

ORDINANCE NO. 2022-0608

**AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH
CAROLINA ADOPTING A DEVELOPMENT MORATORIUM APPLICABLE
TO CERTAIN PROPERTY LOCATED IN COMMERCIAL DISTRICTS**

WHEREAS, pursuant to G.S. 160D-107(a), the Village of Bald Head Island (the “Village”) may adopt temporary moratoriums on any approval of development required by law within its territorial jurisdiction;

WHEREAS, the Village is experiencing significant population growth and increased numbers of non-resident property owners and long-term visitors spending extended periods on the island;

WHEREAS, as a result of these increased numbers, commercial development on the island is surging;

WHEREAS, there is a limited amount of property on the island that is zoned for commercial use and/or that is not otherwise restricted by applicable private covenants and restrictions;

WHEREAS, the Village is currently participating in the Blueprint Brunswick 2040 planning process begun in 2020 through which Brunswick County and six municipalities located within the County, including the Village, will approve and adopt comprehensive plans to meet the requirements of Chapter 160D of the North Carolina General Statutes;

WHEREAS, on June 17, 2022, the Village Council was presented with the Blueprint Brunswick 2040 consultants’ draft plan for the Village;

WHEREAS, on June 17, 2022, the Village Council voted to provisionally accept the consultants’ draft plan for the Village with the expectation that additional edits may be made between that time and the final presentation to reflect input from Village stakeholders;

WHEREAS, the final Blueprint Brunswick 2040 plan is expected to be formally presented to the Village for approval by August 31, 2022.

WHEREAS, recommended policies and action steps for the Village in the current draft Blueprint Brunswick 2040 plan include the following:

- “Develop clearer design standards and landscaping/screening requirements for new development, particularly commercial buildings and parking lots.”
- “Conduct build-out analysis of island to determine future needs and allocation policies. This should take into consideration existing development rights, vacation rental uses, desired commercial development.”

- “Prepare small area plan concepts for commercial nodes . . . to maximize land utilization and establish positive relationships to surrounding neighborhoods and environmental features.”
- “Clarify the rules that control new development: Update the Village Zoning Ordinance to clarify the screening requirements for new development, especially commercial buildings and parking lots; evaluate potential additions to permitted nonresidential uses in some zoning districts to meet the changing needs of the island.”

WHEREAS, once the final Blueprint Brunswick 2040 plan is presented to the Village it must go to the Planning Board for consideration and recommendation and then to the Village Council where a public hearing must be held for final adoption;

WHEREAS, the Village is in the process of engaging a professional land use planner to assist with the development of commercial design guidelines and small area plans for some or all of the commercial districts on the island as recommended in the Village portion of the Blueprint Brunswick 2040 draft plan and expects to agree to a final scope of services with the selected land use planner by August 31, 2022;

WHEREAS, allowing commercial development to proceed on the limited remaining stock of undisturbed property located within a commercial district prior to final adoption of the Blueprint Brunswick 2040 plan and consideration of the recommendations made therein is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the final adopted plan’s goals, standards, and guidelines;

WHEREAS, attempting to rezone portions of the island to increase the commercial districts available for development after adoption of the Blueprint Brunswick 2040 plan is an inadequate alternative to a moratorium because it may result in development and land uses that are incompatible and incongruous with the final adopted plan’s goals, standards, and guidelines for residential areas of the island and because of the existence of private covenants and restrictions that limit the use of such land to residential development even if rezoned for commercial use;

WHEREAS, the goals, standards, and guidelines to be outlined in the Village’s portion of the Blueprint Brunswick 2040 plan will be best achieved if all development within the in the Moratorium Area (as defined below) is temporarily halted, at least, until the final Blueprint Brunswick 2040 plan is adopted and a land use planner fully engaged to study and recommend commercial design guidelines and small area plans for certain commercial districts on the island consistent therewith;

WHEREAS, in accordance with the provisions of G.S. 160D-107, the Village Council does hereby find and determine that this moratorium is necessary to promote consistent and reasoned development of the island, preserve island aesthetics, protect limited island resources, and further the zoning goals of the Village as expected to be expressed in the Blueprint Brunswick 2040 plan, by maintaining the status quo in the Moratorium Area.

WHEREAS, it is the further purpose of this Ordinance to promote the health, safety, and general welfare of the Village, specifically within the Moratorium Area, by ensuring the provision of safe and reliable public safety services in the face of increased development, by providing for environmentally sound development, by preventing the overcrowding of land, and by facilitating the adequate provision of transportation, water, sewer, and other public services necessary for the orderly growth, expansion and development of the island.

NOW, THEREFORE, BE IT ORDAINED, by the Village of Bald Head Island, North Carolina, as follows:

Section 1: Definitions.

1. *Development*. The term “Development” shall have the meaning given to it in G.S. 160D-102(12), as follows:
 - a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - b. The excavation, grading, filling, clearing, or alteration of land.
 - c. The subdivision of land as defined in G.S. 160D-802.
 - d. The initiation or substantial change in the use of land or the intensity of use of land.
2. *Moratorium Area*. The term “Moratorium Area” shall mean all undisturbed property within the Village’s jurisdictional boundaries that is zoned for commercial use as of the date of adoption of this Ordinance, subject to the exemptions set out in G.S. 160D-107(c) and Section 4 below. Such Moratorium Area is further shown on the maps attached as Exhibit A.

Section 2: Moratorium. From and after the effective date of this Ordinance and continuing throughout its duration, no Development shall occur in the designated Moratorium Area, subject to the exemptions set out in G.S. 160D-107(c) and Section 5 below.

Section 3: Duration. This Ordinance shall be effective and enforceable from the date of adoption and shall continue in full force and effect in the Moratorium Area for an initial period of 60 days from the date of adoption, which time is reasonably estimated as necessary for the final Blueprint Brunswick 2040 plan to be presented to the Village for consideration and for the Village to engage a land use planner and agree to the scope of services for the development of commercial design guidelines and small area plans for some or all of the commercial districts on the island. The Village Council may extend the duration of this moratorium, as necessary and consistent with the requirements of G.S. 160D-107, including to ensure adequate time to adopt the final Blueprint Brunswick 2040 plan once presented and/or to allow for adequate time to complete the scope of services agreed upon with the Village’s selected land use planner. The Village Council may terminate or modify this moratorium earlier upon its own action.

Section 4: Actions During Moratorium. During the initial term of this moratorium the Village shall continue to work with Brunswick County and its consultant to complete the Village portion of the Blueprint Brunswick 2040 plan. The Village shall further work to engage a land use

planner and define the scope of such engagement relative to developing commercial design guidelines and commercial district small areas plans for the island. While an exact schedule for these actions is difficult to set out, it is anticipated that they may be completed during the initial 60-day period set out above.

Section 5: Additional Exemptions. In addition to the exemptions set out in G.S. 160D-107(c), this moratorium does not apply to Development conducted by a public utility or public agency in the furtherance of public interest or to Development for which it can be conclusively demonstrated to the Village Council that the health, safety, and welfare of the public requires that the moratorium be waived with regard to that specific project.

Section 6: Enforcement. If any person, firm, corporation, organization or association shall violate or attempt to violate the terms of this Ordinance the Village zoning official, or his designee, may enforce its terms by any means available pursuant to G.S. 160D-404.

Section 7: Effective Date. This Ordinance shall become effective upon adoption.

Passed and adopted by the Village Council this the 30th day of June, 2022.

BY: 

PETER QUINN, Mayor

ATTEST:



DARCY SPERRY, Village Clerk



BHI Commercial Parcels

Exhibit "A" - Cape Fear Station PUD Land

26500062 2.0 ac.

 Unimproved Parcel(s)

 Improved Parcel(s)




2.0 ac.



BHI Commercial Parcels

Exhibit "A" - Marina/Park Land

260JA001	1.85 ac.
260JA006	1.10 ac.
260JA00701	1.25 ac.
2601B065	0.078 ac.

-  Village Marina Park Land
-  Unimproved Parcel(s)
-  Improved Parcel(s)



BHI Commercial Parcels

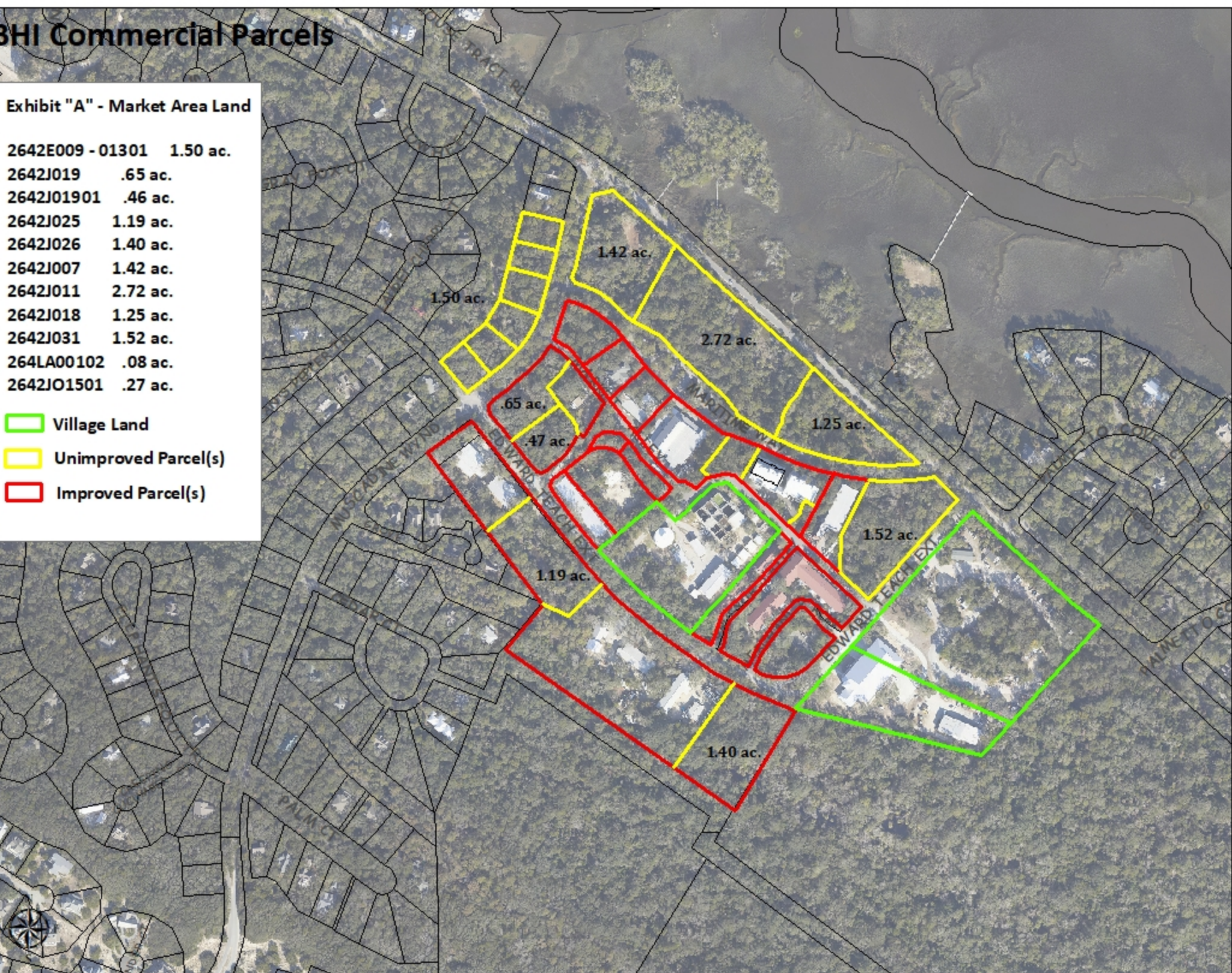
Exhibit "A" - Market Area Land

2642E009 - 01301	1.50 ac.
2642J019	.65 ac.
2642J01901	.46 ac.
2642J025	1.19 ac.
2642J026	1.40 ac.
2642J007	1.42 ac.
2642J011	2.72 ac.
2642J018	1.25 ac.
2642J031	1.52 ac.
264LA00102	.08 ac.
2642JO1501	.27 ac.

 Village Land

 Unimproved Parcel(s)

 Improved Parcel(s)



BHI Commercial Parcels

Exhibit "A" - Old Baldy/Historic District Land

2600000516 .81 ac.
2600000518 1.32 ac.

-  Village Land
-  Unimproved Parcel(s)
-  Improved Parcel(s)

