



**VILLAGE COUNCIL
AGENDA FOR WORK SESSION OF JANUARY 26, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

1. Call to Order.
2. Discuss Potential Changes to the Village's Fund Balance Policy.
3. Discuss a Moratorium for Small Area Plan Focus Areas.
This item is carried over from the Village Council's 1/12/21 work session and includes an updated staff memo and updated moratorium ordinance based on work session discussion.
4. Discuss Strategies for Working with the Planning and Zoning Board.
5. Adjournment.

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 POTENTIAL CHANGES TO THE VILLAGE'S FUND BALANCE POLICY.

ADDITIONAL AGENDA DETAILS:

FROM:

Natalie Hawkins & Brooke Hunter

DATE OF MEMO:

1/21/2021

MEMO DETAILS:

This agenda item is to discuss Village staff's recommendation on potential modifications to the Village's Fund Balance Policy. The Council discussed the Fund Balance Policy at their annual Strategic Planning Retreat in December. Based on that discussion, staff recommends changes to the Fund Balance Policy that are described in the attached document titled Fund Balance Policy Recommendations - Jan 2021. This recommendation includes the addition of a provision to set aside, or commit, excess fund balance for future capital needs.

Also attached to this agenda item are the following other documents:

1. Fund Balance Example Calculations - This document details how to calculate amounts committed for future capital needs.
2. Draft Resolution to Amend the Fund Balance Policy - This document indicates staff's proposed amendments to the Council's Fund Balance Policy.

We look forward to reviewing this proposal with the Village Council at your work session.

ATTACHMENTS:

Description

- ☐ Fund Balance Policy Recommendations - Jan 2021
- ☐ Fund Balance Example Calculations
- ☐ Draft Resolution to Amend the Fund Balance Policy



Village of Pinehurst

Fund Balance Policy Discussion

January 26, 2021

3 Purposes of Fund Balance (FB):

1. Provide cash flow when current revenues may not be available to fund current expenditures
2. Provide a “rainy day” fund for emergency situations
3. Save \$ for future capital expenditures

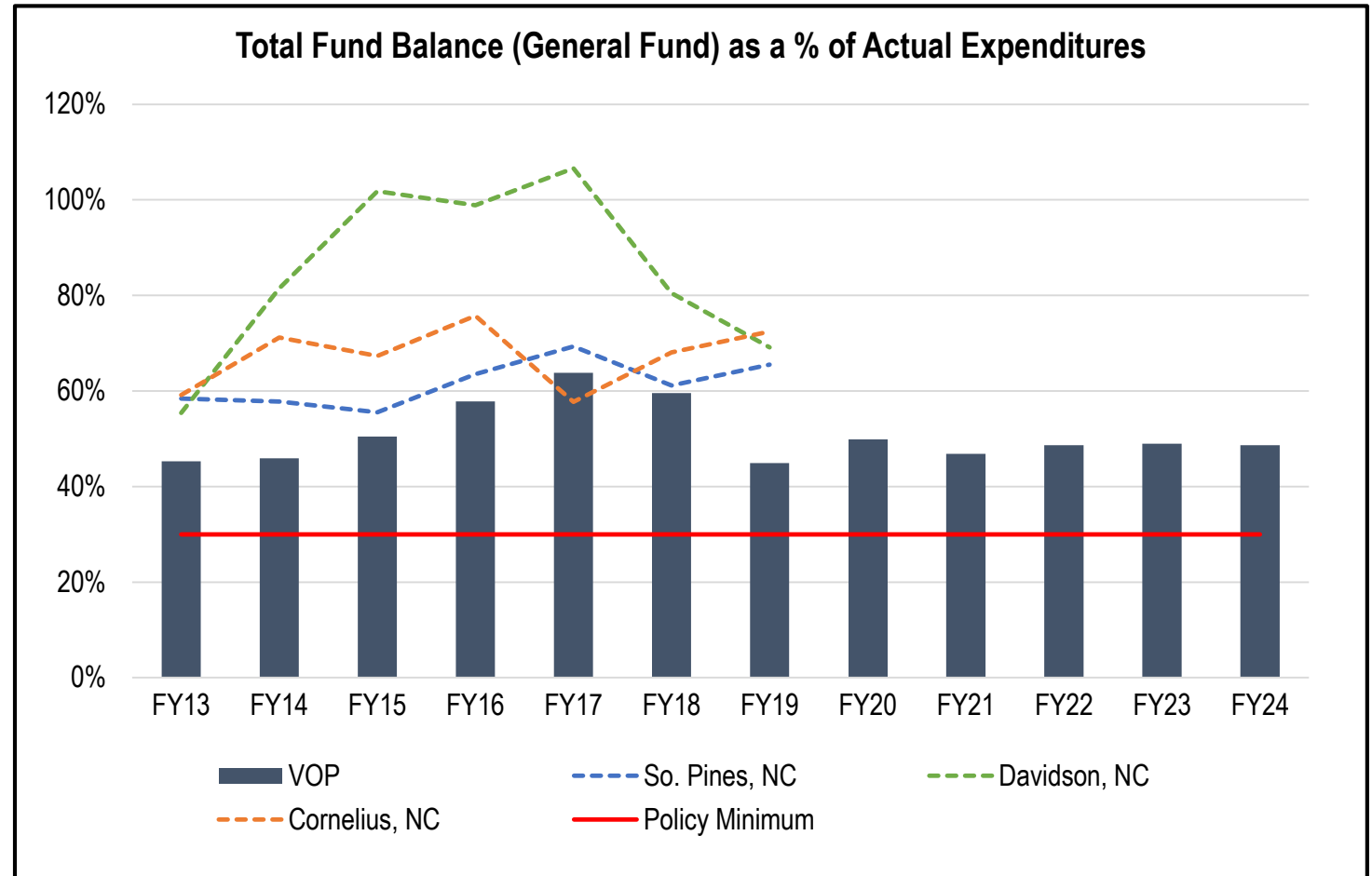
Factors to consider when establishing a minimum fund balance:

1. A Fund Balance Policy is a Recommended Best Practice by the Government Finance Officers Association (GFOA)
2. The NC Local Government Commission minimum FB target is 8% of expenditures (or approx. 1 month of expenditures)

Fund Balance Policy



- VOP has historically maintained a lower fund balance in the General Fund than comparable communities
- The fund balance needs of communities can differ widely
- The 30% of expenditures policy minimum has allowed the Village to maintain a healthy financial condition since its adoption in 2003



VOP Fund Balance Policy is a two-part policy:

Part 1 Measured At the <u>Beginning</u> of the Year	Part 2 Measured At the <u>End</u> of the Year
When preparing the annual budget, appropriated fund balance should result in an anticipated ending <u>total</u> fund balance in the range of 30% to 40% of <u>budgeted</u> expenditures	<u>Unassigned</u> fund balance must be maintained at a level that is greater than 15% of <u>actual</u> General Fund expenditures as reported in the annual Comprehensive Annual Financial Report (CAFR)

Note: VOP practice has been budget for a minimum ending fund balance of 30%. We don't budget additional expenditures to reduce fund balance to within the range.

30% of expenditures in FB is approximately 3.5 – 4.0 months of expenditures

Recommended Changes to the VOP Fund Balance Policy:

1. Part 1: Budget so that ending FB is a minimum of 30%
2. Part 2: No changes recommended; Maintain requirement of 15% of actual expenditures in unassigned FB
3. Part 3: ADD a provision to commit a portion of unassigned fund balance for future capital needs if total FB exceeds 40%, with a floor to maintain the 15% of actual expenditures in unassigned FB

Current & Recommended Policy - Part 1:

- CURRENT: When preparing the annual budget, appropriated fund balance should result in an anticipated ending total fund balance ***in the range of 30% to 40%*** of budgeted expenditures
- RECOMMENDED: When preparing the annual budget, appropriated fund balance should result in an anticipated ending total fund balance ***at a minimum of 30%*** of budgeted expenditures

Current & Recommended Policy - Part 2:

- CURRENT: Unassigned fund balance must be maintained at a level that is greater than 15% of actual General Fund expenditures as reported in the annual Comprehensive Annual Financial Report (CAFR)
- RECOMMENDED: No Change

Current & Recommended Policy - Part 3:

- CURRENT: n/a
- RECOMMENDED: When total fund balance as reported in the Village's Comprehensive Annual Financial Report (CAFR) exceeds 40% of actual General Fund expenditures as reported in the CAFR for the year audited, fund balance in excess of 40% shall be committed by Council resolution for future capital needs. However, in no instance shall the amount of fund balance committed cause the unassigned General Fund fund balance to fall below the 15% of actual General Fund expenditures as stated in Section 2.

Recommended Way to “Commit” Fund Balance (Part 3):

- ❑ Committed Fund Balance – Council adopts a resolution committing a \$ amount of FB to a particular purpose; the “commitment” is removed when the purpose is met OR Council can “un-commit” the funds via a resolution
- ❑ Process:
 1. Determine the amount of FB in excess of 40% of total actual expenditures, or maximum FB available to commit
 2. Calculate 15% of expenditures minimum unassigned FB allowed by the Fund Balance Policy
 3. Determine amount of unassigned FB available to commit that is greater than 15% of expenditures
 4. Determine total amount of FB to commit
 5. Calculate amount to adjust committed FB (May increase OR decrease each year)

Fund Balance Policy



Example Calculations (Assumes FB Policy put in place in FY 2018):

	FY 2020	FY 2019	FY 2018
Total Expenditures	\$17,590,227	\$17,526,893	\$17,862,689
Total FB	\$11,229,270	\$7,871,973	\$10,641,838
Unassigned FB	\$7,305,222	\$5,112,998	\$4,448,274
Calculations:			
Step 1: FB in Excess of 40% (A)	\$4,193,179	\$861,216	\$3,496,762
Step 2: Minimum 15% Unassigned FB (B)	\$2,638,534	\$2,629,034	\$2,679,403
Step 3: Amount of Unassigned FB Available to Commit (Total Unassigned – Minimum Unassigned FB)	\$4,666,688	\$2,483,964	\$1,768,871
Step 4: Total Amount of FB to Commit (If A <= B , then A , Otherwise B)	\$4,193,179	\$861,216	\$1,768,871
Step 5: Amount to Adjust Committed FB (FY20-FY18 Amount of FB to Commit)	\$3,331,963	(\$907,655)	-

Fund Balance Policy



Example Calculations (Assumes FB Policy in place in FY 2018):

	FY 2020	% of Exp	FY 2019	% of Exp	FY 2018	% of Exp
Fund balances:						
Nonspendable:						
Inventory	\$44,098		\$48,427		\$39,993	
Prepaid items	42,602		20,135		19,878	
Restricted:						
Stabilization by state statute	2,233,881		1,923,503		1,881,641	
Public safety	-		10,943		2,672	
Committed:						
Future Capital	4,193,179		861,216		1,768,871	
Assigned:						
Subsequent year's expenditures	1,603,467		755,967		4,249,380	
Unassigned	3,112,043	18%	4,251,782	24%	2,679,403	15%
Total Fund Balance (FB)	\$11,229,270	64%	\$7,871,973	45%	\$10,641,838	60%

Process to Commit Fund Balance:

- Council would adopt a Resolution indicating the desire to commit fund balance to future capital needs
- The amount of FB to commit would be calculated during the annual audit and reported in the Comprehensive Annual Financial Report (CAFR) prior to the Strategic Planning Retreat each year
- Council can commit FB to capital in general or can identify a specific project(s)
- Council would indicate the amount of committed fund balance it wants to use for one-time capital needs while preparing the annual budget

Next Steps:

If Council supports staff recommendations, staff can bring a Resolution amending the Fund Balance Policy to the February 9th Council meeting

**Village of Pinehurst
Fund Balance Calculations
Historical Comparison**

	FY 2020		FY 2019		FY 2018	
Fund balances:						
Nonspendable:						
Inventory	44,098		48,427		39,993	
Prepaid items	42,602		20,135		19,878	
Restricted:						
Stabilization by state statute	2,233,881		1,923,503		1,881,641	
Public safety	-		10,943		2,672	
Committed:						
Future Capital	4,193,179		861,216		1,768,871	
Assigned:						
Subsequent year's expenditures	1,603,467		755,967		4,249,380	
Unassigned	3,112,043	18%	4,251,782	24%	2,679,403	15%
Total Fund Balance (FB)	11,229,270	64%	7,871,973	45%	10,641,838	60%

Village of Pinehurst
Fund Balance Calculations
June 30, 2020

Total Expenditures \$17,590,227

	% of Exp	BEFORE Commitment	% of Exp	AFTER Commitment
Fund balances:				
Nonspendable:				
Inventory		\$44,098		\$44,098
Prepaid items		42,602		42,602
Restricted:				
Stabilization by state statute		2,233,881		2,233,881
Committed:				
Future Capital		-		4,193,179
Assigned:				
Subsequent year's expenditures		1,603,467		1,603,467
Unassigned	42%	7,305,222	18%	3,112,043
Total Fund Balance (FB)		\$11,229,270		\$11,229,270

1	Total Fund Balance	\$11,229,270	
	Total Expenditures	\$17,590,227	
	Times: 40%	40%	
	Less: 40% of Expenditures	7,036,091	
	Maximum FB to "Commit" (Amt > 40% of Expenditures)	\$4,193,179	A

2	Total Expenditures	\$17,590,227	
	Times: 15% Requirement for Unassigned FB	15%	
	15% Minimum Amount of Unassigned FB	\$2,638,534	

3	Unassigned Fund Balance	\$7,305,222	
	Less: Minimum Amount of Unassigned Fund Balance	2,638,534	
	Amount of Unassigned FB Available to "Commit"	\$4,666,688	B

4	Total Amount of Fund Balance to "Commit" (If A <= B, then A, Otherwise B)	\$4,193,179	
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Village of Pinehurst
Fund Balance Calculations
June 30, 2019

Total Expenditures \$17,526,893

	% of Exp	BEFORE Commitment	% of Exp	AFTER Commitment
Fund balances:				
Nonspendable:				
Inventory		\$48,427		\$48,427
Prepaid items		20,135		20,135
Restricted:				
Stabilization by state statute		1,923,503		1,923,503
Public safety		10,943		10,943
Committed:				
Future Capital		-		861,216
Assigned:				
Subsequent year's expenditures		755,967		755,967
Unassigned	29%	5,112,998	24%	4,251,782
Total Fund Balance (FB)		\$7,871,973		\$7,871,973

	Total Fund Balance	\$7,871,973
	Total Expenditures	\$17,526,893
1	Times: 40%	40%
	Less: 40% of Expenditures	7,010,757
	Maximum FB to "Commit" (Amt > 40% of Expenditures)	\$861,216 A

	Total Expenditures	\$17,526,893
2	Times: 15% Requirement for Unassigned FB	15%
	15% Minimum Amount of Unassigned FB	\$2,629,034

	Unassigned Fund Balance	\$5,112,998
3	Less: Minimum Amount of Unassigned Fund Balance	2,629,034
	Amount of Unassigned FB Available to "Commit"	\$2,483,964 B

4	Total Amount of Fund Balance to "Commit" (If A <= B, then A, Otherwise B)	\$861,216
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Village of Pinehurst
Fund Balance Calculations
June 30, 2018

Total Expenditures \$17,862,689

	% of Exp	BEFORE Commitment	% of Exp	AFTER Commitment
Fund balances:				
Nonspendable:				
Inventory		\$39,993		\$39,993
Prepaid items		19,878		19,878
Restricted:				
Stabilization by state statute		1,881,641		1,881,641
Public safety		2,672		2,672
Committed:				
Future Capital		-		1,768,871
Assigned:				
Subsequent year's expenditures		4,249,380		4,249,380
Unassigned	25%	4,448,274	15%	2,679,403
Total Fund Balance (FB)		\$10,641,838		\$10,641,838

	Total Fund Balance	\$10,641,838
	Total Expenditures	\$17,862,689
1	Times: 40%	40%
	Less: 40% of Expenditures	7,145,076
	Maximum FB to "Commit" (Amt > 40% of Expenditures)	\$3,496,762 A

	Total Expenditures	\$17,862,689
2	Times: 15% Requirement for Unassigned FB	15%
	15% Minimum Amount of Unassigned FB	\$2,679,403

	Unassigned Fund Balance	\$4,448,274
3	Less: Minimum Amount of Unassigned Fund Balance	2,679,403
	Amount of Unassigned FB Available to "Commit"	\$1,768,871 B

4	Total Amount of Fund Balance to "Commit" (If A <= B, then A, Otherwise B)	\$1,768,871
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RESOLUTION #21-__:

A RESOLUTION TO AMEND THE FISCAL YEAR FUND BALANCE POLICY FOR THE GENERAL FUND.

THAT WHEREAS, the North Carolina Local Government Commission has recommended that General Fund fund balance available for appropriation should be no less than 8% of the prior year's expenditures to maintain fiscal responsibility under the Municipal Fiscal Control Act; and

WHEREAS, the Village Council desires for the Village to maintain adequate working capital and to maintain a good credit rating in order to obtain favorable financing rates on debt issuances; and

WHEREAS, the Council adopted a Fund Balance Policy for the General Fund on March 11, 2003 by Resolution #03-4, and amended that policy on May 10, 2005 by Resolution #05-11 and May 25, 2010 by Resolution #10-19; **and November 13, 2012 by Resolution #12-62;** and

WHEREAS, the Village has *elected* to amend the formal Fiscal Year Fund Balance policy;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in work session assembled this 9th day of February 2021, as follows:

SECTION 1. When preparing the annual General Fund budget, the amount of appropriated fund balance should result in an anticipated ending total fund balance **at a minimum of 30%** of budgeted expenditures.

SECTION 2. Management is further directed to maintain unassigned General Fund fund balance as reported in Village's Comprehensive Annual Financial Report (CAFR) of greater than 15% of actual General Fund expenditures as reported in the CAFR for the year audited.

SECTION 3. When total fund balance as reported in the Village's Comprehensive Annual Financial Report (CAFR) is in excess of 40% of actual General Fund expenditures as reported in the CAFR for the year audited, the excess fund balance amount each year shall be committed for future capital needs. However, in no instance shall the amount of fund balance committed for future capital needs cause the unassigned General Fund fund balance to fall below the 15% of actual General Fund expenditures as stated in Section 2.

SECTION 4. Management is expected to manage the budget so that revenue shortfalls and expenditure increases do not impact the Village's targeted fund balance levels outlined above. If a catastrophic economic event occurs that requires a 5% or more deviation from total budgeted revenues or expenditures, then the targeted fund balance levels established herein can be reduced by action of the Village Council; the Council will also adopt a plan of action to return fund balances to the required levels.

SECTION 5. This policy shall supersede all previously adopted fund balance policies of the Village of Pinehurst.

THIS RESOLUTION passed and adopted this 9th day of February, 2021.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Beth Dunn, Village Clerk

Michael J. Newman, Village Attorney



DISCUSS A MORATORIUM FOR SMALL AREA PLAN FOCUS AREAS.

ADDITIONAL AGENDA DETAILS:

This item is carried over from the Village Council's 1/12/21 work session and includes an updated staff memo and updated moratorium ordinance based on work session discussion.

FROM:

Natalie Hawkins & Darryn Burich

CC:

Jeff Sanborn

DATE OF MEMO:

1/7/2021

MEMO DETAILS:

During the Village Council's annual strategic planning retreat in December, the Council indicated it would like to consider a moratorium on development in two of the Focus Areas identified in 2019 Comprehensive Plan while Small Area Plans are being prepared. These areas include the NC Highway 5 Commercial Area (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4). Design Collective, the firm engaged by the Council to complete the Small Area Plans for both of these Focus Areas, is scheduled to have the plans and design standards completed later this calendar year.

NC General Statutes (NCGS) authorize municipalities to implement a moratorium on development and the statutory requirements for a moratorium are described in Section 160D-107.

Because existing zoning and design standards in these two Focus Areas is inconsistent with the stated vision of these areas in the 2019 Comprehensive Plan, this moratorium could prevent future development or re-development from occurring that is incompatible with this vision until such time as new development regulations and standards are enacted later this year.

Staff have attached the following documents to this agenda item:

1. Staff memo - This provides additional information about the proposed moratorium and explains several exceptions to the moratorium that are being proposed by staff, with a few in addition to what was discussed by Council on January 12th.
2. Draft moratorium ordinance - This represents suggested language for an ordinance to adopt a temporary (9-month) moratorium
3. Exhibits A & B - These indicate the boundary areas of the proposed moratorium
4. NCGS 160D-107 - These are the statutes that provide local governments with the authority to implement a moratorium. While these statutes became effective January 1, 2021, municipalities have long held the authority to implement a moratorium (previously under NCGS 160A-381).

Council and the public can access Geographic Information Systems (GIS) maps of the two Focus Areas using **this link** to an online interactive map.

ATTACHMENTS:

Description

- ▣ Staff Memo 1/26/21 work session
- ▣ Draft 1/26/21 Moratorium Ordinance
- ▣ Staff Memo 1/12/21 work session
- ▣ DRAFT 1/12/21 Moratorium Ordinance
- ▣ Exhibit A - Moratorium Boundary Map -NC Hwy 5 Commercial Area
- ▣ Exhibit B - Moratorium Boundary Map - Village Place/Rattlesnake Trail Corridor
- ▣ NCGS 160D-107



MEMORANDUM

To: Village Council
From: Natalie Hawkins and Darryn Burich
Date: January 21, 2021
Subject: Proposed Moratorium for the Village Place/Rattlesnake Trail Corridor and the NC Highway 5 Commercial Area

Council discussed a draft moratorium ordinance at its January 12 work session and the Council consensus was to move the moratorium ordinance forward for a public hearing on February 9, 2021. Staff is moving forward with the required notifications that will be published in the Pilot newspaper on January 27, 2021 and February 3, 2021. Council also requested staff to refine the proposed moratorium ordinance based on discussions at the January 12, 2021 work session. Included with this agenda item is the updated moratorium draft ordinance based on previous Council discussion.

The ordinance has been updated to clarify what types of building and improvement activities would be permitted during the moratorium period that are not statutorily exempted per NCGS 160D-107(c). Per NCGS 160D-107(c), absent an imminent threat to public health or safety, the proposed moratorium does not apply to the following projects:

- 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 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 by the local government prior to the call for a hearing to adopt the moratorium.

Based on Council discussion, staff proposes to add the following new exclusions (staff commentary in italics) that were not included in the previous draft version reviewed with the Council on January 12th:

- A) Existing single-family residential uses as regulated by current North Carolina Residential Building Codes
 - *Added “as regulated by current North Carolina Residential Building Codes.”*

- B) Projects currently undergoing Technical Review Committee as of the effective date of the moratorium ordinance,
- *This was added to clarify that projects that are currently undergoing Technical Review Committee review may proceed to building permitting during the moratorium.*
- C) Alterations and repairs to existing buildings regulated by the North Carolina State Building Codes.
- *This was added to permit alterations and repairs to existing buildings to continue to occur during the moratorium but not to permit new buildings and footprint expansions prior to Small Area Plans and Form Based Codes being developed for the areas. This would allow for roof repairs, window or siding replacements, and interior remodeling.*
- D) Site improvements required to comply with the American with Disabilities Act.
- *This was added recognizing that some changes of use or occupancy may require ADA improvements such as sidewalks or ramps and do not generally involve significant site improvements that would change a building's footprint.*
- E) Changes in occupancy or use of existing structures not involving building or site additions and not requiring rezoning action.
- *This was added to clarify what could be done within existing structures and occupancies and would permit changes of uses to occur that would not require rezoning or the construction of additional site improvements (other than to comply with ADA). Essentially this would permit an occupancy or use to move from one use to another as long as no zone change or site improvements are required.*
- F) 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.
- *This was added to clarify Village staff and attorney interpretations that a "prior valid development approval" may include approved subdivisions with existing infrastructure in place.*

Council also requested that staff develop a communications plan to explain the purpose, duration, and impacts of the moratorium. Staff is currently working on a draft and will share more information at the 1/26/21 work session.

Village staff recognize that a moratorium may not be welcomed by the development community. Given the rate of development in our community, a short-term pause in development may be worth the longer-term gain from having development that is consistent with the community's vision for these areas.

We look forward to discussing the attached draft moratorium ordinance with you at your meeting on January 26, 2021.

DRAFT

ORDINANCE #21-__:

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 EXTRA-TERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extra-territorial 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 any 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 in these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed 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 enactment by the Village of Small Area Plans, which 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, consistent with the requirements of NCGS 160D-107(e) may renew this moratorium or extend its duration with two (2) separate and consecutive periods of extension of ninety (90) days each, which shall be effective upon Council approval. 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 currently 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 ____th day of _____, 2021.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Beth Dunn, Village Clerk

Michael J. Newman, Village Attorney



MEMORANDUM

To: Village Council
From: Natalie Hawkins and Darryn Burich
Date: January 7, 2021
Subject: Proposed Moratorium for the Village Place/Rattlesnake Trail Corridor and the NC Highway 5 Commercial Area

During the Village Council's annual strategic planning retreat in December 2020, the Council indicated it would like to consider a moratorium on development in two of the Focus Areas identified in the 2019 Comprehensive Plan while Small Area Plans are being prepared. These areas include the NC Highway 5 Commercial Area (Focus Area 2) and the Village Place/Rattlesnake Trail Corridor (Focus Area 4) as defined in the exhibit maps attached to the draft Ordinance. Design Collective, the firm completing the Small Area Plans, is scheduled to have the plans and form based codes (development standards) completed later this calendar year.

N.C. General Statutes (NCGS) 160D-107(a) authorize municipalities to adopt temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses. Village staff have consulted with the Village Attorney on the Village's authority to implement a time-bound moratorium and have drafted the attached draft moratorium ordinance to meet the requirements of NCGS 160D-107. Although this statute is effective January 1, 2021, municipalities have had the statutory authority to implement moratoria long before then.

Because existing zoning in Focus Areas 2 and 4 is inconsistent with the stated goals, standards, and guidelines of these areas in the 2019 Comprehensive Plan, this moratorium could prevent future development or re-development from occurring that is incompatible or inconsistent with the vision for each of these areas. One alternative to a moratorium would be proactive zoning changes. Village staff considered this alternative and believe significant and duplicative effort would be required under this scenario and the risk of incompatible development would continue to remain until the Small Area Plans are completed.

Attached to this agenda item is a draft moratorium ordinance for the Village Council to consider. The proposed duration of the moratorium coincides with the completion of the Small Area Plans and related form based codes for both of the Focus Areas. The definition of development included in the ordinance represents the NCGS definition of development contained in Section 160D-102(12). Finally, NCGS 160D-107(b) requires the Council to hold a legislative public hearing with the standard notice period of publication, which is once a week for two successive calendar weeks in a newspaper having general circulation in the area and published the first time

not less than 10 days nor more than 25 days before the date scheduled for the hearing. Should Council wish to proceed with a public hearing on a proposed moratorium, this hearing could be scheduled for February 9, 2021.

Exclusions/Exceptions

It is important to note that this moratorium would not prohibit ALL development within the defined boundaries shown on the exhibit maps attached to the Ordinance. NCGS 160D-107(c) specifically prohibits the Village from applying the moratorium to:

1. Any project for which a valid building permit issued 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
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or
5. Preliminary or final subdivision plats that have been accepted for review by the local government 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.

Village staff recommend the Council also consider adding existing single-family residential uses to the list of exclusions, as shown in the attached draft moratorium ordinance, to allow homeowners to proceed with additions or alterations to existing homes during the duration of the moratorium.

NCGS 160D-108(b) states: If an application made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit.

Village staff recognize that a moratorium may not be welcomed by the development community. Given the rate of development in our community, a short-term pause in development may be worth the longer-term gain from having development that is consistent with the community's vision for these areas.

We look forward to discussing the attached draft moratorium ordinance with you at your meeting on January 12, 2021.

DRAFT

ORDINANCE #21-__:

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 EXTRA-TERRITORIAL JURISIDCTION.

THAT WHEREAS, the Village of Pinehurst, North Carolina is experiencing significant real estate development and population growth within its corporate boundaries and its extra-territorial 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 any 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 in these Focus Areas is temporarily halted during the period which the Small Area Plans are being developed 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 enactment by the Village of Small Area Plans, which 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, consistent with the requirements of NCGS 160D-107(e) may renew this moratorium or extend its duration with two (2) separate and consecutive periods of extension of ninety (90) days each, which shall be effective upon Council approval. 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 map identified as Exhibit A and Exhibit B, unless the development is that conducted by a public utility or public agency and 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. Existing single-family residential uses,
2. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
3. Any project for which a special use permit application has been accepted as complete,
4. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
5. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or
6. 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.

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 ____th day of _____, 2021.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

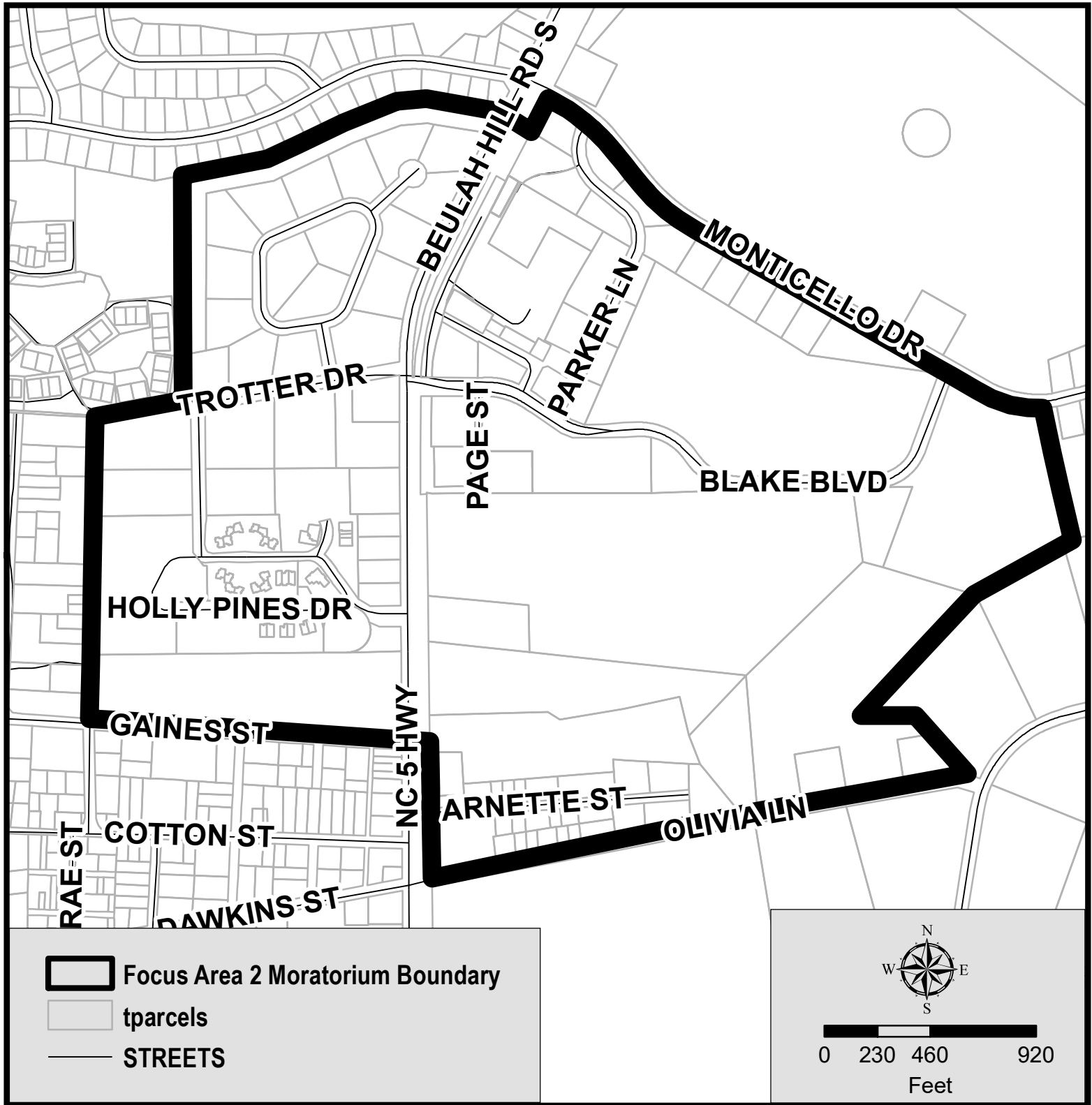
Beth Dunn, Village Clerk

Michael J. Newman, Village Attorney

DRAFT

EXHIBIT A

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

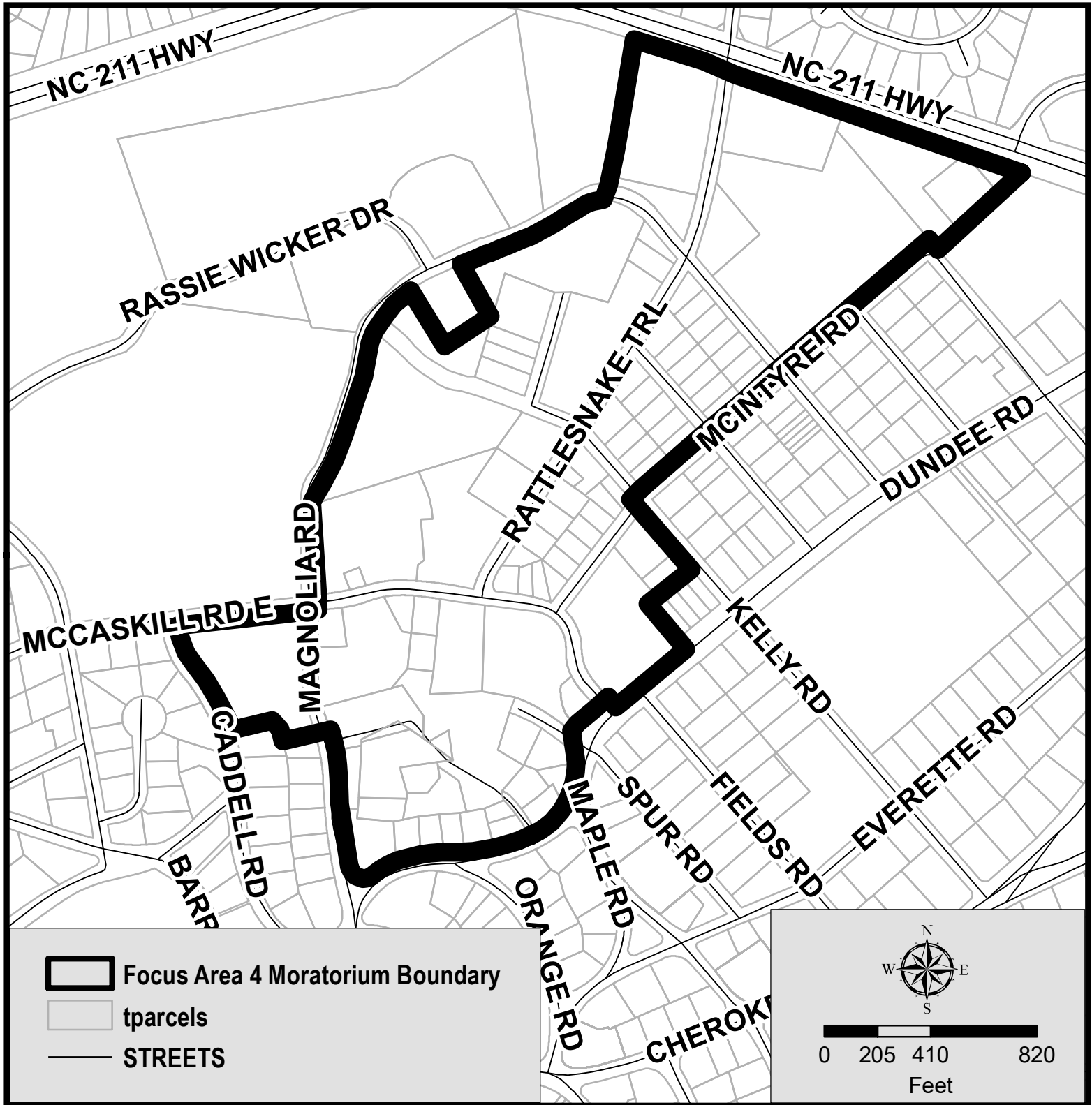


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided 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)



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).



§ 160D-107. (Effective January 1, 2021) Moratoria.

(a) Authority. - As provided in this section, local governments may adopt temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

(b) Hearing Required. - Except in cases of imminent and substantial threat to public health or safety, before adopting a development regulation imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a legislative hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160D-601.

(c) Exempt Projects. - Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government 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. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) shall be applicable when permit processing resumes.

(d) Required Statements. - Any development regulation establishing a development moratorium must include, at the time of adoption, each of the following:

- (1) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.
- (2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- (3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

- (4) A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

(e) Limit on Renewal or Extension. - No moratorium may be subsequently renewed or extended for any additional period unless the local government shall have taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section, including what new facts or conditions warrant the extension.

(f) Expedited Judicial Review. - Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this section shall be scheduled for expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, the local government shall have the burden of showing compliance with the procedural requirements of this subsection. (2019-111, s. 2.4.)

January 25, 2021

To: Council members; Jeff Sanborn, Natalie Hawkins, Jeff Batton, Darryn Burich.

From: John Strickland

Ref: Discussion document, proposed Planning and Zoning Board/Board of Adjustment meeting

This memorandum is to provide some background for our January 26, 2021 Council Work Session discussion. During the last year it has become apparent that it would be useful for Council to meet from time to time with the Planning Board and the Historic Preservation Commission. I have mentioned this to the Chairs of P&Z/ BOA and HPC and all are interested. It seems to me that meeting with P&Z is more urgent due to the current discussions Council and staff are having on PDO updates and Small Area Plans. Going forward, other topics can be subjects for discussion with the various boards.

Some topics to review on January 26, and for later discussion with P&Z/BOA.

1. Training needs and plans for 2021. Council supports training for all of the boards. What has been scheduled to date, and what other kinds of training opportunities might be needed?
2. P&Z's role in PDO amendment process. Over the last year, a number of items for urgent review have surfaced. The P&Z can help with some of these. A committee of one or two Council members, a few members of the P&Z and a Staff member might be formed to work directly on these amendments, with a timeline of bringing them to Council for action before June 30, 2021. A list of these initial items, together with PDO Section 3.2 describing the P&Z's role in this regard, is attached as Exhibit A. Some of the items are of particular importance to ensuring appropriate development in Focus Area 5, others have arisen during zoning applications and planning discussions. The Board might work on other amendment matters in the future.
3. Process for interviewing and appointing members of the P&Z/BOA. We have informally made some changes already. These should be formalized. The concept is to give Council members the opportunity to know the candidate(s) and his/her credentials before approval.

The proposal is for the interview process to begin 90 days in advance of the appointment date or immediately upon the existence of a vacancy. The selection team will include two council members; Planning Department Director, Village Manager, and Chair of P&Z, or their respective designees. A quorum of three can conduct the interviews so long as at least one is a council member. Information on the candidate(s) being recommended to Council will be circulated to Council 30 days prior to the Council meeting appointment date. Also, to conform with Village Code, the five primary members of the Board of Adjustment are to be appointed by Council. The selection team will include the Mayor or designee, Planning Department Director or designee, Chair of the P&Z, and Chair of the BoA. See attached Exhibit B.

4. Brief P&Z on the status of the Small Area Plans for Focus Areas 2 and 4, and moratoriums.
5. Meeting Date - Council and P&Z Members. TBD. May be possible on February 4, following the P&Z meeting, and if the NPS Focus Group call at 3:30pm has been completed. Otherwise as part of Council's February 9 Work Session.

EXHIBIT A

Working with the PZB on PDO Updates

There a number of PDO updates that are important to address promptly. These include protections for Focus Area 5 on Hwy 211, as well as certain matters that have come to our attention during recent applications to the Council.

Focus Area 5 is a 67 - acre tract on the south side of Hwy 211, in the Village's ETJ. It is currently zoned Office Professional. As noted in the Balancing Conservation and Growth section of the 2019 Comp Plan, pages 101 and 116, this stretch of Hwy 211 is a Gateway Corridor to the Village, and the Village should identify corridor standards for it - they were expected to be considered by Council in 2020. As well, Focus Area 5 abuts Pinewild's established residential neighborhood; its development will directly impact Pinewild.

Focus Area 5 is not as complex as Focus Areas 2 or 4 at this time, but the Comprehensive Plan does contemplate (page 103) the area developing with "general office uses ... similar in style and intensity to Turnberry Wood on Morganton Road. Some medical office uses may be included...". This will take some assistance from zoning amendments as set forth in Section II, below.

With development pressure generally, interest in new commercial activity due the arrival of the USGA, and the proposed moratoriums in two other commercial areas of the Village, These steps should be taken quickly.

Other important updates that deserve immediate attention are three that arose during recent zoning applications and other matters before the Council. Three of them are set out in Section III, below. Providing adequate open space in new subdivisions, controlling stormwater in new developments, and ensuring adequate parking for new projects have all been subjects of public concern, as well as concern to the Village Staff, PZB and Council.

Some simple adjustments to our regulatory standards can go a long way toward improving these aspects of new development.

Seeking help from the PZB. Section 3.2 of the PDO sets out the purposes of the Planning and Zoning Board:

The Planning and Zoning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(A) To review all proposed amendments to this Ordinance, all proposed General Concept Plans associated with a Major Site Plan and preliminary plats for a Major Subdivision and to make recommendations to the Village Council for final action thereon;

(B) To perform studies and surveys of the present conditions and probable future development of the Village and its environs, including but not limited to studies and surveys of land uses, population, economic base, school needs, park and recreation needs, traffic, parking and redevelopment needs;

(C) As requested by the Village Council, to formulate and recommend the adoption or amendment of plans and policies for the purpose of achieving the coordinated and harmonious development of the Village, in accordance with the purposes contained in Section 1.3;

(D) To review the terms of this Ordinance periodically and at other times as it deems appropriate, and to recommend to the Village Council any changes that the Board considers necessary to properly regulate the development and use of land, buildings and structures;

(E) To prepare recommended zoning and subdivision regulations for the Village;

(F) Such additional powers and duties as may be set forth for the Planning and Zoning Board elsewhere in the Ordinance and other Ordinances of the Village.

The Planning and Zoning Board is an appropriate partner to work with the Council on PDO updates, and this work can have the added benefits of providing training opportunities for Board Members, and of bringing another perspective to the Board's review of future applications. In addition, this work will prepare Board Members to review zoning amendments proposed by others, whether consultants or applicants, in the future.

The Board may elect to establish a committee, perhaps including one or more Council Members as well as Staff, to work on some updates.

A list of initial proposals for PDO updates is attached. In light of their importance to Village character, and the pressure of new development, these proposals should be brought to Council by the end of the 2021 Fiscal Year (June 30, 2021).

Initial PDO Updates

I. Make an inventory of undeveloped land and review for potential re-zoning. (Staff)

II. Items of particular relevance to Focus Area 5 on Hwy. 211 - but also relevant Village - wide.

1. Review the list of permitted zoning uses for compatibility with current vision.
2. Require special use review for all buildings or groups of buildings on a single lot totaling 10,000 sq. ft. or more in floor area.
3. Require opaque landscape screening to block sight and sound between uses of differing intensities.
4. Increase regulation of lighting to prevent trespass lighting and glare; shield light sources.
5. Review impervious coverage.

III. Other items of immediate importance.

6. Require at least a 15% set-aside for open space in all subdivisions and partitions of land. This area should be deducted from the buildable area of the tract. There should be no reduction in the minimum lot size or other incentive on account of this, and land required for roads, stormwater facilities and other infrastructure should also be deducted from zoning area/density.
7. Require stormwater design to the 25 - year storm. Prohibit change in the direction or volume of surface water flows due to construction, as well as point-source discharge of stormwater.
8. Review and improve minimum numbers of parking spaces for all uses, as well as handicap space requirements, and sizes of spaces and aisles.

EXHIBIT B

VOP Municipal Code Title III **Appointment of PZB and ZBOA**

Planning and Zoning Board

Section 31.20 - Created

Pursuant to authority contained in G.S. Chapter 160A, Art. 19, there is hereby created a Planning and Zoning Board for the Village, with all of the powers and authority granted to the Board in Article 19.

Section 31.21 - Members; Appointment

(A) *Number of Members.* The Planning and Zoning Board shall consist of nine members, eight of whom shall be residents of the village at the time of appointment; and at least one of whom shall be a resident of the extraterritorial zoning jurisdiction of the Village.

(B) *Appointment of Members.* The village members shall be appointed by the Village Council. The members shall be appointed for a term of three years. Vacancies occurring for reasons other than the expiration of terms shall be filled by the Village Council as they occur for the period of the unexpired term. Faithful attendance at all meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Members from the Extraterritorial Jurisdiction.* The members of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. Section 160A-362, by the County Board of Commissioners, upon a recommendation by the Village Council; and the term shall be three years, or until a successor is appointed and qualified. These member(s) shall sit as voting members of the Board concerning all matters within the extraterritorial jurisdiction and the corporate limits of the village. A vacancy shall be filled by the County Board of Commissioners, upon the recommendation of the Village Council.

(D) *Election of Chairperson and Other Officers.* The Village Council shall designate a Chairperson from the membership of the Board to serve at the pleasure of the Village Council. Other officers as the Board deems necessary may be elected by the Board from its membership.

(Sections 31.22 - Meetings, 31.23 - Compensation, 31.24 - Duties in Regard to Zoning, and 31.25 - Duty in Regard to Subdivision Regulations, have not been reprinted here but are available on the Village website.)

Zoning Board of Adjustment

Section 31.40 - Created

Pursuant to authority contained in G.S. Section 160A-388, there is hereby created a Zoning Board of Adjustment for the village with all the powers and authority granted to the Board in Section 3.3.1 of the Pinehurst Development Ordinance, as may be amended from time to time.

Section 31.41 Members; Appointment

(A) *Number of Members.* The Zoning Board of Adjustment shall consist of five members, at least one of whom shall be a resident of the extraterritorial zoning jurisdiction of the village.

(B) *Appointment of Members.* The village members shall be appointed by the Village Council. The members shall be appointed for a term of three years. Vacancies occurring for reasons other than expiration of terms shall be filled by the Village Council as they occur for the period of the unexpired term. Faithful attendance at all meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Members from the Extraterritorial Jurisdiction.* Member(s) of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. Section 160A-362, by the County Board of Commissioners, upon the recommendation of the Village Council; and the term of this member shall be three years, or until a successor is appointed and qualified. Member(s) shall sit as voting member(s) of the Board concerning all matters within the extraterritorial jurisdiction and the corporate limits of the village. A vacancy shall be filled by the County Board of Commissioners, upon the recommendation of the Village Council.

(D) *Election of Chairperson and Other Officers.* The Village Council shall designate a Chairperson from the membership of the Board to serve at the pleasure of the Village Council. Other officers as the Board deems necessary may be elected by the Board from its membership.

(Sections 31.42 - Meetings, and 31.43 - Compensation, are not reprinted here but are available on the Village website.)

Combination of Planning and Zoning Board and Zoning Board of Adjustment

Section 31.50 - Creation

The Planning and Zoning Board and the Zoning Board of Adjustment may be combined into one board in regard to membership.

Section 31.51 - Members; Appointment

Members will be appointed as stated in Sections 31.20 and 31.40 by the Village Council. Of the total board members, only five will serve on the Zoning Board of Adjustment. Zoning Board of Adjustment members serve in ex-officio capacity as Planning and Zoning Board members; members appointed to the Zoning Board of Adjustment shall also serve on the Planning and Zoning Board. All other members of the combined board will be named as alternates to the Zoning Board of Adjustment. At least one representative on each board must be a resident of Pinehurst's extraterritorial jurisdiction; this may be the same member for each board.

(Section 31.52 - Meetings is not reprinted here but is available on the Village website.)

PLANNING AND ZONING BOARD

§ 31.20 CREATED.

Pursuant to authority contained in G.S. Chapter 160A, Art. 19, there is hereby created a Planning and Zoning Board for the village, with all of the powers and authority granted to the Board in Article 19.

(1986 Code, § 2-11.1) (Ord. passed 12-21-1981)

§ 31.21 MEMBERS; APPOINTMENT.

(A) *Number of members.* The Planning and Zoning Board shall consist of nine members, eight of whom shall be residents of the village at the time of appointment; and at least one of whom shall be a resident of the extraterritorial zoning jurisdiction of the village.

(B) *Appointment of members.* The village members shall be appointed by the Village Council. The members shall be appointed for a term of three years. Vacancies occurring for reasons other than expiration of terms shall be filled by the Village Council as they occur for the period of the unexpired term. Faithful attendance at all meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Members from the extraterritorial jurisdiction.* The members of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. § 160A-362, by the County Board of Commissioners, upon the recommendation by the Village Council; and the term shall be three years, or until a successor is appointed and qualified. These member(s) shall sit as voting members of the Board concerning all matters within the extraterritorial jurisdiction and the corporate limits of the village. A vacancy shall be filled by the County Board of Commissioners, upon the recommendation of the Village Council.

(D) *Election of Chairperson and other officers.* The Village Council shall designate a Chairperson from the membership of the Board to serve at the pleasure of the Village Council. Other officers as the Board deems necessary may be elected by the Board from its membership.

(1986 Code, § 2-11.2) (Ord. passed 12-21-1981; Ord. passed 04-05-1982; Ord. passed 03-21-1983; Ord. 86-20, passed 09-15-1986; Ord. 93-11, passed 04-19-1993; Ord. 93-49, passed 12-20-1993; Ord. 97-09, passed 06-16-1997; Ord. 97-21, passed 08-18-1997; Ord. 02-05, passed 02-26-2005; Ord. 12-10, passed 03-13-2012)

§ 31.22 MEETINGS.

The Village Clerk or other person as the Council may designate shall keep a record of the proceedings and attendance of members. All meetings shall comply with G.S. Chapter 143, Article 33C, having to do with open meetings.

(1986 Code, § 2-11.3) (Ord. passed 08-28-1980; Ord. 12-10, passed 03-13-2012)

§ 31.23 COMPENSATION.

All members of the Planning and Zoning Board shall serve without compensation.

(1986 Code, § 2-11.4) (Ord. passed 08-28-1980)

§ 31.24 DUTIES IN REGARD TO ZONING.

(A) The Board shall formulate and maintain a comprehensive zoning plan of the village and the area within the extraterritorial jurisdiction for the purpose of achieving a coordinated and orderly development of the municipality which would promote, in accordance with present and future needs, the public health, safety, morals, order, convenience, prosperity and general welfare of the residents, citizens and property owners.

(B) The Board shall prepare a zoning ordinance, including both the full text of the ordinance together with maps showing the proposed district boundaries. The Board may also hold public hearings in the course of preparing the ordinance and hearing proposed amendments pursuant to G.S. § 160A-387. The Board shall certify the ordinance to the Village Council.

(1986 Code, § 2-11.5) (Ord. passed 08-28-1980)

§ 31.25 DUTY IN REGARD TO SUBDIVISION REGULATIONS.

The Planning and Zoning Board may prepare subdivision regulations governing the subdivision of land within the village and its environs to be submitted to the Village Council for review and approval.

(1986 Code, § 2-11.6) (Ord. passed 08-28-1980)

ZONING BOARD OF ADJUSTMENT

§ 31.40 CREATED.

Pursuant to authority contained in G.S. § 160A-388, there is hereby created a Zoning Board of Adjustment for the village with all the powers and authority granted to the Board in Section 3.3.1 of the Pinehurst Development Ordinance, as may be amended from time to time.

(1986 Code, § 2-10.1) (Ord. 98-02, passed 01-26-1998; Ord. 12-10, passed 03-13-2012)

§ 31.41 MEMBERS; APPOINTMENT.

(A) *Number of members.* The Zoning Board of Adjustment shall consist of five members, at least one of whom shall be a resident of the extraterritorial zoning jurisdiction of the village.

(B) *Appointment of members.* The village members shall be appointed by the Village Council. The members shall be appointed for a term of three years. Vacancies occurring for reasons other than expiration of terms shall be filled by the Village Council as they occur for the period of the unexpired term. Faithful attendance at all meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Members from the extraterritorial jurisdiction.* Member(s) of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. § 160A-362, by the County Board of Commissioners, upon the recommendation by the Village Council; and the term of this member shall be three years, or until a successor is appointed and qualified. Member(s) shall sit as voting member(s) of the Board concerning all matters within the extraterritorial jurisdiction and the corporate limits of the village. A vacancy shall be filled by the County Board of Commissioners, upon the recommendation of the Village Council.

(D) *Election of Chairperson and other officers.* The Village Council shall designate a Chairperson from the membership of the Board to serve at the pleasure of the Village Council. Other officers as the Board deems necessary may be elected by the Board from its membership.

(1986 Code, § 2-10.2) (Ord. 98-02, passed 01-26-1998; Ord. 12-10, passed 03-13-2012)

§ 31.42 MEETINGS.

The Village Clerk or other person as the Council may designate shall keep a record of the proceedings and attendance of members. All meetings shall comply with G.S. Chapter 143, Article 33C, having to do with open meetings.

(Ord. 12-10, passed 03-13-2012)

§ 31.43 COMPENSATION.

All members of the Zoning Board of Adjustment shall serve without compensation.

(Ord. 12-10, passed 03-13-2012)

COMBINATION OF PLANNING AND ZONING BOARD AND ZONING BOARD OF ADJUSTMENT

§ 31.50 CREATION.

The Planning and Zoning Board and the Zoning Board of Adjustment may be combined into one board in regard to membership.

(Ord. 12-10, passed 03-13-2012)

§ 31.51 MEMBERS; APPOINTMENT.

Members will be appointed as stated in §§31.20 and 31.40 by Village Council. Of the total board members, only five members will serve on the Zoning Board of Adjustment. Zoning Board of Adjustment members serve in ex-officio capacity as Planning and Zoning Board members; members appointed to the Zoning Board of Adjustment shall also serve on the Planning and Zoning Board. All other members of the combined board will be named as alternates to the Zoning Board of Adjustment. At least one representative on each board must be a resident of Pinehurst's extraterritorial jurisdiction; this may be the same member for each board.

(Ord. 12-10, passed 03-13-2012)

§ 31.52 MEETINGS.

Separate meetings shall be held for the Planning and Zoning Board and the Zoning Board of Adjustment.

(Ord. 12-10, passed 03-13-2012)

RESOLUTION 16-20:

A RESOLUTION AMENDING THE VOLUNTEER PROGRAM POLICY FOR THE VILLAGE OF PINEHURST

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted the "Volunteer Program" policy by motion at the work session on March 22, 2005 to create guidelines for the volunteers who give of their time and talents to serve on standing and ad hoc committees and boards; and

WHEREAS, the Village Council has amended the "Volunteer Program" policy from time to time in an effort to enhance the Village's Volunteer Program by clarifying guidelines for recruiting and developing volunteers, establishing a rewards and recognition program, and establishing term limits.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in a regular meeting assembled this 28th day of June, 2016, as follows:

SECTION 1. That the aforementioned "Volunteer Program" policy and the same hereby is amended as shown in Exhibit A.

SECTION 2. That this resolution shall be and the same is hereby effective from and after the date of its adoption.

THIS RESOLUTION passed and adopted this 28th day of June, 2016.



Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney



VILLAGE OF PINEHURST
STANDARD PROCEDURE

SUBJECT:	Volunteer Program	Effective Date:	3/2005
Department:	Administration	Policy No.:	ADM-122
Prepared by:	Lauren Craig	Revised:	6/28/2016
Approved by:	Village Council and Jeff Sanborn, Village Manager	# of Pages:	3

PURPOSE: The purpose of this policy is to:

1. Create a recruitment process for residents who are interested in volunteering their time and talents on committees and/or boards to further the work of the Village of Pinehurst.
2. Develop a training and onboarding plan to equip Village of Pinehurst volunteers with the skills they need to effectively perform their duties.
3. Establish a rewards and recognition program to thank volunteers for their contributions and commitment to the Village of Pinehurst.
4. Establish a term limit policy for certain boards and committees.

POLICY: It is the policy of the Village of Pinehurst to recruit, develop, and recognize volunteers who give of their time and talents to serve on committees and boards. These committees and boards may work on specific short and long term projects, planning, zoning, and appearance issues which can affect the quality of life in the Village today and in the future.

ELIGIBILITY: Residents of the Village of Pinehurst and the extra territorial jurisdiction (ETJ) are encouraged to serve on Village of Pinehurst committees and boards. One year of full-time residency is required before being appointed on a board or committee but can be waived by the Village Council if deemed necessary.

PROCEDURE:

Recruitment Process and Appointment

All residents and ETJ residents interested in volunteering for the Village are required to complete a volunteer application, which can be obtained at Village Hall or on the Village of Pinehurst website.

The Village Clerk shall maintain the volunteer contact list, including term expirations, to prepare for upcoming vacancies on Council-appointed boards and committees.

The Village Manager, staff liaison, and Village Clerk will continuously recruit volunteers using technology (Village website, social media, and e-blasts), announcements in the Village newsletter, and other public venues to inform residents of upcoming volunteer opportunities. All volunteers should complete a volunteer application to be submitted to the Village Clerk.

Council-Appointed Boards/Committees

Once volunteer applications are received for Council-Appointed Boards/Committees, the Clerk will notify the applicable board/committee Chairpersons, staff liaisons, and the Village Manager who may determine to interview the applicant for a current or future vacancy. Upon the recommendation of the Chairperson and Village Manager, a nomination is sent to the Village Council for consideration. The Village Council may invite the applicant to attend a Village Council Meeting where the Council will meet with the candidate and consider the appointment by voting on a resolution either at the same meeting or a future meeting date. At any point in the recruitment process, if the applicant is no longer being considered for appointment, the Village Clerk will notify the applicant and keep their information on file for future opportunities.

Non-Appointed Committees

Once volunteer applications are received for Non-Appointed Committees, the Clerk will notify the applicable board/committee Chairpersons and staff liaisons who may determine to interview the applicant for a current or future vacancy. Upon the recommendation of the Chairperson, the applicant may be approved to volunteer on a non-appointed committee. At any point in the recruitment process, if the applicant is no longer being considered for an opportunity, the Village Clerk will notify the applicant and keep their information on file for future opportunities.

Reappointments

The Clerk is responsible for tracking upcoming vacancies on appointed boards/committees. Before a volunteer term expires, the Clerk should notify the Chairperson and staff liaison. The Clerk should specify when the term expires, if the volunteer is eligible to continue serving in their role (see term limits policy), and should ask if the Chairperson or staff liaison is interested in the volunteer being reappointed. If the reappointment is supported, the Clerk will notify the volunteer and seek their interest to serve for another term. If they agree, the Clerk will send an email notifying the Village Council of the interest for reappointment and support by the Chairperson and staff liaison. If there is no Council objection, the reappointment will be added to an upcoming Consent Agenda of a Village Council Regular Meeting. If the Chairperson or staff liaison does not support the reappointment, the Clerk must notify the Village Council. The

Village Council has the authority to override any appointment decision by a majority vote.

Training and Onboarding Volunteers

Within 30 days of a new volunteer appointment to a committee or board, the Chairperson and staff liaison are responsible for orienting the new volunteer on their duties and responsibilities and ensuring the completion of all items included on the onboarding checklist. Once completed in full, the onboarding checklist is filed and maintained in the Village Clerk's office.

The Village Clerk is responsible for organizing a "Volunteer State of the Village" meeting, an annual training for all volunteers. The purpose of this training is to reinforce the mission, vision, and values of the Village of Pinehurst, communicate Council's strategic direction, educate volunteers on policies, and to provide an opportunity for feedback.

Each committee or board Chairperson and staff liaison are encouraged to identify and schedule other training opportunities for their volunteers, specific to their scope of work and responsibilities.

Reward and Recognition Program

Volunteers for the Village of Pinehurst have been identified as a strategic advantage and a valuable resource for the community. By continuing old traditions and creating new recognition opportunities, the Village will reward and recognize volunteers for their contributions and commitment on an annual basis.

Term Limits

A term limits policy was originally established by Resolution 01-15 for certain volunteer appointments in the Village of Pinehurst. Since then, the organization, structure, membership, and operating procedures have been updated and Council determined to incorporate the term limits policy into the Volunteer Program policy.

The following boards and committees are subject to the term limits policy:

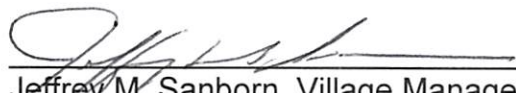
- Beautification Committee
- Board of Adjustment/Planning and Zoning Board
- Community Appearance Commission
- Historic Preservation Commission

The term limits policy states that members may not serve more than six consecutive years on the same board/committee. The individual may not be re-appointed to the same board for a period of one year and must submit a new volunteer application for

consideration. The individual may be considered for an appointment on a different board/committee at any time following their term ending.

These listed boards/committees shall also abide by a Chairperson Term Limit which limits an individual from serving as the Chairperson for a maximum of one term (2-3 years depending on board). After one term, the individual shall vacate the Chairperson seat to allow for others to take the leadership role.

Approved by:



Jeffrey M. Sanborn, Village Manager

6/30/16

Date

Resolution #16-20

Village Council, Resolution

6/28/2016

Date