



**PLANNING AND ZONING BOARD
MARCH 15, 2023
ASSEMBLY HALL**

**PINEHURST, NORTH CAROLINA
4:00 PM**

- I. Call to Order
- II. New Business
 - A. Discuss Implementation of Form Based Code with Zoning Map Amendments and Amendments to the Pinehurst Development Ordinance
 - B. Discuss Pinehurst South Form Based Code
- III. Next Meeting Date
 - C. 03-16-2023 Special Meeting
- IV. 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 IMPLEMENTATION OF FORM BASED CODE WITH ZONING
MAP AMENDMENTS AND AMENDMENTS TO THE PINEHURST
DEVELOPMENT ORDINANCE
ADDITIONAL AGENDA DETAILS:**

FROM:

Alex Cameron

CC:

Kathy Liles, Maria Carpenter, Alfred Cassidy

DATE OF MEMO:

3/14/2023

MEMO DETAILS:

Time permitting, Staff will share and discuss the approach to implementing the Village Place and Pinehurst South Small Area Plans and Formed Based Codes with Conditional Zoning.

ATTACHMENTS:

Description

📎 Staff Memo



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Katherine Liles, Senior Planner
Alex Cameron, Planning Supervisor
Date: March 14, 2023
Subject: Process to Lift the Moratorium and Begin Implementation of Form-Based Codes

Village Place and Pinehurst South have been subject to moratoria to discourage development until such time as the Village is able to put regulations in place for implementation of form-based codes for these two areas. As the Village works its way through the guidelines, questions have been raised regarding how these regulations will actually be implemented and how the moratoria may be lifted.

Part 1. Logic Behind Implementation of Form-Based Codes

In considering an appropriate approach, it is important to note some expectations about form-based codes. The Form Based Codes Institute defines them as “a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.” Because the results should be predictable if design guidelines are followed, municipalities do not typically require special use permits or conditional zoning to approve development projects. Buildings are designed for their use with constraints on the design. As an example, if a building may not be designed for drive-through, then there is no drive-through use that will work in the building. The type of form based code we are implementing is a hybrid. A hybrid code meshes the conventional zoning (separation of uses) with design standards, setbacks, bulk, building and parking placement, materials and architectural features.

The North Carolina Planning Statute expressly allows for the use of form-based codes; however, that same statute also prohibits the regulation of single and two-family home design and size (both for attached and detached housing) unless it is in a historic district. As the draft form-based code guidelines include both housing types, another mechanism is needed to allow the Village to work with the development community to achieve the proposed architectural standards for residential units. The PDO cannot dictate the home size or appearance and be consistent with the statute. Historic preservation guidelines by themselves are not sufficient to use as they allow for all types of structural designs consistent with the entirety of the historic district – not just Village Place. The proposed architectural standards help to integrate the blocks within the Village Place planning area – both commercial and residential - giving Village Place a look that will be more compatible and transitory to the Village Core.

Understanding these constraints leads staff to several conclusions.

1. The only mechanism to address residential appearance standards in the area needs to be through a mutual agreement process statutorily allowed such as conditional district zoning.
2. In order to lift the moratorium in a reasonable period, it would be helpful to use conditional district zoning for other uses to allow staff time to work out bugs in the system. Although contrary to the predictability of form-based codes, it would not result in a very different timeline than the standard review process. It does open the door for the Village to “just say no.”
3. All “recommendations” for architectural standards – particularly residential - should be contained in guidance documents (adopted plans), not the PDO.
4. Mandates should be in the PDO such as lot configurations and uses.
5. Opportunities for flexibility or to negotiate certain aspects of the plans and hybrid code requirements especially some of the architectural design standards.

The question needs to be asked why conditional district zoning (CZ) provides an opportunity for the Village to achieve residential design. CZ is a give and take process that focuses on an outstanding outcome – something more than what traditional zoning would provide. It opens the door to conversation about community desires. It is a legislative process which gives latitude to the Village in considering development proposals and reviewing them against adopted plans. For the development community, Village Place offers an opportunity for greater residential density and expectation of the desired outcome. The trade-off for the Village is that the Form-Based Code documents direct the developer to the preferred design. If the Form-Based Code design document is adopted as a companion document to the small area plan, then the Village will also be determining consistency with that plan. If the concept is not consistent with the intent of the plan, a denial is reasonable.

Table 1. Comparison of existing zoning minimum lot size to Form-Based Code for Purpose of Trade-Off

Current PDO				
<u>VR</u>	<u>VMU</u>	<u>R-10</u>	<u>NC</u>	<u>VCP</u>
5,500 SF	20,000 SF	10,000 SF	10,000 SF	8,000 SF
Form-Based Code				
<u>SFA</u>	<u>SFD Cottage</u>	<u>SFD Manor</u>	<u>SFD Villa</u>	<u>Live-Work, Mixed Use</u>
1,650 – 2,775 Sf	2,550 – 3,150 SF	4,160 – 4,960 SF	5,760 – 5,904 SF	1,440 SF

The use of conditional district zoning is not anticipated to impact the review time period. The current review process for major subdivisions and for major site plans involve the.

1. Optional sketch plan review.
2. Application for General Concept Plan or Plat is submitted.
3. Staff conducts completeness review.
4. TRC and HPC meet and review concept plans and plats following (for Village Place, Pinehurst South does not need HPC review).
5. P & Z conducts a Public Hearing (note statute does not require a hearing but the PDO does) and makes recommendation.
6. Council conducts a Public Hearing (note statute does not require a hearing unless it is a Special Use Permit but the PDO does), and Council approves or denies the request.

The significant differences between the process for major site plans and subdivisions versus conditional zoning is that a public hearing by council is mandated by statute and that the rezoning process includes a plan consistency step which directs the use of adopted plans while evaluating the project for approval or denial. Council would be able to achieve anticipated objectives of the plan or could choose to deny a project based on inconsistency of the project with the Small Area Plan and the associate Form-Based Code Guidelines.

What this process would not address would be in-fill residential projects, but it should apply to commercial projects and new residential subdivisions. The design guidelines can be made available to all applying in the area considered to be Village Place and where not required be suggested, but they should not be mandated.

Part 2

Staff is evaluating the following process for implementation of the form-based codes in the Pinehurst Development Ordinance. The following steps are needed.

1. Rezone the underlying zoning district for the area in the final Village Place regulating plan as VP and final Pinehurst South plan as PS.
2. Add the two form-based code districts to the list of districts and remove any districts within those areas that are no longer needed.
3. Adopt a new regulatory section to include Form-Based Code Districts. This section will include the following.
 - a. Purpose of District.
 - b. Regulating Plan, Subdistricts, and Active Frontage.
 - c. Allowed Uses by Subdistrict (set to a conditional zoning requirement).
 - d. Lot Configurations for Residential and Commercial Uses.
 - e. Table of Dimensional Requirements.
 - f. Use of Form-Based Code Guidelines.
 - g. Consistency with All Other PDO Requirements, including nonconforming uses.
4. Remove unused districts from overall TOPU and add VP and PS.
5. Establish minimum lot size for existing residential lots of record within the districts.
6. Replace the current plant list in the Appendices and replace it with the one from the guidance documents. Establish a percentage of plants to be used from that list.
7. Add and modify definitions.

As allowable uses in the table would be approved through a conditional rezoning process, the small area plans and associated form-based code guidelines establish the path for Village Place and Pinehurst South to achieve the village's vision and could serve as the sole implementation direction. However, staff recommends that work continue to implement other components of the form-based code into the PDO that may take additional time, in particular landscaping and open space. Once that work is completed, the allowed uses by subdistrict could be reconsidered and some of those uses could be converted to uses allowed by right that would not be subject to rezoning. Unfortunately, the only way to continue to regulate the one and two family uses would be to leave conditional zoning in place for major residential subdivisions. Fortunately, it would only apply to a very limited number of blocks within the jurisdiction as shown on the regulating plan for the two small areas.

Part 3. Lift the Moratorium

In order to lift the moratorium, all of these pieces should come into play close to or at the same time. First, the form-based code guidelines need to be adopted as a part of the small area plan or as a stand-alone plan following the same public hearing process as text amendments. One set of public hearings by Council could adopt the form-based code, rezone the VP and PS districts, adopt the amendments to the PDO, and lift the moratorium. Staff suggests that Council consider a special-called meeting to keep the focus on the small areas and to allow for adequate time. Staff also proposes to continue to work on PDO changes to continue to streamline the process to increase predictability and gain the full advantage of using form-based codes. At that time, some of the commercial uses could be converted to uses by right instead of conditional zoning.

If Council chooses, the process to move Village Place and Pinehurst South could be separated and moved independently of each other. As these areas are subject to separate moratoria, the moratoria could be lifted separately or allowed to expire.

Staff has begun the work on the PDO amendments but cannot finalize this work until the form-based codes are adopted to ensure that everything is correct and accurate. Staff envisions that the process to implement the code and remove the moratorium for Village Place could move forward in April 2023 with Pinehurst South to follow shortly after.



**DISCUSS PINEHURST SOUTH FORM BASED CODE
ADDITIONAL AGENDA DETAILS:**

FROM:

Alex Cameron

CC:

Kathy Liles, Maria Carpenter, Alfred Cassidy

DATE OF MEMO:

3/14/2023

MEMO DETAILS:

The Board and staff will discuss a draft table of permitted uses based on the previously agreed upon Regulating Plan for Pinehurst South.

ATTACHMENTS:

Description

- ☐ PS Zoning Uses by Block
- ☐ Pinehurst South Regulating Plan

Pinehurst South

USE TYPES									
PRINCIPAL USES									
RESIDENTIAL	A	B	C	D	E	F	G	H	I
USE TYPES	1,2,3	1,2,3,9	1,2,3,4	1,2,3,4	6,7,8	1,2,3	1,2,3	5,6,7,8,10	2
PRINCIPAL USES									
Dwelling-Single Family					X			X	
Dwelling-Two Family								X	
Dwelling-Multifamily								X	
Dwelling-Townhouse/ Clustered Dwellings								X	
Family Care Home (6 or fewer residents)								X	
Halfway Homes									
Dwelling -Mixed Use	X	X	X	X		X	X		
Manufactured Housing									
Manufactured Home Park									
LODGING	A	B	C	D	E	F	G	H	I
Bed and Breakfast Homes									
Boarding or Rooming House									
Dormitory									
Hotel		X							
Recreational Vehicle Park									
Short Term Rental									
OFFICE/SERVICE	A	B	C	D	E	F	G	H	I
Banks, Credit Unions, Financial Services	X	X	X	X		X	X		X
Business Support Services	X	X	X	X		X	X		X
Crematoria									
Dry Cleaning & Laundry Services	X	X	X	X		X	X		
Funeral Home									
Medical Clinic	X	X	X	X		X	X		X
Personal Services	X	X	X	X		X	X		X
Personal Services, Restricted									
Post Office	X	X	X	X		X	X		X
Professional Services	X	X	X	X		X	X		X
Radio/TV Studio									X
Small Equipment Repair/Rental	X	X				X	X		
Small Engine Repair / Sales	X	X				X	X		
Veterinary Services / Indoor Kennels	X	X	X	X		X	X		X

Pinehurst South

COMMERCIAL/ ENTERTAINMENT	A	B	C	D	E	F	G	H	I
Sexually Oriented Business									
Alcoholic Beverage Sales Store	X	X	X	X		X	X		
Amusements, Indoor	X	X	X	X		X	X		
Amusement, Outdoor									
Billiard/Pool Hall									
Bar/Tavern/Night Club	X	X	X	X		X	X		
Garden Center									
General Retail	X	X	X	X		X	X		
Golf Course									
Internet Sweepstakes Facilities									
Outside Sales									
Pawnshops									
Racetrack									
Restaurant	X	X	X	X		X	X		
Shooting Range									
Theater, Indoor (Movie or Live Performance)									

CIVIC	A	B	C	D	E	F	G	H	I
Civic/Cultural Facilities									
Community Shared Facilities								X	
Conference/Convention Center		X							
Country Club									
Municipal Public Service Facility									
Private Clubs									
Public Safety Station									
Recreation Facilities, Indoor	X	X	X	X		X	X		
Recreation Facilities, Outdoor									
Religious Institution									
Park	X	X	X	X	X	X	X	X	X

Pinehurst South

EDUCATION/ INSTITUTION	A	B	C	D	E	F	G	H	I
Residential Care Facilities (More than 6 Residents)									
Child/Adult Day Care Center	X	X	X	X		X	X		
Community Support Facility									X
Hospital									
Schools - Elementary & Secondary									
Schools- Vocational/Technical									
Studio - art, dance, martial arts, music	X	X	X	X		X	X		

USE TYPES	A	B	C	D	E	F	G	H	I
AUTOMOTIVE	A	B	C	D	E	F	G	H	I
Fueling Station									
Heavy Equipment/ Manufactured Home Rental/Sales									
Vehicle. Rental/Leasing/Sales	X	X				X	X		
Vehicle Service- Maintenance Repair/Body Work									

INDUSTRY/ WHOLESALE/ STORAGE	A	B	C	D	E	F	G	H	I
Artisan Workshops	X	X	X	X		X	X		
Industry, Manufacturing									
Landfill/Waste Recovery Facilities									
Recycling Collection Stations Municipal									
Storage -Outdoor Storage Yard									
Storage-Self Service									
Storage -Warehouse, Indoor Storage									
Wholesaling and Distribution									

AGRICULTURE	A	B	C	D	E	F	G	H	I
Farming/Animal Production									
Horse Farm & Training Track									
Nurseries									
Gardens (Community and Private)	X	X	X	X	X	X	X	X	X
Kennels, Outdoor									
Swine Farms									

Pinehurst South

INFRASTRUCTURE	A	B	C	D	E	F	G	H	I
Parking Structure	X	X	X	X		X	X		
Parking Lot -Principal Use	X	X	X	X		X	X		
Small/Micro Wireless Facilities	X	X	X	X	X	X	X	X	X
Telecommunications Facilities									
Utilities -Moore County and VOP	X	X	X	X	X	X	X		X
Utilities-All Other									

ACCESSORY USES	A	B	C	D	E	F	G	H	I
ATM	X	X	X	X		X	X		X
Beekeeping									
Cemetery									
Child/Adult Day Care Home Occupations									
Farmers Market									
Concealed Wireless Telecommunication Facility	X	X	X	X	X	X	X	X	X
Fuel/Propane Tanks	X	X	X	X	X	X	X	X	X
Ice Vending									
Home Occupation					X			X	
Outdoor Swimming Pools and Spas					X			X	
Pet Houses and Pet Runs					X			X	
Playground Equipment					X			X	
Accessory Buildings	X	X	X	X	X	X	X	X	X
Dwelling - Accessory					X			X	
Accessory Structure	X	X	X	X	X	X	X	X	X
Bulkheads on Lakes	X	X	X	X	X	X	X	X	X
Docks on Lakes									
Floats/Rafts and Mooring Buoy									

TEMPORARY USE	A	B	C	D	E	F	G	H	I
Boat Storage									
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	X	X	X	X	X	X	X	X	X
Temporary Expansion of School Facilities									

Pinehurst South

Temporary Real Estate Offices									
Model Homes					X			X	
Yard Sales					X			X	
Temporary Uses Other	X	X	X	X	X	X	X	X	X

2.2 Regulating Plan

The Regulating Plan is a plan diagram that acts as a key for the application of the Site Design and Street Design criteria, linking the criteria with physical locations.

The Regulating Plan defines the boundary within which the FBC criteria apply, as shown by the SAP Boundary as a brown dashed line. The Regulating Plan also indicates allowed Uses and Building Heights within subareas. For Building Heights for example, "BH: 1-2" indicates that buildings shall be either 1 or 2 stories in height (see Section 8.0 Definitions for information on how building height is measured within Village Place).

Additionally, the Regulating Plan indicates where Active Frontage is required, that is, where retail or restaurant space, lobbies, or building amenities must be located on the ground floor facing the street.

Proposed street alignments and open space locations and configurations may vary from those shown to the right, with Village approval.

Pinehurst South Draft 01/23



Key

Core Area Blocks

- Block A
- Block B
- Block C
- Block D
- Block E
- Block F
- Block G
- Block H
- Block I
- General Frontage
- Active Frontage
- Public Conservation
- Open Space
- Civic Building Monuments
- Pinehurst South Boundary
- Existing Street Centerline
- Railroads

Building Types

- 1 MIXED-USE
- 2 OFFICE
- 3 RETAIL
- 4 LIVE - WORK
- 5 SFA - TOWNHOUSE
- 6 SFD - COTTAGE
- 7 SFD - VILLA
- 8 SFD - MANOR
- 9 HOTEL
- 10 MULTIFAMILY

