

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.



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