautions.
- In February 2022, an open house was held to present the draft Pinehurst South Report. Approximately 108 attendees participated in person at the Fair Barn.



Presentation images from Public Workshop 1



Screenshot images from Virtual Public Workshop 1

3.2 PUBLIC WORKSHOP 1

Overview

In February 2021, the consultant team and Village of Pinehurst held Public Workshop 1 (of 3) to outline a vision for the future of the two Small Area Plans with public input and guidance.

The Public Workshop was held virtually due to COVID-19. There were 148 registrants (including consultant and Village staff team members), and approximately 100 attendees participated. Darryn Burich (VOP) introduced the team and gave an overview of the project goals and objectives. Cecily Bedwell and Caitlin O'Hara (DCI) presented the project team, project introduction, project schedule and Existing Conditions. Melina Duggal (DREA) presented the Market and Economic Analysis.

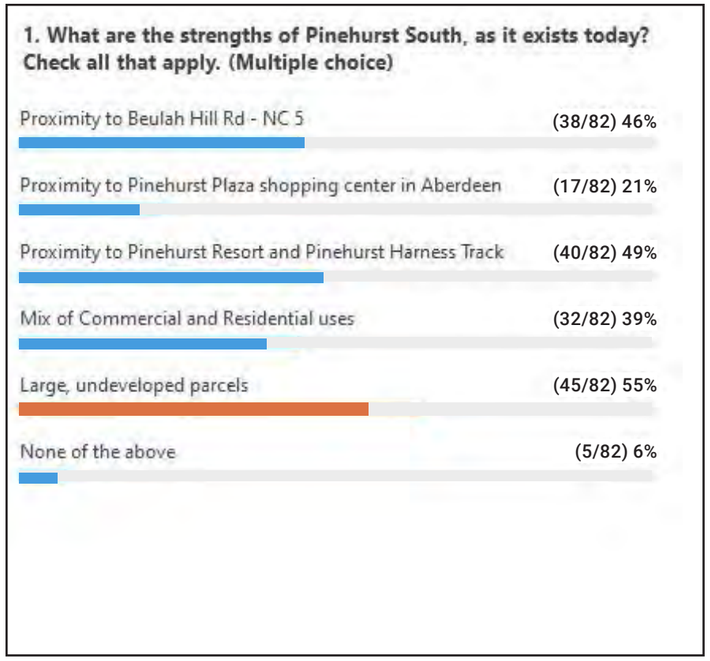
Breakout Rooms were utilized to give participants the opportunity to ask questions, give input, and listen to other stakeholders. Each breakout room was facilitated by a member of the project team. Additionally, the project website provided outreach materials as well as an online survey and a summary of the presentation.

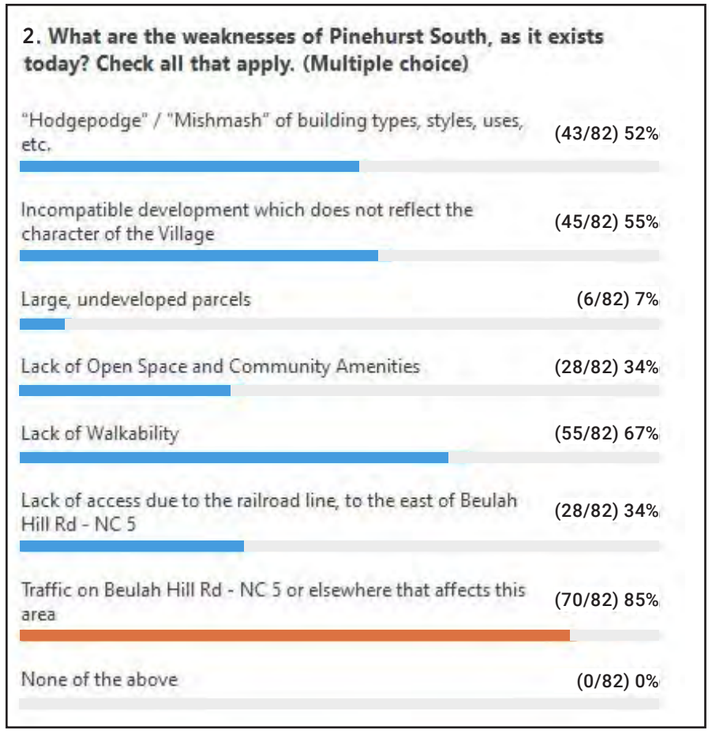
The following pages summarize the feedback received as a result of Public Workshop 1.

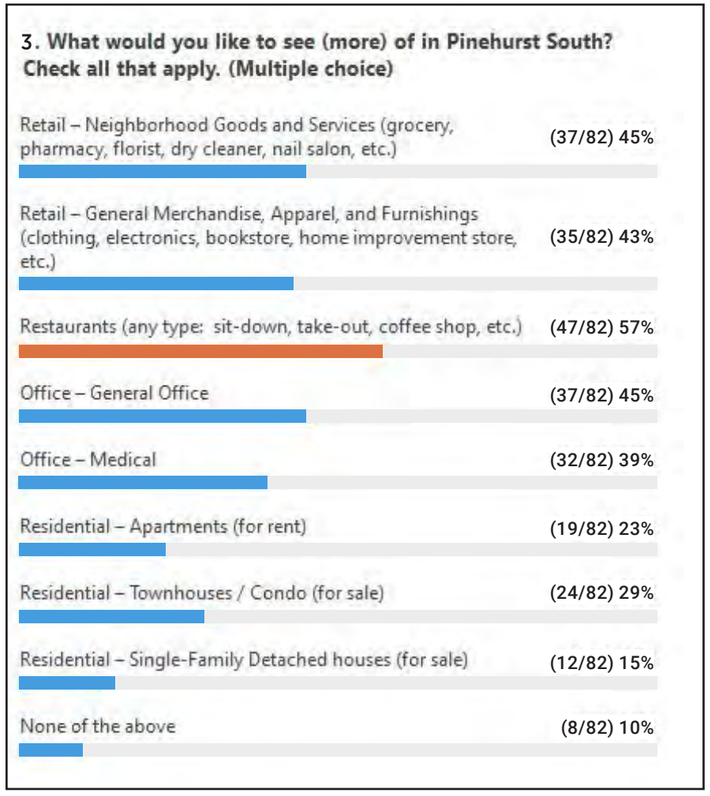
Pinehurst South Polling Questions

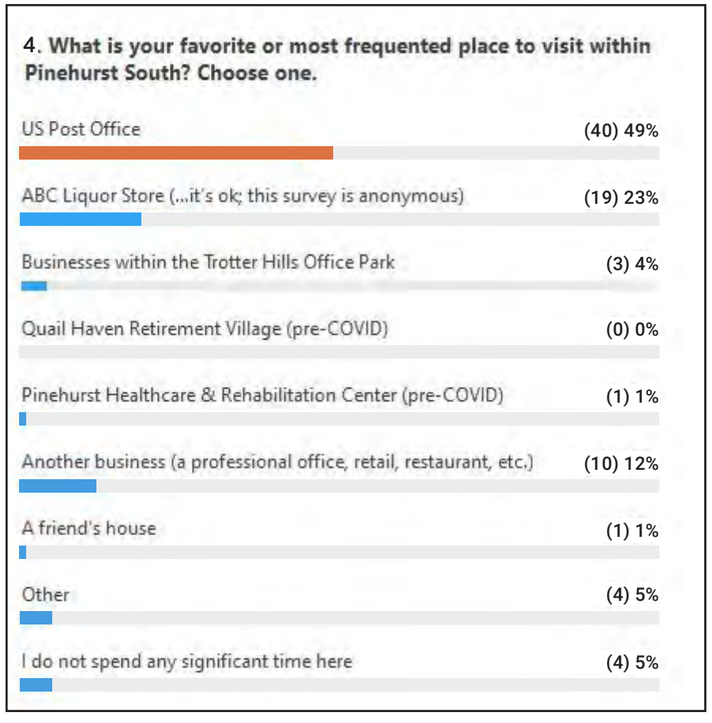
The Public Workshop included two rounds of Polling Questions, one for Village Place and one for Pinehurst South. The polls were available live during the Public Workshop and also on the Project website for 10 days following the event. Participants were encouraged to use the polling questions to express their views on the strengths, weaknesses, and opportunities relating to each Small Area Plan.

This page shows the cumulative results of the Polling Questions for Pinehurst South.







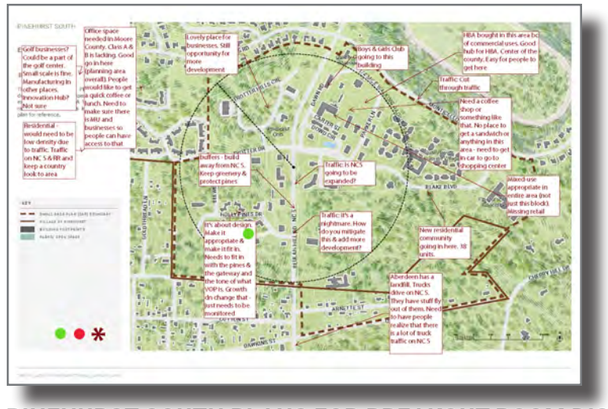


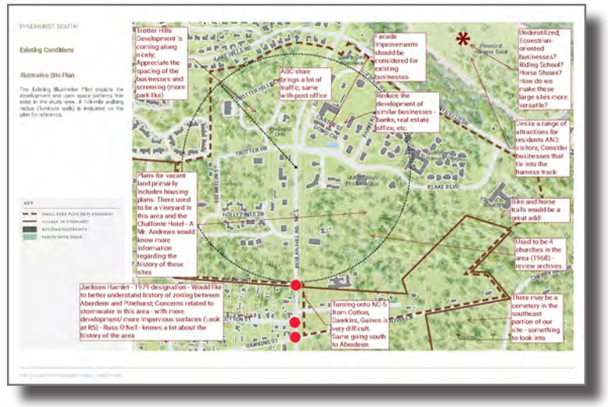
Public Workshop 1 Summary

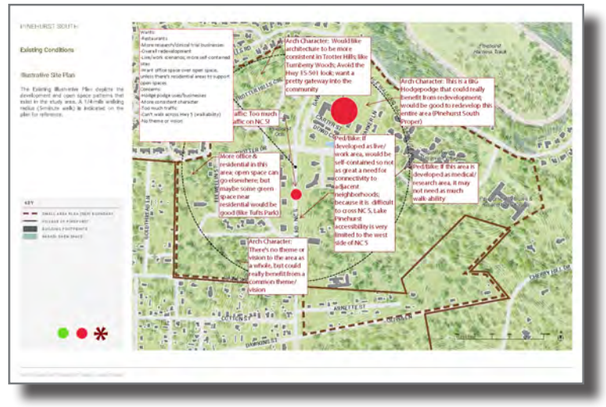
Public Workshop 1 offered the community an opportunity to voice their observations and concerns about the future of Village Place and Pinehurst South. The list below is a compilation of the comments received during the workshop, as well as additional comments received by staff post workshop, for Pinehurst South. For a full list of comments recorded during Public Workshop 1, please visit the project website: www.engage.vopnc.org/smallareaplans.

Land Use

- Development right now is inconsistent
- Strong desire for a public open space in this area
  - Some stakeholders mentioned open space like Tufts Park
  - Build/extend recreational amenities for families in the area
- Low density residential desired by some stakeholders
- Desire for mixed-use:
  - Consider mixed use that disperses traffic, encourages internal circulation
  - This area is currently a bedroom community, needs businesses to help tax base
  - The area between Dawn Road and Parker Lane is seen as an opportunity for mixed-use; it is missing retail right now. A coffee shop or deli would be great – it is easily accessible
- Office space is needed in Moore County – Class A and B is lacking – which would fit this area. However, some stakeholders cautioned against too much office space as COVID has altered the need for it and the future of office is undetermined
- Given proximity to Aberdeen, Rt. 1, and the railroad, Light Industrial may be attracted to this area
- Opportunity for Retail:
  - Along Gaines street
  - Desire for retail uses along Monticello Drive
  - Some stakeholders would like to see a grocery store in this area, while others are happy to go elsewhere
  - Perhaps small-scale businesses, golf businesses, golf centers?
- Desire for office space – clinical/research businesses
- The Innovation HUB as planned in the 2019 Comp. Plan does not resonate with some stakeholders; they are confused by this concept and think it is too much development







PINEHURST SOUTH PLANS FOR BREAKOUT ROOM DISCUSSIONS

The pages above are examples plans shown during the Breakout Rooms for Pinehurst South. For a full reference of these comments, please see the PW 1 Summary document on the project website.

Character

- Pinehurst has numerous neighborhoods that are unique; it is okay to keep them different, but connected to each other
- There is no cohesiveness to character in this area
- Keep country area look
- Trotter Hills coming along nicely, a great opportunity for more development; stakeholders like the park-like setting
- Desire for development like Turnberry Wood
- Landscape:
  - Consider buffers along NC-5 – keep greenery and protect the pines; set development back from the highway.
- Future development needs to fit in with the pines and the gateway and the tone of the Village – growth and change need to be monitored.
- Consider façade improvements for existing businesses near Carter Street; future businesses should vary, not be the same types of uses
- Concern about new vinyl-sided homes and large homes – not sure they match the Village character
- No chain restaurants; no strip centers
- Reuse existing buildings such as Elmore Furniture

Transportation

- Need for an independent, professional traffic study
- Pedestrian:
  - Promote pedestrian circulation over vehicular; make more walkable
  - Walking from residences to retail is desired
  - Desire to cross NC-5 safely
- Vehicular:
  - Traffic on NC-5 is a nightmare and the corridor is littered with trash
  - Trucks on NC-5 from the Aberdeen landfill are a concern; there is a lot of truck traffic
  - NC-5 intersections at Cotton, Dawkins, and Gaines Streets have very difficult turns on both sides
  - Doral Woods exit onto Morganton Road has very traffic heavy
  - Monticello Drive is used as a cut through
  - Future development off Blake Blvd. for 38 homes raises traffic concerns for some stakeholders
  - Residential would need to be low density due to traffic concerns
  - ABC Store and Post Office bring lots of traffic
  - Concern for how to solve traffic; railroad limits widening the roadway.
  - Need for another entrance off Blake Blvd. past the new liquor store
- Need to connect back to Village Center to make this area feel like it is a part of the Village, not isolated/ disconnected
- Consider bike and horse trails near Pinehurst Rehab Center

3.3 PUBLIC WORKSHOP 2

Overview

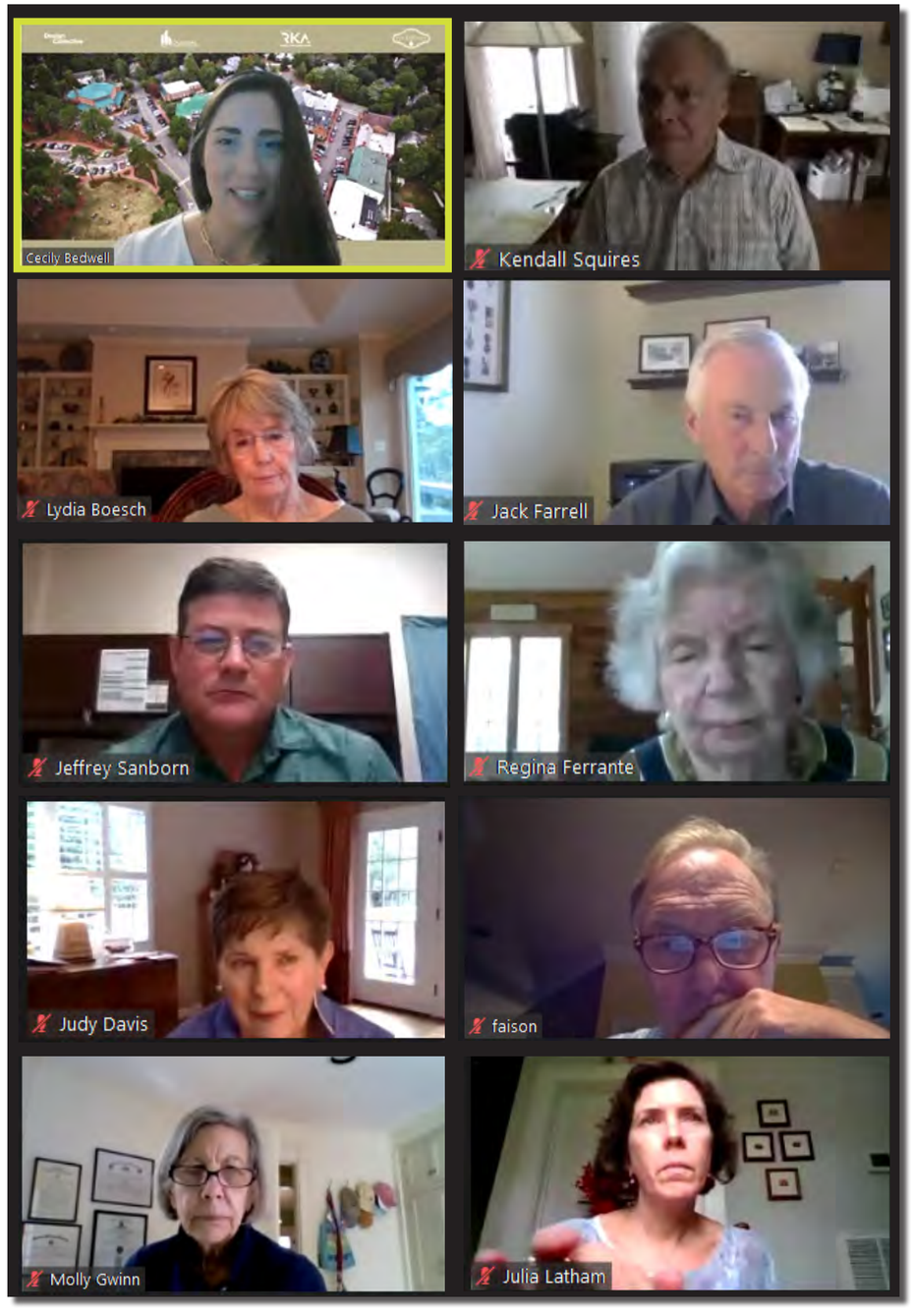
In Phase 2, from March to May 2021, based on the analysis conducted and feedback received during Phase 1, the consultant team designed and compiled Concept Plan Options, Street Sections, Open Space and Street Network Plan Diagrams, Renderings, Precedent Images, and similar for Village Place and Pinehurst South. During this time frame, the consultant team discussed the two plan areas and concepts with Village staff, appointed and/or elected officials, and key stakeholders and, based on input received, refined the concepts.

In early June 2021, the consultant team and Village of Pinehurst held Public Workshop 2 (of 3) to solicit further feedback on the proposed concepts for the two Small Area Plans. There were 88 registrants (including consultant and Village staff team members) and approximately 59 attendees participated virtually, due to COVID-19 precautions. Cecily Bedwell and MacKenzie Twardus (DCI) presented the Project Overview, Public Workshop 1 Summary, two plan options for each Small Area Plan, and other supporting materials. Melina Duggal (DREA) presented the Market and Economic Analysis summary that contributed to the plan options.

Breakout Rooms were utilized to give participants the opportunity to ask questions, give input, and listen to other stakeholders. Each breakout room was facilitated by a member of the project team. Materials were then posted to the project website to allow for further input.

The following pages summarize the feedback received during Public Workshop 2.

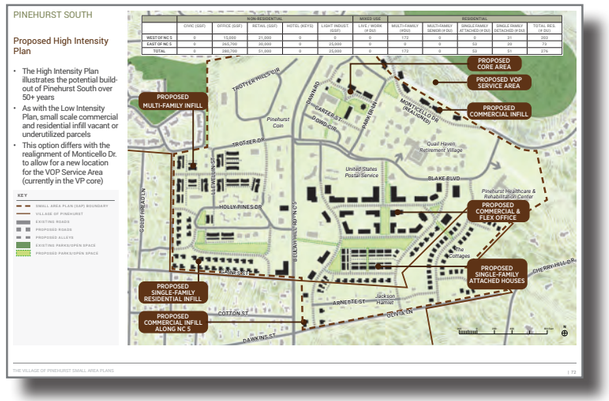


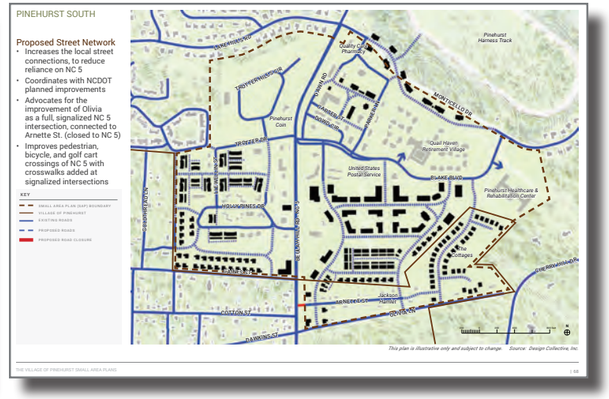


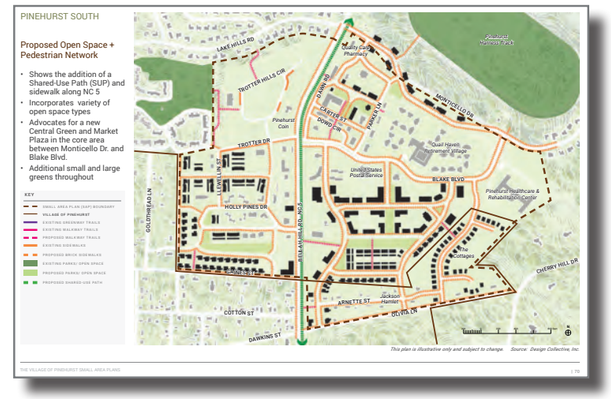
Screenshot images from Virtual Public Workshop 2

Public Workshop 2 Summary

Public Workshop 2 offered the community an opportunity to voice their observations and concerns about the future of Village Place and Pinehurst South. The list below is a compilation of the comments received during the workshop for Pinehurst South, as well as additional comments received post workshop, via the project website survey (see www.engage.vopnc.org/smallareaplans for more information).







PINEHURST SOUTH PLANS FOR BREAKOUT ROOM DISCUSSIONS

The pages above are examples plans shown during the Breakout Rooms for Pinehurst South. For a full reference of these comments, please see the PW 2 Summary document on the project website.

Low and High Intensity Plans

- Many stakeholders support the High Intensity Plan – although it is long term, it creates a good vision for this area.
  - VOP is running out of room so this area is critical to future development. More Multi-Family is needed here.
  - Prefer the idea of moving density here than taking Natural Areas and Green Spaces elsewhere
- However, some stakeholders prefer the Low Intensity Plan and Single-Family units as more in keeping with the Village of Pinehurst (VOP) theme.
  - Desire to make Single-Family lots larger to accommodate backyards and focus on low density with no Multi-Family
  - Some stakeholders are afraid that the High Intensity Plan would bring more traffic and add to the existing traffic problems. There is support for internal streets, but stakeholders do not believe this helps to alleviate traffic on NC-5 in the near term.
- Some stakeholders are in favor of Mixed Use. Mixed used and commercial buildings should still maintain appropriate heights, keeping VOP character.
- Many are against big box stores in the area, preferring smaller, locally-owned businesses
- Support for the Market/Incubator space for small businesses (proposed in the core, north of Blake Blvd.)
- Some stakeholders prefer research/medical businesses here (per Comp. Plan), believing those uses don't generate much traffic
- Concerns about the type of commercial development; needs to be thoughtful.
- Opposition to industrial use near residential area
- Some stakeholders think residential use on east side of NC-5 should be Multi-Family, not Single-Family Detached, as that area was meant to be commercial, Innovation Hub anchor.
- Moving the Pinehurst Public Service Facility from Village Place to Pinehurst South was a surprised to some stakeholders. Many agree that it needs to move, but think that there needs to be a better description of what it is and how will it look. There is also some concern that there may not be enough space for the Service Area.
- Pinehurst South's design should reflect / fit with VOP theme; it should not imitate Village Center, but the design should relate.

Transportation / Circulation

- Sidewalks / Paths:
  - Some think brick sidewalks should be required
  - Walkability is key to growth. Currently nowhere to go
  - Overall support for pedestrian connections and walkability
  - There is an opportunity to connect to Harness Track and Clubhouse by foot.
  - Support for the shared-use path along NC-5 - it would be good to connect it north, to Village Center
  - The residents of the Jackson Hamlet community travel on foot - adding sidewalks/walkability helps underserved community.
  - There should be a shared-use path going west to Lake Hills Road.
  - Focus has been switched from innovation hub to health and wellness; plan needs to reflect this change - more trails to walk or ride.
  - Plan needs to encourage walking to services and increase walkability to ease traffic on NC-5
- Streets
  - Most stakeholders in support of Monticello realignment and relocation of Service Facility here. However, some noted that the Service Facility would fit without relocating Monticello if no commercial was located on the north side.
  - Emphasize connectivity to the Harness Track; this is an asset to the community and it can be enhanced by this adjacent development.
  - There are still many concerns about NC-5 traffic. Some stakeholders do not think this plan helps the traffic problem.
  - Some stakeholders expressed concern that existing parallel parking (in Southern Pines) isn't working well because residents do not like parallel parking
  - Stakeholders are concerned about truck traffic on Monticello, depending on what type of commercial development will be in the area. They would like to know what kind of vehicles would be coming in and out.
  - Community supports the idea of rerouting commercial traffic off NC-5.
  - Concern about street ownership.
  - Some stakeholders think the Railroad should be diverted to bypass all of Pinehurst, altogether. This area could be used to make a greenway to accommodate golf carts from Aberdeen to Pinehurst.
  - Open up area around USGA headquarters - multi modal movement from Aberdeen to Pinehurst - almost to Southern Pines area - connect three small towns
  - Like that this plan would alleviate traffic on local streets
  - Plan looks appropriately Olmstedian in street pattern

Buildings:

- Preference for commercial/retail along the green space to encourage public use and engagement.
- Stakeholders would like to see a cohesion of architecture and landscape to blend everything together. FBC will be important.
  - Buildings (especially Multifamily, Mixed Used, and Commercial) need to have lots of open space, and breathing room around them, to avoid looking out of place.
  - Some stakeholders did not like the proposed 8-, 10-, 12-unit multi-family buildings

Open Space:

- Some stakeholders think that there is not enough open space in this plan.
- This is an entry corridor; it is important to have landscape and Village character here to reflect the theme of VOP. People should know they are entering VOP. Some stakeholders think that more landscape is needed in this area.
- Some stakeholders desire access to more sports fields, recreation areas for families in this area - possibly a sports campus with soccer, baseball, tennis, etc.

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4.0 RECOMMENDATIONS

4.1 OVERVIEW

4.2 GUIDING PRINCIPLES

4.3 CONCEPT DESIGN

4.4 FINAL DESIGN

4.1 OVERVIEW

Overview

The recommendations for Pinehurst South are broken down into three components: Guiding Principles, Concept Design, and Final Design. The material in this section takes into consideration the Phase 1 Existing Conditions analysis, the review of the previous plans and studies, and input received from stakeholders.

Approach

CHARACTER:

- Gateway at NC-5 & Blake Blvd. is important
- Architecture does not need to emulate the Village Center (VC), but should reflect the overall character of the Village
- New streets should reflect the curvilinear character of the Olmsted plan where practical, in response to topography, etc.
- 1-2 stories is preferred
- Jackson Hamlet: respect this historically Black neighborhood and its residents' history
- Explore ways to tie in the history of the Chalfonte Hotel and Ambassador 's Club, two historic buildings in this area that no longer exist

LAND USE:

- Explore placemaking/center east of NC-5, between Monticello Drive and Blake Blvd., given the nexus of the Post Office, Pharmacy, ABC, Dowd Cabin, and the new Girls & Boys Club
- Explore variety of residential types (including cottages, townhouses, live-work, and missing middle residential) as well as infill commercial
- Departure from 2019 Comp. Plan; the Innovation District is better suited to Focus Area 3: Medical District as it requires an anchor institution: medical, university, etc. Alternatively, this area could be anchored by the Golf Industry
- Incorporate new Open Spaces

TRANSPORTATION:

- Help alleviate traffic congestion on NC-5 by providing network/expanding connectivity
- Explore "Rails with trails" Shared-Use Path (SUP) east of NC-5, between roadway and rail (no golf carts)
- Coordinate with NCDOT sidewalk and roadway improvements along the west side of NC-5
- Study golf cart connections (west to east) and NC-5 and railway crossings (2 existing)

Guiding Principles

The Guiding Principles below informed the Concept and Final Designs found within this document and should carry through in future development and improvements within Pinehurst South. These defining planning principles help creating lively, walkable, desirable, and cohesive neighborhoods. The Guiding Principles employed for this planning effort are separated into universal Planning Principles and specific Olmsted and Manning Principles as follows.

PLANNING PRINCIPLES:

- Create a connected circulation network
- Incorporate Complete Streets
- Strengthen building frontage
- Provide a variety of public open spaces
- Design streets for flexible programming
- Promote health and wellness through neighborhood design

OLMSTED & MANNING PRINCIPLES:

- Design curvilinear street forms, following topography and continuously redirecting views
- Incorporate triangular parks at curvilinear street intersections
- Create an organic grid with short, walkable blocks (no cul-de-sacs)
- Maintain consistent building setbacks (except for civic uses)
- Encourage tree-lined streets
- Organic landscape design in Open Spaces

Concept Design

Following the Public Outreach engagement and the Guiding Principles research, the consultant team began a concept design process to explore options for development in Pinehurst South. The purpose of this phase (Phase 2) was to explore options for the Pinehurst South Small Area Plan and elicit feedback from Village staff and representatives as well as stakeholders. The Concept Design was presented as part of Public Workshop 2. The feedback on these designs was critical to generating the Final Design, which can be found in *Section 4.4* of this document.

Final Design

The Final Design (i.e., the preferred design solution) is a combination of text, perspective renderings, framework plans, streetscapes, and a potential build-out plan and absorption plan that represent the culmination of the feedback received through the project's Public Outreach process as well as the insight achieved from the existing conditions analysis, best practice and precedent research, and the concept design studies. The Final Design includes recommendations for planning and transportation elements throughout Pinehurst South. The Final Plan and its accompanying recommendations encompass the entire plan area and consider its surroundings and broader context. The Final Design helps to create an interconnected and coordinated approach for recommendations and inform the design the Detail Plan.

For Pinehurst South, two Build-out Plan Scenarios are shown due to the desire for flexibility. Build-out Plan - Scenario 1 shows a plan with a higher intensity program, including Single-Family Attached (SFA) residential east of NC-5, while Build-out Plan - Scenario 2 shows a plan with a lower intensity program, incorporating more Single-Family Detached (SFD) residential.



Village Center streetscape depicting the curving streets and irregular groupings of evergreen and deciduous planting that are the hallmark of the original Olmsted & Manning vision for Pinehurst
Source: Design Collective

Form-Based Code (FBC)

The Form-Based Code (FBC) is a companion document to this Small Area Plan (SAP) report. While this document focuses on the existing conditions analysis, best practice and precedent research, Concept Design studies, the Final Design plan and recommendations, as well as stakeholder feedback, it should be seen as an account of the planning process and the intent and vision established collectively. The FBC, on the other hand, is a regulating document, taking the intent and vision established through this planning process and formulating precise development standards that help ensure the vision becomes reality. Property owners, whether from the public or private sector, and their design teams will be required to follow the criteria laid out in the FBC when designing and submitting their intended development or improvement. The Village will use the FBC to review submissions, to ensure they are in compliance.

4.2 GUIDING PRINCIPLES

Planning Principles

The universal Guiding Principles below identify overarching design strategies for achieving an engaging, successful, and sustainable built environment. Additionally, on the following pages, the Olmsted and Manning Principles are design strategies specific to the historic design of the Village of Pinehurst which should be preserved and emulated in Pinehurst South. These principles have been identified as essential strategies for improving Pinehurst South and should be used to guide zoning modifications, streetscape and transportation improvements, and new development throughout the area.

1. CREATE A CONNECTED CIRCULATION NETWORK

» Provides greater accessibility through more direct routes, compared to a branching system

» Increases overall network efficiency and reliability through added redundancy

» Improves multi-modal transportation and encourages walking and bicycling

» Improves safety and public health

» Improve and expand golf cart accessibility

2. INCORPORATE COMPLETE STREETS STRATEGIES

» Incorporate bicycle and pedestrian facilities (e.g., accessible, passable sidewalks; curb ramps; bike racks; dark sky compliant, LED lighting; etc.)

» Integrate innovative stormwater management

» Improve the existing streetscapes to promote safe, comfortable, and convenient access for all users

» Require new development to design and improve streets to meet the Complete Streets principles and enhance and expand the pedestrian, bicycle, golf cart, and vehicular networks

3. STRENGTHEN BUILDING FRONTAGE

» Define Frontage with Street Trees and Buildings

» Relegate parking to side or rear

» Encourage infill development that respects traditional frontage patterns, with buildings lining streets

» Locate building entrances along primary streets and provide easy access and wayfinding for all users

» Require new development in the core area to have buildings with active ground-floor uses along primary streets to create engaging streetscapes

4. PROVIDE A VARIETY OF PUBLIC OPEN SPACES

» Incorporate a variety of passive and active open spaces to serve a broad base of users

» Promote an active lifestyle at all stages, by providing family-friendly outdoor activities and integrated accessible features and facilities

» Distribute open spaces to encourage daily use and access by walking and bicycling

» Require new development to provide a variety of appropriately-scaled open spaces and provide connections to the trail network. For proper village-scaled development, open space should equate to approximately 8% of the developable land area.

5. DESIGN STREETS FOR FLEXIBLE PROGRAMMING

» Streets in core locations should be flexible and adaptable

» Able to carry pedestrians, bicycles, and vehicles on the typical day

» But on event days, or in unique circumstances like the pandemic, be able to close to vehicular traffic to host festivals, in-street dining, provide additional open space, etc.

» Explore parking ratio reductions

6. PROMOTE HEALTH AND WELLNESS THROUGH NEIGHBORHOOD DESIGN

» Connect people with health, fitness, and wellness through daily engagement and activity

» Create places to Live-Work-Play-Eat-Shop in an enriched natural setting that promotes healthy lifestyles

» Promote walkable, mixed-use neighborhoods, lessening dependence on vehicles

» Celebrate Pinehurst's founding as a health resort village



1. CREATE A CONNECTED NETWORK



4. PROVIDE A VARIETY OF PUBLIC OPEN SPACES



2. INCORPORATE COMPLETE STREETS STRATEGIES



5. DESIGN STREETS FOR FLEXIBLE PROGRAMMING



3. STRENGTHEN BUILDING FRONTAGE

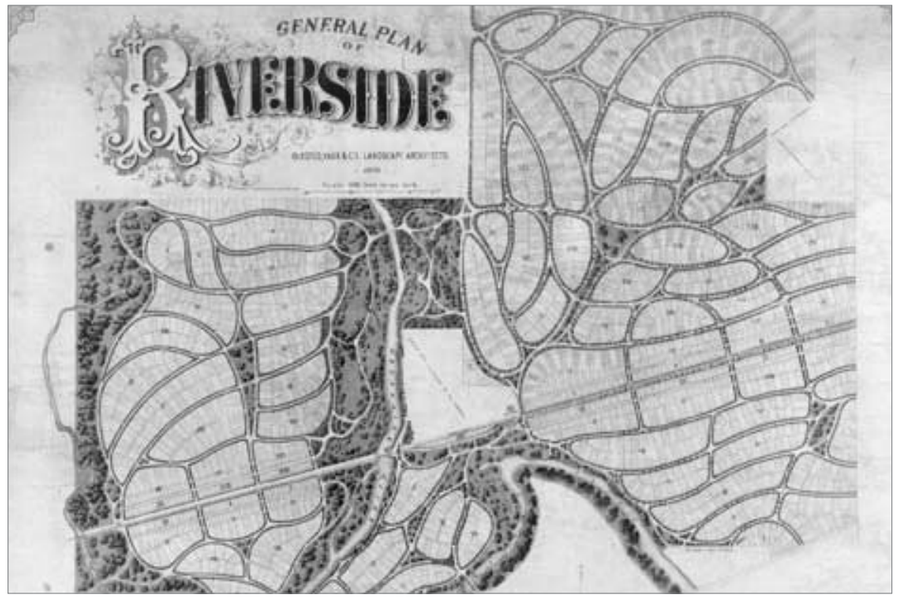


6. PROMOTE HEALTH AND WELLNESS ENVIRONMENTS

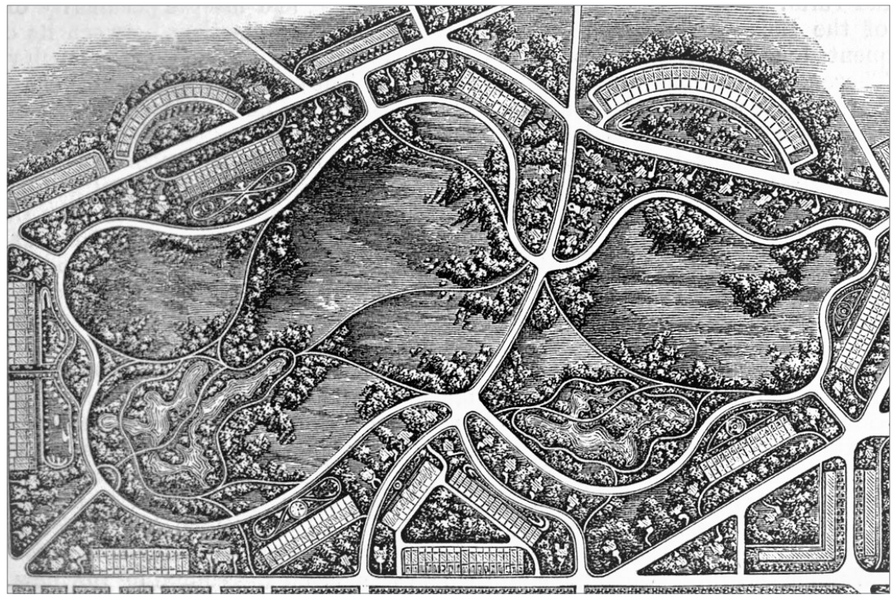
Olmsted Planning Principles

In 1895, James Walker Tufts hired the landscape architecture firm Olmsted, Olmsted, and Eliot to design the Village of Pinehurst as a health-centered resort. Known as the "Founder of American Landscape Architecture", Frederick Law Olmsted brought his design philosophy and planning principles to bear on Pinehurst - an approach that can be seen in many of his designs for towns, cities, and parks. These "Olmstedian" Principles include the following design strategies:

- Design curvilinear street forms, following topography and continuously redirecting views
- Incorporate triangular parks at curvilinear street intersections
- Create an organic grid with short, walkable blocks (no cul-de-sacs)
- Maintain consistent building setbacks (except for Civic uses)
- Encourage tree-lined streets, typically with regularly-spaced shade trees
- Organic landscape design in Open Spaces



Olmsted Plan: Riverside, IL
Credit: Enjoy Illinois



Olmsted Plan: Birkenhead Park - United Kingdom
Credit: The American Cyclopedia v. 13, 1879



Olmsted Plan: Vandergrift - Westmoreland Co, PA
Credit: Alamy Stock Photo



Olmsted Plan: Sherwood - Richmond, VA
Credit: National Park Service/Sherwood Land Co.

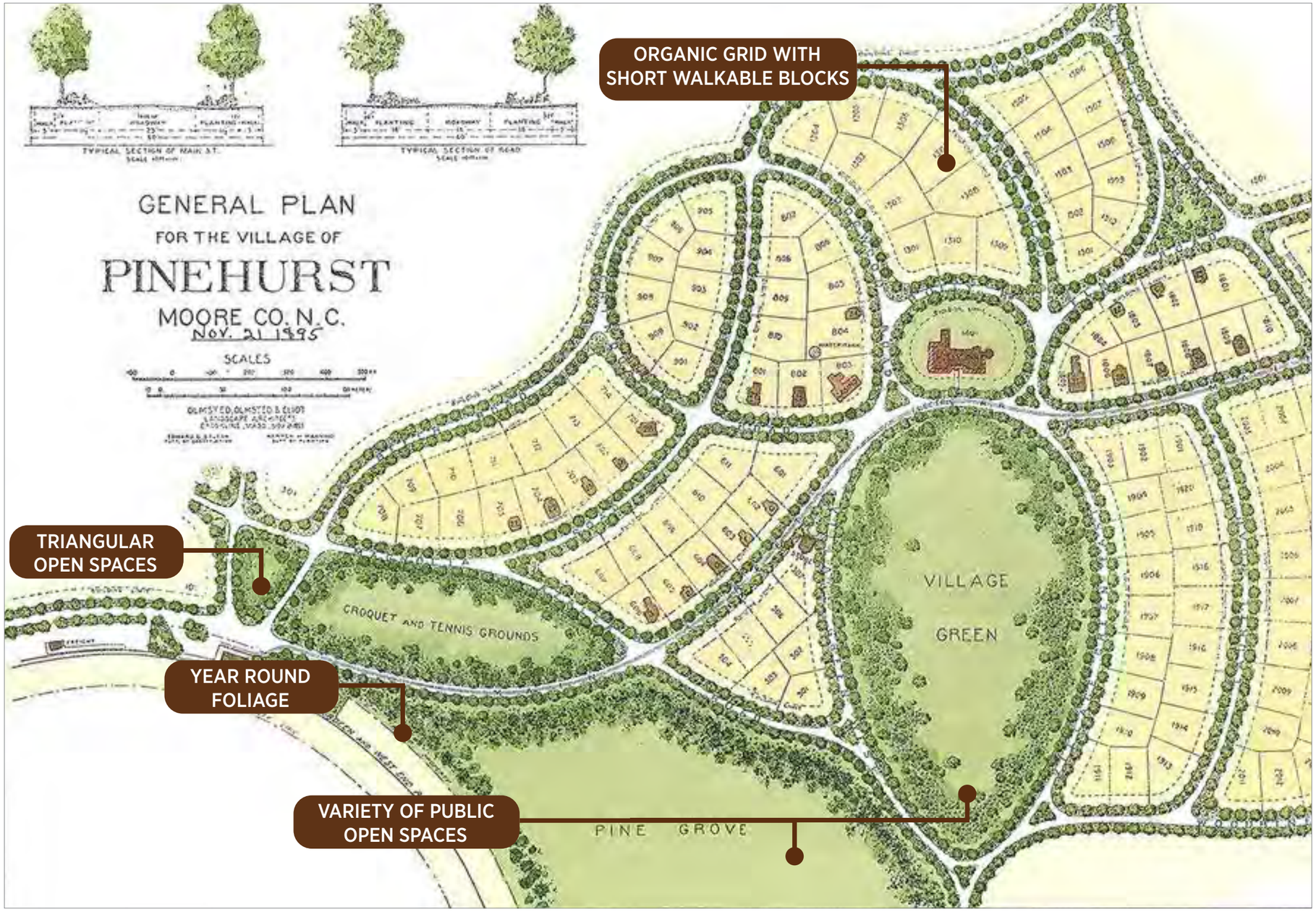
Olmsted and Manning Principles and the Village

The General Plan for the Village of Pinehurst, shown to the right, exhibits many of the iconic "Olmstedian" characteristics of design. However, Olmsted's assistant Warren H. Manning also uniquely influenced the vision and execution of the plan, carrying out most of the major landscape design work and implementation. To view more detail, see the *Pinehurst National Historic Landmark Nomination Registration Form*.

- Design curvilinear street forms, providing a more relaxed approach to "getting there"
- Create an effect of a park-like oasis
- Encourage the use of native plants, primarily evergreens and plants with winter interest, to create a year-round green village. To note, while the plan to the right depicts a regular, linear spacing of deciduous street trees, the built landscape of Village Center represents an organic approach with irregular groupings of odd-numbered, mixed evergreen and deciduous plantings along the street edge)
- Accommodate new patrons and winter residents by providing additional recreational venues (this later became a focus on the golf industry with designer Donald James Ross)



Village Center
Credit: Village of Pinehurst

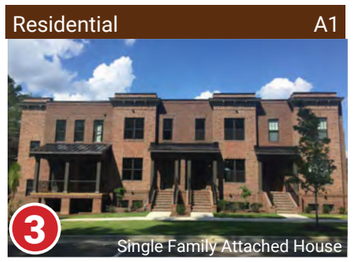


Overview

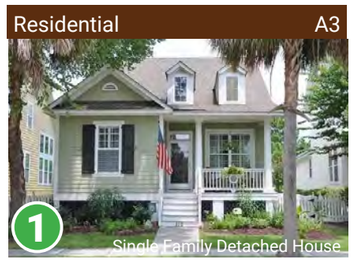
Following the Public Outreach and Guiding Principles research, the consultant team led a Concept Design process to explore options for development in Pinehurst South. The purpose of the Concept Design phase (Phase 2) was to explore options for the Pinehurst South Small Area Plan and elicit feedback from stakeholders and continued input from Village staff and representatives. The following pages outline images, diagrams, and plan options that were developed and presented as a part of Public Workshop 2. The feedback on these concept designs and images was critical to generating the Final Design, which can be found in *Section 4.4* of this document.

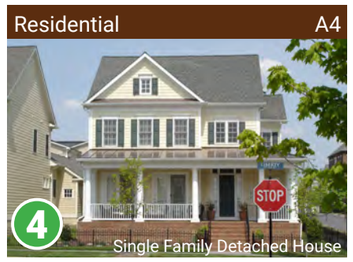
The images to the right show stakeholder preference feedback received in Public Workshop 2 Breakout Room Discussions. The images were shown as precedents for the architecture, streetscapes, parking, and parks/open spaces of Pinehurst South. Participants were encouraged to respond "like" (with green dots) or "dislike" (with red dots) to each photo; the numbers within the green and red dots indicate the number of stakeholder responses.

ARCHITECTURE



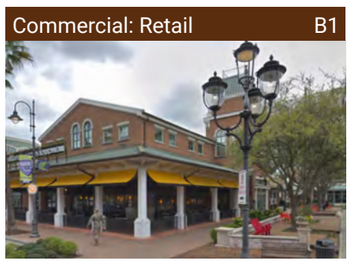


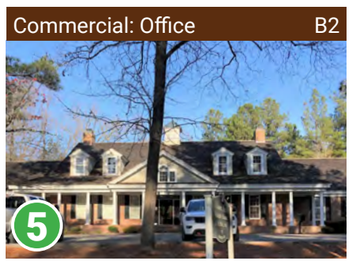






ARCHITECTURE



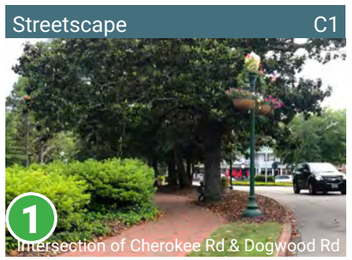


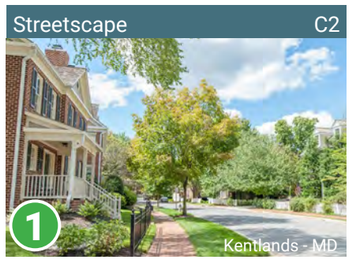


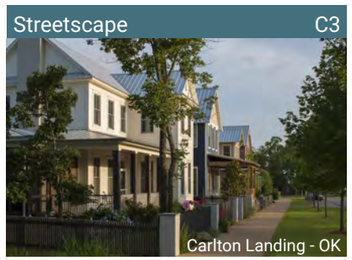




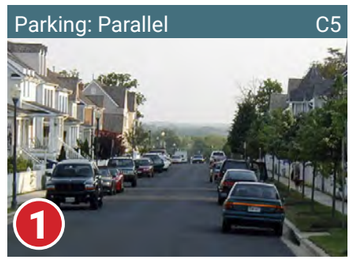
STREETSCAPE/ PARKING





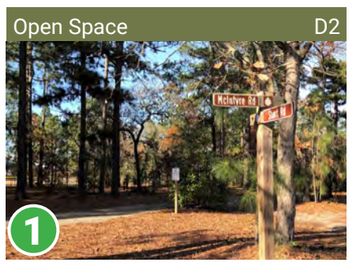






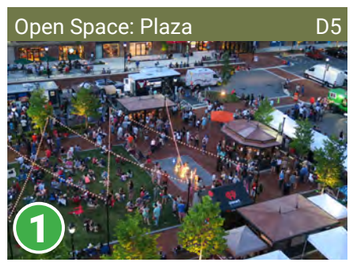
PARKS/ OPEN SPACE











PUBLIC INPUT RECEIVED BASED ON BREAKOUT ROOM DISCUSSIONS

The feedback above is a summary of all Breakout Rooms. Participants were encouraged to respond to "like" (green) or "dislike" (red) for each photo.

Parti/Block Diagram

The Parti/Block Diagram was presented as part of Public Workshop 2. The purpose of this plan was to elicit feedback and conversation about development patterns and circulation in Pinehurst South. This plan should be considered a preliminary concept study and not the final recommended plan. To see the Final Plan (preferred design solution), please see *Section 4.4* of this document.

- The Parti diagram illustrates the Approach in plan form
- The diagram shows the proposed addition of new streets, forming new blocks and creating a more connected street network

KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- EXISTING ROADS
- PROPOSED ROADS
- EXISTING DEAD END
- EXISTING PARKS/ OPEN SPACE
- PROPOSED PARKS/ OPEN SPACE
- PROPOSED BLOCKS
- PROPOSED PROMINENT BUILDING LOCATION

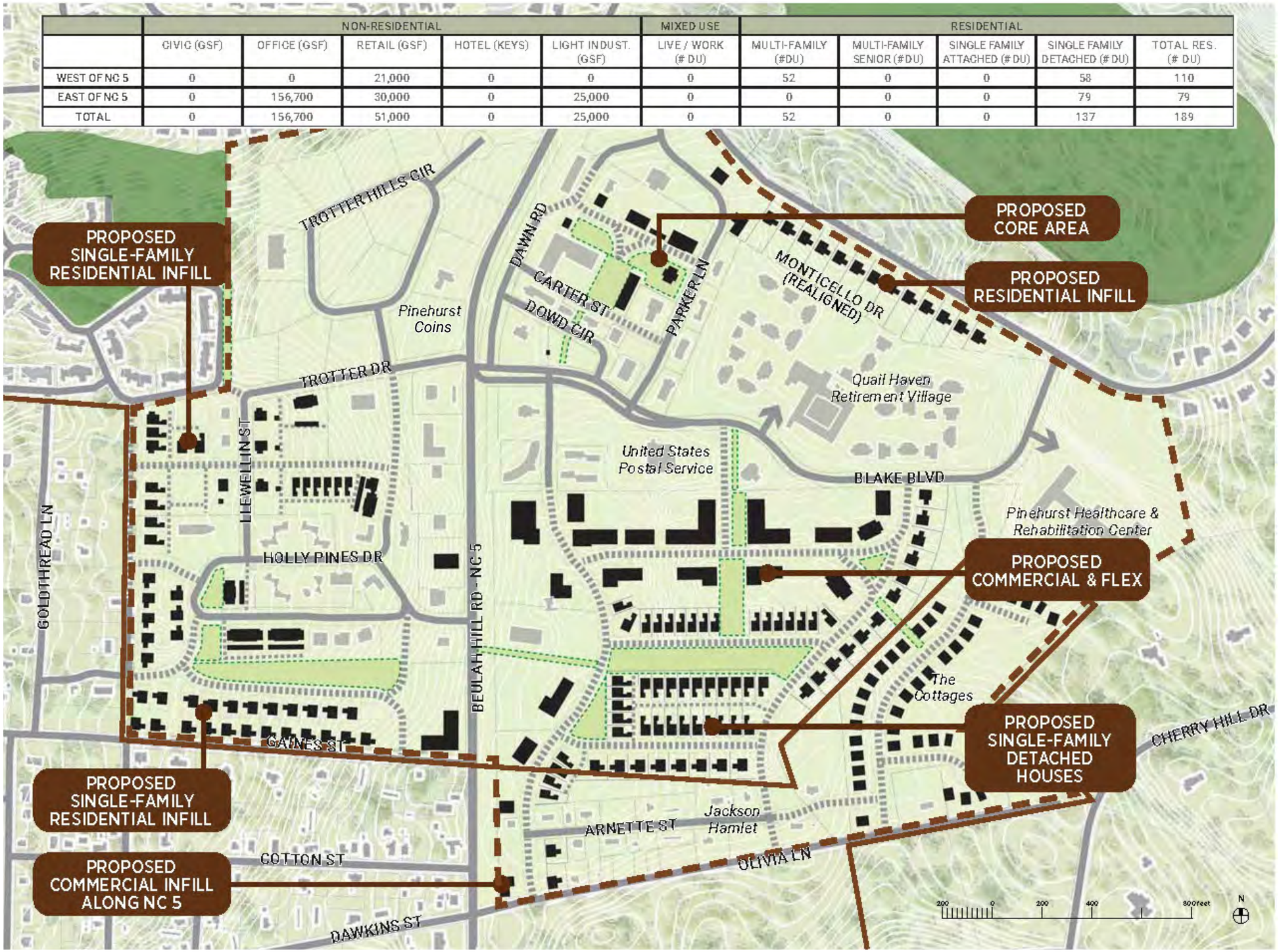


Concept Design
Low Intensity Plan Option

The Low Intensity Plan Option was presented as part of Public Workshop 2. The purpose of this plan was to test opportunity sites; see what building and parking configurations might fit on parcels; and elicit feedback and conversation about development patterns and intensity of new infill. This plan should be considered a preliminary concept study and not the final recommended plan. To see the Final Plan (i.e., the preferred design solution), please see *Section 4.4* of this document.

- The Low Intensity Plan illustrates the potential build-out of Pinehurst South over 30+ years. This plan includes a higher percentage of Single-Family Detached units
- Small scale commercial and residential infill vacant or under-utilized parcels
- Monticello Dr remains in its current alignment

	NON-RESIDENTIAL					MIXED USE	RESIDENTIAL				
	CIVIC (GSF)	OFFICE (GSF)	RETAIL (GSF)	HOTEL (KEYS)	LIGHT INDUST. (GSF)	LIVE / WORK (# DU)	MULTI-FAMILY (#DU)	MULTI-FAMILY SENIOR (#DU)	SINGLE FAMILY ATTACHED (# DU)	SINGLE FAMILY DETACHED (# DU)	TOTAL RES. (# DU)
WEST OF NC 5	0	0	21,000	0	0	0	52	0	0	58	110
EAST OF NC 5	0	156,700	30,000	0	25,000	0	0	0	0	79	79
TOTAL	0	156,700	51,000	0	25,000	0	52	0	0	137	189



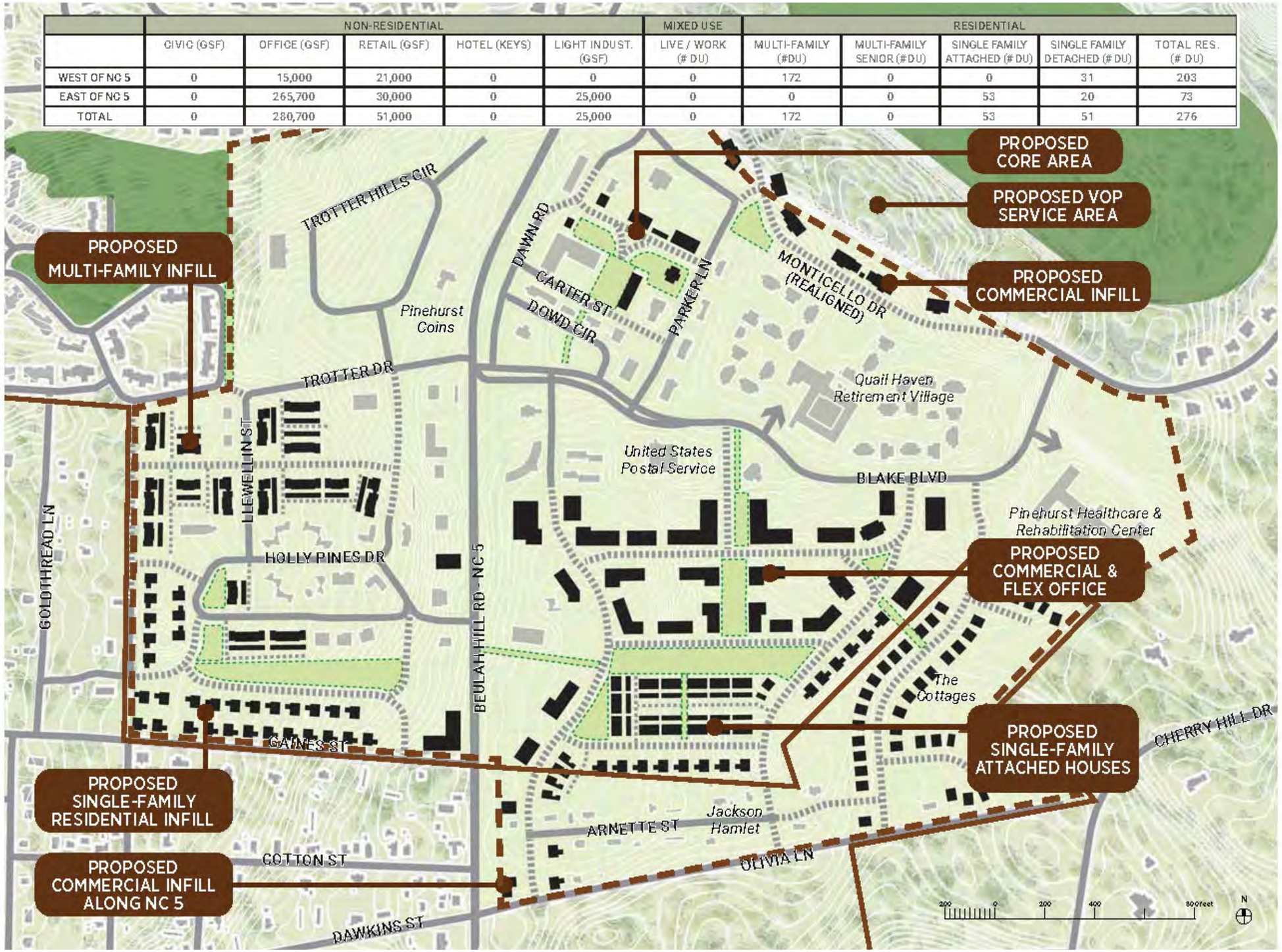
This plan is illustrative only and subject to change. Source: Design Collective, Inc.

Concept Design
High Intensity Plan Option

The High Intensity Plan Option was presented as part of Public Workshop 2. Similar to the Low Intensity Plan, the purpose of this plan was to test opportunity sites; see what building and parking configurations might fit on parcels; and elicit feedback and conversation about development patterns and intensity of new infill. This plan should be considered a preliminary concept study and not the final recommended plan. To see the Final Plan (i.e., the preferred design solution), please *Section 4.4* of this document.

- The plan illustrates the potential build-out of Pinehurst South over 50+ years.
- This plan includes a higher percentage of Single-Family Attached and Multi-Family residential units
- As with the Low Intensity Plan, small scale commercial and residential infill vacant or under-utilized parcels
- Monticello Dr. is realigned to allow for a new location of the Village's Public Service Area to the north

	NON-RESIDENTIAL					MIXED USE	RESIDENTIAL				
	CIVIC (GSF)	OFFICE (GSF)	RETAIL (GSF)	HOTEL (KEYS)	LIGHT INDUST. (GSF)	LIVE / WORK (# DU)	MULTI-FAMILY (#DU)	MULTI-FAMILY SENIOR (#DU)	SINGLE FAMILY ATTACHED (# DU)	SINGLE FAMILY DETACHED (# DU)	TOTAL RES. (# DU)
WEST OF NC 5	0	15,000	21,000	0	0	0	172	0	0	31	203
EAST OF NC 5	0	265,700	30,000	0	25,000	0	0	0	53	20	73
TOTAL	0	280,700	51,000	0	25,000	0	172	0	53	51	276



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

4.4 FINAL DESIGN

Overview

The Final Design comprises renderings, framework plans, and street sections that represent the culmination of the planning process and feedback heard through the project's Public Outreach efforts. It also incorporates the Guiding Principles, discussed in Section 4.2 of this document. The Final Design includes recommendations for land use and transportation throughout Pinehurst South and illustrates the intent of the vision through graphics and text. It is important to note that the plans and renderings herein are illustrative only; development will occur as individual property owners come forward with development plans. The Form-Based Code (FBC), a companion document to this report, is the regulatory document that will ensure development plans (whether by the private or public sector) abide by the recommendations of this *Pinehurst South Small Area Plan*.

The Aerial Rendering to the right demonstrates how Pinehurst South may appear at full build-out. The rendering shows the following:

» Infill commercial adjacent to NC-5 for visibility and access. New office and flex-building uses infill the area south of Blake Blvd.

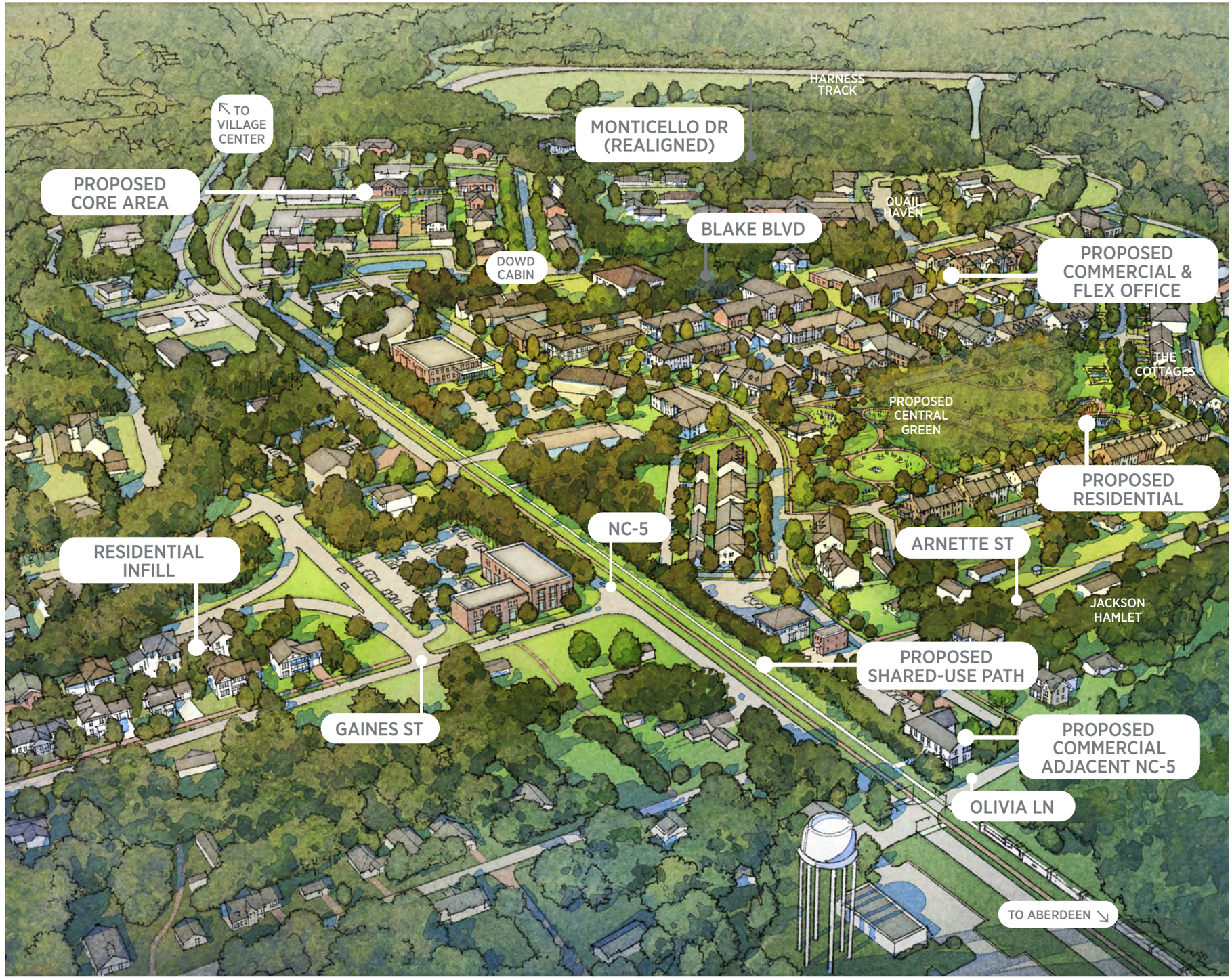
» A large Central Green between Blake Boulevard and Arnette Street will provide ample opportunity for residents and commercial users of this neighborhood to enjoy outdoor activities that are both active and passive. See page 62 of this document for more detail on this open space.

» Residential infill to the south helps to transition from new development to the existing historically Black neighborhood of Jackson Hamlet

» Residential development west of NC-5.

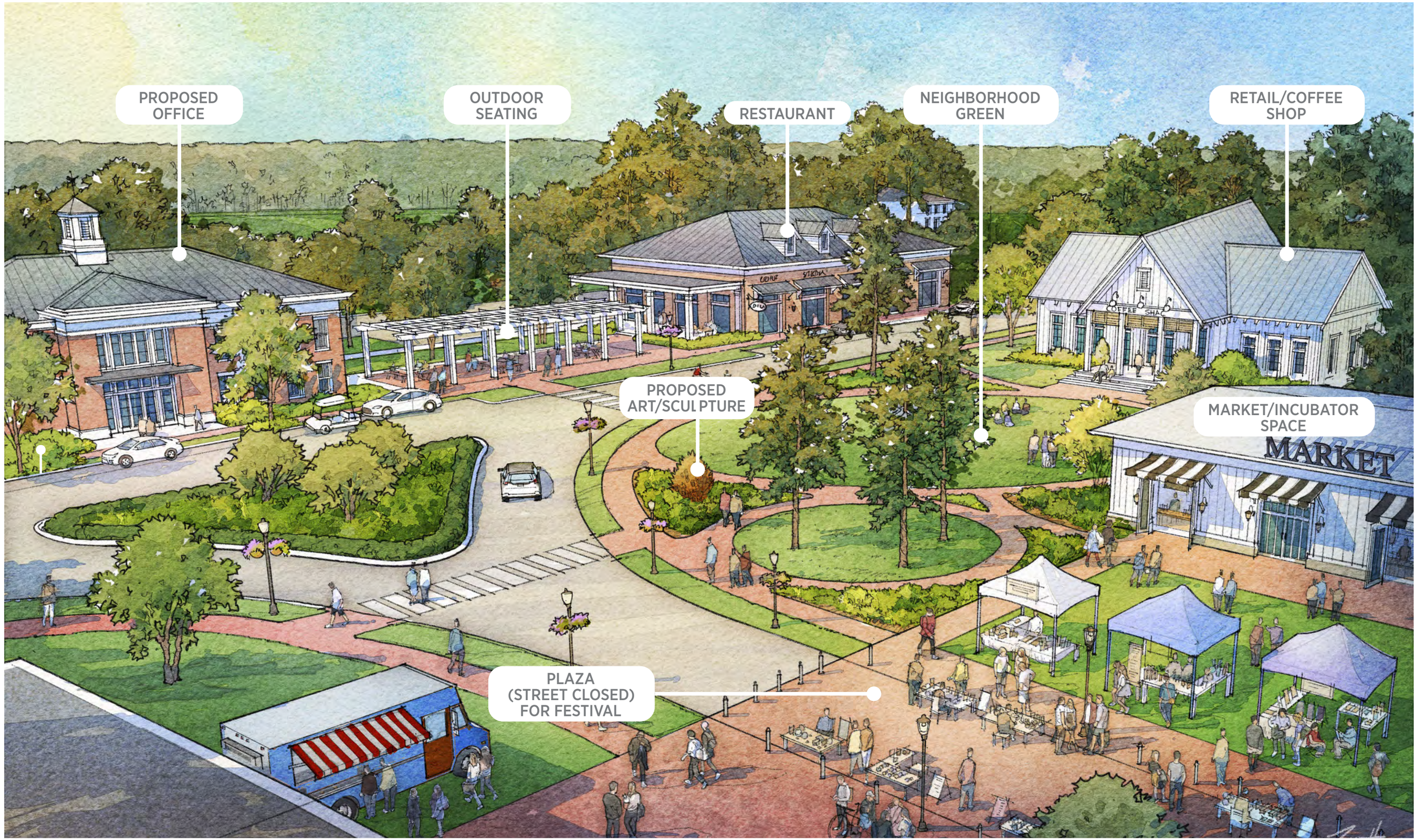
The Bird's Eye Rendering on the following page shows a conceptual view of the new core area between Monticello Drive and Blake Boulevard that will serve as a new destination for neighborhood retail and services, restaurants, an incubator space for new businesses and makerspace, and a plaza for markets and festivals.

The renderings are conceptual and represent one of many scenarios that could happen over the next 50+ years in Pinehurst South. Future development will depend on the interest of public and private property owners in developing or selling their property. The development will also be dependant on future changes to the market demand in the Village of Pinehurst.



PINEHURST SOUTH - AERIAL RENDERING

This rendering is illustrative only and subject to change. Source: Design Collective, Inc. & Zanetta Illustration



CORE AREA - BIRD'S EYE RENDERING

This rendering is illustrative only and subject to change. Source: Design Collective, Inc. & Zanetta Illustration

Core Area Detail Plan

The Detail Plan illustrates the potential build-out of the core area south of Monticello Dr. and north of Blake Blvd.

The development builds off the existing Post Office, Pharmacy, ABC, and Dowd Cabin as well as the planned Girls & Boys Club and National Association of Home Builders.

New open spaces include a Market Plaza, Central Green, playground, and path south to Dowd Cabin

A new Central Green anchors the new development, serving as a gathering place for community events.

KEY

- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- PROPOSED BUILDINGS



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



Precedent - Office - Turnberry Wood
Credit: Design Collective



Precedent - Mixed Use - Mashpee Commons, MA
Credit: PCA Design



Precedent - Market Square - Baltimore, MD
Source: Design Collective



Precedent - Plaza - Summersville, SC
Credit: LaQuatra Bonci



Precedent - Playground - Portland, OR
Credit: Greenworks SPC



Precedent - North Village Market Pavilion, Prospect, Kentucky
Credit: Google Maps



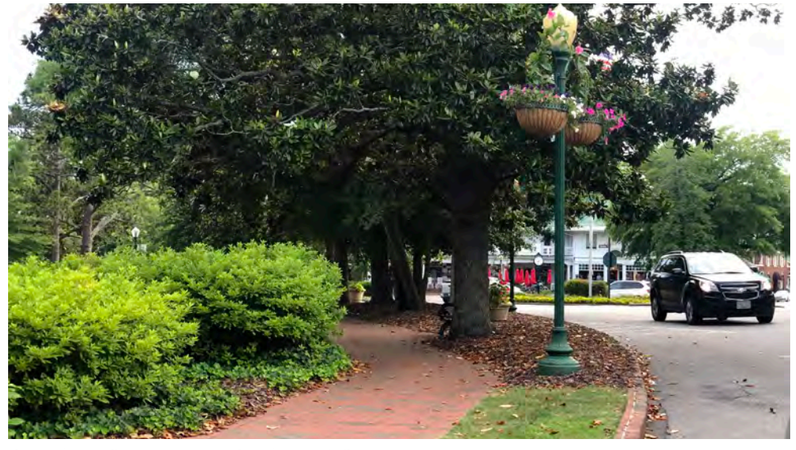
Precedent - Small Retail Shop - Summersville, SC
Credit: CRBJ Bizwire



Precedent - Farmers Market - Atlanta, GA
Credit: Community Farmers Markets



Precedent - Food Truck Event - Salem, MA
Credit: North of Boston



Precedent - Streetscape - Pinehurst, NC
Source: Design Collective

Proposed Open Space + Pedestrian Network

The existing Pinehurst South plan area contains no dedicated public open space or trails within its boundary. The Pinehurst Harness Track lies just to the north.

All new development should add to the network, creating publicly-accessible greens, plazas, and trail connections to serve the surrounding office and residential uses.

A Market Plaza is shown in the core area between Monticello Drive and Blake Blvd. and a new, large Central Green is shown to the south, east of NC-5.

A new Shared-Use Path (SUP) and sidewalk are shown along NC-5 and within the ACWR right-of-way.

KEY

- SMALL AREA PLAN (SAP) BOUNDARY
- VILLAGE OF PINEHURST
- EXISTING SIDEWALKS
- PROPOSED SIDEWALKS*
- EXISTING PARKS/ OPEN SPACE
- PROPOSED PARKS/ OPEN SPACE
- PROPOSED SHARED-USE PATH

**Proposed sidewalks shall be brick in commercial areas*



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



Pinehurst South Proposed Central Green
Source: Design Collective



Precedent - Attached Green - Maple Lawn, MD
Credit: Design Collective



Precedent - Attached, Linear Green - Maple Lawn, MD
Source: Design Collective



Precedent - Shared-Use Path
Source: Village of Pinehurst

Open Space Detail Plan

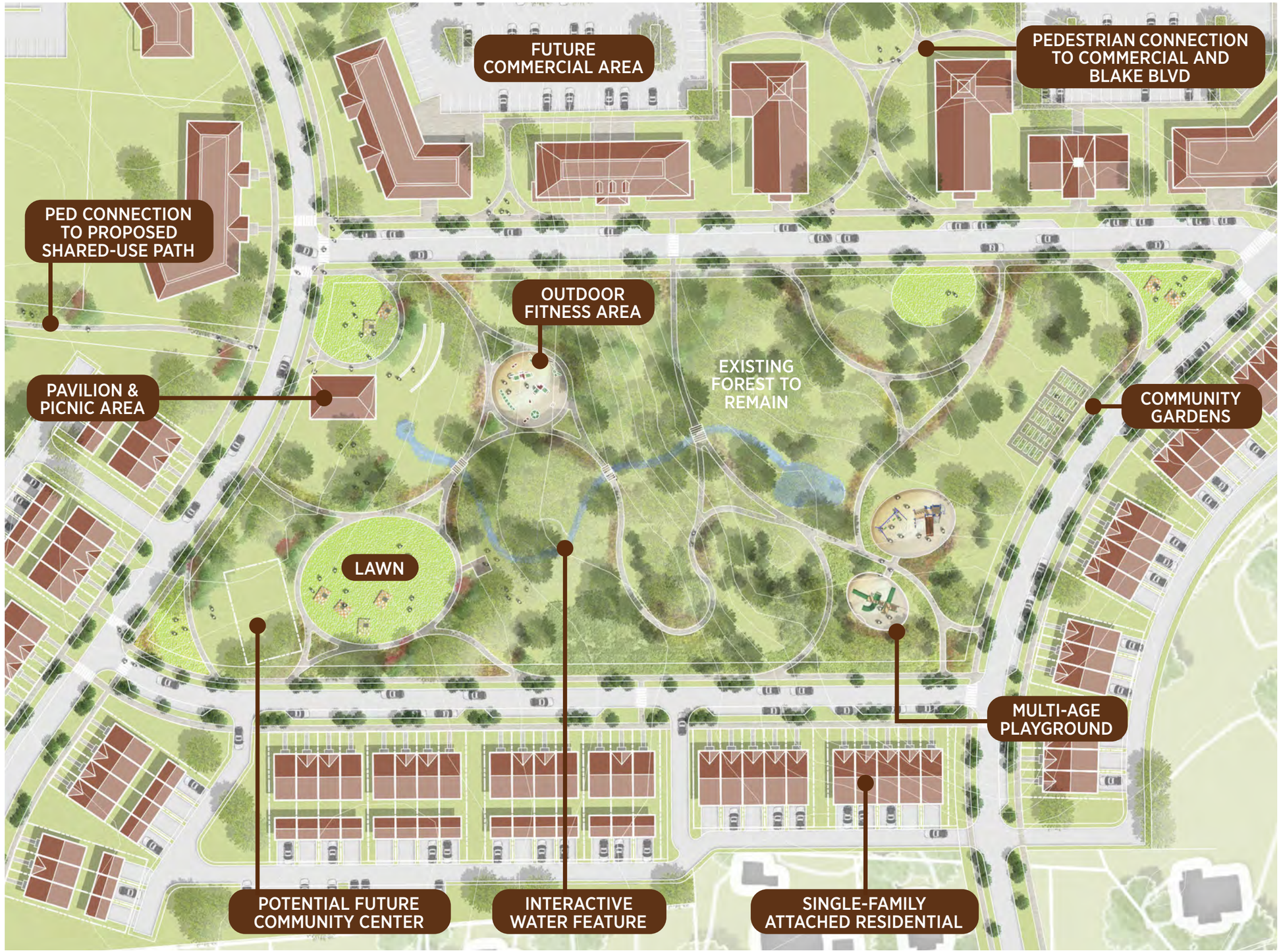
The Detail Plan illustrates a potential build-out of the area south of Blake Boulevard and north of Jackson Hamlet.

New mixed-use development surrounds a large Central Green that helps to preserve some of the existing topography and trees, This new open space serves both office tenants as well as neighborhood residents.

The new Central Green is shown with a pavilion, an interactive, meandering water feature fed by stormwater, community gardens, paths through a wooded area, disc golf, an exercise park, and a multi-age playground area. If desired, a community building could be built in the future in the lower southwest corner, where the historic Chalfonte Hotel used to stand.

KEY

- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- PROPOSED BUILDINGS



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



Precedent - Pavilion
Credit: Design Collective



Precedent - Community Garden
Source: Eiber Community Garden



Precedent - Intergenerational Fitness Park
Credit: Phil Bourne/Goric



Precedent - Playground
Source: Greenworks SPC



Precedent - Disc Golf
Credit: Reinhardt University



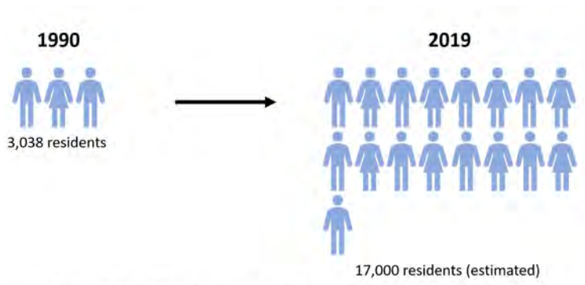
Precedent - Stormwater Management Water Feature
Credit: The Plant Hunter

TRAFFIC & TRANSPORTATION

Introduction

The Village of Pinehurst (Village) is a desirable community attracting new residents and businesses, and some Village residents are concerned about the impact of growth on the existing quality of life, particularly further vehicular traffic impacts.

In 2019, the Village of Pinehurst completed the "Envision the Village" community initiative to adopt the 2019 Comprehensive Plan. The 2019 Comprehensive Plan is an official guide for the future vision and policy framework for development in Pinehurst. The plan established five focus areas which represent the most important areas to influence, as development in these areas could have the most significant impact on shaping the future of Pinehurst. Two of the focus areas are being evaluated in deeper detail with this study: Village Place/Rattlesnake Trail Area and Pinehurst South/Highway 5 Commercial Area.



Source: Village of Pinehurst 2019 Comprehensive Plan. October 2019.

The Small Area Plan (SAP) effort recommends improvements to the Village Place/Rattlesnake Trail Area (hereafter referred to as Village Place) and Pinehurst South/Highway 5 Commercial Area (hereafter referred to as Pinehurst South) that will improve the transportation network while maintaining the future vision for the Village of Pinehurst. For Village Place, this study provides a plan to create a mixed-use, walkable area that connects Village Place/Rattlesnake Trail to the Village Center. For Pinehurst South, this study provides a plan to apply the planning principles of Tufts, Olmsted, and Manning to Pinehurst South while also providing connection to the Village Center via bicycle and pedestrian facilities to encourage reduced traffic on NC-5.

Pinehurst South

The following are the existing transportation conditions within the Pinehurst South/Highway 5 Commercial Area (hereafter referred to as Pinehurst South), projected traffic impacts of the proposed 50-year build-out development plan, planned transportation improvements along with recommended long-range transportation improvements. Recommendations apply the planning principles of Tufts, Olmsted, and Manning to Pinehurst South while also providing connection to the Village Center via bicycle and pedestrian facilities as well as support of long-range transportation plans which will provide an alternate route to NC-5.

Existing Transportation Infrastructure Conditions:

BEULAH HILL ROAD/HIGHWAY 5 (NC-5)

The dominant transportation feature in the Pinehurst South area is Beulah Hill Road/Highway 5 (NC-5). NC-5 is a major thoroughfare running north and south through the heart of the Village of Pinehurst, connecting NC 211 to the north with US 1 to the south through Aberdeen. The Aberdeen Carolina and Western Railway (ACWR) which runs parallel to NC-5, contributes to transportation access challenges, however; the ACWR is open to discussions about improvements within their right-of-way. Traffic congestion along NC-5 has long been a concern for the Village of Pinehurst community.

The NC-5 section running through the Pinehurst South study area is carrying over 20,000 vehicles per day (vpd) and operates as a class 2 arterial with a 35 MPH speed limit. Based on a planning level capacity analysis, NC-5 is operating at an average Level of Service (LOS) D during peak hours. Corridor Traffic Capacity is based on overall travel time/speed and is measured by levels of service ranging from LOS A (free-flowing, no delays) to LOS D (frequent stops and delays with overall travel speeds less than 10 MPH).

2020 PINEHURST NC 5 CORRIDOR TRAFFIC UPDATE

LEVEL OF SERVICE COMPARISON

Stop Sign Controlled Intersections - AM Peak Hour

	2005	2007	2009	2011	2013	2015	2018	2020
INTERSECTION	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB
NC 5 @ McDonald W/E	C-C	C-B	D-D	D-C	C-C	C-B	C-C	C-C
NC 5 @ McKenzie W/E	D-D	D-D	E-D	E-C	D-C	D-C	E-C	E-C
NC 5 @ Barrett/McCaskill	C-C	D-E	E-F	C-D	C-D	C-C	C-D	C-C
NC 5 @ Linden/McLean	-	-	-	-	-	-	-	C-D
NC 5 @ Shaw SW/SE	-	-	-	-	-	-	-	D-B

Stop Sign Controlled Intersections - Noon Peak Hour

	2005	2007	2009	2011	2013	2015	2018	2020
INTERSECTION	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB
NC 5 @ McDonald W/E	C-C	C-B	D-D	D-C	C-C	C-B	C-C	C-C

Stop Sign Controlled Intersections - PM Peak Hour

	2005	2007	2009	2011	2013	2015	2018	2020
INTERSECTION	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB	EB-WB
NC 5 @ McDonald W/E	C-C	C-B	D-D	D-C	C-C	C-B	C-C	C-C
NC 5 @ McKenzie W/E	D-D	D-D	E-D	E-C	D-C	D-C	F-E	F-E
NC 5 @ Barrett/McCaskill	C-C	D-E	E-F	C-D	C-D	C-C	C-D	C-C
NC 5 @ Linden/McLean	-	-	-	-	-	-	-	E-D
NC 5 @ Shaw SW/SE	-	-	-	-	-	-	-	C-C

Signalized Intersections - AM Peak Hour

	2005	2007	2009	2011	2013	2015	2018	2020
INTERSECTION	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S
NC 5 @ McKenzie W/Cherokee (NC 2)	C-C	C-B	D-D	D-C	C-C	C-B	C-C	C-C
NC 5 @ Morganton	D-D	D-D	E-D	E-C	D-C	D-C	E-C	C-C
NC 5 @ Lake Hills/Monticello	C-C	D-E	E-F	C-D	C-D	C-C	C-D	C-A
NC 5 @ Trotter/Blake	C	B	B	C	B	B	C-A	B-A

Signalized Intersections -Noon Peak Hour

	2005	2007	2009	2011	2013	2015	2018	2020
INTERSECTION	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S
NC 5 @ Morganton	D-D	D-D	E-D	E-C	D-C	D-C	E-C	C-C
NC 5 @ Trotter/Blake	C	B	B	C	B	B	D-A	B-A

Signalized Intersections - PM Peak Hour

	2005	2007	2009	2011	2013	2015	2018	2020
INTERSECTION	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S	E/W-N/S
NC 5 @ McKenzie W/Cherokee (NC 2)	C-C	C-B	D-D	D-C	C-C	C-B	C-C	C-C
NC 5 @ Morganton	D-D	D-D	E-D	E-C	D-C	D-C	E-C	C-C
NC 5 @ Lake Hills/Monticello	C-C	D-E	E-F	C-D	C-D	C-C	C-D	C-B
NC 5 @ Trotter/Blake	C	B	B	C	B	B	D-A	B-B

Source: Village of Pinehurst NC-5 Corridor, 2020 Traffic Update.

Starting in 2005, the Village of Pinehurst has conducted a biannual review of the major intersections along NC-5 from Trotter Drive/Blake Boulevard to McDonald Road. The table on the previous page provides a summary of the traffic volumes and capacity analysis from the Village of Pinehurst NC-5 Traffic Update Report, focusing on the intersections within the study area. Traffic Volumes have increased steadily along the NC-5 corridor and the (LOS) at these critical intersections has declined as indicated in the table below. The most congested signalized intersection is NC-5 at Morganton Road with a 2018 LOS E in both the morning (AM) and afternoon (PM) peak hours. The most congested non-signalized intersection is NC-5 at McKenzie Road with a LOS F in both the AM and PM peak hours.

In summary, based on a corridor planning level capacity analysis for a 2-lane class 2 arterial roadway carrying 20,000 vpd and the capacity analysis of the individual intersections, NC-5 is operating below capacity (LOS D) during AM and PM peak travel times where motorists experience travel speeds below 10 MPH and vehicle delays at critical intersections in excess of 45 seconds/vehicle during AM and PM peak travel times.

ABERDEEN CAROLINA AND WESTERN RAILWAY (ACWR)

The ACWR runs parallel to, and east of, NC-5 through the study area and carried 102 trains in 2020. The inbound trains carry feed for chicken farms and typically carry 90 cars while the return trains carry lumber, wood chips, aggregate, and rebar. The ACWR would like to increase train lengths to 110 cars and subsequently would like to close the at-grade rail crossing on Arnette Street. This closure would allow the longer trains to stop between Olivia Lane and Blake Boulevard without blocking vehicular traffic. To accommodate this closure, Olivia Lane would be upgraded to an NCDOT facility and become a full, potentially signalized, intersection at NC-5 with a connection to Arnette Street via Olivia Lane.

The at-grade rail crossing on Blake Boulevard sometimes experiences motorist stopping on the railroad track despite fully functioning gates and signage. More signage and/or enhanced pavement markings are recommended to reinforce the proper stopping location for motorist at this rail crossing.

GOLF CARTS

Golf carts are not allowed on NC-5 nor would they be allowed on the shared-use path. Improved golf cart access to this area would need to be established along residential streets where golf carts are allowed and by enhancing golf cart crossings on NC-5.

BICYCLE AND PEDESTRIAN

Bicycle and Pedestrian accommodations are lacking in the Pinehurst South Area as NC-5 lacks accommodations for these modes of travel and the local streets have been built without sidewalks. Currently, there are two NCDOT projects for NC-5 that will include sidewalks on the west side of NC-5 through the study area.

There is an opportunity for a 8- or 10- foot wide shared-use path (SUP) to be built along the east side of NC-5, enhancing bicycle and pedestrian mobility along this corridor as well as connecting Pinehurst South with the Village Center and Pinehurst Resort. Representatives from the ACWR Company, who owns the property right-of-way (ROW) to the east of NC-5, indicated that they would be open to allowing a shared-use path (SUP) within the railroad right-of-way through a program called “Rails with Trails”. The ACWR will be involved with the planning and design of any SUP within their ROW. The ACWR has expressed concerns about keeping users of any SUP completely separated from the railroad through physical barriers (fencing); however, they are open to the concept of coexisting with a SUP. To see a section of the proposed SUP, see page 62 of this document. Other recommended pedestrian & bicycle improvements in the Pinehurst South study area include sidewalk connections between existing and planned neighborhoods to provide connectivity between communities in the study area. To see the proposed pedestrian network, see page 60 of this document.



Precedent - Shared-Use Path
Source: Village of Pinehurst

Traffic Impacts of Pinehurst South Build-Out Plan

Based on the 50-year Build-Out Development Plan for the Pinehurst South Area, traffic was generated for the proposed new land uses based on the Institute of Transportation Engineers (ITE) trip generation manual, which is universally accepted by Traffic Engineers and Planners to project future traffic based on various land-uses. Traffic was generated for the two development options, Low Intensity and High Intensity, for the Pinehurst South study area. Also, traffic generation was split between proposed future development sites on the east side and the west side of NC-5.

TRIP GENERATION

As development is phased in over the next 50 years, there will be a total of about 11,349 new trips per day created by the Low Intensity development scenario to about 12,905 new trips per day created by the High Intensity scenario. See tables below for a summary of the total trips generated for these options.

Because the proposed development is a mixture of uses (residential, retail, restaurant), not all of these trips will result in actual new vehicle trips. Some of these trips will be absorbed by internal capture as patrons of the new shops may also decide to dine at one of the new establishments, thus eliminating a new vehicle trip. (these are known as “internal capture” trips). Also, as NC-5 is a heavily traveled major thoroughfare carrying about 20,000 vehicles per day (vpd), some of the vehicles already traveling on NC-5 are likely to be attracted to the new development as they pass-by on their way to other destinations and will not increase the total number of new vehicle trips (these are known as pass-by trips).

Based on internal capture and the pass-by trips, the total new vehicle trips per day will be reduced by about 30% . This trip reduction due to internal capture and pass-by trips is an accepted practice by Transportation Engineers and Planners. Based on the ITE Trip generation rates and pass-by/internal capture reduction of 30%, it is estimated that there will be an additional 7,944 vpd to 9,033 vpd on the surrounding street network.

TRIP DISTRIBUTION

It is estimated that about 80% of the new vehicle trips will originate from NC-5 and about 20% of the new vehicle trips will originate from the local street network which will be connected to the new development(s) in the Pinehurst South Area via new connections as illustrated in the future development plan. This will result in an increase of between 6,355 vpd to 7,266 vpd on NC-5 and an increase of 1,588 vpd to 1,806 vpd to the local street system, which will be split between the east side of NC-5 (60%) (953 to 1,084 vpd) and the west side of NC-5 (40%) (635 to 722 vpd)

TRAFFIC IMPACTS

The section of NC-5 running through the Pinehurst South study area is currently carrying around 20,000 VPD and is estimated to be operating at a LOS D with overall travel speeds at or below 10 MPH during peak travel times (based on planning level capacity analysis) with several of the intersections operating at or below LOS E with delays in excess of 45 seconds per vehicle during peak travel times (based on capacity analysis conducted by the Village).

Without intevention, improved connectivity, or mobility choice, the projected increase of 6,355 VPD to 7,266 VPD on this section of NC-5 over the next 50 years due to planned development in the Pinehurst South study area will further increase traffic congestion along this section of NC-5. However, mitigation measures should coincide with development and increased traffic will be gradual as new development is phased-in over the next 50 years. There are some planned roadway improvements and long-range transportation plans which will also help to off-set the impacts of this traffic growth (see the following page for more information).

EASTBOUND DAILY AND PEAK HOUR TRIPS

Pinehurst South (EAST) Opt A - Low Intensity Scheme				
		Daily Trips (vpd)	**AM Peak Hour Trips (vph)**	**PM Peak Hour Trips (vph)**
North of Blake Blvd	Subarea A	2,974	179	248
	Subarea B	425	52	106
Subtotal		**3,399**	**231**	**354**
South of Blake Blvd	Subarea A	242	43	89
	Subarea B	1,465	216	186
	Subarea C	1,220	206	165
	Subarea D	325	44	96
	Subarea E	286	41	93
	Subarea F	78	5	7
	Subarea G	206	38	86
	Subarea H	280	5	26
	Subarea I	78	5	7
	Subarea J	148	5	13
Subtotal		**4,328**	**608**	**768**
TOTAL		**7,727**	**839**	**1,122**

Pinehurst South (EAST) Opt A - High Intensity Scheme				
		Daily Trips (vpd)	**AM Peak Hour Trips (vph)**	**PM Peak Hour Trips (vph)**
North of Blake Blvd	Subarea A	2,974	179	248
	Subarea B	626	103	129
Subtotal		3,600	282	377
South of Blake Blvd	Subarea A	402	69	106
	Subarea B	1,465	216	186
	Subarea C	1,220	206	165
	Subarea D	447	76	110
	Subarea E	399	68	106
	Subarea F	212	39	86
	Subarea G	206	38	86
	Subarea H	388	26	34
	Subarea I	78	5	7
	Subarea J	148	5	13
Subtotal		**4,965**	**748**	**899**
TOTAL		**8,565**	**1,030**	**1,276**

Note: To see the corresponding Low and High-Intensity Schemes, see pages 72-73 of this document.

Transportation Improvements

NCDOT has plans to make the following improvements to NC-5 starting in 2025:

STIP Project U-5756 – Widen NC-5 to five-lane section from US 1 to north of Turning Leaf Way and to a three-lane section from north of Turning Leaf Way to Trotter Drive/ Blake Boulevard. This improvement project will include the installation of a sidewalk along the west side of NC-5 from US 1 to Trotter Drive/Blake Boulevard.. U-5756 is currently under design with right-of-way acquisition scheduled for State fiscal year 2023 and construction to start in State fiscal year 2025.

STIP Project R-5892 – Make operational improvements (add turn-lanes and improve traffic signals) on NC-5 from Blake Boulevard/Trotter Drive to NC 211. A feasibility study is currently underway. A construction date has not been established for R-5892 and the project is currently unfunded in the State Transportation Improvement Plan (STIP)

Beyond these two State Projects, no additional roadway improvements are recommended to NC-5. NC-5 is the main travel corridor in the study area and is constrained by the ACWR which runs parallel to NC-5 on the east side, at some points less than 30 feet from the edge of existing pavement. Any further roadway expansion, beyond what NCDOT currently has planned, would likely result in negative impacts and relocations to the homes and businesses to the west of NC-5.

WESTERN CONNECTOR

The Village of Pinehurst Thoroughfare Plan and the Moore County Comprehensive Transportation Plan (CTP) include the "Western Connector" which could provide a new north-south highway around the Village Center. The western connector could provide an alternate route for through-trips(trucks) between US 1 and NC 211 and provide long term traffic relief which could liberate NC-5/ Beulah Hill Road for local travel. The "Western Connector" is on the long-range transportation plan and is conceptual at this stage, however; the benefits and costs need to be carefully evaluated for future prioritization.

PEDESTRIAN/BICYCLE IMPROVEMENTS

There is an opportunity for a 10-foot wide shared-use path (SUP) to be built along the east side of NC-5 in the ACWR right of way. The SUP would greatly enhance bicycle and pedestrian mobility along this corridor as well providing a vital connection between Pinehurst South and The Village Center. The ACWR Company has indicated that they would be open to allowing a SUP. Other recommended pedestrian & bicycle improvements in the Pinehurst South study area include sidewalk connections between existing and planned neighborhoods which would provide safe pedestrian connectivity between communities in the study area.

OTHER IMPROVEMENTS

- Recommended improvements to the SAP suggest providing better connections between existing and planned neighborhoods within the study area. Better local street connections can reduce traffic impacts to NC-5 by providing internal circulation and access to both existing and proposed developments.
- Enhanced cross-walks along NC-5 to delineate safe crossing locations and alert motorist to pedestrian, bicycle and golf cart crossings.
- Close the Arnette Street RR crossing and access to NC-5. To accommodate this closure, Olivia Lane would be upgraded to an NCDOT facility and become a full, potentially signalized, intersection at NC-5 with a connection to Arnette Street via Olivia Lane.
- More signage and/or enhanced pavement markings are recommended to reinforce the proper stopping location for motorist at this rail crossing.

WESTBOUND DAILY AND PEAK HOUR TRIPS

Pinehurst South (WEST) Opt A - Low Intensity Scheme				
		Daily Trips (vpd)	**AM Peak Hour Trips (vph)**	**PM Peak Hour Trips (vph)**
	Subarea A	159	5	14
	Subarea B	316	15	29
	Subarea C	102	5	9
	Subarea D	234	16	21
	Subarea E	887	155	68
	Subarea F	269	5	25
	Subarea G	1,655	159	133
TOTAL		**3,622**	**360**	**299**

Pinehurst South (WEST) Opt A - High Intensity Scheme				
		Daily Trips (vpd)	**AM Peak Hour Trips (vph)**	**PM Peak Hour Trips (vph)**
	Subarea A	439	29	37
	Subarea B	586	39	48
	Subarea C	102	5	9
	Subarea D	234	16	21
	Subarea E	887	155	68
	Subarea F	269	5	25
	Subarea G	1,823	190	215
TOTAL		**4,340**	**439**	**423**

Note: To see the corresponding Low and High-Intensity Schemes, see pages 72-73 of this document.

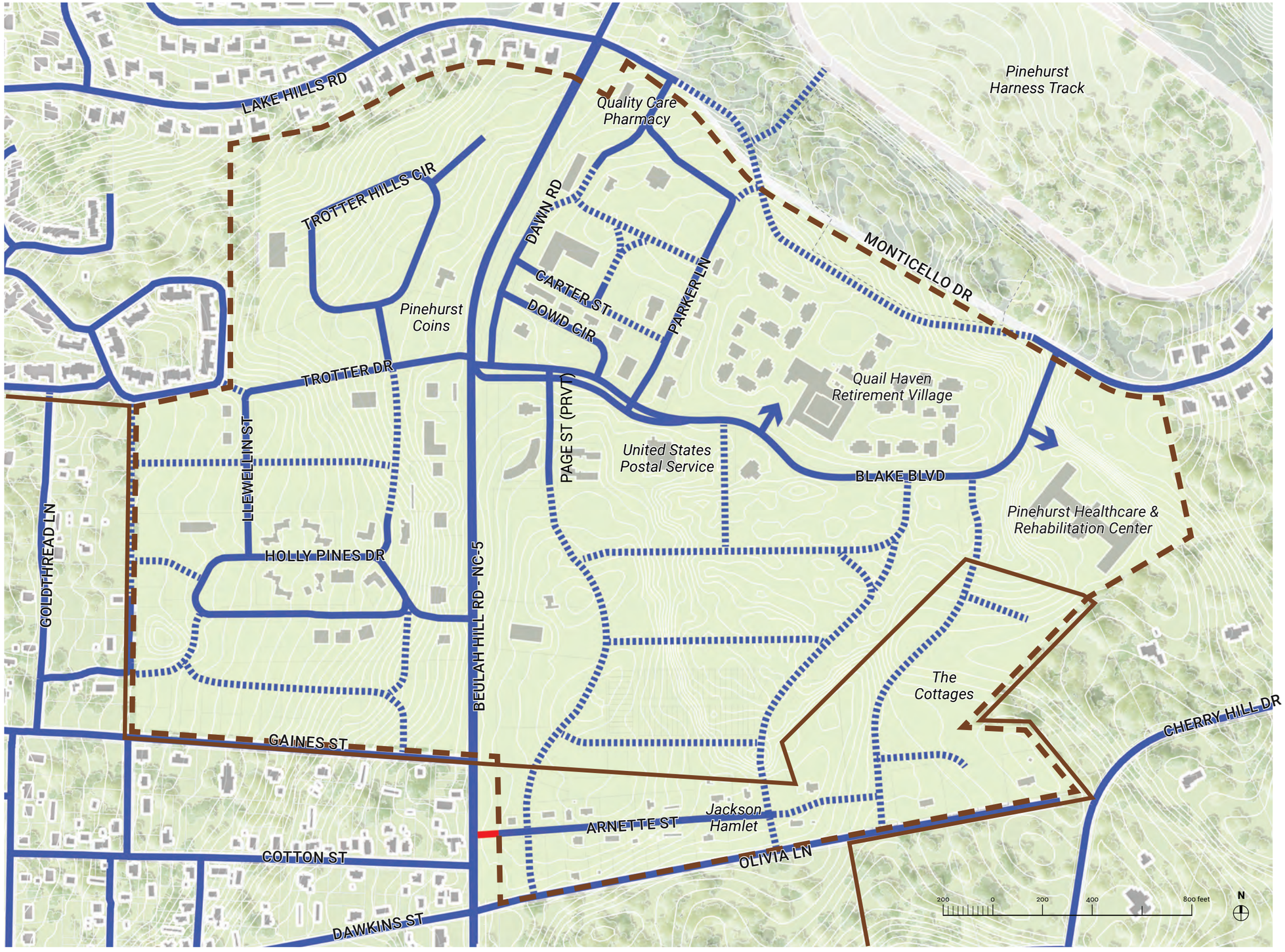
Proposed Circulation Plan

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

- Three new street connections from Olivia Lane to Blake Boulevard
- Realignment of Monticello Drive to accommodate the the potential relocation of the Public Service Facility south of the Harness Track
- Coordination with NCDOT planned improvements along NC-5
- The improvement of Olivia Lane as a full, signalized NC-5 intersection, connected to Arnette St. (to be closed to NC-5)
- Improved pedestrian, bicycle, and golf cart crossings of NC-5 with crosswalks added at signalized intersections

KEY

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



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

Proposed Street Section
NC-5/Blake Boulevard

The proposed Street Section at the intersection of NC-5 and Blake Boulevard envisions improvements for pedestrians, bicycles, golf carts, and vehicles.

This proposed section coordinates with NCDOT planned improvements to add a sidewalk to the west side of NC-5. While a proposes Shared-Use Path (SUP) runs between the eastern edge of the roadway and ACWR rail line (suggested to be part of the Rails-to-Trail program). Where the path is close to the rail line, a physical barrier will be required. Motorized vehicles, including golf carts, should not be permitted on the path.

Crosswalks are added at signalized intersections to improve pedestrian, bicycle, and golf cart crossings of NC-5.

Buffers shall be provided along NC-5 where constraints allow, to provide a seamless "evergreen" landscape that is typical to Village of Pinehurst streetscapes.

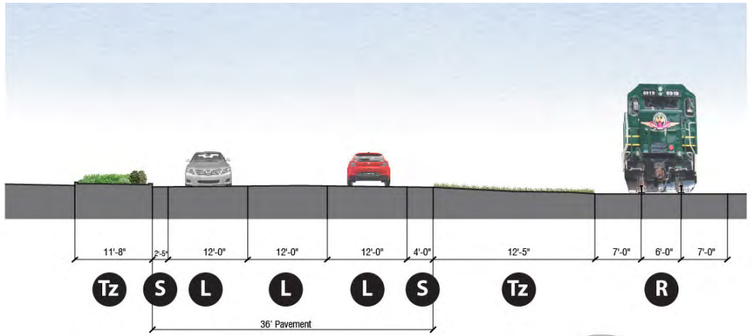
STREET SECTION KEY

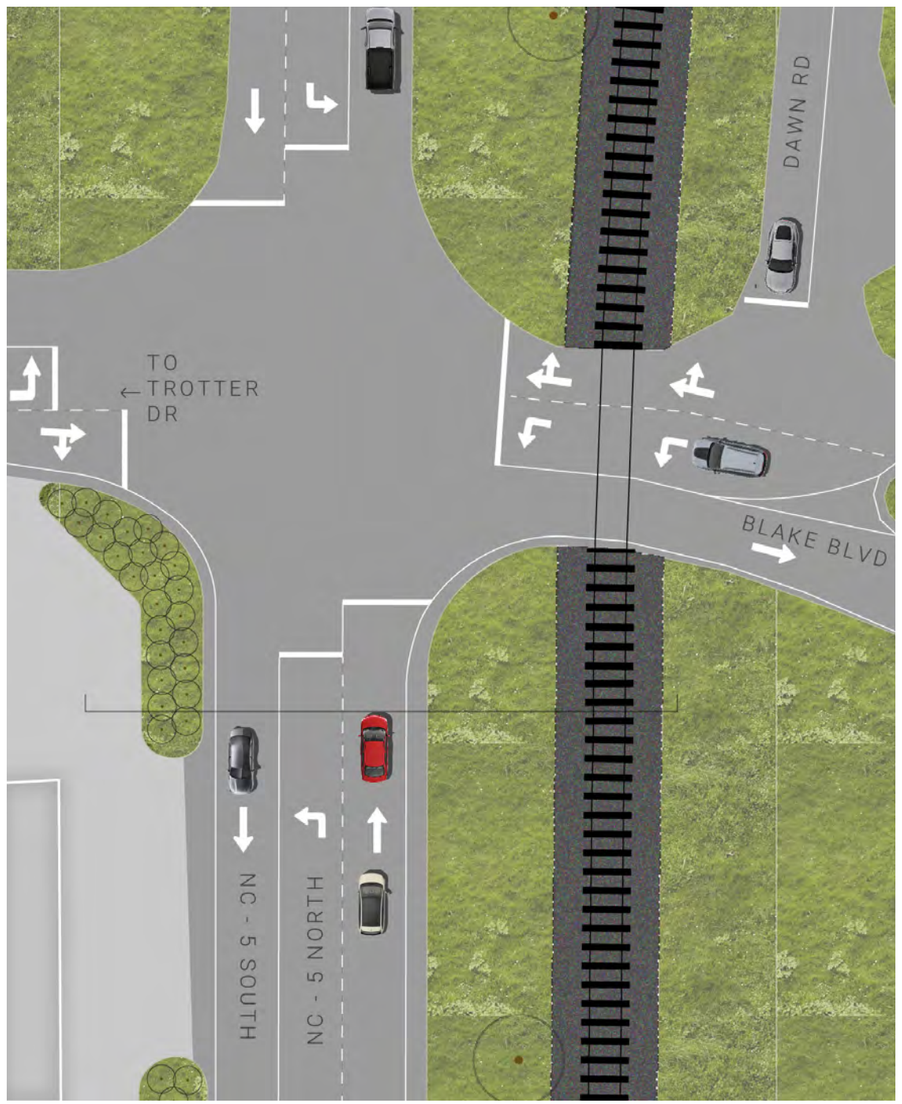
- **S** SHOULDER
- **PZ** PEDESTRIAN ZONE (SIDEWALK)
- **TZ** TREE ZONE (PLANTING STRIP)
- **SU** SHARED-USE PATH (BICYCLES & PEDESTRIANS)
- **L** TRAVEL LANES (VEHICULAR)
- **R** RAILROAD



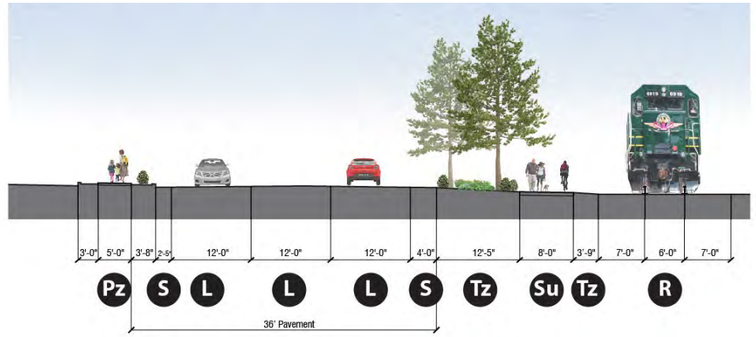
Precedent - Shared-Use Path
Source: Village of Pinehurst

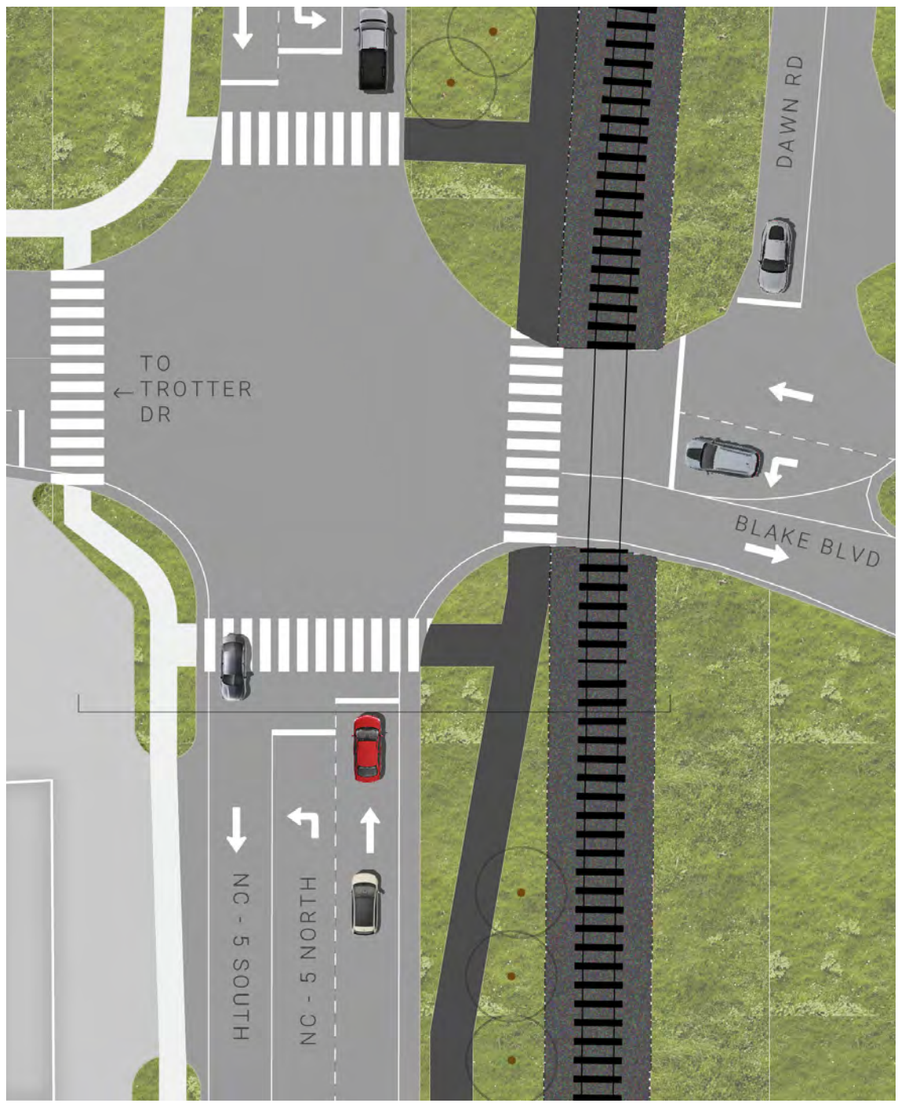
EXISTING





PROPOSED





Proposed Street Section - Typical Commercial

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

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

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

* For additional criteria and more information on frontage and setback requirements, see the *Pinehurst South Form-Based Code*.

STREET SECTION KEY

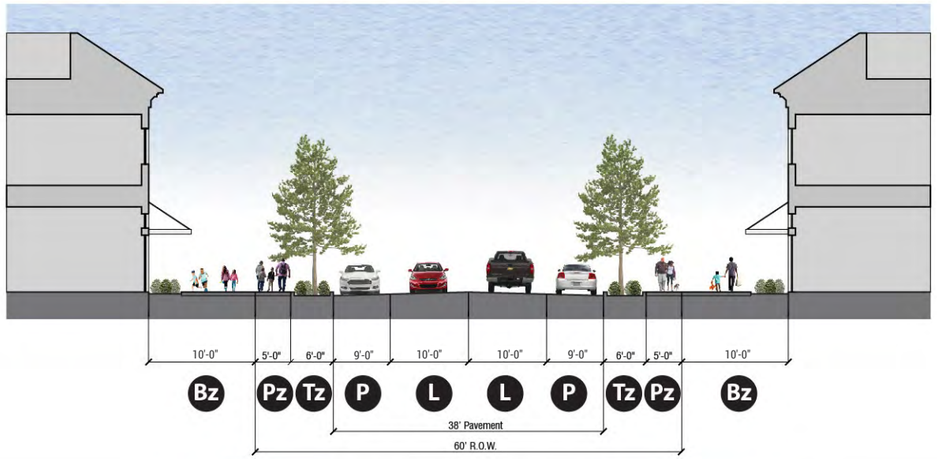
- BZ — BUILDING ZONE
- PZ — PEDESTRIAN ZONE (SIDEWALK)
- TZ — TREE ZONE (PLANTING STRIP)
- P — PARKING (PARALLEL)
- L — TRAVEL LANES (VEHICULAR)

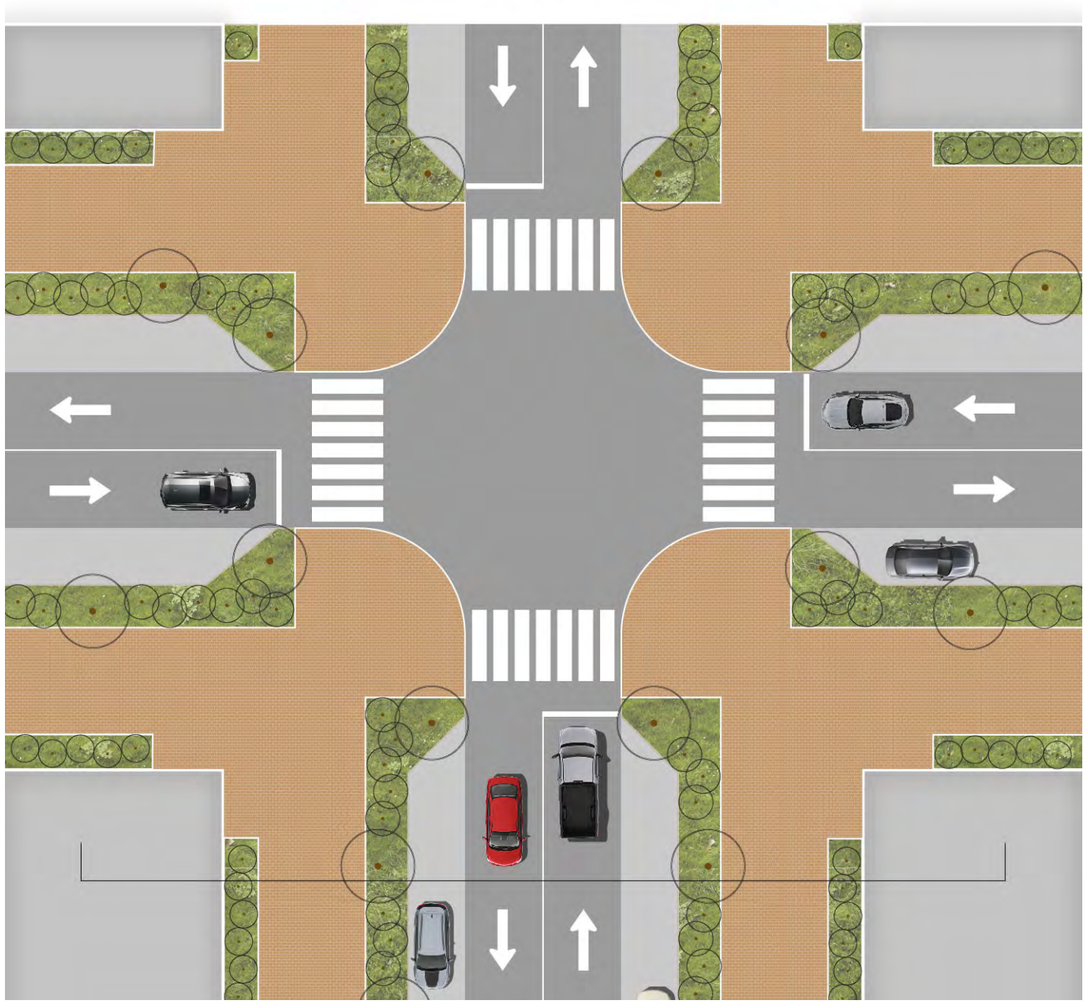


Mixed Use - Market Square, Pinehurst
Credit: VOP Rentals



Precedent - Mixed Use - Mashpee Commons, MA
Credit: PCA Design, Mashpee Commons, MA





Proposed Street Section - Typical Residential

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

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

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

* For additional criteria and more information on frontage and setback requirements, see the *Pinehurst South Form-Based Code*.

STREET SECTION KEY

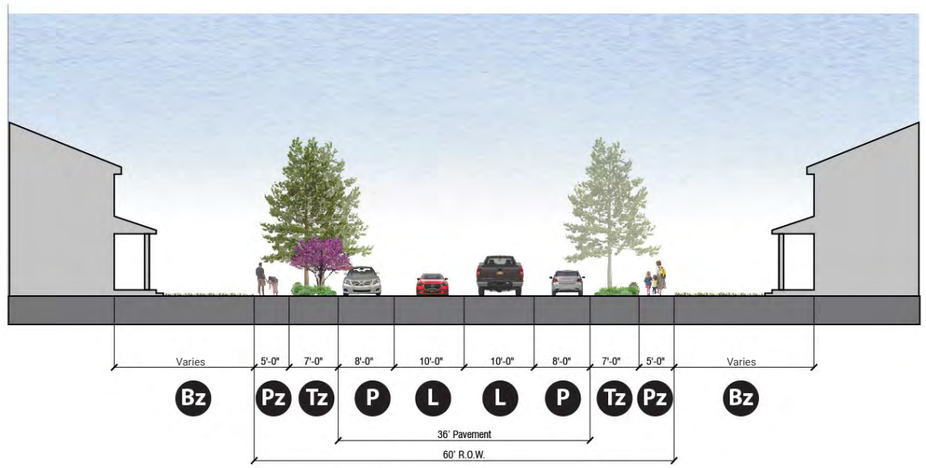
- BZ — BUILDING ZONE
- PZ — PEDESTRIAN ZONE (SIDEWALK)
- TZ — TREE ZONE (PLANTING STRIP)
- P — PARKING (PARALLEL)
- L — TRAVEL LANES (VEHICULAR)

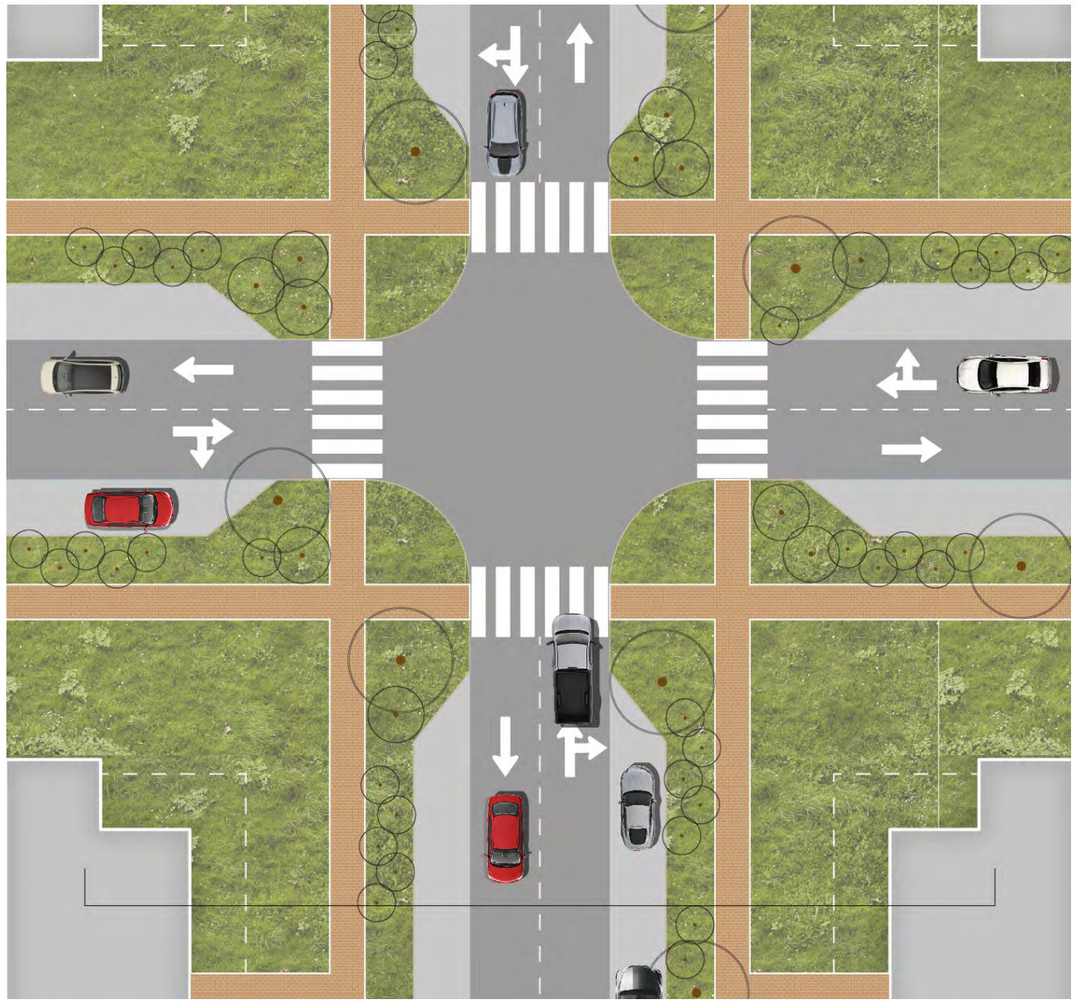


Precedent Residential Streetscape
Source: shortforkfarms.com



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





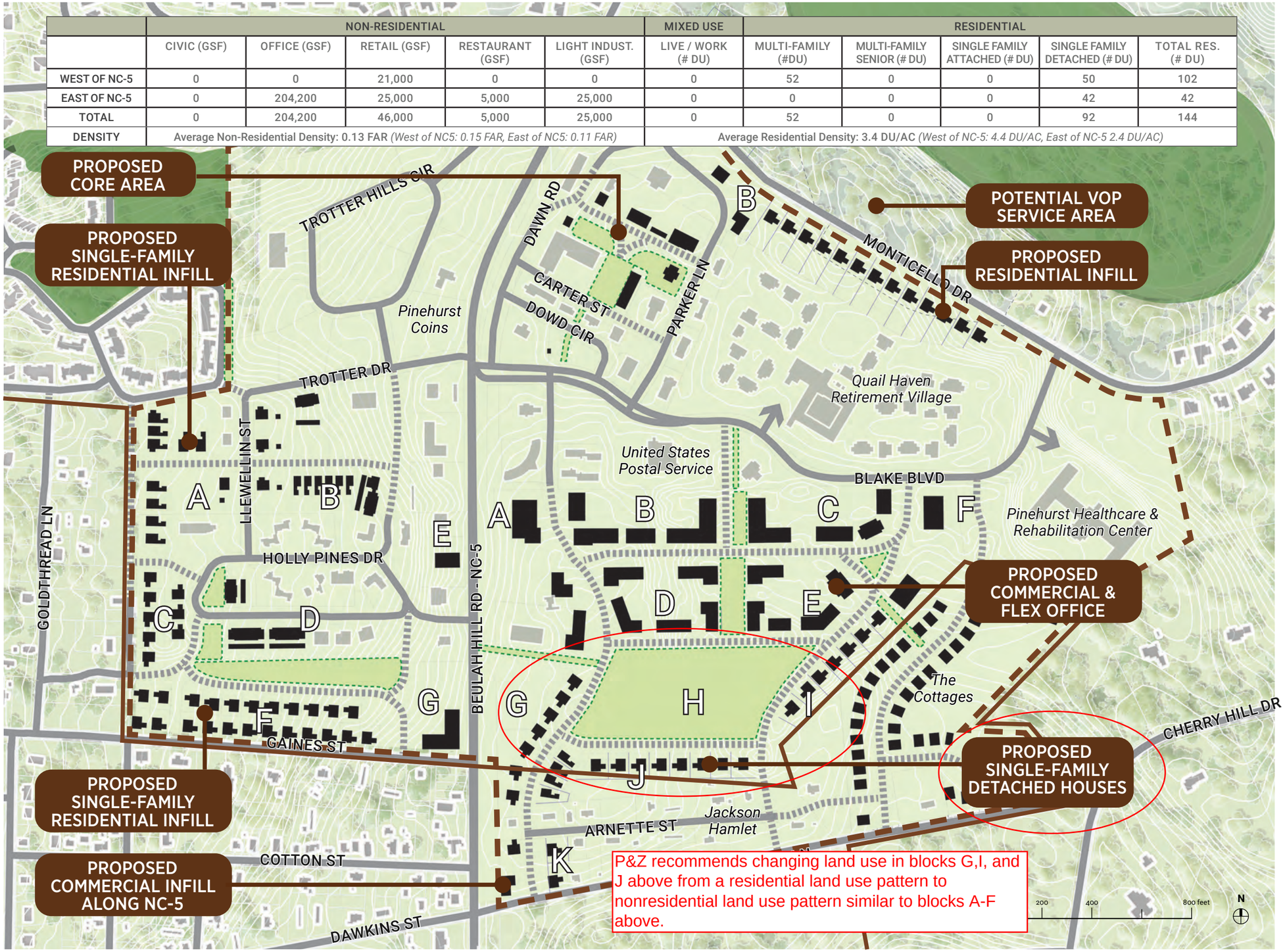
Build-Out Plan - Scenario 1 (low)

The Build-out Plan - Scenario 1 represents the cumulative efforts of the consultant team to create one potential, low intensity scenario of how the build-out of Pinehurst South may occur over the next 50+ years. This scenario is illustrative only and should not be considered the only option for this area. This build-out plan is based on the market demand and absorption rates per use, as projected by Duggal Real Estate Advisors (DREA). The *Pinehurst South Form-Based Code* (FBC) will regulate the character of development, in dimension, material, and detail - see that document for additional information.

This scenario shows the following:

- A core area is established between Monticello Dr. and Blake Blvd., east of NC-5
- To the south of Blake Blvd., a large Central Green creates a focal point for new, mixed-use development, serving as a space for activities and gathering and a transition to nearby residential
- Single-Family Detached (SFD) fronts three sides of this Green.
- On the west side of NC-5, SFD, Multi-family (MF), and small open spaces infill the residential areas, while commercial infill fronts NC-5.

	NON-RESIDENTIAL					MIXED USE	RESIDENTIAL				
	CIVIC (GSF)	OFFICE (GSF)	RETAIL (GSF)	RESTAURANT (GSF)	LIGHT INDUST. (GSF)	LIVE / WORK (# DU)	MULTI-FAMILY (#DU)	MULTI-FAMILY SENIOR (# DU)	SINGLE FAMILY ATTACHED (# DU)	SINGLE FAMILY DETACHED (# DU)	TOTAL RES. (# DU)
WEST OF NC-5	0	0	21,000	0	0	0	52	0	0	50	102
EAST OF NC-5	0	204,200	25,000	5,000	25,000	0	0	0	0	42	42
TOTAL	0	204,200	46,000	5,000	25,000	0	52	0	0	92	144
DENSITY	Average Non-Residential Density: 0.13 FAR *(West of NC5: 0.15 FAR, East of NC5: 0.11 FAR)*					Average Residential Density: 3.4 DU/AC *(West of NC-5: 4.4 DU/AC, East of NC-5 2.4 DU/AC)*					



KEY

- VILLAGE OF PINEHURST
- SMALL AREA PLAN BOUNDARY
- EXISTING ROADS
- PROPOSED ROADS
- EXISTING PARKS/OPEN SPACE
- PROPOSED PARKS/OPEN SPACE
- A SUBAREA LABEL

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

Build-Out Plan - Scenario 2 (high)

The Build-out Plan - Scenario 2 represents the cumulative efforts of the consultant team to create an alternative, marginally higher intensity potential scenario of how the build-out of Pinehurst South may occur over the next 50+ years. As with the low intensity scenario, this scenario is illustrative only and should not be considered the only option for this area. This build-out plan is based on the market demand and absorption rates per use, as projected by Duggal Real Estate Advisors (DREA). The *Pinehurst South Form-Based Code* (FBC) will regulate the character of development, in dimension, material, and detail - see that document for additional information.

This scenario shows the following:

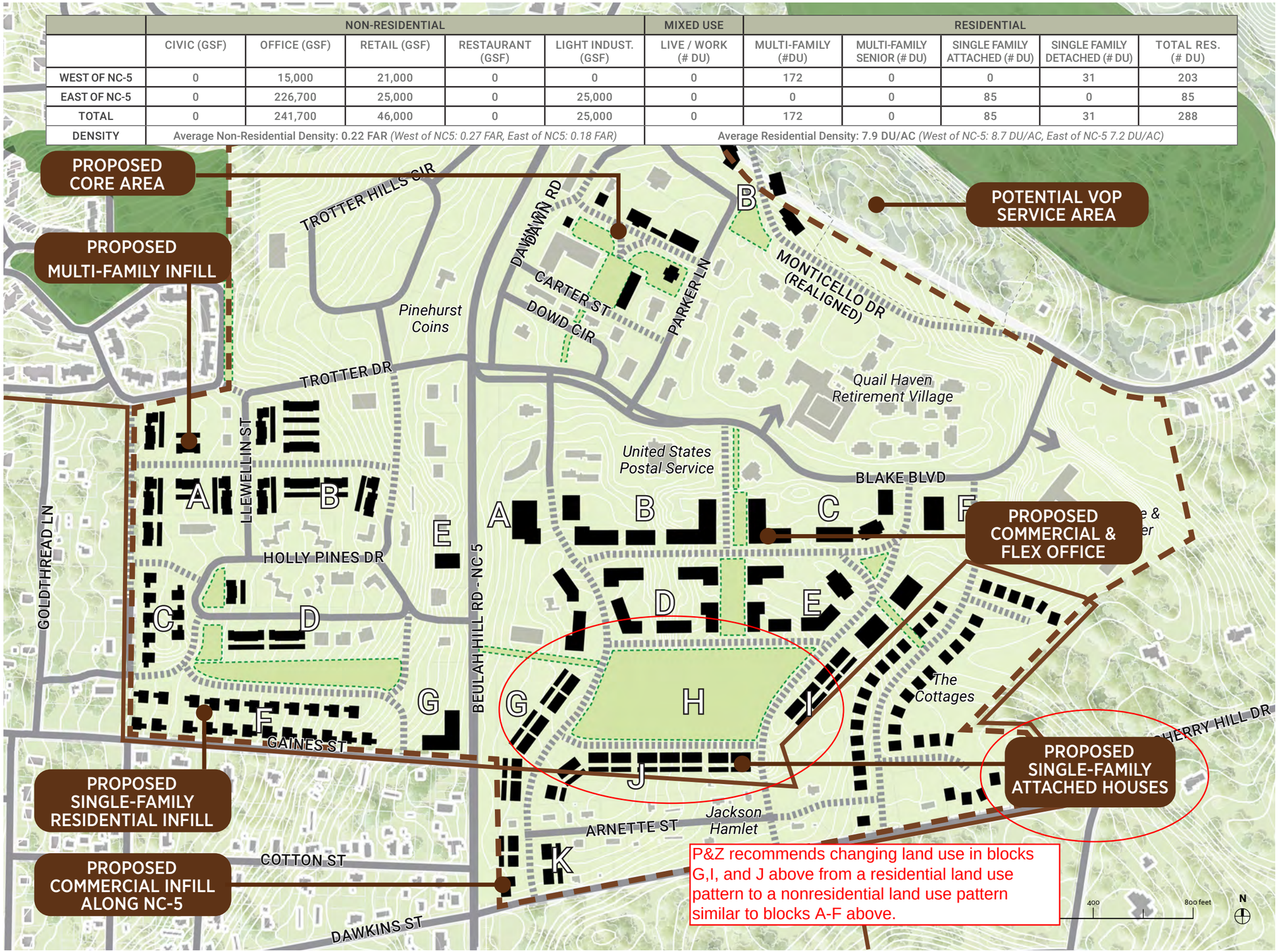
» A core area is established between Monticello Dr. and Blake Blvd., east of NC-5

» To the south of Blake Blvd., a large Central Green creates a focal point for new, mixed-use development, serving as a space for activities and gathering and a transition to nearby residential

» Single-Family Attached (SFA) fronts three sides of this Green.

» On the west side of NC-5, SFD, SFA, Multi-family (MF), and small open spaces infill the residential areas, while commercial infill fronts NC-5.

	NON-RESIDENTIAL					MIXED USE	RESIDENTIAL				
	CIVIC (GSF)	OFFICE (GSF)	RETAIL (GSF)	RESTAURANT (GSF)	LIGHT INDUST. (GSF)	LIVE / WORK (# DU)	MULTI-FAMILY (#DU)	MULTI-FAMILY SENIOR (# DU)	SINGLE FAMILY ATTACHED (# DU)	SINGLE FAMILY DETACHED (# DU)	TOTAL RES. (# DU)
WEST OF NC-5	0	15,000	21,000	0	0	0	172	0	0	31	203
EAST OF NC-5	0	226,700	25,000	0	25,000	0	0	0	85	0	85
TOTAL	0	241,700	46,000	0	25,000	0	172	0	85	31	288
DENSITY	Average Non-Residential Density: 0.22 FAR *(West of NC5: 0.27 FAR, East of NC5: 0.18 FAR)*					Average Residential Density: 7.9 DU/AC *(West of NC-5: 8.7 DU/AC, East of NC-5 7.2 DU/AC)*					



KEY

- VILLAGE OF PINEHURST
- SMALL AREA PLAN BOUNDARY
- EXISTING ROADS
- PROPOSED ROADS
- EXISTING PARKS/OPEN SPACE
- PROPOSED PARKS/OPEN SPACE
- A SUBAREA LABEL

Proposed Concept Plan - Phasing

Using the Market Analysis demand summary (shown in the charts to the right), the consultant team projected the potential timeframes of the proposed Pinehurst South Build-Out plan. The resulting Absorption Plan (on the following page) illustrates these timeframes. As with the Build-Out Plans, this absorption scenario is illustrative only and should not be considered the only option for this area, particularly considering that it can only occur as private and public property owners express interest in redeveloping or selling their parcels.

Civic

Civic uses were not analyzed as part of the Market Analysis and will be determined and developed as needed by the Village.

Residential

The Market Analysis displayed a high demand for residential; therefore, the potential for residential building in Pinehurst South is likely to be as soon as the next 0-10 years. The amount of residential shown in the Build-Out Plans is much less than the demand, as a result of feedback to consultants by Village staff and representatives.

Office

The amount of Office in the Build-Out Plans exceeds the current demand for this use in Pinehurst South. Therefore, while up to 5,000 SF/year is projected, it will take 50+ years to develop the program shown on these plans. Office north of Blake Boulevard should be prioritized over areas to the south in order to activate the proposed core area north of Blake.

Retail/Hospitality

The amount of retail proposed in the Build-Out Plans represents the full build-out potential for Pinehurst South. The build-out of this plan would likely take 10+ years as the demand potential is currently 20-25,000 SF every five years. The demand for retail will likely be higher where access to NC-5 is more direct, therefore retail near the new mixed-use core should be prioritized. This plan does not include hospitality as this use was seen as more appropriate near the Village Center

Golf courses were not included as part of the proposed plan for Pinehurst South, however, golf-related retail and light industry were seen as viable and are included within those use categories.

SUMMARY OF MARKET OPPORTUNITY

Land Use	Overall Market Opportunity	Village Place	Pinehurst South
For-Sale Residential	✓✓✓✓✓	✓✓✓✓	✓✓✓✓
For-Rent Residential	✓✓✓	✓✓✓	✓✓✓
Retail	✓✓✓✓	✓✓✓	✓✓✓
Office	✓✓	✓✓	✓✓
Hospitality	✓✓✓	✓✓✓	✓✓✓
Golf	✓✓	O	✓

Key: ✓✓✓✓✓ = best, ✓ = worst, O = none

SUMMARY OF DEMAND

Land Use	Demand Potential	Locations within Pinehurst
For-Sale Residential	80-120 homes/year	Almost anywhere
For-Rent Residential	15-25 units/year	Major roads, VP, PS, Village Cntr
Retail	20-25,000 SF/ every 5 years	Major roads, VP, PS, Village Cntr
Office	Up to 5,000 SF/year	Medical area, VP, PS, Village Cntr
Hospitality	25 rooms/yr. in Moore Co.	Resort, Village Cntr, PS, VP
Golf	2-3 courses over the next 10 years in Moore Co.	Focus Area 1 is the only area with space

For additional information regarding the Market Analysis summary, see Section 2.3 of this document.

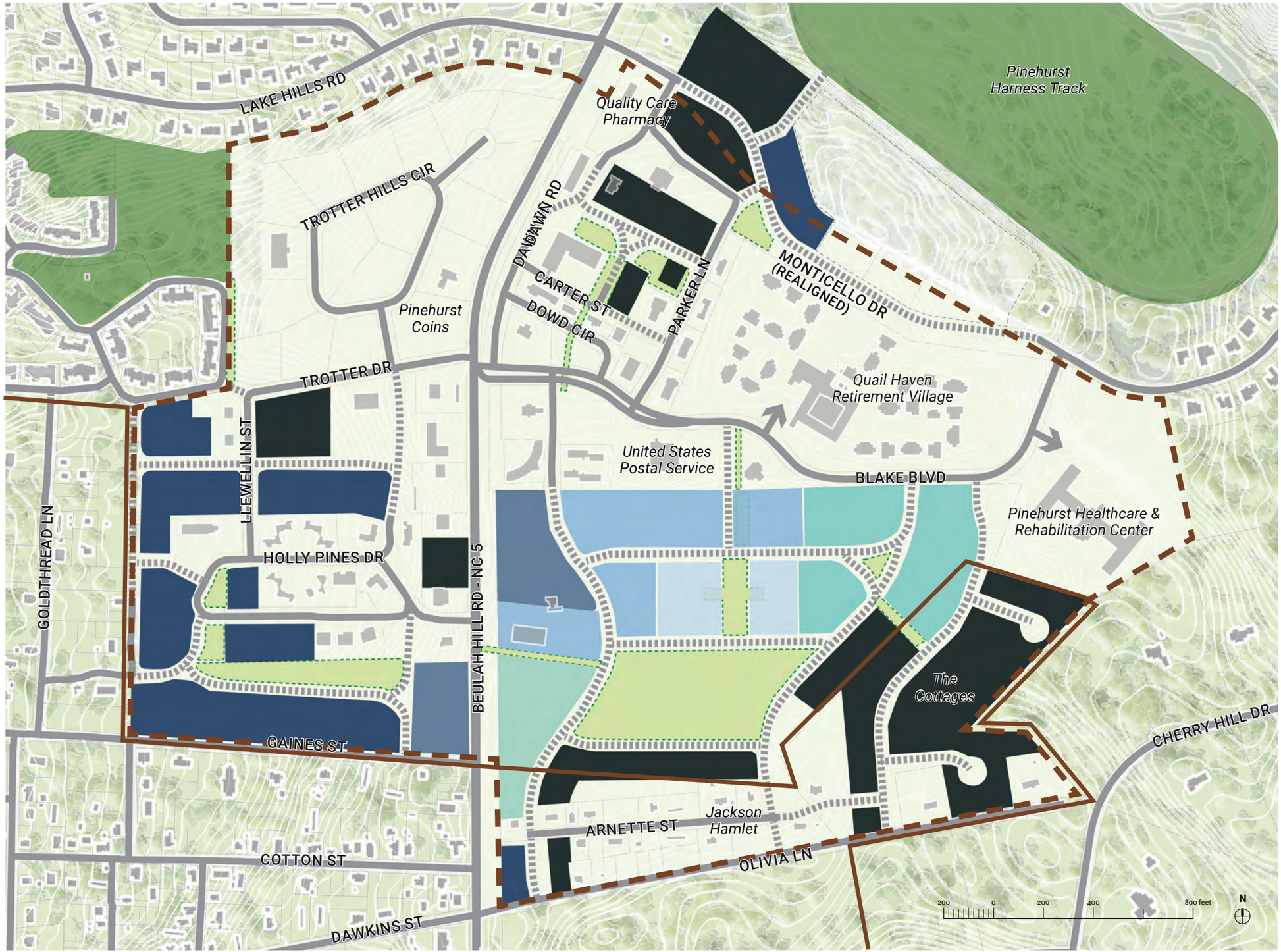
SUMMARY OF DEMAND FOR LAND USE WITHIN PLANNING AREAS

Land Use	Pinehurst South
For-Sale Residential	Unlimited (up to build-out capacity) 1 project would sell approximately 15-25 homes per year
For-Rent Residential	1-2 projects of up to 200 units each, depending on the location Timing depends on where else apartments have been constructed
Retail	Up to 80,000 SF with grocery, 40,000 SF without grocery
Office	Up to 100,000 SF Limited amount per year. 5,000 SF total in Village. Pinehurst South could capture some of that. Could increase, depending on impact of USGA
Hospitality	1 hotel with approximately 100 rooms
Golf	Possibly some support functions (although the land probably has a higher and better use than maintence for golf)

Phasing Absorption Plan

In coordination with the Market Analysis, the consultant team developed a potential Absorption Plan to demonstrate the absorption potential based on demand projections (see the previous page for more information).

The Absorption Plan is based on Build-out Plan - Scenario 2, which can be found on page 73 of this document. However, due to slow absorption rate of Office and Retail and the relatively fast absorption rate of Residential, the absorption durations of Scenario 1 and Scenario 2 would be anticipated to be similar.



KEY

- VILLAGE OF PINEHURST
- SMALL AREA PLAN BOUNDARY
- EXISTING ROADS
- PROPOSED ROADS
- PROPOSED ALLEYS
- 0-5 YEARS
- 5-10 YEARS
- 10-20 YEARS
- 20-30 YEARS
- 30-40 YEARS
- 40-50 YEARS
- 50 + YEARS

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

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5.0 IMPLEMENATION

5.1 OVERVIEW

5.2 FISCAL ANALYSIS

5.1 OVERVIEW

Implementation summary to be included in final report.

5.2 FISCAL ANALYSIS

Introduction

When new development occurs within the Village of Pinehurst, it brings both new revenues to the Village (primarily in the form of new taxes) and new costs to the Village (in terms of services such as fire protection and police as well as new infrastructure such as roads or sewers). Therefore, an important component to understand the implications of the Small Area Plans (SAPs) is to understand the revenue and costs to the Village of added services and infrastructure based upon future potential plans. This analysis is called a Fiscal Impact Analysis.

To determine the revenue and the costs of added service and infrastructure on the Preferred Build-Out Plans for Village Place and Pinehurst South, the team utilized the **FY 2017 Land Use Fiscal Analysis** completed by the Village of Pinehurst in October 2017. This document provided a net fiscal impact of various types of development in the Village of Pinehurst. These are expressed either as a net surplus or net deficit per acre by land use type. Please see the callout box for important assumptions made in the original document. In addition, refer to the original **FY 2017 Land Use Fiscal Analysis** for the full explanation of methodology and assumptions used to determine the net fiscal impact of different land uses by acre.

One of the major findings for the Village was that the analysis indicated that residential land uses generate more net revenue for the Village than non-residential uses. This is due in large part to the fact that the majority of revenues in the Village are from property taxes and that retail sales tax distributions occur on a per capita basis (as opposed to retail square footage or number of businesses). WThey also noted that certain assumptions about gated communities had a significant impact on the Single Family – Medium Density land use since the communities have security and maintain their own roads. In addition, assumptions regarding vacancy (16% for single-family and 68% for multifamily) had a large impact on the results. Finally, some Multi-family developments do not use the Village's solid waste services and instead contract with a private hauler which impacts costs. It was noted that for future development, Village leaders should consider variables such as private security, private roads, and solid waste collection to determine the true cost of any future residential development.

Results of Fiscal Impact Analysis

Based upon the results of the analysis, utilizing the assumptions as described herein, the Small Area Plans could have the following annual impact on the Village of Pinehurst at build-out (e.g. when the plan is completely built):

- Village Place Preferred Program: -$40,003 estimated total annual impact
- Pinehurst South Program Low: -$32,192 estimated total annual impact
- Pinehurst South Program High: -$18,313 estimated total annual impact

The commercial and the residential land uses in the plans balance each other out to help bring the net fiscal impact fairly close to zero. As noted above, residential land uses have a positive net fiscal impact on the VOP (e.g. more residential in the plans creates more revenue) and commercial land uses have a negative impact on the net fiscal impact (e.g. more commercial in the plans creates less revenue).

Fiscal Impact Assumptions and Methodology

In order to complete the analysis, we utilized the following assumptions:

- We utilized the assumptions regarding surplus or deficit by acre without any changes from the 2017 report. As noted above, this could make some residential land uses appear more beneficial than they are since the SAPs do not contemplate gated communities and for the other various reasons noted above.
- We fit the land use categories from the current SAPs into those land use categories from the 2017 report.

Figure 2 on page 80 outlines how the current land use categories in the SAPs compare to the FY 2017 document.

The next step was to determine the likely acreage associated with the SAPs as the FY document reported the surplus and deficit by acreage. The proposed density is similar to the existing density in the Village Center. The calculations to determine density by land use were completed on a gross net basis, based on typical average lots, plus the minimum required open space at 8%, half the right-of-way, and half the alley, if applicable. The following Figure 3 includes the estimated density of the products by land use that were then used to determine acreage in the SAPs.

Figures 5 and 6 on page 81 are the calculations for each of the potential programs.

Page 1, FY 2017 Land Use Fiscal Analysis

"The 2017 Village of Pinehurst Land Use Fiscal Analysis was prepared by Village staff to determine the approximate net revenues or net expenditures of various land uses within the Village of Pinehurst corporate limits. Properties included in the Village's extra-territorial jurisdiction (ETJ) were not included in this analysis. This land use fiscal analysis was prepared using FY 2017 data and represents an estimate of current revenues and expenditures by land use for that period of time.

This analysis provides revenue and expenditure allocation principals that can be applied to any proposed future development to estimate the financial impact. It is not a perfect predictor of the financial impacts of future development because the impacts of future land uses will vary on a case by case basis. The actual revenues and expenditures generated by one acre of land can vary within the same land use type due to many variables. Therefore, the information contained in this analysis should be used to provide an approximation of the estimated net revenue or cost of development, recognizing the actual revenue and costs associated with any one particular development will likely not be the exact amounts shown in this report."

Figure 1: Land Uses from FY 2017 Land Use Fiscal Analysis Report and Net Impact Per Acre

Land use	Description	Net Annual Surplus (Deficit) Per Acre
Single Family – Low Density	R210: 5 acre lot/ 2,000 SF min	$520
Single Family – Medium Density	R-30: 30,000 SF lot/ 2,000 SF min R-20: 20,000 SF lot/ 2,000 SF min R-15: 15,000 SF lot/ 1,800 SF min	$1,054
Single Family – High Density	R-10: 10,000 SF lot/ 1,800 SF min R-8: 8,000 SF lot/ 1,500 SF min	$806
Multi-family Development	Density varies by zoning jurisdiction	$1,597
Office	General office, medical/dental office, government office, post office	($3,109)
Retail	Retail, car dealership, drugstore	($8,518)
Lodging	Hotel	($2,110)
Recreational	Park, marina, golf course, harness track, tennis facility, fitness center	$52
Institutional	School, church, library	($6,622)
Medical	Hospital, nursing home, clinics	($6,995)
Industrial	Utilities, manufacturing, warehousing	($110)
Services	Bank, real estate office, restaurant, gas station	($3,230)

Figure 2: Land Uses from SAPs Compared to FY 2017 Report

Land Use in SAP	Corresponding Land Use in FY 2017 Report
Civic	Institutional
Office	Office
Retail/Restaurant	40% Retail, 60% Services
Hotel	Lodging
Light Industrial	Industrial
Live / Work	Multi-Family Dev.
Multi-Family	Multi-Family Dev.
Multi-Family Senior	Multi-Family Dev.
Single-Family Attached	Multi-Family Dev.
Single-Family Detached	Single-Family - High Density

Figure 3: Estimated Density by Land Use to Determine Acreage in SAPs

Land Use	FAR*/Dwelling Unit (DU)/Key Per Acre
Civic	1.00
Office	0.50
Retail/Restaurant	0.33
Hotel	50
Light Industrial	0.25
Live / Work	12
Multi-Family	18
Multi-Family Senior	25
Single-Family Attached	10
Single-Family Detached	5.5

* Floor Area Ratio (FAR) is the measurement of a building's total amount of usable floor area in relation to the total area of the lot on which the building stands.

Figure 5: Pinehurst South Low Program Calculations

	Non-Residential					Mixed-Use	Residential				
Land Use in SAP	**Civic (GSF)**	**Office (GSF)**	**Retail/ Restaurant (GSF)**	**Hotel (Keys)**	**Light Indust. (GSF)**	**Live / Work (# DU)**	**Multi-Family (#DU)**	**Multi-Family Senior (#DU)**	**Single-Family Attached (#DU)**	**Single-Family Detached (#DU)**	**Total Program**
Pinehurst South Program Low											
W of NC 5	0	0	21,000	0	0	0	52	0	0	50	
E of NC 5	0	204,200	30,000	50	25,000	0	0	0	0	42	
Total	0	204,200	51,000	50	25,000	0	52	0	0	92	
Pinehurst South Program Low in Acres											
W of NC 5	0.0	0.0	1.4	0.0	0.0	0.0	2.9	0.0	0.0	9.1	13.4
E of NC 5	0.0	9.4	2.1	1.0	2.3	0.0	0.0	0.0	0.0	7.6	22.4
Total	0.0	9.4	3.5	1.0	2.3	0.0	2.9	0.0	0.0	16.7	35.8
Pinehurst South Low Annual Revenue (Deficit) By Land Use											
W of NC 5	$0	$0	-$7,732	$0	$0	$0	$4,614	$0	$0	$7,327	$4,209
E of NC 5	$0	-$29,149	-$11,045	-$2,110	-$253	$0	$0	$0	$0	$6,155	-$36,402
Total	$0	-$29,149	-$18,777	-$2,110	-$253	$0	$4,614	$0	$0	$13,482	-$32,192

Figure 6: Pinehurst South High Program Calculations`

	Non-Residential					Mixed-Use	Residential				
Land Use in SAP	**Civic (GSF)**	**Office (GSF)**	**Retail (GSF)**	**Hotel (Keys)**	**Light Indust. (GSF)**	**Live / Work (# DU)**	**Multi-Family (#DU)**	**Multi-Family Senior (#DU)**	**Single-Family Attached (#DU)**	**Single-Family Detached (#DU)**	**Total Program**
Pinehurst South Program High											
W of NC 5	0	15,000	21,000	0	0	0	172	0	0	31	
E of NC 5	0	226,700	25,000	0	25,000	0	0	0	85	0	
Total	0	241,700	46,000	0	25,000	0	172	0	85	31	
Pinehurst South Program High in Acres											
W of NC 5	0.0	0.7	1.4	0.0	0.0	0.0	9.6	0.0	0.0	5.6	17.3
E of NC 5	0.0	10.4	1.7	0.0	2.3	0.0	0.0	0.0	8.5	0.0	22.9
Total	0.0	11.1	3.2	0.0	2.3	0.0	9.6	0.0	8.5	5.6	40.3
Pinehurst South High Annual Revenue (Deficit) By Land Use											
W of NC 5	$0	-$2,141	-$7,732	$0	$0	$0	$15,260	$0	$0	$4,543	$9,930
E of NC 5	$0	-$32,360	-$9,204	$0	-$253	$0	$0	$0	$13,575	$0	-$28,243
Total	$0	-$34,502	-$16,936	$0	-$253	$0	$15,260	$0	$13,575	$4,543	-$18,313

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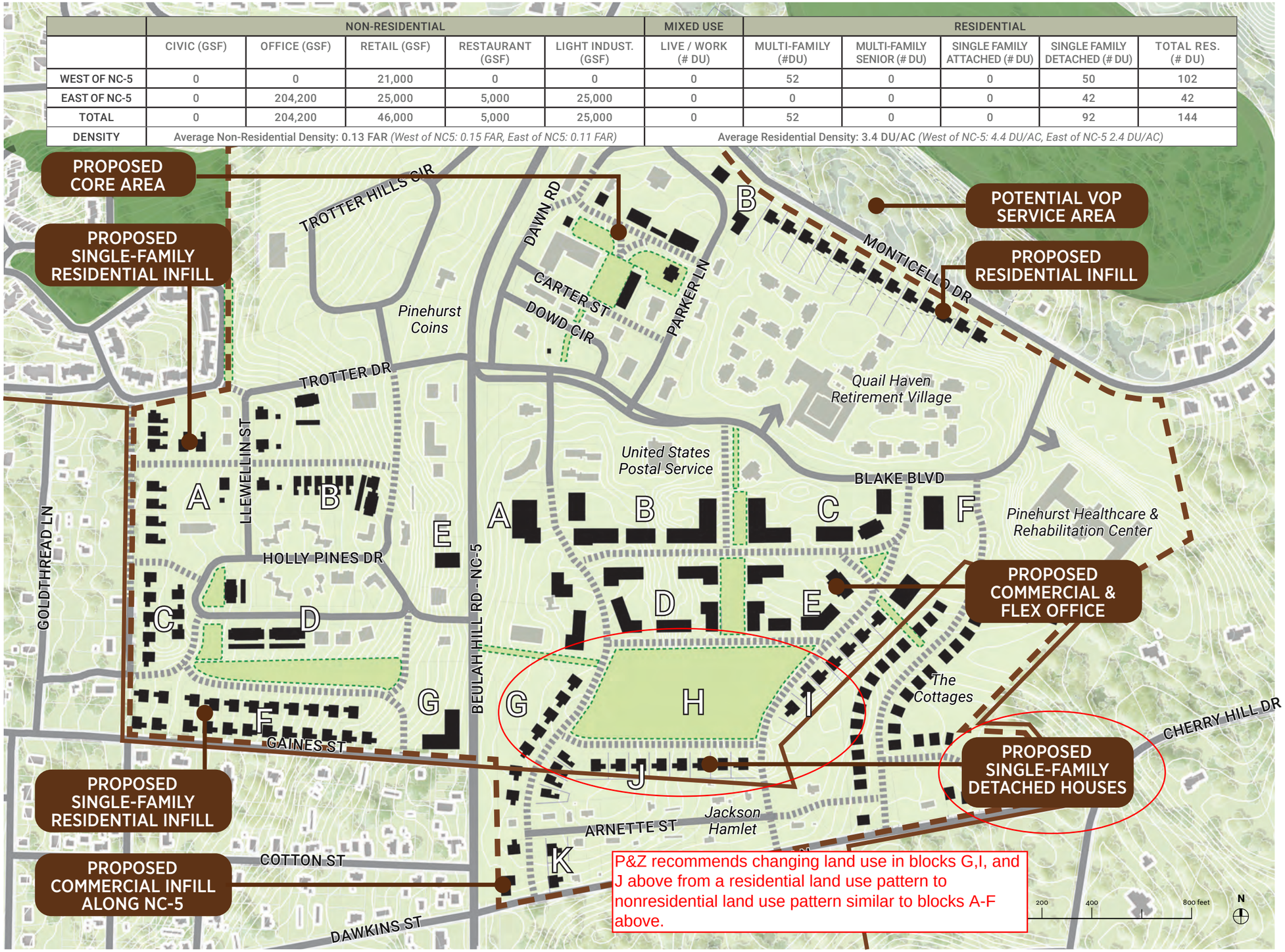
Build-Out Plan - Scenario 1 (low)

The Build-out Plan - Scenario 1 represents the cumulative efforts of the consultant team to create one potential, low intensity scenario of how the build-out of Pinehurst South may occur over the next 50+ years. This scenario is illustrative only and should not be considered the only option for this area. This build-out plan is based on the market demand and absorption rates per use, as projected by Duggal Real Estate Advisors (DREA). The *Pinehurst South Form-Based Code* (FBC) will regulate the character of development, in dimension, material, and detail - see that document for additional information.

This scenario shows the following:

- A core area is established between Monticello Dr. and Blake Blvd., east of NC-5
- To the south of Blake Blvd., a large Central Green creates a focal point for new, mixed-use development, serving as a space for activities and gathering and a transition to nearby residential
- Single-Family Detached (SFD) fronts three sides of this Green.
- On the west side of NC-5, SFD, Multi-family (MF), and small open spaces infill the residential areas, while commercial infill fronts NC-5.

	NON-RESIDENTIAL					MIXED USE	RESIDENTIAL				
	CIVIC (GSF)	OFFICE (GSF)	RETAIL (GSF)	RESTAURANT (GSF)	LIGHT INDUST. (GSF)	LIVE / WORK (# DU)	MULTI-FAMILY (#DU)	MULTI-FAMILY SENIOR (# DU)	SINGLE FAMILY ATTACHED (# DU)	SINGLE FAMILY DETACHED (# DU)	TOTAL RES. (# DU)
WEST OF NC-5	0	0	21,000	0	0	0	52	0	0	50	102
EAST OF NC-5	0	204,200	25,000	5,000	25,000	0	0	0	0	42	42
TOTAL	0	204,200	46,000	5,000	25,000	0	52	0	0	92	144
DENSITY	Average Non-Residential Density: 0.13 FAR *(West of NC5: 0.15 FAR, East of NC5: 0.11 FAR)*					Average Residential Density: 3.4 DU/AC *(West of NC-5: 4.4 DU/AC, East of NC-5 2.4 DU/AC)*					



KEY

- VILLAGE OF PINEHURST
- SMALL AREA PLAN BOUNDARY
- EXISTING ROADS
- PROPOSED ROADS
- EXISTING PARKS/OPEN SPACE
- PROPOSED PARKS/OPEN SPACE
- A SUBAREA LABEL

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

Build-Out Plan - Scenario 2 (high)

The Build-out Plan - Scenario 2 represents the cumulative efforts of the consultant team to create an alternative, marginally higher intensity potential scenario of how the build-out of Pinehurst South may occur over the next 50+ years. As with the low intensity scenario, this scenario is illustrative only and should not be considered the only option for this area. This build-out plan is based on the market demand and absorption rates per use, as projected by Duggal Real Estate Advisors (DREA). The *Pinehurst South Form-Based Code* (FBC) will regulate the character of development, in dimension, material, and detail - see that document for additional information.

This scenario shows the following:

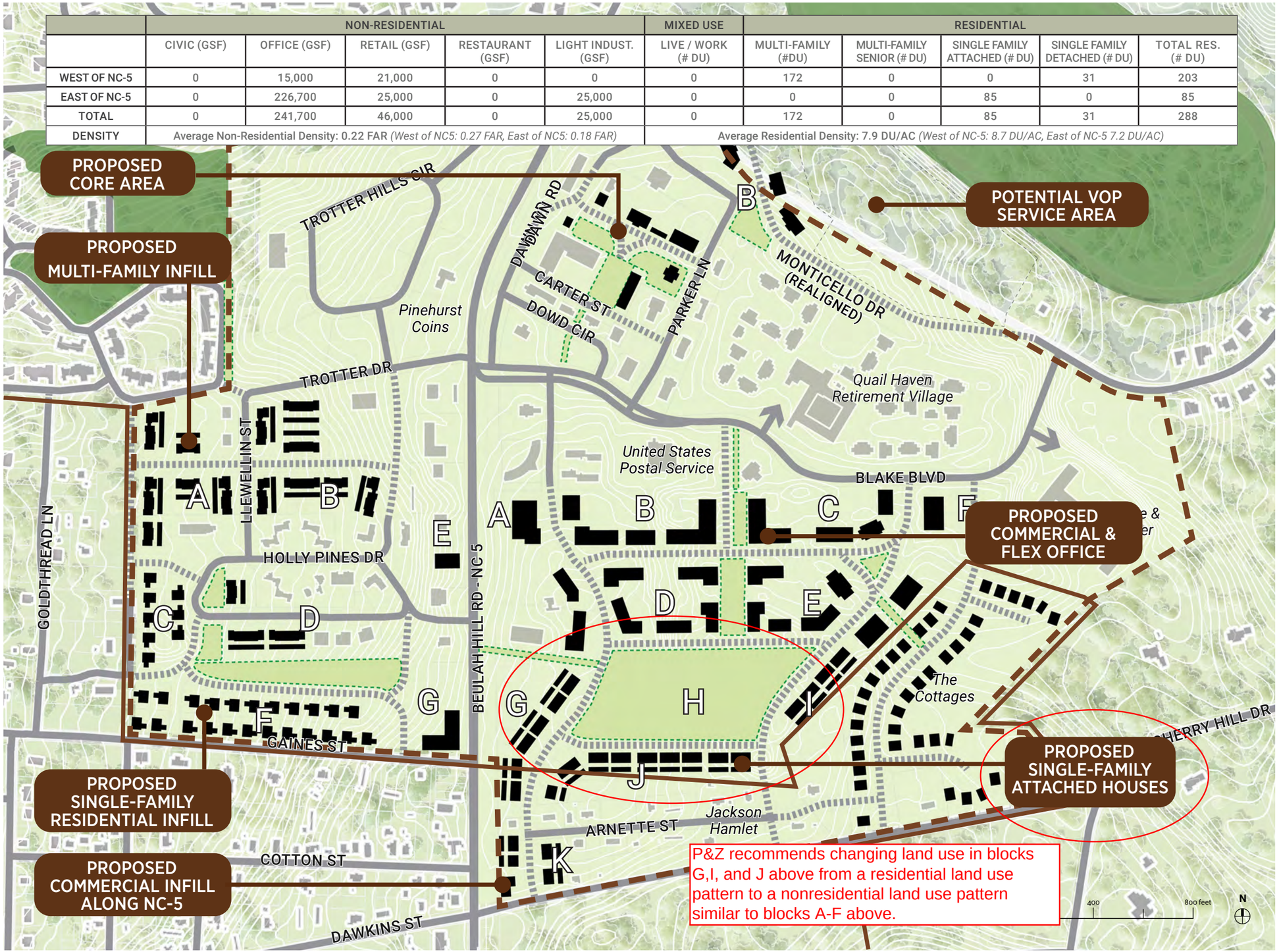
» A core area is established between Monticello Dr. and Blake Blvd., east of NC-5

» To the south of Blake Blvd., a large Central Green creates a focal point for new, mixed-use development, serving as a space for activities and gathering and a transition to nearby residential

» Single-Family Attached (SFA) fronts three sides of this Green.

» On the west side of NC-5, SFD, SFA, Multi-family (MF), and small open spaces infill the residential areas, while commercial infill fronts NC-5.

	NON-RESIDENTIAL					MIXED USE	RESIDENTIAL				
	CIVIC (GSF)	OFFICE (GSF)	RETAIL (GSF)	RESTAURANT (GSF)	LIGHT INDUST. (GSF)	LIVE / WORK (# DU)	MULTI-FAMILY (#DU)	MULTI-FAMILY SENIOR (# DU)	SINGLE FAMILY ATTACHED (# DU)	SINGLE FAMILY DETACHED (# DU)	TOTAL RES. (# DU)
WEST OF NC-5	0	15,000	21,000	0	0	0	172	0	0	31	203
EAST OF NC-5	0	226,700	25,000	0	25,000	0	0	0	85	0	85
TOTAL	0	241,700	46,000	0	25,000	0	172	0	85	31	288
DENSITY	Average Non-Residential Density: 0.22 FAR *(West of NC5: 0.27 FAR, East of NC5: 0.18 FAR)*					Average Residential Density: 7.9 DU/AC *(West of NC-5: 8.7 DU/AC, East of NC-5 7.2 DU/AC)*					



KEY

- VILLAGE OF PINEHURST
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Focus Area 2: Highway 5 Commercial Area

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

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

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

► Implementation Strategies:

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

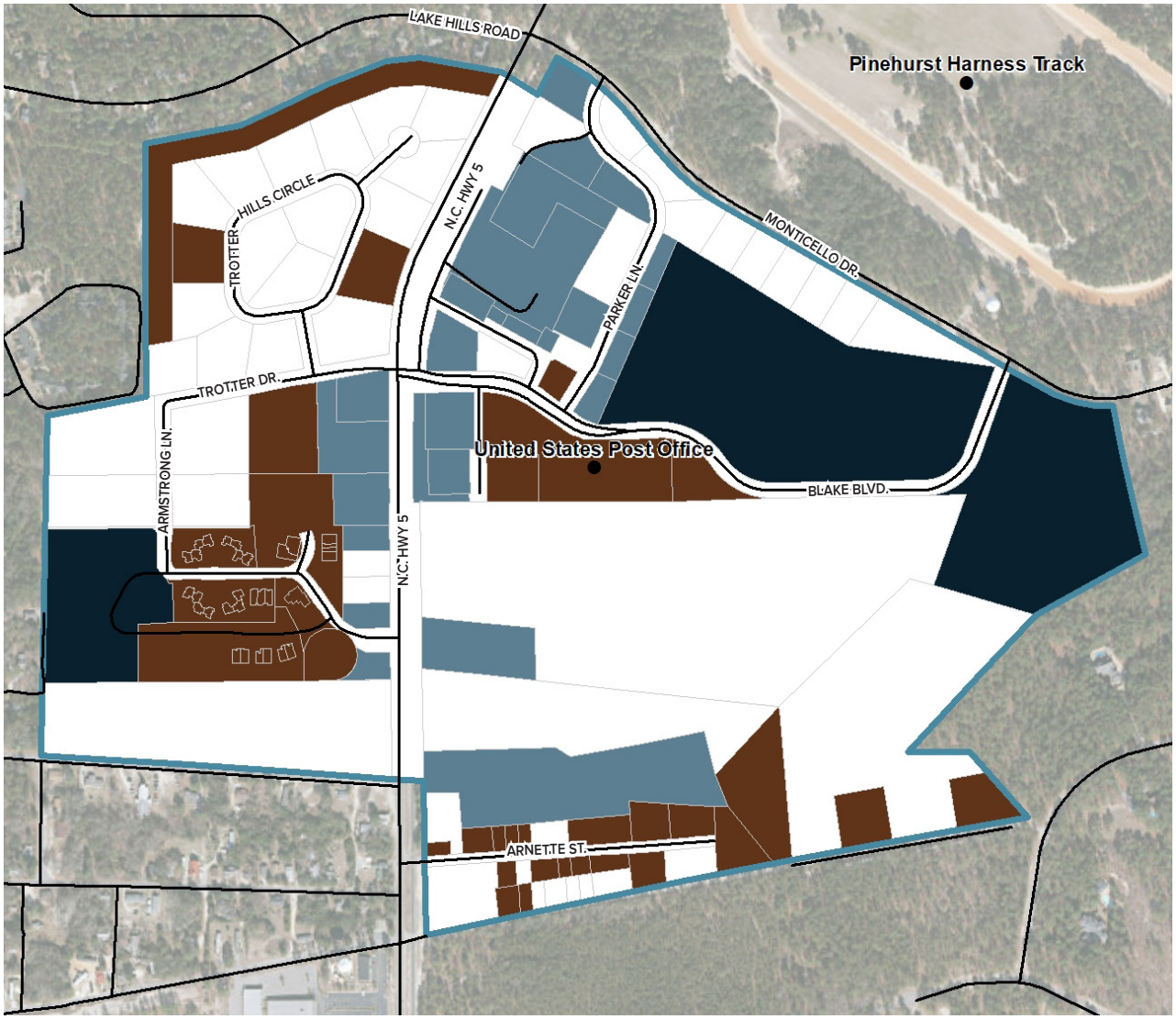
Also see Implementation Strategies 2.10, 2.11, 2.12, 2.13, 2.15, 2.16, 2.17, 2.18, and 2.20 in this section of the Plan.

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

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

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

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



Development Status

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

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

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

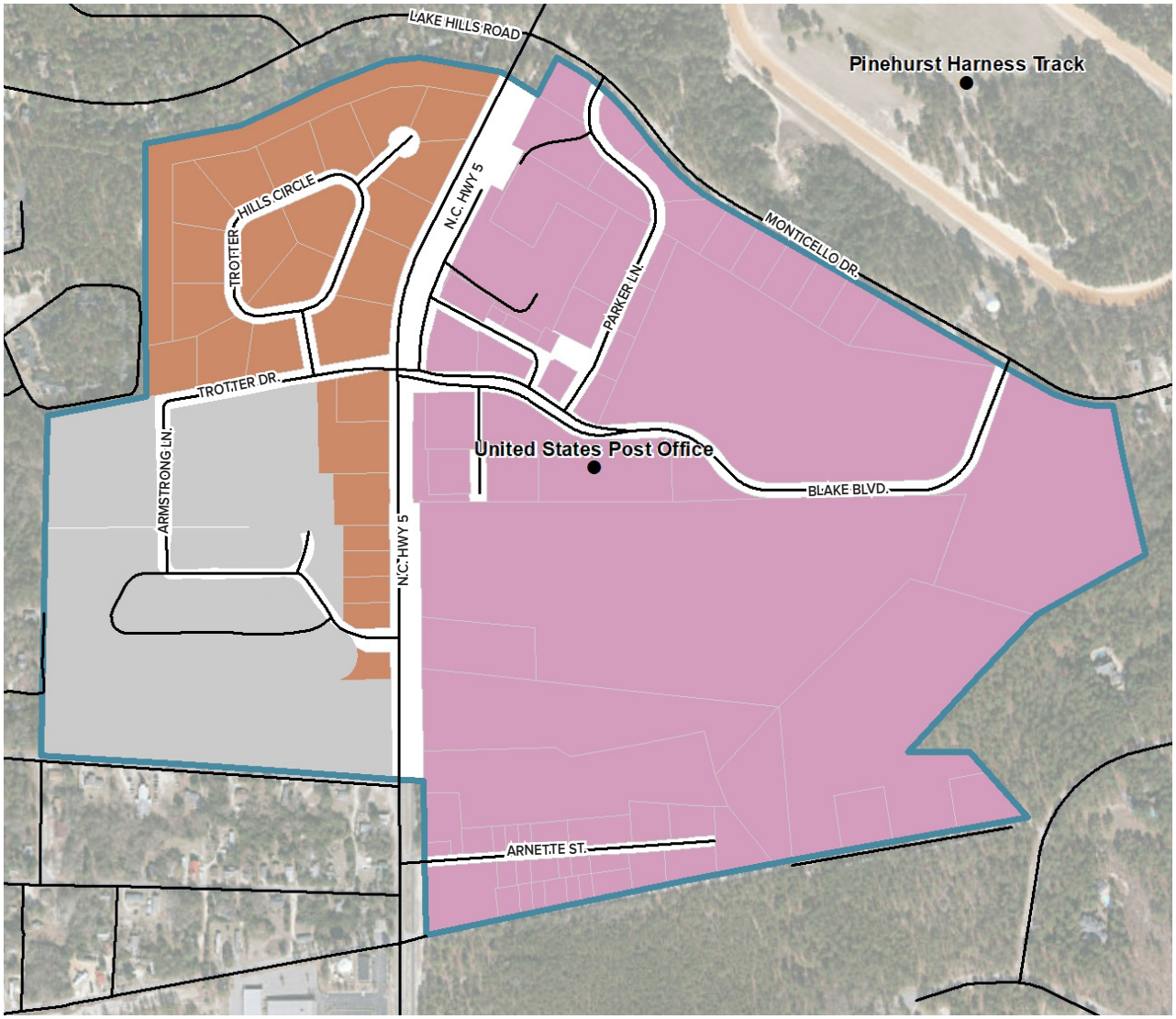
Likely Infrastructure Impacts	
New Students (students)	95
New Water Demand (mgd)	0.11
New Sewer Demand (mgd)	0.10
New Daily Trips (trips)	15,500

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

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

Community Characteristics	
New Residents	275
New Employees	3,137

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



Scenario Plan

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





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