VILLAGE COUNCIL
AGENDA FOR WORK SESSION OF JANUARY 12, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA

IMMEDIATELY FOLLOWING THE REGULAR MEETING

1. Call to Order.
2. Review and Discuss the FY 2022 Balanced Scorecard and the FY 2022-2026 Initiative Action Plans.
3. Discuss 2021 Key Partners and Collaborators.
4. Discuss a Draft Comprehensive Plan Adoption, Amendment, & Implementation Policy.
5. Discuss a Moratorium for Small Area Plan Focus Areas.
6. Other Work Session Business.
7. Potential Future Agenda Topics.
8. Adjournment.

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.
Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative, Teamwork, and Improvement.

REVIEW AND DISCUSS THE FY 2022 BALANCED SCORECARD AND THE FY 2022-2026 INITIATIVE ACTION PLANS.

ADDITIONAL AGENDA DETAILS:

FROM:
Lauren Craig

CC:
Jeff Sanborn

DATE OF MEMO:
1/4/2020

MEMO DETAILS:
This agenda item is to review and discuss several items related to the development of the FY 2022 Strategic Operating Plan (SOP) based on Council's discussions at the December 10-11, 2020 Strategic Planning Retreat including:

1. FY 2022 Balanced Scorecard (BSC), including the recommended Areas of Focus.

The ***"FY 2022 Balanced Scorecard"*** attachment to this agenda item indicates proposed goals, strategic objectives, and key performance indicators (KPIs).

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 2022
The recommended Areas of Focus, which are highlighted in red on the FY 2022 Balanced Scorecard were selected based on:

1. VOP performance gaps (greater than or equal to 5% below benchmarks)
2. Strategic challenges identified by Council and Senior Leaders,
3. Strategic opportunities identified by Council and Senior Leaders, and/or
4. 2020 Community Survey areas for improvement (high levels of dissatisfaction >20%)

The following three (3) strategic objectives are proposed as the FY 2022 Areas of Focus:

1. Manage development to protect Village character;
2. Support the business community; and
3. Provide a safe and effective multi-modal transportation system.

2. Initiative Action Plans (IAPs) for FY 2022-2026.

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 six proposed Initiative Action Plans for the five-year planning period. These are

identified in the ***"FY 2022-2026 Initiative Action Plans"*** attachment. Initiative Action Plans are defined and measurable activities needed to address our strategic opportunities that involve a significant amount of financial and/or staff resources or have a significant community impact over the planning period.

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.

Once staff receives guidance from the Village Council on these two items at the work session, we will bring the updated documents for approval at the January 26 Regular Meeting in order to continue the development of the FY 2022 SOP. If you have any questions, please do not hesitate to let me know.

ATTACHMENTS:

Description

- FY 2022 Balanced Scorecard
- FY 2022-2026 Proposed Initiative Action Plans

Village of Pinehurst
FY 2022 Balanced Scorecard

FY 2022 Balanced Scorecard

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

	Goal We intend to…	Strategic Objective How we will…	KPI #	KPI Description How do we know…	Actual FY 20	Est FY 21	ST Goal FY 22	LT Goal FY 26
Customer	1 - Safeguard the community	Deliver effective fire and rescue services	1.1	% of residents satisfied with fire services	100%	99%	95%	95%
			1.2	% of residents satisfied with how quickly fire personnel respond to emergencies	99%	99%	95%	95%
			1.3	Fire incident rates per 1,000 residents	0.05	0.72	<0.35	<0.35
		Deliver effective police services	1.4	% of residents whose overall feeling of safety in the Village is good or excellent	100%	99%	95%	95%
			1.5	% of residents satisfied with police services	98%	95%	95%	95%
			1.6	Crime rate per 1,000 residents	27	35	<40	<40
	2 – Promote high quality development and appearance	Manage development to protect Village character AOF	2.1	% of residents satisfied with the quality of new development	83%	80%	80%	85%
			2.2	% of residents satisfied with Village efforts to maintain the quality of neighborhoods	90%	90%	90%	90%
		Enforce codes and ordinances	2.3	% of residents satisfied with the enforcement of Village codes and ordinances	86%	85%	85%	85%
		Maintain and enhance the appearance of public spaces	2.4	% of residents who rate the overall appearance of the Village as good or excellent	99%	99%	95%	95%
	3 – Promote a thriving business community	Support the business community AOF	3.1	% of businesses satisfied with the overall quality of Village services	97%	95%	95%	95%
			3.2	% of businesses likely to recommend the Village as a business location	91%	91%	90%	90%
	4 – Promote transportation mobility and connectivity	Provide a safe and effective multi-modal transportation system AOF	4.1	% of residents satisfied with the availability of walkways	71%	71%	70%	75%
			4.2	% of residents satisfied with the availability of greenway/walking trails	94%	94%	90%	90%
			4.3	# of collisions per 1,000 residents	33.8	32	40	40
		Maintain high quality streets	4.4	% of residents satisfied with the adequacy of street lighting	70%	72%	70%	70%
			4.5	% residents satisfied with street and right of way maintenance	89%	87%	85%	85%
	5 - Preserve the environment	Manage stormwater systems	5.1	% of residents satisfied with the quality of stormwater management	84%	81%	80%	85%
		Provide effective and efficient solid waste collection services	5.2	% of residents satisfied with solid waste services	96%	95%	95%	95%
		Conserve natural resources	5.3	% of residents satisfied with promotion of natural resource conservation	92%	90%	90%	90%
			5.4	% of refuse diverted from the landfill	20%	15%	20%	20%
	6 – Promote active living and cultural opportunities	Provide recreation programs and facilities	6.1	% of residents satisfied with P&R programs	99%	98%	95%	95%
			6.2	% of residents satisfied with P&R facilities	99%	97%	95%	95%
		Provide cultural services and events	6.3	% of residents satisfied with Village sponsored cultural arts events	93%	93%	90%	90%
Internal	7 - Professionally manage a high performing organization	Communicate with and engage the community	7.1	% of residents satisfied with Village communications	96%	95%	95%	95%
			7.2	% of residents satisfied with the level of public involvement in local decisions	92%	88%	85%	85%
		Provide a high level of customer service	7.3	% of residents satisfied with customer service provided by VOP staff	98%	98%	95%	95%
		Continuously improve and innovate	7.4	% of residents satisfied with the value received for taxes paid	93%	92%	90%	90%
		Maintain Village assets	7.5	% of depreciable life remaining on assets	40%	44%	40-60%	40-60%
Workforce	8 - Attract & retain an engaged workforce	Provide a supportive and rewarding work environment	8.1	% of employees who agree that overall they like their job	99%	98%	95%	95%
			8.2	% of volunteers who agree that overall they like their role	100%	99%	95%	95%
Financial	9 - Maintain a healthy financial condition	Meet or exceed established financial targets	9.1	Total General Fund fund balance as a % of actual expenditures	64%	47%	>30%	>30%
			9.2	General Fund operating margin	80%	87%	81%-91%	81%-91%
			9.3	General Fund debt service ratio	1.8%	0.7%	<10%	<10%

Items in red are Areas of Focus (AOF) based on VOP performance levels relative to benchmarks and comparisons, strategic challenges, strategic opportunities, and community survey areas for improvement.

Village of Pinehurst
Proposed FY 2022-2026 Initiative Action Plans

Proposed FY 2022-2026 Initiative Action Plans (IAPs)

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

	Goal We intend to…	Strategic Objective How we will…	Initiative Action Plans	FY22	FY23	FY24	FY25	FY 26
Customer	1 - Safeguard the community	Deliver effective fire and rescue services						
		Deliver effective police services						
	2 – Promote high quality development and appearance	Manage development to protect Village character AOF	Update the Pinehurst Development Ordinance	X	X	X		
			Small Area Plans for Village Place/Rattlesnake Trail Corridor and NC Highway 5 Commercial Area	X				
		Enforce codes and ordinances						
		Maintain and enhance the appearance of public spaces						
	3 – Promote a thriving business community	Support the business community AOF	Expand Downtown Parking Facilities	X	X			
	4 – Promote transportation mobility and connectivity	Provide a safe and effective multi-modal transportation system AOF	Develop a Consolidated Multi-Modal Transportation Plan		X	X		
		Maintain high quality streets						
	5 - Preserve the environment	Manage stormwater systems	Develop a Comprehensive Stormwater Master Plan	X				
		Provide effective and efficient solid waste collection services						
		Conserve natural resources						
	6 – Promote active living and cultural opportunities	Provide recreation programs and facilities						
		Provide cultural services and events	Expand/Enhance Library Services	X	X			
Internal	7 - Professionally manage a high performing organization	Communicate with and engage the community						
		Provide a high level of customer service						
		Continuously improve and innovate						
		Maintain Village assets						
Workforce	8 - Attract & retain an engaged workforce	Provide a supportive and rewarding work environment						
Financial	9 - Maintain a healthy financial condition	Meet or exceed established financial targets						

Items in red are Areas of Focus (AOF) based on VOP performance levels relative to benchmarks and comparisons, strategic challenges, strategic opportunities, and community survey areas for improvement.

DISCUSS 2021 KEY PARTNERS AND COLLABORATORS.

ADDITIONAL AGENDA DETAILS:

FROM:
Beth Dunn

CC:
Jeff Sanborn

DATE OF MEMO:
1/6/2021

MEMO DETAILS:
Council will discuss and affirm Council liaisons with various key partners and collaborators.

ATTACHMENTS:

	Description
🗋	2021 Draft Key Partner & Collaborator List

2021 PARTNERS AND COLLABORATORS

The term **"partners"** refers to those key organizations or individuals who are working in concert with the Village of Pinehurst to achieve a common goal or to improve performance. Partners are typically formal arrangements for a specific aim or purpose such as to achieve a strategic objective or to deliver a specific product.

The term **"collaborators"** refers to those organizations or individuals who cooperate with the Village of Pinehurst to support a particular activity or event or who cooperate on an intermittent basis when short-term goals are aligned or are the same.

Partners:	**What We Partner On:**	**Council Liaison(s):**	**Two-Way Communication Methods*:**	**Frequency of Communication:**	**Frequency of Reporting Back to Council:**
NCDOT & **TARPO** *	Regional transportation planning and improvements	Hogeman & Drum	Informal meetings	As needed	Post meetings via Council Report Item
North Carolina	Legislative Actions	Strickland & Davis	Informal meetings	As needed	
Moore County Transportation Committee	Regional transportation planning and improvements	Strickland & Drum	MCTC	As needed	
Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen) *	Regional planning and cooperative services	Drum & Davis	Work Group meetings	Quarterly	
Given Memorial Library Working Group*	Public library services	Davis	Work Group Meetings	As needed	
Partners in Progress	Economic development services	Drum & Strickland	Board meetings	Monthly	
Collaborators:	**What We Collaborate On:**	**Council Liaison(s):**	**Two-Way Communication Methods*:**	**Frequency of Communication:**	**Frequency of Reporting Back to Council:**
Pinehurst Resort*	Major golf events; Marketing and promotions	Strickland & Davis	Informal meetings	As needed	As needed
Moore County, NC *	Regional transportation planning; EMS services	Strickland & Davis	Informal meetings	As needed	As needed
Moore County Schools*	Temporary school site; P&R events/programs	Hogeman & Boesch	Informal meetings	As needed	As needed
Triangle J. COG	Inter-governmental issues and policies	Drum & Hogeman	Board meetings	Monthly	Post meetings via Council Report Item
Pinehurst Business Partners*	Business in the Village	Hogeman & Drum	Board meetings	Monthly	
Convention and Visitors Bureau	Welcome Center services; Marketing	Strickland & Boesch	Informal meetings	As needed	As needed
Chamber of Commerce	Business in the Village		Informal meetings	As needed	As needed
FirstHealth	P&R/ Health and Fitness	Strickland & Davis	Informal meetings	As needed	As needed
VOP Committees:	**What We Collaborate On:**	**Council Liaison(s):**	**Two-Way Communication Methods*:**	**Frequency of Communication:**	**Frequency of Reporting Back to Council:**
Bicycle and Pedestrian Advisory Committee	Village programs and services	Hogeman & Boesch	Regular meetings	Quarterly	As needed
Neighborhood Advisory Committee	Village programs and services	Mayor & All Councilmembers (Rotate Monthly)	Regular meetings	Monthly	As needed
Beautification Committee	Village programs and services	Boesch & Hogeman	Regular meetings	Monthly	As needed

** Denotes a **KEY** partner or collaborator*

** Communication mechanisms should be two-way and they might involve in person contact, e-mail, the internet, or telephone.*

Note: Moore County Transportation Committee Representative Requires a Resolution

DISCUSS A DRAFT COMPREHENSIVE PLAN ADOPTION, AMENDMENT, & IMPLEMENTATION POLICY.

ADDITIONAL AGENDA DETAILS:

FROM:
Natalie Hawkins & Darryn Burich

CC:
Jeff Sanborn

DATE OF MEMO:
1/7/2021

MEMO DETAILS:
At the Village Council's strategic planning retreat in December, staff indicated we would draft and present a proposed policy on how the Council may wish to ensure the Comprehensive Plan document remains relevant and aligned to the annual Strategic Operating Plan.

Attached to this agenda item is a draft policy that defines the systematic and transparent process whereby the Village Council may amend its Comprehensive Plan from time to time to address changing conditions.

Staff look forward to discussing this with you in your work session on January 12th.

ATTACHMENTS:

	Description
🗋	DRAFT Comprehensive Plan Adoption, Amendment, and Implementation Policy

	VILLAGE OF PINEHURST **VILLAGE COUNCIL POLICY**

SUBJECT:	**Comprehensive Plan Adoption, Amendment, and Implementation**	Effective:
Department:	Planning	Policy No.:
Prepared by:	Darryn Burich, Planning & Inspections Director	Revised:
Approved by:	Village Council	# of Pages:

PURPOSE:

The purpose of this policy is to define the systematic and transparent process whereby the Village Council will adopt and amend its Comprehensive Plan to manage future growth in the community.

POLICY:

A Comprehensive Plan is intended to guide coordinated, efficient, and orderly development within the planning & development regulation jurisdiction based on an analysis of present and future community needs.

In accordance with NCGS 160D-501(a), the Village's process for adopting and amending the Comprehensive Plan shall include opportunities for citizen engagement. In order to adequately guide future growth, the Comprehensive Plan must be reasonably up to date and may be amended from time to time.

The adopted Comprehensive Plan is advisory in nature, which means other development regulations can be adopted and amended that are inconsistent with the adopted plan.

PROCEDURES:

The Village Council will periodically update the Comprehensive Plan to avoid disparities between the Comprehensive Plan, market & economic realities, and existing conditions.

<u>Comprehensive Updates</u>
To ensure the Village's Comprehensive Plan is reasonably up to date, the Village Council will prepare and adopt a comprehensive update to the Village's Comprehensive Plan every 8-10 years. This includes a complete and thorough review and update of the

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entire plan document based on reviews of existing conditions and extensive community engagement and input.

Biennial Review

Every 2 years, in an odd numbered year, the Village Council will review the Comprehensive Plan for any discrepancies between significant plan components and existing conditions to determine if an amendment is needed. Significant plan components include the following elements of the Comprehensive Plan:

- Vision Statement
- List of Guiding Principles or their definitions
- Top 10 Strategic Opportunities
- Conservation and Growth Map and Land Use Descriptions
- Focus Area Boundaries or Scenario Plan Land Use Map

Should the Village Council determine any of the significant components need to be amended, the Village will seek public input on proposed amendment beyonds the public hearing required by NCGS.

Annual Implementation Updates

Every year in December, the Village Council will review the status of the Comprehensive Plan Implementation Strategies in their annual strategic planning retreat. Comprehensive Plan Implementation Strategies may be modified or amended annually.

After approval of the annual SOP by the Village Council in June, Village staff will update the Implementation Matrix component of the Comprehensive Plan to reflect those strategies included in the SOP. This implementation update shall occur between the adoption of the Strategic Operating Plan each June and the Village Council's strategic planning retreat each November.

Other Updates

The Village Council may also consider Comprehensive Plan amendments outside of the regularly scheduled Comprehensive Plan updates when the following triggering events occur:

- Changes in legal and/or regulatory requirements.
- Related plans adopted by the Village Council, including but not limited to, small area plans, neighborhood plans, hazard-mitigation plans, transportation plans, housing pans, and recreation or open space plans.
- Significant market changes or new information that create a demonstrated need to adjust the Plan.
- Creation of a previously non-existent land use category.

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In the event that a proposed amendment to the Village's zoning map or Pinehurst Development Ordinance is inconsistent with the Comprehensive Plan, the Village Council should amend the Comprehensive Plan prior to or concurrent with approval of any such amendments.

Comprehensive Plan amendments may be initiated by a member of the public, Village staff, or a quorum of the Village Council. A member of the public requesting an amendment must submit a completed application and fees indicated on the Village's Adopted Fees & Charges Schedule.

The Village Council will hold one or more public hearings for any and all Comprehensive Plan amendments under consideration. If a proposed amendment affects any of the following items, a more extensive public engagement process will be conducted to obtain broad community input on the proposed amendment:

- Vision Statement
- List of Guiding Principles or their definitions
- Top 10 Strategic Opportunities
- Conservation and Growth Map and Land Use Descriptions
- Focus Area Boundaries or Scenario Plan Land Use

The Village Council will evaluate proposed amendments to the Comprehensive Plan using the following criteria:

- Extent to which the amendment aids to promote, enhance, and sustain the quality of life for residents, businesses, and visitors
- Extent to which the existing Comprehensive Plan policies are still relevant, given existing market, economic, or demographic conditions
- Compatibility with neighboring land uses and surrounding neighborhoods
- Impact on regulations contained in regulatory documents, including but not limited to the Pinehurst Development Ordinance or Engineering Specifications & Standards Manual
- Impact on the existing annual Strategic Operating Plan
- Extent to which demographic and socioeconomic changes have occurred or are projected to occur (e.g. population growth, employment growth, development, and conversion of land)
- Ability of the Village and/or other service providers (i.e. schools, water and/or sewer purveyors) to provide adequate public services and facilities
- Anticipated environmental impact

After evaluating amendments by these criteria, the Village Council may adopt an Ordinance to amend the Comprehensive Plan.

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Approved by:

John C. Strickland, Mayor	Date
Resolution # 21-	
Village Council, Resolution	Date

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DISCUSS A MORATORIUM FOR SMALL AREA PLAN FOCUS AREAS.

ADDITIONAL AGENDA DETAILS:

FROM:
Natalie Hawkins & Darryn Burich

CC:
Jeff Sanborn

DATE OF MEMO:
1/7/2021

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

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

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

Staff have attached the following documents to this agenda item:

1. Staff memo - This provides additional information about the proposed moratorium
2. Draft moratorium ordinance - This represents suggested language for an ordinance to adopt a temporary (9-month) moratorium
3. Exhibits A & B - These indicate the boundary areas of the proposed moratorium
4. NCGS 160D-107 - These are the statutes that provide local governments with the authority to implement a moratorium. While these statutes became effective January 1, 2021, municipalities have long held the authority to implement a moratorium (previously under NCGS 160A-381).

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

ATTACHMENTS:

Description

- Staff Memo
- DRAFT Moratorium Ordinance
- Exhibit A - Moratorium Boundary Map -NC Hwy 5 Commercial Area

- Exhibit B - Moratorium Boundary Map - Village Place/Rattlesnake Trail Corridor
- NCGS 160D-107

MEMORANDUM

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

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

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

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

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

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

Exclusions/Exceptions

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

1. Any project for which a valid building permit issued is outstanding,
2. Any project for which a special use permit application has been accepted as complete,
3. Development set forth in a site-specific or phased vesting plan
4. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or
5. Preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

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

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

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

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

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ORDINANCE #21-__:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect for an initial period of nine months from the date of adoption, which is the estimated time necessary for the Village of Pinehurst to complete and adopt the Small Area Plans and the related zoning and development standards. The Village Council, consistent with the requirements of NCGS 160D-107(e) may renew this moratorium or extend its duration with two (2) separate and consecutive periods of extension of ninety (90) days each, which shall be effective upon Council approval. The Village Council may terminate this moratorium earlier by action of the Village Council.

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

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

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

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

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

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

1. Existing single-family residential uses,
2. Any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding,
3. Any project for which a special use permit application has been accepted as complete,
4. Development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108,
5. Development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or
6. Preliminary or final subdivision plats that have been accepted for review prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

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

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THIS ORDINANCE passed and adopted this __th day of _____, 2021.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

_____
Beth Dunn, Village Clerk

Approved as to Form:

_____
Michael J. Newman, Village Attorney

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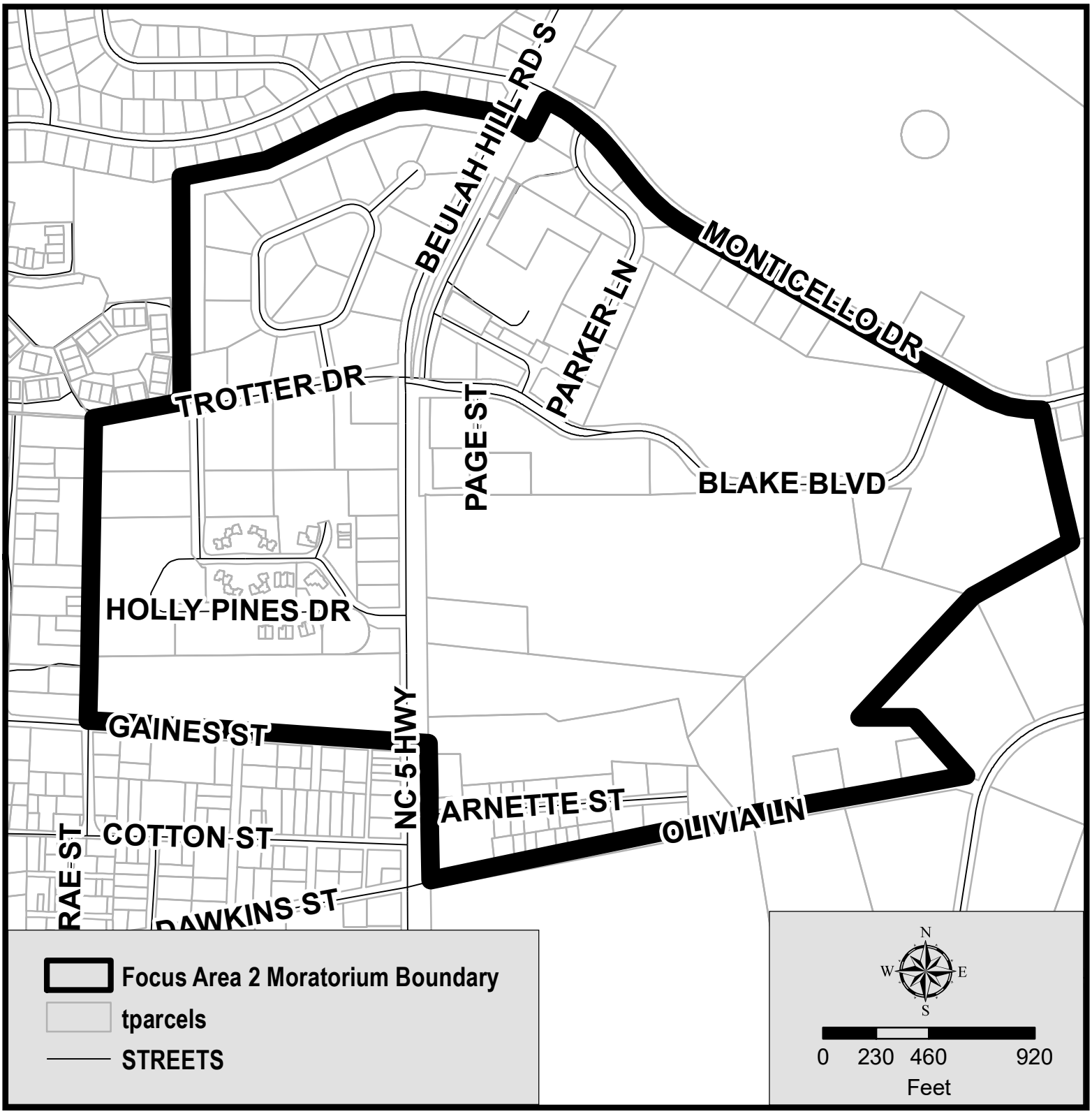
EXHIBIT A

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

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

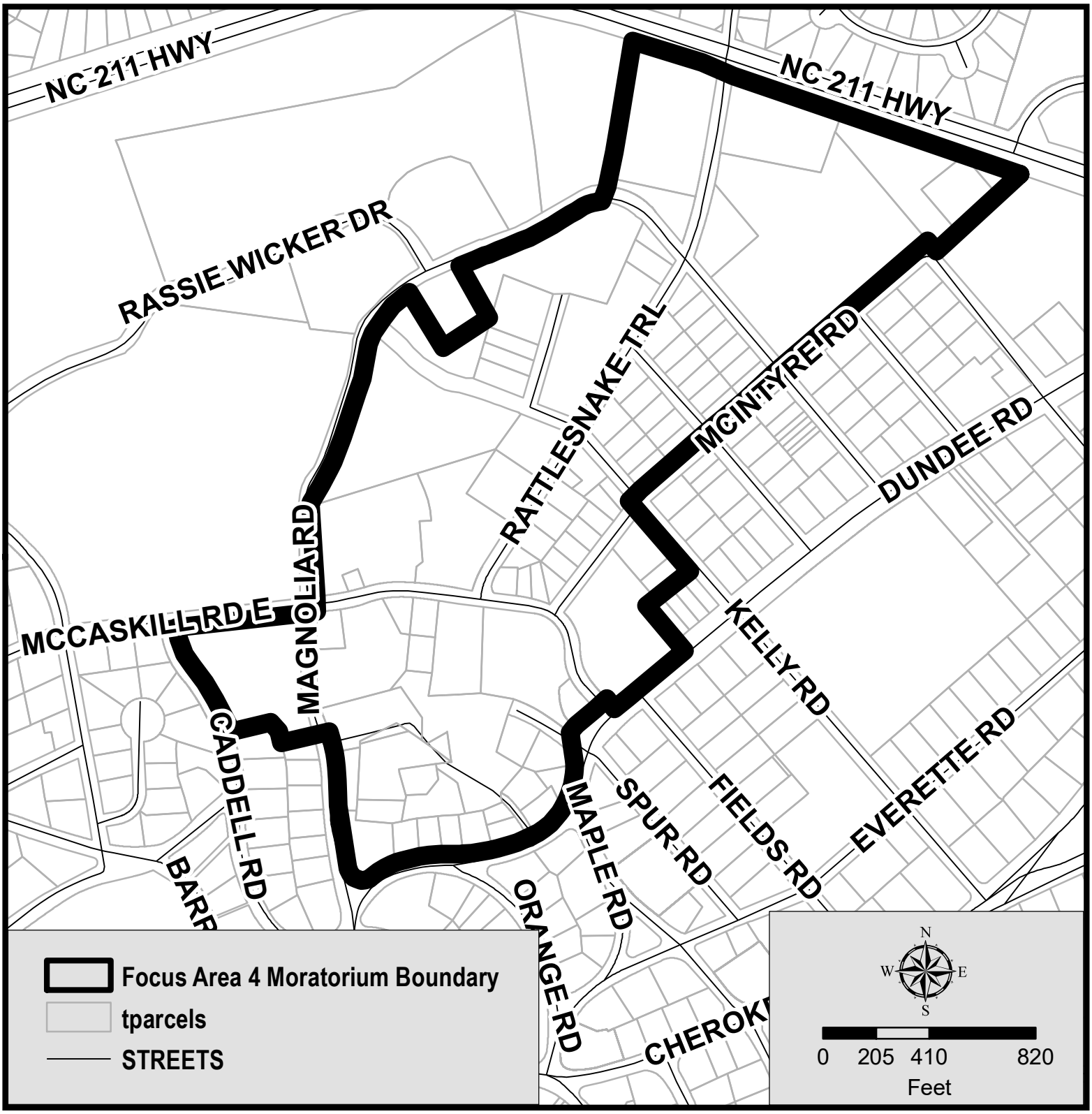


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided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

EXHIBIT B

Village of Pinehurst Small Area Plan Interim Zoning Moratorium

Village Place/Rattlesnake Trail Corridor (Focus Area 4)



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

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

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

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

(c) Exempt Projects. - Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) shall be applicable when permit processing resumes.

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

(1) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.

(2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

(3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

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

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

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