



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF JANUARY 24, 2023
ASSEMBLY HALL
395 MAGNOLIA RD. PINEHURST, NC 28374
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.
2. Invocation and Pledge of Allegiance
3. Reports:
 Manager
 Council
4. Motion to Approve Consent Agenda.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

- A. Approval of Village Council Meeting Minutes
 January 10, 2023, Council Regular Meeting Minutes
 January 10, 2023, Council Work Session Minutes
- B. FY2023 Bi-Annual Public Safety Reports
 FY2023 Bi-Annual Fire Report
 FY2023 Bi-Annual Police Report

End of Consent Agenda.

5. Motion to Recess Regular Meeting and Enter Public Hearing No. 1
6. Public Hearing No. 1 - Moratorium Extension in Small Area Plan areas
 The purpose of this public hearing is to hear comments on extending the moratorium on real estate development activity in Village Place and Pinehurst South to allow time to amend and adopt the Pinehurst Development Ordinance as needed to implement the plans.
7. Motion to adjourn Public Hearing No. 1 and Re-Enter Regular Meeting
8. Discuss and Consider Ordinance #23-01, Moratorium Extension Small Area Plans
 The purpose of this agenda item is for discussion on extending Moratorium Ordinance on real estate development activity to allow time to complete plans and code amendments.
9. Other Business.
10. Comments from Attendees.
11. 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.



**COUNCIL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- ▣ 2023 Key Partners and Collaborators



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



**APPROVAL OF VILLAGE COUNCIL MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

January 10, 2023, Council Regular Meeting Minutes

January 10, 2023, Council Work Session Minutes

FROM:

Kelly Chance

CC:

Jeff Sanborn and Village Council

DATE OF MEMO:

1/17/2023

MEMO DETAILS:

The minutes for January 10th Council Regular and Work Session are attached for Council review and proposed approval.

ATTACHMENTS:

Description

- January 10, 2023, Council Regular Meeting (Draft)
- January 10, 2023, Council Work Session (Draft)



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF JANUARY 10, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday January 10, 2023, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

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

And approximately 11 attendees, including 4 staff and 1 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Reports:

Village Manager

- Mr. Jeff Sanborn, Village Manager, reported the Village will be hosting a public workshop on Wednesday, at two different times, at the Cannon Park Community Center, to allow for the public to have an opportunity to engage and offer input into our Parks & Recreation Master Plan - Times will be 10-12 pm and 5-7 pm.

Village Council

- Mayor Strickland stated Partners in Progress has been in negotiations for a site that will allow them an opportunity to entice business to the Village.
- Mayor Pro Tem Pizzella stated he appreciates the work the Village did on the Christmas decorations. He reported there are a couple of events coming up at the Harness Track that he encourages the citizens to attend. He stated the local Tin Whistles group recently did a pick-up of litter and he is thankful of that. He reported he attended the Neighborhood Advisory Committee on Monday where the Village Manager presented a report on the traffic circle. He also attended the Planning & Zoning Board Meeting where they have been working diligently on form-based codes.
- Councilmember Hogeman stated she met with some of the Partners in Progress members and they reported the Christmas event was very nice and they reported they will be holding their shop late to eight again in the near future.
- Councilmember Morgan stated he spent time over the holidays viewing the Harness Track and speaking with some of the trainers and finding out how they feel about the recent changes and upgrades. He stated he is thankful for the hard work the Parks & Recs crew are doing on that property.

- Councilmember Boesch reported she attended the Pinehurst CVB meeting in December. She noted they have two new promotions out – one is to celebrate the Year of the Trail, with the other being a wine-trail event. She noted you are not required to purchase a drink, only to get your passport signed showing you were there.

3. **Motion to Approve Consent Agenda.**

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

A. Approval of Village Council Meeting Minutes

- October 26, 2022, Council Special Meeting Minutes
- October 26, 2022, Council Closed Session Minutes
- December 2, 2022, Council Special Meeting – Pre-Retreat Minutes
- December 8, 2022, Council Special Meeting – Strategic Retreat Minutes
- December 9, 2022, Council Special Meeting – Strategic Retreat Minutes
- December 13, 2022, Council Regular Meeting Minutes
- December 13, 2022, Council Work Session Minutes

B. Budget Amendments Report

End of Consent Agenda.

Upon a motion by Councilmember Boesch, seconded by Councilmember Morgan, Council unanimously approved the Consent agenda by a vote of 5-0.

4. **Discuss and Approve the Agreement from Oakley Collier Architects, PA for Design Services for the Given Memorial Library and Tufts Archives.**

Doug Willardson, Assistant Village Manager of Administration, presented Council with the proposed agreement with Oakley Collier Architects, PA for design services for renovations to the Given Memorial Library and Tufts Archives. He noted Council approved Oakley Collier's proposal at the December 13, 2022, Council Regular Meeting and staff has reviewed the agreement and recommends approving it.

Mr. Willardson stated the professional fees for Phase 1, Programming and Schematic design, are for a total of \$140,000.00, and are broken down as:

- A. Existing Conditions Documentation - \$5,000.00
- B. Programming Phase - \$20,000.00
- C. Schematic Design - \$115,000.00

Mr. Willardson stated the fee does include reimbursable expenses such as prints, plots, copies, travel, etc. He noted the agreement is based on the American Institute of Architects (AIA) B101-2017 Standard Form of Agreement between Architect and Owner for execution. He stated this is the same agreement the Village has used in the past when working with an Architect and is very typical for this type of municipal project. He reported staff anticipates the as-built documentation, programming and schematic design work will be completed within 12 weeks after the contract is approved.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously voted to approve the mayor, or his designee enter into an agreement with Oakley Collier Architects, PA for design services for the Given Memorial Library and Tufts Archives, by a vote of 5-0.

5. **Discuss and Consider Ratifying On-Call Engineering Task Order with McGill Associates.**

Mike Apke, Public Services and Engineering Director, reported the Village of Pinehurst has executed Task Order No. FY23-1 with McGill Associates to provide On-Call Engineering Assistance for FY23. He stated these services primarily include assistance with site plan reviews, construction inspections for projects within our jurisdiction, and other engineering consultation as needed.

Mr. Apke stated when the Task Order was originally executed, expenditures were expected to be within the Village Manager's delegated authority of \$50,000 as indicated in the annual budget ordinance. However, total expenditures through December total approximately \$44,000, which are attributed to two (2) primary reasons:

- a. Q1 and Q2 of FY23 have included numerous large-scale construction projects, including the USGA Golf House Pinehurst, FirstHealth Cancer Center, Pinehurst Resort Greenhouse Parking Lot and Access Road, Hollycrest Subdivision, and CDSA Building in Trotter Hills.
- b. The Village's Engineering Technician position typically provides inspections on these projects to confirm compliance with Village standards, but our ET position was vacant for 6-months from mid-April to mid-October. As a result, we have relied on McGill to provide inspection services for the above noted projects.

Mr. Apke stated the Cancer Center, Greenhouse Parking, and CDSA projects are at or near completion and we therefore do not require additional inspection services from McGill on those projects. However, we would prefer to continue to use McGill to inspect the USGA and Hollycrest projects, as they are familiar with the contractors, schedules, and statuses of those projects. We also may continue to utilize McGill for specific as-needed plan review assistance when it makes sense, and miscellaneous design services for stormwater and other projects.

Mr. Apke stated if we continue McGill's services, I project that their fees will not exceed \$80,000 for FY23. We are therefore asking Council to ratify the previously executed On-Call Engineering Task Order, with an effective date of July 1, 2022, for an amount not to exceed \$80,000. He noted that staff are not asking for additional money, as the funds needed to cover these additional costs are available within the FY23 Public Services budget and will be allocated via budget amendments within Jeff Sanborn's delegated authority.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously voted to approve the ratification of an On-Call Engineering Task Order, dated July 1, 2022, with McGill Associates, for an amount not to exceed \$80,000.00, by a vote of 5-0.

6. Review and Approve the FY2024 Balanced Scorecard, including the FY2024 Areas of Focus and the FY2024-2028 Initiative Action Plans.

Matt McKirahan, Organizational Performance Director, presented Council with several items related to the development of the FY2024 Strategic Operating Plan (SOP) based on Council's discussions at the December 8-9, 2022 Strategic Planning Retreat. He noted since that time, staff amended the materials based on Council's input and is now seeking approval of the following items:

1. FY 2024 Balanced Scorecard (BSC), including the recommended Areas of Focus.

Mr. McKirahan stated that KPI goals are set by reviewing historical performance relative to benchmarks and comparable communities. Since initially adopting the BSC in FY 2014, we have expressed performance goals for survey results in 5% increments due to the margin of error with survey results. In most cases, the Village is currently achieving excellent performance results (90% satisfaction levels or higher).

Proposed Areas of Focus for FY 2024 were selected based on the following criteria:

- VOP performance gaps (greater than or equal to 5% below benchmarks)
- Strategic challenges identified by Council and Senior Leaders
- Opportunities identified by Council and Senior Leaders
- 2022 Community Survey areas for improvement (high levels of dissatisfaction >20%)

Mr. McKirahan stated the following three (3) strategic objectives are proposed as the FY 2024 Areas of Focus:

- Develop codes and ordinances to protect the character of Village neighborhoods
- Support the business community

- Provide a safe and effective multi-modal transportation system

2. Initiative Action Plans (IAPs) for FY 2024-2028.

Mr. McKirahan stated to positively impact the KPIs identified for performance improvement, to address strategic challenges and opportunities, and to address resident high priorities for improvement, the Village has identified seven proposed Initiative Action Plans for the five-year planning period. These are identified in the "FY 2024-2028 Initiative Action Plans" attachment. Initiative Action Plans are defined and measurable activities needed to address our opportunities that involve a significant amount of financial and/or staff resources or have a significant community impact over the planning period.

Mr. McKirahan stated in addition to the IAPs proposed, there are numerous other opportunities for improvement that were discussed at the Council Retreat that are classified as department projects or evaluations. Over the next two months, Senior Leaders will evaluate and prioritize these projects and evaluations and then program them over the planning horizon as they develop their annual budget requests. As opportunities are evaluated and developed over the course of the next few years, some of them will likely develop into IAPs in the future.

Mr. McKirahan stated staff is seeking Council's approval by motion for the FY 2024 Balanced Scorecard, including the FY 2024 Areas of Focus. He noted this is being done now to ensure that Senior Leaders develop the FY 2024 Strategic Operating Plan and submit budget requests that align to Council's priorities.

Upon a motion by Councilmember Morgan, seconded by Mayor Pro Tem Pizzella, Council unanimously voted to approve the FY2024 Balanced Scorecard, including the FY2024 Areas of Focus, by a vote of 5-0.

7. Discuss and Consider 2023-2024 Biennium Legislative Goals.

Jeff Sanborn, Village Manager, stated every two years, the North Carolina League of Municipalities formulates legislative goals that will prioritize their lobbying efforts in support of North Carolina municipalities. He noted the League recently contacted all municipalities in North Carolina requesting prioritized input on 16 potential legislative goals. He stated Council members were asked to prioritize their proposed areas of focus and provide their top 10 to Kelly Chance, Village Clerk, for ranking. He noted the rankings have indicated that the Council has placed the highest priority on the following proposed goals:

1. Enhance state systems and resources for local law enforcement officer recruitment, training, and retention.
2. Allow municipalities to use local resources and capabilities to expand broadband access in their communities through innovative partnerships.
3. Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads.
4. Support integrated and multi-modal transportation solutions.
5. Revise state contracting laws to better protect public entities from the effects of inflation.
6. Create an adequate and permanent funding stream for local infrastructure.
7. Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate.
8. Update annexation petition thresholds to make voluntary annexations easier to initiate.
9. Provide authority to municipal water systems to recoup costs of clean-up from polluters.
10. Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available.

Mr. Sanborn noted that Council will need to approve one member to be the single voting delegate to cast the Village of Pinehurst's vote on January 12, 2023, providing the agreed upon goals.

Upon a motion by Mayor Pro Tem Pizzella, seconded by Councilmember Hogeman, Council unanimously approved Mayor John Strickland to be the single voting delegate who will cast the Village of Pinehurst's vote on January 12, 2023, submitting the agreed upon 10 proposed legislative goals for the 2023-2024 Legislative Biennium.

8. Other Business

Councilmember Morgan stated that in a future working session, Council should discuss raising the limits on what the Village Manager is able to authorize on his own, due to the increase in inflation.

9. Comments from Attendees

- John Root, Pine Vista Drive, addressed Council with a suggestion for the Traffic Circle.
- Teresa Johnes, Pinehurst, addressed Council about the lack of decision making on the Traffic Circle and Small Area Plans.

10. Motion to Adjourn.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 5:55 p.m.

Respectfully Submitted,

Kelly Chance,
Village Clerk

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

Vision: The Village of Pinehurst is a charming, vibrant community, which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF JANUARY 10, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Work Session Meeting at 6:00 p.m., Tuesday, January 10, 2023, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina.

The following were in attendance in Assembly Hall:

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

And approximately 6 attendees, including 3 staff and 1 press

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Discuss Moratorium Extension for Small Area Plan areas

Darryn Burich, Planning & Inspections Director, reported to Council that the current 120-day moratorium, Ordinance 22-24, is due to expire as of February 3rd and a decision must be made on whether to extend it again. He noted a public hearing has been noticed and scheduled for January 24th Regular meeting. Mr. Burich stated the original nine-month moratorium, Ordinance 21-03 was adopted on February 10, 2021, and since that time, the area has been under a development moratorium while staff developed the small area plans. He noted the moratorium has been extended four time with the intent to freeze most development to allow zoning updates to be developed so we can ensure the final small area plans are completed per Council and public input.

Mr. Burich stated the small area plans are completed but the full zoning updates are still being decided. He stated staff would be able to use the small area plans as guidance if the moratorium is not extended. He noted the Planning and Zoning Board is nearing completion on the zoning updates for the Pinehurst South plan and will be able to apply the same concepts to the Village Place form-based code, thus the process may be speedier. Mr. Burich provided Council with a walk-thru on the process of evaluation undertaken by the Planning and Zoning Board in creating the form-based codes for Pinehurst South.

Mr. Burich stated Council options are to extend the Moratorium in both Village Place and Pinehurst South, extend in just Village Place, extend in just Pinehurst South, or do not extend either Moratorium. Councilmember Morgan noted he would prefer Council stops the moratorium and moves forward since a lot of the lack of delay is due to Council's constant change of focus. Mayor Pro Tem Pizzella argued that stopping the moratorium may put more pressure on the staff and there are still development options out

there. Councilmember Hogeman stated she wants to ensure that adequate time is allotted for staff to complete the zoning codes. Councilmember Boesch stated without a proposed time estimate from staff on completion we cannot judge a realistic time for the moratorium to end. Mayor Strickland stated he would like to see the moratorium extension of 90 days for the Village Place plan and 120-day extension for the Pinehurst South area. Mayor Strickland, Mayor Pro Tem Pizzella, and Councilmember Hogeman agreed to instruct staff to move forward with this guidance. Councilmember Morgan and Councilmember Boesch did not agree.

3. Discuss Traffic Circle.

Mayor Strickland stated that council is trying to do what is right for the community. He stated they have had some discussion with the DOT about swapping the timing of some of the projects for Highway 5 with the timeline for the circle and potentially other intersections that are important to residents. He stated, unfortunately, this option is not possible within DOT's guidelines.

Mayor Strickland stated he had concerns about the issues the continuous flow would cause on Highway 15-501, both north of the circle and south of the circle. He stated he had been trying to work on some ideas to submit to the DOT that might be less invasive to the whole traffic circle area. He suggested: traffic calming, sequencing the entry with modest size sequencing lights (Village Manager Sanborn stated that was already considered by DOT), and a change of road direction on highway 2 that connects to Highway 211. He stated maybe reworking that intersection would have an impact on improving the traffic.

Councilmember Hogeman stated she feels the circle works well and the character is important. She noted both the flyover and the continuous flow would be a big change to our circle. She stated she would like to see updated population projections and other data that would help Council.

Councilmember Morgan stated his concern is with the timing of Council's decision. He noted that at the previous meeting with the DOT, they were presented with basically a deadline and if the project is expected to be completed between the 2024 and 2029 US Open, then a decision is needed.

Village Manager Sanborn reported that unless Patrick Norman, DOT, hears from somebody representing the village in the immediate aftermath of this meeting, that you are in favor of moving forward with one of the two options presented, he is going to submit a formal request to pull it out the STEP and the result would be that the project would potentially have to recompile in the future, with no guarantee of acceptance.

Councilmember Morgan stated he supports the flyover plan, and it is imperative to decide and not wait. Councilmember Boesch suggested contact be made with the National Park Service to see if any other areas listed as a National Historic Landmark has had a similar quandary. She stated there are some great people in our community that could help provide some valuable input and so we should reach out and find a comprehensive solution.

Mayor Pro Tem Pizzella stated he did some research on the traffic circle discussion and he understands they initially came up with 10 ideas and narrowed them down and presented to council in 2018. He noted that those choices did not resonate with the council then and residents and so they went back and then delivered options to the current council in June of 2022. The one thing council wanted was for the circle to stay, but the choices they provided were not conducive to what this council wants. He noted that the circle is included in the Historic Preservation files and notes its importance.

Mayor Pro Tem Pizzella stated there has been a pattern of consistency with what the community says they want. He noted he understands some residents are encouraging council to do what the DOT is proposing, while others are vehemently opposed to leveling the traffic circle. He did note that residents do say something must be done. He stated he liked some of the mayor's ideas, but feels we need to put a pause on deciding now to see what other projects that are being planned provide in traffic relief. He stated during this pause we can collect more historic information.

Councilmember Boesch stated she agrees we need more data, to reach out to national park service to see if there are other communities that have experienced this same situation, review the Western Bypass, make this a collaborative regional effort.

Councilmember Morgan stated if Council is indeed not choosing either of the proposed DOT options, in lieu of working on coming

up with a new process and new ideas, then he would like to ensure Council is working with staff to come up with that process and time hacks to keep Council in line and avoid delays again. Mayor Strickland noted that process would include evaluations of the ideas Council suggested tonight and a host of other things that would relate to and affect Council's decision. Councilmember Morgan stated for the record, he is still in favor of the fly-over as his choice.

4. Other Work Session Items.

Mayor Pro Tem Pizzella noted we need to complete the Neighborhood Advisory Committee plan on how the committee will function. Councilmember Boesch stated we need to look at how we are going to revise the Comprehensive Plan in the future.

5. Potential Future Agenda Items.

Mayor Pro Tem Pizzella asked to get an update on the Downtown Amenity Plan. Mayor Strickland stated there is an upcoming meeting with the Partners in Progress in which we will discuss the plan and take comments from them. He stated that we will try to set up a process, monthly, quarterly etc. that we can meet with them to keep them up with Village business and work toward letting the rest of the business community keep informed as well.

6. Adjournment.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Pizzella, Council unanimously approved to adjourn the work session at 8:35 p.m., by a vote of 5-0.

Respectfully Submitted,

Kelly Chance,
Village Clerk

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

Vision: The Village of Pinehurst is a charming, vibrant community, which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement



FY2023 BI-ANNUAL PUBLIC SAFETY REPORTS
ADDITIONAL AGENDA DETAILS:

FY2023 Bi-Annual Fire Report
FY2023 Bi-Annual Police Report

FROM:

Kelly Chance

CC:

Jeff Sanborn and Village Council

DATE OF MEMO:

1/3/2023

MEMO DETAILS:

The FY2023 Bi-Annual Public Safety Reports for the months July 2022 through December 2022 are attached for review and Council approval.

The Fire Report will be uploaded Friday.

ATTACHMENTS:

Description

- ☐ FY2023 Bi-Annual Police Department Report
- ☐ FY2023 Bi-Annual Fire Department Report

Police Department 2022 Report to Council

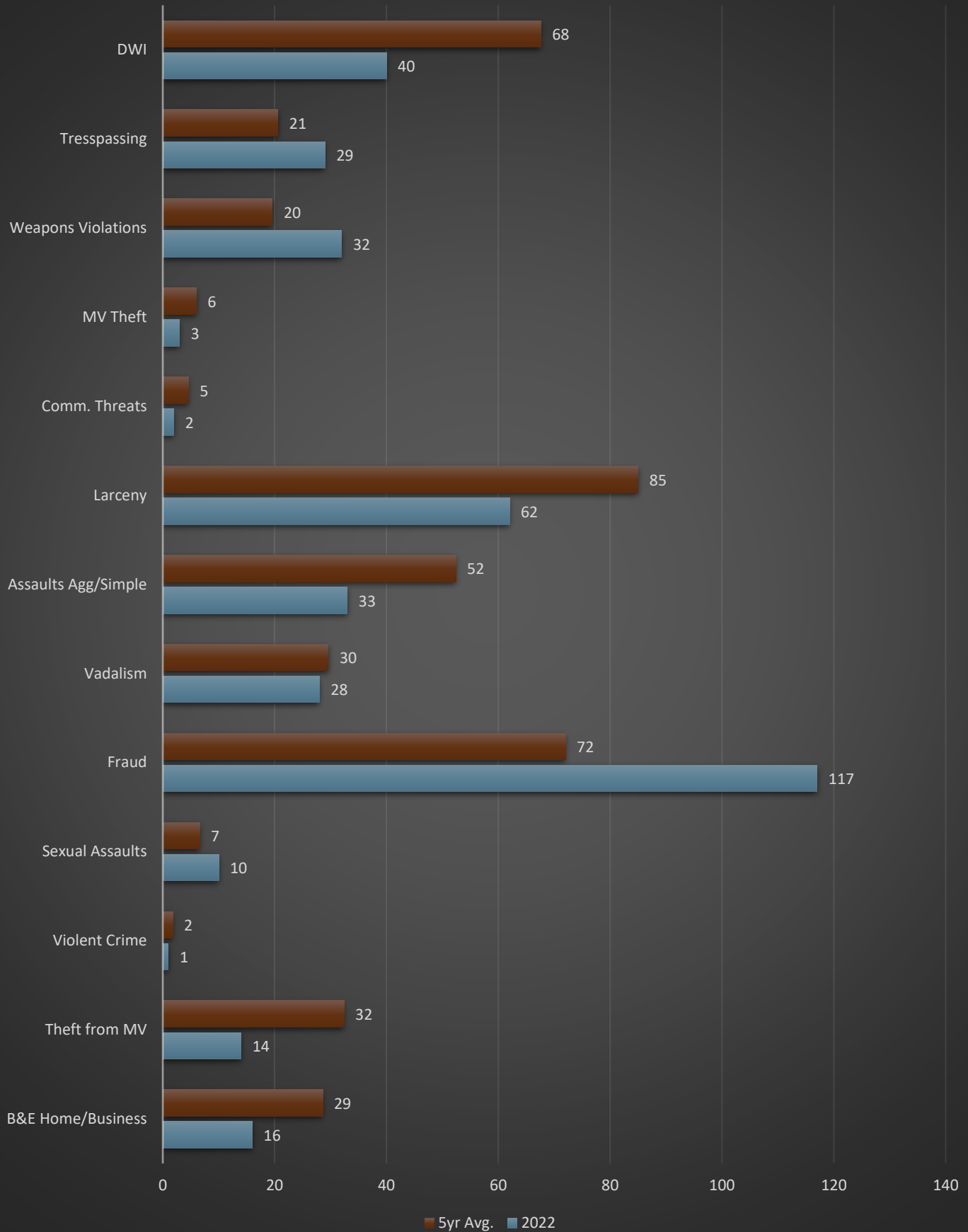


Prepared by
Chief Glen Webb

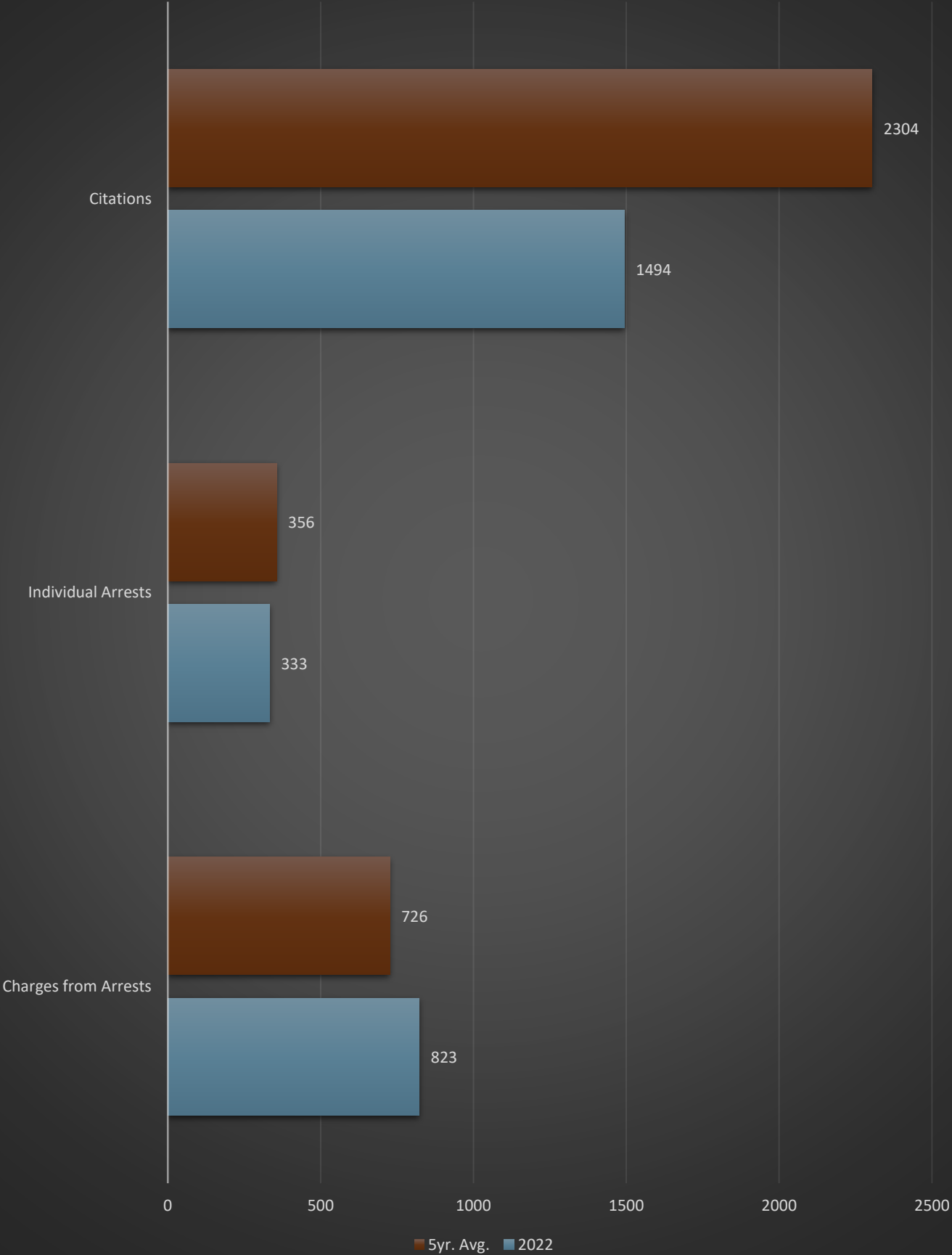
1.09.2023

Pinehurst Police Calendar Year 2022 Report (With Previous 5 Year Avg.)

Quality of Life Crime 2022



Citations/Arrests 2022



Summary

For calendar year 2022, crime has remained low. We saw decreases in Burglary/Breaking and Entering as well as vehicle breaking and entering. Fraud remains a concern as our population is frequently the target of scams. Because most fraud today occurs online, I am tasking our detectives with creating/obtaining educational materials on how to avoid becoming a victim of fraud and reaching out to the community to help prevent further incidents. Below I have inserted a customer satisfaction rating. Last year we started using power engage which sends a text message to callers who request police services. We are currently getting close to a 50% response rate with an 87% positivity rate. Normally on surveys, people who have a negative experience are more motivated to respond. This rating is a testament to the performance of our officers.

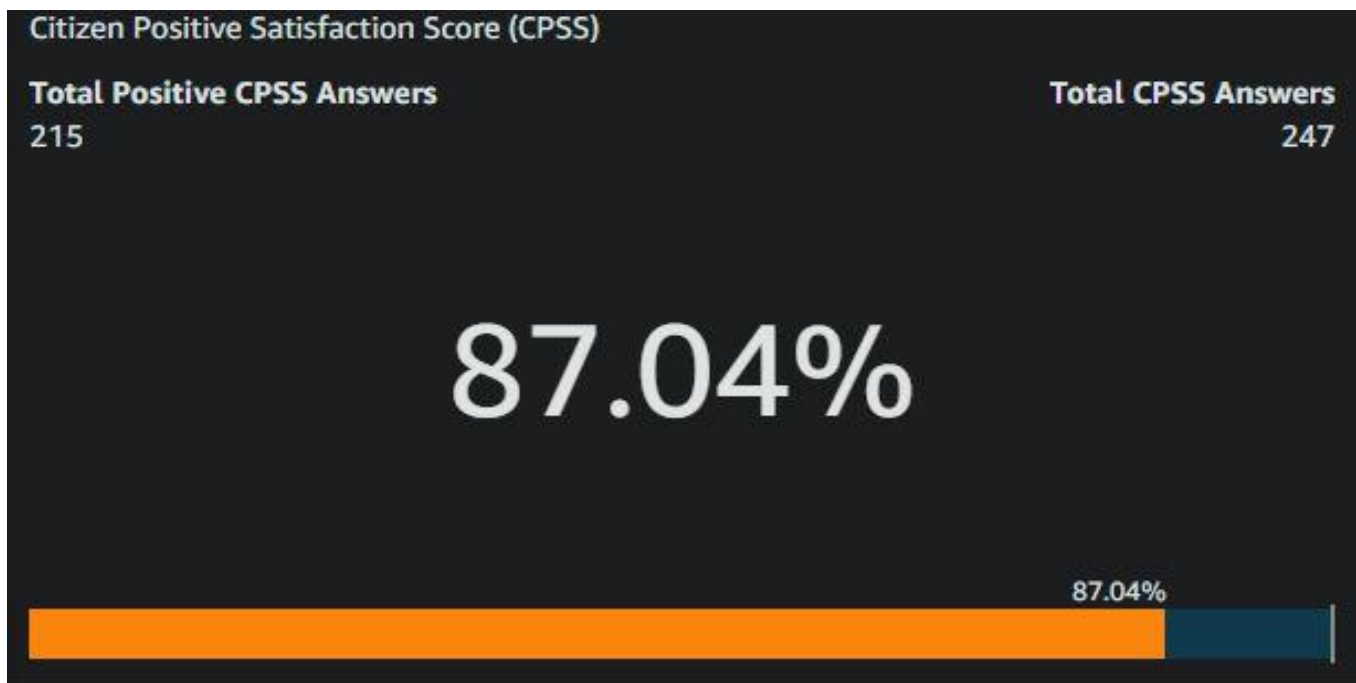
Definitions

RMS: Records Management System. Stores all reports and is the source for the analytic data in the tables.

IBR: Incident Based Reporting. The method for reporting incidents of crime established through the federal government. This information is fed to NIBRS, National Incident Based Reporting System. This is an attempt to standardize crime reporting across the nation. It is a switch from the previous method of UCR (Uniform Crime Reporting).

CAD: Computer Aided Dispatch, is how officer dispatches are recorded. Each call is retained with some detail. Though not every call has an incident report, every call our officers respond to is recorded in the CAD.

Customer Satisfaction





PINEHURST FIRE DEPARTMENT

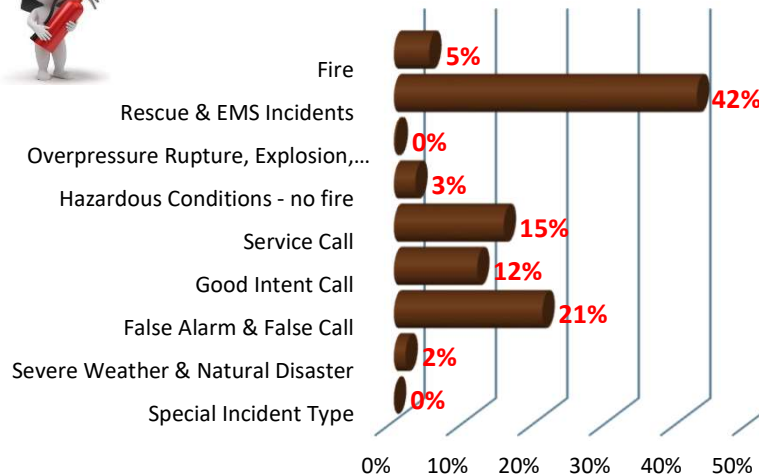
Mid-Year By The Numbers - FY 2023



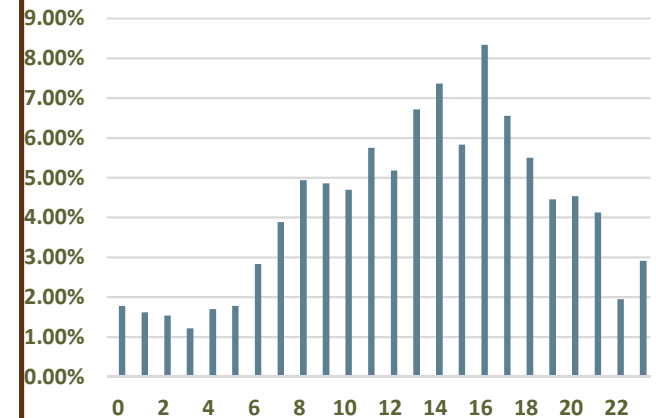
Calls for Service **1236**
 Overallppping Incidents **28.56%**
 Busiest day of Week **FRI**
 Busiest Hour of Day **4PM**
 Times Staff Recalled **11**



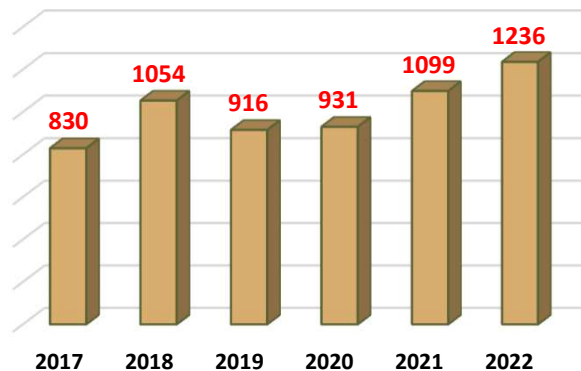
% of Calls for Service (CFS)



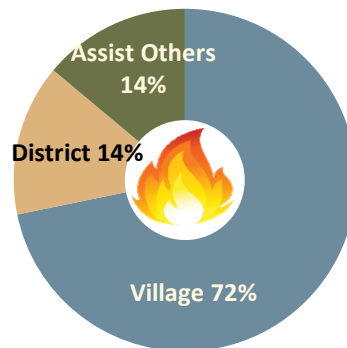
% CFS BY HOUR OF DAY



5 YEAR COMPARISON



LOCATION OF CFS



Fire
Inspections
Completed
214

Fire Inspector
Plan Reviews

91



Days Since Last Lost Time
Accident in FD **1052**

YTD Training Hours
IN HOUSE **3398** ADVANCE **310**

Public Awareness Contacts



32,688



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

ADDITIONAL AGENDA DETAILS:

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

FROM:

Darryn Burich

CC:

Jeff Sanborn

DATE OF MEMO:

1/19/2023

MEMO DETAILS:

Please see attached memo for more information.

ATTACHMENTS:

Description

- ☐ Staff Memo
- ☐ Ordinance #23-01 Moratorium Extension
- ☐ Moratorium Area Maps
- ☐ Ordinance #21-03 Exhibit C
- ☐ Ordinance #21-15 Exhibit D
- ☐ Ordinance #22-01 Exhibit E
- ☐ Ordinance #22-04 Exhibit F
- ☐ Ordinance #22-14 Exhibit G



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

MEMORANDUM

To: Mayor Strickland and Village Council
From: Darryn Burich, Director of Planning and Inspections
Date: January 19, 2023
Subject: Moratorium Extension for the Village Place/Rattlesnake Trail Corridor and the Pinehurst South/NC Highway 5 Commercial Area

The proposed moratorium currently in effect for the Small Area Plan areas (Village Place and Pinehurst South) is set to expire February 3, 2023. Proposed Ordinance #21-03 would again extend the moratorium to allow additional time for completion of the remaining work on the Village Place and Pinehurst South Form Based Code documents and related Pinehurst Development Ordinance amendments. This work likely will not be fully completed by the time the moratorium expires so staff is requesting that both moratoriums be extended to allow additional time for work on the FBCs and PDO amendments.

Based on the Council's work session of 01/10/23 discussing this topic, a 90-day extension is being proposed for the Village Place moratorium and a 120-day extension is being proposed for the Pinehurst South moratorium. While that likely will not be sufficient time to complete all actions related to adopt the zoning amendments, it will allow staff to continue working the P&Z Board and builds in a formal check back with Council as the deadlines approach. Village Council could also terminate the moratoriums at any time should circumstances warrant such termination.

This would be the fifth extension of the moratorium and, if approved, would have the planning areas under moratorium since February 10th, 2021. This process has taken considerably longer than staff anticipated when the original moratorium ordinance was adopted. While there are no statutory limitations on the length of a moratorium, any moratorium length must be justified in the context of moving forward to solve the problems necessitating establishment of the moratorium. The initial reason for requesting the moratorium was to preserve the area from inappropriate development in the context of the 2019 Comprehensive Plan.

To recap where the Village currently sits with these projects relative to the moratoriums, both the Village Place Small Area Plan and Pinehurst South Plan have been approved by Council. The Planning and Zoning Board has almost completed the draft work on the Village Place FBC document that is being forwarded to Council for review and comment. The Village Place FBC document establishes the basis for future PDO amendments to implement the FBC recommendations and staff has started drafting those amendments. The P&Z Board has begun working on the Form Based Code document for Pinehurst South and once that document is completed will be forwarded to Council for review. Development of the Pinehurst South FBC

may be shorter in that many of the recommendations proposed in the Village Place FBC will carryover to the Pinehurst South FBC with the major changes being the Regulating Plan, Table of Uses, and Table of Dimensional Requirements.

Staff will continue to work with the P&Z Board until such time as the work is completed. Staff anticipates the time frame to adopt any zoning code updates to implement the PDO updates may take considerably longer once public hearings are scheduled and deliberations commence prior to adoption of any actual PDO amendments which may necessitate the need to revisit a moratorium extension in the future.

ORDINANCE #23-01:

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

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

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

WHEREAS, the Village has extended the moratorium three times through adoption of Ordinances #21-15, #22-01, #22-04 and #22-14; and

WHEREAS, moratorium Ordinance #22-14 expires on February 3, 2023; and

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

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

WHEREAS, the Village Council, in separate actions, has approved the Small Area Plans for Village Place and Pinehurst South; and

WHEREAS, Form Based Codes and associated Pinehurst Development Ordinance amendments have not yet been fully completed or adopted for Village Place or Pinehurst South; and

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

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

WHEREAS, extending the moratorium would aid in the accomplishment of the purpose of Ordinance #21-03, #21-15, #22-01, #22-04, and #22-14, as described respectively in Exhibits C, D, E, F, and G.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 24th day of January, 2023, as follows:

Section 1. That the moratorium imposed in the area as identified in Exhibit A as “**NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)**” by Ordinance #21-03 on February 10, 2021, and extended by Ordinance’s #21-15, #22-01, #22-04, and #22-14 is hereby extended for an additional *one-hundred- twenty (120)* day period from the date of expiration, thus, to expire on May 24, 2023.

Section 2. That the moratorium imposed in the area as identified in Exhibit B as “**Village Place/Rattlesnake Trail Corridor (Focus Area 4)**” by Ordinance #21-03 on February 10, 2021, and extended by Ordinance’s #21-15, #22-01, #22-04, and #22-14 is hereby extended for an additional *ninety (90)* day period from the date of expiration, thus, to expire on April 4, 2023.

Section 3. That all sections of Ordinance #21-03, #21-15, #22-01, and #22-04, and #22-14 attached as Exhibits C, D, E, F, and G remain in full effect throughout the extension.

Section 4. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

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

THIS ORDINANCE passed and adopted this 24th day of January 2023.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

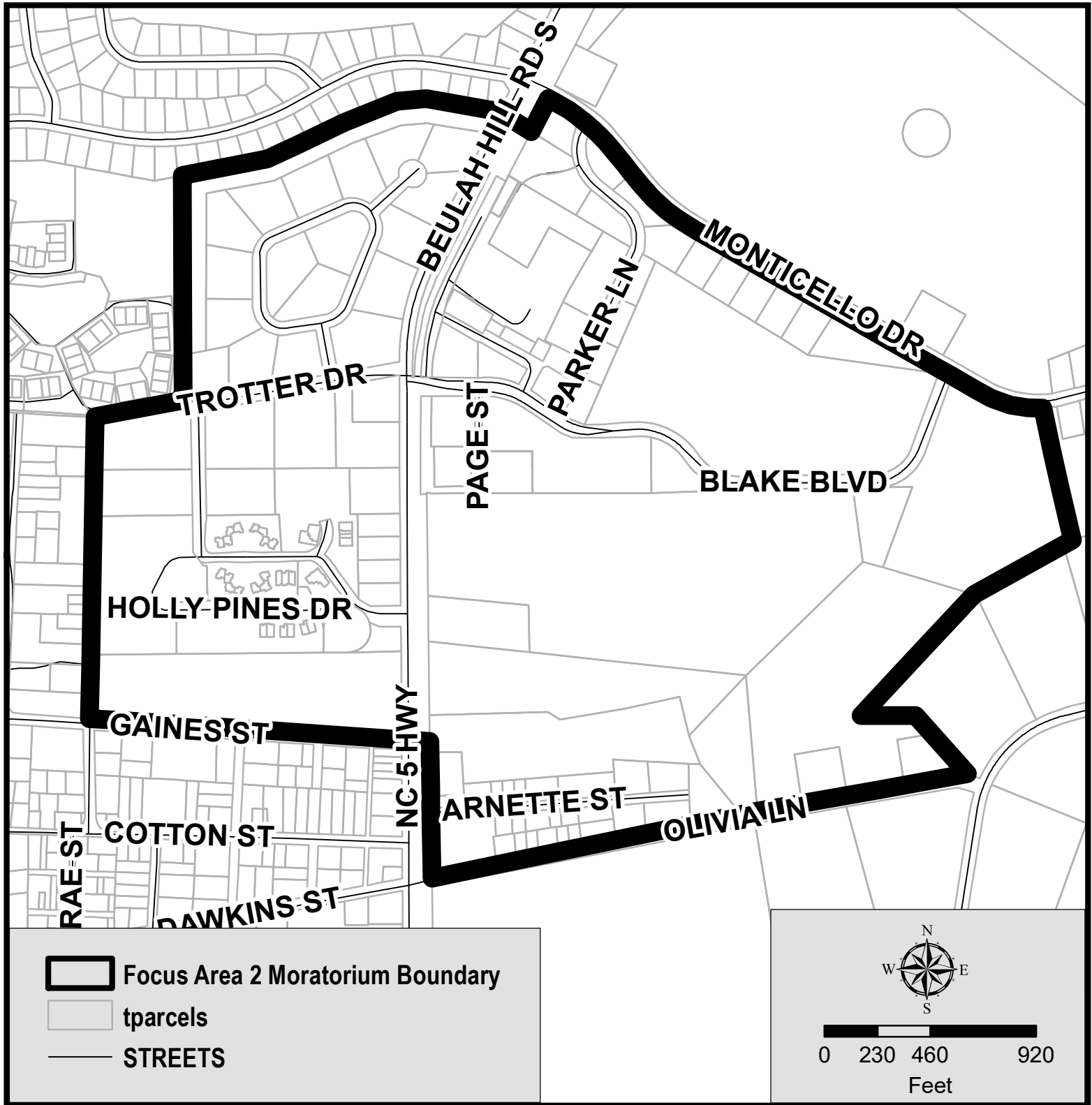
Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

EXHIBIT A

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

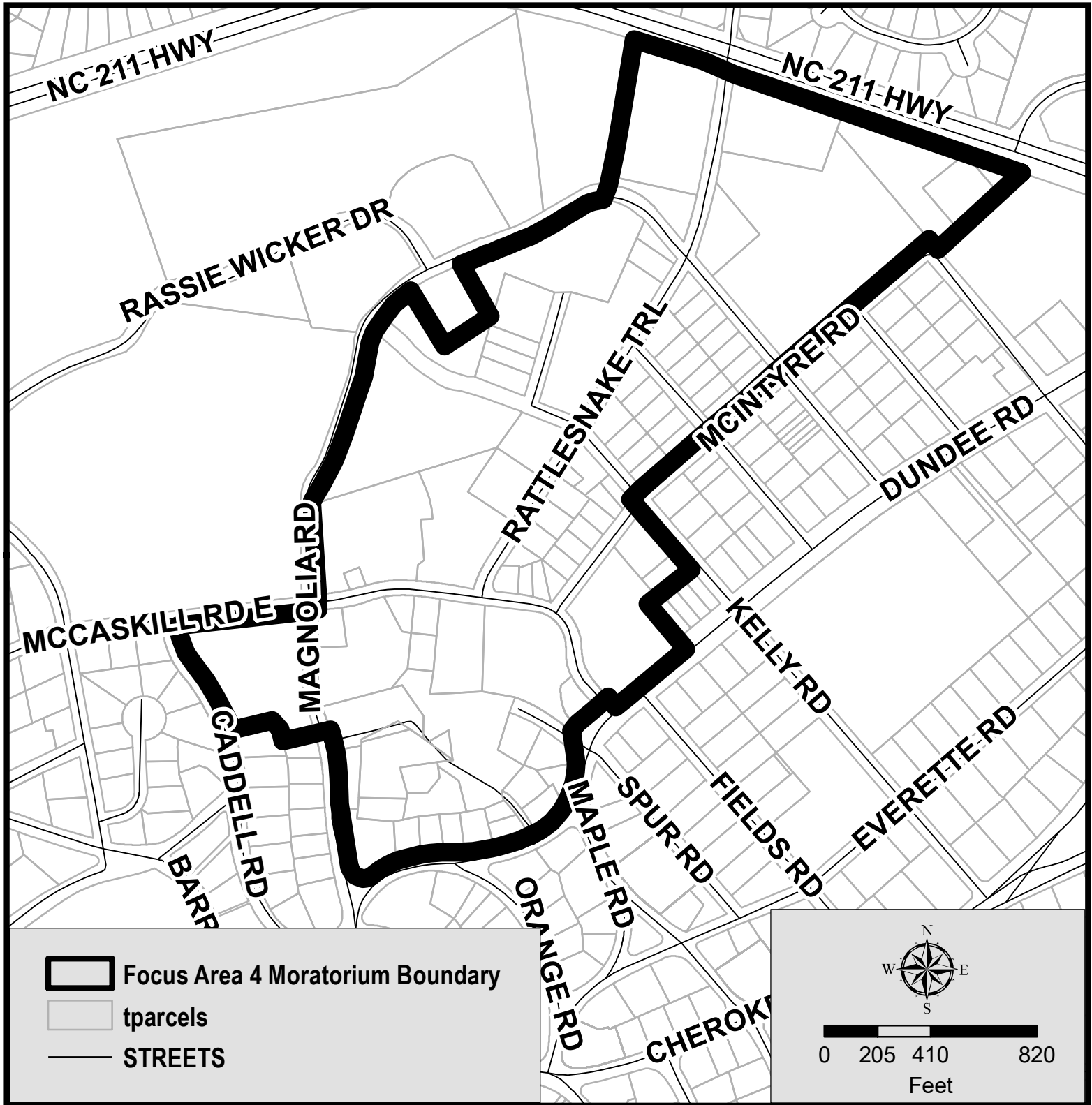


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided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



EXHIBIT B

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



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).



ORDINANCE #21-03:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

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

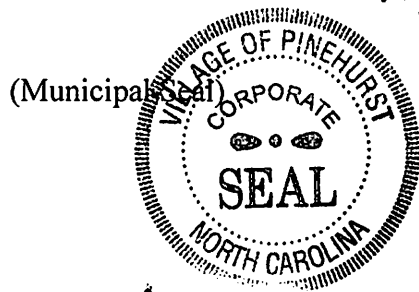
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

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

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

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

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



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

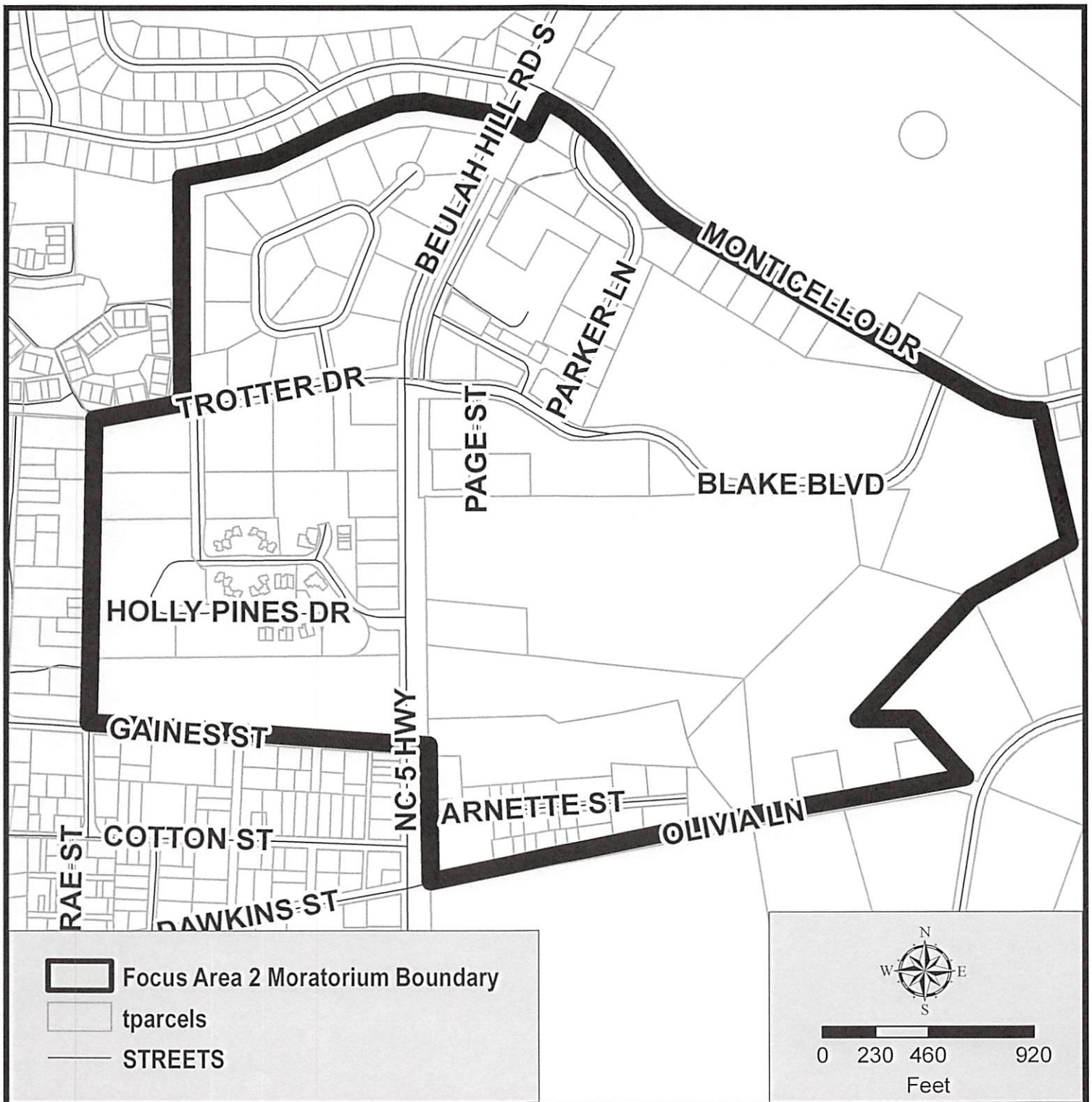
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

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

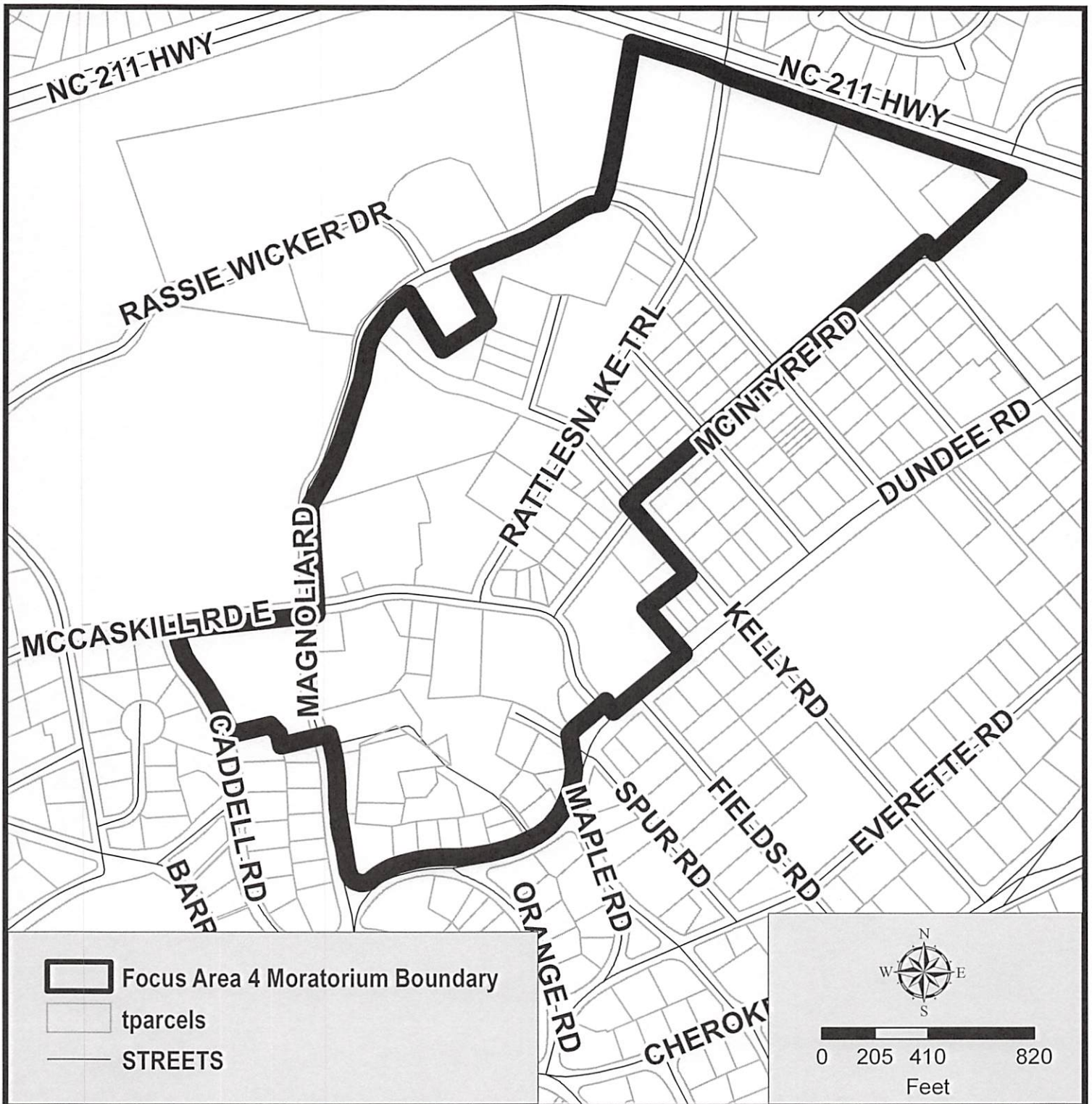


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided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



EXHIBIT B

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



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).



ORDINANCE #21-15:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



VILLAGE OF PINEHURST
VILLAGE COUNCIL

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

Attest:

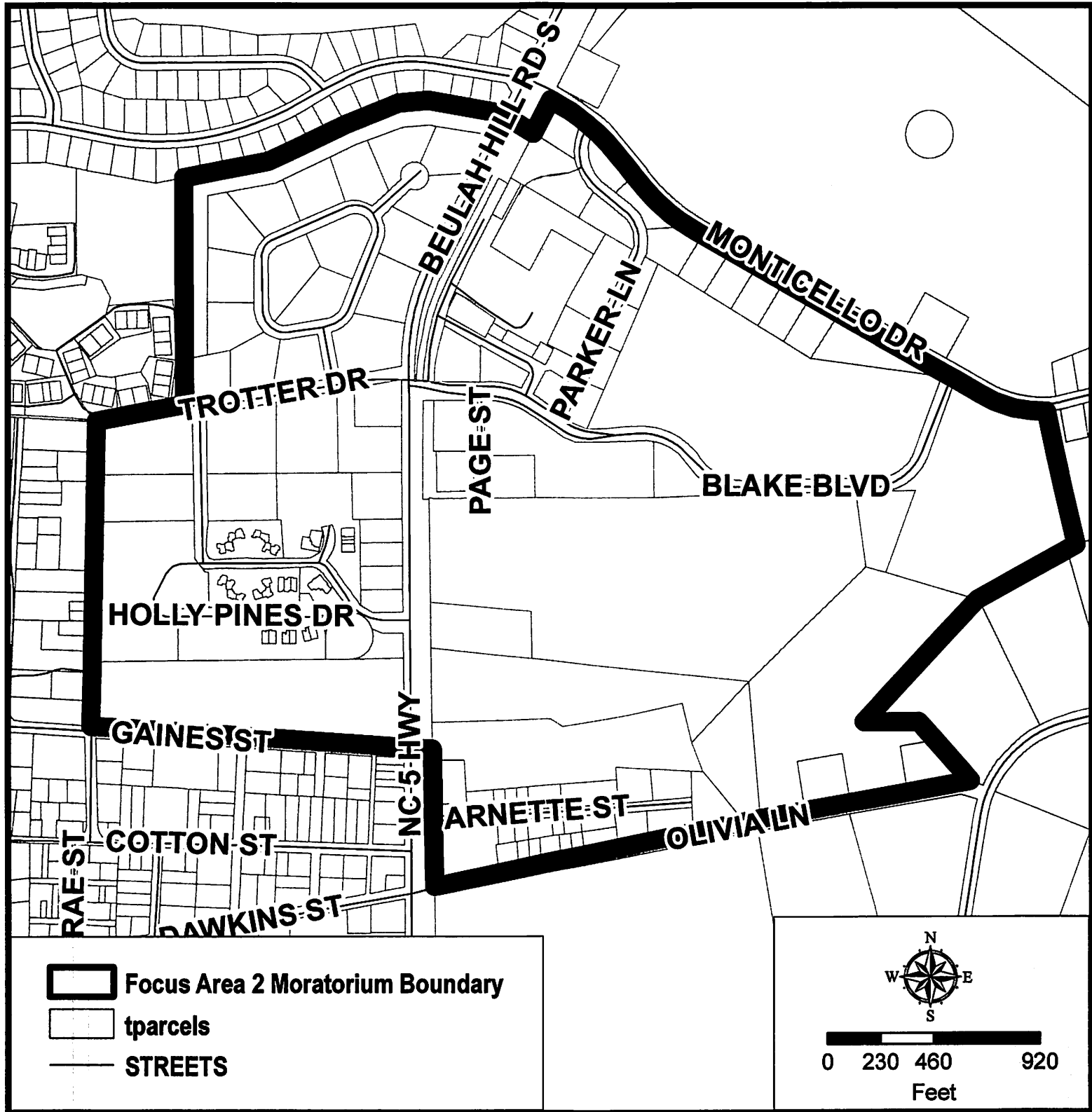
Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT A

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

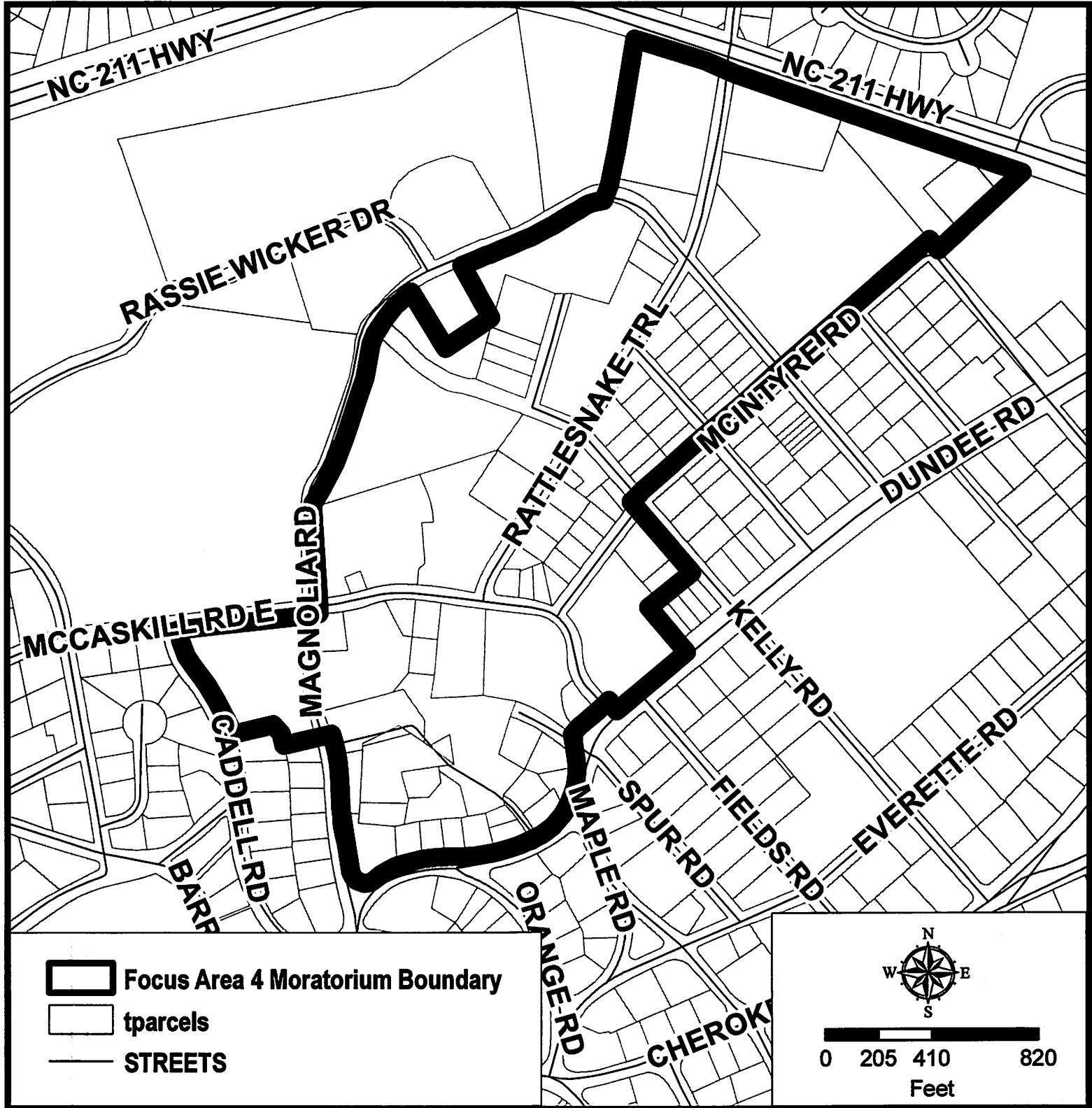


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided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



EXHIBIT C

ORDINANCE #21-03:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

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

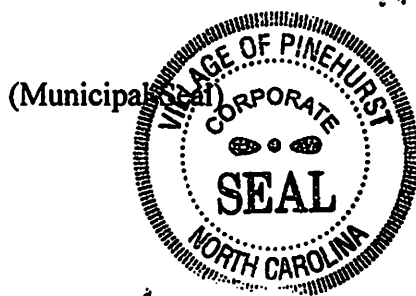
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

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

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

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

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



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

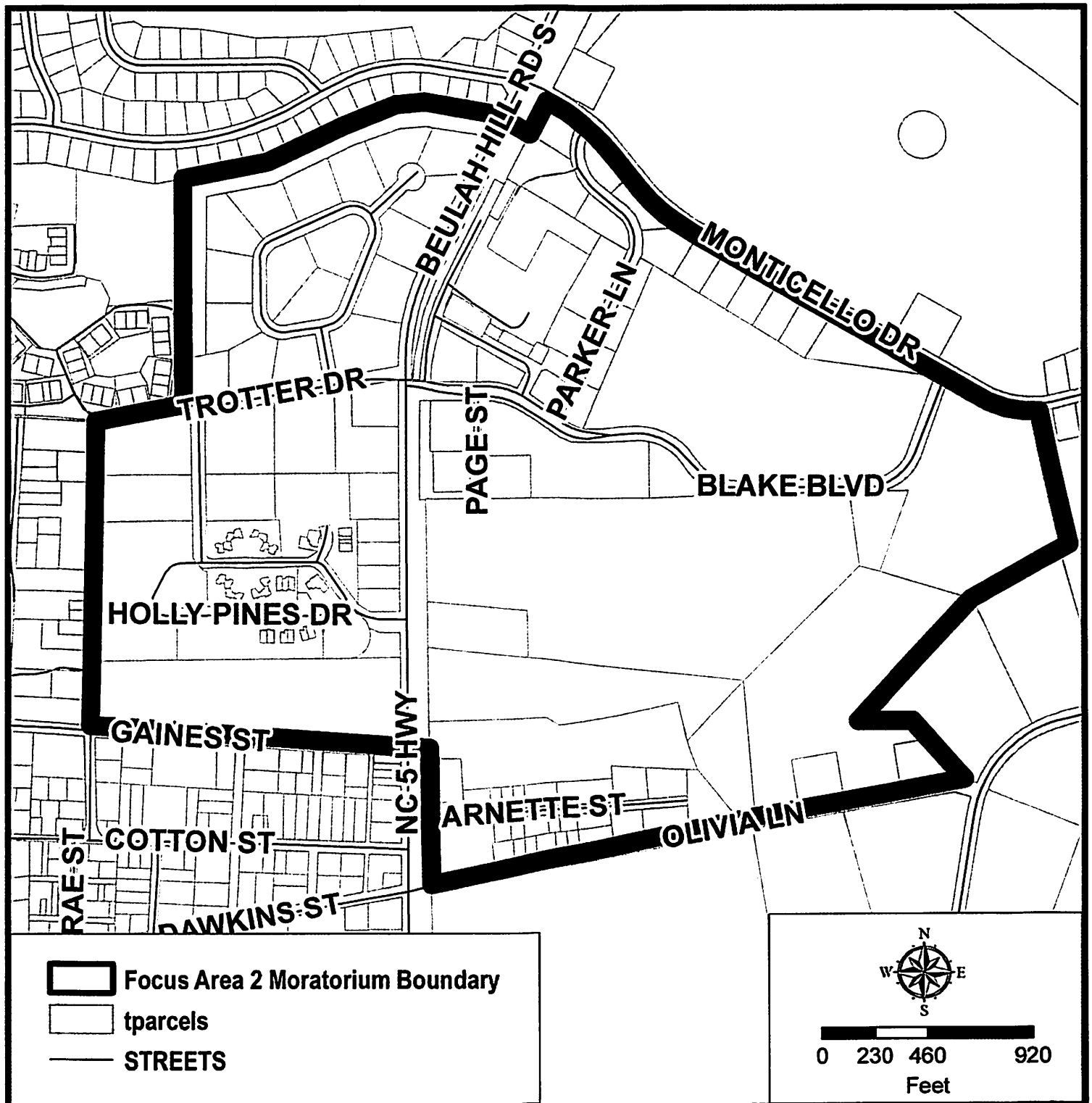
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

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

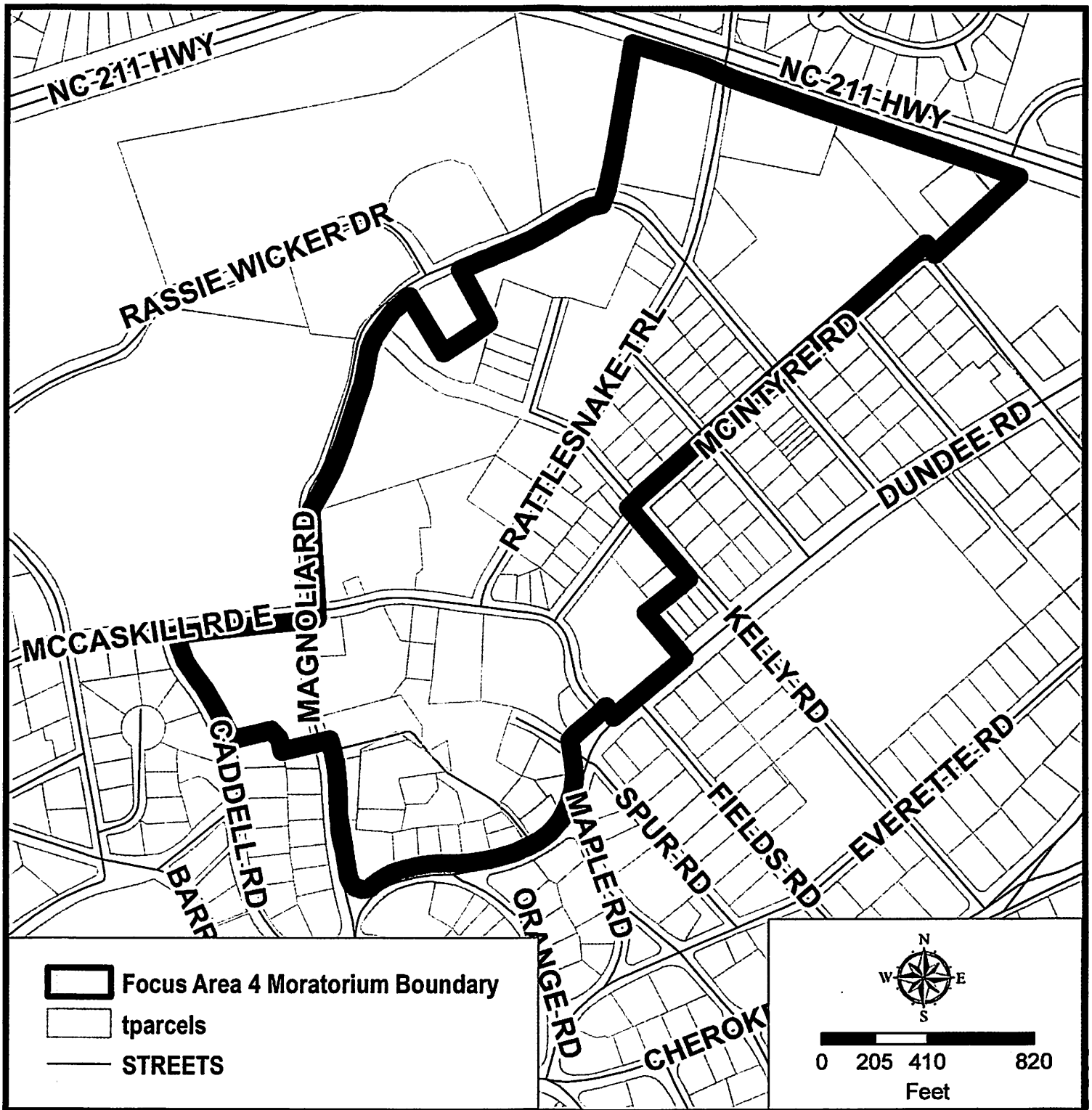


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided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



EXHIBIT B

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



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).



ORDINANCE #22-01:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Attest:

Kelly Chance
Kelly Chance, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

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

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT C

ORDINANCE #21-03:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

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

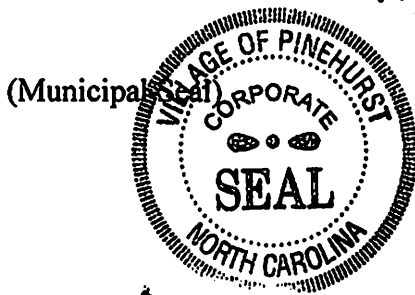
Section 6. Exclusions. In accordance with NCGS 160D-107(c), absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to:

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

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

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

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



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

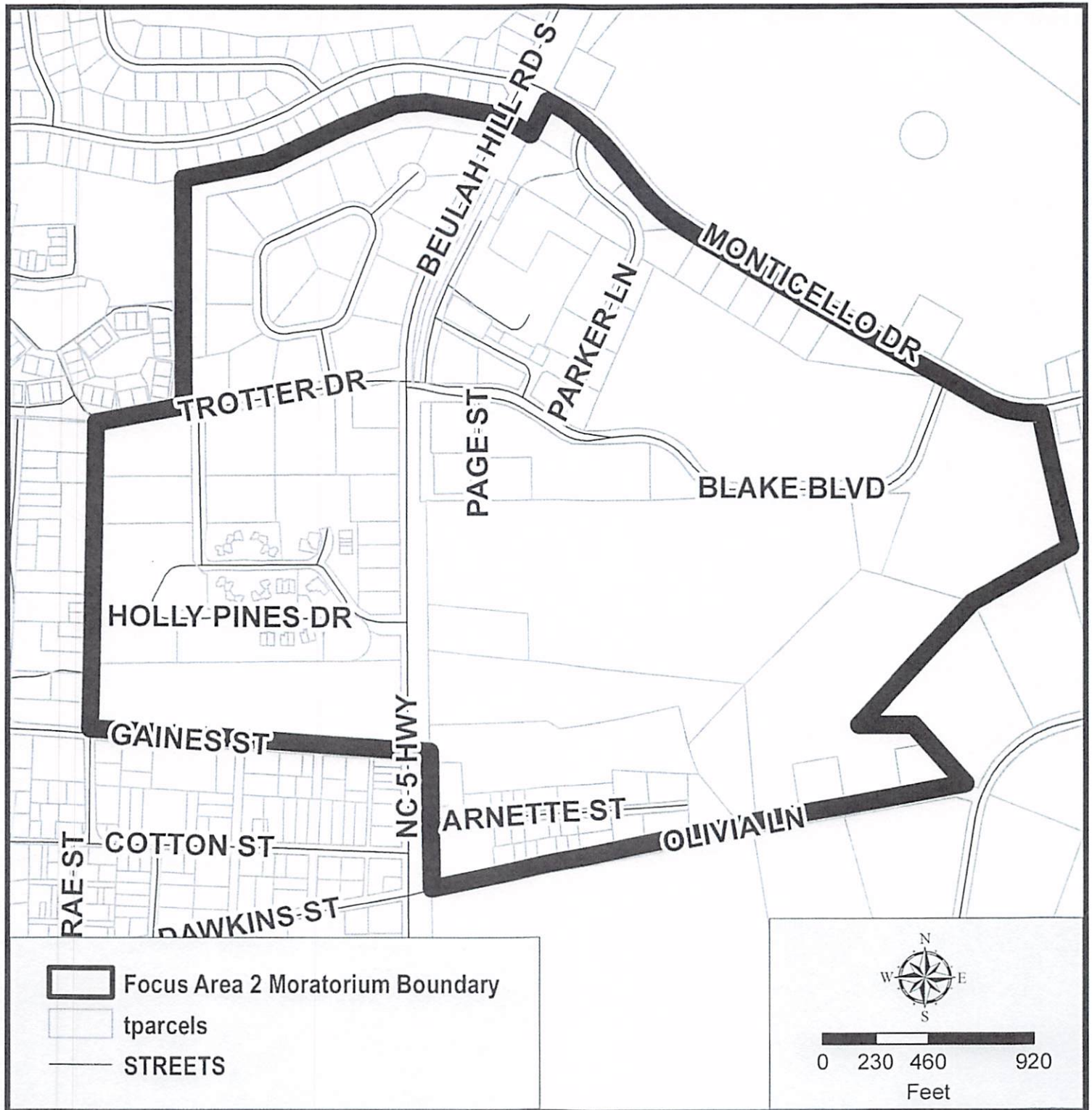
By 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

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

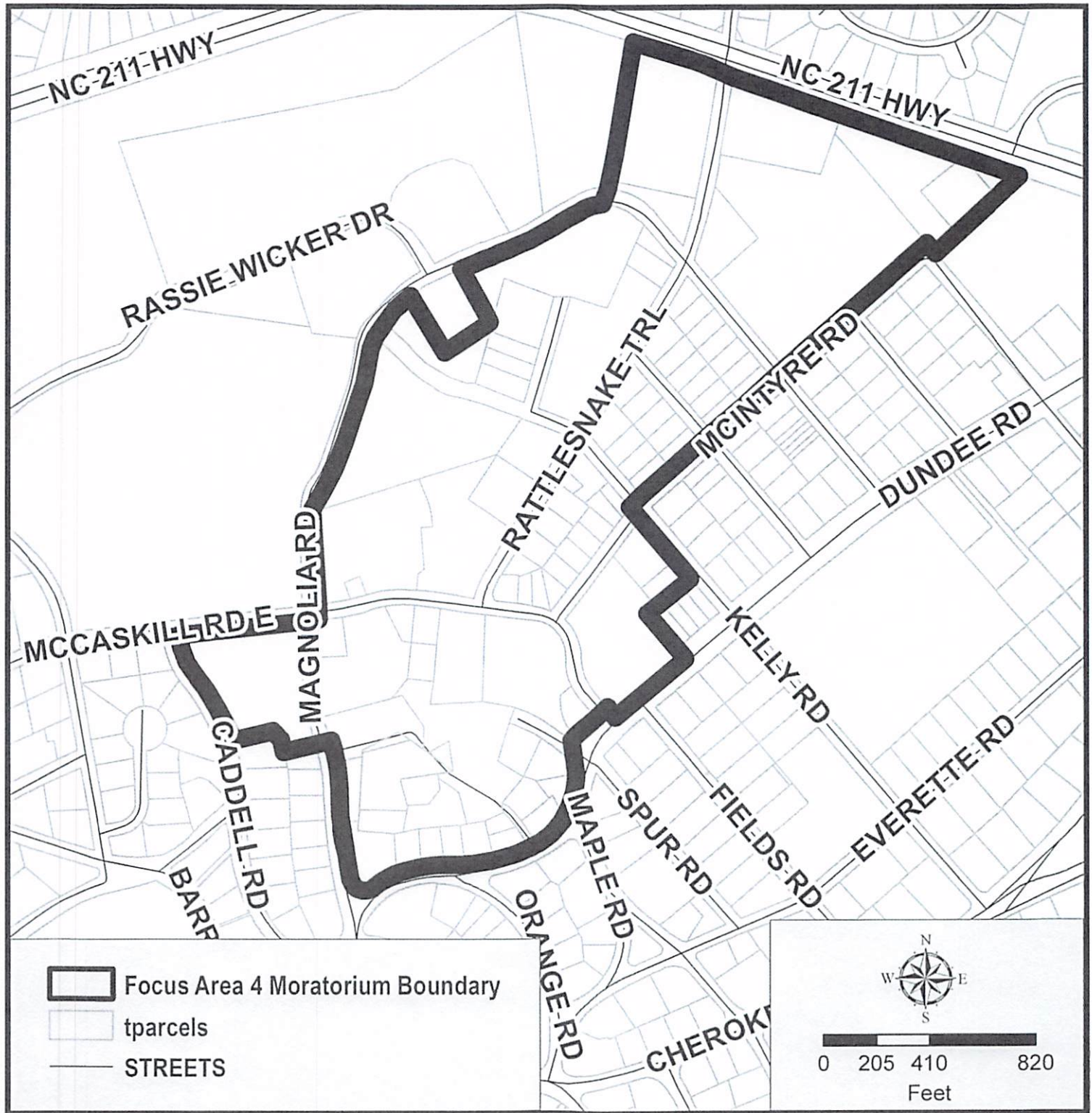


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided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



EXHIBIT B

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



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



EXHIBIT D

ORDINANCE #21-15:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



VILLAGE OF PINEHURST
VILLAGE COUNCIL

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

Attest:

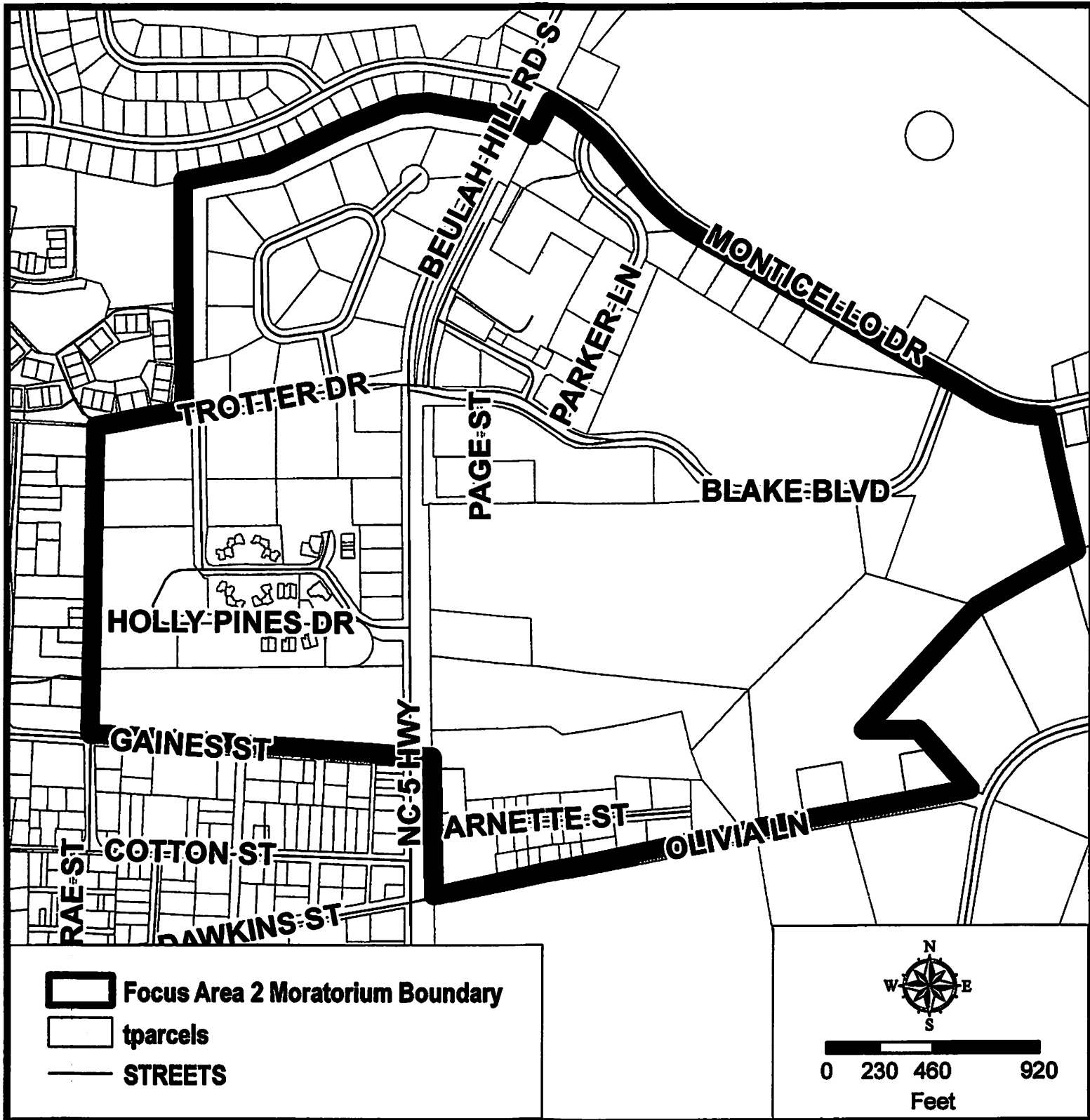
Kelly Chance
Kelly Chance, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT A

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

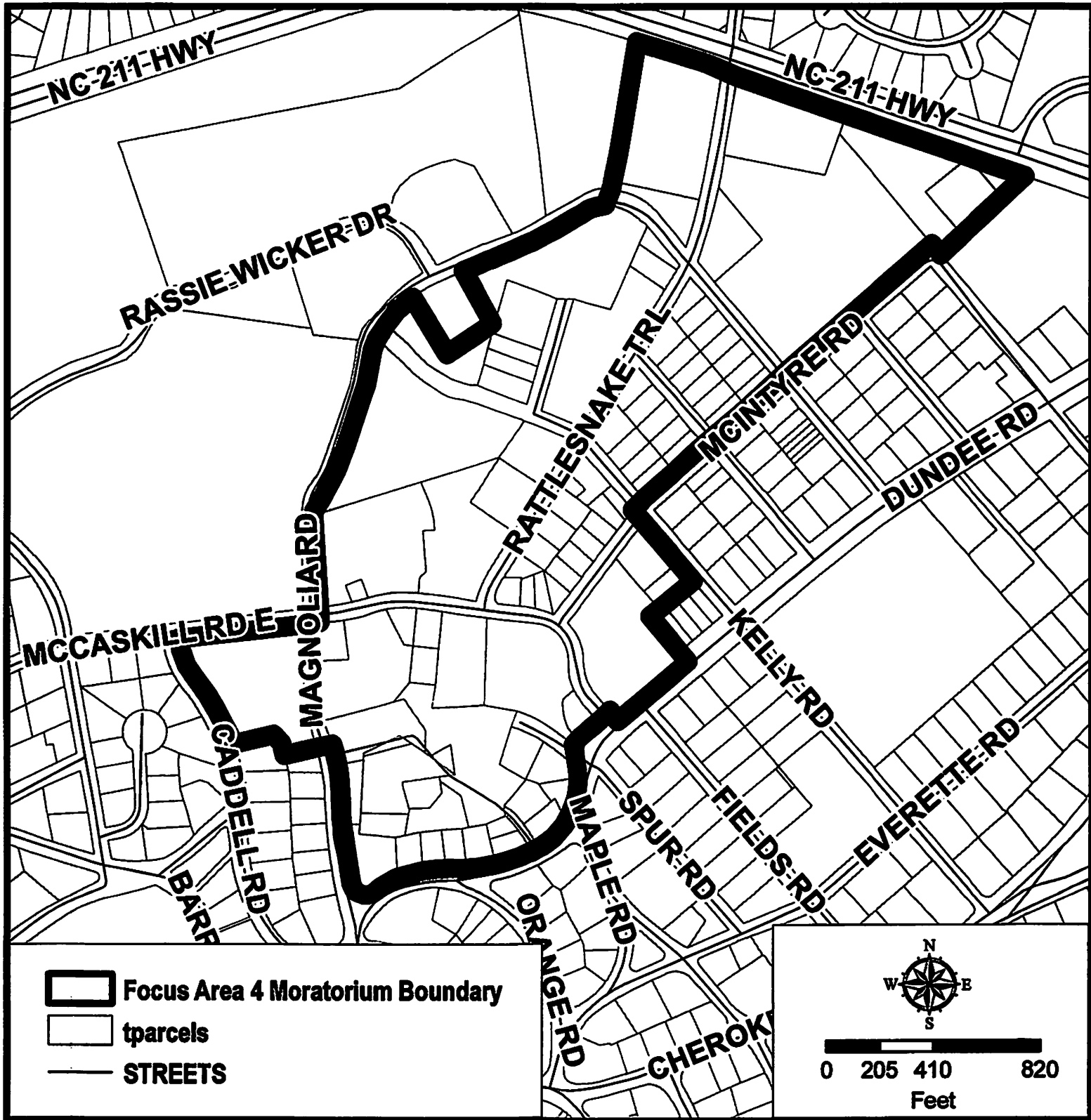


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided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



EXHIBIT C

ORDINANCE #21-03:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT: Unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; or
- b. The excavation, grading, filling, clearing, or alteration of land; or
- c. The subdivision of land as defined in NCGS 160D-802; or
- d. The initiation or substantial change in the use of land or the intensity of use of land.

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

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

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

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

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

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



Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By

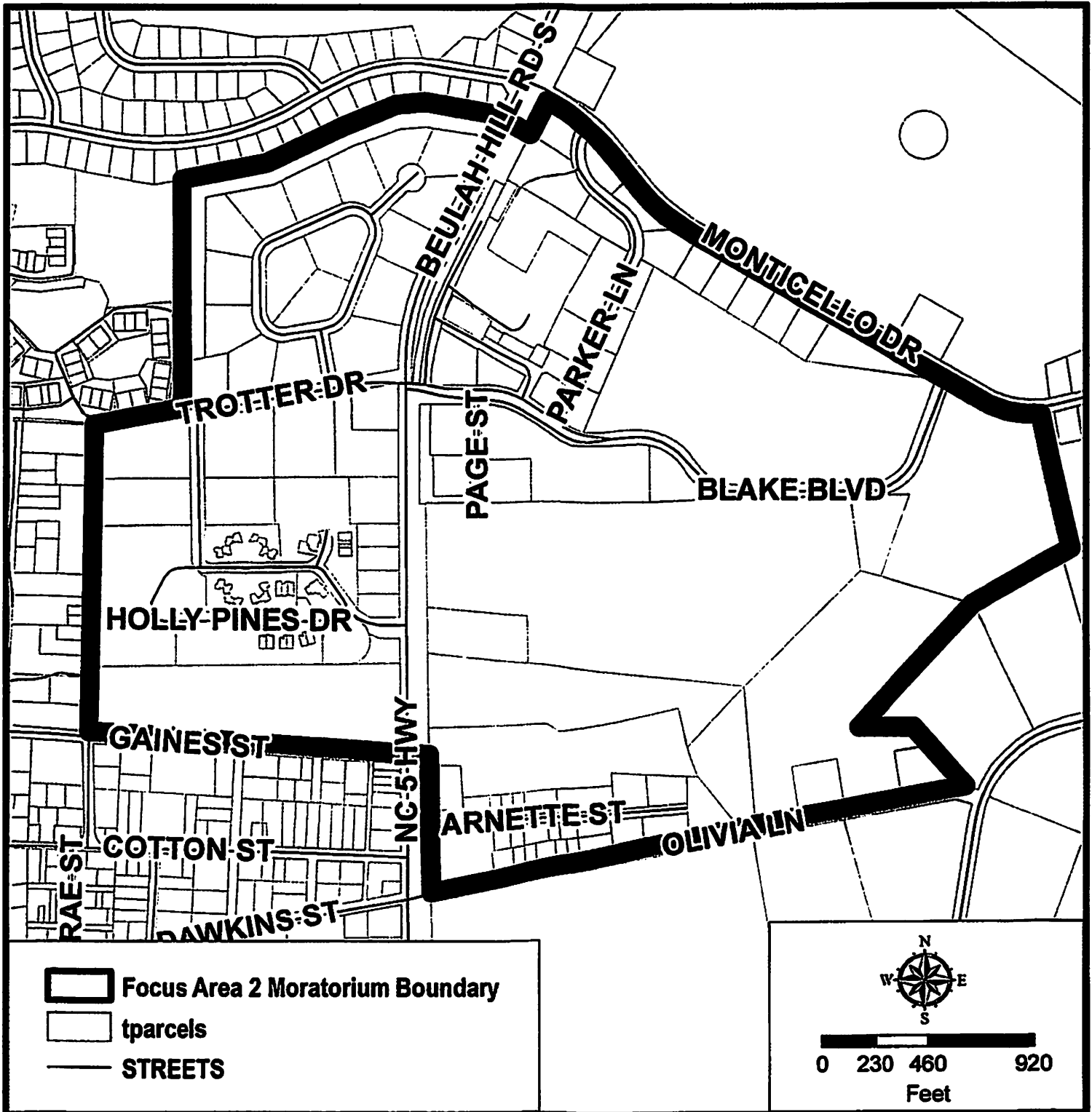

John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney

EXHIBIT A

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

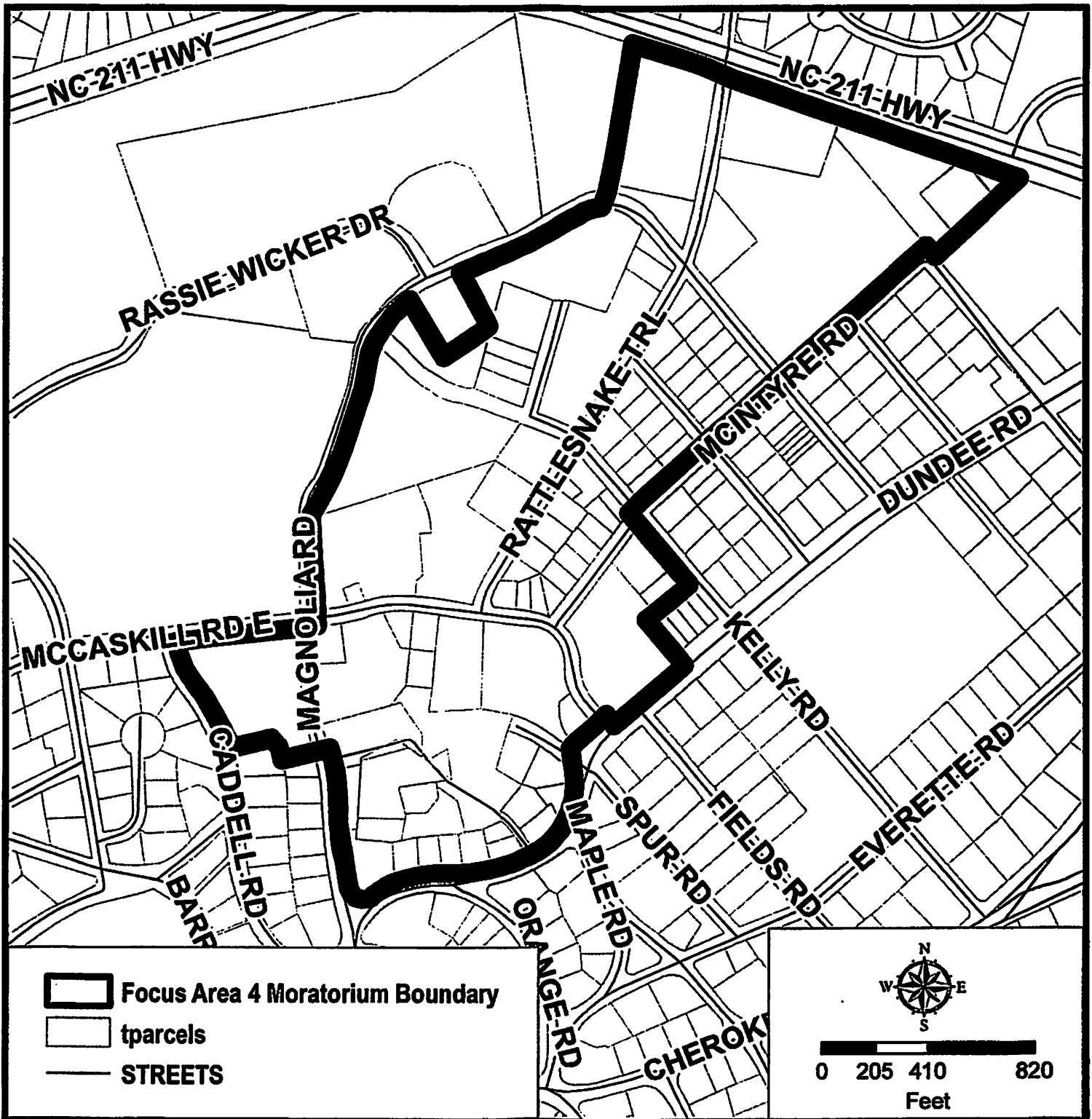


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided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



EXHIBIT B

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



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).



ORDINANCE #22-04:

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

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

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

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

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

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

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

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

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

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

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

Exhibit F

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

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

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

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

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

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney

ORDINANCE #22-14:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Attest:

Kelly Chance
Kelly Chance, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

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

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney



DISCUSS AND CONSIDER ORDINANCE #23-01, MORATORIUM EXTENSION SMALL AREA PLANS

ADDITIONAL AGENDA DETAILS:

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

ATTACHMENTS:

Description

- ▣ Ordinance #23-01 Moratorium Extension

ORDINANCE #23-01:

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

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

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

WHEREAS, the Village has extended the moratorium three times through adoption of Ordinances #21-15, #22-01, #22-04 and #22-14; and

WHEREAS, moratorium Ordinance #22-14 expires on February 3, 2023; and

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

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

WHEREAS, the Village Council, in separate actions, has approved the Small Area Plans for Village Place and Pinehurst South; and

WHEREAS, Form Based Codes and associated Pinehurst Development Ordinance amendments have not yet been fully completed or adopted for Village Place or Pinehurst South; and

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

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

WHEREAS, extending the moratorium would aid in the accomplishment of the purpose of Ordinance #21-03, #21-15, #22-01, #22-04, and #22-14, as described respectively in Exhibits C, D, E, F, and G.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 24th day of January, 2023, as follows:

Section 1. That the moratorium imposed in the area as identified in Exhibit A as “**NC Highway 5 Commercial Area Pinehurst South (Focus Area 2)**” by Ordinance #21-03 on February 10, 2021, and extended by Ordinance’s #21-15, #22-01, #22-04, and #22-14 is hereby extended for an additional *one-hundred- twenty (120)* day period from the date of expiration, thus, to expire on June 4, 2023.

Section 2. That the moratorium imposed in the area as identified in Exhibit B as “**Village Place/ Rattlesnake Trail Corridor (Focus Area 4)**” by Ordinance #21-03 on February 10, 2021, and extended by Ordinance’s #21-15, #22-01, #22-04, and #22-14 is hereby extended for an additional *ninety (90)* day period from the date of expiration, thus, to expire on May 5, 2023.

Section 3. That all sections of Ordinance #21-03, #21-15, #22-01, and #22-04, and #22-14 attached as Exhibits C, D, E, F, and G remain in full effect throughout the extension.

Section 4. That is moratorium may be terminated earlier or extended pursuant to NCGS 160D-107(e).

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

THIS ORDINANCE passed and adopted this 24th day of January 2023.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney