



AGENDA

Thursday, July 18, 2024: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

3. PUBLIC HEARINGS

a. Z-03-24 Moore Montessori Conditional Zoning District

Katherine Rucker of Moore Montessori Community School, Inc, has submitted a request to rezone the properties from Facilities, Resources, and Recreation (FRR) and Residential Single-Family (RS-3) to Residential Single-Family (RS-1) Conditional Zoning District to allow a public multipurpose facility/event venue, educational services, and child day care.

b. PD-03-24 Ace Hardware Phase 2 & 3A PDP

Mr. Bob Koontz, on behalf of Southern Pines Ace Land Company, LLC, has submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for 32,650 square feet of Retail, Office, and Warehouse space on 13.4 total acres of land on parcels identified as PIN 857300963887 (PARID 00033603) and PIN 857300974451 (PARID 00033604).

c. OA-04-24 Landscaping & Tree Protection Amendments

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments primarily related to tree protection procedures, open space standards, and landscaping code. The proposed amendments are an implementation of Policies 3.2, 3.8, 4.1, 4.45, 4.5, 4.7, 4.9, and 4.10 in the town's 2040 Comprehensive Plan.

4. UNFINISHED BUSINESS

5. NEW BUSINESS

6. PUBLIC COMMENTS

7. ADJOURNMENT

Agenda Item

To: Planning Board

Via: BJ Grieve, Planning Director

From: Alaina Mallette, Senior Planner
Mason Mattox, Planner I

Subject: Z-03-24: Request for an RS-1 Conditional Zoning District located at 255 South May Street.

Date: July 18, 2024

I. SUMMARY OF APPLICATION REQUEST

Katherine Rucker of Moore Montessori Community School, Inc, has submitted a request to rezone the properties from Facilities, Resources, and Recreation (FRR) and Residential Single-Family (RS-3) to Residential Single-Family (RS-1) Conditional Zoning District to allow a public multipurpose facility/event venue, expand educational services from the current elementary school to include nursery or preschool and middle school, and add child day care. Some of the additional conditions submitted by the applicant with the initial rezoning application include limitations on building architecture, hours of operation, parking, landscaping, signage, site access, and site lighting. The application includes a narrative and property survey. The subject parcels are identified as PINs 858110360954, 858110362668, 858110362590, 858110364563, 858110364685, 858110365565, 858110366266, 858110367340, 858100367487 (PARID 36865, 39178, 39168, 39769, 39770, 39176, 991759, 31532, 94000217) totaling 10.96 acres. The parcels are located between S May St and S Weymouth Rd, between E Massachusetts Ave and E New York Ave.

II. PROJECT INFORMATION

A. Physical Address

225 S May St
Southern Pines, NC 28387
Parcel ID: 00036865
(PIN 858110360954)

B. Applicant and Property Owner

Moore Montessori Community School,
INC
387 W Pennsylvania Ave
Southern Pines, NC 28387

C. Existing Zoning

The majority of the subject property is zoned Facilities Resources Recreation (FRR) with a small portion zoned Residential Single-Family (RS-3). See Figure 1 below. The FRR zoning designation was historically applied to schools and other civic land uses that were established prior to the adoption of zoning regulations. Moore Montessori Community School acquired the subject property from Moore County Schools in 2021.

The property is also within the Watershed Protection Overlay District (specifically, the Protected Area).

D. 2040 Comprehensive Plan Designation for General Framework, Conservation and Development, and Character Districts

General Framework

The parcels are located in an “Area to Enhance” designation, which is meant to promote infill development/redevelopment through “precise, tactical” changes. These changes should be “sensitive” to adjacent properties within neighborhoods, and should “provide jobs and services for those nearby residents and the larger community.”

Conservation and Development/Character District

The area is located in the “Neighborhood Conservation and Development” area and the “Neighborhood Character” district, which seek to establish limited “civic or neighborhood-supporting non-residential uses.”

Figure 1 Vicinity Zoning Map



III. STAFF REVIEW

1. Application Review Dates

Application Submitted: **June 10, 2024**

Application Determined Complete: **June 17, 2024**

TRC Review: **June 18, June 25, and July 9, 2024**

Planning Staff Site Visit: **June 25, 2024**

Request For More Information (Attachment 8): **June 26, 2024**

Staff Follow-Up Call Requesting More Information: **July 8, 2024**

Staff-Drafted Alternative Conditions Provided to Applicant (See Attachment 4):

July 10, 2024

Applicant's Revised Alternative Conditions Received (Attachment 5): July 11, 2024

Planning Board Public Hearing Notice

Publication: **July 3 and July 10, 2024**

Mail: **June 28, 2024**

Signage: **June 28, 2024**

Internet: **June 27, 2024**

Planning Board Regular Meeting: **July 18, 2024**

2. Staff Consistency Evaluation Based on Criteria for the Rezoning of Subject Parcel for Zoning Map Amendment Review per UDO § 2.17.9

When reviewing an application for zoning, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.9 and outlined below. Furthermore, additional standards are expected of a conditional zoning district—a reclassification of property subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties—such as the one being proposed by the applicant. Conditional zoning is voluntary.

*(A) **Consistency.** Rezoning shall be consistent with the adopted Comprehensive Plan.*

Consistency with Policy 6.1, Identify New or Expanded Community Facilities Needed to Serve Future Residents When Reviewing Major Development Applications. This policy advises decision makers to consider future year needs when reviewing development applications. The community growth projections for the 2022 to 2040 horizon consider the addition of 8,175 people to the Southern Pines community. With this growth, the community can anticipate a need to supporting infrastructure, such as schools, daycares, and multipurpose facilities.

The policy continues to recommend that “(re)development of a property affords the opportunity to make new street connections that lowers congestion on nearby roads,” and that “the town should ask development applicants to consider some of these needs in their site concept plans.” Town Staff have asked the applicant to provide some clarity on how they anticipate managing traffic congestion and blocked driveways during peak drop off and pick up times based on the proposed

mix of land uses, but the Applicant opted to not include this information with the application.

Consistency with Policy 8.2, Protect Strategic Mobility Corridors in the Community. This policy states that May Street, as a mobility corridor, must be protected and even enhanced to ensure safe and efficient transportation movements, especially considering the projected growth expected within the Town. To do so, the policy encourages better access management and design standards related to ingress/egress to sites and circulation around and through sites. No traffic or operational plan was submitted as part of the application, but the Applicant did suggest a condition that states that site access will remain at the current locations and that no additional points of ingress or egress shall be provided (see North Carolina Department of Transportation Agency Comment for additional comments regarding impacts to May Street in Attachment 7).

Consistency with the 2040 Comprehensive Plan Maps. See Table 1 for details.

Table 1. 2040 Comprehensive Plan Designations and Staff Comments

2040 Comprehensive Plan Map	Designation	Staff Comments on Consistency
General Framework Map	Area to Enhance	• Consistent with call for services for nearby residents and the larger community • Applicant has not addressed mitigation of potential adverse impacts on adjacent properties within the neighborhood that may result from the proposed mix of land uses.
Conservation and Development Map	Neighborhood	• Consistent with call for neighborhoods to be primarily residential in nature, but may include limited civic (e.g., church, school, or small community center) or neighborhood-supporting non-residential uses
Character Districts Map: Main Classroom Building, Gymnasium, Day Care Building, and Auditorium	Downtown Adjacent Neighborhood	• Consistent with call for one- to three- story institutional (e.g., schools) buildings as encouraged non-residential land uses
Character Districts Map: Voss Building, Basketball Court, and Play Field	Rest of Campus: The Hamlets	• Consistent with call for one- to three- story institutional (e.g., schools) buildings as encouraged non-residential land uses

(B) In summary, considering the projected community growth, the proposed land uses would provide supporting infrastructure and is, generally, consistent with the relevant maps. However, the application is lacking additional information about mitigating some reasonably foreseeable adverse impacts on adjacent properties

resulting from the proposed mix of land uses. ***Adverse Impacts on Neighboring Lands.*** *The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.*

As required per UDO 2.17.4, planning staff consulted with the Technical Review Committee (TRC) and prepared a list of reasonably foreseeable adverse impacts on neighboring lands resulting from the proposed mix of land uses and provided them to the Applicant on June 26, 2024 (see Attachment 8). The Applicant has not submitted any supplemental documentation addressing either the likelihood of these adverse impacts and/or possible mitigation of these adverse impacts. The reasonably foreseeable adverse impacts include:

- Potential negative traffic-related impacts during peak hours, such as stacking of cars during drop-off and pick-up times for both daycares and schools in the morning and afternoon, especially considering the proximity to other adjacent schools that also have carlines stacking in the morning and afternoon;
 - When the property was a part of the public education system, a busing system dropped children off at different access points around the campus, whereas now most children arrive by car and must past through a single carline or cross E Massachusetts Avenue from S Ridge Street;
 - Complaints have been received by the Town regarding the carline stacking in front of residents' driveways along S Ridge Street (as shown on the marked-up survey in Attachment 6);
- Potential negative parking-related impacts on Sundays when adjacent religious institutions hold services if the Moore Montessori Community School rents the auditorium, gymnasium, and/or play field for an event or events that attract a large audience (for context, the auditorium has a capacity for 500 people);
- Potential negative parking-related impacts if the auditorium, gym, field and various daycare and educational functions are operating at the same time;

As part of Planning staff's routine site visit, Planning asked the applicant about their operations, impacts on traffic generated by the campus, and parking demand based on proposed and existing uses. The Applicant shared their operational plan on a typical school day as well as their traffic control plan, which staff noted and included in alternative conditions for the conditional zoning district that were provided to the applicant on July 9, 2024. Considering the lack of supplemental materials provided by the applicant, Planning staff are not able to confidently state that potential adverse impacts on neighboring lands will be mitigated. Staff drafted alternative conditions to those initially submitted by the applicant based on additional context provided during the on-site, in-person visit that will address each

impact. These alternative conditions were provided to the applicant for their consideration. However, the applicant did not find staff's alternative conditions acceptable and responded with a modified version of staff's conditions. Unfortunately, planning staff do not feel that the applicant's revised version of staff's alternative conditions address reasonably foreseeable impacts associated with the proposed mix of land uses. It is important to note that all conditions of a Conditional Zoning District must be voluntarily accepted by the Applicant per NCGS §160D-703(b).

(C) Suitability as Presently Zoned. *The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*

As presently zoned, all land uses permitted in FRR are permitted on the parcel, including, but not limited to, public multipurpose facilities and recreational parks as by-right land uses. Elementary schools and middle schools are permitted by conditional zoning district, and day cares and preschools are not permitted at all. Moore Montessori Community School acquired the property in 2021 from Moore County Board of Education (i.e., public school system), which operated as a public elementary school without day care. To the best of planning staff's knowledge and research, Southern Pines Elementary did not include preschool or middle school programs, nor did Southern Pines Elementary rent the multipurpose facilities (auditorium, gymnasium, play field) to the general public. Therefore, only the current charter school, Moore Montessori Community School, and its associated elementary school and multipurpose facilities (i.e., auditorium, gym, and play field) are allowed to continue operating in the manner and to extent that it did in the past under the current zoning.

(D) Health, Safety, and Welfare. *The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*

The primary safety concern is related to opening of the previously public school-run and currently charter school-run events in the gymnasium, auditorium, and play field to the general public as well as permitting a commercial day care. The previous public school and current charter school's use of these spaces for their academic purposes is permitted despite not having modernized the buildings to current building and fire code. In other words, even though renovating the buildings to meet current standards would be safer for users, it is not technically required by Building and Fire Codes. This is due to the fact that there is no change in use (i.e., school-run events) or users (i.e., students, faculty, and their families).

However, allowing public assembly in these buildings beyond the charter school's school-run events and students and staff triggers the need for a (Building and Fire Code) evaluation done by a design professional (see an example of this evaluation in Attachment 10). The same applies to the opening of the smaller building for child day care.

Additionally, the Fire Department acknowledged that the “dead end,” old driveway South of the Voss classrooms/building and adjacent to the play field used as informal parking—both along the driveway and underneath the pine trees—could either block or stall emergency access to the play field or that informal parking area. A car may block Emergency Medical Services or Technicians from accessing an incident either on the play field or in the parking area. Furthermore, a firetruck may not be able to enter the driveway as there is no space to turn the truck around or back out safely.

Lastly, Southern Pines' Unified Development Ordinance (UDO) §5.7 has zoning standards for day care centers, including required square footage of outdoor space per child for outdoor play while in their care. There is also a required minimum square footage per child of indoor space. No outdoor play area was provided for in the original application, nor was square footage of space within the proposed child day care building. However, in the on-site, in-person visit, Planning staff were told that an outdoor area will be provided adjacent to the Casa building. The applicants provide an aerial photo depicting the location of the required outdoor space via email on July 11, 2024 and planning staff added this image to the applicant's narrative that is attached to this report. Furthermore, planning staff depicted the location of this space on the marked-up survey in Attachment 6. The interior space appeared to meet the standard based on square footage of the structure, though planning staff did not measure to confirm.

*(E) **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*

See comments under **Consistency**.

*(F) **Size of Tract.** The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*

The rezoning is for nine lots totaling 10.96 acres adjacent to downtown Southern Pines, which was previously owned and run by the public school system. The size of the tract is adequate to accommodate the mix of proposed land uses.

(G) Other Factors. The Hearing Body may consider any other factors relevant to a rezoning application under state law.

- The application was unclear on what types of events will be permitted or prohibited in the multipurpose facilities (auditorium, gymnasium, playfield). When asked to clarify, the Applicant did not respond.
- The application is lacking clarity on what “architectural features” are “in character” or “complement” the existing buildings. In the on-site, in-person site visit, the Applicant stated that any exterior renovations should be exactly as they are currently or as they were, historically. Planning staff requested imagery representing their intention and interpretation of what is “in character” because this could be added to the Conditional Zoning District file and help avoid confusion in the future. The Applicant did not provide any imagery for the zoning district file.
- The applicant, at one point, suggested not allowing public multipurpose facilities, and rather request individual special event/temporary use permits. Either way a code evaluation will need to be done prior to any public events taking place. Furthermore, Planning staff do not know how often public events would take place. They could be as frequently as weekly or semi-annually, and the demand on both applicant and Town staffing resources to process many special event permits would be high if events were frequent. Therefore, planning staff believes it would be better to allow the uses by-right, and mitigate any potential issues prior to permitting public events.
- Water utility lines run through site (see Figure 2 and agency comments below for more details).
- The application was missing building capacity information for the buildings meant to be open for public use, which impact research regarding minimum parking requirements and staff’s analysis on compliance with those standards. Creation of a conditional zoning district would be an ideal time to consider parking demand for proposed land uses and then request a reduction of parking volume and a relaxing of parking design standards as part of a conditional zoning district. Planning staff requested this information, but no information was provided.
- Similarly, the application was missing the number of existing parking spaces available on site. Planning staff requested that information but none was provided.

Figure 2. Map Showing Location of Water Main Lines (Blue) Crossing between the Auditorium Building and the Voss Classrooms/Building



*(H) **Applicant Representations.** Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

The rezoning request is for a conditional zoning district; therefore, the Planning Board may review and consider the applicant’s representations.

3. Outside Agency Comments

A request for comments was emailed to agencies on May 29, 2024. Agencies notified include Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), United States Fish and Wildlife Services (US FWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT). The following comments were received.

- On July 9, 2024, DeAngelo J. Jones, Senior Assistant District Engineer of the North Carolina Department of Transportation’s Division of Highways – Division 8, District 2, wrote: “...[T]here are 2 existing accesses on May Street which connect to a limited amount of parking, while the main accesses are from the side streets, Massachusetts Ave. and New York Ave. I would recommend keeping these conditions even if there are changes to school site. There should not be any significant increase in parking availability along May Street. If the

plan is to demo and change the site then the access connections should change on May Street creating more separation from the intersections, possibly decreasing to one main access connection on May Street. No permits will be required for any proposed accesses from New York Ave. or Massachusetts Ave. which are not State-maintained roads.” This concern appears to have been addressed by alternative conditions proposed by planning staff. Mr. Jones followed up and said that there is no NCDOT permitting required, at this time, based on the materials Planning staff shared.

- On June 19, 2024, Town of Southern Pines Fire Marshal Ken Skipper wrote that a design professional must conduct a Building and Fire Code evaluation to determine what upgrades may be needed to allow public assembly in the school’s facilities, which was communicated to the Applicant via email on June 20, 2024, in person on June 25, 2024, and again via email on June 26, 2024.
- On June 26, the Town of Southern Pines Utilities Superintendent Ron Istre shared that there is an easement surrounding 8” and 16” water mains lines, which cross PARID 39178 from E Massachusetts Ave to E New York Ave. The information was provided to the Applicant. The Technical Review Committee clarified that no infrastructure has to be moved, but any future site changes would have to happen outside of the easement.
- Vagn K. Hansen II, AICP, Executive Director of the Regional Land Use Advisory Commission, wrote that he had no comment on June 27, 2024.

If any additional comments come in prior to the public hearing, they will be presented by Planning staff during the public hearing.

4. Staff Comments and Recommendation

Planning staff must withhold recommendation on the rezoning from FRR and RS-3 to RS-1 conditional zoning district (RS-1 CD). Planning staff believe the proposed mix of land uses in the proposed location are consistent with the 2040 Comprehensive Plan and are valuable to the community. However, planning staff have simply identified some reasonably foreseeable adverse impacts on neighboring lands, as well as health, safety, and welfare concerns, and other factors that have not been addressed by the applicant.

- Clarity of potential traffic and parking concerns related to hours of operation of each proposed land use, especially to avoid greater traffic volumes and higher demand for parking in the surrounding area. Planning staff believe this issue could be mitigated. For instance, child daycare could follow UDO section §5.7, which is 6:00 a.m. to 10:00 p.m. The hours of operation for events in the multipurpose facilities could be opposite of the educational services hours, and both the multipurpose facilities and education services could be closed on Sundays or just Sunday mornings due to high parking demands for surrounding religious institutions. Simple conditions regarding hours of operation for proposed land uses could reasonably mitigate these foreseeable impacts.
- When Moore Montessori Community School and the Episcopal Day School’s drop-off and pick-up time coincide, there are adverse impacts on neighboring

lands considering the stacking lanes within the public rights of way and traffic volumes. A condition, that addresses these traffic concerns that also addresses flexibility in drop-off and pick-up times would be appropriate.

- Prior to initiating any child day care in Southern Pines, whether a short-term drop-in facility or a full day facility, a zoning permit is required to verify compliance with UDO §5.7 standards for Day Care Centers. Sufficient indoor and outdoor play area is required by the Town of Southern Pines zoning for the health and safety of children in the facility's care. There are different indoor and outdoor space requirements for full day centers and short-term (less than four hours) centers, and the applicant is proposing a rezoning that will allow both types of daycare centers; therefore, a condition to verify compliance with the UDO §5.7 standards is appropriate.

The applicant provided an initial list of conditions in the narrative submitted with the application (Attachment 3). In the absence of additional materials requested via email by Planning staff on June 26, 2024 (Attachment 8), the Planning staff prepared alternative conditions that could better address reasonably foreseeable adverse impacts on neighboring lands and impacts to health, safety, and general welfare. These alternative conditions were shared via email with the Applicant for their consideration on July 10, 2024 (Attachment 4). The Applicant revised staff's alternative conditions (Attachment 5), which Planning staff believe do not adequately mitigate potential impacts. Therefore, staff is withholding recommendation.

IV. ATTACHMENTS

The following materials are provided as attachments to this staff memorandum:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Zoning Map Amendment Application
3. Narrative for Proposed Amendment
4. Planning Staff's Alternative Conditions (July 10, 2024)
5. Applicant's Revisions to Alternative Conditions (July 11, 2024)
6. Site Survey and Maps
7. Agency Comments
8. Planning Staff Correspondence to Applicant
9. Building Precedents
10. Example of a Code Evaluation/Feasibility Study for Occupancy of an Auditorium, Gymnasium, and Administration Building

Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

V. PLANNING BOARD ACTION

The Planning Board shall consider the criteria for zoning map amendments found in UDO §2.17.9, including consistency with the 2040 Comprehensive Plan. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed map amendment by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

To assist the Planning Board in performing this task, town staff have prepared the following draft motions for the Planning Board's consideration, possible modification as necessary, and adoption.

* * *

I move that after reviewing the proposed map amendments to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9:

1. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of the July 18, 2024, Planning Department's staff report for file #Z-03-24 as revised by the Planning Board;

-OR-

2. The proposed amendments are inconsistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of the July 18, 2024, Planning Department's staff report for file #Z-03-24 as revised by the Planning Board;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment 1 by Planning staff as part of the Planning Board's written recommendation to the Town Council:

And, therefore, I move to:

1. Recommend approval of the rezoning from FRR and RS-3 to RS-1 conditional zoning district (file #Z-03-24) to the Town Council with the following proposed conditions:

-OR-

2. Recommend denial of Z-03-24 to the Town Council



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
FOR A CONDITIONAL ZONING DISTRICT
Z-03-24**

WHEREAS, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted comprehensive plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

WHEREAS, the Planning Board has reviewed the proposed zoning map amendment—which includes the written staff report and application materials showing the proposed district boundaries, and has conducted a public hearing on July 18, 2024, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application #Z-03-24.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the South May Street and Weymouth Road North neighborhoods and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The Planning Board recommends that the Town Council approve the zoning map amendment request for the subject parcels, identified as PINs 858110360954, 858110362668, 858110362590, 858110364563, 858110364685, 858110365565, 858110366266, 858110367340, 858100367487 (PARID 36865, 39178, 39168, 39769, 39770, 39176, 991759, 31532, 94000217) totaling 10.96 acres. The parcels are located between S May St and S Weymouth Rd, between E Massachusetts Ave and E New York Ave.

The proposed zoning amendment is consistent with the Town of Southern Pines 2040 Comprehensive Plan, particularly with Policy 6.1 and Policy 8.2, which advises decision makers to consider future needs when reviewing development applications, especially along May Street, a strategic mobility corridor. The community growth projections for the 2022 to 2040 horizon consider the addition of 8,175 people to the Southern Pines community. With this growth, the community can anticipate a need for supporting infrastructure, such as schools, daycares, and multipurpose facilities. Future development growth along May Street must address North Carolina

The proposed conditions, as modified by the Applicant, Planning Department, and Planning Board and agreed to by the Applicant at the July 18, 2024 public hearing, on the RS-1 redistricting are consistent with the intent of the Area to Enhance designation on the General Framework Map, the Neighborhood designation on the Conservation and Development Map, as well as the Neighborhood and Hamlet designations on the Character District Map. The proposed conditional zoning district will retain existing landscaping, architecture, and points of ingress and egress from public roads. Lastly, considering the final agreed-upon conditions, the Planning Board found that reasonably foreseeable adverse impacts on neighboring lands or on general health, safety, and welfare were appropriately addressed.

- **Condition 1.** Permitted uses are restricted to Public Fitness, Recreational Sports, Gym, Athletic Club, and Multipurpose Facilities (i.e., LBCS 5371); Nursery or Preschool Educational Services (i.e., LBCS 6110); Elementary Grade School Educational Services (i.e., LBCS 6121); Middle or Junior Grade School Educational Services (i.e., LBCS 6122); and child day care social services (i.e., LBCS 6562).
- **Condition 2.** The shape and structure of the existing buildings shall not be altered. Any future exterior renovations shall be designed in the original or 2024 character of the existing buildings as shown in Attachment 7 in the July 18th 2024, Planning Department's Planning Board Staff Report.
- **Condition 3.** The Hours of Operation

- **Condition 4.** The educational services and child day care drop-off and pick-up times shall

- **Condition 5.** Current landscaping and buffering shall be retained. Any additional landscaping shall meet the town's Unified Development Ordinance (UDO) requirements.

- **Condition 6.** Site access shall remain at the current locations. No additional points of ingress or egress shall be provided.
- **Condition 7.** Lighting shall remain in place. Lights may be added to increase safety and security on site as permitted by the Town’s UDO Lighting Code.
- **Condition 8.** Buildings for special events in the public multipurpose facilities (i.e., auditorium, gym, and play fields) shall not be permitted to be used all at the same time unless a parking plan to address such issues is created (i.e., shared parking, satellite parking, one-site parking, and on-street parking as described in UDO §4.5.10, §4.5.11, and §4.5.12).
- **Condition 9.** If operations for educational services, special events, and child day care conflict with adjacent land uses in a way that creates lot access issues due to stacking or parking

- **Condition 10.** Prior to initiating a child day care, whether a short-term drop-in facility or a full day facility,

ADOPTED this the 18th day of July, 2024.

Diane T. Westbrook, Chairwoman

ATTEST:

Cindy Williams
Secretary to the Planning Board



Conditional Zoning District Application

Fee: \$1,500.00

Date Received: _____

Case No.: Z-____-____

Project Information:

Street Address: **255 S May Street, Southern Pines NC 28387**

PIN: **60954, 62668, 62590, 64563, 64685,** Parcel ID: **36865, 39178, 39168, 39769, 39770, 39176,**
65565, 66266, 67340, 9400217 **991759, 31532, 367487**

Site Size: **10.96 Acres**

Current Zoning: **FRR**

Applicant:

Name(s): **Moore Montessori Community School, Inc**

Email: **katherine.rucker@mooremontessori.org** Phone: **910-636-1325**

Mailing Address: **255 S May Street, Southern Pines NC 28387**

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Legal Property Owner(s), if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

5/1/24

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to approve a zoning map amendment to **the Moore Montessori Community School campus at 255 S May Street** - Conditional Zoning District per the requirements of the Town of Southern Pines Unified Development Ordinance (UDO) §2.17. The information included is submitted in support of this application. I grant Town of Southern Pines staff, Planning Board and Town Council access to the subject property/properties while this zoning map amendment application is under review.

Date: June 6, 2024

Katherine Rucker

Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net

5/1/24

Narrative and List of Conditions

A. Consistency

- a. As noted within the Southern Pines 2040 Comprehensive Plan, the shared vision for Southern Pines states two of the most important priorities as a “town rooted in history” and a “town rooted in community” (pg. 7). By saving this property, Moore Montessori Community School purchased and continued the use of the property as a school for local families. This purchase and subsequent usage additionally supported the Land Use section of the Southern Pines 2040 Comprehensive Plan (pg. 33) by “*promot(ing) a sense of place, social interaction, (and) community-building*”.
- Designating the Moore Montessori Community School Campus as an RS-1 Conditional Zoning District would further allow for the “*development of unique activity centers throughout the community*” and “*make the entire community more vibrant and connected*”(Southern Pines 2040 Comprehensive Plan, pg. 33). It would also support the Infrastructure Goal of expanding community facilities (Chapter 3, Policy 6.1) by providing both current and future opportunities for daycare, elementary school, middle school, and recreational facilities. As many young families have been drawn to the area in recent years, this zoning update would be a great way for Southern Pines to further stand apart in their ability to meet the unique needs of young families with these services.

B. Adverse Impacts on Neighboring Lands

- a. Per the Southern Pines 2040 Comprehensive Plan, “*Neighborhoods should be primarily residential in nature, but may include limited civic (e.g., church, school, or small community center) or neighborhood-supporting non-residential uses.*” (pg. 52). Designating the Moore Montessori Community School campus as an RS-1 Conditional Zoning District is consistent with its current use as an educational setting for young children. This opportunity will solely expand the age ranges of children that can be served on the campus and increase the service to the Community through use of its recreational facilities.

C. Suitability as Presently Zoned

- a. Designating the Moore Montessori Community School campus as an RS-1 Conditional Zoning District is consistent with its current use as an educational setting for young children. This opportunity will solely expand the age ranges of children that can be served on the campus and increase the service to the Community through use of its recreational facilities.

D. Health, Safety and Welfare

- a. There will be no physical changes to the building structures on the campus. This allows for the preservation of the current physical building as it was originally built to protect and maintain Historic Structures in Southern Pines.

E. Public Policy

- a. Designating the Moore Montessori Community School campus as an RS-1 Conditional Zoning District is consistent with its current use as an educational setting for young children. This opportunity will solely expand the age ranges of children that can be served on the campus and increase the service to the Community through use of its recreational facilities.

F. Size of Tract – Please see Deed and Survey Notes

G. Other Factors – Not Applicable

H. Applicant Representations – Conditions offered by Moore Montessori Community School, Inc

- a. That the only land use allowed will be to include childcare/daycare services and recreational facility usage in addition to the current educational programs on site. All land uses permitted are indicated below:

<u>i. Land Use</u>	<u>LBCS Code</u>
1. Fitness, recreational sports, gym, athletic club, multipurpose facility	5370
a. public facilities	5371
2. Educational Services	6100
a. Nursery or preschool	6110
b. Grade school	6120
c. elementary	6121

- d. middle or junior
- e. child daycare

6122

6562

- b. That the exterior architecture of the existing buildings will not be altered. Any future renovations be designed in the same character or complement the existing architecture.
- c. That the Hours of Operation and traffic patterns will coincide with the existing Hours of Operation and traffic patterns of Moore Montessori Community School. Traffic patterns may be adjusted from time to time to accommodate unforeseen modifications to traffic patterns surrounding the site and to provide additional efficiency.
- d. That there will be no additional parking added.
- e. Current landscaping and buffering will be retained. Any additional landscaping will meet the town's Unified Development Ordinance (UDO) requirements.
- f. Any additional signage for on-site buildings, wayfinding or operating facilities will follow UDO standards and be permitted with the Town of Southern Pines.
- g. Site access will remain at the current locations. No additional vehicular entry points will be provided.
- h. Lighting will remain in place. Lights may be added to increase safety and security on site as permitted by the Town's UDO.

From: [Katherine Rucker](#)
To: [Mason Mattox](#)
Subject: Re: Montessori
Date: Thursday, July 11, 2024 2:52:52 PM
Attachments: [Daycare Outdoor Space MMCS with gate notations.png](#)
[Draft Conditions MMCS edits.docx](#)



Mason,
Attached are our revisions. I've also included the image with the outdoor space noted. Let me know the next steps. You can call me on my cell anytime: 910-639-0067. Thank you!
Katie

Katherine Rucker
Head of School
910-636-1325
Moore Montessori Community School
www.mooremontessori.org

On Wed, Jul 10, 2024 at 12:53 PM Mason Mattox <MMattox@southernpines.net> wrote:

Attached are Draft Conditions for your review.

Looking forward to our chat at 4:00!

Best,

ATTACHMENT 4

Staff's Proposed Alternative Conditions (Provided to Applicant July 10, 2024)

- **Applicant's Original Conditions w/ Staff Modifications**
 - **Condition 1.** Permitted uses are restricted to Public Fitness, Recreational Sports, Gym, Athletic Club, and Multipurpose Facilities (i.e., LBCS 5371); Nursery or Preschool Educational Services (i.e., LBCS 6110); Elementary Grade School Educational Services (i.e., LBCS 6121); Middle or Junior Grade School Educational Services (i.e., LBCS 6122); and child day care social services (i.e., LBCS 6562).
 - **Condition 2.** The shape and structure of the existing buildings shall not be altered. Any future exterior renovations shall be designed in the original or 2024 character of the existing buildings as shown in Attachment ## in the August 13, 2024, Planning Department Staff Report.
 - **Condition 3.** The Hours of Operation for educational services and child daycare shall be weekdays between 7:45 a.m. and 3:30 p.m. The hours of operation for events in the multipurpose facilities shall be between 4:00 p.m. and 10:00 p.m. on Mondays, Tuesdays, Thursdays, and Fridays; 8:00 a.m. and 10:00 p.m. on Saturdays; and closed on Wednesday evenings and Sundays due to high parking demands for surrounding religious institutions. Events in the multipurpose facilities may occur between 8:00 a.m. and 10:00 p.m. when there are no programmed educational services, such as during summer and winter vacation.
 - **Condition 4.** The educational services and child day care drop-off and pick-up times shall be between 7:45 a.m. and 8:00 a.m. and 3:15 p.m. and 3:30 p.m. to avoid conflicting traffic patterns with adjacent schools. Traffic patterns may be adjusted from time to time to accommodate unforeseen modifications to traffic patterns surrounding the site and to provide additional efficiency.
 - **Condition 5.** Current landscaping and buffering shall be retained. Any additional landscaping shall meet the town's Unified Development Ordinance (UDO) requirements.
 - **Condition 6.** Site access shall remain at the current locations. No additional points of ingress or egress shall be provided.
 - **Condition 7.** Lighting shall remain in place. Lights may be added to increase safety and security on site as permitted by the Town's UDO Lighting Code.
- **Staff Recommended Additional Conditions**
 - **Condition 8.** Buildings for special events in the public multipurpose facilities (i.e., auditorium, gym, and play fields) shall not be permitted to be used all at the same time nor any combination thereof considering the high parking demand and insufficient parking available on-site and on-street unless a parking plan to address such issues is created (i.e., shared parking, satellite parking, on-site parking, and on-street parking as described in UDO §4.5.10, §4.5.11, and §4.5.12).
 - **Condition 9.** If operations for educational services, special events, and child day care conflict with adjacent land uses in a way that creates lot access issues due to stacking or parking, the applicant shall provide an alternative site design to the Technical Review Committee to address the issue within 90 days.

- **Condition 10.** Prior to initiating a child day care, whether a short-term drop-in facility or a full day facility, a zoning permit shall be submitted with a site plan and narrative verifying compliance with UDO §5.7 standards for Day Care Centers.

ATTACHMENT 5

Applicant's Proposed Amendments to Staff's Alternative Conditions (Received July 11)

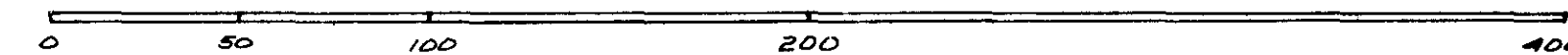
- **Condition 1.** Permitted uses are restricted to Public Fitness, Recreational Sports, Gym, Athletic Club, and Multipurpose Facilities (i.e., LBCS 5371); Nursery or Preschool Educational Services (i.e., LBCS 6110); Elementary Grade School Educational Services (i.e., LBCS 6121); Middle or Junior Grade School Educational Services (i.e., LBCS 6122); and child day care social services (i.e., LBCS 6562).
- **Condition 2.** The shape and structure of the existing buildings shall not be altered. Any future exterior renovations shall be designed in the original or 2024 character of the existing buildings as shown in Attachment ## in the August 13, 2024, Planning Department Staff Report.
- **Condition 3/4.** The Hours of Operation will be between 6 am and 10 pm per UDO 5.7.
- **Condition 4** (Removed- reasoning: we need flexibility to avoid conflict with EDS and to adjust as necessary to run an efficient pick-up/drop-off for everyone's benefit.)
- **Condition 5.** Current landscaping and buffering shall be retained. Any additional landscaping shall meet the town's Unified Development Ordinance (UDO) requirements.
- **Condition 6.** Site access shall remain at the current locations. No additional points of ingress or egress shall be provided.
- **Condition 7.** Lighting shall remain in place. Lights may be added to increase safety and security on site as permitted by the Town's UDO Lighting Code.
- **Condition 8.** Buildings for special events in the public multipurpose facilities (i.e., auditorium, gym, and play fields) shall not be permitted to be used all at the same time nor any combination thereof considering the high parking demand and insufficient parking available on-site and on-street unless a parking plan to address such issues is created (i.e., shared parking, satellite parking, one-site parking, and on-street parking as described in UDO §4.5.10, §4.5.11, and §4.5.12).
- **Condition 9.** School will meet requirements for both the Department of Instruction (state agency that regulates K-8 students) and the Department of Health and Human Services (state agency that regulates birth to 6 year old children). A copy of compliance with regulations can be provided to town upon request.
 - **UDO 5.7**
 - **A.** Shape and structure of existing buildings shall not be altered.
 - **C.** The current program will be less than 4 hours, under these conditions, outdoor space is not required. If day care services are added, a new outdoor space will be added, see outdoor space fence and gate notations attached.

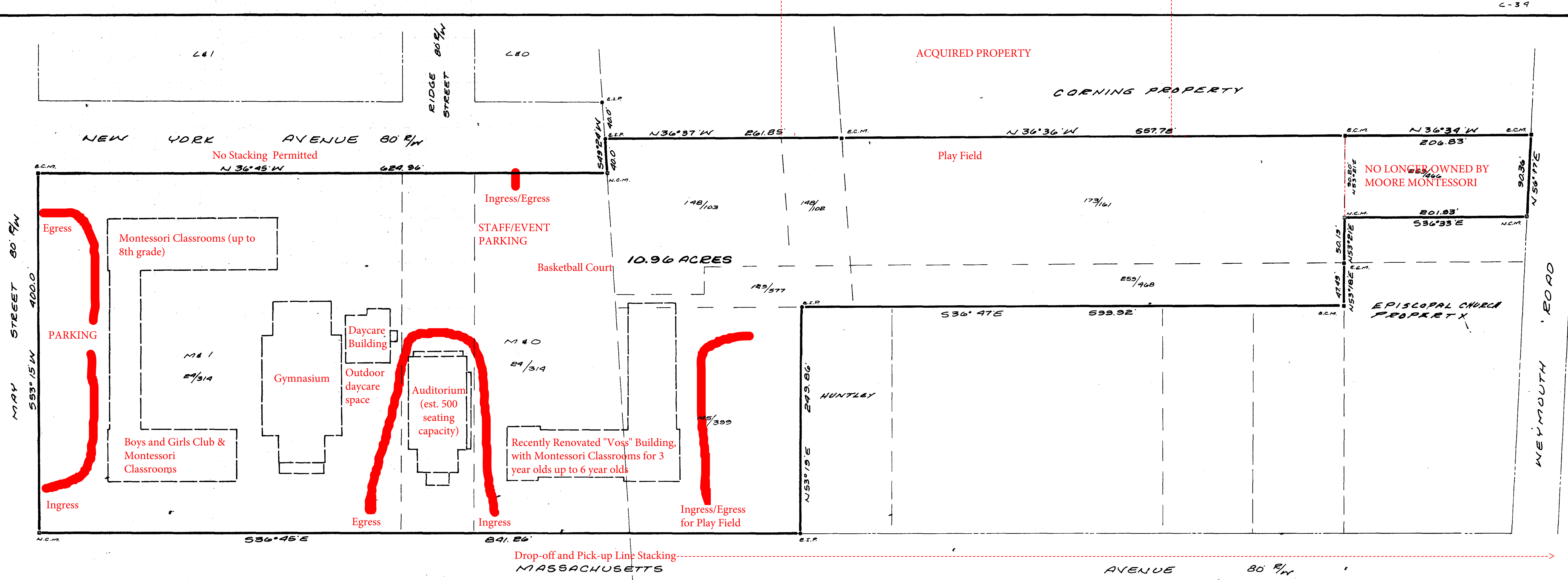
I, STEPHEN F. SNEFFIELD, A NOTARY PUBLIC OF THE COUNTY OF MOORE, STATE OF NORTH CAROLINA, DO HEREBY CERTIFY THAT C.H. BLUE PERSONALLY APPEARED BEFORE ME THIS DAY AND DULY ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THE 29TH DAY OF FEBRUARY, 1966.
MY COMMISSION EXPIRES 1-28-86

Stephen R. Sheffield
STEPHEN R. SHEFFIELD, N.P.

MOORE COUNTY REGISTRY.

SOUTHERN PINES MIDDLE SCHOOL
SOUTHERN PINES, NORTH CAROLINA
MCNEILLS TOWNSHIP MOORE COUNTY
JUNE 7, 1982 SCALE ~ 1" = 50'
C.H. BLUE & ASSOCIATES, SO. PINES, N.C.





I, C.H. BLUE, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS MAP WAS MADE BY ME FROM MY ACTUAL SURVEY IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

C.H. Blue
C.H. BLUE, RLS NO. 642

I, STEPHEN R. SHEFFIELD, A NOTARY PUBLIC OF THE COUNTY OF MOORE, STATE OF NORTH CAROLINA, DO HEREBY CERTIFY THAT C.H. BLUE PERSONALLY APPEARED BEFORE ME THIS DAY AND DULY ACKNOWLEDGED THE FORGOING INSTRUMENT THIS THE 29TH DAY OF JUNE, 1982. MY COMMISSION EXPIRES: 1-28-84

Stephen R. Sheffield
STEPHEN R. SHEFFIELD, N.P.

DEED REFERENCES:

DEED BOOK	PAGE
24	314
145	399
148	102
148	103
173	161
259	466
259	468

MOORE COUNTY REGISTRY

*Planning Staff Mark-Up Shown in Red Based on 06/25/24 Site Visit and Applicant Meeting, Locations are Approximate

MOORE COUNTY BOARD OF EDUCATION

SOUTHERN PINES MIDDLE SCHOOL
SOUTHERN PINES, NORTH CAROLINA
MCNEILLS TOWNSHIP MOORE COUNTY
JUNE 7, 1982 SCALE ~ 1" = 50'
C.H. BLUE & ASSOCIATES, SO. PINES, N.C.

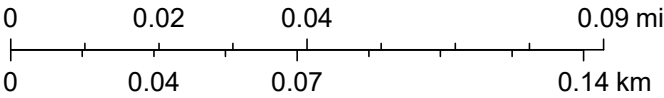
Moore Montessori Community School: Z-03-24



6/24/2024, 5:25:14 PM

Parcels (Yellow Lines)

1:2,257



NC CGIA, Maxar, Microsoft, Esri Community Maps Contributors, Moore County GIS (NC), State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

From: [Ken Skipper](#)
To: [Alaina Mallette](#); [Louie Blanchard](#); [James Michel](#)
Cc: [BJ Grieve](#)
Subject: RE: Z-03-24 Moore Montessori Community School FRR to RS-1 Conditional Zoning Completeness Review
Date: Wednesday, June 19, 2024 7:39:18 AM
Attachments: [image002.png](#)

Good morning Alaina,

The current classification of Educational did not change from the previous original use from a fire code perspective. There are special allowances for accessory uses to educational such as the auditorium, gym and cafeteria that allow them to also be classified educational. The assumption is they would be only used for the school kids participating in school activities . Opening up outside users could change the occupancy classification of these buildings and required upgrades to the buildings from a safety standpoint. They would need to consult with a design professional to conduct a code evaluation of the buildings and intended uses to determine what changes may be needed. This is the same process that was conducted when West Southern Pines Center changed from a public school to private use.

Thanks,

Ken



Kenneth R. Skipper
Assistant Chief / Fire Marshal
Southern Pines Fire / Rescue
910-692-2720



From: Alaina Mallette <amallette@southernpines.net>
Sent: Tuesday, June 18, 2024 3:49 PM
To: Louie Blanchard <Blanchard@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; James Michel <JMichel@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: FW: Z-03-24 Moore Montessori Community School FRR to RS-1 Conditional Zoning Completeness Review

Hi Ken, Louie, and James,

We've received a conditional zoning district (from FRR to RS-1 CD) request from the Moore Montessori Community School, property owner and applicant for the rezoning. The attached survey is their "site plan" and the application includes their narrative and proposed conditions (pp. 16-17). This application will go to Planning Board and Town Council for public hearing in July and August,

respectively, so we're looking for any comments you have that might be appropriate to address during the rezoning process prior to permitting an expansion of land uses. Some things that came up in today's TRC discussion were:

- Proposed New Uses (in addition to school)
 - Fitness, recreational sports, gym, athletic club, multipurpose facility
 - Child day care
- Parking
 - Dirt/gravel lot adjacent to the southern-most classroom building is typically used for event parking as well as the existing non-conforming parking lot seen from aerial imagery
 - The seating of the auditorium during an event will trigger a parking minimum, and we will need to know what the actual parking provided is and whether they plan or need to plan for a parking lot extension
- Traffic Estimates
 - Applicant will need to get some data together showing current traffic counts and anticipated traffic counts to address potential level of service issues
- Stacking Issues
 - There have been problems in the past with drop-off and pick-up traffic at the school blocking driveways along E. Massachusetts and S. Ridge. Therefore, the applicant should address how stacking issues will be addressed with proposed new uses.
- Hours of Operation
 - Application states that future hours of operation will be limited to the current hours of operation, but that seems impractical with the public recreation facility that is being proposed, which may have evening events. Also, no description of current hours or operation were provided in the application.

If you can think of other concerns, please pass them along to me and I will work with Moore Montessori on a better list of conditions to present with their application.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Alaina Mallette
Sent: Monday, June 17, 2024 4:58 PM

From: [Jones, DeAngelo J](#)
To: [Alaina Mallette](#); [Cindy Williams](#)
Cc: [JuarezPozos, Dagoberto](#); [Reddinger, Kevin S](#); [BJ Grieve](#); [James Michel](#); [Ken Skipper](#)
Subject: RE: [External] Z-03-24 Proposed Conditional Zoning District Rezoning
Date: Tuesday, July 9, 2024 12:43:23 PM
Attachments: [image002.png](#)
[image005.png](#)

Hello Alaina,

With the information you provided, NCDOT permitting is not required at this time.

Thanks

DeAngelo J. Jones
Senior Assistant District Engineer
North Carolina Department of Transportation
Division of Highways
Division 8, District 2

(910)944-7621
djjones1@ncdot.gov

902 N Sandhills Blvd
PO Box 1067
Aberdeen, NC 28315



From: Alaina Mallette <amallette@southernpines.net>
Sent: Tuesday, July 9, 2024 12:15 PM
To: Jones, DeAngelo J <djjones1@ncdot.gov>; Cindy Williams <CWilliams@southernpines.net>
Cc: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; Reddinger, Kevin S <ksreddinger@ncdot.gov>; bjgrieve <bjgrieve@southernpines.net>; Michel, James <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>
Subject: RE: [External] Z-03-24 Proposed Conditional Zoning District Rezoning

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning, DeAngelo,

Thank you for the quick review on this one. The Applicant has stated that they have no plans to demo any of the buildings or make any other changes to the site (which applies to each parcel under their ownership), aside from permitting a day care and opening rental access to the gymnasium, auditorium, and play fields. They did say that they may renovate existing buildings, but that it would

be interior renovations, mostly.

The Applicant did not provide a site plan, traffic plan, parking plan, or operational plan. I marked up the survey they submitted with the application with building/land use labels and existing points of ingress/egress (page 2 in the attached survey and maps PDF). I appreciate your comments on access and parking along May Street and will make sure to include in the staff report and will share with other relevant Town departments. If you have any additional comments based on my mark-up of the site, let me know.

Thanks for your work,
Alaina

Alaina Mallette, MSc

Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Jones, DeAngelo J <djjones1@ncdot.gov>
Sent: Tuesday, July 9, 2024 11:08 AM
To: Cindy Williams <CWilliams@southernpines.net>
Cc: Alaina Mallette <amallette@southernpines.net>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; Reddinger, Kevin S <ksreddinger@ncdot.gov>
Subject: RE: [External] Z-03-24 Proposed Conditional Zoning District Rezoning

Hello Cindy and Alaina

I noticed that the rezoning is changing to residential (RS-1) to allow for multiple uses. Is this for renovating and changing the school building? Will there be a redesign of the site including the other properties owned by the school?

My initial thoughts without reviewing a site or concept plan are there are 2 existing accesses on May Street which connect to a limited amount of parking, while the main accesses are from the side streets, Massachusetts Ave. and New York Ave. I would recommend keeping these conditions even if there are changes to school site. There should not be any significant increase in parking availability along May Street. If the plan is to demo and change the site then the access connections should change on May Street creating more separation from the intersections, possibly decreasing to one main access connection on May Street. No permits will be required for any proposed accesses from New York Ave. or Massachusetts Ave. which are not State-maintained roads.

Will a concept plan be submitted?

Let me know if I am missing any information.

Thanks and have a great day!!!

DeAngelo J. Jones
Senior Assistant District Engineer
North Carolina Department of Transportation
Division of Highways
Division 8, District 2

(910)944-7621
djjones1@ncdot.gov

902 N Sandhills Blvd
PO Box 1067
Aberdeen, NC 28315



From: Cindy Williams <CWilliams@southernpines.net>
Sent: Wednesday, June 26, 2024 12:39 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; Jones, DeAngelo J <djjones1@ncdot.gov>; Director <director@rluac.com>; Michel, James <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Rick Cloutier <rcloutier@moorecountyairport.com>; ISTRE, RONALD <ristre@southernpines.net>
Cc: Alaina Mallette <amallette@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: [External] Z-03-24 Proposed Conditional Zoning District Rezoning

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon,

Please review the attached legal notice and respond with any questions or comments at your earliest convenience. Thank you.

Sincerely,

Cindy Williams
Planning Department

From: [Ron Istre](#)
To: [Alaina Mallette](#)
Cc: [Cindy Williams](#)
Subject: RE: Z-03-24 Proposed Conditional Zoning District Rezoning
Date: Wednesday, June 26, 2024 2:52:07 PM

Yes, we should have easements on file.

Ron Istre
Utilities Superintendent



801 SE Service Rd
Southern Pines, NC 28387

910-692-1983 ext. 6228

ristre@southernpines.net

"Corruption is controlled by making ambition subordinate to principle." - Anonymous

From: Alaina Mallette <amallette@southernpines.net>
Sent: Wednesday, June 26, 2024 2:49 PM
To: Ron Istre <Ristre@southernpines.net>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: Z-03-24 Proposed Conditional Zoning District Rezoning

Thank you, Ron, I have shared the information with Katie Rucker and have sent her our public-facing GIS so that she is up-to-speed. Are you aware of a specific town easement for those water main lines?

Best,
Alaina

From: Ron Istre <Ristre@southernpines.net>
Sent: Wednesday, June 26, 2024 2:03 PM
To: Cindy Williams <CWilliams@southernpines.net>; Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; DeAngelo Jones <djjones1@ncdot.gov>; Director <director@rluac.com>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Rick Cloutier <rcloutier@moorecountyairport.com>
Cc: Alaina Mallette <amallette@southernpines.net>
Subject: RE: Z-03-24 Proposed Conditional Zoning District Rezoning

Cindy,

They should be advised that we have 8" and 16" water mains crossing at least one of those parcels (0039178), from E Massachusetts Ave to E New York Ave.

No additional comments.

Ron Istre

Utilities Superintendent



801 SE Service Rd

Southern Pines, NC 28387

910-692-1983 ext. 6228

ristre@southernpines.net

"Corruption is controlled by making ambition subordinate to principle." - Anonymous

From: Cindy Williams <CWilliams@southernpines.net>

Sent: Wednesday, June 26, 2024 12:39 PM

To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; DeAngelo Jones <djjones1@ncdot.gov>; Director <director@rluac.com>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Rick Cloutier <rcloutier@moorecountyaairport.com>; Ron Istre <RIstre@southernpines.net>

Cc: Alaina Mallette <amallette@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>

Subject: Z-03-24 Proposed Conditional Zoning District Rezoning

Good afternoon,

Please review the attached legal notice and respond with any questions or comments at your earliest convenience. Thank you.

Sincerely,

Cindy Williams

Planning Department



801 SE Service Rd.

Southern Pines, NC 28387

(910) 692-4003

From: [Alaina Mallette](#)
To: ["katherine.rucker@mooremontessori.org"; "Kathryn@thegardenmontessori.org"](#)
Cc: [Mason Mattox](#)
Subject: RE: Z-03-24 Moore Montessori Community School FRR to RS-1 Conditional Zoning Completeness Review
Date: Wednesday, June 26, 2024 2:30:00 PM
Attachments: [image002.png](#)

Good afternoon, Katie and Kathryn,

It was nice to meet you both yesterday, and thank you for the walk around the campus to familiarize ourselves with your campus and vision. As we discussed, here are a list of issues that ought to be mitigated or addressed prior to Planning Board regular meeting as they will be discussed in staff analysis of the rezoning criteria in UDO Section 2.17.9 and 2.17.11 (reminder: our staff report is due on July 11, so we'll need final materials for Planning Board packets by EOB on July 8, at the latest).

1. Suggested Improvements to Existing Proposed Conditions

- a. Condition "a", generally speaking, should be clearer as to what new types of events could occur in the auditorium, gymnasium, and field. For instance, have you considered the possibility of permitting theater, dance, or music establishment (LBCS 5110)? It seems to be a land use consistent with the auditorium space, similar to what West Southern Pines Center has done with their auditorium.
- b. Regarding condition "b," attach photos of existing buildings, highlighting their architectural features which contribute to their character, such as building materials, segmentation, windows, and roofing. Percentages of brick, glass, etc., are often useful for this. Also, find a way to leave space in this provision for altering the exteriors in an effort to restore if the desire ever occurs to do so. For example, the auditorium has smaller windows due to an energy crisis in the past. The statement that exteriors will not be altered would "lock in" this style. For example, add language that speaks to permitting architecture consistent with the original buildings' designs. Might be worth finding some historical images of each building to include with current photos.
- c. Condition "c" could be separated into two conditions: one for hours of operation and one for traffic plans. Furthermore, each element should be more specific.
 - i. For hours of operation, write down the carline times and hours of operations for each building and associated land use. Include months/times of year when certain buildings would not be in use (e.g., will the auditorium, gym, and field be available for use year-round, or only outside of Moore Montessori's academic year?) For instance, we discussed that the field would probably not be rented prior to 4:00 p.m. and people would have to be off premises by 10:00 p.m. Note these nuances in detail in this condition, as this will closely be linked to mitigating parking and traffic/stacking concerns.
 - ii. Include a traffic/operational plan or policy for different scenarios, including but not limited to pick up/drop off, large events, etc. It sounds like you already have this, it might just be a matter of putting it into writing and including any shared parking agreements that you secure.
- d. Regarding condition "d," which states *"That there will be no additional parking added,"* consider including language such as "except for that which is required by the UDO to

meet the needs of buildings and spaces that will be available to the public.” See suggestion 2.a, 3.e., and 3.f for more information.

- e. Condition “e” looks good, and we would recommend adding language to solidify what the current requirements actually are. For example, *“The current 20’ (twenty foot) landscaping buffer will be retained, along with all existing landscaping as shown on [insert site plan/image/tree survey reference]. Any additional landscaping, or landscaping requiring replacement, will follow the current UDO requirements.”*
- f. Condition “f” looks good, but the UDO limits the total signage allowed. You may want to consider a unified sign plan and identify areas where you may want more signage than the UDO permits. For example, consider stating that: *“X (number) of additional signs as shown on [reference map] being X (square feet total) for on-site buildings and X (number) of additional signs being X (square feet total) for wayfinding will be added upon approval of the Conditional Zoning District.”*
- g. Condition “g” looks good. However, Fire does have some concerns with emergency access between Voss and the field (see letter 3.g. below for details), and you did mention potentially looping that access drive. The Town Engineer said that any extension of access drives will require paving improvements, and cannot simply be added gravel.
- h. Regarding condition “h,” consider adding the following underlined language, *“Existing Lighting will remain in place. New lighting fixtures may be added to increase safety and security on site as permitted by the Town’s UDO. Replacement lighting will follow the standards of the UDO.”*

2. Suggested Proposed Conditions for Your Consideration

- a. Buildings for special events (i.e., auditorium, gym, and play fields) should not be permitted to be used all at the same time nor any combination of two uses considering the parking demand that they would create unless a parking plan to address such issues is created (i.e., shared parking, satellite parking, one-site parking, and on-street parking—see UDO Section 4.5.10, 4.5.11, and 4.5.12).
- b. Due to the change in land use for the auditorium, gymnasium, and “Casa” day care building, any required building upgrades ought to be made prior to permitting/starting the new land use.
- c. Episcopal Day School and Moore Montessori have had issues in the past with pick up/drop off coinciding, which has caused traffic issues. Currently, you stated that the pick-up and drop-off times are offset to avoid this issue. Making this a permanent condition would help mitigate some of the traffic issues/concerns.
- d. Show the proposed outdoor play area for the daycare center, which we understand will initially be a short-term, drop-in child care facility, but could become a full day care at any time. See UDO Section 5.7 for specific standards for both types of day care centers.

3. Other Miscellaneous Suggestions/Comments

- a. Submit any neighborhood meeting materials or notes (i.e., sign in sheet, copies of materials that were provided or presented, etc.)
- b. We spoke with Cory Albers, the Assistant Public Works Director, and he stated that there are no signs that the town could put up along Ridge to dissuade people from

parking there while they wait for pick up in the afternoon.

- c. We recommend meeting with Fire Marshal Ken Skipper to discuss potential fire code concerns.
- d. We recommend meeting with Chief Building Inspector John Bullock to discuss potential building code concerns.
- e. We recommend meeting with Code Enforcement Officer Lisa Webb to discuss the creation of a unified sign plan to include with the application.
- f. We recommend meeting with Town Engineer James Michel to discuss estimating current and anticipated traffic counts and how level of service issues may be addressed.
- g. Provide us with a total capacity and gross floor area of the indoor recreation spaces (i.e., gymnasium and auditorium), number of seats in the auditorium, total capacity of outdoor recreation space (i.e., the field, since the basketball court is mean to remain part of the school's exclusive use), and the number of classrooms used by Moore Montessori. These numbers will assist Planning staff in evaluating the parking demand (see UDO Section 4.5).
- h. Regarding parking, note how many parking spaces are available on site and show them on a site plan/site layout/survey. There are parking concerns related to parking under the pines by the Voss building, in that in the event of a medical emergency on the field, EMTs could have a difficult time getting a patient off the field and into an ambulance. Also, a vehicle fire might be difficult to access.

If you have any follow-up questions or if you would like us to review your drafted/modified conditions, feel free to schedule another meeting or to send them to us via email.

Best wishes,
Alaina and Mason

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Alaina Mallette

Sent: Tuesday, June 25, 2024 5:04 PM

To: 'katherine.rucker@mooremontessori.org' <katherine.rucker@mooremontessori.org>;
'Kathryn@thegardenmontessori.org' <Kathryn@thegardenmontessori.org>

Cc: Mason Mattox <MMattox@southernpines.net>

Subject: RE: Z-03-24 Moore Montessori Community School FRR to RS-1 Conditional Zoning

Completeness Review

Hi Katie and Kathryn,

Thank you for meeting with us today, we appreciate the time you took to show us around and explain the vision to us. We weren't able to type up all our comments after our Technical Review Committee meeting (some additional feedback for us to share with you from them) this afternoon, so we'll work on those tomorrow and get them to you before the end of the day.

Thank you for your patience.

Best,
Alaina and Mason

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Alaina Mallette
Sent: Thursday, June 20, 2024 3:10 PM
To: 'katherine.rucker@mooremontessori.org' <katherine.rucker@mooremontessori.org>
Subject: FW: Z-03-24 Moore Montessori Community School FRR to RS-1 Conditional Zoning Completeness Review

Good afternoon, Katherine,

I got your voicemail and saw this email from Fire Marshall Ken Skipper that I thought you should be aware of. I will call you shortly to setup a day and time to meet.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Ken Skipper <KSkipper@southernpines.net>
Sent: Wednesday, June 19, 2024 7:39 AM
To: Alaina Mallette <amallette@southernpines.net>; Louie Blanchard <Blanchard@southernpines.net>; James Michel <JMichel@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: Z-03-24 Moore Montessori Community School FRR to RS-1 Conditional Zoning Completeness Review

Good morning Alaina,

The current classification of Educational did not change from the previous original use from a fire code perspective. There are special allowances for accessory uses to educational such as the auditorium, gym and cafeteria that allow them to also be classified educational. The assumption is they would be only used for the school kids participating in school activities . Opening up outside users could change the occupancy classification of these buildings and required upgrades to the buildings from a safety standpoint. They would need to consult with a design professional to conduct a code evaluation of the buildings and intended uses to determine what changes may be needed. This is the same process that was conducted when West Southern Pines Center changed from a public school to private use.

Thanks,

Ken



Kenneth R. Skipper
Assistant Chief / Fire Marshal
Southern Pines Fire / Rescue
910-692-2720



From: Alaina Mallette <amallette@southernpines.net>
Sent: Tuesday, June 18, 2024 3:49 PM
To: Louie Blanchard <Blanchard@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; James Michel <JMichel@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: FW: Z-03-24 Moore Montessori Community School FRR to RS-1 Conditional Zoning

Completeness Review

Hi Ken, Louie, and James,

We've received a conditional zoning district (from FRR to RS-1 CD) request from the Moore Montessori Community School, property owner and applicant for the rezoning. The attached survey is their "site plan" and the application includes their narrative and proposed conditions (pp. 16-17). This application will go to Planning Board and Town Council for public hearing in July and August, respectively, so we're looking for any comments you have that might be appropriate to address during the rezoning process prior to permitting an expansion of land uses. Some things that came up in today's TRC discussion were:

- Proposed New Uses (in addition to school)
 - Fitness, recreational sports, gym, athletic club, multipurpose facility
 - Child day care
- Parking
 - Dirt/gravel lot adjacent to the southern-most classroom building is typically used for event parking as well as the existing non-conforming parking lot seen from aerial imagery
 - The seating of the auditorium during an event will trigger a parking minimum, and we will need to know what the actual parking provided is and whether they plan or need to plan for a parking lot extension
- Traffic Estimates
 - Applicant will need to get some data together showing current traffic counts and anticipated traffic counts to address potential level of service issues
- Stacking Issues
 - There have been problems in the past with drop-off and pick-up traffic at the school blocking driveways along E. Massachusetts and S. Ridge. Therefore, the applicant should address how stacking issues will be addressed with proposed new uses.
- Hours of Operation
 - Application states that future hours of operation will be limited to the current hours of operation, but that seems impractical with the public recreation facility that is being proposed, which may have evening events. Also, no description of current hours or operation were provided in the application.

If you can think of other concerns, please pass them along to me and I will work with Moore Montessori on a better list of conditions to present with their application.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
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<http://www.southernpines.net/>



From: Alaina Mallette

Sent: Monday, June 17, 2024 4:58 PM

To: 'katherine.rucker@mooremontessori.org' <katherine.rucker@mooremontessori.org>

Cc: Cindy Williams <CWilliams@southernpines.net>; BJ Grieve <BJGrieve@southernpines.net>

Subject: Z-03-24 Moore Montessori Community School FRR to RS-1 Conditional Zoning Completeness Review

Good afternoon, Katherine,

Our office received the application for a conditional zoning district rezoning application for the existing Moore Montessori Community School campus at 255 South May Street on June 10, 2024. Upon reviewing the information submitted for a conditional zoning district and in accordance with the Town of Southern Pines UDO §2.6 Completeness Review, §2.17 Rezoning, §3.5.3 RS-1—Residential Single-Family (10,000 square foot lots), §3.6.8 WPO – Watershed Protection Overlay District (High-Quality Water Protected Area), §4.3 Landscaping Code, §4.5 Off-Street Parking, §4.6 Sign Code, §4.9 Open Space, §4.10 Development Design Standards, §5.7 Day Care Centers, and UDO Appendix A—the application Z-03-24 is deemed **complete** for review. Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the provisions of the UDO.

However, I have identified several areas that ought to be considered and documented prior to the public hearings, as follows. I would be happy to meet with you and discuss each of these individually so that Planning understands the full purview of what is being proposed and so that you can be prepared to submit additional materials that would address questions and concerns that the Planning Board and Town Council might have.

1. Building precedent images and additional narrative to illustrate proposed condition “b” regarding architectural code.
2. Traffic generation counts to assess the adequacy of available capacity to meet existing, projected and proposed demand at adopted levels of service (e.g., a trip generation letter; see UDO §4.12).
3. Location of and compliance with day care center requirements, see UDO §5.7.

This application is currently scheduled for the Planning Board regular meeting on **July 18, 2023, at 6:00 p.m. at the E.S. Douglass Community Center, 1185 W Pennsylvania Avenue, Southern Pines, NC 28387.**

Have a great week.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
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“Auditorium”

From Left to Right: Main Elevation (South-West), Main Elevation with Staircase (South-West), Main Elevation with Left Elevation (West).

Left Elevation (South-East), Right Elevation (South-West).

Right Elevation (South-West), Rear Elevation (North-East).



“Casa”

Main Elevation (South-East), Right Elevation (North-East).

Left Elevation (South-West).



“Gymnasium”

Main Elevation (South-West).

Right Elevation (South-East), Rear Elevation (North-West).



“Main Building Adjacent to S May St”

Left Wing Elevation to Center of Main Building (North-West).

Center of Main Building to Right Wing Elevation (North-West).



“Voss Hall”

Main Entrance with Cupola (South-East), Main Entrance Direct (South-East), Main Entrance with Left Wing (South-East).

Rear Elevation (North-East), Right-Wing Elevation (South-East).



Memo

Re: Feasibility Study for
Occupancy of Auditorium,
Gymnasium, and
Administration Buildings

Feasibility Study for Occupancy of Auditorium, Gymnasium, and Administration Buildings

has requested an analysis of the existing Auditorium and Gymnasium buildings to temporarily occupy per their current uses. Assessment of the existing buildings are based on the requirements in the 2018 NC Existing Building Code, Chapter 10, Change of Occupancy.

A new certificate of occupancy shall be required where a change of occupancy classification occurs (NCEBC Section 1001.3)

Auditorium Building

Consider the following recommendations for the use of the existing Auditorium as a community theater/auditorium:

	Existing	Proposed	Comments
Building Occupancy Classification	Education, Group E	Assembly, Group A-1	Change in occupancy triggers revisions per Ch.10 in the NC Existing Building Code
Use Category	Assembly, Group A-1	Assembly, Group A-1	No change
Area	4,960 sf	4,960 sf	No change
Occupant Load	(+/-) 450 fixed seats	(+/-) 450 fixed seats	Occupant load could change with function of space per Table 1004.1.2 in the NCBC.
Special Use and Occupancy (NCEBC Section 1002.1)	n/a	n/a	Any revisions to the stage/platform are required to meet current code.
Building Elements and Materials (NCEBC Section 1012.3)	n/a	n/a	Interior finishes (Group A-1), if sprinklered are to meet Class B or C; if non-sprinklered are to meet Class A or B (NCBC Table 803.11)
Automatic Sprinkler Systems (NEBC Section 1012.2.1)	Not Included	Required	The change in building occupancy classification from Group E to Group A-1 is a change to a higher hazard

Re: Feasibility Study for
Occupancy of Auditorium,
Gymnasium, and
Administration Buildings

			category. Therefore, it will be required to provide an automatic fire suppression system per Section 903 of the NCBC unless approved by the fire code official.
Fire Alarm and Carbon Monoxide Alarm Systems (NEBC Section 1012.2.2)	Verify existing conditions	Required	Where change of occupancy classification occurs and where the building is not equipped with a fire alarm system, alarm notification appliances shall be provided.
Means of Egress (NCEBC Section 1012.4)	3 exits	No Change Required	The change in building occupancy classification from Group E to Group A is of equal hazard category. The existing elements of the means of egress and egress capacity shall comply with the requirements for the new occupancy (Group A), determined by the occupant load.
Accessibility (NCEBC Section 1012.9)	One accessible entrance One accessible route from parking to main entry Accessible parking	Required, see comments 1-6	Change in Occupancy requires all of the following: 1. At least one accessible building entrance 2. At least one accessible route from an accessible building entrance to primary function areas 3. Signage complying with Section 1111 of the NC Building Code 4. Accessible parking, where provided 5. At least one accessible passenger loading zone, where loading zones are provided 6. At least one accessible route connecting accessible parking to an accessible entrance
Structural (NCEBC Section 1007)		No Change Required	The use category is not changed from existing (A-1), therefore no changes to gravity load provisions, snow and wind loads, or seismic load provisions are required.

Re: Feasibility Study for
Occupancy of Auditorium,
Gymnasium, and
Administration Buildings

Electrical (NCEBC Section 1008.1)		Required	Where occupancy is changed to one of the listed special occupancies (including Assembly and Theaters), the electrical wiring and equipment shall comply with the applicable requirements of NFPA 70
Mechanical (NCEBC Section 1009.1)		Required	Where occupancy is changed such that the new occupancy is subject to increased mechanical ventilation requirements in accordance with the International Mechanical Code, then the new occupancy shall comply.
Plumbing (NCEBC Section 1010.1)		Required, per comments. Recommended to provide accessible plumbing fixtures at each bathroom.	If the new occupancy (A-1) is subject to increased or different plumbing fixture requirements or water supply in accordance with the International Plumbing Code, then the new occupancy shall comply.
Energy Code		Required (for new work)	All new work in spaces undergoing a change of occupancy shall comply with the NC Energy Conservation Code.

Gymnasium Building

Consider the following recommendations for the use of the existing Gymnasium as a community practice gymnasium:

	Existing	Proposed	Comments
Building Occupancy Classification	Education, Group E	Assembly, Group A-4	Change in occupancy triggers revisions per Ch.10 in the NC Existing Building Code
Use Category	Assembly, Group A-4	Assembly, Group A-4	Occupant load could change with function of space per Table 1004.1.2 in the NCBC.
Area	7,194 sf	7,194 sf	No change
Occupant Load	7,194/5 net = 1,438 max occupants	7,194/5 net = 1,438 max occupants	No change

Re: Feasibility Study for
Occupancy of Auditorium,
Gymnasium, and
Administration Buildings

Special Use and Occupancy (NCEBC Section 1002.1)	n/a	n/a	No special uses are anticipated with the proposed program.
Building Elements and Materials (NCEBC Section 1012.3)	n/a	n/a	Interior finishes (Group A-4), if sprinklered are to meet Class B or C; if non-sprinklered are to meet Class A or C. (NCBC Table 803.11)
Automatic Sprinkler Systems (NEBC Section 1012.2.1)	Not Included	Not Required	The change in building occupancy classification from Group E to Group A-4 is a change to an equal hazard category. Therefore, there is no requirement to provide an automatic fire suppression system.
Fire Alarm and Carbon Monoxide Alarm Systems (NEBC Section 1012.2.2)	Verify existing conditions	Required	Where change of occupancy classification occurs and where the building is not equipped with a fire alarm system, alarm notification appliances shall be provided.
Means of Egress (NCEBC Section 1012.4)	3 exits	No Change Required	The change in building occupancy classification from Group E to Group A is of equal hazard category. The existing elements of the means of egress and egress capacity shall comply with the requirements for the new occupancy (Group A), determined by the occupant load.
Accessibility (NCEBC Section 1012.9)	One accessible entrance One accessible route from parking to a side entrance. Accessible parking	Required, see comments 1-6. It is recommended to provide an accessible route from the main parking lot to the primary entrance.	Change in Occupancy requires all the following: 1. At least one accessible building entrance 2. At least one accessible route from an accessible building entrance to primary function areas 3. Signage complying with Section 1111 of the NC Building Code 4. Accessible parking, where provided 5. At least one accessible passenger loading zone,

Re: Feasibility Study for
Occupancy of Auditorium,
Gymnasium, and
Administration Buildings

			where loading zones are provided 6. At least one accessible route connecting accessible parking to an accessible entrance
Structural (NCEBC Section 1007)		No Change Required	The use category is not changed from existing (A-4), therefore no changes to gravity load provisions, snow and wind loads, or seismic load provisions are required.
Electrical (NCEBC Section 1008.1)		Required	Where occupancy is changed to one of the listed special occupancies (including Assembly spaces), the electrical wiring and equipment shall comply with the applicable requirements of NFPA 70
Mechanical (NCEBC Section 1009.1)		Required	Where occupancy is changed such that the new occupancy is subject to increased mechanical ventilation requirements in accordance with the International Mechanical Code, then the new occupancy shall comply.
Plumbing (NCEBC Section 1010.1)		Required, per comments. Recommended to provide accessible plumbing fixtures at each bathroom.	If the new occupancy (A-4) is subject to increased or different plumbing fixture requirements or water supply in accordance with the International Plumbing Code, then the new occupancy shall comply.
Energy Code		Required (for new work)	All new work in spaces undergoing a change of occupancy shall comply with the NC Energy Conservation Code.

Re: Feasibility Study for
Occupancy of Auditorium,
Gymnasium, and
Administration Buildings

Administration Building

Consider the following recommendations for the use of the existing Administration and Library building for community meetings:

	Existing	Proposed	Comments
Building Occupancy Classification	Education, Group E	Business, Group B	Change in occupancy triggers revisions per Ch.10 in the NC Existing Building Code
Use Category	Offices = Business, Group B Library = Assembly, Group A-3	Offices = Business, Group B Library = Assembly, Group A-3	No change
Area	6,589 sf	6,589 sf	No change
Occupant Load	6,589 sf/20 = 330 occupants	6,589 sf/100 = 66 occupants	Occupant load could change with function of space per Table 1004.1.2 in the NCBC.
Special Use and Occupancy (NCEBC Section 1002.1)	n/a	n/a	No special uses are anticipated with the proposed program.
Building Elements and Materials (NCEBC Section 1012.3)	n/a	n/a	Interior finishes (Group B), if sprinklered are to meet Class B or C; if non-sprinklered are to meet Class A, B, or C. (NCBC Table 803.11)
Automatic Sprinkler Systems (NEBC Section 1012.2.1)	Not Included	No Change Required	The change in building occupancy classification from Group E to Group B is a change to a lower hazard category. Therefore, there is no requirement to provide an automatic fire suppression system.
Fire Alarm and Carbon Monoxide Alarm Systems (NEBC Section 1012.2.2)	Verify existing conditions	Required	Where change of occupancy classification occurs and where the building is not equipped with a fire alarm system, alarm notification appliances shall be provided.
Means of Egress (NCEBC Section 1012.4)	3 exits	No Change Required	The change in building occupancy classification from Group E to Group B is a change to a lower hazard category. The existing elements of the means of egress and egress capacity shall comply with the requirements for the new

Re: Feasibility Study for
Occupancy of Auditorium,
Gymnasium, and
Administration Buildings

			occupancy (Group B), determined by the occupant load.
Accessibility (NCEBC Section 1012.9)	One accessible entrance	Required, see comments 1-6	Change in Occupancy requires all the following: 1. At least one accessible building entrance 2. At least one accessible route from an accessible building entrance to primary function areas 3. Signage complying with Section 1111 of the NC Building Code 4. Accessible parking, where provided 5. At least one accessible passenger loading zone, where loading zones are provided 6. At least one accessible route connecting accessible parking to an accessible entrance
Structural (NCEBC Section 1007)		No Change Required	The use category is not changed from existing (A-1), therefore no changes to gravity load provisions, snow and wind loads, or seismic load provisions are required.
Electrical (NCEBC Section 1008.1)		Required	Where occupancy is changed to one of the listed special occupancies (including Assembly and Theaters), the electrical wiring and equipment shall comply with the applicable requirements of NFPA 70
Mechanical (NCEBC Section 1009.1)		Required	Where occupancy is changed such that the new occupancy is subject to increased mechanical ventilation requirements in accordance with the International Mechanical Code, then the new occupancy shall comply.
Plumbing (NCEBC Section 1010.1)		Required, per comments.	If the new occupancy (Group B) is subject to increased or different plumbing fixture requirements or water supply

Re: Feasibility Study for
Occupancy of Auditorium,
Gymnasium, and
Administration Buildings

		Provide accessible fixtures.	in accordance with the International Plumbing Code, then the new occupancy shall comply.
Energy Code		Required (for new work)	All new work in spaces undergoing a change of occupancy shall comply with the NC Energy Conservation Code.

Agenda Item

To: Planning Board

From: BJ Grieve, Planning Director
James Broadwell, Planner I

Subject: PD-03-24: Planned Development District - Preliminary Development Plan for Phase 2 and 3A of the Ace Hardware Planned Development located SW of the Airport Rd. & NC Hwy 22 Traffic Circle; Petitioner: Southern Pines Ace Land Company, LLC by KoontzJones Design, Agent

Date: July 18, 2024

I. SUMMARY OF APPLICATION REQUEST

Mr. Bob Koontz, on behalf of Southern Pines Ace Land Company, LLC, has submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for 32,650 square feet of Retail, Office, and Warehouse space on 13.4 total acres of land on parcels identified as PIN 857300963887 (PARID 00033603) and PIN 857300974451 (PARID 00033604). Per the Moore County tax record, the subject property is owned by Southern Pines Ace Land Company, LLC.

II. PROJECT INFORMATION

A. Property Owner & Applicant Information:

1. Property Owners:

Southern Pines Ace Land Company, LLC
215 Capital Drive
Whispering Pines, NC 28327

2. Applicant

Rhetson Companies, Inc.
2075 Juniper Lake Road
West End, NC 27376

3. Authorized Agent:

Koontz Jones Design, PLLC – Bob Koontz
140 Applecross Road, Suite B
Pinehurst, NC 28374

B. Property Information:

- 1. Street Address:** not yet given.

2. Size of Property

Total Size of Existing Parcels: 13.4 acres (deed acres)
Total Project Acreage: 3.8 acres

3. Existing Infrastructure:

The subject property is accessed by Airport Road to the NW, NC-22 (Central Drive) to the NE, and Capital Drive internally. From prior development, sanitary sewer and water lines exist within the parcel to the immediate East (Parcel ID: 20110245) along Capital Drive. Sidewalks internal to the Ace Planned Development provide internal pedestrian access, access to the Tyler's Ridge apartment complex to the SE, and access to the Southern Pines Greenway System (see Figure 1: Existing Infrastructure below).

4. Property Zoning and Comprehensive Plan Classification:

The current zoning of the subject property is PD (Planned Development). Adjoining properties are FRR (Facilities, Resource and Recreation) and the same PD (Planned Development) classification as the subject property (see Figure 2: Existing Zoning Map below). The Southern Pines Ace Hardware Conceptual Design Plan (CDP) was adopted pursuant to Southern Pines' Comprehensive Long-Range Plan (CLRP) in April 2022 as a "Traditional Mixed-Use" development. Under the Town's current 2040 Comprehensive Plan, the area is designed as a "Complete Community". Given the CDP was adopted under the older CLRP's designation, this current Phase 2 and 3A Preliminary Development Plan (PDP) is compliant with zoning and Comprehensive Plan classification.

C. Planned Development History & Current Project Description:

1. Planned Development History:

The subject property is part of the 13.4-acre Southern Pines Ace Hardware CDP that was approved by the Town of Southern Pines on April 12, 2022 (PD-01-22). The currently proposed retail, office, and warehouse developments are phase 2 and 3 of the CDP, with a caveat being that Phase 3 is now split into phases 3A and 3B. Only 3A is included in this PDP. Phase 1 included the "Provision Ace Hardware" along with its parking lot, stormwater pond, and a Greenway Trail to the building's South and West. The Greenway Trail associated with Phase 1 is not complete as of July 18, 2024.

2. Current Project Description:

This 4.49-acre portion of property is being proposed for development as:

- **Phase 2:** one 5,150 SF retail building; one 7,500 SF retail building.
- **Phase 3A:** one 10,000 SF retail / office building; one 10,000 SF warehouse.

The proposed uses are consistent with the "General Sales or Services", "Food Services", and "Manufacturing and Wholesale Trade" land use designation on the approved Southern Pines Ace Hardware CDP. Access to both developments will be from Capital Drive (private road), which meets Airport Road on the West side and NC Hwy 22 via Olive Tree Lane on the East side

(see Figure 3 for this PDP's overall Site Plan). The buildings will require separate compliance reviews with the Town's Architectural Standards for commercial buildings, as well as all Town development standards prior to construction. The applicant has provided a narrative and building renderings for initial review, which are attached with this report.

Figure 1: Existing Infrastructure (Subject Property Outlined in Red, Phase 2 & 3A in Dashed-Red)
 - (Tax Map does not show new lot line)

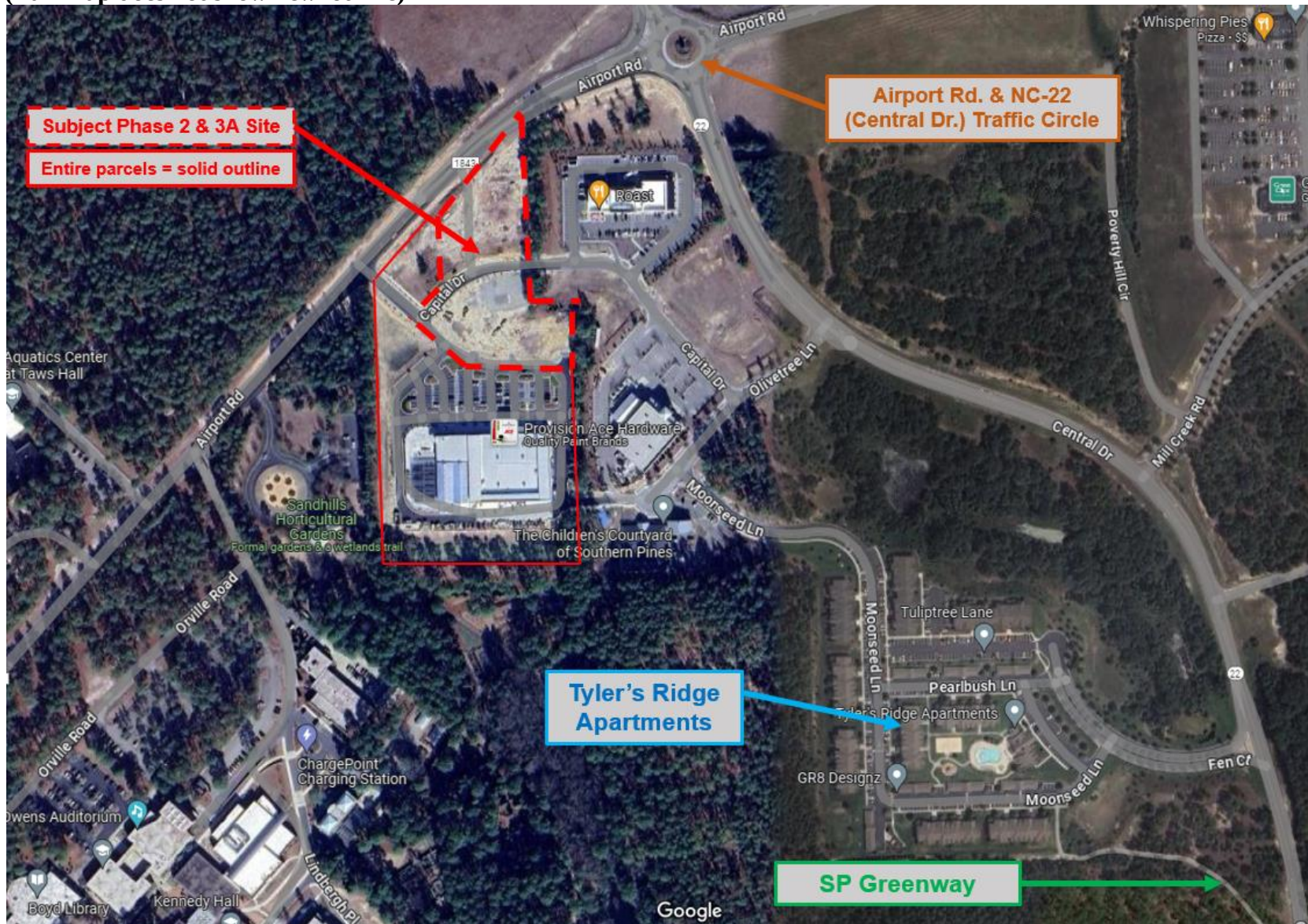


Figure 2: Existing Zoning (Subject Property Outlined in Red)

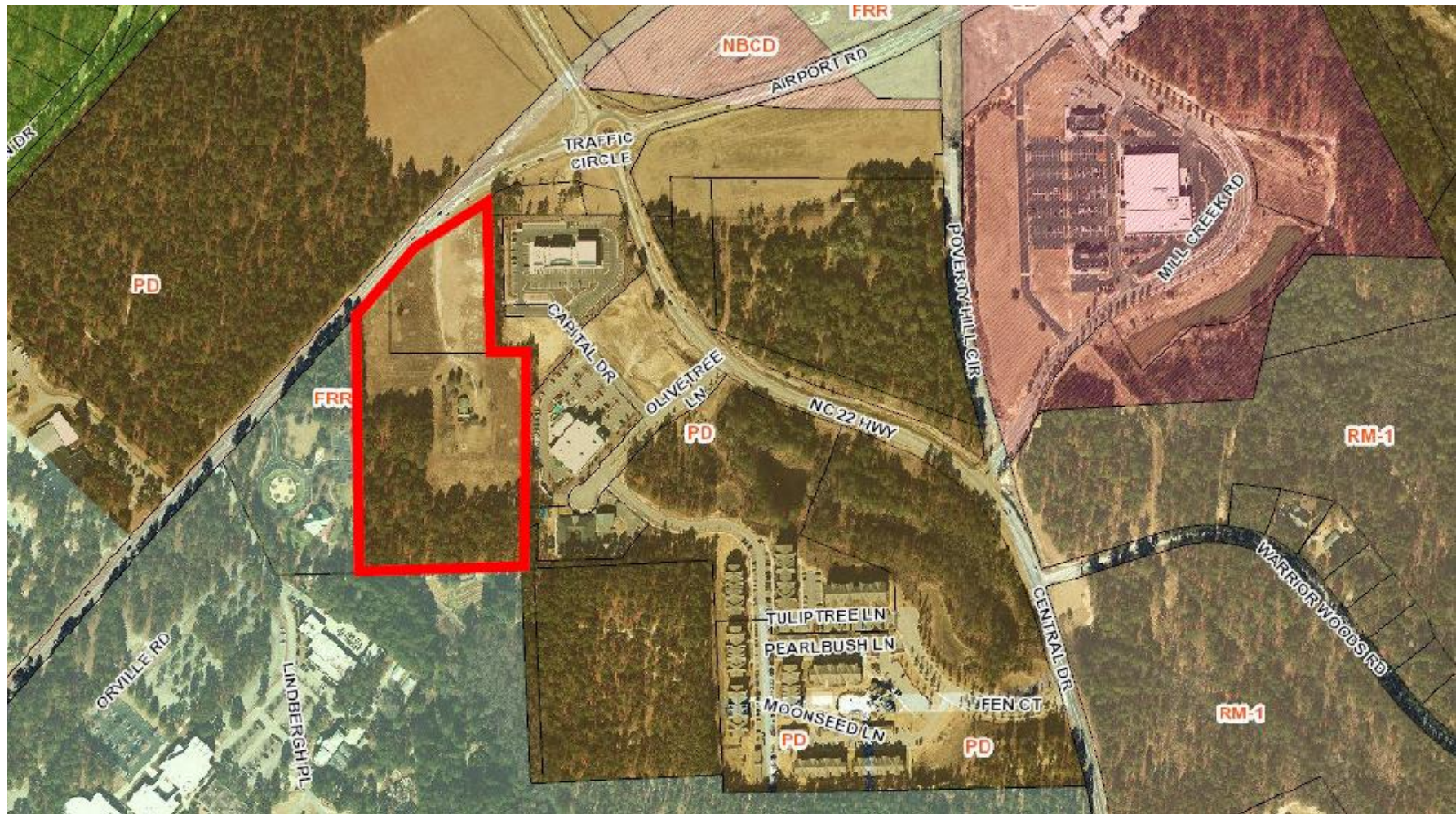
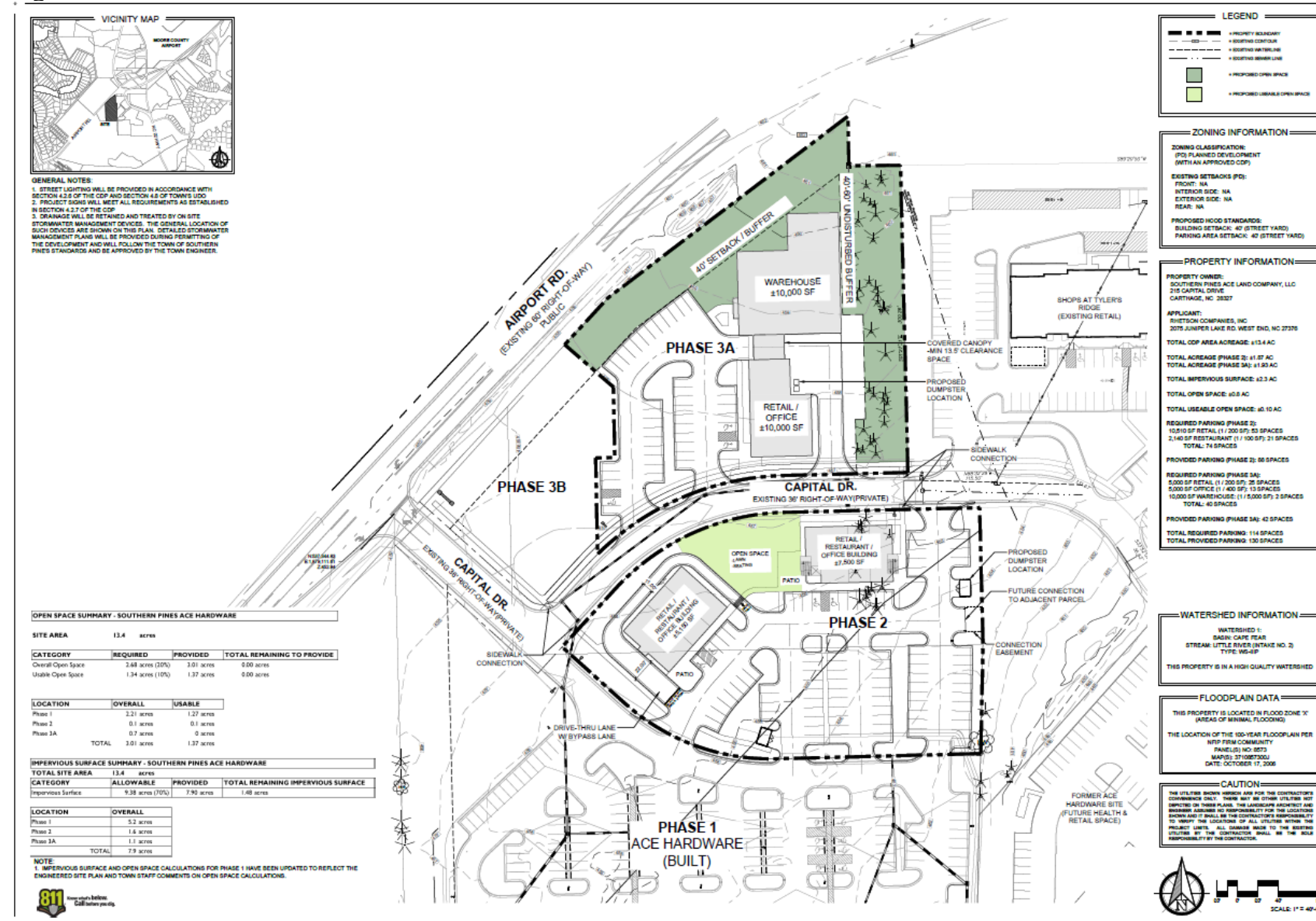


Figure 3: Southern Pines Ace Hardware PDP Phase 2 and 3A Site Plan



III. STAFF REVIEW

A. Review Process

The procedures for review and approval of a Planned Development (PD) District are established within Chapter 2 of the Town of Southern Pines Unified Development Ordinance. Chapter 2 describes a three-step process of Conceptual Development Plan (CDP), Preliminary Development Plan (PDP), and Final Development Plan to complete a Planned Development (PD) District. This application is for a PDP.

B. Summary of Procedural Requirements

- Preliminary Development Plan Application Submitted: **April 4, 2024**
- Application Deemed Complete: **June 26, 2024**
- Notice of July 18, 2024, Planning Board Preliminary Forum:
 - Posted On-site: **June, 28, 2024**
 - Mailed: **June, 28, 2024**
 - Internet: **July, 7 2024**
- Consultation with the Technical Review Committee: **July 9, 2024**
- Additional Materials Submitted: **July 9, 2024**
- Planning Board Regular Meeting/Preliminary Forum: **July 18, 2024**

C. Applicable Criteria for Review

The criteria for review and approval of a PDP are found in Chapter 2, §2.18.5(H), of the Town of Southern Pines Unified Development Ordinance. Staff analysis of how the application addresses these criteria begins on the following page of this document.

Preliminary Development Plan - UDO §2.18.5(H):

1. *The application demonstrates that it will achieve the purposes of the PD and this section;*
2. *The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;*
3. *The proposed Development is located in an area of the Town that is appropriate; and*
4. *The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*

D. Town Staff Review and Comments

Planning staff have reviewed the PDP application materials for consistency with each of the four (4) criteria for Preliminary Development Plans. The applicant has also provided a document entitled “Justification” addressing compliance with each of the four (4) criteria for a Preliminary Development Plan. A copy of the applicant’s Justification document is attached to this staff report.

i. Achieving the purposes of the Planned Development:

The Southern Pines Ace Hardware CDP is a General Business and General Business / Office Service development that was approved in 2022. The CDP establishes a vision for this property as a “high-quality commercial and office center that will be carefully integrated into the surrounding development areas”. The prior phase of development has resulted in a large retail center in the southern-most portion of the property, but has yet to complete the required greenway trail associated with Phase 1. According to §3.5.14 of the UDO:

*“The **PD** district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of this UDO. This district is intended to allow mixed-use Developments in areas where sufficient public water and sewer service is available (or can be readily extended) and where the street system is adequate (or can be readily improved) to handle the projected traffic volumes generated by the Development. The regulations of this district are intended to:*

- 1. Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;*
- 2. Exclude heavy commercial and heavy industrial land uses;*
- 3. Encourage Development in areas located on major thoroughfares and collector streets;*
- 4. Encourage vehicular access from service drive and other local streets;*
- 5. Provide performance standards to help ensure Compatible land uses;*
- 6. Encourage common or shared parking;*
- 7. Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;*
- 8. Facilitate clustering of Development thereby increasing the amount of saved land;*
- 9. Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;*
- 10. Improve connectivity within and between Developments to promote mobility and enhance walkability;*
- 11. Integrate public spaces and amenities to promote community gatherings and activities;*
- 12. Establish coordinated land plan and consistent treatment of common design elements;*

13. *Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and*
14. *If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.”*

Following review of the Southern Pines Ace Hardware CDP and the Planned Development District section in the UDO, planning staff does not find significant inconsistency between the proposed land uses and design in Ace Hardware Phase 2 and 3A and the text of either document. Comments about issues identified by staff for the Planning Board’s and Town Council’s attention are included in the Staff Comments section below.

ii. Consistency with the Conceptual Development Plan (CDP) and the Unified Development Ordinance (UDO):

Planning staff reviewed the initial PDP application materials (including project narrative, justification and PDP plan) and shared concerns with the applicant regarding a variety of issues related to compliance with the approved CDP and the UDO. Topics with which planning staff had concerns included:

- The incomplete Greenway Trail associated with Phase 1
- Functionality of proposed Open Space
- Opportunities for Shared parking
- Historic Moore County Airport Objections
- Traffic Impact Analysis and Stormwater updates
- Sidewalk connectivity (particularly a lack of sidewalk on the North side of Capital Drive)
- 4-sided architecture requirement in the CDPO and submitted building renderings
- Landscape standards, Undisturbed Buffers, and Tree Protection Fencing (primarily regarding the 40’-60’ buffer at the NE corner of the site).
- Capital Drive and the need for it to remain a Private Street.
- The need for a parking lot connection easement.

The applicant revised the application materials to address each of staff’s concerns and resubmitted application materials on July, 9 2024. Based on statements made in the revised application materials (attached to this staff report), planning staff feel that the application contains enough information and commitments to be deemed generally consistent with the CDP and UDO. Further detailed analysis of compliance with both the CDP and the UDO will involve representatives from all other Community Development departments (such as Streets, Engineering, Fire, etc.) and will occur during site plan and Architectural Compliance Permit review.

iii. Location in an area of town that is appropriate:

The proposed development is Phase 2 and 3A of the Southern Pines Ace Hardware CDP. The area being developed, which was approved and given

vested rights by the legacy CLRP in 2022, is designated a “Traditional Mixed-Use” development. The proposed land use will provide additional retail and office services and will further expand a growing retail and service industry job base within walking distance of a large apartment complex, Sandhills Community College, a traditional residential community, restaurants, a grocery store, and the Southern Pines Greenway System. Building heights are restricted to 50’.

Planning staff finds that given the prior phase of development, the connectivity to residential and commercial uses, the Comprehensive Plan designation, and the relative convenience of the location near a variety of existing and planned land uses, the proposed development is located in an appropriate area of town.

iv. Efficient extensions and expansions of public facilities, utilities and services:

The property is served by all necessary utilities and transportation infrastructure and the development will bear the cost of all infrastructure modifications and/or extensions. Development of the subject property in the manner proposed is an efficient way to increase jobs and tax base, while providing for a more vibrant community atmosphere.

v. General Comments:

- **Moore County Airport Objections.** During review of the Ace Hardware CDP, Moore County Airport expressed concerns about new development directly beneath an approach zone for the runway. The applicants and the airport agreed to pursue a land swap so that development on Phase 3 would not occur. However, the CDP was approved allowing future development on that property. The land swap never occurred. When the current PDP was submitted for review, Rick Cloutier with Moore County Airport sent an email to planning staff expressing concerns with development beneath the centerline of runway 5. As of July 9, 2024, the applicant’s technical representative stated that the airport no longer has concerns with the proposed development and would be submitting something in writing to this affect.
- **Traffic Impact Analysis (TIA).** The original TIA does cover the entire Ace Hardware CDP development. However, in the interest of realigning to the new conditions, the applicant has submitted an update to the original TIA in lieu of this PDP. The Town Engineer has reviewed this update, noting that the traffic is actually projected as less than expected, and has approved it. See Attachment #10 (TIA Update) for reference.
- **Watershed Exemption Allocation.** This project falls within the Cape Fear, Little River (Intake No. 2) watershed, which is designated as a high-quality watershed. A High-Quality Watershed Protection Exemption allocation has been given to the project, so they can build upon 70% of the site. They are currently below that percentage threshold.

- **Open Space Usage.** 20% Open Space is called for in the CDP for this project overall. Regarding the Usable Open Space between the Phase 2 buildings, the narrative explains the space is intended for a lawn and outdoor seating, leaving the ultimate design up to the developer. To ensure this area is developed in a manner consistent with the stated intentions of the developer, Planning Board and Town Council may wish to consider a condition of PDP approval.
- **Stormwater.** The applicants have stated that the stormwater infrastructure is adequate to accommodate Phase 2 and 3A. The Phase 2 stormwater will flow into the Stormwater Management (SWM) Pond behind Ace, and Phase 3A will flow go to a separate SWM Pond to the West of the site, as discussed at a July 9, 2024 meeting with planning staff and mentioned in the revised PDP narrative. See Attachment #11 (Conceptual Utility Layout - Bowman) for reference. Stormwater management will ultimately be reviewed and approved by the town's Engineering Department at the time of site plan review.
- **The Greenway Trail as part of Phase 1.** The Greenway Trail, which was originally planned to be complete in conjunction with Phase 1, is planned for construction on the Southern and Western sides of the overall development. Bob Koontz said during the July 9, 2024 meeting with planning staff that they intend to send a site plan for the trail to the TRC for review in the coming weeks. The application does have a Performance Guarantee (bond) in place for this requirement.
- **Undisturbed Buffers & Tree Protection Fencing.** There is an existing row of trees on the east side of Phase 3A that were part of a large buffer for the Tyler's Ridge development. Planning staff have asked the developers to retain these large trees and the current site design for Phase 3A reflects this request. In order to retain the existing trees, the orientation of the proposed buildings and parking will impede into the Highway Corridor Overlay landscape buffer by 10'. Per UDO §4.3.8, the planning staff supports this modest reduction to save an area of existing trees.

Figure 4: Existing buffer between Shops at Tyler's Ridge and Phase 3A of present PDP:



- **Capital Drive to remain private.** Capital Drive private road bisecting the property that was initially a private driveway developed as part of the Tyler's Ridge development. Capital Drive will remain a private road. The Town of Southern Pines does not intend to accept this road's dedication at any point in the future.
- **Connection Easement.** To ensure future parking lot connectivity, a connection easement is required within the Phase 2 parking lot on its East side. The updated PDP site plan submitted on July 9, 2024 does reflect that easement.
- **Sidewalk Connectivity.** In the new PDP narrative submitted on July 9, 2024, the plan intends to include a sidewalk on the N side of Capital Drive. Regardless of it being included in the narrative, staff recommends including a condition that requires this sidewalk to promote overall pedestrian connectivity.
- **Parking.** Exclusively to Phase 2 and 3A, parking at first appears to be excessive. The applicant has noted in their narrative that a relatively large volume of parking intends to account for possible restaurant uses within the individual sites, and that shared parking among Phase 1 and Phase 3B in the future will justify the relatively high number of spaces. The updated narrative sent in on July 9th references forward planning for restaurant tenants.

- **Landscape Standards.** Phase 2 and 3A must conform to all applicable standards outlined in UDO Chapter 4, with the exception of the Planned Development specific standards mentioned in UDO section 3.5.14(H).
- **Architectural Review.** The buildings associated with this plan will require 4-sided architecture per Section 4.2.3 of the CDP due to visibility from multiple angles. Though the renderings provided are helpful, they only show the front of buildings. Staff will need to see all four sides to confirm compliance. As of June 18th, the current renderings do not meet the building design requirements, specifically noting the EIFS appearance. Bob Koontz noted at the July 9, 2024 meeting that they'll send in new renderings that will depict the EIFS with a brick appearance to meet the design standards. If the new renderings meet the standard, then the buildings will qualify for administrative review (as they are all under 10,000 square feet).
- **Canopy height between Phase 2 buildings (Fire Truck access).** The canopy between the buildings in Phase 3A needs to be a minimum of 13'6" to ensure proper Fire Department access throughout the site. It needs to be greater than 13'6" to accommodate the Fire Truck passing underneath.
- The Technical Review Committee reviewed the current PDP application at their July 9, 2024 meeting. Topics of discussion included building height, Fire Department access, dumpster areas, stormwater, and parking. A list of planning staff and Technical Review Committee comments were subsequently discussed with the applicant on July 9, 2024. The applicant then addressed these comments by amending the PDP narrative and site plan later that day. Further site plan review and Architectural Compliance Permit approval will be required prior to issuance of any building permits for development, if approved.
- The ultimate Town Council public hearing for this request will be an evidentiary hearing and will follow the procedures set forth in UDO §2.14. As a preliminary forum to the evidentiary hearing, the Planning Board is solely allowed to provide a list of issues to the Town Council. This Planning Board hearing is scheduled for July 18, 2024.
- On July 9, 2024, BJ Grieve and James Broadwell spoke with Bob Koontz about 19 general comments identified by the Planning Department and the TRC. Bob Koontz and Paul Saathoff agreed to further refine their PDP application in lieu of these comments prior to Planning Board on 7/18/2024. In the meeting they noted that they would:
 - Mark the double-wide portion of the drive thru as a bypass lane.
 - Look at making the open space within Phase 2 something more specific that they could commit to, regardless of the ultimate tenant housed in each adjacent building.
 - Send a site plan for the incomplete Greenway Trail for a review by the TRC in the coming weeks.

- Enhance narrative to include that they're going to likely be restaurants, and likely do shared parking with Phase 3B.
- Look at including a sidewalk on the S side of Capital Drive to promote walking connectivity.
- Amend the building renderings to depict EIFS that has a brick appearance, meeting town Architecture Compliance standards.
- Include a callout for the canopy height (meet the fire access standard of minimum 13'6" height) between the Phase 3A buildings.
- Send along the letter regarding the issues with airport (which have been resolved).

E. Cooperating Agency and Technical Review Committee Review and Comments

A request for comments was emailed to agencies on June 27, 2024. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), U.S. Fish and Wildlife Service (USFWS), Moore County Airport and the North Carolina Department of Transportation (NCDOT). Comment was received back from RLUAC indicating that they have no comment.

IV. ATTACHMENTS

The following materials are provided as attachments to this staff memorandum:

1. Preliminary Development Plan Application
2. Deed - Ace Land Company, LLC
3. Preliminary Development Plan Narrative
4. Preliminary Development Plan Justification
5. Preliminary Development Plan Existing Conditions
6. Preliminary Development Plan Site Plan
7. Building Elevations (Phase 2)
8. Building Renderings (Phase 3A ABC Southern Pines)
9. Traffic Impact Analysis Update
10. Conceptual Utility Layout - Bowman

Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

V. PLANNING BOARD ACTION:

Pursuant to North Carolina General Statute §160D-301(b)(6) and Unified Development Ordinance §2.5.2, the Planning Board may hold a Preliminary Forum on a matter requiring a quasi-judicial decision by the Town Council. However, no part of the forum or any recommendation may be used as a basis for the deciding board.

Therefore, the Planning Board may wish to use the following motion to identify issues to bring to the attention of the Town Council at the evidentiary hearing.

I move to adopt the following for transmission to the Town Council as a result of the July 18, 2024 Preliminary Forum on application PD-03-24, Southern Pines Ace Hardware:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a PDP to application PD-03-24:

- 1.

In addition, the following concerns were raised during the forum, but do not seem to apply in determining whether the PDP criteria are satisfied:



Planned Development District Preliminary Development Plan Application

Fee: \$ _____ Date Received: _____ Case No.: PD- _____ - _____

Project Information:

Project Name: Ace Hardware - Phases 2 & 3

Physical Address: 445 Capital Dr, Carthage, NC 28327

PIN: 857300963887; 857300974451 Parcel ID: 00033603; 00033604

Site Size: ±4.49 AC Zoning: PD - w/ approved CDP

Applicant:

Name(s): Rhetson Companies, Inc.

Email: permits@rhetson.com Phone: 910-944-0881

Mailing Address: 2075 Juniper Lake Rd. West End, NC 27376

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design

Email: bkoontz@koontzjones.com Phone: 910-684-8487

Mailing Address: 140 Applecross Rd, Suite B, Pinehurst, NC 28374

Legal Property Owner(s), if different from Applicant:

Name(s): Southern Pines Ace Land Company, LLC

Email: rsaunders@southernpinesace.com Phone: 910-638-3978

Mailing Address: 215 Capital Drive, Carthage, NC 28327

1/12/22

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – Preliminary Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the south side of Airport Rd. (St./Ave.), between Capital Drive (St./Ave.) and Lindberg Place (St./Ave.). The property has a frontage of ±660 feet and a depth of ±890 feet.

The request is based upon **Section 2.18.5** of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

General Business and office services to include a mixture of uses

Date: 4/4/2024 | 9:22 AM EDT

DocuSigned by:

Chris Morgan

4005023AA37548B...
Applicant

**PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES**
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net

1/12/22

APPOINTMENT OF AGENT

RHETSON COMPANIES INC.

The undersigned owner(s), Southern Pines Ace Land Company, LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 4th day of April, 2024.

[Signature]
Property Owner

Property Owner

[Signature] [Signature]
Agent

1/12/22

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

November 22, 2021 4:50:32 PM

Book: 5749 Page: 375 - 379 #Pages: 5

Fee: \$26.00 NC Rev Stamp: \$3,900.00

Instrument# 2021025565

NORTH CAROLINA GENERAL WARRANTY DEED

This instrument prepared by: Frank C. Thigpen, Thigpen and Jenkins, L.L.P.
Mail after recording to: Grantee

Revenue Stamps-\$3900.00

Brief description for the index: 9.59 Acres +/- McNeill Township

This Deed made this 16th day of November, 2021 by and between:

GRANTOR:	GRANTEE:
BETSY FRYE SHORT and husband, FRANCIS MICHAEL SHORT DONALD FRYE and wife, LESLIE FRYE CLARA FRYE PHIBBS and husband, JAY PHIBBS	SOUTHERN PINES ACE LAND COMPANY LLC, A North Carolina Limited Liability Company 215 Capital Drive Whispering Pines, NC 28327

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract, or parcel of land situated in McNeill Township, Moore County, North Carolina, and more particularly described as follows:

BEING ALL OF THAT 9.59 ACRES, MORE OR LESS, TRACT SHOWN ON A MAP DATED OCTOBER 3, 2012, PREPARED UNDER THE SUPERVISION OF RYAN McBRIDE, REGISTERED LAND SURVEYOR AND RECORDED IN PLAT CABINET 15, SLIDE 772 IN THE MOORE COUNTY REGISTRY AND TO WHICH REFERENCE IS MADE FOR A MORE PARTICULAR DESCRIPTION THEREOF.

The above described parcel does not include the principal residence of the Grantor.

Being the same property as described in Deed Book 4227, Page 203, Moore County Registry.

Submitted electronically by "Robbins May & Rich LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

TO HAVE AND TO HOLD THE AFORESAID LOT OR PARCEL OF LAND AND ALL PRIVILEGES AND APPURTENANCES THERETO BELONGING TO THE GRANTEE IN FEE SIMPLE.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the matters of record, matters shown on the aforesaid plat, zoning and other ordinances and valorem taxes not yet due and payable.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

Betsy Frye Short (SEAL)
Betsy Frye Short

Francis Michael Short (SEAL)
Francis Michael Short

Donald H. Frye (SEAL)
Donald Frye

Mary Leslie Frye (SEAL)
Leslie Frye

____ (SEAL)
Clara Frye Phibbs

____ (SEAL)
Jay Phibbs

TO HAVE AND TO HOLD THE AFORESAID LOT OR PARCEL OF LAND AND ALL PRIVILEGES AND APPURTENANCES

THERETO BELONGING TO THE GRANTEE IN FEE SIMPLE.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the matters of record, matters shown on the aforesaid plat, zoning and other ordinances and valorem taxes not yet due and payable.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

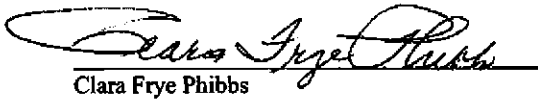
¶ WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

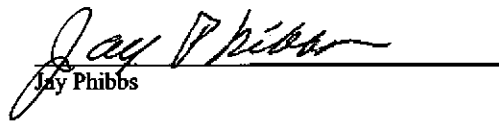
_____, (SEAL)
Betsy Frye Short

_____, (SEAL)
Francis Michael Short

_____, (SEAL)
Donald Frye

_____, (SEAL)
Leslie Frye

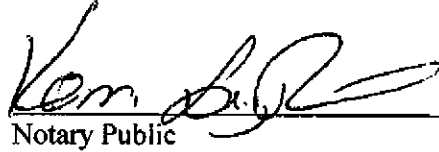
_____, (SEAL)
Clara Frye Phibbs

_____, (SEAL)
Jay Phibbs

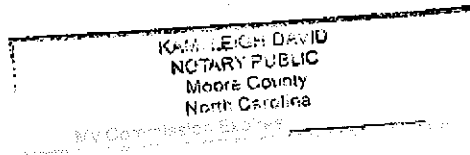
STATE OF NC
COUNTY OF MOORE

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Betsy Frye Short and husband, Francis Michael Short.**

Date: 11/18/21


Notary Public

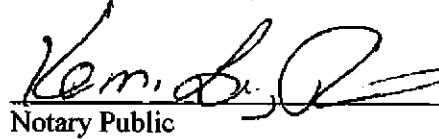
My Commission expires: 11/11/22



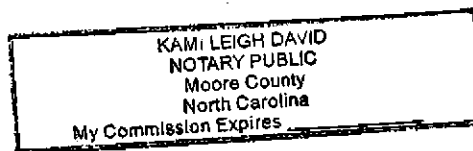
STATE OF NC
COUNTY OF MOORE

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Donald Frye and wife, Leslie Frye.**

Date: 11/18/21


Notary Public

My Commission expires: 11/11/22



STATE OF _____
COUNTY OF _____

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Clara Frye Phibbs and husband, Jay Phibbs.**

Date: _____

Notary Public

My Commission expires: _____

STATE OF _____
 COUNTY OF _____

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Betsy Frye Short and husband, Francis Michael Short.**

Date: _____

 Notary Public

My Commission expires: _____

STATE OF _____
 COUNTY OF _____

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Donald Frye and wife, Leslie Frye.**

Date: _____

 Notary Public

My Commission expires: _____

STATE OF New York
 COUNTY OF Essex

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Clara Frye Phibbs and husband, Jay Phibbs.**

Date: 11/17/21

Stephanie Elizabeth Holmquist
 Notary Public

My Commission expires: 4/23/22

Stephanie Elizabeth Holmquist
 Notary Public, State of New York
 Saratoga County #01HO6374169
 Commission Expires Apr. 23, 20 22

SOUTHERN PINES ACE HARDWARE – PHASES 2 & 3A PRELIMINARY DEVELOPMENT PLAN (PDP) NARRATIVE

The development of the property described as Southern Pines Ace Hardware – Phases 2 & 3A in the submitted exhibits will be completed as a mixed use development which could include office, retail, and restaurant uses. Overall, the project will cover a total of approximately 3.8 acres. All information, descriptions and calculations included in this application are related to the development of this parcel of property.

Phase 2 of the project will include the development of ±12,650 SF of retail, restaurant, or office space with the construction of two buildings and adequate parking facilities. Phase 2 will be accessed from Capital Drive and from the Ace Hardware parking area that was built with Phase 1 of the project. Phase 3A of the project will include the development of ±20,000 SF of office, retail, and wholesale trade space. Access for Phase 3A will also be from Capital Drive, which was extended and completed with Phase 1 of the project. The overall character of the development will provide a high-quality commercial center that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in the CDP document. Future uses must be compliant with the CDP and the approved list of uses.

The project falls within the Cape Fear, Little River (Intake No. 2) watershed which is designated as a high-quality watershed. A watershed protection permit was approved by the Town of Southern Pines during Phase 1 of the development. The project also falls within foraging partitions of one active and one abandoned red-cockaded woodpecker (RCW) cluster. Dr. J. H. Carter III and Associates have conducted a foraging habitat analysis for the property which has been reviewed by the US Fish and Wildlife Service (USFW). The review letter from USFW was submitted during previous phases of the project. The area consisting of phases 2 & 3A have been generally cleared of existing vegetation prior to the current development. There are no floodplains or wetlands located on the property. The project will fully comply with all general notes and standards included in the approved Southern Pines Ace Hardware Conceptual Development Plan (CDP).

Design standards for individual elements of the development are described below.

- **Pedestrian Connectivity**
 - o Pedestrian access will be provided throughout the site. Continuing with the character of the existing infrastructure, a sidewalk will be installed along the North Side Capital Drive. Parking areas throughout the site will connect to sidewalks leading to the building entrances and provide accessible access as required by state and federal standards.
- **Parking**
 - o Parking areas will be designed and landscaped per Town of Southern Pines Unified Development Ordinance standards in Section 4.5.



- Required and provided parking tabulations have been included on Sheet L-1.1 with this application. At the time of this application submittal, uses within the retail buildings located in Phase 2 have yet to be identified. Excess parking over the minimum parking space requirement is intended to provide flexibility for future uses. For example, if additional restaurant space is leased within the proposed buildings, the minimum parking requirement calculations would increase and could potentially provide a number of spaces below the minimum required number of spaces. Parking is intended to be shared within the overall development including possible future phases.
- Parking views will be screened from adjoining roadways as required by the Town of Southern Pines UDO and approved CDP documents.
- **Streets and Access**
 - Main access to the property as described in this PDP will be provided from Capital Drive. Access to the property from NC Highway 22 and Airport Rd is also available via Olivetree Lane and the Capital Drive.
 - A Traffic Impact Analysis (TIA) has been submitted during previous phases of the development.
- **Landscaping**
 - Landscaping will be provided as required by the Town of Southern Pines UDO in Section 4.3. This will include tree islands, parking lot landscaping and streetscape plantings.
 - Buffer plantings will follow the guidelines and standards as approved in the CDP.
- **Lighting**
 - All lighting on the property will follow Section 4.8 of the CDP and Section 4.2.6 of the CDP. Lighting levels along streets and in parking areas will be provided to meet the UDO standards for safety and match the existing community. Proposed lighting fixtures will match previous phases of development. All light will be projected downward to limit any light spilling onto adjacent properties.
- **Open Space**
 - Required open space for the overall Southern Pines Ace Hardware development per section 4.2.2 of the CDP is 20%. A minimum of 10% of the provided open space shall be usable open space as described in section 3.5.14 of the UDO. While no open space is required for each individual phase of the development, the overall development must meet the open space requirements.
 - The area identified as useable open space between the proposed buildings in Phase 2 is intended to provide a mixture of lawn and outdoor seating space. The ultimate design of this space will be dictated by the adjacent lessees and is to provide a space that will be harmonious with the adjacent use and be an inviting space for customers or employees to enjoy outside dining, activities, or relaxation.
 - An updated 'running' tabulation for the overall Southern Pines Ace Hardware property has been provided on Sheet L.1.1 of the submission set.
- **Stormwater**
 - The property is located within a state regulated and protected drainage basin. As such stormwater design will fully comply with all aspects of applicable local and state standards and regulations for storm water management and watershed protection, including specific requirements for erosion and sedimentation control.

Best management practices at the time of development for each phase shall be utilized in accordance with NCDEQ guidance. Stormwater must be maintained on the overall property to meet the Town of Southern Pines, NCDEQ, and any other stormwater regulations.

- It was intended that the stormwater management device located in Phase 1 would be a regional facility that would accommodate the runoff from all phases of the overall Southern Pines Ace Hardware property shown in the CDP. Preliminary engineering plans indicate that additional storage space may be required for Phase 3A. If additional storage space is required, it will be directed to the area as shown on the conceptual utilities plan that was included with this submittal. Any additional facilities will be designed per the Town of Southern Pines and NCDEQ standards.
- Detailed plans and calculations will be provided during the detailed site engineering process.

- **Utility Service**

- Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Utility extensions were installed with the completion of Capital Drive that was part of Phase 1 of the project. All utilities on the site will be located underground and installed per the policies of the local utility providers and the Town of Southern Pines.
- A conceptual utility layout for Phases 2 & 3A has been provided with this PDP submission set

- **Buffers/Setbacks**

- The setbacks for the property will follow the standards of the UDO for the specific area and uses. A 400' Urban Transition Highway Corridor Overlay is present along Airport Road. Due to site specific conditions and to allow for greater flexibility in design to protect an existing strand of Pine Trees along the North East property boardary, the project will follow the Urban Village Highway Corridor Overlay buffer and setback standards rather than the Urban Transition HCOD standards, as described in the CDP. A 40' building and parking setback and 40' planted buffer are proposed along Airport Road.
- A 40-60' undisturbed buffer along the Eastern property boundary north of Capital Dr. is shown on Sheet L-1.1.
- Setbacks and standards within the first 400' along Airport Road will follow the guidelines and standards as approved in the CDP. Portions of the property outside of the Highway Corridor Overlay Districts, will follow the standards of the UDO for the specific area and uses.
- Landscape buffer planting areas of 10' have been provided along all parking boundary areas and meet the Town's UDO standards in Section 4.3.

- **Architectural Character**

- The proposed buildings will be required to meet the standards of the commercial building design guidelines described in Section 4.10 of the Town of Southern Pines UDO. Furthermore, all buildings are required to have four (4) sided architecture as described in the CDP

- **Signage**

- All signage will be designed in conformance with the requirements of the Town of Southern Pines UDO in Section 4.6. Signs for “Shopping Centers” will follow Section 4.6.13 and maintain a Unified Sign Plan.
- Sign location as shown on Sheet L-1.1 of the submission set are permitted in the CDP. Signage, internal to the development, may be provided throughout the property for purposes of identification and wayfinding.
- Overall Shopping Center signs, along Airport Road, may include signage for businesses from the adjoining retail buildings and shopping center area for parcels with access along Capital Drive and Olivetree Lane.

The descriptions and conditions described above will apply to the development as indicated in the Preliminary Development Plan document. The proposed plan utilizes the CDP’s development standards and implements the second and third phases of development within the Southern Pines Ace Hardware development. These phases of development meet the standards of the Southern Pines Ace Hardware CDP. Should the CDP be amended, any standards indicated on the attached plans may be amended to accommodate the revised standard, without requiring amendment to these PDP documents.

In summary, the proposed PD – PDP and surrounding development is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Traditional Mixed-Use. This PDP contains retail buildings within the overall and adjacent mixed-use development, and will be similar in scale and size to these developments. The approved CDP describes a master planned mixed-use development. The proposed PDP complies with the standards as established in the CDP and Southern Pines UDO.

EXHIBIT A

Southern Pines Ace Hardware – Phases 2 & 3A Preliminary Development Plan Justification

Below are listed the four (4) criteria required to approve a Preliminary Development Plan (PDP) application as described in Section 2.18.5(H) of the Town of Southern Pines Unified Development Ordinance (UDO). Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Preliminary Development Plan is permitted if the Applicant demonstrates that:

(1) The application demonstrates that it will achieve the purposes of the PDD and this section;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO. The plans included with the CDP demonstrates the overall compliance with the UDO and this PDP follows the standards of the CDP. The PD District, Comprehensive Long-Range Plan (CLRP) and the CDP all encourage a traditional mixed-use development that reflects the standards of the existing area that surrounds the phase of development described in the PDP. The PDP submitted meets these goals.

(2) The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

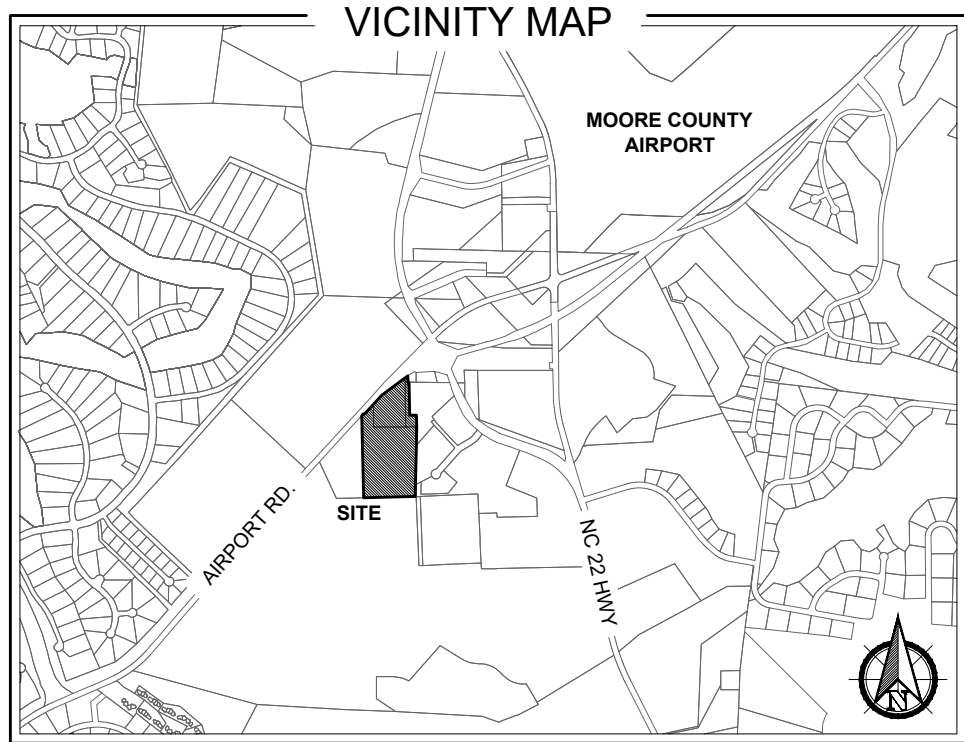
The PDP is consistent with and meets all standards and requirements provided in the CDP plans and conforms to the standards of the UDO. The development of commercial, retail, and office space is consistent with the Conceptual Land Use Plan shown on Sheet L 1.1 of the CDP master plan.

(3) The proposed Development is located in an area of the Town that is appropriate; and

The PDP is consistent with the CDP and the surrounding community which includes a mixed-use building (office, medical office, and restaurant), hardware supply store, multi-family apartment, and child day care center. The CLRP, which takes into account surrounding land uses, designates this property as traditional mixed-use. The development of the commercial, retail, and office space included in the PDP is consistent with the surrounding land uses and appropriate for this area. With the development standards set forth in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses.

(4) The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services

Water and sewer utilities are readily available for the project. Water and sewer utilities are located in Captial Drive, Olivetree Lane, and Airport Road. Capital Drive was extended to Airport Rd during Phase 1 of the project and included utility extensions that will serve Phases 2 & 3A. Stormwater management devices will be provided as necessary and required to control stormwater runoff for the property. Stormwater will be piped to the stormwater management device that was built with Phase 1. Detailed plans and calculations will be provided during the detailed site engineering process.



GENERAL NOTES:

1. STREET LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 4.2.6 OF THE CDP AND SECTION 4.8 OF TOWNS UDO
2. PROJECT SIGNS WILL MEET ALL REQUIREMENTS AS ESTABLISHED IN SECTION 4.2.7 OF THE CDP
3. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. THE GENERAL LOCATION OF SUCH DEVICES ARE SHOWN ON THIS PLAN. DETAILED STORMWATER MANAGEMENT PLANS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT AND WILL FOLLOW THE TOWN OF SOUTHERN PINE'S STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.

OPEN SPACE SUMMARY - SOUTHERN PINES ACE HARDWARE

SITE AREA	13.4	acres	
CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	2.68 acres (20%)	3.01 acres	0.00 acres
Usable Open Space	1.34 acres (10%)	1.37 acres	0.00 acres

LOCATION	OVERALL	USABLE
Phase 1	2.21 acres	1.27 acres
Phase 2	0.1 acres	0.1 acres
Phase 3A	0.7 acres	0 acres
TOTAL	3.01 acres	1.37 acres

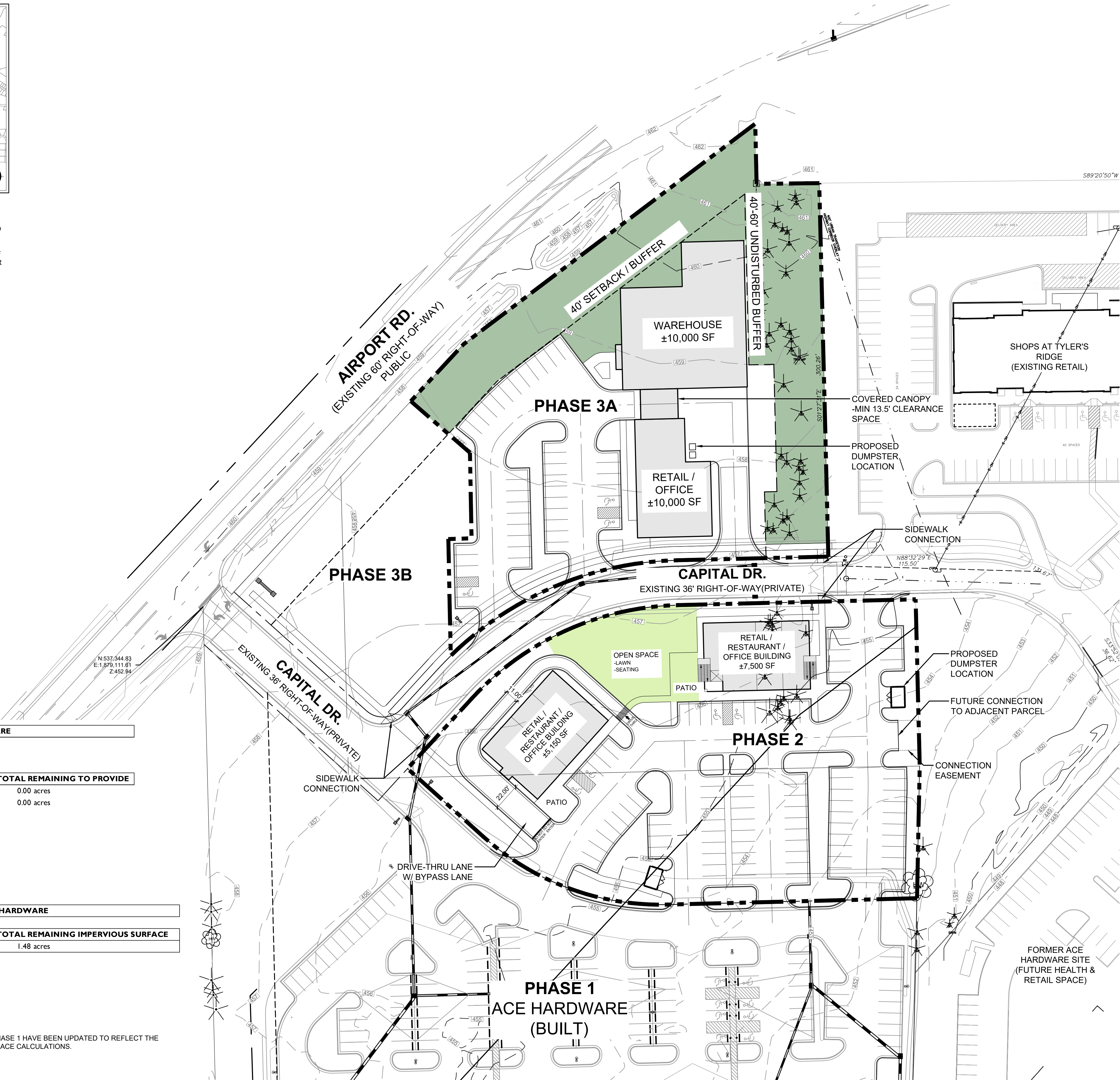
IMPERVIOUS SURFACE SUMMARY - SOUTHERN PINES ACE HARDWARE

TOTAL SITE AREA		13.4 acres	
CATEGORY	ALLOWABLE	PROVIDED	TOTAL REMAINING IMPERVIOUS SURFACE
Impervious Surface	9.38 acres (70%)	7.90 acres	1.48 acres

LOCATION	OVERALL
Phase 1	5.2 acres
Phase 2	1.6 acres
Phase 3A	1.1 acres
TOTAL	7.9 acres

NOTE:

1. IMPERVIOUS SURFACE AND OPEN SPACE CALCULATIONS FOR PHASE 1 HAVE BEEN UPDATED TO REFLECT THE ENGINEERED SITE PLAN AND TOWN STAFF COMMENTS ON OPEN SPACE CALCULATIONS.



LEGEND

- — — — — = PROPERTY BOUNDARY
- - - - - = EXISTING CONTOUR
- - - - - = EXISTING WATERLINE
- - - - - = EXISTING SEWER LINE
- = PROPOSED OPEN SPACE
- = PROPOSED USEABLE OPEN SPACE

ZONING INFORMATION

ZONING CLASSIFICATION:
(PD) PLANNED DEVELOPMENT
(WITH AN APPROVED CDP)

EXISTING SETBACKS (PD):
FRONT: NA
INTERIOR SIDE: NA
EXTERIOR SIDE: NA
REAR: NA

PROPOSED HCOD STANDARDS:
BUILDING SETBACK: 40' (STREET YARD)
PARKING AREA SETBACK: 40' (STREET YARD)

PROPERTY INFORMATION

PROPERTY OWNER:
SOUTHERN PINES ACE LAND COMPANY, LLC
215 CAPITAL DRIVE
CARTHAGE, NC 28327

APPLICANT:
RHETSON COMPANIES, INC
2075 JUNIPER LAKE RD. WEST END, NC 27376

TOTAL CDP AREA ACREAGE: ±13.4 AC

TOTAL ACREAGE (PHASE 2): ±1.87 AC
TOTAL ACREAGE (PHASE 3A): ±1.93 AC

TOTAL IMPERVIOUS SURFACE: ±2.3 AC

TOTAL OPEN SPACE: ±0.8 AC

TOTAL USEABLE OPEN SPACE: ±0.10 AC

REQUIRED PARKING (PHASE 2):
10,510 SF RETAIL (1 / 200 SF): 53 SPACES
2,140 SF RESTAURANT (1 / 100 SF): 21 SPACES
TOTAL: 74 SPACES

PROVIDED PARKING (PHASE 2): 88 SPACES

REQUIRED PARKING (PHASE 3A):
5,000 SF RETAIL (1 / 200 SF): 25 SPACES
5,000 SF OFFICE (1 / 400 SF): 13 SPACES
10,000 SF WAREHOUSE: (1 / 5,000 SF): 2 SPACES
TOTAL: 40 SPACES

PROVIDED PARKING (PHASE 3A): 42 SPACES

TOTAL REQUIRED PARKING: 114 SPACES
TOTAL PROVIDED PARKING: 130 SPACES

WATERSHED INFORMATION

WATERSHED 1:
BASIN: CAPE FEAR
STREAM: LITTLE RIVER (INTAKE NO. 2)
TYPE: WS-IIIP

THIS PROPERTY IS IN A HIGH QUALITY WATERSHED

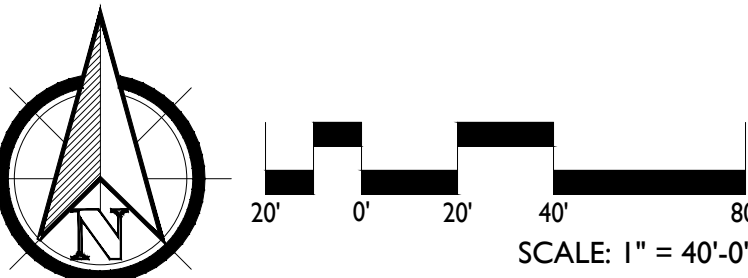
FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'
(AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFP FIRM COMMUNITY
PANEL(S) NO. 8573
MAP(S): 3710857300J
DATE: OCTOBER 17, 2006

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9467
W: www.koontzjonesdesign.com

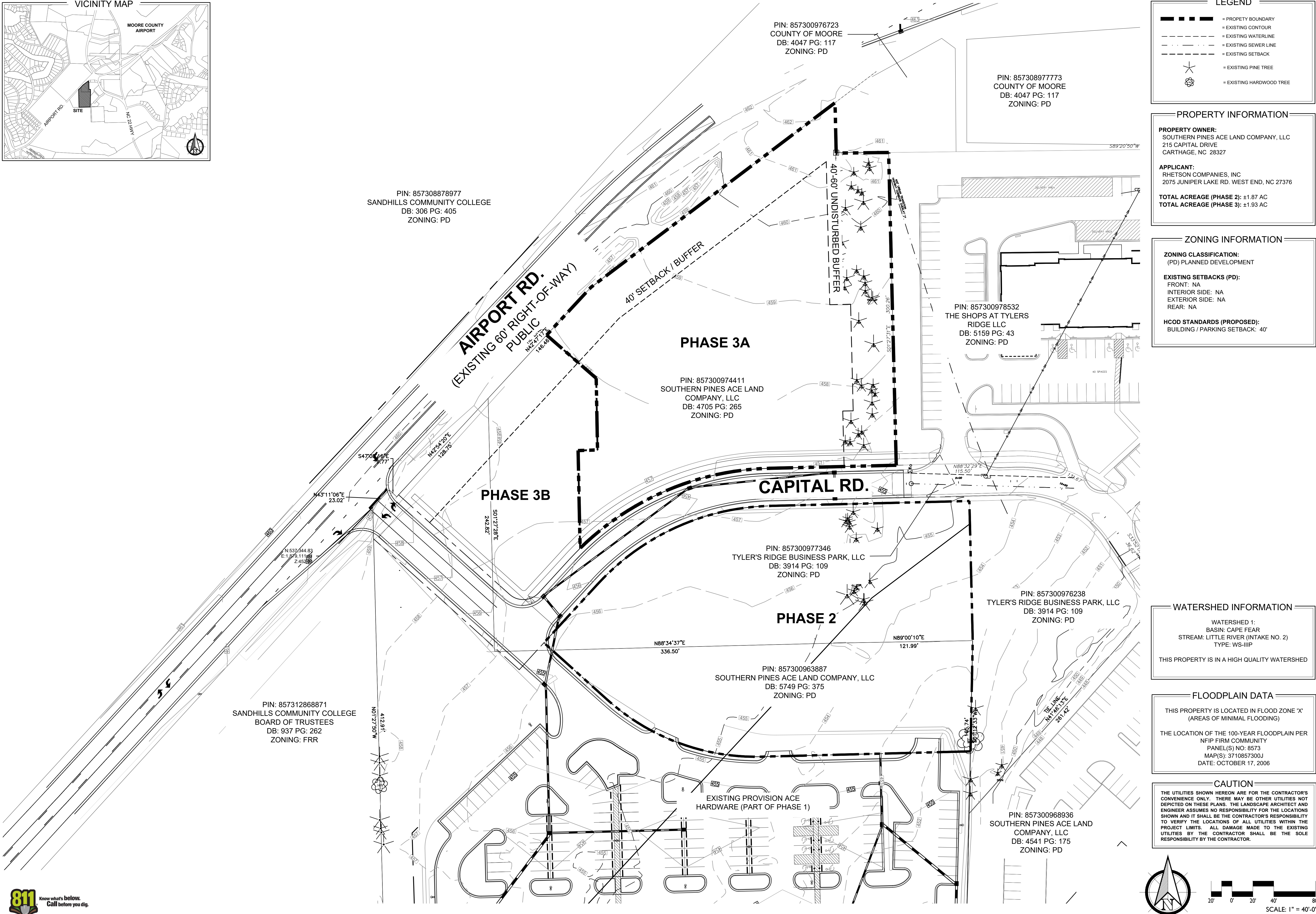
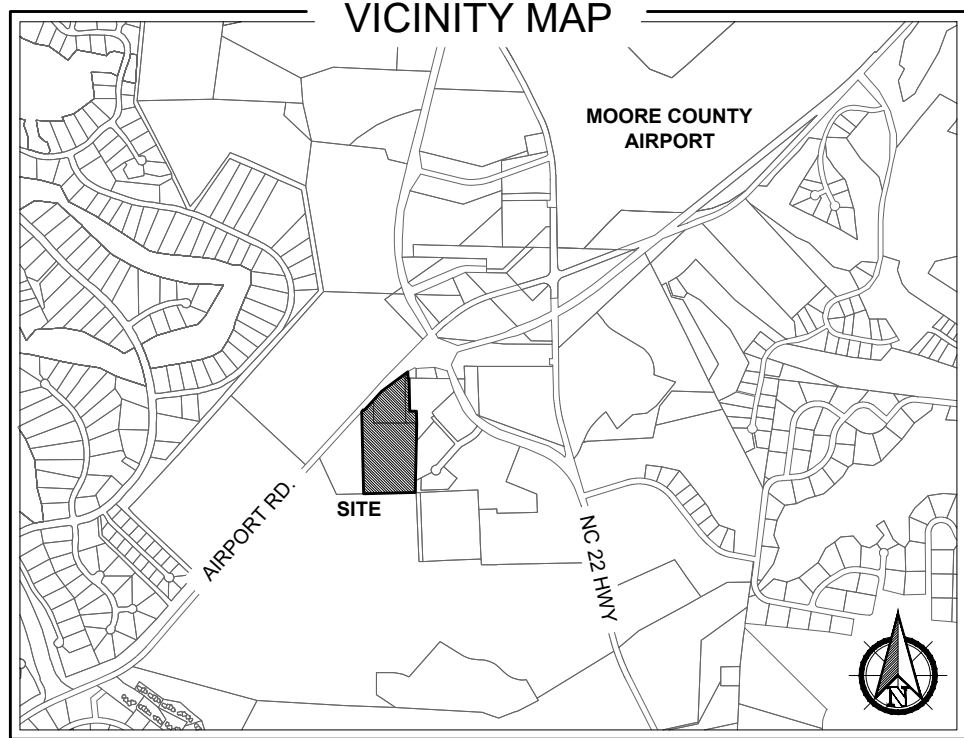
REVISIONS:

REVISIONS:

ACE HARDWARE - PHASES 2 & 3A
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN

DATE: 05-13-2024
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 40'-0"
PROJECT #: KD21123
SHEET NUMBER: L-1.1



LEGEND

- — — — — = PROPERTY BOUNDARY
- - - - - = EXISTING CONTOUR
- - - - - = EXISTING WATERLINE
- - - - - = EXISTING SEWER LINE
- - - - - = EXISTING SETBACK
- * = EXISTING PINE TREE
- ⊗ = EXISTING HARDWOOD TREE

PROPERTY INFORMATION

PROPERTY OWNER:
SOUTHERN PINES ACE LAND COMPANY, LLC
215 CAPITAL DRIVE
CARTHAGE, NC 28327

APPLICANT:
RHETSON COMPANIES, INC
2075 JUNIPER LAKE RD. WEST END, NC 27376

TOTAL ACREAGE (PHASE 2): ±1.87 AC
TOTAL ACREAGE (PHASE 3): ±1.93 AC

ZONING INFORMATION

ZONING CLASSIFICATION:
(PD) PLANNED DEVELOPMENT

EXISTING SETBACKS (PD):
FRONT: NA
INTERIOR SIDE: NA
EXTERIOR SIDE: NA
REAR: NA

HCOD STANDARDS (PROPOSED):
BUILDING / PARKING SETBACK: 40'

WATERSHED INFORMATION

WATERSHED 1:
BASIN: CAPE FEAR
STREAM: LITTLE RIVER (INTAKE NO. 2)
TYPE: WS-IIIP

THIS PROPERTY IS IN A HIGH QUALITY WATERSHED

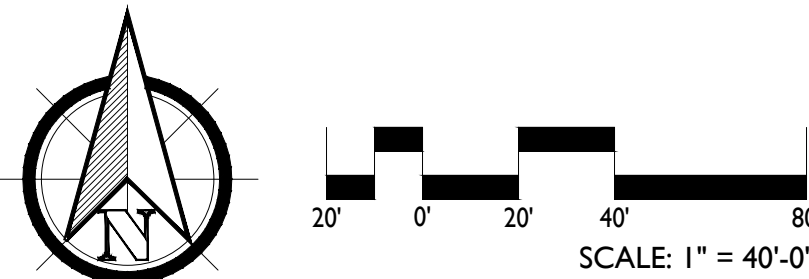
FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'
(AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
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PANEL(S) NO: 8573
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P: (910) 684-9467
W: www.koontzjonesdesign.com

REVISIONS:

REVISIONS:

ACE HARDWARE - PHASES 2 & 3A
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 05-13-2024
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 40'-0"
PROJECT #:
SHEET NUMBER#:
L-1.0





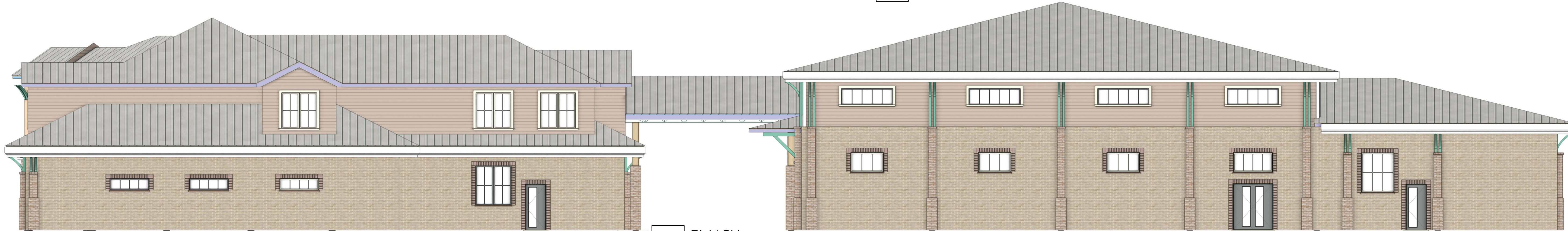




1 Front Left Model View
Scale: 3/16" = 1'-0"



2 Rear Left Model View
Scale: 3/16" = 1'-0"



4 Right Side
Scale: 1/8" = 1'-0"



3 Capitol Street View
Scale: 3/16" = 1'-0"



5 Airport Road-Rear View
Scale: 1/8" = 1'-0"

Drawn By D. Nichols	Check By CS & MK	Design Firm David Nichols Design 115 Lazar Ln. Southern Pines, NC 28387 910-315-9901	Project Title Southern Pines ABC Retail Store	Sheet No. W-1.3
Revised By CS & MK	Revised By CS & MK	Revised By CS & MK	Revised By CS & MK	Revised By CS & MK
Revised By CS & MK	Revised By CS & MK	Revised By CS & MK	Revised By CS & MK	Revised By CS & MK
Revised By CS & MK	Revised By CS & MK	Revised By CS & MK	Revised By CS & MK	Revised By CS & MK
Revised By CS & MK	Revised By CS & MK	Revised By CS & MK	Revised By CS & MK	Revised By CS & MK

Design Firm David Nichols Design 115 Lazar Ln. Southern Pines, NC 28387 910-315-9901	Project Title Southern Pines ABC Retail Store	Sheet No. W-1.3
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Design Firm David Nichols Design 115 Lazar Ln. Southern Pines, NC 28387 910-315-9901	Project Title Southern Pines ABC Retail Store	Sheet No. W-1.3



June 21, 2024

DRMP Job #:24507

James Michel, PE, MBA
Town Engineer/Asst. Public Works Director
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
E: JMichel@southernpines.net

Subject: Traffic Assessment for Phases 2 and 3
Ace Hardware Development – Southern Pines

Dear Mr. Michel:

This letter provides a Traffic Assessment for Phase 2 and Phase 3 of the Ace Hardware Development located at Airport Road and NC 22 (Central Drive) in Southern Pines. Phase 2 and Phase 3 are part of the overall Ace Hardware development that has an approved Concept Development Plan (CDP). Phase 2 is the parcel immediately north of the existing Ace Hardware store and is proposed to include two buildings with a total of approximately 12,650 s.f. of space. Phase 3 is the parcel adjacent to Airport Road and is proposed to include an ABC store along with a Food Truck area. The ABC store (Phase 3A) includes 10,000 s.f. of retail/office space and 10,000 s.f. of warehouse space.

A Traffic Impact Analysis (TIA) for the overall development (named Southern Pines Retail) was prepared in February 2022. The TIA assumed the overall development would include a 53,271 s.f. Ace Hardware store, 45,300 s.f. of retail space, and a 4,800 s.f. fast-food restaurant with drive-through. This TIA was reviewed by NCDOT and required transportation improvements were identified for the overall development in the April 11, 2022 letter (see attached). These improvements are required based on the TIA that was prepared for the overall development.

A TIA Addendum was prepared in June 2022 as part of the PDP process for the Ace Hardware store (phase 1). The TIA Addendum was prepared to better identify and isolate traffic impacts associated with the Ace Hardware store to determine what improvements should be required of this phase of development. The TIA Addendum included less density for other parcels within this development to help identify impacts specifically of the Ace Hardware store, while still accounting for future development of other parcels. Since the TIA Addendum was completed specifically for the Ace

Hardware store approval (phase 1), the overall TIA for the development is the approved traffic study for the Concept Development Plan (CDP) with improvements required of the overall development.

Site Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the current development plan were estimated using methodology contained within the ITE *Trip Generation Manual*, 11th Edition. Table 1 provides a summary of the trip generation for the current development plan. The trip generation includes the already approved and constructed Ace Hardware store since it is part of the overall development and is needed to accurately calculate internal capture trips. Phase 1 is shown in blue, phase 2 uses in orange, and phase 3 uses in green in Table 1.

Table 1: Trip Generation Summary – Overall Ace Hardware Development

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Hardware Store (816)	58,182 s.f.	470	42	39	31	33
Liquor Store (899)	5,000 s.f.	726	13	13	47	47
General Office (710)	5,000 s.f.	86	11	2	2	12
Warehousing (150)	10,000 s.f.	54	19	6	8	20
Retail (<40 KSF) (822)	10,510 s.f.	674	18	12	40	41
Fast-Food Restaurant w/ Drive-Thru (934)	2,140 s.f.	1,000	49	46	37	34
Total Trips		3,010	152	118	165	187
<i>Internal Capture (12% AM & 16% PM)</i>			-19	-15	-26	-30
Total External Trips			133	103	139	157
<i>Pass-By Trips: Hardware Store (26% PM)</i>			--	--	-7	-7
<i>Pass-By Trips: Retail (29% PM)</i>			--	--	-10	-10
<i>Pass-By Trips: Fast-Food Restaurant w/ Drive-Thru (50% AM, 55% PM)</i>			-21	-21	-16	-16
Total Primary Trips			112	82	106	124

Internal capture trips were calculated for the overall development based on the NCHRP Report 684. In addition, pass-by trips were calculated for the appropriate land uses based on pass-by percentages

from ITE. After reductions for internal capture and pass-by trips, the proposed development plan will generate approximately 194 new weekday AM peak hour trips (112 entering and 82 exiting), and 230 new weekday PM peak hour trips (106 entering and 124 exiting).

Trip generation used in the original TIA report for the development was higher than the total trip generation for the current development plan. The original TIA report included trip generation for more retail density than is currently proposed with Phases 2 and 3. Table 2 provides a comparison of the trip generation for the current proposed development plan and the trip generation used in the TIA report.

**Table 2: Trip Generation Comparison
Current Proposed Development Plan vs. TIA**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Ace Hardware Development Plan (Full Build Out)						
Total Primary Trips		3,010	112	82	106	124
TIA Development Plan (from February 2022 TIA)						
Total Primary Trips		6,260	177	130	125	131
DIFFERENCE		-3,250	-65	-48	-19	-7

As shown in Table 2, the current development plan will generate over 3,200 fewer daily trips, approximately 113 fewer AM peak hour trips, and approximately 26 fewer PM peak hour trips than was assumed in the original TIA report. All improvements required for the development (in the NCDOT TIA approval letter) were based on the higher trip generation in the TIA report. The overall impact of development trips will be less than assumed in the original TIA report.

Summary

The proposed plans for Phase 2 and Phase 3 of the Ace Hardware development will result in a lower trip generation in the overall development than was shown in the previous TIA report prepared for the overall development. Since the trip generation is lower for the overall development with the current proposed plans for Phase 2 and Phase 3, an additional traffic study is not necessary.



Improvements identified as part of the TIA review are required of the development and would be expected as part of completion of the overall development.

If you should have any questions or comments regarding this letter, please feel free to contact me at rstephenson@drmp.com or by phone at 919-872-5115.

Sincerely,

A handwritten signature in black ink, appearing to read "Rynal Stephenson".

Rynal Stephenson, P.E.
Chief Traffic Analysis Engineer
DRMP, Inc.

Corporate License #F-1524



Attachments: NCHRP Internal Capture Tables

TIA Trip Generation Table

NCDOT TIA Review Letter (April 11, 2022)

Concept Development Plan for Overall Development

Phases 2 and 3 Preliminary Development Plans

cc: DeAngelo Jones (NCDOT)
Bob Koontz, PLA, Koontz Jones Design
Dagoberto Juarez Pozos, PE (NCDOT)
Nicholas Lineberger, PE (NCDOT Congestion Management)

NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Southern Pines Retail			Organization:	DRMP
Project Location:	Southern Pines, NC			Performed By:	RS
Scenario Description:				Date:	6/20/2024
Analysis Year:	Buildout			Checked By:	
Analysis Period:	AM Street Peak Hour			Date:	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips ³		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	816/822/899	182 , 10,510, 50	sq. ft.	137	73	64
Restaurant	934	2,140	sq. ft.	95	49	46
Cinema/Entertainment				0		
Residential				0		
Hotel				0		
All Other Land Uses ²				0		
				232	122	110

Table 2-A: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ. ⁴	% Transit	% Non-Motorized	Veh. Occ. ⁴	% Transit	% Non-Motorized
Office	1.10	0%	0%	1.10	0%	0%
Retail	1.10	0%	0%	1.10	0%	0%
Restaurant	1.10	0%	0%	1.10	0%	0%
Cinema/Entertainment	1.10	0%	0%	1.10	0%	0%
Residential	1.10	0%	0%	1.10	0%	0%
Hotel	1.10	0%	0%	1.10	0%	0%
All Other Land Uses ²	1.10	0%	0%	1.10	0%	0%

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		9	0	0	0
Restaurant	0	6		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	255	134	121
Internal Capture Percentage	12%	11%	12%
External Vehicle-Trips ⁵	204	108	96
External Transit-Trips ⁶	0	0	0
External Non-Motorized Trips ⁶	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	8%	13%
Restaurant	17%	12%
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Manual* , published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

³Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

⁴Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

⁵Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

⁶Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Southern Pines Retail			Organization:	DRMP
Project Location:	Southern Pines, NC			Performed By:	RS
Scenario Description:				Date:	6/20/2024
Analysis Year:	Buildout			Checked By:	
Analysis Period:	PM Street Peak Hour			Date:	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (<i>For Information Only</i>)			Estimated Vehicle-Trips ³		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	816/822/899	182 , 10,510, 50	sq. ft.	239	118	121
Restaurant	934	2,140	sq. ft.	71	37	34
Cinema/Entertainment				0		
Residential				0		
Hotel				0		
All Other Land Uses ²				0		
				310	155	155

Table 2-P: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ. ⁴	% Transit	% Non-Motorized	Veh. Occ. ⁴	% Transit	% Non-Motorized
Office	1.10	0%	0%	1.10	0%	0%
Retail	1.10	0%	0%	1.10	0%	0%
Restaurant	1.10	0%	0%	1.10	0%	0%
Cinema/Entertainment	1.10	0%	0%	1.10	0%	0%
Residential	1.10	0%	0%	1.10	0%	0%
Hotel	1.10	0%	0%	1.10	0%	0%
All Other Land Uses ²	1.10	0%	0%	1.10	0%	0%

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		4000	4000		4000	
Retail					4000	
Restaurant					4000	
Cinema/Entertainment					4000	
Residential		4000	4000			
Hotel					4000	

Table 4-P: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		12	0	0	0
Restaurant	0	15		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	341	171	170
Internal Capture Percentage	16%	16%	16%
External Vehicle-Trips ⁵	261	131	130
External Transit-Trips ⁶	0	0	0
External Non-Motorized Trips ⁶	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	12%	9%
Restaurant	29%	41%
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	N/A	N/A

¹ Land Use Codes (LUCs) from <i>Trip Generation Manual</i> , published by the Institute of Transportation Engineers.
² Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.
³ Enter trips assuming no transit or non-motorized trips (as assumed in ITE <i>Trip Generation Manual</i>).
⁴ Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be
⁵ Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.
⁶ Person-Trips
*Indicates computation that has been rounded to the nearest whole number.
Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is expected to consist of a 53,271 sq. ft. hardware store, 45,300 sq. ft. of general retail, and a 4,800 sq. ft. fast-food restaurant with drive-thru. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 3 provides a summary of the trip generation potential for the site.

Table 3: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Hardware Store (816)	53,271 sq. ft.	490	37	35	30	30
Shopping Center (820)	45,300 sq. ft.	3,510	108	66	145	157
Fast-Food Restaurant w/ Drive-Thru (934)	4,800 sq. ft.	2,260	98	95	82	75
Total Trips		6,260	243	196	257	262
<i>Internal Capture (11% AM & 21% PM)*</i>			-24	-24	-55	-54
Total External Trips			219	172	202	208
<i>Pass-By Trips: Hardware Store (49% AM, 50% PM)</i>			--	--	-6	-6
<i>Pass-By Trips: Shopping Center (43% PM)</i>			--	--	-40	-40
<i>Pass-By Trips: Fast-Food Restaurant w/ Drive-Thru (36% PM)</i>			-42	-42	-31	-31
Total Primary Trips			177	130	125	131

*Utilizing methodology contained in the NCHRP Report 684.

It is estimated that the proposed development will generate approximately 6,260 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 439 trips (243 entering and 196 exiting) will occur during the



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

April 11, 2022

Nate Bouquin, P.E.
Ramey Kemp and Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

SUBJECT: Traffic Impact Analysis
Southern Pines Retail, Moore County

Dear Mr. Bouquin,

Thank you for submitting the Traffic Impact Analysis for the subject development. The preliminary site plan and traffic impact analysis have been reviewed by District, Division, and Congestion Management staff in accordance with the Policy on Street and Driveway Access to North Carolina Highways. We have the following comments for the subject access permit.

Airport Road and Site Drive 1

- Construct the northbound approach with one (1) ingress lane and two (2) egress lanes, striped as exclusive right turn and left turn lanes as well as provide a minimum of 100 feet of internal protected stem.
- Construct an eastbound right-turn lane with 100 feet of storage and appropriate taper.
- Construct a westbound left turn lane with 150 feet of storage and appropriate taper.

Airport Road and NC 22 Roundabout

- Construct an exclusive eastbound right-turn slip lane with a minimum of 150 feet of storage and appropriate taper.

NC 22 and Olive Tree Lane

- Monitor intersection for future eastbound congestion movements and convert entrance to a right in-right out once warranted by NCDOT.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DISTRICT 2, DIVISION 8
902 NORTH SANDHILLS BLVD.
ABERDEEN, NC 28315

Telephone: (910) 944-7621
Fax: (910) 944-5623
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
902 NORTH SANDHILLS BLVD.
ABERDEEN, NC 28315

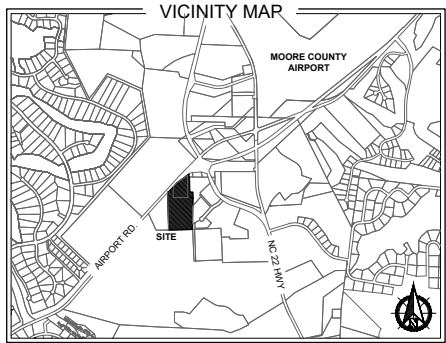
Please incorporate the above comments into your planning. When the above comments have been addressed, please submit site plans along with applicable permits to this office for review. If further information is needed, please advise.

Sincerely,

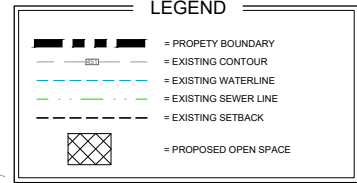
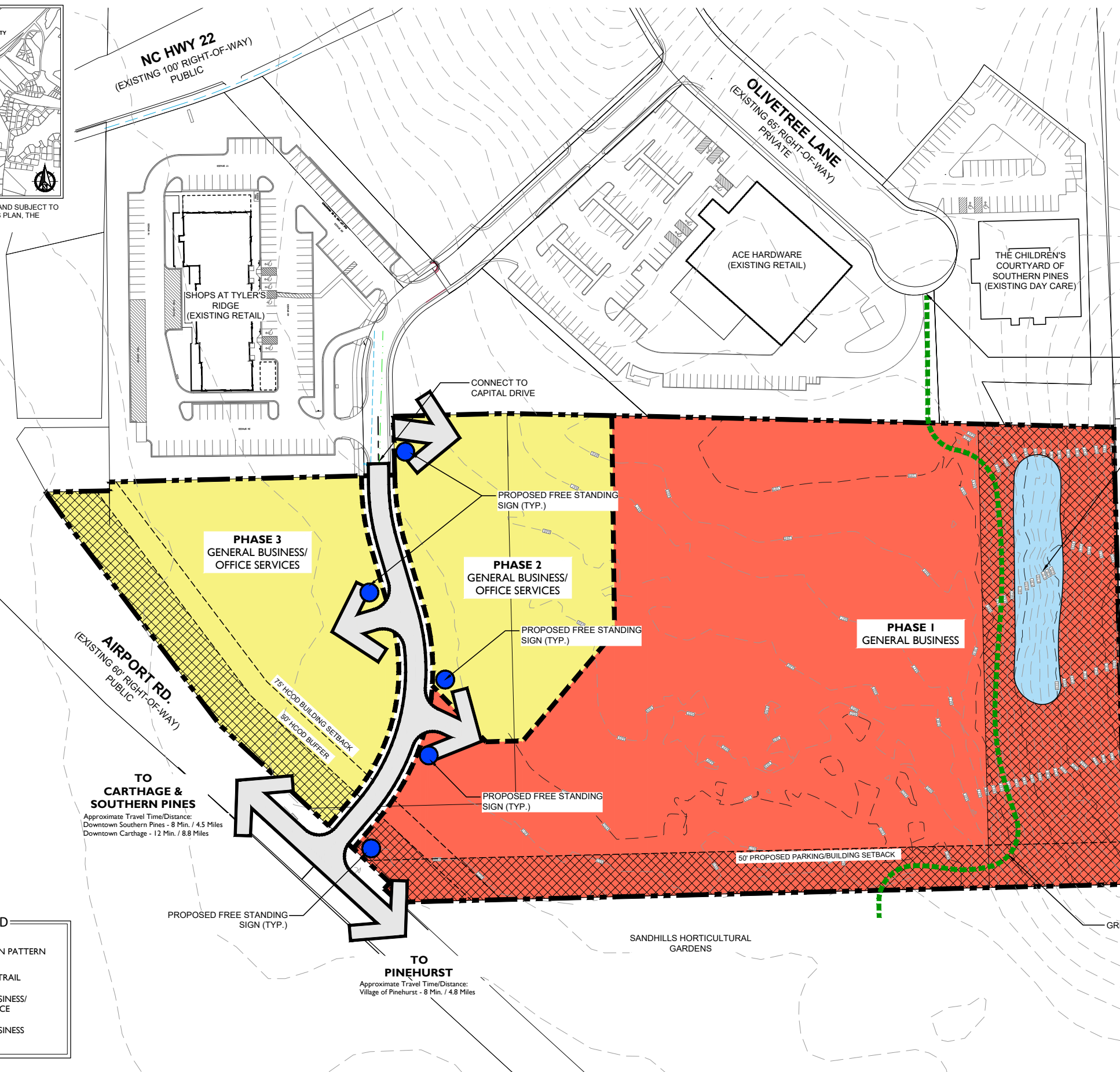
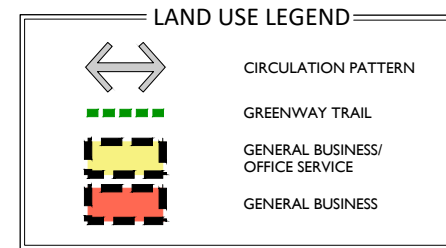
A handwritten signature in black ink, appearing to read 'Matthew Kitchen', written in a cursive style.

Matthew Kitchen, PE
District Engineer

CC: Patrick Norman, PE
John Grant, PE
David Willett
Josh Brooks, PE
File



* THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO CHANGE. THE PROPERTY OWNER MAY MODIFY THIS PLAN, THE ILLUSTRATED USES AND ANY PHASING.



PHASING PLAN NOTES:

1. DUE TO THE UNCERTAINTY OF ECONOMIC FACTORS THAT INFLUENCE LAND DEVELOPMENT, SOME FLEXIBILITY IN THE SEQUENCING OF PHASES IS NECESSARY AND IS TO BE BASED ON MARKET DEMANDS AND NECESSARY INFRASTRUCTURE IMPROVEMENTS.
2. RATHER THAN TYING THE PHASING TO SPECIFIC DATES AND SEQUENCING, PHASING IS TIED TO REQUIRED INFRASTRUCTURE IMPROVEMENTS INCLUDING ROADWAY, WATER LINE, AND SEWER LINE CONSTRUCTION ADEQUATE TO SERVE THE PHASE TO BE DEVELOPED. PHASES ARE NOT REQUIRED TO DEVELOP SEQUENTIALLY WITHIN THIS PLAN BUT COULD NOT DEVELOP UNTIL THE ADEQUATE INFRASTRUCTURE IS PROVIDED TO ACCOMMODATE THE PROPOSED PHASE. PHASES MAY ALSO BE DEVELOPED AND COMBINED WITH OTHER PHASES AND SUBPHASES.
3. PHASING AND REQUIREMENTS FOR EACH PHASE WILL BE REVIEWED AT SUCH TIME AS A PDP IS SUBMITTED FOR AN INDIVIDUAL PHASE.

OPEN SPACE NOTES:

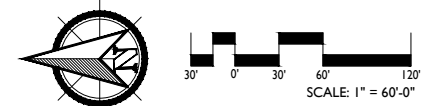
1. THE GENERAL LOCATION OF OPEN SPACES AND WATER BODIES IS SHOWN ON SHEET L-1.1. THESE LOCATIONS ARE CONCEPTUAL IN NATURE AND MAY VARY IN SIZE AND LOCATION DURING THE DETAILED SITE PLAN PROCESS.
2. A MINIMUM OF 20% OF TOTAL OPEN SPACE SHALL BE PROVIDED. A MINIMUM 10% OF THE PROVIDED OPEN SPACE SHALL BE USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. A RUNNING TABULATION WILL BE PROVIDED DURING THE PDP PROCESS FOR EACH INDIVIDUAL PHASE.

TRANSPORTATION PLAN NOTES:

1. ALL STREETS AND PARKING AREAS WILL BE DESIGNED TO MEET THE TOWN OF SOUTHERN PINES ENGINEERING STANDARDS OR ADDITIONAL GEOTECHNICAL ENGINEERING RECOMMENDATIONS WILL BE PROVIDED AS AN ALTERNATIVE BASED ON THE SPECIFIC SOIL CONDITIONS ON THE PROPERTY
2. STORMWATER MANAGEMENT FOR THE TRANSPORTATION FACILITIES AND FUTURE DEVELOPMENT WILL BE PROVIDED USING BEST MANAGEMENT PRACTICES, IN REGIONAL STORMWATER DETENTION FACILITIES. FACILITIES WILL BE LOCATED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPTUAL DEVELOPMENT PLAN. AS ILLUSTRATED ON THIS SHEET, THE DRAINAGE FLOW ARROWS DESIGNATE THE GENERAL FLOW OF WATER BASED ON THE EXISTING TOPOGRAPHY. DRAINAGE WILL FLOW TOWARDS THE GENERAL AREA WHERE THE PROPOSED STORMWATER MANAGEMENT DEVICE IS SHOWN. THE LOCATION OF STORMWATER MANAGEMENT DEVICES ARE SUBJECT TO CHANGE THROUGHOUT THE CONTINUED DEVELOPMENT OF THE PROPERTY BASED ON DETAILED ENGINEERING PLANS. EACH INDIVIDUAL SITE MAY ALSO ELECT TO PROVIDE STORMWATER ON-SITE DEPENDING UPON THE SITE CONDITIONS AND ENGINEERING STANDARDS. STORMWATER MUST BE MAINTAINED ON THE OVERALL PROPERTY TO MEET THE TOWN OF SOUTHERN PINES AND ALL STATE AND FEDERAL STANDARDS.
3. NO ENDANGERED SPECIES ARE LOCATED ON THE PROPERTY.
4. TRAVEL DISTANCES & TIMES WERE OBTAINED FROM GOOGLE MAPS AND REFLECT TYPICAL DRIVING TIMES OBSERVED FROM 9-5 PM. TRAVEL TIMES MAY FLUCTUATE BASED ON TIME, WEATHER, CONSTRUCTION, TRAFFIC ACCIDENTS, AND INCREASES IN TRAFFIC DUE TO HOLIDAYS AND SPECIAL EVENTS.

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9487
W: www.koontzjonesdesign.com

REVISIONS:

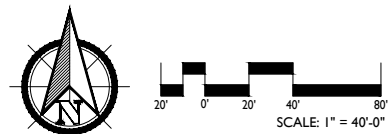
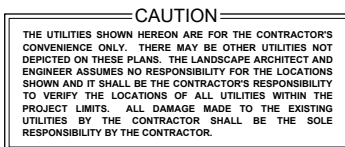
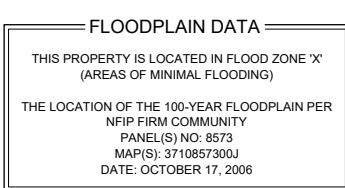
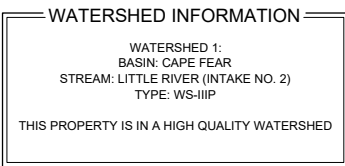
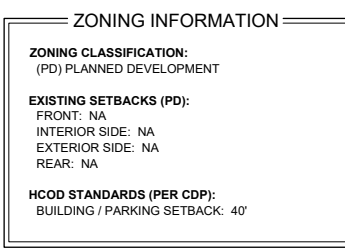
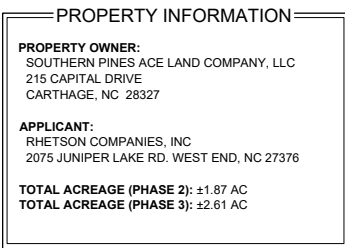
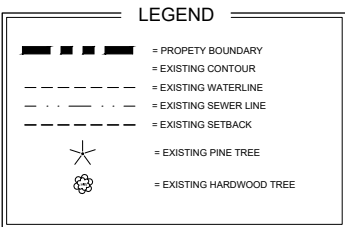
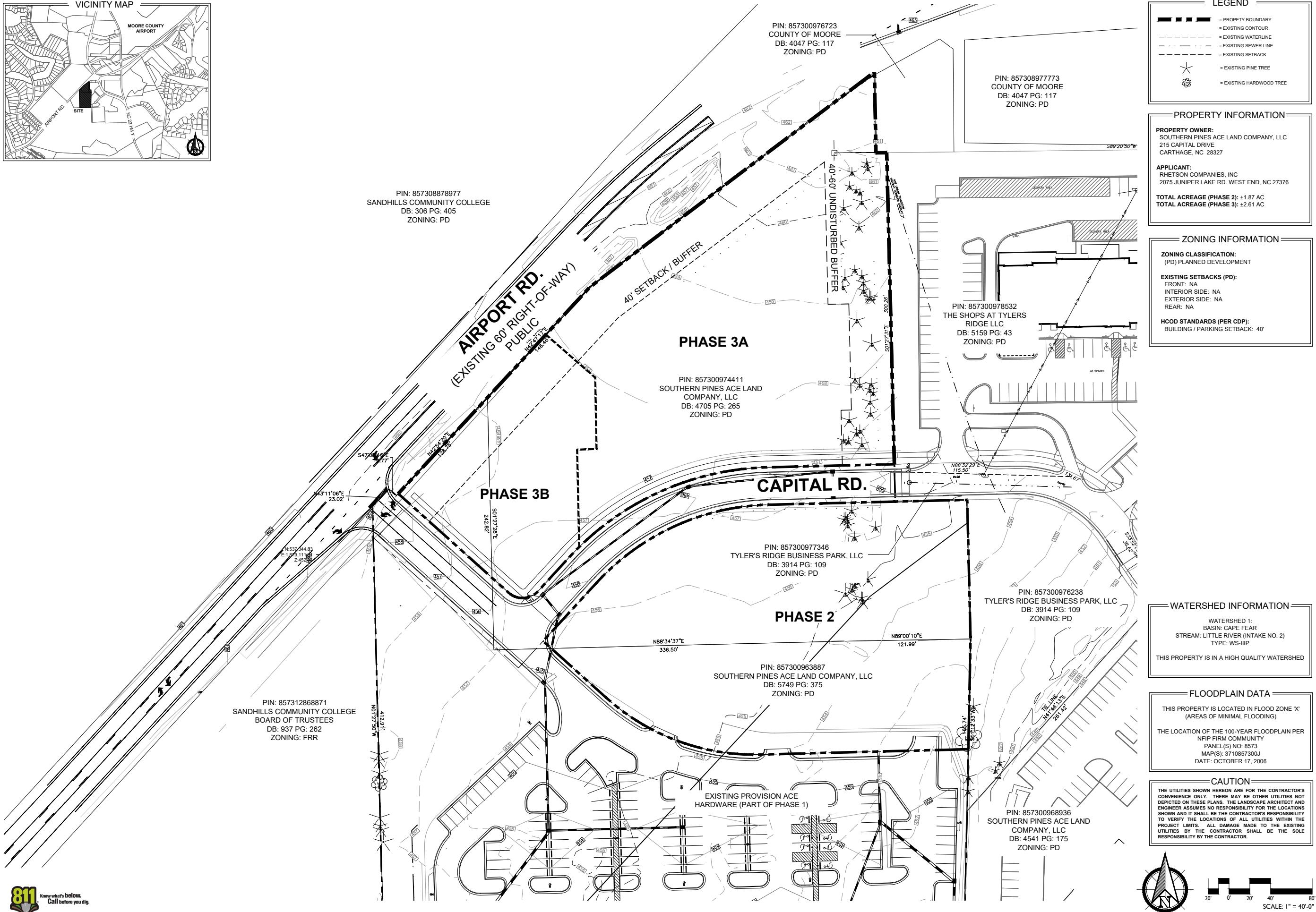
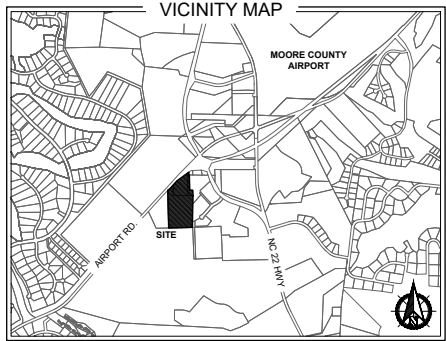
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SOUTHERN PINES ACE HARDWARE
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

CONCEPTUAL LAND USE PLAN / TRANSPORTATION PLAN

DATE: 04-05-2022
DESIGNED BY: JCK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
PROJECT #: 60-0"
SHEET NUMBER: L-1.1



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9487
W: www.koontzjonesdesign.com

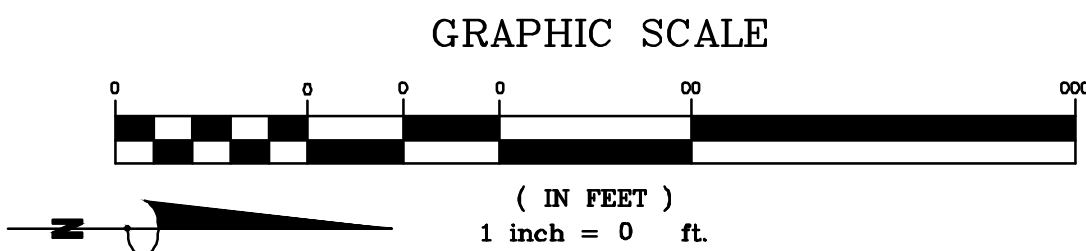
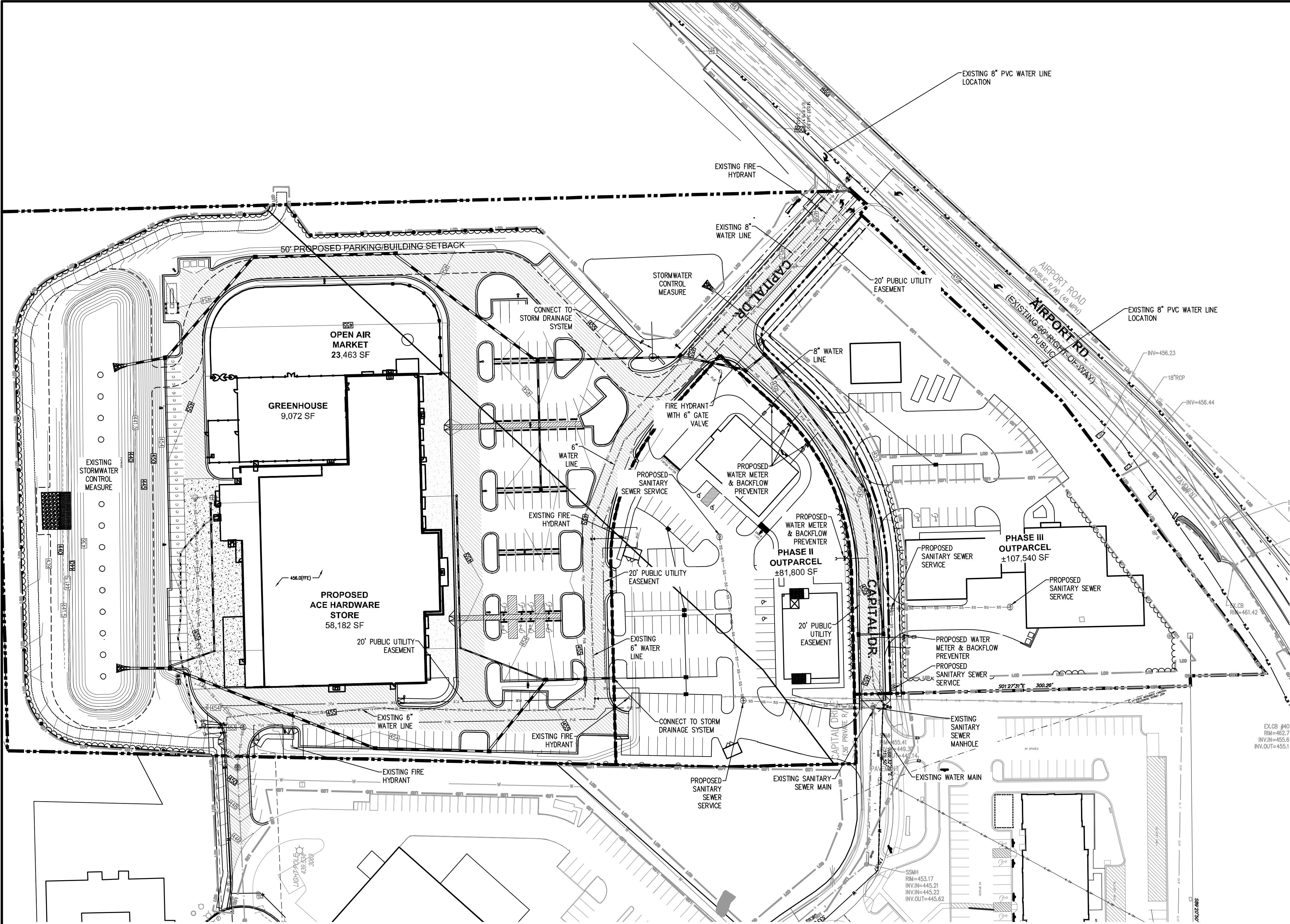
REVISIONS:

REVISIONS:

ACE HARDWARE - PHASES 2 & 3
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 04-05-2024
DESIGNED BY: JPK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
PROJECT # 24-0001
SHEET NUMBER:
L-1.0





Agenda Item

To: Planning Board

Via: BJ Grieve, Planning Director

From: Alaina Mallette, Senior Planner

Subject: OA-03-24: Landscaping and Tree Protection Amendments to the Unified Development Ordinance (UDO).

Date: July 18, 2024

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments primarily related to tree protection procedures, open space standards, and landscaping code. The proposed amendments are an implementation of Policies 3.2, 3.8, 4.1, 4.45, 4.5, 4.7, 4.9, and 4.10 in the town's 2040 Comprehensive Plan. Work on implementing these policies in the town's long-range plan was prioritized by the Town Council in October of 2023. The planning staff is therefore requesting Planning Board and Town Council review and approval per UDO §2.17. The proposed amendments are as follows, with reference to applicable section(s) of the UDO proposed for amendment:

1. Amend Exhibit 2-1 and add a new section, UDO §2.49, to create a new development review process called Tree Protection Plan review.
2. Amend UDO §3.5.14(G) open space standards for Planned Development districts to require that the existing 20% of gross land area Open Space requirement incorporate Usable Open Space and Tree Protection Areas.
3. Amend UDO §3.6.8(F) to differentiate riparian buffers from landscaping buffers and require a larger riparian buffer for development along perennial waters.
4. Amend UDO §4.3.1 Landscaping Code Findings and Purpose, §4.3.3 Street Trees, §4.3.4 Buffers, Exhibit 4-4 Minimum Planting Requirements in Buffers, §4.3.5 Landscape Screens, Exhibit 4-5 Vehicle Use Area Planting Requirements, §4.3.8 Variations, §4.3.9 Plant Material and Installation Standards, §4.3.11 Maintenance Responsibility, and §4.3.13 Existing Vegetation Credits to strike a balance between prescriptive standards and performance-based standards intended to improve landscaping design for new development. Provisions that have required interpretation by the Planning Director have been further detailed to provide clarification.

5. Remove Exhibit 4-3 Minimum Buffer Widths in Highway Corridor Overlay Districts due to redundancy and inconsistency with Exhibit 3-13 Highway Corridor Overlay District Development Standards.
6. Add a new section (and renumber following sections starting at UDO §4.3.8) for Stormwater Pond Landscaping.
7. Amend UDO §4.4 Tree and Ecosystem Protection, §4.4.2 Applicability, §4.4.3 Permitted Uses, and §4.4.6 Construction Activity on or Adjacent to Public Rights-of-Way to differentiate tree protection in public rights-of-way and on private land.
8. Move UDO §4.4.4 Ecosystems and §4.4.5 Specimen Trees—as they do not contain regulatory language, rather informative local context—to Appendix F Screening and Trees and Chapter 9 Definitions.
9. Remove UDO §4.4.7 Preservation and Removal on Private Property and amend UDO §4.9 Open Space to clarify tree protection on private land. Amendments to the Open Space Standards section include a reorganization of provisions for clarity, a requirement for Tree Protection Areas in Planned Development; Facilities, Recreation, and Resources; Rural Estate; Rural Residential; Residential Single Family (30,000 square-foot lot minimum, RS-3); West Southern Pines Overlay; and High-Quality Water or Critical Water Watershed Protection Overlay districts. The proposed addition, Tree Protection Areas Required, includes an applicability statement, exemptions, prioritization of areas, and standards. Lastly, UDO §4.4.6 Flexibility in Administration Authorized has proposed amendments to clarify how and under what circumstances variation may be granted from Open Space requirements.
10. Add definitions for Buffer, Riparian Buffer, Undisturbed Buffer, Certified Arborist, Licensed Landscape Contractor, Open Space, Pollinator Garden, Registered Forester, Registered Landscape Architect, Significant Natural Resource Areas, Significant Tree Stands, Specimen Tree, Tree, Tree Canopy, Tree Protection, Tree Protection Area, and Tree Protection Plan.
11. Amend UDO Appendix A Site Plan Checklist and Landscaping Plan Checklist and add Tree Protection Plan Checklist to UDO Appendix A.
12. Amend Appendix F Screening and Trees—proposed to become Tree Protection, Landscaping Guidelines, and Recommended Plants—to add context regarding local ecosystems, Longleaf Pines, and recommended groundcovers, wildflowers, and native grasses as well as improve guidelines for tree protection, tree planting, and recommended lists for small trees, large trees, small shrubs, and large shrubs.
13. Remove and replace all illustrations in UDO Appendix G with graphics on the typical Sandhills of North Carolina wetland profile, example of stormwater pond landscaping, tree protection zone details as well as updated landscaping requirement illustrations.

The specific text of each proposed amendment, along with margin comments providing explanatory context for many of the changes, may be found in the attachments to this staff report. Planning staff will provide further explanation at the public hearing on July 18, 2024.

II. APPLICATION REVIEW:

A. Review Process:

Applications for text amendments are reviewed pursuant to UDO §2.17.

B. Key Dates

- Kick-off of the Tree Protection Working Group: **January 11, 2024**
- Original Public Hearing Draft Available for Review: **May 2024**
- Original Public Hearing Draft Continued for Additional Outreach: **May 2024**
- Second Public Hearing Draft Available for Review: **July 2024**
- Notice of Planning Board Public Hearing
 - Internet: **June 28, 2024**
 - Published: **July 3** and **July 10, 2024**
- Planning Board Public Hearing: **July 18, 2024**

C. Criteria for Review:

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

2.17.10. Criteria for UDO Text Amendments

In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(A) Consistency. *The text amendment shall be consistent with the adopted Comprehensive Plan.*

(B) Health, Safety, and Welfare. *The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*

(C) Public Policy. *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*

(D) Other Factors. *The Hearing Body may consider any other factors relevant to a text amendment application under state law.*

(E) Impacts. *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

D. Staff Comments:

All of the proposed amendments to the UDO are depicted using ~~strikeout~~ for proposed deletions and underline for proposed additions on a copy of the UDO that is attached to this staff report. Furthermore, margin comments explain the reason for the proposed amendment and the policy or policies from the 2040 Comprehensive Plan being implemented with each proposed change. Planning staff is available during regular business hours prior to the Planning Board public hearing on July 18, 2024 for questions and/or to discuss any of the proposed amendments. Each topic will be presented to the Planning Board and public at the July 18, 2024 Planning Board Regular meeting.

The Planning Board's primary role when reviewing proposed amendments to the UDO is to advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan. In this case, the proposed amendments to the UDO aim to enhance the landscaping code based on a critical analysis of each section while also enhancing the open space standards, a direct implementation of the 6th of the Top 10 Initiatives as well as Policies 3.2, 3.8, 4.1, 4.4, 4.5, 4.7, 4.9, and 4.10 in the 2040 Comprehensive Plan. Some of the proposed changes to the UDO are also implementation of other policies in the Comprehensive Plan, a reorganization of existing provisions for better flow and readability, and removal of unenforceable provisions. Margin notes provide reasoning, context, and examples for better understanding of the proposed changes.

E. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport and representatives of the Town of Southern Pines on June 26, 2024.

As of the completion of the staff report on July 10, 2024 responses have been received from RLUAC and the Southern Pines Utility Superintendent, the former providing a letter of support (see Attachment 3) and the latter stating that they have no comment on the proposed amendments. Any responses received from other agencies following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

III. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Sections of the current UDO with proposed amendments, using ~~strikeout~~ for proposed deletions and underline for proposed additions.
3. Tree Protection Area Applicability Map
4. RLUAC Letter of Support

IV. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive. Per North Carolina General

Statute 160D-604(d), prior to consideration of the proposed text amendments by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

To assist the Planning Board in performing this task, Town staff has prepared the following draft motions for the Planning Board's consideration, possible modification as necessary, and adoption:

I move that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10:

- 1. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report OA-03-24;**
2. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment 1 of staff report OA-03-24 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Plan for the reasons set forth in Attachment 1 of staff report OA-03-24 as revised by the Planning Board as follows;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment 1 by Town staff as part of the Planning Board's written recommendation to the Town Council:

- 1.

And, therefore, I move to:

- 1. Recommend approval of OA-03-24 to the Town Council.**
2. Recommend denial of OA-03-24 to the Town Council.



ATTACHMENT 1

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ORDINANCE AMENDMENT APPLICATION OA-03-24

WHEREAS, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted Comprehensive Plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on July 18, 2024 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-03-24.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff are reasonable, in the public interest and are consistent with the Town of Southern Pines 2040 Comprehensive Plan (2040 Comprehensive Plan).

The 2040 Comprehensive Plan supports growth and development as long as it retains the character of the community. The 6th Initiative in the Top 10 Initiatives is to implement standards and protocols for protecting open space throughout the community, including the protection of specific tree canopy areas. This initiative further states that the Town should consider the context and needs of a large open space framework that expands an accessible comprehensive, connected, and continuous open space network. The proposed text amendments do not increase the open space requirements, but prioritizes tree protection areas over usable and unusable cleared areas in the rural portions of the town, undeveloped planned development districts, and in the high-quality watershed. Policies 4.1, 4.4, 4.5, 4.9, and 4.10 all call for development to consider and protect the community's existing "green infrastructure" when designing sites. The proposed Tree Protection Plan and Tree Protection Areas are a deliberate effort to protect natural areas as an amenity at the beginning of a project's design rather than an afterthought at the end of a project's design.

Regarding Policy 4.7, of the prioritized Tree Protection Areas includes special flood hazard areas, which is a step towards fully implementing this policy.

Regarding the proposed landscaping code amendments, the proposed changes reflect better horticultural practices that will ultimately enhance the community's appearance and sense of place as "Southern Pines," thus implementing Policies 3.2. Changes to tree protection and planting guidelines provide applicants with the tools and expectations for protecting existing tree canopy while also planting beautiful built environments. Prohibiting invasive species and recommending native species will also enhance the community appearance and sense of place in the Sandhills of North Carolina.

Both the proposed landscaping code and open space standard amendments underscore Policy 3.8, which calls for development to emphasize public spaces and reinforce the human scale of their designs. Both healthy, mature landscaping and protected, mature existing tree canopy enhance walking, biking, shopping, and driving experiences. New built environments have the potential to be even more welcoming by offering well-designed landscaping and protected open space with shade and both passive and active recreation space for the public rather than unusable open space and cleared forested lots.

Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the new 2040 Comprehensive Plan.

ADOPTED this the 18th day of July, 2024.

Diane T. Westbrook, Chair

ATTEST:

Cindy Williams
Secretary to the Planning Board

Commented [AM1]: Add new branding to the Unified Development Ordinance



Unified Development Ordinance

Adopted October 8, 2013
Edits through May 14, 2024
Includes G.S. 160D Revisions

Chapter 2. Development Processes

Chapter 2 Contents

2.1.	Purpose	2-1
2.2.	Procedural Requirements	2-1
2.3.	Approvals Required	2-2
2.4.	Authority to Condition Development Approvals	2-2
2.5.	Categories of Development Approvals	2-2
2.6.	Completeness Review	2-7
2.7.	Failure to Act	2-8
2.8.	Development Approvals	2-8
2.9.	Phased Development	2-10
2.10.	Notice	2-10
2.11.	[Reserved for Future Codification Purposes]	2-11
2.12.	Generally	2-13
2.13.	Legislative Hearing Procedures	2-13
2.14.	Evidentiary Hearing Procedures	2-14
2.15.	Neighborhood Information Meetings	2-18
2.16.	Comprehensive Plan Amendments	2-18
2.17.	UDO Text/Map Amendments (Rezoning)	2-20
2.18.	Planned Development	2-24
2.19.	Regulation of Subdivisions, Generally	2-31
2.20.	Major Subdivision	2-32
2.21.	Special Use Permit	2-44
2.22.	Variance	2-47
2.23.	Appeals	2-49
2.24.	Vested Rights Determination	2-50
2.25.	Development Approval Revocation	2-51
2.26.	Architectural Compliance Permit	2-51
2.27.	Designation of Historic Districts	2-53
2.28.	Certificate of Appropriateness – Major Work	2-53
2.29.	Vacation of Streets or Alleys	2-56

2.30.	Administrative Development Approvals	2-57
2.31.	Adoption of Technical Codes	2-58
2.32.	Minor Subdivision	2-60
2.33.	Vacation of Easements or Plats	2-61
2.34.	Plats, Amending	2-62
2.35.	Zoning Permit	2-63
2.36.	Land Disturbance Permit	2-63
2.37.	Building Permit	2-64
2.38.	Public Use Reservation	2-64
2.39.	Certificates of Occupancy	2-65
2.40.	Floodplain Development Permit	2-65
2.41.	Sign Permit	2-66
2.42.	Driveway Permit / Right-of-Way Permit	2-67
2.43.	Home Occupation	2-70
2.44.	Temporary Use Permits	2-70
2.45.	Certificate of Appropriateness – Minor Work	2-72
2.46.	Administrative Relief	2-72
2.47.	Watershed Protection Permit	2-73
2.48.	Site Plan Review	2-74

PART I - GENERAL PROCEDURES

2.1. PURPOSE

The purpose of this chapter is to establish procedures for filing and processing applications for Development Approval. The format is designed to allow users to conveniently determine the steps involved to obtain Development Approval.

2.2. PROCEDURAL REQUIREMENTS

No Development is permitted unless all applicable approvals are issued in accordance with this chapter. Development Approvals are required for all Development, unless otherwise exempted, to ensure compliance with adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan. This part describes procedural elements common to all applications. The

Southern Pines Unified Development Ordinance

specific procedures followed in reviewing various applications for Development Approval differ. Subsequent sections of this chapter address the procedures and requirements for particular applications. Generally, the procedures for all applications have five common elements:

- (A) Submittal of a complete application, including required fee payments and appropriate information and studies;
- (B) Review of the submittal by appropriate staff, agencies, and boards;
- (C) A decision to approve, approve with conditions, or deny, together with the description of the actions authorized and the time period for exercising rights;
- (D) Options to amend or appealing the decision; and
- (E) Documenting the decision.

2.3. APPROVALS REQUIRED

Except as specifically exempted by State law, the use of property may not be substantially changed, substantial clearing, grading or excavation may not be commenced and Buildings or other substantial structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to this UDO.

2.4. AUTHORITY TO CONDITION DEVELOPMENT APPROVALS

- (A) The Planning Director, the Planning Board and the Town Council may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards identified in this UDO after review of the application and other pertinent documents and any evidence made part of the public record.
- (B) Any conditions imposed by recommendation of the Planning Director or Planning Board may be modified subsequently by the Town Council.

2.5. CATEGORIES OF DEVELOPMENT APPROVALS

There are three basic categories of Development Approvals pursuant to this chapter: Legislative, Quasi-judicial, and Administrative Approvals. These are classified in Exhibit 2-1.

(Ord. #1919)

Chapter 2. Development Processes

2.5.1. Legislative Development Approval

Legislative approvals involve a change in land-use policy. A public meeting is required, but the procedural requirements of an Evidentiary Hearing do not apply. Development regulations adopted or amended pursuant to this UDO shall be adopted by ordinance.

(Ord. # 1716; Ord #1703; Ord. #1919)

2.5.2. Quasi-judicial Development Approval

Quasi-judicial approvals involve the application of a discretionary standard required by this UDO to an application. It requires an Evidentiary Hearing and procedural due process requirements apply. When the Planning Board serves as a Recommending Body for an action requiring an Evidentiary Hearing by the Town Council, the Board may follow the rules for a Legislative Hearing to provide a preliminary forum for review, provided that no part of the forum or recommendation may be used as a basis for a decision by the Town Council.

(Ord. # 1716; Ord #1703; Ord. #1919)

2.5.3. Administrative Development Approval

- (A) Administrative Development Approvals involve the application of the standards of the UDO to an application by an administrative official or agency (typically the Planning Director, Town Engineer or Town Manager). A public hearing is not required. Administrative approvals may be referred to as Administrative Decisions. Applications for administrative Development Approvals must be made by a person with an interest in the property, such as a landowner, lessee, a person holding an option or contract to purchase or lease or an authorized agent of the landowner. Administrative Development Approvals shall be in writing, in print or electronic form.
- (B) No administrative official shall make an Administrative Decision when a conflict of interest exists, per G.S. 160D-109(c).

(Ord. # 1716; Ord #1703; Ord. #1919)

2.5.4. No Occupancy, Use or Sale of Lots until Requirements Fulfilled

All Development shall comply with such approved plans and applications, as well as the provisions of this UDO. Approvals authorize the Applicant to commence specified activities. However, the intended use may not be established, no Building may be occupied and in the case of Subdivisions no Lots may be sold until all of the requirements of this UDO and additional requirements imposed pursuant to approval have been met.

2.5.5. Authorizing Use or Occupancy before Completion of Development

- (A) Subject to TRC comments, Planning Director may authorize the use or the occupancy of Developments prior to completion if:
- (1) The Applicant provides security satisfactory to the Planning Director that is sufficient to ensure that all approval requirements will be fulfilled by a specified date not to exceed twelve (12) months as determined by the Planning Director; and

- (2) The security shall be sufficient to ensure compliance and be approved by the Town Attorney prior to the Planning Director authorizing the intended use or occupancy.
(Ord. #1919)
- (B) The authorization identified in this section is limited to the following:
 - (1) When, because of weather conditions or other factors beyond the control of the Applicant, exclusive of financial hardship, it would be unreasonable to require the Applicant to comply with all of the requirements of this UDO prior to commencing the intended use of the property or occupying any Buildings;
 - (2) The authorized use or occupancy is consistent with an approved phasing plan;
 - (3) When the Town Council imposes additional requirements pursuant to SUPs or the Applicant proposes to install amenities beyond those required by this UDO; or
 - (4) When the Developer is selling only undeveloped Lots after Final Plat approval and acceptance of surety or improvements.

Exhibit 2-1: Review Process Overview

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Approvals Requiring a Public Hearing:					
Comprehensive Plan Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.16
UDO Text Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
UDO Map Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
Planned Development District:					2.18
Pre-Application Conference (required)	---	---	---	---	2.5.7 / Advisory
Neighborhood Meeting (required)	---	---	---	---	2.15 / Applicant responsibility
Conceptual Development Plan	Legislative Hearing	Planning Board	Town Council	Superior Court	2.18.4
Preliminary Development Plan (includes contingent zoning approval, preliminary plat approval is a Quasi-judicial Decision)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.18.5

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Development Plan (includes final zoning approval and may include Final Plat approval)		Planning Director/TRC	Planning Director	Town Council	2.18.7
Major Subdivision:					2.20
Pre-Application Conference (required)	---	---	---	---	2.20.2 / Advisory
Neighborhood Meeting (recommended)	---	---	---	---	2.20.3 / Applicant responsibility
Preliminary Plat (includes SUP approval)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.20.4
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Plat	---	Planning Director/TRC	Planning Director	Town Council	2.20.8
Special Use Permit	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.21
Variance	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.22
Appeals	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.23
Vested Rights Determination	Evidentiary Hearing	Planning Director	Town Council	Superior Court	2.24
Development Approval Revocation	Evidentiary Hearing	Planning Director	Planning Board	Town Council	2.25
Certificate of Appropriateness – Major Work	Evidentiary Hearing	Planning Director	Historic District Commission	Board of Adjustment	2.28
Vacations of Streets and Alleys	Legislative Hearing	Planning Director/TRC	City Council	Superior Court	2.29
Approvals NOT Requiring a Public Hearing:					
Architectural Compliance Permit (non-compliant with Section 4.10 and/or greater than or equal to 10,000 square feet Gross Floor Area)	---	Planning Director	Town Council	Superior Court	2.26
Architectural Compliance Permit (compliant with Section 4.10 and less than 10,000 square feet Gross Floor Area)	---		Planning Director	Town Council	2.26
Minor Subdivision (includes Lot splits, Lot consolidation, dedications, and conveyances to the public)	---	TRC	Planning Director	Town Council	2.32
Vacations of, Easements or Plats	---	Planning Director/TRC	Town Council	District Court	2.33

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Plats, Amending	---	TRC	Planning Director	Town Council	2.34
Zoning Permit / Change of Use	---	TRC	Planning Director	Board of Adjustment	2.35
Land Disturbance Permit (Grading and Erosion Control Plan)	---	TRC	Planning Director	Board of Adjustment	2.36
Building Permit	---	TRC	Planning Director	Board of Adjustment	2.37 / TRC review not required for detached single-family Dwellings
Certificates of Occupancy	---	TRC	Planning Director	Board of Adjustment	2.39
Floodplain Development Permit	---	TRC	Planning Director	Board of Adjustment	2.40
Sign Permit	---	TRC	Planning Director	Board of Adjustment	2.41
Driveway Permit / Right-of-Way Permit	---	TRC	Planning Director	Board of Adjustment	2.42
Home Occupation Permit	---	TRC	Planning Director	Board of Adjustment	2.43
Temporary Use Permit	---	TRC	Planning Director	Town Council	2.44
Certificate of Appropriateness – Minor Work	---	Planning Director	Planning Director	Historic District Commission	2.45
Administrative Relief	---	TRC	Planning Director	Board of Adjustment	2.46
Watershed Protection Permit (inside of CB zoning district)	---	TRC	Planning Director	Town Council	2.47
Watershed Protection Permit (outside of CB zoning district)	---	Planning Director	Town Council	Superior Court	2.47
Site Plan (Engineering and Construction Plans)	---	Planning Director Town Engineer Fire Marshal	TRC	---	2.20.5 / 2.48
Improvement Guarantees (optional)	---	TRC	Town Manager	---	2.20.6
<u>Tree Protection Plan</u>	<u>---</u>	<u>TRC</u>	<u>Planning Director</u>	<u>Board of Adjustment</u>	<u>2.49</u>

(Ord. #1714; Ord. #1716; Ord. #1703; Ord. #1890; Ord. #1919; Ord. #2092; Ord. #3031)

2.5.6. Burden of Persuasion Regarding Approval

- (A) The Applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that

the requirements of the applicable ordinance(s) have been met. If the Applicant shows they meet all the requirements of this UDO, the Applicant is entitled to approval. If the Applicant fails to produce sufficient evidence to show they meet all the criteria, then the Hearing Body may deny the application or impose conditions to ensure compliance with this UDO.

- (2) Town staff may approve or conditionally approve the Final Site Plan.
- (3) At least one original copy of the approved Final Site Plan shall be delivered back to the Applicant or an authorized agent of the Applicant.

(Ord. #1703)

2.48.6. Effect of Approval

- (A) Final Site Plan approval shall expire or be extended pursuant to timeline set forth in section 2.8.
- (B) Development activities shall conform to the approved Final Site Plan and any conditions of approval. Any deviation from the approved Final Site Plan, unless approved in advance and in writing by the Planning Director is deemed a violation of the UDO.

2.48.7. Amendments

A Final Site Plan may be modified only in accordance with the procedures and standards established herein, including the applicability section.

2.49. TREE PROTECTION PLAN**2.49.1. Purpose**

- (A) Implement a tree protection program that ensures any tree removal activities on private land in rural areas, West Southern Pines, the high quality watershed, and large planned developments are done in a manner that protects Specimen Trees, Significant Tree Stands, and significant natural resources.
- (B) To ensure appropriate measures are taken for Tree Protection, sedimentation, and erosion control that incorporate natural stormwater management strategies.
- (C) Use design and development standards that enhance community appearance, maintain a unique sense of place, and minimize the impact of new development on the environment.

- (D) Develop standards that protect open space, natural areas, and environmental assets as a meaningful component of new development throughout the community.

2.49.2. Applicability

- (A) Except as provided in paragraph (B) of this section or within a PD district, Conditional Zoning district, or authorized Development Pattern, at least fifty (50) percent and up to one hundred (100) percent of Open Space required in PD, FRR, RE, RR, RS-3, WSPO district, or High Quality Water or Critical Water WPO districts shall include Tree Protection Areas, which shall be designated in a Tree Protection Plan preceding approval of any local Development application.
- (B) The following activities are exempt from the Tree Protection Area standards of section 4.9.
 - (1) The removal or replacement of trees outside of an approved Tree Protection Area approved by the Planning Director during Tree Protection Plan review; or
 - (2) Tree removal associated with normal forestry activity that is conducted on land taxed on the basis of its present-use value as forestland pursuant to NCGS Chapter 105, Article 12, in accordance with a forest management plan prepared or approved by a Registered Forester; or
 - (3) Agricultural, forestry, or horticultural land; or
 - (4) The selective and limited removal of trees less than 2-inch caliper for the purpose of performing authorized field survey work and preliminary testing; or
 - (5) The removal of trees or vegetation for the purpose of sale by established commercial garden centers, greenhouses, or nurseries; or
 - (6) Tree removal for non-development purposes on properties zoned for single-family, two-family, three-family, and four-family Dwelling Units; or
 - (7) Temporary uses permitted per Section 2.4; or

Commented [AM3]: Within the Character Districts Map, the selected zoning districts include portions of each Character District. However, all of Horse Country, Legacy Landscape, Rural Living, and Complete Communities are included in the proposed districts and overlays; therefore, implementing the Open Space or Natural Feature Matrix for Natural Areas.

A GIS layer will be created to show where Tree Protection Plans are required.

Commented [AM4]: Planned Development districts have a greater open space requirement (20% Open Space divided evenly in Usable and Tree Protection Areas), and therefore should be actively reviewed concurrently with any development application.

Commented [AM5]: These districts were selected as they comprise the majority of the low-density development areas of town identified in the 2040 Comprehensive Plan as Areas to Preserve or adjacent to Areas to Preserve (General Framework Map).

Commented [AM6]: In the Character Districts project, residents of West Southern Pines expressed an interest in preserving tree canopy within the West Southern Pines neighborhood. All new commercial/multi-family/major subdivisions are subject to open space standards, so now any of that type of development within West Southern Pines Overlay district will have to submit a Tree Protection Plan

Commented [AM7]: Impervious surfaces are regulated within the Watershed Protection Overlay district in order to protect the watershed and reduce the need for larger stormwater infrastructure (2040 Comp Plan Policy 4.5).

Commented [AM8]: From Holly Springs UDO Section 4.4(E) and Apex 2.3.15(C).

Commented [AM2]: This new requirement is created to implement the 2040 Comprehensive Plan Policy 4.4; though, it also further implements Policies 3.2, 4.1, 4.9, and 4.10. Typically, private commercial land is cleared prior to having discussions about open space requirements. This new requirement is an attempt to have this review prior to land clearing, which is authorized under [NCGS 160D-921](#).

- (8) Tree removal for utilities and public works projects; or
- (9) Repair or re-use of existing buildings or lands where there is no enlargement or additions to existing structures;
- (10) The removal of dead, diseased, or naturally-fallen trees and trees that pose an imminent threat of falling onto an existing structure or adjacent trees, are so close to an existing structure as to endanger the stability of the structure, or otherwise are found by the Town to be a threat to the public health, safety, or welfare, as verified by a Certified Arborist, Registered Landscape Architect or Registered Forester; or
- (11) The removal of Invasive Species, provided the removal results in the complete removal of the Trees (including roots), as verified by a Certified Arborist, Registered Landscape Architect or Registered Forester; or
- (12) The selective and limited removal of trees or vegetation necessary to obtain clear visibility within intersection sight distance regulations of this UDO; or
- (13) The removal of trees that the Town Engineer determines to be a hazard to traffic or to interfere with the provision of utility lines or public services; or
- (14) The removal of trees as necessary for rescue in an emergency.
- (C) The Tree Protection Plan, where applicable, shall be submitted and reviewed concurrently with an application for Development Approval. For any projects requiring multiple approvals or multi-step applications, the Tree Protection Plan shall be submitted with the first required application for Development Approval. No decision shall be made on any other application for Development Approval unless a Tree Protection Plan has been approved by the Planning Director.
- (D) No person or entity shall engage in tree removal on private land, where applicable, prior to Development unless such person or entity has an approved Tree Protection Plan and erosion control approval (i.e., Land Disturbance Permit).

- (E) All requirements shall run with the land use and shall apply against any owner or subsequent owner.
- (F) Land used toward achieving the requirements of the Tree Protection Plan shall be on the same Lot or Lots on which the proposed Development will be located.

2.49.3. Pre-Application Meeting

- (A) Before any application is made, the Applicant shall schedule a pre-application conference with the Technical Review Committee to discuss concept-level site design, procedures, and requirements for Development requiring a Tree Protection Plan, which may be done concurrently with the required pre-application meeting for Site Plan Review.
- (B) A pre-application discussion shall not be binding on the Applicant or the Town.

2.49.4. Initiation

- (A) Applications for Tree Protection Plan may be initiated in conformance with the Appendix A checklist by any party with an interest in developing property in zoning districts and zoning overlay districts where Tree Protection Areas are required, as regulated by this UDO. Written approval from the current landowner shall be required as part of any application for a Tree Protection Plan.
- (B) The Tree Protection Plan shall be prepared to scale and with sufficient detail and clarity to demonstrate compliance with applicable technical requirements for Tree Protection.

2.49.5. Submittal Requirements

- (A) A Tree Protection Plan application shall, at a minimum, contain the materials listed in the Tree Protection Plan Checklist in Appendix A.
- (B) Incomplete Tree Protection Plan applications are not considered to have been submitted and may not be processed until they are made complete by the Applicant.

Commented [AM11]: This provision precludes an applicant's effort to count property not part of the proposed Development as part of their plan, which is commonly called transfer of development rights.

This is where, in a future text amendment, we could add a transfer of development rights (within Southern Pines) provision or a payment-in-lieu provision (see 2040 Comp Plan Policy 4.4). Some ground work has been done to establish ways to value land in a payment in lieu of Tree Protection Plans scheme.

Commented [AM12]: Applicable permitting procedures are typically discussed during TRC pre-application meetings with applicants. This ensures that there is understanding of what procedures are required prior to construction.

Commented [AM9]: This was included to avoid applicants waiting until site plan or building permit to submit a Tree Protection Plan. The intent is that the Plan be reviewed with the first development application received prior to any other approval.

But, this would also mean that if a development has a previous entitlement (e.g., a SUP or a CDP), and is submitting a site plan or a PDP post-entitlement and after these amendments take effect, then they would **not** need to show Tree Protection Areas. Previously entitled sites typically have vested rights or an expired development approval.

Commented [AM10]: The intent here is to more effectively link Tree Protection measures with erosion control measures, including cross-Department communication when an application for one or the other comes in and better communication with applicants about compliance with both requirements. Planning will need to inspect Tree Protection fencing when erosion control measures are inspected.

2.49.6. Completeness Review

(A) The Planning Director shall review the Tree Protection Plan application and shall determine if the application is complete pursuant to the provisions of section 2.6. Upon finding that the application is complete the Planning Director shall consult with the Technical Review Committee (TRC).

2.49.7. Action

(A) Within thirty (30) days of the submittal of a complete Tree Protection Plan application, the Planning Director shall approve or deny the application based on standards established in this UDO. If the application is denied, the Planning Director shall advise the Applicant of the reason for denial.

(B) Resubmittal of an application due to non-compliance may be made only in compliance with section 2.30.7 of this UDO.

(C) In accordance with section 2.23 of this UDO, any persons who have received a final decision pursuant to this section may appeal in writing to the Board of Adjustment and the clerk within thirty (30) days following issuance of the final decision. In the absence of an appeal, the order of the Planning Director shall be final.

2.49.8. Effect of Approval

(A) The Tree Protection Plan approval is issued by the Planning Director and authorizes tree removal on private land prior to development that is consistent with this UDO, where applicable. All tree removal shall be conducted in conformity with the approved Tree Protection Plan.

(B) Site Plans shall be consistent with the approved Tree Protection Plan, and all information within the approved Tree Protection Plan shall be verified for Site Plan Review.

(C) Final site plans, final Subdivision plats, and amended final Subdivision plats shall include Open Space labels consistent with the approved Tree Protection Plan.

2.49.9. Removal of Trees within Approved Tree Protection Areas

(A) Trees within approved Tree Protection Areas may only be removed in accordance with the approved Tree Protection Plan.

(B) When a tree credited to an approved Tree Protection Area is removed or dies, then the property owner shall replace the tree with longleaf pine or a native tree species that will reach or exceed the DBH of the removed Tree. The replanted Tree shall be at least thirty (30) feet from the trunk of another Tree. The minimum caliper of the replacement Tree shall be two (2) inches.

2.49.10. Unauthorized Tree Removal on Private Land

(A) In addition to any other enforcement action allowed by this ordinance or state law, if a Tree Protection Plan is denied or not issued and unauthorized tree removal activities that result in the removal of trees prior to Development on a Lot where a Tree Protection Plan is required, then no approval of a Site Plan, Major Subdivision Plan, or Building Permit shall be issued for a period of three (3) years from the date of the most recent unauthorized tree removal activities for which the Development Approval is sought, regardless of whether the tree removal was a willful violation of this UDO or not.

Commented [AM14]: The language in this section comes from N.C.G.S §160D-921(C)(1).

Commented [AM13]: The purpose of this provision is to ensure that approved Tree Protection Areas remain undevelopable and that the information is conveyed to new property owners for lots within the final Subdivision plat.

(D) District Development Standards

Building heights and Setbacks shall conform to those of the abutting district. Required buffers shall be based on the use established in the FRR district and the abutting use or district, whichever requires the greater buffer.

3.5.14. PD - Planned Development District

(A) Purpose

The **PD** district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of this UDO. This district is intended to allow mixed-use Developments in areas where sufficient public water and sewer service is available (or can be readily extended) and where the street system is adequate (or can be readily improved) to handle the projected traffic volumes generated by the Development. The regulations of this district are intended to:

- (1) Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;
- (2) Exclude heavy commercial and heavy industrial land uses;
- (3) Encourage Development in areas located on major thoroughfares and collector streets;
- (4) Encourage vehicular access from service drive and other local streets;
- (5) Provide performance standards to help ensure Compatible land uses;
- (6) Encourage common or shared parking;
- (7) Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;
- (8) Facilitate clustering of Development thereby increasing the amount of saved land;

Amended

3-12-24

Chapter 3. Zoning

- (9) Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;
- (10) Improve connectivity within and between Developments to promote mobility and enhance walkability;
- (11) Integrate public spaces and amenities to promote community gatherings and activities;
- (12) Establish coordinated land plan and consistent treatment of common design elements;
- (13) Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and
- (14) If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.

(Ord. #1714)

(B) Applicability

A **PD** district may be established to accommodate large-scale, master-planned, mixed-use Developments that cannot be accomplished through conventional zoning districts. Development within a PD district shall occur in accordance with unique conditions and standards established during the rezoning process that may vary from those contained within other sections of the UDO. Such conditions and standards shall be applicable only to the specific Parcel of land that comprises that PD District, and shall run with the land regardless of ownership.

(C) Procedures

PD districts shall be established and developed in accordance with the procedures established in chapter 2 of this UDO.

(D) Land Use Mix

Each PD district approval shall identify the authorized land uses, which may include a mix of residential, retail, office, recreational or light industrial uses. The type and location of any and all uses within the PD District must be

3-19

Southern Pines Unified Development Ordinance

demonstrated to be appropriate for the project area and surrounding area. All land uses listed in the approved zoning application are permitted subject to the conditions established through the rezoning process.

(E) Development Patterns

The PD district approval may establish any of the Development Patterns described in chapter 6 or accommodate alternative Development Patterns that comply with PD district standards.

(F) General Provisions

(1) Minimum Size and Contiguity

The PD district shall encompass a sufficient area to accommodate the proposed mix of Uses and ensure Compatibility between both internal and external land uses.

(2) Ownership and Division of Land

No Tract of land may be considered for a PD District unless such Tract is under single or unified ownership or control. If listed in several ownerships, the application for zoning shall be accompanied by each landowner's written consent. The holder of a written option to purchase or a Developer under contract shall be considered an owner for purposes of this section provided the landowner's (or landowners') written consent is included with the application.

(3) Relationship to the UDO

Each proposal for development under the PD district is anticipated to be unique. Except as provided by this section and the PD approval, PD district Development shall be subject to all of the applicable standards, procedures, and regulations in other sections of this UDO. Development Conditions approved as part of the PD District zoning application shall supersede conflicting UDO regulations, unless otherwise prohibited by law. Alternative standards may be approved for Development within the PD district if they:

- Meet or exceed the general intent of the UDO standards for base zoning districts;
- Are appropriate given the specific mix of uses and character of the Development; and

Chapter 3. Zoning

- Achieve a more efficient, safe or economical land use without detracting from the quality of the Development or detrimentally impacting its surrounding Development or the community as a whole.

(4) Relationship to Other Regulations

Unless otherwise specified in the PD approval, all PDs shall be subject to all local, State and Federal regulations.

(G) Open Space

Unless otherwise authorized for a specific development pattern established in chapter 56, the following Open Space requirements apply within a PD district:

- Not less than twenty (20) percent of the gross land area of the PD shall be devoted to Usable Open Space and Tree Protection Areas, collectively Open Space.
- Not less than fifty (50) percent of the required Open Space (ten (10) percent of gross land area) shall be Usable Open Space Tree Protection Areas, as prioritized in Section 4.9 and as defined in this UDO.
- The remaining Open Space may be comprised of Usable Open Space, but is not limited to, any combination of the following: natural areas, wetlands, trails, boardwalks, parks, ball fields, equestrian fields or tracks, golf courses (not including clubhouse or other vertical structures), buffers (outside of a platted lot), any water bodies including ponds and lakes, and/or innovative and accessible water quality ponds that are designed as an amenity.
- ~~No more than fifty (50) percent of the required Open Space shall consist of ponds, lakes, and/or water quality ponds.~~

~~(5) The site's natural features and surroundings, unique features of the subject and surrounding property shall be considered by the Town when evaluating the configuration and uses of planned Open Space.~~

Where practical, Open Space shall be configured to provide connectivity with other Open Space, both on- and off-site, and to allow for connectivity to and the extension of the existing Greenway Trail System.

Commented [AM15]: Open Space acreage/percentage required for the gross land area of a PD will remain the same.

Commented [AM16]: Open space commonly identified by applicants in PD conceptual development plans and preliminary development plans have rarely followed these standards. Therefore, by prioritizing Tree Protection Areas, the Town would be implementing many policies of the 2040 Comprehensive Plan that address open space and tree protection being a meaningful component of new development (Policy 4.1).

This would allow up to the full 20% (or more, if volunteered) of Open Space to be Tree Protection Areas. A Tree Protection Plan would be submitted at the same time as a CDP application, which would be reviewed administratively prior to the legislative hearings following procedures in section 2.49.

Commented [AM17]: Hypothetically, if a 100-ac site with a 20-ac open space requirement has 15 acres of prioritized areas listed in UDO 4.9, then at least 10 of those 15 acres must be Tree Protection Areas, and the full 15 acres may be Tree Protection Areas (i.e., anything beyond the minimum required 10 acres is permitted to be Tree Protection Areas, too). So, the remaining 5 acres (if the full 15 acres are used as Tree Protection Areas), 10 acres (if the minimum 10 acres of required Tree Protection Areas is used), or between 5 and 10 acres (if somewhere between 10 and 15 acres of Tree Protection areas are preserved) would be usable open space as described in section 4.9 and defined in Chapter 9.

In a different 100-acre scenario, if the site only had 5 acres of top prioritized areas listed in 4.9, then all 5 acres would be Tree Protection Areas, the "missing" 5 acres of Tree Protection Areas would follow proposed section 4.9.4(B)(6). The remaining 10 acres of required Open Space could be usable open space or re-wooded. If section 4.9.4(B)(6) could not be met, then section 4.9.8 could be used for flexibility in administration.

Southern Pines Unified Development Ordinance

~~(6)~~(5) Unless dedicated to and accepted by the Town or a similar legal entity, the owner or property owners association is required to provide for the continuing maintenance of Open Space.

(H) Landscaping, Screening, Buffers and Trees

The standards for landscaping, screening, buffers and trees included in chapter 4 of this UDO shall apply to all Development within the PD District, with the following exceptions:

- (1) Buffer requirements apply only to the perimeter of the PD unless otherwise specified in the PD District Conditions. The minimum required buffer for each sub-area shall be based on the most intensive use authorized within the sub-area that is adjacent to the property boundary and shall meet or exceed the standards established in chapter 4 of this UDO.
- (2) Land uses internal to the PD shall be buffered in accordance with the provisions of chapter 4 unless approved as part of the PD Development Conditions.
- (3) Other deviations from landscaping, buffer, street tree and screening standards of chapter 4 shall not be allowed unless approved as a PD Development Condition.
- (4) If landscaping, buffer or other requirements are included in a platted Lot, they shall be protected by the PD's Covenants and Restrictions and shall not count as Open Space.

(I) Common Sign Plan

Signs within the development shall adhere to the standards set forth in section 4.6 of this UDO or set forth in the Conceptual Development Plan or an amendment thereto. The Applicant may include unique standards for signage with the Conceptual Development Plan that establish more specific design standards (size, height, color, materials, illumination) and Sign locations for the project to ensure a coordinated theme across the PD District. A Unified Sign Plan may then be submitted after the approval of the Conceptual Development Plan and may be approved by the Planning Director as an alternate to individual Sign permits. Any Unified Sign Plan that deviates from the standards set forth in section 4.6 of this UDO or set forth in the approved Conceptual

Chapter 3. Zoning

Development Plan shall require approval by the Board of Adjustment pursuant to section 2.22.

(Ord. #2052)

(J) Landmark Signs

The Town Council may approve the establishment of one or more on-premises Landmark Signs as a condition of approval within a PD district subject to the requirements of section 4.12.

(Ord. #2052)

(K) Storm Water Control

Storm water management shall meet or exceed the State's minimum requirements for storm water management. A common master storm water management plan may be developed for the project as a whole and may employ Best Management Practices. This neither prohibits the Development of the PD district in phases nor the phased implementation of the storm water management system.

(L) Street Design

- (1) Street design shall adhere to the Town's standards as set forth in chapter 4 of the UDO. The Applicant may submit alternative street design standards that vary in response to proposed function of the street, anticipated adjacent land uses, character of the Neighborhood, anticipated traffic volume (subject to Town and/or NCDOT approval), hierarchy within the street network, and need for traffic calming measures. At a minimum, turn lanes shall be studied and contemplated in relation to all intersections of Arterial streets within the site and shall be considered for appropriateness as part of the Traffic Impact Analysis (TIA), which must be approved by the Town.
- (2) Streets within the PD may be private or may be dedicated to the Town of Southern Pines with the Town's consent. Dedicated streets may be maintained by the Town of Southern Pines or NCDOT according to rules of the applicable jurisdiction.

Southern Pines Unified Development Ordinance

- (f) Nursery schools and day care centers.
- (g) Special events.
- (h) The permanent aboveground storage of flammable liquids and gasses.

(D) Interference Prohibited

Notwithstanding any other provisions of these regulations, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational Signals or radio communication s between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

3.6.8. WPO - Watershed Protection Overlay District

(A) Purpose

- (1) The purpose of this section is to describe the Watershed areas and regulations herein adopted. The Town of Southern Pines has within its jurisdiction, a portion of the Protected Area of the Cape Fear River Watershed, classified as a WS-III by the Environmental Management Commission. The Town Council has chosen the Low-Density option as a zoning permit for Development within the Watershed areas. These areas are displayed on the most recent officially adopted version of the North Carolina Dept. of Environmental Quality Water Supply Watershed map, and the following regulations apply to these areas in addition to the other standards established in this UDO. This amendment was adopted June 8, 1993, and was effective beginning July 1, 1993.

(Ord. # 1919)

- (2) G.S. 143-214.5 provides for a cooperative program of water supply Watershed management and protection to be administered by local governments consistent with minimum statewide management requirements established by the Environmental Management Commission. To promote the public health, safety and welfare, the

Chapter 3. Zoning

governing board of the Town of Southern Pines adopts these Watershed protection regulations effective for all areas designated Watershed Protection Overlay District on the Official Zoning Map.

(B) Applicability and Procedures

- (1) All new Development created after December 15, 1993 is subject to the Water Supply Watershed protection regulations.
- (2) If, at the time of application for a zoning permit, final Development plan or architectural compliance permit, it is determined that the property lies in a water supply Watershed, as shown on the Zoning Map, a Watershed Protection Permit will be required to be issued subject to the procedures established in chapter 2 of this UDO.
- (3) The Planning Director shall serve as Watershed Administrator and shall issue Watershed Protection Permits as prescribed herein. A record of all permits shall be kept on file for public inspection.
- (4) The Town Council for the Town of Southern Pines shall serve as Watershed Review Board and hereby delegates administrative review procedures to the Planning Director.
- (5) The Town Council shall have the responsibility to grant Variances from these regulations in accordance with the provisions of chapter 2 of this UDO. A Variance is required for any allocation of Built-Upon Area that exceeds twenty-four (24) percent outside of the CB district.

(C) Water Quality Areas

The following Watershed protection areas are established:

- (1) **Critical Area:** The area adjacent to a water supply intake where risk associated with pollution is greater than from the Watershed. The critical area is defined as extending one-half mile upstream from and draining to the Town of Carthage public water supply intake or the ridge line of the Watershed (whichever comes first). The Town of Southern Pines may extend the Critical Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Critical Area if these landmarks

Southern Pines Unified Development Ordinance

are immediately adjacent to the appropriate outer boundary of one-half mile.

- (2) **Protected Area.** The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the State's high quality water (HQW) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles.

(D) Development Density and Intensity Requirements

Development shall comply with the density and intensity standards established in Exhibit 3-14. For all calculations of "built upon land area", natural water bodies such as ponds or streams shall be deducted from the total area prior to calculation.

(E) Cluster Development

Clustering of Development is allowed subject to the conditions of section 6.1 and the following conditions:

- (1) Minimum Lot sizes are not applicable to cluster Development projects; however the total number of Lots or Dwelling Units shall not exceed the number of Lots allowed for Developments in the applicable zoning district. Built-Up-on Area of the project shall not exceed that allowed for the balance of Watershed.
- (2) All Built-Up-on Area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.

Chapter 3. Zoning

- (3) The remainder of the Tract shall remain in a vegetated or natural state, not to be developed at any future date. Where the Development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management and maintenance. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds and individual property owners shall be responsible for maintenance.
- (F) **Riparian Buffers Required within the Watershed Protection Overlay District**
- (1) A minimum of thirty (30) foot undisturbed vegetative Riparian ~~bu~~ffer is required for Development activities along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
 - (2) No new Development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.
 - (3) Conceptual Development Plans, conditional zoning districts, final site plans, final Subdivision plats, and amended final Subdivision plats shall include Riparian Buffer labels that are within the Watershed Protection Overlay District, consistent with North Carolina General Statute § 143-214.23A.

Commented [AM18]: A distinction needs to be made here between the riparian buffer surrounding the waters and landscaping buffers required in section 4.3.

With regards to Open Space, NCGS 143-214-23A states that "Land within a riparian buffer area in which neither the State nor its subdivisions holds any property interest may be used by the property owner to satisfy any other development-related regulatory requirements based on property size, including, but not limited to, residential density and nonresidential intensity calculations and yields, tree conservation purposes, open space or conservation area requirements, setbacks, perimeter buffers, and lot area requirements." It appears that the NCDEQ requires 50' buffer with a 30' undisturbed vegetative zone and a 20' "managed vegetation" buffer. Planning contacted NC DEQ Riparian Buffer Program for additional information.

Commented [AM19]: #NEW#

4.3. LANDSCAPING

This section shall be known as the Town of Southern Pines Landscaping Code or Landscaping Code.

4.3.1. Findings and Purpose

The Council finds that:

- (A) The natural conditions (topography, vegetation and wildlife) typify the North Carolina Sandhills and Longleaf Pine Ecosystems, which are unique within North Carolina. These elements are of economic value to the Town and make it a desirable place for both residents and visitors.
- (B) The natural conditions are a strong aspect of the visual character of the Town and contribute to the economic prosperity.
- (C) The purposes of the landscaping standards are, in part:
 - (1) To create an appearance in all zoning districts, where manmade Development is situated within an urban forest; or
 - (2) To create plantings that screen or buffer visual pollution within the Town.
- (D) Development should preserve and/or create landscape conditions typical of the surrounding ecosystem and site conditions using native and culturally adapted plant materials in appropriate settings while removing and prohibiting Invasive Species-
- (E) Growth and Development necessitates removal of trees, shrubs and soils. The landscaping plans shall address preservation of existing vegetation and soils.
- (F) The general goal is to improve property and community appearance, allow for the ecological benefits provided by plants, prevent the overcrowding of land and enhance the privacy and welfare of citizens by providing transition between differing land uses.

(G) Open Space should be a meaningful component of new Development and Open Space Development standards should consider the larger context of a community-wide, connected, and accessible open space network.

(H) Natural groupings of a variety of plant species are preferable to monocultural planting schedules.

~~(F)~~(I) The Landscaping Code strikes a balance between performance-based measures (e.g., allowing qualified design professionals to select appropriate species and growing conditions) and prescriptive measures (e.g., requiring specific planting rates for specific landscaping elements).

4.3.2. Applicability

- (A) The landscaping and buffering standards of this section shall apply to the following Development, except as specifically provided in this section, authorized as part of a Variance, PD, Conditional Zoning district, or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district:
 - (1) All new Multi-Family, commercial, mixed-use and industrial Development;
 - (2) Redevelopment that increases the number of required parking spaces by ten (10) or more spaces;
 - (3) Any expansion of a parking lot by ten (10) or more parking spaces.

(Ord. #3031)
- (B) All requirements shall run with the land use and shall apply against any owner or subsequent owner.
- (C) Land used toward achieving the requirements shall be on the same Lot or on property under the same permanent possession or control as the Lot on which the use is located.

Commented [AM20]: The Tree Protection Working Group frequently stated that landscape architects (i.e., qualified design professionals) are taught what species need to thrive, so selecting species and their siting to fulfil the intent of a landscaping code is their “bread-and-butter.” However, it was discussed that without concrete, clear standards applicants might try to avoid aspects of the landscaping code to maximize their footprint. So, this statement is a recognition of the expertise that landscape architects (and the like) can infuse into design while still including specific standards that must be met to maintain Southern Pines’ character.

(D) The Airport Hazard Overlay District (see section 3.6.7) includes a tree restriction in the approach zone to a height that projects above the upper surface of the approach zone. Within the approach zone is a clear zone in which trees are prohibited.

4.3.3. General Standards

(A) Double counted landscaping for multiple requirements shall only be permitted in the following instances:

(1) Trees used to meet ~~buffer~~ landscape Buffer, 4.3.5 Landscape Screens, and Landscaping for Vehicle Use Area requirements in sections 4.3.4, 4.3.5 and 4.3.6, may be used to meet the ~~street~~ Street Tree requirements to the extent that the trees are located within twenty-five (25) feet of a street; and,

(2) ~~This screen planting~~ Landscape Screens may be combined with ~~used to meet other required parking Lot planting as necessary. (For example, internal shade trees may be interspersed with screening shrubs on landscape~~ Landscaping screens for Vehicle Use Areas requirements to the extent that the trees are five (5) feet at the time of installation.

~~(B)~~ Planting of Invasive Species is prohibited.

(C) Where overhead power lines are located, ~~Street required large trees~~ shall be ~~selected from the list of large trees, or, where power lines are located, replaced with~~ small trees at a rate of two small trees per one required large tree.

~~(F)(D)~~ A list of recommended large and small trees can be found in Appendix F ~~included in section 4.3.9. Illustrations of Landscaping Code standards can be found in Appendix G.~~

(E) Planting rates may be varied based upon existing trees and shrubs and the crowns of planted trees and shrubs. The spacing or arrangement of plantings shall be determined based on species, spread, form, and

other factors identified in the American Standard for Nursery Stock that achieve the intent of the Landscaping Code.

4.3.3.4. Street Trees

(A) Street trees are an essential part of the Town streetscape. The Town seeks to maintain existing trees where possible and to encourage the planting and continuance of the established street tree patterns.

(B) To accomplish this objective the following shall apply:

(1) All Subdivisions, Development subject to Site Plan approval, and ~~planned~~ Planned Developments shall provide street trees along ~~their~~ frontage with adjacent public streets built to Town standards in section 4.11.

(2) Planting strips shall be a minimum of ~~six (6) feet wide.~~

(3) Planting location shall take into consideration planned roadway widening, public safety, standard drainage requirements and maintenance of sight distances for traffic safety. Street trees may be planted within the Right-of-Way, within planting strip abutting the Right-of-Way or other location approved by the Permit Issuing Authority.

(C) Street Tree Requirements

(1) Street trees in residential Subdivisions shall be planted at the rate of one (1) two-inch Caliper tree per fifty (50) feet of property line abutting public street, excluding driveways and Traffic Visibility Zones.

(2) Street trees in all other Developments subject to Site Plan approval or planned Development, unless subject to overhead power lines, shall be planted at the rate of one (1) two-inch Caliper tree per thirty (30) feet of property line abutting a public street, excluding driveways and Traffic Visibility Zones.

Commented [AM21]: #NEW#

Double-counting provisions were nested within different subsections and have been consolidated here.

Commented [AM24]: 10' planting strips are seen by the Tree Protection Working Group as ideal for a street tree to thrive and grow without girdling of the tree roots. This is difficult to implement for existing rights-of-way (ROW) considering that it would require the widening of the ROW into private land, and changes would need to then be made to section 4.11 and associated UDO appendices.

Commented [AM22]: Street trees, VUA perimeter, Buffer, Stormwater pond landscaping, and cleared areas include tree requirements along the front lot line where overhead lines may occur. So, all "overhead power lines"-related language is moved to this General Standards Sections.

Commented [AM23]: The town does not require specific trees species, but it prohibits invasive species. The town does recommend specific species that do well in the Sandhills of NC in Appendix F.

~~(4)(3) This Spacing shall not be more than 50 feet between Street trees.~~

(Ord. #1890, 1-6-21)

4.3.4.4.3.5. Buffers

Buffers provide Compatible transitions between differing land uses, reduce the visual impacts of Development and retain existing plant materials.

(A) Applicability

These standards apply to all new Multi-Family, commercial, industrial and mixed-use Development; substantial modifications subject to Architectural Compliance Permit review; and all Development subject to Subdivision approval.

- (1) ~~To provide both physical separation and landscape elements,~~ Buffers are required along the common property lines between Developments in different zoning districts as established in this section, or between Developments of different uses as established in this section, and/or in the HCO district as established in Section 3.6 and Exhibit 3-13.

- (2) Buffer requirements shall not apply when a public street or railroad Right-of-Way separates applicable zoning districts or uses.

~~(2)(3) In calculating buffer planting requirements, areas of ingress and egress onto the lot and their associated sight distance triangles shall be excluded.~~

(B) Permitted Uses Within Buffer Areas

- (1) Driveways may cross a ~~BB~~ Buffer at as near a perpendicular angle as practical. Walkways and paths may pass through a ~~BB~~ Buffer.
- (2) Grading in the designated replanted B Buffer may be allowed subject to ~~PD, Subdivision, Special Use or Architectural Compliance Permit~~ Tree Protection Plan approval, where applicable, and Site Plan approval, if the ~~re-vegetation~~

~~plan~~ replanted Buffer is determined to meet the intent of this section.

- ~~(3) When stormwater improvements are located within the buffer, the TRC shall recommend and the Director shall approve plantings to ensure that the vegetation does not interfere with the function of the stormwater improvement.~~

- ~~(4)(3)~~ When an easement crosses a buffer or is located within a buffer area, the TRC shall recommend, and the Planning Director shall approve all plantings in the easement to ensure that the plantings do not interfere with the use of the easement. When an easement is located along a property line that requires a buffer, the portion of the buffer located outside the easement shall be at least half the width of the required buffer.

- ~~(5)(4)~~ Buffers may be established in required Setback areas ~~and may be counted towards required open space if located in a Common Area measuring at least twenty (20) feet in width.~~

(Ord. # 1919)

(C) Buffer Requirements

- (1) Exhibit 4-2 ~~and 4-3~~ establishes es the minimum buffer widths for proposed Development. Exhibit 3-13 establishes minimum buffer widths within the HCO district. Chapters 5 and 6 establish buffer requirements for specific uses and Development Patterns.
- (2) Buffers within and surrounding PDs shall be established during the ~~PD Tree Protection Plan~~ approval process.
- (3) Exhibit 4-3 establishes minimum buffer widths for Developments subject to a major residential Subdivision Development Approval whose the sides of properties abutting the highway corridor within HCO districts. These apply to Front Yard ~~buffers~~ Buffers, as well as for the Side and Rear Yard ~~Buffers~~ abutting properties of similar zoning. Exhibit 4-2 shall

Commented [AM25]: The Working Group stated that planners have interpreted the planting rate as a planting spacing requirement. This has limited the variety and spacing of other appropriate street tree species. Therefore, this amendment should clarify expectations that the rate is meant to include varied spacing dependent upon the variety of species selected, but should not create large breaks between trees.

Commented [AM27]: This is addressed by proposed Stormwater Pond Landscaping section

Commented [AM26]: This section has been completely re-organized in addition to having provisions added and removed. The proposed organization should make it more user friendly for applicants and for Planning staff.

Commented [AM28]: This is addressed in section 4.9 Open Space

~~apply to the Side and Rear Yards of all Development on property in a HCO District that is adjacent to property zoned for residential use.~~

- (4) Buffers shall be left in an undisturbed natural vegetative state or provided with supplemental plantings. Existing vegetation ~~shall~~may be used to meet all or part of the requirements of this section wherever possible, if it provides the same level of opacity~~, as the required buffer.~~
- (5) In an Undisturbed Buffer, existing vegetation ~~Buffers shall be left in an undisturbed natural vegetative state or provided with supplemental plantings.~~ Vegetation to be saved shall be identified on Tree Protection Plans, where applicable, and Site Plans along with Tree Protection measures to be used during grading and construction, which shall follow standards within this UDO. All Longleaf Pines (*Pinus Palustris*) and Loblolly Pine (*Pinus Taeda*) shall be maintained in the Undisturbed Buffer area.
- (6) Disturbances in an Undisturbed Buffer.
- (a) Selective thinning of vegetation under one and one-half (1.5) inch Caliper and removal of dead vegetation shall be permitted using handheld tools as long as the intent of the buffer requirement is maintained and if the disturbance does not damage existing vegetation and their root zones.
- (b) All Longleaf Pines (Pinus Palustris), Loblolly Pine (Pinus Taeda) shall be maintained in a buffer area. The Undisturbed Buffer shall be cleared of Invasive Species the following under story trees: Black Jack Oak (Quercus Marilandica), and Turkey Oak (Quercus Laveus).

~~(b)(c)~~ No additional plantings are required in an Undisturbed Buffer unless more than 400 square feet of the required buffer is devoid of vegetation, in which case that portion shall follow standards established in Exhibit 4-3.

~~(c)(d)~~ All other land disturbance in an Undisturbed Buffer is prohibited.

- (7) Planted Vegetation For replanted Buffers. Exhibit 4-~~34~~34 establishes the minimum planting requirements and allows for a mix of large ~~hardwood and/or pine~~ trees, small trees, ~~large shrubs and smaller shrubs that shall be dispersed along the entire length of the Buffer and designed to create a buffer that will give a satisfactory screen within five years of planting, under normal maintenance, while allowing room for the various plants to grow. Species shall be planted in locations in which they are expected to thrive and shall be dispersed in irregular patterns that reflect natural patterns rather than in formal rows or patterns.~~
- (8) Buffers may have undulating boundaries provided that the narrowest point of the buffer is not narrower than eighty (80) percent of the minimum buffer width and the total area of the buffer is equal to or greater than the product of the length of the buffer times the minimum required buffer width.

Commented [AM29]: If heavy machinery is used to clear out/thin trees, then the remaining trees to be protected are at high-risk of damage or death, especially Longleaf Pines, which are sensitive to soil disturbance.

Exhibit 4-2: Minimum Buffer Widths

Zoning District or Use of Proposed Development	Zoning/Use of Abutting Development					
	RE, RR, RS-1, RS-2, RS-3	RM-1, RM-2	NB, OS	GB	I	Single-Family Residence
RE, RR, RS-1, RS-2, RS-3	none	none	none	30'	80'	none
RM-1, RM-2	10'	10'	none	20'	80'	20' if Multi-Family Building proposed
NB, OS	20'	20'	none	none	20'	20'
GB	50'	30'	none	none	20'	20'
I	80'	80'	20'	20'	10'	30'
Golf Course	10'	10'	10'	10'	30'	10'
Active Recreational Facilities	20'	20'	none	10'	30'	20'
Institutions (public, private or religious)	20'	20'	none	none	20'	20'
Shopping Centers	80'	80'	10'	10'	20'	80'

(Ord. # 1716)

Exhibit 4-3: Minimum Buffer Widths in Developments Subject to Major Residential Subdivision Development Approval within the Highway Corridor
Overlay Districts

Planted Buffer	Urban Transition Corridor Overlay District	Urban/Village Corridor Overlay District
Highway Yard	50'	40'
Side and Rear Yard	15'	5' 10'

Commented [AM30]: This is inconsistent with Exhibit 3-13. Planning staff implement Exhibit 3-13 and see this as incomplete by comparison.

Commented [AM31]: According to the Working Group, plant materials have a hard time thriving in 5' planting strips, therefore, 10' should be the narrowest minimum buffer width permitted.

Exhibit 4-4: Minimum Planting Required in Buffers

	Plant Type	Minimum Planting Rate	Additional Conditions Standards
Replanted Buffer			
<u>Tree Requirements</u> (see recommended Trees in Appendix F)	Large Trees <u>or a Combination of Large and Small Trees</u>	<u>One large tree per 400 square feet or One large tree per 400 square feet and one small tree per 200 square feet up to forty (40) percent of the total tree requirement</u>	• <u>Large Tree Standards</u> ○ <u>At least 50 percent of large T</u>rees shall be evergreens ○ <u>Of the large evergreen Trees, no more than 50 percent (i.e., 25 percent of all large trees) shall be pines</u> ○ Longleaf pines shall be a minimum 2-inch Caliper and <u>6 to 8 feet tall</u> ○ Other large trees shall be a minimum 2-inch Caliper • <u>Small Trees Standards</u> ○ At least 20 percent and not more than 30 percent of small trees shall be deciduous ○ At least 50 percent of evergreen trees shall be native species other than pines ○ Small trees shall be a minimum 1.5- inch Caliper
	Small Trees	<u>One tree per 400 square feet</u>	•
	Shrubs	<u>For buffers 20 feet or narrower — One shrub per 100</u> 50 square feet	• Not more than 30 percent of shrubs shall be deciduous • Shrubs shall be at least 18 inches in height at time of planting and reach a height of at least 4 feet <u>within five years of planting</u>
		<u>For buffers between 20 and 50 feet wide — one shrub per 75 square feet</u>	
		<u>For buffers 50 feet or wider — one shrub per 200 square feet</u>	
Undisturbed Buffer			
<u>Undisturbed Buffer Requirements</u>	<u>Undisturbed Buffer</u>	<u>No additional plantings required in an Undisturbed Buffer unless more than 400 square feet of the required buffer is devoid of vegetation, in which case that portion shall follow large tree, small tree, and shrub planting requirements. Pollinator gardens may be placed in an area devoid of vegetation.</u>	• <u>The undisturbed buffer shall meet the intent of the Landscaping Code</u> • <u>The undisturbed buffer shall not include Invasive Species, and any Invasive Species shall be removed in a way that does not damage existing vegetation and their root zones</u> • <u>Any required replantings shall be located outside of the Tree Protection fencing</u>

(Ord. #1890, 1-6-21)

Commented [AM33]: This takes a previous provision, "Evergreen trees, other than pine, should be added to the wider buffers to provide a opaque screen, as well as a more natural appearance to the buffer" and makes it regulatory and quantifiable during review.

Commented [AM32]: #NEW#
The goal here is to create buffers where plants do not compete for resources and can thrive in the new built environment through lower density planting. Previously, both large and small trees had to be planted. The proposed changes allow for a mix.

For example, a 4000-square foot buffer requirement could plant 10 large trees (1 tree/400 square feet) or anywhere between 1 and 8 small trees (1 tree/200 square feet up to 40% of total), but there can never be less than 6 large trees (60% of total).

Commented [AM34]: The Tree Protection Working Group found that differing shrub standards by width of the buffer was unnecessary from a horticultural perspective. Also, having shrubbery that is too dense can limit plant growth as well as limits design professionals from selecting species that have wider spreads. Therefore, an average of the current three standards is being proposed as the new shrub planting density.

Commented [AM35]: The Town does not have a mechanism for ensuring that was is proposed actually reaches 4' within 5 years other than asking design professionals during site plan review if they can confirm. Plant growth is complex and depends on many factors including proper installation, proper soil, good husbandry, etc.

Commented [AM36]: This value could also be linear footage, such as 50 linear feet (think 50' length of a 10'-wide Buffer). Whether linear feet or square footage, these areas should be identified on Tree Protection Plans so that any area counting towards an Undisturbed Buffer doesn't have areas devoid of vegetation, which would not meet the intent of the Landscaping Code.

4.3.5.4.3.6. Landscape Screens

- (A) The intent of a screen is to use plant materials and/or other landscape architectural elements to obscure views from adjacent properties. Breaks in screens shall be permitted to provide adequate ingress and egress as needed.
- (B) The following uses shall be screened from unobstructed off-site views:
- (1) Loading docks for semi-trailers and trucks over thirty-five (35) feet in length;
 - (2) Mini-warehouses;
 - (3) Correctional institutions;
 - (4) Service areas;
 - (5) Outside storage or operation areas;
 - (6) Dumpsters;
 - (7) HVAC units and other mechanical equipment;
 - ~~(8)~~ Dog runs and dog pens;
 - ~~(9)(9)~~ Parking lots with over seventy-five (75) parking spaces; and
 - ~~(9)(10)~~ Fuel pumps.
- (C) Required landscape screens shall provide a visual obstruction from adjacent properties in conformance with the following standards:
- (1) The screen may be composed of view-obscuring vegetation, wall, or fence, which may be used individually or in combination.
 - (2) The minimum result shall be an opaque screen that obscures views from the ground to a height of the object being screened or a maximum height of fifteen (15) feet.
 - (3) A mixture of plant species shall be used to create a natural grouping of vegetation screening. Plant materials shall be at

least five (5) feet tall at the time of installation ~~and reach the desired height within five (5) years of planting.~~

- (4) When a combination of features is proposed, one-third (1/3) of the surface area of all walls or fences that face off-site must be screened by plant material ~~within three (3) years.~~ Additionally, landscape screen areas shall be ~~of sufficient size~~ to allow for the mature growth of plant materials when used.

(Ord. #1696)

4.3.6.4.3.7. Landscaping for Vehicle Use Areas

- (A) Purpose. To reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards are provided.
- (B) Applicability.
- (1) The standards of this section apply to all new Development outside the CB district that requires Architectural Compliance Permit or PD approval and includes parking for five (5) or more vehicles, a drive-up window or gasoline pumps.
 - ~~(2) Landscape screens are required for parking lots with seventy-five (75) or more parking spaces.~~
 - ~~(3)(2)~~ Parking Lot shading requirements are required for parking lots with fifteen (15) or more parking spaces.
- (C) Required Plantings
- (1) Exhibit 4-5 establishes the planting requirements for Vehicle Use Areas.
 - ~~(2) At least 250 square feet of contiguous pervious growing area for large trees, small trees, and shrubs shall be required for each large tree and the area shall have a minimum dimension of ten (10) feet. At least 125 square feet of contiguous pervious~~

Commented [AM37]: The Town does not have a mechanism for ensuring that was proposed actually reaches 4' within 5 years other than asking design professionals during site plan review if they can confirm. Plant growth is complex and depends on many factors including proper installation, proper soil, good husbandry, etc.

Commented [AM38]: Remove redundancy here and add to Landscape Screens list in section 4.3.6

~~growing area shall be required for each small tree and the area shall have a minimum dimension of ten (10) feet.~~

~~(3) This screen planting may be combined with other required parking Lot planting as necessary. (For example, internal shade trees may be interspersed with screening shrubs on landscape screens.)~~

(D) Islands and Medians

Minimum curb radii of five (5) feet are required on the corners of all tree islands and medians to allow for free movement of motor vehicles around planting materials. All islands shall have raised edging around them to further protect plants from being run over by motor vehicles. Medians without raised edging shall be protected by devices to stop vehicles from driving into the planted areas.

Commented [AM39]: Information in this provision is described in Exhibit 4-4, so removing redundancy.

Exhibit 4-5: Vehicle Use Area Planting Requirements

Area	Minimum Required Planting Rate	Additional Conditions Standards
Perimeter Landscaping – between Vehicle Use Areas and property lines ¹ excluding driveways and traffic visibility triangles	1 large tree, excluding longleaf pines shall be planted per 30 feet. <u>A mixture of shrubs recommended in Appendix F or by a Registered Landscape Architect or Certified Arborist shall be planted at the edge of the neighboring plant's spread at maturity to achieve an uninterrupted screen.</u> 1 evergreen shrub shall be planted per 3 feet or a combination of a wall and landscaping may be used.	Trees Compatible with power lines shall be substituted for large trees where overhead power lines are located. - Large trees shall be a minimum 2-inch Caliper when planted. - Shrubs shall be at least 18 inches tall at time of planting and shall grow to a minimum height of 36 inches and a minimum crown diameter of 30 inches within three years of planting. - Walls shall be stone or brick and shall be at least 36 inches in height and shall have shrubs planted between the wall and the property line so that at least one third of the surface of the wall is screened within three years.
Internal Parking Lot Landscaping ²	- At least 15 percent of the paved Vehicle Use Area shall be used for planting trees and or shrubs. - Large trees shall be planted so that at least 20 percent of the parking Lot shall be shaded at maturity. <u>Large and small tree planting rate options³</u> - At least 1 large tree shall be planted per 250-500 square feet of required landscape area <u>the applicable Vehicle Use Area;</u> - At least one small tree shall be planted per 125-250 square feet of <u>the applicable Vehicle Use Area;</u> or <u>A combination of the previous rates totaling the square footage of the applicable Vehicle Use Area.</u> - At least one evergreen shrub shall be planted per 35 square feet of <u>the applicable Vehicle Use Area</u> required landscape area.	Parking areas shall be laid out to prevent cars from striking plants. <u>General Standards</u> Landscape screens. <u>The planting bed within parking lots</u> shall not be more than 1240 feet apart, shall be parallel to Parking Aisles and shall be at least 6 feet in width. - Evergreen trees, when used, shall be either pruned or located to facilitate safe sight distances within parking lots. - Topsoil and fertilizer shall be used to backfill planting beds. - Planting medians within parking lots shall space trees out in a manner that reduces the risk of girdled roots. <u>Large Tree Standards</u> - Large trees shall be a minimum 2-inch Caliper when planted. - No parking space shall be further than 75 feet from the trunk of a large tree. - Large trees shall be evenly distributed throughout the parking area. - Large trees shall not be planted less than 20 feet apart and small trees shall not be planted less than 15 feet apart. Plants. <u>Large trees</u> shall be at least 4 feet tall at time of planting. - For purposes of calculating the percent of the parking Lot shaded, each large tree is assumed to have a crown with a diameter of 30 feet. <u>Small Tree Standards</u> - Small trees may be substituted for up to 30 percent of the large tree requirement at a rate of two small trees for each large tree.

Commented [AM40]: Moved to General Standards Section 4.3.3.

Commented [AM41]: The Town does not have a mechanism for ensuring that what is proposed actually reaches 36" within 3 years of planting other than asking design professionals during site plan review if they can confirm. Plant growth is complex and depends on many factors including proper installation, proper soil, good husbandry, etc.

Commented [AM43]: See third-to-last bullet below which addresses this with regulatory language

Commented [AM44]: Per UDO Exhibit 4.7: Parking Space Design Standards, the total width of a parking bay with 90° angled parking spaces is 62', including 19' depth each for the parking spaces on either side of the drive aisle and 24' for two-way drive aisle. The 120' max spacing between landscape screening is not consistent with these parking space design standards.

Commented [AM42]: The Tree Protection Working Group found that tree planting rates that are too dense can limit plant growth as well as limits design professionals from selecting species that have wider spreads. Therefore, the density of planting rates for large and small trees has been reduced.

		• <u>Shrub Standards</u> ○ Shrubs must shall be located within-between <u>3 feet 6 inches and</u> five feet of the paved area and shall be located to facilitate safe sight distances.
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Table Notes:

1. Perimeter landscaping Vehicle Use Areas shall include areas used for vehicle sales Lots and/or service, parking and business transactions such as areas adjacent to gasoline pumps (even if under a canopy), and areas for drive up service; and shall exclude areas of ingress and egress onto the lot and their associated sight distance triangles, shall be considered parking areas and shall comply with perimeter landscaping requirements.
2. Internal parking Lot landscaping standards ~~only shall~~ apply to Vehicle Use Areas that encompass over 5,000 square feet, excluding areas under canopies, parking structures, loading and service areas and portions of ~~drives~~ Circulation Areas with no parking on either side for a distance of twenty-five (25) feet or more.
3. Trees shall be required at the following rates, either in combination of small and large trees or with large trees only to add up to the required landscape area.

Commented [AM45]: #NEW#
Additional feedback was provided that clarification was needed on how VUA are identified for perimeter and internal landscaping, considering what is included and excluded from calculations.

4.3.7.4.3.8. Cleared Areas

- (A) All areas cleared of existing vegetation shall be re-vegetated as soon as possible after being disturbed. Cleared areas for the purpose of this ordinance shall not include the Building footprint and the area within fifteen (15) feet of the Building footprint.
- (B) Such disturbed areas shall be replanted with ~~domesticated-lawn-type~~ grass and trees of a species proven to thrive well in the area. Disturbed areas shall be replanted with one tree for each 700 square feet of disturbed area. Trees shall be a minimum two (2) inch Caliper at planting.

4.3.9. Stormwater Pond Landscaping**(A) Purpose**

- (1) To slow down runoff as water flows into and through a stormwater pond using landscaping more than it would through traditional storm drainage pipes.
- (2) To remove pollutants through biological uptake.
- (3) To promote stormwater ponds as community assets suitable to wildlife habitat, improved water quality, and community aesthetics.

(B) A landscaped stormwater pond consistent with this section shall count towards Usable Open Space requirements.

(C) A stormwater facility's function shall not be negatively impacted by proposed plantings. Plantings shall not block inlets and shall not be within the stormwater flowpath. Only shallow-rooted plantings may be located on dam embankments.

(D) Stormwater pond landscape plantings shall be used to increase infiltration and decrease runoff. Stormwater ponds shall be planted with a variety of native water-tolerant plants, a mixture of trees and

shrubs, and groundcovers, such as those recommended in Appendix F, and dependent upon the stormwater pond design.

4.3.8.4.3.10. Variations

- (A) The Planning Director during Tree Protection Plan review and Site Plan review may approve modifications in prescribed landscaping standards where The Planning Director may modify buffer and landscape standards where:

- (1) There are special considerations of site design, appropriate horticultural practices, and/or topography.
- (2) There is existing healthy vegetation that is sufficient to meet the requirements of this section in part or in whole.
- (3) There exists a unique relationship to other properties.
- (4) The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon trees within the public Right-of-Way.
- (5) Proposed street widening not provided by the Developer will consume the landscaping area.

(B) The Planning Director, during Tree Protection Plan review and Site Plan review at time of Site Plan approval, may only reduce buffer widths and required plantings by up to fifty (50) percent if the Site Plan and Tree Protection Plan indicates that existing condition or vegetation, alternate landscaping, walls, opaque fence or topographic features will achieve the intent of this the Landscape Code Buffers section and are designed to complement adjacent properties.

(B)(C) The entire buffer shall be located on the property subject to the Development Approval requiring the buffer. However For Buffers, if the affected property owners enter into an agreement to establish and maintain a Buffer meeting the requirements for the most intensive zoning or use to be developed next to the less intensive use,

Commented [AM48]: This provision is important in preventing strict adherence to Landscaping standards in instances where an Applicant can prove that an alternative site design will still achieve the intent of having development compatible with its surrounding neighborhood and the Town as a whole (i.e., landscaping that enhances community appearance and maintains a unique sense of place—see 2040 Comp Plan Policy 3.2).

It should be noted that anyone who does not agree with an administrative interpretation made by the Planning Director and their designees may appeal that interpretation to the Town's Board of Adjustment. In sum, relief currently exists from strict adherence to Open Space standards, and will continue to exist.

Commented [AM46]: See Section 6.2.7(C) and [A new database on trail based ... - UF Digital Collections \(ufl.edu\)](#)

Many guidelines come from Mary Travaglini's 2016 presentation on plantings for stormwater ponds on behalf of [Stormwater Management | Department of Environmental Protection, Montgomery County, MD \(montgomerycountymd.gov\)](#); [PowerPoint Presentation \(potomacpartnership.org\)](#).

Commented [AM47]: Although there are biological purpose statements regarding runoff and pollutant uptake, the addition of this requirement does not change the Town's engineering standard that requires post-development runoff to be the same or less than the pre-development runoff. Furthermore, the town does not implement water quality measures..

the Planning Director may allow the ~~b~~Buffer to be located on one or both of the affected properties.

~~(C)~~(D) The Planning Director may require alternative or additional planted ~~b~~Buffers or landscaping when a modification of the requirements of this part is warranted in order to meet the intent of the stated standards.

4.3.9.4.3.11. Plant Material and Installation Standards

(A) ~~A building permit shall not be issued nor grading on site commenced until a landscaping plan for buffers and landscaping has been approved.~~

~~(B) Lists of acceptable recommended large trees, small trees and other plant materials are included in Appendix F. Other plants may be used based on sound horticultural practices. All plant material shall meet or exceed size and shape relationships specified in the latest edition of The American Standard for Nursery Stock published by the American Association of Nurserymen. All sizes specified refer to size at time of planting.~~

~~(B) List plants and size standards on the landscape plan as specified in the latest edition of one of these two references: the Manual of Landscape Plants, Dir. or Landscape Plants of the Southeast, Halfacre.~~

~~(C) The landscape will be installed by a North Carolina licensed Landscape Contractor.~~

~~(D) The installation will meet or exceed the procedures and techniques referenced in the latest edition of the North Carolina Landscape Contractor's Study Manual.~~

~~(E)~~(C) The Town ~~will shall~~ conduct inspections of the landscape installation to include:

- (1) Site preparation - conditions of the site ready for landscape installation;

- (2) Drainage and irrigation - inspect prior to back-filling trenches;
- (3) Planting - inspect during installation of plants, other than grass or ground cover;
- (4) Surface inspection - inspect turf, mulch, ground cover;
- (5) Final inspection - final irrigation test for coverage and working order, quantify and qualify all plants according to plan and ordinance standards. This inspection must be completed prior to the Development receiving a Certificate of Occupancy.

~~(F)~~(D) The Town ~~will may~~ collect a fee for all landscaping inspections.

~~(G)~~(E) Longleaf Pine Transplanting

- (1) All Longleaf Pines shall be transplanted only during the times between December 1 and April 15. During non-planting times, a bond shall be posted to assure installation during the planting schedule.

~~(2) All Longleaf Pines shall be transplanted using a minimum 40-inch tree spade.~~

4.3.10.4.3.12. Drainage

Adequate soil drainage is required for all parking and landscaping ~~ing~~ screen areas. Adequate soil drainage is defined as the natural movement of water to the subsoil. Any soil that has been disturbed by grading is considered compacted due to construction activity and will require drainage. Undisturbed areas shall not require drainage improvements.

4.3.11.4.3.13. Maintenance Responsibility

(A) ~~Maintenance Required.~~ Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of all required materials and continued compliance with this section 4.3. Landscaped areas shall be kept in a proper, neat and orderly appearance and free from refuse and debris. The property owner shall replace all unhealthy or dead plant material. Failure to

Commented [AM51]: This is not a new provision, it existed prior to these proposed amendments. The Tree Protection Working Group strongly encouraged that the Town inspect during planting installation as that is oftentimes the cause of plant death.

The Town is not currently collecting fees for landscaping inspection. However, Planning staff are beginning to do landscaping inspections during installation to provide the construction crews time to remedy errors and issues. Therefore, the Town is reserving the right to collect a fee if necessary in the future.

Commented [AM52]: The Town Arborist has hesitations about using a spade to transplant longleaf pines

Commented [AM49]: This resource is not used considering that specific planting size requirements and standards are established within this section 4.3

Commented [AM50]: Proposed section 4.3.13(A) Maintenance Required covers the Town's expectation that whoever is designing landscape plans and whoever is installing approved landscaping (not typically the same entity) will do so in a way that allows the proposed plantings to survive and thrive. Plants not suitable for their location or not installed properly will die, and Planning will issue violations following procedures in Chapter 8 in those instances.

Furthermore, these provisions have been difficult to enforce, since they require an acute familiarity with the referenced materials or with licensing processes.

maintain the required landscape materials shall constitute a zoning violation and shall be remedied in accordance with the provisions in this UDO.

~~(B)~~ **Irrigation**

(1) An automatic irrigation system shall be installed in accordance with landscaping plans approved at the time of Site Plan approval. Such system must have underground water supply lines with sprinkler heads and/or drip emitters and shall be operated during growing season.

(1) Applicants are encouraged to design creative landscaping that achieves the objectives of this Landscaping Code while minimizing the need for irrigation.

~~(C)~~ **(B) Landscape Management.** The management of preserved and installed plants shall include mulching, remediation of soils damaged during construction and weed control.

(1) Mulch: Trees A four-inch layer of organic mulch beneath the ~~Tree e~~Canopy shall be provided to reduce water loss, moderate temperatures and protect against compaction.

(2) Remediation of Soils Damaged During Construction: Two treatment options to reduce compaction and improve soil structure are:

(a) Holes and fractures can be created to increase air space by physically auguring openings.

(b) Organic mulch can be placed around the tree beneath the ~~Tree e~~Canopy.

(3) Weed Control: Weed control of unwanted woody and herbaceous vegetation is required necessary to maintain the desired character of landscaped areas.

~~(3)~~ **(4) Irrigation.** If an automatic irrigation system or sprinkler system are proposed, then they shall be designed to prevent the death

of plant material in required landscaping areas and may follow guidance provided in Appendix F.

~~(D)~~ **Protection of Vegetation During Construction**

(1) Undisturbed vegetated areas shall be protected during construction. No storage of materials, fill or equipment shall be allowed within the Protected Area and shall be so noted on the grading and erosion control plans and posted on the protection fence. A protection fence constructed of a material resistant to degradation by sun, wind and moisture for the duration of the construction shall be installed at the same time as the erosion control measures and shall remain in place until all construction in the vicinity of the trees is complete. Site plans and erosion control plans shall include a detail of the proposed tree protection fence and its location.

~~4.3.12~~ **4.3.14. Request for Extension of Compliance**

(A) The Town recognizes that land Development occurs continuously, and that vegetation used in landscaping or screening should be planted at certain times to insure the best chance of survival. To ensure compliance and to reduce the potential expense of replacing landscaping or screening materials that were installed at an inappropriate time or under unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not longer than ninety (90) days.

(B) In the event of an extension, the Applicant shall provide a letter acknowledging a performance guarantee (letter of credit or performance bond) adequate to cover one hundred and fifty (150) percent of the installed landscaping costs.

(Ord. # 1716)

(C) The letter shall also acknowledge that the Applicant for the Building Permit is aware of all landscaping and screening requirements and will

Commented [AM53]: Moved down to Landscape Management subsection number (4) and added to guidance in Appendix F.

Commented [AM55]: Moved to Appendix F since tree protection applies to both existing vegetation credited towards landscaping requirements and tree protection areas counting towards open space.

Commented [AM54]: Homebuilders are concerned that irrigation plans would be required per home within a residential Subdivision, thus increasing the cost of home construction, which would be passed on to the home buyer. This provision is meant to clarify that irrigation is not a requirement, but shall be done in a way that allows landscaping to survive. Where irrigation plans are proposed, the Technical Review Committee will review during site plan review. This would not apply to landscaping on residential single-family, two-family, three-family, and four-family lots.

comply with those requirements within ninety (90) days or discontinue use of the property.

- (D) If the initial letter of request for extension of compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the Applicant may request one additional extension of up to ninety (90) days. Failure to comply with the provisions of this section within the time noted in the letter of request for the extension of compliance with landscaping requirements shall be deemed a violation of this ordinance.
- (E) The Applicant shall acknowledge that while a Conditional Certificate of Compliance may be issued, no Final Certificate of Compliance will be issued while there is an active (pending) letter of request for extension of compliance with landscaping requirements, unless a performance guarantee (such as a letter of credit or performance bond) sufficient to cover 125 percent of the installed landscaping costs has been posted with the Inspections or Planning Department.

4.3.13.4.3.15. Existing Vegetation Credits

~~(A)~~ Existing healthy vegetation able to survive in its new built environment shall be preserved when possible and ~~may shall~~ be credited solely toward landscaping requirements where the vegetation is located and shall not be credited for landscaping requirements elsewhere on the site.

~~(A)(B)~~ Tree Protection ~~measures-fencing is required and shall~~ maintain a radius of at least six (6) feet around existing plants or provide a radius of ~~one two and one-half (12.5)~~ foot for each one (1) inch DBH of trees, whichever is greater.

~~(B)(C)~~ Vegetation to be saved and ~~protection measures-Tree Protection fencing~~ to be used during grading and construction shall be specified on Site Plans.

~~(C)(D)~~ Credit given for protected trees shall be equal to the Diameter Breast Height (DBH) of the tree in inches, divided by two (2) inches, but no fraction thereof. Trees so credited must have a minimum DBH of two (2) inches and be shown on the grading, erosion control and landscape plans. Protection of natural groups of trees is encouraged, with each tree within the grouping being credited as if standing alone; however, the protected ground area or tree save area shall encompass all trees within the grouping.¹

(Ord. #1959; Ord. #1981)

~~(D) The Site Plan shall:~~

- ~~(1) Indicate trunk locations, DBH and drip lines of all trees and/or tree stands to be preserved (Note: When stands of trees will be preserved well away from construction areas, it is not necessary to plot accurate trunk locations);~~
- ~~(2) Specify that the natural grade shall be maintained within the tree protection zone; and~~
- ~~(3) Specify that no storage, dumping of materials, parking construction trailers, fires, etc., shall be allowed within the tree protection zone.~~

~~(E) At the start of grading involving the lowering of the existing grade around a tree or stripping of topsoil, a clean, sharp, vertical cut shall be made at the edge of the tree protection area defined in section 4.3.13(A) at the same time as other erosion control measures are installed. The tree protection fencing shall be installed on the side of this cut farthest away from the tree trunk. This procedure shall be incorporated as a note on the grading and erosion control plans.~~

¹ Single trees that have developed as individual specimens are the best candidates for retention. For the most part, trees that have developed as stands, particularly intermediate and suppressed trees will not function well as individuals. They are prone to failure and decline when their neighbors are removed. Not only are the trees unstable, but they contribute little to the appearance or landscape quality of the new project.

Commented [AM56]: This is added to the site plan checklist

~~(F)(E) Additionally, all utility lines and drainage channels shall be minimized within the drip lines of trees to be saved and preferably located adjacent to driveways and in groupings as allowed by good engineering practices. If excavation or storage must occur within the tree protection zone, the landscape architect or consulting arborist will determine where tunneling, handwork and root pruning are required. Root pruning shall be completed before grading begins. When all such provisions are not fulfilled, existing trees will be considered unprotected and may not be used to satisfy landscape requirements of this section 4.3.~~

4.4. PUBLIC TREE AND ECOSYSTEM PROTECTION

4.4.1. Purpose

Southern Pines supports an abundance of natural resources, including land, forests, streams, lakes, wildlife and natural beauty. Increasing urbanization threatens the quality of the natural resources that make it a special place to live and work. The natural environment affects the economic, historic and aesthetic value of the Town. Establishing standards for the protection of natural resources represents prudent stewardship of the land and good business. The purposes include:

- (A) To preserve and enhance the quality of the water in rivers, streams, ponds and lakes that flow into and out of Southern Pines;
- (B) To minimize future flooding problems by guiding Development away from flood prone areas;
- (C) To preserve the water carrying capacity of watercourses and the natural water storage capacity of the flood plain;
- (D) To protect land and watercourses from pollutants, sedimentation and erosion;
- (E) To retain open spaces in order to protect their environmentally sensitive character;

- (F) To protect and conserve Significant natural resources from degradation due to urbanization. Such natural resources include wildlife and plant life habitats, wetland areas and riparian areas;
- (G) To minimize the impact of Development by controlling the location, intensity, pattern and design of Development and construction activities;
- (H) To enhance the aesthetic appearance of Southern Pines as a means of improving quality of life and attracting new businesses and residents; and
- (I) To protect environmentally sensitive lands while recognizing the legitimate expectations of property owners and Southern Pine's economic Development goals.

4.4.2. Applicability

Except as herein exempted, all public rights-of-way within the Town and its Extraterritorial Jurisdiction are hereby protected. The provisions of this section 4.4 shall not apply to:

- (A) Trees, vegetation and land disturbing activity normally associated with the landscaping construction or modification on any ~~non-public/private~~ land, unless the property owner voluntarily registers a specimen tree or group of trees.
- (B) Routine maintenance of existing vegetation outside the public Right-of-Way, such as pruning, watering and fertilizing.
- (C) The removal of dead trees and/or trees and other plants that have been diagnosed and determined to be diseased beyond treatment.

4.4.3. Permitted Uses

A plan showing protection measures shall be required from any person or property owner for the following activities on undeveloped land.

- (A) Construction of any kind on public rights-of-way

Commented [AM57]: This tree fencing guidance is proposed to be moved to Appendix F, as it applies to both Existing Vegetation Credited towards landscaping requirements AND Tree Protection Areas counting towards open space requirements.

- (B) No person shall remove, cut above ground or otherwise disturb the vegetation or the soil within the critical root zone of any specimen tree on public rights-of-way without first obtaining approval of a Landscape Protection Plan, Tree Removal Permit, Site Plan, PD Conceptual Development Plan, or Preliminary Subdivision Plat showing protection measures.
- (C) All Development activities on a site, including installation of public and private utilities, shall conform to the provisions of an approved plan showing tree protection measures.

4.4.4. ~~Ecosystems~~

~~There are three basic ecosystems, which occur within the Town's jurisdiction.~~

- (A) ~~**Piedmont Transition:** Areas with these conditions generally have silty loam surface soils and silty clay subsoil, hardwood-lobolly pine vegetation association and slopes of 5-12%. The overall appearance is much like North Carolina piedmont forests and farmlands.~~
- (B) ~~**Lowland/Wetland:** Areas fitting these conditions generally occur at the base of slope, flat alluvial or adjoining creeks and streams. The vegetation and soils are typical of low, wet sites. Such areas are not well suited for Development but serve as natural resources. The overall appearance is typical of emergency of perennial streams and headwaters with lowland vegetation.~~
- (C) ~~**Sandhills:** Areas exhibiting these conditions generally have sandy surface soils with sandy or loam clay subsoil, longleaf pine vegetation association and 2-12% slopes. The overall appearance is dominated by longleaf pine forest conditions.~~

4.4.5. ~~Specimen Trees~~

- (A) ~~Specimen trees include all of the following: A specimen tree is any healthy living tree that:~~

- ~~(1) Has a DBH of twenty four (24) inches or more; or~~
- ~~(2) A DBH of twelve (12) inches or more in the case of the following species: Ilex species (Holly), Magnolia species, or Pine species~~
- ~~(B) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association; or~~
- ~~(C) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law.~~

4.4.6. ~~4.4.4. Construction Activity on or Adjacent to Public Rights-of-Way~~

~~A permit for Right of Way Encroachment and Construction shall be required for:~~
(Ord. # 1716)

- (A) ~~A Tree Removal Permit shall be required for Any any~~ excavation of trenches or tunnels for the installation or repair of utilities taking place within the critical root zone of any specimen tree on public land.
- ~~(A)(B)~~ No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any Specimen Tree to be preserved unless during Development application review it is determined there is no reasonable way the property can be developed without such disturbance.
(Ord. # 1716)

~~(B)(C)~~ Protection of trees in construction area:

- (1) All trees to be saved on public Right-of-Ways near any excavation or construction of any Building, structure, or new streets shall be guarded with protective fencing or other equally effective measures. All construction material, dirt or other debris shall be kept outside the Protected Area.

Commented [AM58]: This is not regulatory, and these specific ecosystems are not regulated separately, aside for Tree Protection Plans.

Commented [AM59]: This was added to Chapter 9 Definitions.

- (2) No person shall deposit, place, store or maintain upon any street Right-of-Way, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein.

~~4.4.7. Preservation and Removal on Private Property~~

~~The following provisions apply to Specimen Trees on private land:~~

- ~~(A) Specimen trees shall be shown on all Preliminary Development Plans and located by survey on required Site Plans. The Planning Director may visit the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a Development site where soil disturbance or construction activity is proposed.~~
- ~~(B) Proposed Development should be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to Lot layout, placement of Buildings and paved surfaces and location of utilities should be pursued in order to save them.~~
- ~~(C) Saving a specimen tree shall constitute sufficient evidence that the requirements have been met for a variance application.~~

4.5. OFF-STREET PARKING AND LOADING

4.5.1. Generally

This section 4.5 establishes the minimum requirements for the number of spaces and the design of parking areas. This section provides administrative flexibility for the Planning Director to adjust the number of required spaces and the design of spaces to provide for adequate parking, accommodate unique site conditions and capitalize on the benefits of parking opportunities on-street or in shared parking areas.

4.5.2. Applicability

The requirements of this section shall be applicable to all new Development and changes of use that create the need for parking or increase existing parking demands, except as specifically provided in this section, authorized as part of a Variance, PD, Conditional Zoning district, or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.

(Ord. #3031)

4.5.3. Parking Space Requirements

- (A) All Developments in all zoning districts other than in portions of the central business area as established herein shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the Development in question. No off-street parking shall be required in the area bounded by Connecticut Avenue, Massachusetts Avenue, Bennett Street and Ashe Street.
- (B) Exhibit 4-6 establishes the minimum number of required off-street parking spaces that shall be provided for specified land uses. When determining the number of parking spaces, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- (C) The number and design of parking spaces for the disabled shall comply with the North Carolina State Building Code requirements for handicapped parking. Bicycle parking shall be designed and located in a manner that is consistent with the Town's Bicycle Transportation Plan.
- (D) The Town Council recognizes that Exhibit 4-6 does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Planning Director is authorized to determine the parking requirements using this table as a guide.

Commented [AM60]: This is addressed by Tree Protection Areas and Plans

- (I) A Developer or homeowner's association may request non-standard street lighting within a Development provided that the street light fixture types and locations must be approved by the Town of Southern Pines; the Developer or homeowner's association shall be responsible for all installation costs and monthly operation costs associated with non-standard lighting; the Developer or homeowner's association shall be responsible for any costs associated with deletion of non-standard street lights and any costs associated with installing the Town's standard street lights prior to the expiration of the ten (10) year contract with Progress Energy; the Developer shall include all responsibilities of the homeowner's association pertaining to non-standard lighting in the Development covenants. The Developer shall inform all purchasers of property in the Development of these same responsibilities; non – standard street lighting shall not be used on arterial streets and the Developer or the homeowner's association will not have the option of deleting the private, non-standard street lighting at any time in the future. Staff consultation includes discussion of reflector caps or similar devices to reduce Light Pollution.
- (J) The Applicant, Developer, homeowner's association or other responsible organization representing the Subdivision Development will be responsible for the installation, maintenance and power consumption for all landscape lighting or any other device or fixture requiring electrical power.

4.8.8. Excessive Illumination

Lighting within any Lot that unnecessarily illuminates any other Lot and substantially interferes with the use or enjoyment of such other Lot is prohibited. Lighting unnecessarily illuminates another Lot if it clearly exceeds the standard set forth in section 4.15.6 or if the standard set forth therein could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

4.9. ~~OPEN SPACE~~ / ~~GREENSPACE~~

This section 4.9 shall be referred to as the Town of Southern Pines Open Space Standards or open space standards.

4.9.1. ~~Usable~~ Open Space Required

- (A) Except as provided in ~~paragraph (C) of~~ this section or within a PD district, Conditional Zoning district, or authorized Development Pattern, every new commercial, industrial, institutional, and Multi-Family Development and Major Subdivision shall be developed so that at least ten (10) percent of the total area of the Development remains permanently as ~~Usable~~ Open Space (*Ord. #3031*)
- (B) Subdivided residential Developments of five (5) or fewer Dwelling Units are exempt from the requirements of this section.

~~(C)~~ Open Space ~~shall be~~ is part of an independent Lot shown on ~~the site~~ plans and subdivision plats as being reserved for permanent Open Space.

~~(C)(D)~~ To the maximum extent practicable, common ~~Open~~ Space shall be organized to create integrated systems of ~~Open~~ Space that connect with the following types of lands located within or adjacent to the Development:

- (1) Dedicated public park or greenway lands;
- (2) Dedicated school sites;
- (3) Other dedicated open spaces;
- (4) Common open space located adjacent to the Development; and
- (5) Portions of the regional trail and open space system.

4.9.2. Areas Not Permitted as Open Space

The following areas shall not count toward common ~~Open~~ Space ~~set~~ aside requirements:

Commented [AM61]: This section has been completely re-organized in addition to having provisions added and removed. The proposed organization should make it more user friendly for applicants and for Planning staff.

- ~~(6)~~(1) Private Lots, Yards, balconies and patios dedicated for use by a specific Dwelling Unit;
- ~~(7)~~(2) Electric or gas transmission line rights-of-way;
- ~~(8)~~(3) Public Right-of-Way or private streets and drives;
- ~~(9)~~(4) Open parking areas and driveways for Dwellings;
- ~~(10)~~(5) Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;
- ~~(11)~~(6) Designated outdoor storage areas;
- ~~(12)~~(7) Land areas between Buildings of less than forty (40) feet;
- ~~(13)~~(8) Land areas between Buildings and parking lots or driveways of less than forty (40) feet in width;
- ~~(14)~~(9) Required Setbacks;
- ~~(10)~~ Buffers less than 20 feet wide;
- ~~(11)~~ Buffers not designated as permanent Open Space or Common Area on plans and subdivision plats;
- ~~(12)~~ Riparian Buffers as described in North Carolina General Statute § 143-214.23A; and
- ~~(13)~~ Detention/Retention Stormwater facilities except as provided section ~~4.9.47~~.

4.9.3. Tree Protection Areas

- (A) Tree Protection Plans, where applicable in section 2.49, shall be made in consideration of any applicable Airport Hazard Overlay district requirements.
- (B) Tree Protection Areas shall be protected by Tree Protection fencing, which shall maintain a radius of at least six (6) feet around existing

plants or provide a radius of two and one-half (2.5) feet for each one (1) inch DBH of trees, whichever is greater.

(C) Tree Protection Areas designated within a Tree Protection Plan, where applicable in section 2.49, shall include, in the following order of priority:

- (1) Significant Natural Resource Areas, especially those areas with an observed presence of species of special concern, threatened, or endangered species.
- (2) Existing trees that qualify as Specimen Trees. Specimen Trees shall include flattop, old-growth longleaf pines; longleaf pines with historical importance, such as those used for turpentine; and longleaf pines within the Red-Cockaded Woodpecker's active and inactive foraging clusters.
- (3) Where practicable, each Tree Protection Area shall include existing Significant Tree Stands that are located along other natural corridors, especially Significant Tree Stands that include longleaf pine-wiregrass ecosystems.
- (4) Undisturbed Buffers existing on site where there are no specimen trees, Significant Tree Stands, or Significant Natural Resource Areas or not enough of these to satisfy Tree Protection Area requirements. The proposed undisturbed Buffer shall contain a mixture of hardwood and evergreen species throughout the Buffer.
- (5) Land within the Special Flood Hazard Area as identified by the North Carolina Floodplain Mapping Program;
- (6) Where the area subject to a development approval does not include any of the areas listed above, the Tree Protection Area may be Usable Open Space.

Commented [AM63]: Until this proposed text amendment, there has not been a direct reference to protection of the RCW.

Commented [AM62]: #NEW#

Commented [AM64]: This addresses 2040 Comp Plan Policy 4.7.

4.9.2-4.9.4. Usable Open Space

(A) For purposes of this section, Usable Open Space ~~means an~~ shall be area that:

- (1) Is not encumbered with any substantial structure;
- (2) Is not devoted to use as a roadway, parking area, or sidewalk, provided, however that Multi-user Trails may be counted towards required Usable Open Space;
- (3) Is legally and practicably accessible to the residents of the Development from which the required Usable Open Space subdivided or to the public, if the Usable Open Space is dedicated to the Town pursuant to section 4.9.6.

~~(3)(4)~~ Is at least thirty (30) percent of required open space shall be dry land with a slope of less than ten (10) percent unless otherwise approved the Town Council; and

(5) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, which shall include but are not limited to any combination of the following amenities: trails, boardwalks, parks, ball fields, equestrian fields or tracks, golf courses (not including clubhouse or other vertical structures), any water bodies including ponds and lakes, and/or innovative and accessible stormwaters ponds that are designed as an amenity.

(B) ~~Reflects the character of the land as of the date Development began. Wooded Areas shall be left in their natural or undisturbed state except for the cutting of trails for walking, bicycling or jogging. Areas not wooded~~ Usable Open Space shall be landscaped for amenities open play fields, picnic areas or similar facilities, ~~or~~ and be properly vegetated and landscaped following cleared areas standards in section 4.3 with the objective of creating a Wooded Area or other area that is consistent with the objectives of this section.

(C) ~~Water bodies, Retention areas, detention basins, stormwater facilities,~~ and wetlands basins, may constitute up to forty (40) percent of required Usable Open Space, provided that:

(1) ~~Retention Stormwater~~ facilities are designed to provide safe access to water; and

(2) ~~Unless otherwise approved by the Town Council, Side slopes to Retention stormwater~~ facilities are designed to shall provide at least six (6) feet of horizontal run for each foot of vertical rise; and

(3) ~~Stormwater facilities are designed to include Stormwater Pond Landscaping pursuant to section 4.3.~~

(B) ~~Unless otherwise approved by the Town Council, Usable Open Space shall be continuous, contiguous with Open Space on abutting properties.~~

(Ord. #3031)

4.9.3-4.9.5. Ownership and Maintenance of Recreational Areas and Required Open Space

(A) Open space required to be provided by the Applicant in accordance with these open space standards shall not be dedicated to the public but shall remain under the ownership and control of the Developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in section 4.9.4. Open space shall be designated as an independent Lot on the plat and shall be noted as being reserved for their intended purposes.

(B) ~~The person or entity identified in paragraph (A) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.~~

(C) Open space may be dedicated to a registered land trust, if approved by the Town Council.

Commented [AM65]: If a Tree Protection Area (described below) is not required, than all open space would have to be usable open space as described here and defined in Chapter 9.

Commented [AM67]: This is inconsistent with the Flexibility in Administration Authorized section of 4.9

Commented [AM68]: This was originally in section 4.9.7 Open Space Design Criteria, but conflicted with section 4.9.8 which elaborated on connectivity of Open Space, which Planning has proposed be moved 4.9.1 of these proposed amendments.

Commented [AM66]: This would be a Tree Protection Area not Usable Open Space

4.9.4.4.9.6. Dedication of Open Space

- (A) If any portion of any Lot proposed for residential or commercial Development lies within an area designated on the officially adopted recreation master plan as a Neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding ten (10) percent of the total Lot Area) shall be included as part of the area set aside to satisfy the requirement of section 4.9.1. This area shall be dedicated to public use.
- (B) If more than ten (10) percent of a Lot proposed for Development lies within an area designated as provided in paragraph (A), the Town may attempt to acquire the additional land in the following manner:
- (1) The Applicant may voluntarily dedicate the additional land to the Town;
 - (2) The Applicant may be encouraged to develop an integrated Subdivision, cluster Development or some other applicable Development Pattern and to dedicate the common open space created thereby; or
 - (3) The Town may purchase or condemn the land.

(Ord. #3031)

4.9.5.4.9.7. Homeowners Associations

Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including open space, shall be:

- (A) Established before any Lot in the Development is sold or any Building occupied;
- (B) Be granted clear legal authority to maintain and exercise control over such common areas and facilities;
- (C) Have the power to compel contributions from residents of the Development to cover their proportionate shares of the costs

associated with the maintenance and upkeep of such common areas and facilities.

4.9.6.4.9.8. Flexibility in Administration Authorized

- (A) The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and ~~Open s~~Space to be provided in ~~connection with residential~~ Developments are established by the Town Council as standards that presumptively will result in the provision of that amount of ~~recreational facilities an o~~Open sSpace that is consistent with officially adopted Town Plans. The Town Council recognizes, however, that due to the particular nature of a Tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the ~~Permit Issuing Authority~~Planning Director is authorized to permit minor deviations from these standards after receiving a written request whenever it determines and upon determining that:
- (1) The objectives underlying these standards can be met without strict adherence to them due to special consid erations of site design and/or topography—including but not limited to proposed street widening and conflict with utilities, easements, or overhead power lines—and an alternative design would achieve the intent of this section; and
 - (2) ~~Because of peculiarities in the Applicant's Tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards~~The Applicant has submitted a Usable Open Space Plan;

(B) Developers seeking flexibility in administration shall submit a written request for design flexibility to the Planning Director.

(B)(C) The Planning Director may require additional landscaping when a minor deviation from Open Space standards is warranted, in order to meet the intent of the Open Space standards.

Commented [AM69]: This provision is important in preventing strict adherence to Open Space standards in instances where an Applicant can prove that an alternative design will still achieve the intent of creating a town rooted in recreation that includes comprehensive, connected, and continuous open space accessible to the community.

It should be noted that anyone who does not agree with an administrative interpretation made by the Planning Director and their designees may appeal that interpretation to the Town's Board of Adjustment. In sum, relief currently exists from strict adherence to Open Space standards, and will continue to exist.

Commented [AM70]: Planning received feedback from representatives of the commercial development community that there may be some instances where there are few to no Tree Protection Areas (where applicable) or the size of the tract and open space requirements together might make a property undevelopable. In those instances, a functional Usable Open Space Plan was considered to be an appropriate alternative to strict adherence to the amount of Open Space required. A definition has been added to list what is expected in a Usable Open Space Plan.

(D) Where a trail, natural area or public park is dedicated to or acquired by the Town, such area may be credited toward the minimum amount of common ~~Open~~ Space required.

~~(C)~~(E) Whenever the ~~Permit Issuing Authority~~Planning Director approves a deviation from these open space standards pursuant to paragraph (A), the official record of action taken on the Development application shall contain a statement of the reasons for allowing the minor deviation.

4.10. DEVELOPMENT DESIGN STANDARDS

(Ord. #1716)

4.10.1. Applicability

- (A) The commercial Building design standards of this section are applicable to the new Development and redevelopment of all commercial structures in any zoning district. The standards may be modified pursuant to Architectural Compliance Permit, Conditional Zoning district, or Certificate of Appropriateness approval. For purposes of this section, redevelopment does not include any project that is considered routine maintenance, such as painting, re-roofing or replacement or repair of existing doors, windows, trim or existing walls. Remodeling that involves the change of an exterior portion of a Building shall comply with these standards for portion of the Building being changed.
- (B) These commercial Building design standards apply in a variety of settings, and the Town shall apply discretion to modify standards where the character and function of a site and neighboring Development justify such modifications.
- (C) The large-scale retail Development standards in section 4.10.6 provide an alternative Development Pattern for Developments with Buildings encompassing 25,000 or more square feet of retail and service space.

(Ord. #1703; Ord. #3031)

4.10.2. Purpose and General Principles

The integration of proposed Development, Building, or site improvement into the existing fabric of the Town is of critical public concern. The intent of design requirements is to assure respect for the character of the Town and reduce incompatible and adverse impacts on the community.

- (A) Proposed Development shall be located and configured in a manner that is visually harmonious with the terrain and vegetation of the Parcel and with nearby Parcels.
- (B) The design and configuration of structures and their materials and colors shall be visually harmonious with the overall appearance, history and heritage of the Town.
- (C) Structures shall demonstrate the general principles of good design including, but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to Compatibility with adjacent structures and Neighborhoods and surrounding areas of the Town where the structures reflect the characteristics set forth in this section.

4.10.3. Site Design Requirements

(A) Building Continuity

- (1) Buildings along a block face shall provide a continuous Frontage, particularly where maximum Setbacks (build-to lines) require Buildings to be constructed close to the front property line. Building fronts may be recessed for allowed courtyards and outdoor dining facilities as provided in this section.
- (2) Gaps between Buildings along the fronts of blocks shall be limited to pedestrian and vehicle access and intersecting streets.

Chapter 6. Development Patterns

Chapter 6 Contents

6.1. Cluster Subdivision..... 6-1

6.2. Conservation Subdivision 6-2

6.3. Small Single-Family Lot Patterns..... 6-10

6.4. Traditional Neighborhood Development..... 6-11

6.5. Employment Center Patterns 6-16

6.1. CLUSTER SUBDIVISION

(A) In any Single-Family residential Subdivision in the zones indicated below, a Developer may create Lots that are smaller than those required by in the RS zoning districts if such Developer complies with the provisions of this section and if the Lots so created are not smaller than the minimums set forth in Exhibit 6-1: Minimum Lot Size for Cluster Subdivisions:

Exhibit 6-1: Minimum Lot Size for Cluster Subdivisions

Zoning District	Minimum Lot Size
RS-1	7,500 sq. ft.
RS-2	15,000 sq. ft.
RS-3	22,500 sq. ft.

(B) The intent of this section is to authorize the Developer to decrease Lot sizes and leave the land "saved" by so doing as Usable Open Space, thereby lowering Development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of Lots required by each applicable zoning district.

(C) The amount of Usable Open Space that must be set aside shall be determined by:

- (1) Multiplying the number of Lots that are smaller than the minimum area for Lots in the applicable district by the minimum area required per Lot in that district;
- (2) Totaling the square footage of all Lots that are smaller than that standard specified for the applicable zoning district;
- (3) Subtracting the result in paragraph (1) from the result in paragraph (2).

Example for a 100 Lot Subdivision in an RS-1 District	
Number of Lots smaller than the minimum Lot size for the district	100 Lots
Minimum area per Lot required	10,000 sq. ft./lot
Product (number of Lots times the minimum area per Lot)	1,000,000 sq. ft.
Total area of Lots that are smaller than the minimum. Assume that the Lots average 8,000 sq. ft. (100 x 8,000)	800,000 sq. ft.
Total amount of Usable Open Space required (1,000,000 – 8,000,000)	200,000 sq. ft

- (D) The provisions of this section may only be used if the Usable Open Space set aside in a Subdivision comprises at least ten thousand (10,000) square feet of space that complies with section 4.9.
- (E) The Setback requirements for the applicable zoning districts shall apply in cluster Subdivisions.

Commented [AM71]: Chapter 6 is outside the purview of these amendments, and will be addressed in a future text amendment.

Southern Pines Unified Development Ordinance

9.3. DEFINITIONS

As used in the UDO, the following terms shall have the meanings assigned to them in this section. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

Administrative Decision: Decisions made in the implementation, administration, or enforcement of Development regulations that involve the Determination of facts and the application of objective standards set forth in this Chapter or local government Development regulations. These are sometimes referred to as ministerial decisions or administrative Determinations.

Adult Bookstore: An establishment having as a substantial or Significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Area", or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motels and Hotels: A place where motion pictures not previously submitted to or not rated by the Motion Picture Association of America are shown in rooms designed primarily for lodging, which said motion pictures have as the dominator primary theme matters depicting, describing or relating to Specified Sexual Activities.

Adult Motion Picture Theater: An enclosed Building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, for observation by patrons therein.

Applicant: A person, including any governmental entity, seeking Development Approval approval or a refund, a waiver or a credit.

Bed and Breakfast Home: A private home of not more than 4 guest rooms that offers bed and breakfast accommodations, and that:

Chapter 9. Definitions

- (A) Does not serve food or drink to the general public for pay;
- (B) Serves only the breakfast meal, and that meal is served to overnight guests of the business;
- (C) Includes the price of breakfast in the rate; and
- (D) Is the permanent residence of the owner or manager of the business.

Bed and Breakfast Inn: A private home of more than 4 but not more than 12 guest rooms that offers bed and breakfast accommodations, and that:

- (A) Does not serve food or drink to the general public for pay;
- (B) Serves only the breakfast meal, and that meal is served to overnight guests of the business;
- (C) Includes the price of breakfast in the rate; and
- (D) Is the permanent residence of the owner or manager of the business.

Best Management Practices (BMP): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Boarding House: A residential use consisting of at least one Dwelling Unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate Dwelling Units. A rooming house or Boarding House is distinguished from a Tourist Home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Buffer: A strip of land with existing or planted vegetation located between a structure and the right-of-way or a side or rear Lot line intended to separate and partially obstruct the view of two adjacent land uses from one another or obstruct the view of the land use from rights-of-way.

Buffer, Riparian: Natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channeled and which provides for infiltration of the runoff and filtering of pollutants along all

Commented [AM72]: Pulled from A Planner's Dictionary example from Charlotte, NC

Commented [AM73]: Apex's definition

Amended

3-12-24

9-2

Southern Pines Unified Development Ordinance

perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. The buffer is measured landward from the bank of each side of the stream.

Buffer, Undisturbed: A natural area used to satisfy Buffer requirements. The only disturbance activities permitted in an Undisturbed Buffer are activities listed in Section 4.3.4 Buffers.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory or Accessory Structure: A Building or structure that is located on the same Lot as a Principal Building or Structure, used incidentally to a Principal Building or used for purposes that are secondary the Principal Use of the site. For example, a storage shed is considered an Accessory Building when located on a Lot with a Single-Family residence.

Building, Principal or Principal Structure: The Building or structure on a Lot that houses the Principal Use. For example, in the example for the previous definition, the Single-Family home would be the Principal Building

Building Front or Frontage: The length of that side of the Principal Building that faces the street. For corner Lots, the front shall be determined by the Planning Director based on other Development along the faces of the block on which the corner Lot is located.

Built-Up Area: Built-upon areas shall include that portion of Development project that is covered by impervious or partially impervious cover including Buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Caliper: A standard measure of size for newly planted trees. Caliper refers to the trunk diameter, in inches, at a point six (6) inches above the ground (for trees equal to or less than a 4" Caliper), at a point twelve (12) inches above the ground (for trees larger than 4" Caliper), or as defined by the American Standard for Nursery Stock ANSI Z60.1.

Certified Arborist: A professional tree care specialist who maintains the designation of Certified Arborist as defined and governed by the International

Amended

3-12-24

Chapter 9. Definitions

Society of Arboriculture (ISA). For the purposes of this UDO, a certified arborist may also refer to a professional tree care specialist who maintains the designation of consulting arborist with the American Society of Consulting Arborists (ASCA).

Certified Wildlife Biologist: A wildlife professional who maintains the designation of Certified Wildlife Biologist as defined and governed by the The Wildlife Society (TWS).

Child Care Home: A home for not more than nine orphaned, abandoned, dependent, abused or neglected children together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

Child Care Institution: An institutional facility housing more than nine orphaned, abandoned, dependent, abused or neglected children.

Circulation Area: That portion of the Vehicle Use Area used for access to parking or loading areas or other facilities on the Lot. Driveways and other maneuvering areas (other than Parking Aisles) comprise the Circulation Area

Combination Use: A use consisting of a combination on one Lot of two or more Principal Uses separately listed in Exhibit 3-15.

Compatible/Compatibility - A condition in which land uses or conditions can coexist in a relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility does not require homogeneity, but does consider the relative scale, design and intensity of nearby structures, uses and activities.

Conditional Zoning: A legislative Zoning Map amendment with site-specific conditions incorporated into the Zoning Map amendment.

Conservation Easement: The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall either remain in its natural, scenic, open or wooded state; or be used for agricultural purposes authorized specifically authorized by the easement.

Commented [AM74]: Pulled from Holly Springs, NC UDO.

9-3

Southern Pines Unified Development Ordinance

Conversion Schedule: A table submitted with the application for zoning approval identifying the proposed range of conversion between different types of uses within a PD district.

Council or Town Council: The Town Council of the Town of Southern Pines.

Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that no more than two and one half (2½) percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Determination: A written, final, and binding order, requirement, or determination regarding an Administrative Decision.

Developer: A person, including a governmental agency or redevelopment authority, who undertakes any Development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake Development on that property.

Development: Any of the following:

- 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.

Development Approval: An administrative or Quasi-judicial approval made pursuant to this UDO that is written and that is required prior to commencing Development or undertaking a specific activity, project, or Development proposal. Development Approvals include, but are not limited to, zoning permits, Site Plan approvals, Special Use Permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this UDO, including plat approvals, permits issued, Development agreements entered into, and Building permits issued. Unless provided otherwise by law, Development Approvals attach to and run with the land.

Development Conditions: The written Development program, dimensional standards, special conditions and restrictions on Development submitted with the application for zoning approval.

Amended

3-12-24

Chapter 9. Definitions

Development Envelope: Area within which grading, lawns, pavement and Buildings will be located.

Development Pattern: A type of Development described in chapter 6 of this UDO or otherwise established that is characterized by a mix of uses, intensities of Development or specific design characteristics.

Diameter Breast Height: A standard measure of size for existing trees. The tree trunk diameter is measured in inches at a height of four and one-half (4 ½) feet above grade. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split.

Down-zoning: A zoning ordinance that affects an area of land in one of the following ways:

- a. By decreasing the Development density of the land to be less dense than was allowed under its previous usage.
- b. By reducing the permitted land uses of the land that are specified in a zoning ordinance or land Development regulation to fewer than were allowed under its previous usage.

Dwelling: Any Building that contains one or more Dwelling Units used, rented, leased, let, or hired out for living purposes for periods of 30 days or more.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Estoppel: A bar or impediment preventing a party from asserting a fact or a claim inconsistent with a position that party previously took, either by conduct or words, especially where a representation has been relied or acted upon by others.

Evidentiary Hearing: A hearing to gather competent, material, and substantial evidence in order to make findings for a Quasi-judicial Decision required by a Development regulation adopted under this UDO.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

9-4

Southern Pines Unified Development Ordinance

- (A) Substantial Expenditures or resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (B) Have an outstanding valid Building permit as authorized by the General Statutes (G.S. 160D-108); or
- (C) Having expended substantial resources (time, labor, money) and having an approved site specific or phased Development plans as authorized by the General Statutes (G.S. 160D-108.1).

Existing Lighting: Any and all lighting installed prior to the effective date of this UDO.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future Expenditures, as well as any other substantial changes in position.

Extraterritorial Planning Area: That portion of the Town's Planning Jurisdiction that lies outside the corporate limits of the Town. Also includes the terms Extraterritorial Jurisdiction and Extraterritorial Area.

Family: One or more persons living together as a single housekeeping unit.

Floor: The top surface of an enclosed area in a Building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in a frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Food Cart: A smaller mobile facility, typically wheeled, from which food is sold that typically contains cooking facilities where the food is prepared and served. Food carts shall not be self-propelled and not exceed four (4) feet in width by ten (10) feet in length by eight (8) feet in height.

Food Trailer: A non-automotive, wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared and served.

Food Truck: An automotive, wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared and served.

Food Truck Campus: A collective of multiple Food Trucks, Food Trailers or Food Carts operating together on one Parcel of land.

Amended

3-12-24

Chapter 9. Definitions

Gaming Operations: Any business activity, whether as a Principal or Accessory Use, in which patrons use electronic or mechanical machines, including, but not limited to, computers and gaming terminals, to conduct or stimulate games of chance, including the use of the machines to reveal the pre-determined value of an entry, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether the value is determined by the machines or by pre-determined odds. Gaming Operations do not include any Lottery approved by the State of North Carolina or any nonprofit activity otherwise lawful under state law.

Gross Floor Area. The total area of a Building measured by taking the outside dimensions of the Building at each Floor level intended for occupancy or storage.

Gross Leasable Floor Area. The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper Floors. It is measured from the center line of joint partitions and from outside wall faces.

Halfway House: A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in G.S. 122C-3.14), or anti-social or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Handicapped or Infirm Home: A residence within a single Dwelling Unit for at least two but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

Handicapped or Infirm Institution: An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

Hazardous Material: Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances or Section 311 of CWA (oil and hazardous substances).

9-5

Southern Pines Unified Development Ordinance

Hearing Body: The entity assigned responsibility for conducting a hearing on any application pursuant to this UDO.

Illuminating Engineering Society of North America (IES or IESNA): The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Intermediate Care Home: A facility maintained for the purpose of providing accommodations for not more than nine occupants needing medical care and supervision at a lower level than that provided in a Nursing Care Institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution: An institutional facility maintained for the purpose of providing accommodations for more than nine persons needing medical care and supervision at a lower level than that provided in a Nursing Care Institution but at a higher level than that provided in institutions for the handicapped or infirm.

Invasive Species: Exotic vegetation transported outside their historic home ranges and considered invasive in North Carolina due to their tendency to overcrowd vegetation in native natural habitats. Species considered Invasive Species in this UDO are those listed in the North Carolina State University Extension Gardener Plant Toolbox.

Large Scale Retail: Retail Development including of one or more businesses that encompass at 25,000 square feet or more of Gross Leasable Floor Area.

Legislative Decision: The adoption, amendment, or repeal of a regulation under North Carolina General Statute or an applicable local act. The term also includes the decision to approve, amend, or rescind a Development agreement consistent with the provisions of Article 10 of Chapter 160D, North Carolina General Statute.

Legislative Hearing: A hearing to solicit public comment on a proposed Legislative Decision.

Licensed Landscape Contractor: Any person licensed by the North Carolina Landscape Contractors' Licensing Board who for compensation or other consideration, does landscape construction or contracting as described in North Carolina General Statute Chapter 89D-11(3).

Amended

3-12-24

Chapter 9. Definitions

Light Pollution: Any adverse effect of manmade light including, but not limited to, Light Trespass, up-lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

Light Trespass: Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Lot: A Parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent domain condemns, purchases or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a Parcel of land otherwise characterized as a Lot by this definition or a private road is created across a Parcel of land otherwise characterized as a Lot by this definition and the interest thus obtained or the road so created is such as effectively to prevent the use of this Parcel as one Lot, then the land on either side of this strip shall constitute a separate Lot. The permit-issuing authority and the owner of two or more contiguous Lots may agree to regard the Lots as one Lot if necessary or convenient to comply with any of the requirements of this ordinance.

Lot Area: The total area circumscribed by the boundaries of a Lot, except that:

- (A) When the legal instrument creating a Lot shows the boundary for purposes of computing the Lot Area shall be the street Right-of-Way line or if the Right-of-Way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street; and
- (B) In a residential district, when a private road that serves more than three Dwelling Units is located along any Lot boundary, then the Lot boundary for purposes of computing the Lot Area shall be the nearest boundary of the traveled portion of that road.

Major Amendment: Any change to a PD plan, Architectural Compliance permit or other approval not classified as a Minor Amendment.

Commented [AM75]: #NEW#

Southern Pines Unified Development Ordinance

Major Work: Exterior work that involves a significant alteration, addition, reconstruction or demolition of an existing Building or structure, or the erection of new Buildings or structures.

Manufactured Home: A Dwelling Unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the Building site.

Manufactured Home, Class A: A Dwelling Unit constructed with one or more components which are pre-fabricated and hauled to the site that are capable of producing a Dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Uniform Residential Building Code as amended.

Manufactured Home, Class B: A Dwelling Unit that:

- (A) Is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended; and
- (B) Is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site; and
- (C) Meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development and (iv) conforms to the following appearance criteria.

Manufactured Home, Class C: Any Manufactured Home that does not meet the definition criteria of a Class A or Class B Manufactured Home but which, at a minimum, exceeds 32 feet in length and 8 feet in width.

Manufactured Home Park: A residential use in which more than one Class B or Class C Manufactured Home is located on a single Lot.

Minor Work: Exterior work that involves the repair and/or partial replacement of an architectural feature or Building element but does not involve a significant alteration or addition to the existing Building or structure. All Minor Work shall be undertaken in accordance with adopted design standards. In addition, Minor Work shall include alterations and new construction of significant landscape and natural features.

Amended

3-12-24

Chapter 9. Definitions

Multi-Family Residence: A Building including three (3) or more Dwelling Units.

Multi-Use Trail or Path: A trail designed for Compatible and safe concurrent use by pedestrians and bicyclists.

Neighborhood: An area of a community with characteristics which distinguish it from others that may include distinct ethnic or economic bases, housing types, schools, or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers, or major drainage channels.

Non-conforming Project: Any structure, Development or undertaking that is incomplete at the effective date of this UDO and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nursing Care Home: A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

Nursing Care Institution: An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

Open Space: Any land or area, either improved or unimproved, that preserves Tree Protection Areas and/or creates Usable Open Space. Open Space enhances recreation opportunities and protects natural resources in low-density areas and high-quality water areas. Open Space may include landscaped areas, turf areas, parks, golf course, and recreation areas constructed on a Parcel, but shall not include associated Buildings.

Open Space, Usable: Usable Open Space areas comprised of, but not limited to, any combination of the following areas capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation: ~~natural areas, wetlands,~~ trails, boardwalks, parks, ball fields for structured recreation, equestrian fields or tracks, golf courses (not including clubhouse or other vertical structures), ~~buffers (outside of a platted Lot),~~ any accessible water bodies including ponds and lakes, and/or innovative and accessible ~~water quality stormwater~~ ponds (that are designed as an amenity and landscaped according to section 4.3).

Commented [AM76]: Pulled from A Planner's Dictionary for Concord, NC

Southern Pines Unified Development Ordinance

Ordinary Maintenance: Exterior work that is undertaken on a frequent and routine basis to maintain the functional and structural integrity of an existing Building, structure, or architectural or appurtenant features. Ordinary Maintenance is defined further as being repair work that maintains, and does not change, the architectural material, design, style, size and scale, arrangement, detailing or texture of the feature.

Outlot: A Parcel of real property having access to at least one public street, private roadway or private drive that is part of a larger commercial Development, but that may be sold or leased without further Subdivision.

Parcel: An area of land not dedicated for public or common use capable of being described with such definiteness that its location and boundaries may be established and includes but is not limited to Lots.

Parking Aisles. That portion of the Vehicle Use Area consisting of lanes providing access to parking spaces.

Permit Issuing Authority: A person or entity authorized by this UDO to grant Development Approval, whether discretionary or administrative.

Planning Director or Director: The person designated by the Town Manager to carry out the responsibilities established in this UDO or the Planning Director's designee.

Planning Jurisdiction: The area within the Town limits as well as the area beyond the Town limits within which the Town is authorized to plan for and regulate Development, as set forth in this UDO.

Pollinator Garden: Native vegetation such as trees, shrubs, wildflowers, grasses, and other plants which have naturally adapted themselves to the climate and soils of the area and attract pollinators.

Premises: A single piece of property as conveyed in a deed or a Lot or a number of adjacent Lots on which is situated a land use, a Building or group of Buildings designed as a unit or on which a Building or a group of Buildings are to be constructed.

Principal Use Classification: Exhibit 3-15 establishes use classifications. For purposes of this UDO, each numbered row is assumed to represent a separate Principal Use Classification.

Amended

3-12-24

Chapter 9. Definitions

Quasi-judicial Decision: A decision involving the finding of facts regarding a specific application of a Development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, Special Use Permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of Subdivision plats and Site Plans are Quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Registered Forester: A professional who—on the basis of demonstrated knowledge acquired by professional education or practical experience and training, or both—has been registered pursuant to NCGS Chapter 89B in natural sciences, mathematics, silviculture, forest protection, forest mensuration, forest management, forest economics, and forest utilization, and is qualified to engage in the practice of forestry. Practice includes rendering professional forestry services, including but not limited to, consultation, investigation, evaluation, planning, or other forestry activities requiring knowledge, training, and experience in forestry principles and techniques.

Registered Landscape Architect: A professional who—on the basis of demonstrated knowledge acquired by professional education or practical experience, or both—has been granted and holds a current certificate entitling them to practice mathematical, physical, social, and natural science principles in landscape architectural consultation, evaluation, planning, design, and construction services, and to use the title "Landscape Architect" in North Carolina under the authority of NCGS Chapter 89A. Practice includes preparation, submittal, and administration of plans, drawings, specifications, permits, and other contract documents for work involving natural and built environment.

Residence, Accessory Dwelling: A residential Dwelling that is secondary to the Principal Use.

Residence, Multi-Family: A Building including three (3) or more Dwelling Units.

Commented [AM77]: Pulled from NCGS 89B-2.

Commented [AM78]: Pulled from [American Society of Landscape Architects Professional Licensure document](#) and NCGS 89A.

Southern Pines Unified Development Ordinance

Residence, Condominium: A Multi-Family Residential use consisting of individually owned Dwelling Units and common elements owned by an association of the owners of the Dwelling Units.

Residence, Multi-Family Conversion: A Multi-Family Residence containing not more than four Dwelling Units and results from the conversion of a single Building containing at least 2,000 square feet of Gross Floor Area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a Single-Family residence.

Residence, Townhouse: A Single-Family attached Dwelling in which each Dwelling Unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other Dwelling Unit and in which each Dwelling Unit has living space on the ground Floor and a separate ground Floor entrance and each Dwelling Unit is conveyed through a Subdivision plat.

Residence, Two-Family or Duplex: A Two-Family Residential use in which the Dwelling Units share a common wall (including without limitation the wall of an attached garage or porch) and in which each Dwelling Unit has living space on the ground Floor and a separate ground Floor entrance.

Residential Zone: Areas zoned for residential use include Residential Single-Family (RS), Residential Multi-Family (RM), Rural Residential (RR), Rural Estate (RE), and Planned Development (PD) districts.

Retention Pond: A pond that has a permanent pool and which also collects storm water runoff, filters the water and releases it slowly over a period of days.

Reviewing Body or Recommending Body: The entity assigned responsibility for reviewing and making recommendations or taking action on an application pursuant to this UDO.

Right-of-Way: An interest in land to the Town, County or State that provides for the perpetual right and privilege of the Town, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and Signage, sanitary sewer, stormwater drainage, water supply, cable television,

Amended

3-12-24

Chapter 9. Definitions

electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.

Setback: The shortest distance between the Building and the property line.

Setback, Front: The shortest distance between the Building Front and the front property line or the distance from the street centerline where the Right-of-Way line is undefined.

Setback, Exterior Side: The shortest distance between the street side of the Building and the side property line abutting a street or the distance from the street centerline where the Right-of-Way line is undefined.

Setback, Interior Side: The shortest distance from the side of a Building and the property line abutting another Lot or Parcel.

Setback, Rear: The shortest distance from the rear of a Building and the property line abutting another Lot or Parcel.

Shopping Center: A collection of commercial businesses located in one or more Buildings on a site that is under common ownership or management. Shopping Centers may include Outlots.

Sign: Any device, depiction, lettering, or symbol that:

- (A) Is sufficiently visible to persons not located on the Lot where it is located to accomplish either of the objectives set forth in paragraph (b) of this definition, and
- (B) Is designed to attract the attention of such persons or communicate information to them.

Sign, Awning: A Sign that is printed, painted or otherwise placed on an awning.

Sign, Electronic Message Center: An electrically activated, changeable Sign with a variable message and/or graphic presentation capability that can be electronically programmed by computer from a remote location or at the Sign. Also known as an EMC or digital Sign, these Signs typically use arrays of LED lights to create an illuminated message.

Sign, Freestanding: A Sign that is attached to, erected on or supported by some structure (such as a pole, mast, frame or other structure) that is not itself

9-9

Southern Pines Unified Development Ordinance

an integral part of or attached to a Building or other structure having principal function other than the support of a Sign. A Sign that stands without supporting elements such as a "sandwich Sign" is also a Freestanding Sign.

Sign, Internally Illuminated: A Sign where the source of the illumination is inside the Sign and light emanates through the message of the Sign, rather than being reflected off the surface of the Sign from an external source. Without limiting the generality of the foregoing, Signs that consist of or contain tubes that:

- (A) Are filled with neon or some other gas that glows when an electric current passes through it; and
- (B) Are intended to form or constitute all or part of the message of the Sign, rather than merely providing illumination to other parts of the Sign that contain the message shall also be considered Internally Illuminated Signs.

Sign, Landmark: A Freestanding Sign that identifies a Planned Development by integrating the name of the Planned Development into a structure that is consistent with the key design theme of the Development.

Sign, Logo Emblem: A type of Wall Sign in which the logo of the business is displayed separately from the Wall Sign. Logo Emblem Signs contain no words or text. One (1) Logo Emblem Sign is allowed to accompany the permitted number of Wall Signs. Logo Emblem Signs are calculated into the permitted Wall Sign square footage. The Logo Emblem Sign is subject to the same standards as a Wall Sign and must adhere to all other applicable requirements.

Sign, Monument: A type of Freestanding Sign, often referred to as a ground Sign, in which there is not exposed frame, mast or pole, which has a low profile and which is built of brick or other substantial material resembling a monument is called a Monument Sign.

Sign, Non-conforming: A Sign that on the effective date of this chapter does not conform to one or more of the regulations set forth in section 4.6.18.

Sign, Off-Premises: A Sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the Premises on which the Sign is located.

Amended

3-12-24

Chapter 9. Definitions

Sign, Plaque or Plaque-Inset: A Sign embedded in the wall during the construction of the Building. The face of the Plaque shall not protrude from the main wall facade more than one inch. A Plaque-Inset Sign that exceeds 3.5 square feet is considered a Wall Sign.

Sign, Portable: A Sign is designed to be moved from place to place and which is not permanently installed.

Sign, Projecting: A Sign which is attached to and projects more than twelve (12) inches from a Building face or wall.

Sign, Temporary: A Sign that:

- (A) Is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or
- (B) Is intended to remain on the location where it is erected or placed for a period of not more than fifteen days.

Sign, Wall: A Wall Sign is

- (A) A Sign attached to or painted on a wall or Building with the exposed display surface of the Sign in a plan parallel to the plane of the wall to which it is attached or painted and including Signs affixed to or otherwise displayed on or through a facade window.;
- (B) Any Sign attached to, painted on or erected against any wall of a Building or structure so that the exposed face of the Sign is on a plane parallel to the plane of said wall and which does not extend more than 12 inches from the wall;
- (C) Any Sign erected against, installed on or painted on a penthouse above the roof of a Building as long as the wall of the penthouse is on a plane parallel to the wall of the Building; or
- (D) A Sign attached to, painted on or erected against a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the adjoining wall elevation.

9-10

Southern Pines Unified Development Ordinance

Significant Natural Resource Area: Areas with an observed presence of species of special concern, threatened, or endangered species as defined and determined by the North Carolina Natural Heritage Program, North Carolina Wildlife Resources Commission, North Carolina Plant Conservation Program, and qualified biologists. Significant Natural Resource Areas may also include isolated wetlands or ephemeral pools based on the North Carolina Sandhills wetland profile as depicted in Appendix F.

Significant Tree Stand: A contiguous wooded area of at least 10,000 square feet as measured by contiguous Tree Canopy coverage that are located along other natural corridors. Longleaf pine-wiregrass ecosystems are common Significant Tree Stands in the Sandhills of North Carolina.

Site Plan: A plan depicting the proposed Development of a property, in terms of the location, scale, and configuration of Buildings and other features.

Special Events: Temporary, organized events that:

- (A) Run no longer than two weeks;
- (B) Are intended to or likely to attract substantial crowds; and
- (C) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Use Permit: A permit issued to authorize Development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits.

Specified Anatomical Areas: For the purpose of this UDO, "Specified Anatomical Areas" is defined as:

- (A) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

Chapter 9. Definitions

- (B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: For the purposes of this UDO, "Specified Sexual Activities" is defined as:

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy; or
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specimen Tree: Any of the following Trees:

- (A) Any healthy living Tree that has a DBH of twenty (20) inches or more or a DBH of twelve (12) inches or more in the case of native Ilex species (Holly), native Magnolia species, or native Pine species, especially Longleaf Pine;
- (B) A Tree listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association; or
- (C) A Tree that provides unique habitat for any endangered or threatened wildlife species protected by Federal law.

Subdivision: The division of a Tract or Parcel of land into two or more Lots, Building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or Building Development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within the definition nor be subject to the regulations of this UDO applicable strictly to Subdivisions:

- (A) The combination or re-combination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots are equal to or exceed the standards as shown in this UDO;
- (B) The division of land into Parcels greater than ten (10) acres where no street Right-of-Way dedication is involved;

Commented [AM79]: Was previously 24 inches for hardwoods, but hardwoods grow slowly in the Sandhills, according to the Nature Conservancy.

Southern Pines Unified Development Ordinance

- (C) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;
- (D) The division of a Tract in single ownership whose entire area is no greater than two acres into not more than three Lots, where no street right of way dedication is involved and where the resultant Lots are equal to or exceed the standards as shown in this UDO; or
- (E) The division of a Tract into Parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(Ord. #1871, 8-24-20)

Temporary Emergency, Construction or Repair Residence: A residence (which may be a Manufactured Home if permitted in the district in which located) that is:

- (A) Located on the same Lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster;
- (B) Located on the same Lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or
- (C) Located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

Tourist Home: A Dwelling Unit used for periods of less than 30 days for the lodging of transients and travelers for compensation.

Town: The Town of Southern Pines, North Carolina.

Town Engineer: The person designated by the Town Manager to carry out the responsibilities established in this UDO or the Town Engineer's designee.

Tract: A Lot. The term Tract is used interchangeably with the term Parcel, particularly in the context of Subdivisions, where one "tract" is subdivided into several "Lots".

Amended

3-12-24

Chapter 9. Definitions

Travel Trailer: A structure that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definition criteria of a Manufactured Home.

Tree: A woody plant with a Diameter Breast Height (DBH) equal to or exceeding two (2) inches or a stump diameter exceeding six (6) inches.

Tree Canopy: The diameter or variable radius from the tree trunk to the outermost reaches of tree branches.

Tree Protection: The identification, research, conservation, and protection of Trees, Tree Protection Areas, and land environmentally and historically significant in the history and natural resources of this State, its communities, or the nation. Tree protection also includes strategies implemented to preserve roots and soil conditions and to keep branches clear of contact with construction equipment and materials.

Tree Protection Area: An area shown on a development plan, master plan, and/or preliminary plan and recorded on the final plat for the protection of existing native vegetation within which disturbance or planting of non-native vegetation are prohibited.

Tree Protection Plan: A plan depicting the existing tree conditions of a property, in terms of the location, size, and health of trees and other natural features. A Tree Protection Plan also identifies trees to be saved and trees to be removed and depicts all appropriate measures for the protection of a tree or grove historically significant for its historical associations or environmental benefits, to prohibit or limit any or all Development within Tree Protection Areas.

Usable Open Space Plan: A plan depicting Usable Open Space that may be used in instances where there is no evidence of prioritized Tree Protection Areas. A Usable Open Space Plan shows proposed Open Space capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation and includes:

- Locations of any existing or proposed substantial structure;

Commented [AM80]: Apex definition

Commented [AM81]: Used [Construction and Tree Protection](#) | [NC State Extension Publications \(ncsu.edu\)](#) as a resource

Commented [AM82]: Holly Springs definition

Southern Pines Unified Development Ordinance

- Locations of any existing or proposed roadways, parking areas, sidewalks, and multi-user trails within 50' of the subject property;
- Location of proposed Usable Open Space, which shall include but are not limited to any combination of the following amenities: trails, boardwalks, parks, ball fields, equestrian fields or tracks, golf courses (not including clubhouse or other vertical structures), any water bodies including ponds and lakes, and/or innovative and accessible stormwaters ponds that are designed as an amenity;
- Locations for access to proposed Usable Open Space; and
- Percentage and calculations of Usable Open Space that is dry land with a slope of less than ten (10) percent.

Use, Accessory: A use incidental to and customarily associated with a specific Principal Use located on the same Lot, Tract or Parcel.

Use, Principal: The primary or main use of land or structures, as distinguished from a secondary or Accessory Use.

Vehicle Use Area. That portion of a Lot or Parcel that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of Circulation Areas, loading and unloading areas and parking areas (spaces and aisles).

Chapter 9. Definitions

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wooded Area: An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater Caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard: The area between a Building and the property line.

Yard, Front: The area between the Building Front and the front property line.

Yard, Side: The area between the side of a Building and the side property line that extends from the Building Front to the rear-most part of the Building.

Yard, Rear: The area between the rear of a Building and the rear property line.

Zoning Map or Official Zoning Map: The map pursuant to this UDO and showing the boundaries of zoning districts established herein.

(Ord. #1716; Ord. #1703; Ord. #1820; Ord. #1981; Ord. #2052; Ord. #3024)

Town of Southern Pines, North Carolina

Unified Development Ordinance

Appendices



Commented [AM1]: Logo updated

Updated

October 10, 2023

SITE PLAN CHECKLIST

Please include the following information on all applications. If any of the information or required materials is missing or incomplete, the application will not be processed unless the Director has approved the omission.

A. Format Requirements:

Site plans submitted to the Town of Southern Pines shall be:

- (1) 24" by 36" in size (all sheets);
- (2) Drawn to scale, at a scale of not less than 1" = 20' if the site is less than three (3) acres and 1" = 100' if the site is three (3) acres or more in size;
- (3) Bound on left side (if multiple sheets);
- (4) Numbered and organized in a manner than allows for convenient review and reference.

B. Content Requirements:

Site plans submitted to the Town of Southern Pines shall contain the following basic information:

- (1) Name of development;
- (2) Name(s) and contact information for applicant(s), developer(s) and all design professionals participating in the application;
- ~~(3)~~ Town of Southern Pines "Approved for Construction" signature block;
- ~~(3)~~~~(4)~~ Town of Southern Pines "Certification by N.C. Registered Landscape Architect" signature block;
- ~~(4)~~~~(5)~~ North arrow, legend(s) and graphic and ratio scale(s);
- ~~(5)~~~~(6)~~ Inset vicinity map at a scale of not less than 1" = 2,000';
- ~~(6)~~~~(7)~~ Date the plan was prepared and the date(s) of revisions;
- ~~(7)~~~~(8)~~ Property lines with dimensions and applicable metes and bounds, lot numbers, setbacks, zoning boundaries, phasing boundaries and corporate limit/ETJ boundary lines;
- ~~(8)~~~~(9)~~ Physical address(es) and/or PIN(s) for subject properties and adjacent properties;
- ~~(9)~~~~(10)~~ Acreage of subject properties and adjacent properties;
- ~~(10)~~~~(11)~~ Zoning information for subject properties and adjacent properties; Contour lines, not greater than 5' intervals;
- ~~(12)~~ Existing vegetation, indicating if it is to be removed or retained;
- ~~(13)~~ Trunk locations, DBH and drip lines of all trees and/or tree stands to be protected (Note: When stands of trees will be preserved well away from construction areas, it is not necessary to plot accurate trunk locations);
- ~~(14)~~ Specify that the natural grade shall be maintained within the tree protection fencing;
- ~~(15)~~ Specify that no storage, dumping of materials, parking construction trailers, fires, etc., shall be allowed within the tree protection fencing;
- ~~(14)~~~~(16)~~ Existing development on subject property and within 50' in any direction of subject property (streets, buildings, parking, sidewalks, stormwater facilities, water, wastewater, utilities, etc.) indicating if it is to be removed or retained;

Commented [AM2]: Requiring this means that anyone can prepare a landscaping plan that is required for site plan review, but that a registered landscape architect will have to sign off on it as a way of confirming that they have reviewed the proposed landscaping plan for compliance with UDO and proper horticulture standards.

- ~~(12)~~(17) Existing right(s) of way and easements;
- ~~(13)~~(18) Proposed building(s) labelled with intended use, finished floor elevation (FFE), gross floor area,
- ~~(14)~~(19) Proposed vehicle use area(s) designated by surface material; Proposed sidewalks;
- ~~(15)~~(20) Location of any Special Flood Hazard Area(s) on or within 50' of the subject property;
- ~~(16)~~(21) Location of wetlands on or within 50' of the subject property;

C. Site plans submitted to the Town of Southern Pines shall also contain adequate information to demonstrate compliance with applicable design requirements. Separate checklists with current requirements are available from:

- (1) Engineering Department
- (2) Fire Department
- (3) Planning Department

D. **Submittal Requirements:**

- (1) **Initial Site Plan Submittal:**
 - ☐ Completed Initial Site Plan Review Application;
 - ☐ Application Fee;
 - ☐ Engineering, Fire and Planning Department Checklists;
 - ☐ Four (4) 24" by 36" paper copies of site plan.
- (2) **Subsequent Site Plan Submittal:**
 - ☐ Four (4) 24" by 36" paper copies of site plans
 - ☐ Letter addressing final comments from previous submittal
- (3) **Final Site Plan Submittal:**
 - ☐ Three (3) 24" by 36" paper copies of site plan
 - ☐ One (1) half-size (11" by 17") paper copy of site plan.
One (1) electronic (.pdf) copy of site plan.

LANDSCAPING PLAN CHECKLIST

Please include the following information on all applications. If any of the information or required materials is missing or incomplete, the application will not be processed.

LANDSCAPING PLAN A qualified professional shall draw landscape plans. The landscape plan shall, at a minimum, include:

- a. The planting plans shall be drawn to a universal scale (i.e. 1" = 10', 1/4" = 1', etc.);
- b. All plants drawn on the planting plan shall be shown at the average mature size;
- c. All buildings, walkways, vehicular use areas, utility areas, sight triangles, and miscellaneous site structures;
- d. All utilities, easements, rights-of-way and easements on or adjacent to the site;
- e. Proposed routing of utility service to proposed buildings;
- f. Current zoning and land use of abutting property;

g. The trunk location, trunk size (DBH) and canopy spread of trees to be used for preservation existing vegetation credits and location of Tree Protection fencing;

g. Where an area of existing vegetation is to be preserved, show the canopy spread of the area;

h. Where Tree Protection Areas are required, show the same information required on the approved Tree Protection Plan with the addition of trunk locations and trunk size (DBH) of all Trees to be retained in Tree Protection Areas as well as location of Tree Protection fencing;

i. Site note that states that no storage of materials, fill, or equipment is allowed within Tree Protection fencing;

j. Tree Protection fencing detail;

k. Location, species, sizes and specifications of all proposed plantings;

l. Dimensions and plantings in required buffers, including the locations of proposed fences, walls and berms;

m. Location design and materials of all required screening;

n. All existing and proposed paved surfaces, curbs, sidewalks, steps and grade changes;

o. Existing and proposed topography, existing natural features, Post-grading contours and site drainage-stormwater information/facilities;

p. Schedule of materials to be planted on the site;

q. Irrigation or watering system plans, if proposed; and

r. Other information necessary to demonstrate compliance with the provisions of this UDO.

Commented [AM3]: Where Tree Protection Areas are required as open space, the Technical Review Committee will need to verify (1) compliance with the approved Tree Protection Plans, (2) ensure appropriate tree protection fencing measures, and (3) include a tree survey for trees within Tree Protection Areas.

Commented [AM4]: This is typically shown on Existing Conditions and Demolition Plans required in the site plan checklist. The proposed landscaping go in after a site has been graded, so the landscaping plans should show post-grading contours as well as stormwater facilities, as those would need to be landscaped, as well.

Note: If building plantings are included in a project, whether as a condition of approval or otherwise, those plantings may be included on the overall landscaping plans rather than on a separate, standalone sheet.

TREE PROTECTION PLAN AND USABLE OPEN SPACE PLAN CHECKLISTS

Process Overview

Decision Making Body	Review	Recommend	Decision
Technical Review Committee	<u>X</u>		
Director	<u>X</u>		<u>X</u>
<u>X = indicates required action</u>			
<u>● = indicates action that may be applicable based on development impact.</u>			

Submittal Requirements*

The following information shall be included on all applications for a Tree Protection Plan review. If any of the information or required materials is missing or incomplete, the application shall not be processed.

- ☐ **PROOF OF OWNERSHIP** – Filed deed, vendor’s lien, act of donation or tax assessment with legal description.
- ☐ **TREE PROTECTION PLAN** – Where applicable, plans shall include:
 1. A vicinity map;
 2. Metes and bounds boundaries of the property;
 3. Locations of existing trees that will be saved and those that will be removed, which may be simply delineated by tree protection fencing;
 4. Significant natural resource areas, as described in section 4.9 of this UDO, on or within 50' of the subject property, which may be simply delineated by tree protection fencing;
 5. Existing trees that qualify as Specimen Trees, as described in section 4.9 and defined in Chapter 9 of this UDO, on the subject property, which may be simply delineated by tree protection fencing;
 6. Existing significant tree stands, as described in section 4.9 of this UDO, on or within 50' of the subject property that are located along other natural corridors, which may be simply delineated by tree protection fencing;
 7. Undisturbed Buffers, as described in section 4.3 and defined in Chapter 9 of this UDO, existing on or within 50' of the subject property where there are no specimen trees, significant tree stands, or significant natural resource areas or not enough of these to satisfy Tree Protection Area requirements, which may be simply delineated by tree protection fencing;
 8. Land within the one-hundred-year floodplain on of the subject property, as identified by the North Carolina Floodplain Mapping Program;
 9. Locations of proposed Tree Protection fencing and a Tree Protection fencing detail;
 10. If requesting existing vegetation credits, the trunk location, trunk size (DBH), and canopy of trees being used for credit;

Commented [AM5]: A Planning consultant suggested that a Tree Protection Plan that gets submitted during an entitlement process (as opposed to a Site Plan or Architectural Compliance review) would likely be more conceptual considering that tree survey and other on-site verifications can add cost to a project before it has been approved. From a development perspective, it would be less costly to identify Tree Protection Areas for a Tree Protection Plan based on a desktop analysis.

For this to be sufficient to identify priority Tree Protection Areas listed in Section 4.9, the Planning Department will need to have robust GIS layers and access to spatial information to ensure that all applicable priority areas are identified.

Commented [AM6]: Tree protection fencing’s distance from trunks is dependent upon the size of the tree trunk. Trunk size is typically verified via a tree survey. A tree survey, as proposed, is only required for areas qualifying for existing vegetation credits within the Landscaping Code. However, trunk size of outer edge of Tree Protection Areas will need to be confirmed prior to installation of tree protection fencing, which typically happens prior to approval of a site plan during erosion control review.

Commented [AM7]: At site plan review, a tree survey would be required for any trees being used for existing vegetation credits and for trees along the edge of the approved Tree Protection Areas (to determine the proper distance of Tree Protection fencing from the Tree Protection Area).

11. Summary table of Open Space calculations (i.e., total acreage, Tree Protection Area acreage, Usable Open Space acreage)

If any of the required information above does not occur on the site, then a note shall be added that explains how that information was verified.

- ☐ **OPEN SPACE NARRATIVE** – by the applicant or authorized agent. The narrative shall describe the applicant’s efforts to meet Open Space standards in section 4.9, section 3.5.14, and any overlap between Open Space requirements and Landscaping Code requirements, such as undisturbed Buffers or existing vegetation credits. If a Usable Open Space Plan is proposed, then the narrative shall describe how the proposed Usable Open Space is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation.
- ☐ **SIGNED TREE PROTECTION PLAN APPLICATION** – by the applicant or authorized agent. A property owner authorized agent requires an affidavit giving permission to sign the application.
- ☐ **ADDITIONAL DOCUMENTATION** – Additional text and/or maps provided to demonstrate consistency with section 2.49, 4.3, and 4.9 of the UDO.

*Additional information may be required. Fees are subject to change.

July 18, 2024 Public Hearing Draft

APPENDIX F: ~~SCREENING AND TREES~~ TREE PROTECTION, LANDSCAPING GUIDELINES, AND RECOMMENDED PLANTS

F-1. Guide for Protecting Existing Trees:

Sections ~~4.3, 4.4, and 4.9-5~~ of the UDO provides for the retention and protection of large trees when land is developed. Considering the historical and natural importance of the longleaf pine in Southern Pines and North Carolina, every effort shall be made to protect existing longleaf pine trees, especially old-growth and flat-top specimen and specimen that were tapped for pitch, tar, and turpentine. In order to better ensure the survival of existing trees, the developer shall heed the following guidelines:

- (a) Undisturbed vegetated areas counting towards landscaping requirements or otherwise and Tree Protection Areas shall be protected during construction. Protect trees with fencing ~~and armoring~~ during the entire construction period. The tree protection fences fencing should shall enclose an area 2.5 feet for each inch DBH of trees ten feet square with the tree at the center, as illustrated in the North Carolina Department of Environmental Quality Tree Protection Zones detail in Appendix G. Tree Protection Plans, Site Plans, and erosion control plans shall include a detail of the proposed tree protection fence and its location.
- (b) Regarding undisturbed Buffers, the only disturbance permitted is listed in section 4.3 of this Ordinance. If an Undisturbed Buffer is devoid of vegetation in any area that exceeds the amount of existing vegetation credits granted—thus triggering additional planting requirements per section 4.3—then those replanted areas shall be located outside of the tree protection fencing.
- (c) The Town of Southern Pines adopts the North Carolina State University's Extension Gardener Plant Toolbox list of invasive species when referencing invasive species within this Ordinance.
- (d) At the start of grading involving the lowering of the existing grade around a tree or stripping of topsoil, a clean, sharp, vertical cut shall be made at the edge of the tree protection area defined in section 4.3.15(A) and 4.9.3 at the same time as other erosion control measures are installed. The tree protection fencing shall be installed on the side of this cut farthest away from the tree trunk. This procedure shall be incorporated as a note on the grading and erosion control plans.
- (e) All utility lines and drainage channels shall be minimized within the drip lines of trees to be saved and preferably located adjacent to driveways and in groupings as allowed by good engineering practices. Handwork and root pruning shall be completed before grading begins. When all such provisions are not fulfilled, existing trees will be considered unprotected and may not be used to satisfy landscape and open space requirements of section 4.3 and section 4.9.
- (f) Do not excavate beneath the crown of the tree within the Tree Protection zone.

Commented [AM8]: According the the Tree Protection Working Group, ideally, the tree protection zone would be 2-3 times the drip line. It is also considered the "Best Protection" by the NC Department of Environmental Quality.

Commented [AM9]: If existing tree credits permits large devoid areas of undisturbed buffers, the applicant is still required to "meet the intent of the Landscaping Code". I have asked Lou, Vince, and Glenn to illustrate this for Appendix G revisions.

- (ge) No storage of materials, fill, or equipment shall be allowed within the Tree Protection fencing and shall be so noted on the site plans, grading and erosion control plans, and posted on the Tree Protection fencing. Do not compact the soil around existing trees with any equipment. Do not pile dirt or store material or park equipment beneath the crown of the tree.
- (hd) Keep fires or other sources of extreme heat well clear of existing trees.
- (ie) Repair damaged If roots and branches are damaged during construction, prune the tree to counter the damage done, immediately. Exposed roots should be covered with a mixture of manure, soil conditioner, and topsoil. Whenever roots are destroyed, a proportional amount of branches must be pruned so that the tree doesn't transpire more water than it takes in. Injured trees must be thoroughly watered-irrigated during the ensuing growing year.
- (if) All existing trees, which will be surrounded by paving, should be pruned to prevent dehydration. The method of pruning will depend upon the tree species and a qualified professional shall be consulted prior to pruning.
- (kg) No paving or other impermeable ground cover should be placed within the drip line-Tree Protection zone of trees to be retained.
- (l) A Tree Protection Fence shall be constructed of a material resistant to degradation by sun, wind and moisture for the duration of the construction, and shall be installed at the same time as the erosion control measures and shall remain in place until all construction in the vicinity of the trees is complete.

F-2. Standards for Street and Parking Lot Trees:

Trees planted in compliance with the requirements of Section 4.3 of the UDO should have most or all of the following qualities. The trees recommended in Section F-10 this Appendix represent the best combinations of these characteristics.

- (a) Hardiness:
 - (1) Resistance to extreme temperatures.
 - (2) Drought resistance.
 - (3) Resistance to storm damage.
 - (4) Resistance to air pollution.
 - (5) Ability to survive physical damage from human activity.
- (b) Life Cycle:
 - (1) Moderate to rapid rate of growth.
 - (2) Long life.
- (c) Foliage and Branching:
 - (1) Tendency to branch high above the ground.
 - (2) Wide spread ~~habit~~.

- (3) Relatively dense foliage for maximum shading.
- (d) Maintenance:
 - (1) Resistance to pests.
 - (2) Resistance to plant diseases.
 - (3) Little or no pruning requirements.
 - (4) No significant litter problems.

F-3. Formula for Calculating 20% shading of Paved Vehicle Accommodation-Use Areas:

Following is an elementary formula for determining the number of shade trees required in and around paved parking lots in order to presumptively satisfy the shading requirements of Section 4.34.2 of the UDO.

- (1) Calculate square footage of the ~~Vehicle accommodation-Use a~~Area. Include parking spaces, driveways, loading areas, sidewalks and other circulation areas. Do not include building area and any area which will remain completely undeveloped:

_____ Sq. Ft.

- (2) **Multiply:** _____ X .20

- (3) Area to be shaded: _____ Sq. Ft.

Add:

- (4) Areas shaded by existing trees to be Retained in and around the ~~Vehicle~~

~~Accommodation-Use a~~Area: * _____ Sq. Ft.

- (5) Area shaded by required screening Trees, if any: * _____ Sq. Ft.

- (6) Area shaded by required street Trees, if any: * _____ Sq. Ft.

- (7) **Subtotal:** _____ Sq. Ft.

(If line 7 is greater than line 3, then the shading requirement has been met. If not, go on to line 8).

- (8) Enter the difference between line 7 and line 3: _____ Sq. Ft.

- (9) **Divide line 8 by:** _____ / 707

- (10) **Total number of shade trees required**

Within the ~~Vehicle accommodation-Use a~~Area: _____ **Trees**

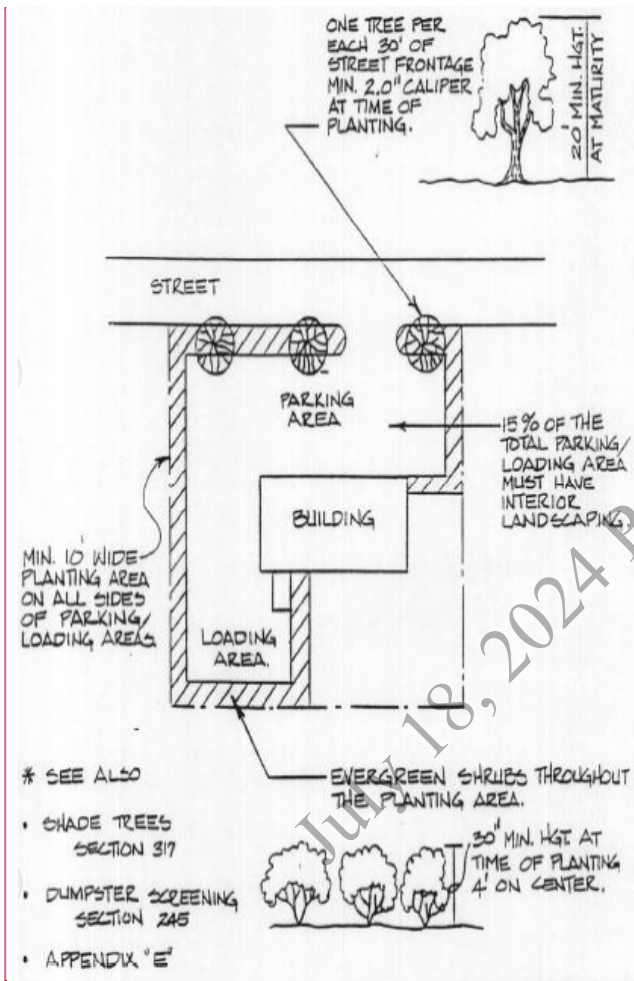
- * Existing trees retained in compliance with Section 4.4.5-3, 4.4, or 4.9 will be credited shading according to their actual crown radius. Shaded area may be calculated as follows: 3.14 X (crown radius)² = shaded area. Trees planted within the ~~Vehicle accommodation-Use a~~Area are credited with shading 707 sq. ft. (Based on a crown radius of 15 ft.). New or existing trees on the perimeter of the parking lot are credited for having only half a crown over the vehicle

accommodation areas (e.g., new perimeter trees will be crediting for shading 354 sq. ft.).

~~Generally all trees planted in compliance with the screening requirements of Section 4.3.5 and the street tree requirements of Section 4.3.3 will be considered perimeter trees.~~

Commented [AM10]: This is addressed in the new "double-counting" provisions of section 4.3.

PARKING LOT LANDSCAPING



Commented [AM11]: Inconsistent with the UDO text and outdated.

F-54. Guide for Planting Trees:

~~The trees recommended in Section F-10 have minimal maintenance requirements. However, all trees must receive a certain degree of care, especially during and immediately after planting. In order to protect an investment in new trees, the developer and ~~his or her~~their agents ~~should~~shall follow these guidelines when planting:~~

- (a) Plant trees with a minimum caliper following standards within section 4.3. Where no standard is provided, trees shall be of two inches measured six inches above the ground and a root ball no smaller than two feet in diameter.
- (b) The best time for planting is early spring and early fall. Trees planted in the summer run the risk of dehydration.
- (c) Plant all trees at least three-and-a-half feet from the end of head-in parking spaces in order to prevent damage from car overhangs.
- (d) Dig the tree pit twice the diameter of the root ball and no deeper than needed to allow the plant's root ball crown to sit an inch or so above the surrounding soil level.
- (e) Especially in areas where construction activity has compacted the soil, the bottom of the pit ~~should shall~~ be scarified or loosened 6 inches deep with a pick ax or shovel.
- (f) After the ~~put pit~~ is dug, observe sub-surface drainage conditions. Where poor drainage exists, the tree pit ~~should shall~~ be ~~dug at least an additional twelve inches and the soil amended~~ designed and dug based on the unique site conditions to allow better drainage and roots to grow properly.
- (g) Back-fill ~~should shall~~ include a proper mix of soil and fertilizer. Backfill shall include excavated dirt mixed with equal parts manure and soil conditioner (e.g., fine bark chip). All roots ~~must shall~~ be completely covered. Back fill ~~should shall~~ be thoroughly watered as it is placed around the roots. Each planted tree shall have a water retention well constructed with leftover backfill for first three years or until transplant is well-established.
- (h) Immediately after ~~being it is~~ planted, ~~the a tree with less than 2-inch caliper~~ ~~should shall~~ be supported with stakes and ~~guy wires rope made from natural fibers~~ to firmly hold it in place as its root system begins to develop. Remove stakes and ~~ties rope~~ after one year.
- (i) Spread at least three inches of mulch over the entire excavation in order to retain moisture and keep down weeds. An additional three-inch saucer of mulch ~~should shall~~ be provided to form a basin around the trunk of the tree. This saucer helps catch and retain moisture.
- (j) The lower trunks of new trees ~~should shall~~ be wrapped with burlap or paper to prevent evaporation and sunscald. The wrapping ~~should shall~~ remain on the tree for at least a year.
- (k) Conscientious post-planting care as is required in section 4.3, especially watering, pruning and fertilizing, is ~~a must essential~~ for street and parking lot trees. Branches of new trees may be reduced by as much as a third to prevent excessive evaporation.
- (l) Trunk or root flares, including the top of major roots coming off the trunk, shall be visible, per North Carolina State University Cooperative Extension guidance.
- (j) Sprinklers shall be aimed exclusively on vegetation and shall not cover impervious

surfaces.

F-59. Guide for Planting Shrubs:

Shrubs ~~planted for screening purposes should shall~~ be given a proper culture and sufficient room in which to grow. Shrubs ~~should shall~~, at a minimum, be ~~in three-gallon containers and a minimum of 30-18~~ inches in height ~~at time of planting~~. They ~~should shall~~ be planted ~~no more than 18 inches apart~~ in a diamond or staggered pattern ~~with sufficient room to grow based on their spread at mature size~~. Many of the guidelines for tree planting ~~listed in Section E-5~~ also apply to shrubs. However, because specific requirements vary considerably between shrub trees, this Appendix does not attempt to generalize the needs of all shrubs. For detailed planting information or individual species, refer to: Landscape Plants of the Southeast by R. Gordon Halfacre and Ann R. Shawcroft.

F-610. Lists of Recommended Trees, ~~and~~ Shrubs, and Groundcovers:

The following lists indicate ~~recommended plantings species, which will meet for meeting~~ the ~~screening and shading requirements of Article XIX of the Land Development Ordinance~~ landscaping standards of the Landscaping Code. ~~The lists are by no means comprehensive and are intended merely to suggest the types of flora appropriate to the Town's present Ecosystems, which would be appropriate for screening and shading purposes.~~ Plants were selected for inclusion on these lists according to four principal criteria: general suitability for the ~~Town's ecosystems~~ ~~piedmont section of North Carolina~~, ease of maintenance, tolerance of city conditions and availability from area nurseries.

When selecting new plantings for a particular site, a ~~developer~~ Landscape Architect should shall first consider the types of plants, which are thriving on or near that site. Accordingly, native North Carolina species ~~should shall often~~ be favored. However, if an introduced species has proven highly effective for screening or shading in ~~piedmont one of the Town's ecosystems~~, it too may be a proper selection provided that it is not an Invasive Species.

Sections F-11 through F-16 contain dDescriptions of the trees and shrubs listed here can be found at the North Carolina Extension Gardener Plant Toolbox. The Longleaf Pine (Pinus palustris), also known as the Southern Yellow Pine, is the Town of Southern Pines' namesake. Longleaf pines were once tapped in the Town and region for pitch, tar, and turpentine, which was valuable during the 1700s and 1800s. For its historical and natural significance to the region, protecting existing or replanting Longleaf Pine is highly encouraged.

<u>SMALL TREES</u>	<u>LARGE TREES</u>
1) <u>Carpinus caroliniana (American Hornbeam)</u> 2) <u>Cercis canadensis (Eastern Redbud)</u> 3) <u>Cornus sericea (American Dogwood)</u> 4) <u>Cornus Kousa (Kousa Dogwood)</u> 5) <u>Cornus florida (Flowering Dogwood)</u> 6) <u>Cornus Hybrid (Hybrid Dogwood)</u> 7) <u>Halesia Carolina (Mountain Silverbell)</u> 8) <u>Ilex cornuta (Chinese Holly)</u> 9) <u>Ilex 'Emily Bruner' (Emily Bruner Holly)</u>	1) <u>Pinus palustris (Longleaf Pine)</u> 2) <u>Magnolia grandiflora (Southern Magnolia)</u> 3) <u>Tsuga canadensis (Canadian Hemlock)</u> 4) <u>Thuja occidentalis (American Arborvitae)</u> 5) <u>Thuja 'Green Giant' (Green Giant Arborvitae)</u> 6) <u>Hesperocyparis arizonica (Arizona Cypress)</u> 7) <u>Ilex 'Savannah' (Savannah Holly)</u> 8) <u>Ilex 'East Palatka' (East Palatka Holly)</u> 9) <u>Ilex opaca Holly (American Holly)</u>

<u>10) Ilex 'Nellie R Stevens' (Nellie R Stevens Holly)</u> <u>11) Ilex Amelanchier (Service Berry)</u> <u>12) Ilex decidua (Possumhaw Holly; water-tolerant)</u> <u>13) Juniperus scopulorum (Redcedar; drought-tolerant)</u> <u>14) Lagerstroemia indica (Crepe Myrtle)</u> <u>15) Acer buergerianum (Trident Maple)</u> <u>16) Acer griseum (Paperbark Maple)</u> <u>17) Magnolia grandiflora (Little Gem Magnolia)</u> <u>18) Magnolia figo (Banana Shrub)</u> <u>19) Myrica cerifera (Wax Myrtle)</u> <u>20) Cotinus coggygia (Smoke Tree)</u> <u>21) Cephalanthus occidentalis (Buttonbush; water-tolerant)</u> <u>22) Gordonia lasianthus (Loblolly Bay; water-tolerant)</u> <u>23) Prunus serotina (Black Cherry)</u>	<u>10) Gleditsia triacanthos 'Inermis' (Thornless Honey Locust)</u> <u>11) Ulmus parvifolia (Lacebark Elm)</u> <u>12) Ulmus Americana (American Elm) *New Hybrids Only</u> <u>13) Quercus alba (White Oak)</u> <u>14) Quercus falcata (Southern Red Oak)</u> <u>15) Quercus phellos (Willow Oak)</u> <u>16) Quercus texana (Nuttall Oak)</u> <u>17) Quercus virginiana (Live Oak)</u> <u>18) Quercus coccinea (Red Oak)</u> <u>19) Quercus shumardii (Shumard Oak)</u> <u>20) Cladrastis kentuckia (American Yellowwood)</u> <u>21) Taxodium distichum (Bald Cypress)</u> <u>22) Metasequoia glyptostroboides (Dawn Redwood)</u> <u>23) Cedrus deodara (Deodar Cedar)</u> <u>24) Tilia cordata (Littleleaf Linden)</u> <u>25) Taxodium distichum (Baldcypress; water-tolerant)</u> <u>26) Gymnocladus dioica (Kentucky Coffeetree; drought-tolerant)</u> <u>27) Celtis occidentalis (American Hackberry; drought-tolerant)</u>
<u>SMALL SHRUBS</u>	<u>LARGE SHRUBS</u>
<u>1. Callicarpa Americana (American Beautyberry)</u> <u>2. Linnaea x grandiflora (Glossy Abelia)</u> <u>3. Vaccinium (Bilberries, Blueberries, Cranberries, Huckleberries)</u> <u>4. Ilex cornuta 'Needlepoint' (Needlepoint Holly)</u> <u>5. Ilex crenata 'Compacta' (Compact Japanese Holly)</u> <u>6. Rhamphilepis indica (Indian Hawthorn)</u> <u>7. Pieris japonica (Japanese Pieris)</u> <u>8. Azaleas and Rhododendrons</u>	<u>1. Clethra alnifolia (Sweet Pepperbush)</u> <u>2. Viburnums</u> <u>3. Ilex coriacea (Tall Inkberry Holly)</u> <u>4. Ilex cornuta 'Burfordii' (Burford Holly)</u> <u>5. Magnolia stellata (Star Magnolia)</u> <u>6. Magnolia virginiana (Sweet Bay Magnolia)</u> <u>7. Osmanthus fragrans (Fragrant Tea Olive)</u> <u>8. Osmanthus x fortune (Fortune's Tea Olive)</u> <u>9. Illicium (Star Anise)</u> <u>10. Camellia sasanqua (Sasanqua Camellia)</u> <u>11. Weigela florida (Weigela)</u> <u>12. Cotinus coggygia (Common Smoketree)</u> <u>13. Forsythia (Golden Bells)</u> <u>14. Hamamelis virginiana (Common Witchhazel)</u> <u>15. Exochorda racemosa (Common Pearlbush)</u> <u>16. Philadelphus inodorus (Mock Orange)</u> <u>17. Philadelphus inodorus (Winter Honeysuckle)</u> <u>18. Florida Leucothoe (Fetterbush)</u>
<u>GROUND COVERS, WILDFLOWERS, AND NATIVE GRASSES</u>	
<u>1. Aristida stricta (Carolina Wiregrass)</u> <u>2. Watsonia (Bugleflower, water-tolerant)</u> <u>3. Hosta (Plantain Lily, water-tolerant)</u> <u>4. Eragrostis spectabilis (Purple Lovegrass)</u> <u>5. Andropogon (Elliot's, Bushy, and Broomsedge Bluestem)</u> <u>6. Schizachyrium scoparium (Little Bluestem)</u> <u>7. Eleocharis (Spikerush)</u> <u>8. Muhlenbergia capillaris (Muhly Grass)</u>	

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| <p>9. <u>Muhlenbergia sericea (Purple Muhly)</u></p> <p>10. <u>Panicum virgatum (Carthage Switchgrass)</u></p> <p>11. <u>Spartina (Gulf, Smooth, and Sand Cordgrass)</u></p> <p>12. <u>Amphicarpum amphicarpon (Blue Maidencane)</u></p> <p>13. <u>Chrysopogon zizanioides (Vetiver)</u></p> <p>14. <u>Juncus effuses (Soft Rush, water-tolerant)</u></p> <p>15. <u>Cyperus (Flatsedge)</u></p> <p>16. <u>Schoenoplectus lacustris (Lakeshore Bulrush)</u></p> <p>17. <u>Sorghastrum (Yellow and Nodding Indiangrass)</u></p> <p>18. <u>Ctenium aromaticum (Toothache Grass)</u></p> <p>19. <u>Helianthus simulans (Narrow-Leaved Sunflower)</u></p> <p>20. <u>Coreopsis (Plains, Lance-Leaved, Large Flower, Goldenmane Coreopsis)</u></p> <p>21. <u>Bidens aristosa (Bur Marigold)</u></p> <p>22. <u>Cosmos sulphureus (Sulpher Cosmos)</u></p> <p>23. <u>Chamaecrista fasciculata (Common Partridge and Sensitive Pea)</u></p> <p>24. <u>Monarda didyma (Bee Balm)</u></p> <p>25. <u>Rudbeckia fulgida (Black-Eyed Susan)</u></p> | |
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Small Trees for Partial Screening

River Birch

American Hornbeam

Eastern Redbud

Kousa Dogwood

Russian Olive

Mountain Silverbell

American Holly

Crepe Myrtle

Trident Maple

Carolina Cherry Laurel

Service Berry

Little Gem Magnolia

Wan Myrtle

Large Trees for Evergreen Screening

Deodar Cedar

Southern Magnolia

Canadian Hemlock

Green Giant Arborvitae

Carolina Blue Sapphire

Large Trees for Shading

American Elms — Valley Forge

White Oak

Ginkgo (Male)

Honeylocust (Thornless)

Commented [AM12]: River Birch is best suited for moist riparian environments. It has an invasive root system and is messy.

Commented [AM13]: Species struggles to survive with inclement weather, especially snow.

~~Sweet Gum (Seedless)~~~~London Plane Tree~~~~Eastern Red Oak~~~~Live Oak~~~~Nuttall Oak~~~~White Oak Oak~~~~Littleleaf Linden~~~~Zelkova (mostly for interiors)~~~~Small Shrubs for Evergreen Screening~~~~Glossy Abelia~~~~Warty Barberry~~~~Wintergreen Barberry~~~~Needlepoint Holly~~~~Littleleaf Japanese Holly~~~~Compacta Holly~~~~Indian Hawthorne~~~~Japanese Pieris~~~~Azaleas and Rhododendrons (Full Shade)~~~~Camelia~~~~Large Shrubs for Evergreen Screening~~~~Hedge Bamboo~~~~Fragrant Osmanthus~~~~Burford Holly~~~~Anise Tree~~~~Laurel or Sweet Bay Magnolia~~~~Japanese Privet~~~~Fortune Tea Olive~~~~Red Photinia~~~~Viburnum~~~~Camelia~~~~Banana Shrub~~~~Assorted Shrubs for Broken Screens~~~~Weglea~~~~Common Smoke Tree~~~~Border Forsythia~~~~Witch Hazels~~~~Pearl Bush~~~~Mock Orange~~~~Florida Leucothoe~~~~Winter Honeysuckle~~~~Star Magnolia~~

~~Viburnums~~ Note: Any plants selected for stormwater ponds shall not use mulch nor fertilizers adjacent to the stormwater pond to limit litter and nutrient discharge.

F-11. Small Trees for Partial Screening:

The following trees are recommended for use in all types of screens. Though smaller than the trees listed in planting lists F-12 and F-13, each of these trees will reach a height of at least 20 feet.

Commented [AM14]: This species spreads uncontrollably in an invasive manner.

Commented [AM15]: The Anthracnose disease is overcoming Sycamore and London Plane.

Commented [AM16]: Invasive characteristic in the Sandhills

Commented [AM17]: This species has an invasive root system and is difficult to control its spread.

Commented [AM18]: Tip blight has wiped out Photinia across the South.

RIVER BIRCH (*Betula nigra*) Height: 20-40'; Spread: 8-16'

The River Birch is a native tree, which usually grows along stream banks. In landscape design, it is adaptable to either high or low locations, but still requires a lot of moisture. This tree has an interesting, papery bark and a graceful branching habit. It has no special pest or maintenance problems.

AMERICAN HORNBEAM (*Carpinus carolinia*) Height: 20-30'; Spread: 15-20'

This native tree has a natural yet refined appearance. It is slow growing, but at maturity it serves as an excellent small shade tree. Its fluted, "muscular" trunk is an interesting feature. In the wild, the American Hornbeam is common in moist rich soil, yet, when used in landscape design, it is soil tolerant and does not require an unusual amount of water. It has no pests and no special maintenance problems.

EASTERN REDBUD (*Cercis canadensis*) Height: 20-30'; Spread: 12-25'

This native tree is covered by beautiful pink flowers in the spring and develops a dense round crown when allowed to grow in direct sunlight. The Redbud has some pests and its fruit pods may present a litter problem, but it recommends itself for being drought resistant and tolerant of polluted city air.

FLOWERING DOGWOOD (*Cornus kousa*) Height: 15-30'; Spread: 15-20'

Kousa Dogwood grows 15 to 20 feet tall and has beautiful exfoliating bark, long lasting flowers, good fall color, and attractive fruit. Branches grow upright when the tree is young, but appear in horizontal layers on mature trees. The crown eventually grows wider than it is tall on many specimens.

RUSSIAN OLIVE (*Elaeagnus augustifolia*) Height: 15-20'; Spread: 20-30'

The Russian Olive can withstand severe exposure and will grow in almost any soil. Its toughness and wide spreading habit make it an exceptional screening plant. The foliage is an attractive silver-gray color and its flowers, though inconspicuous, are very fragrant. The Russian Oliver is especially notable for its rapid growth. It has no pest problems but it may require periodic trimming of dead twigs.

MOUNTAIN SILVERBELL (*Halesia monticola*) Height: 20-40'; Spread: 20'

Silverbells are attractive multi-stem trees, which are native to the southeastern United States. They are excellent plants for a natural effect and are best placed where their small flowers and pods will be closely observed. Compared to other trees on this list, its crown is more open and irregular. The Mountain Silverbell has no pests, no maintenance problems and no special soil requirements.

AMERICAN HOLLY (*Ilex opaca*) Height: 15-30'; Spread: 10-20'

This familiar native tree possesses a pyramidal evergreen crown with abundant red berries in the winter. It grows best in full sun and prefers moist yet well drained soils. If the lower limbs are allowed to grow naturally, they will branch to the ground. Hollies should be protected from high winds. The American Holly is a relatively slow grower.

TRIDENT MAPLE (*Acer buergerianum*) Height: 20-30'; Spread: 20-30'

Trident Maple should be planted in full sun or partial shade on well-drained, acid to neutral soil. Given open soil for root expansion, it tolerates salt, air pollution, wind and drought. This is one tough tree well suited for urban landscapes. Foliage remains green even in extended drought. Bark exfoliates nicely. Some chlorosis can develop in soils with alkaline soil pH but it is moderately tolerant of soil salt. Bark exfoliates into showy plates as trees grow older.

CAROLINA CHERRY LAUREL (*Prunus caroliniana*) — Height: 20-30'; Spread: 15-20'

This tree is prized for its dense evergreen foliage. It may be trimmed as a hedge, but also serves as an excellent screen in its natural form. The Cherry Laurel grows rapidly and has no pests. However, it may not be as cold hardy as other trees on this list.

SERVICEBERRY (*Amelanchier arborea*) Height: 15-25'; Spread: 10-15'

Service berry is a shrub or small tree that usually displays several trunks and star-shaped white flowers. It prefers moist soils but can thrive in a variety of soil types. Leaves are 3/4 inch-2 inches long and broad. The bark is gray to brown in color, smooth to slightly cracked. Twigs are red-brown and slender. The fruit is 1/2 inch diameter and blackish in color. Service berry is a native plant and is found in hardwood forests and also in open areas across the country. Fruits are eaten fresh or made into pies and jams.

LITTLE GEM MAGNOLIA (*Magnolia grandiflora* 'Little Gem') Height: 30-35'; Spread: 8-12'

This cultivar of Southern Magnolia has a compact, upright growth habit more typical of a multistemmed shrub than a single-trunked tree. It grows at a slow rate and flowers at two or three years old. 'Little Gem' Southern Magnolia forms a dense, dark green oval or pyramidal shape, making it suited for screen or hedge planting.

WAN MYRTLE (*Morella cerifera*) Height: 6-12'; Spread: 4-8'

A wispy, multi-trunked, evergreen shrub with light olive green foliage that has a spicy fragrance. This evergreen ornamental is used for screens, hedges, landscaping, wetland gardens, habitat restoration, and as a source of honey. Essentially a shrub, it serves as an excellent screen plant, with both standard and dwarf varieties available.

F-12. Large Trees for Evergreen Screening:

The following trees are ideal for screening large-scale areas such as shopping centers and industrial sites. They are also effective in combination with other, smaller screening plants. All three are moderate to fast growers. They are not considered to be shade trees.

DEODAR CEDAR (*Cedrus deodara*) Height: 40-150'; Spread: 30'+

The Deodar Cedar is a useful attractive evergreen. It should be allowed plenty of room in order to assume its beautiful, natural form. Its pendulous branches should be allowed to touch the ground. It prefers relatively dry soils, grows rapidly and is easy to maintain. "True Cedars" such as the Deodar are not native to North America, but they have become quite popular in the South as a landscape tree.

SOUTHERN MAGNOLIA (*Magnolia grandiflora*) Height: 40-60'; Spread: 25'+

Magnolias are striking trees, which serve well as screens when their branches are allowed to grow to the ground. Generally, this tree does well in city conditions, but it should be planted in quite rich acidic soils and it requires a lot of moisture. Furthermore, Magnolias require

ample space for growth. If planted in full sunlight, they will grow rapidly. Because it drops large waxy leaves, seedpods and flowers, the Magnolias may present a litter problem.

CANADIAN HEMLOCK (*Tsuga canadensis*) Height: 30-70'; Spread: 20'+

It may be sheared or pruned to any shape, but when it grows naturally, its graceful branches form an excellent high screen. The Hemlock prefers cooler, partially shaded locations and does best in highly fertile soils. It grows quite rapidly. Carolina hemlocks are not widely available and are not as reliable to withstand heat as the Canadian Hemlock.

GREEN GIANT ARBORVITAE (*Thuja standishii* 'Green Giant') Height: 50-60'; Spread: 12-20'

The 'Green Giant' arborvitae is a large, vigorous, fast growing evergreen. It's natural pyramidal to conical form boasts dense, rich green foliage that darkens or bronzes only a little in the winter. This is an exceptional landscape tree for use as a screen, hedge, windbreak, or single specimen. It is tolerant of a wide variety of soils, but prefers moist, well drained soil, sun to partial shade. It is wind resistant once established and withstands heavy ice or snow loads. Under good growing conditions, it can grow up to 3 feet a year.

CAROLINA BLUE SAPPHIRE (*Cupressus arizonica*) Height: 30-40'; Spread: 6-10'

Carolina Sapphire is a fast growing conifer that is ideal for screening. The attractive foliage is bluish-grey in color and contrasts well with plants nearby. The foliage is also extremely aromatic. Carolina Sapphire also does better in marginal soils than Leyland cypress. Has the same longevity of the native red cedar.

F-13. Large Trees for Shading:

The following trees may be used for screening, but they are recommended especially for shading trees and parking lots. Unless otherwise noted, they will grow rapidly. Each species will attain a mature spread of at least thirty feet.

GINKGO or MAIDENHAIR TREE (*Ginkgo biloba*) Height: 40-80'; Spread: 30'+

The Ginkgo is a tree, which is recommended for several outstanding reasons. It is one of the oldest surviving species of trees. It is adaptable to any soil, climate or degree of exposure to the sun. It does quite well in the city. It has no pests, no diseases and no pruning requirements. In sum, it is a tree of exceptional vitality. The N.C. Department of Forest Resources calls the Ginkgo, "probably the best all around street tree". Two reservations are worth stating, however. First, only male trees should be planted because female Ginkgos bear a messy, malodorous fruit. Second, the Ginkgo is a slow grower. When young, it has a rather gangly appearance. It takes 25 to 30 years to assume its mature, symmetrically spreading form.

HONEYLOCUST (*Gleditsia triacanthos*) Height: 50-75'; Spread: 25'+

Its open, spreading form and feathery leaves may give the Honeylocust a frail appearance, but it is in fact a quite sturdy tree, notable for its resistance to city conditions. Grass and shrubs thrive beneath a Honeylocust because it casts a light shade.

This tree is especially useful for its ability to be transplanted at a relatively advanced age. Accordingly, it may be used for immediate effect in a landscape design. The Honeylocust has its own pests and diseases, but it is fairly hardy. Thornless and fruitless varieties such as

"Moraine" are strongly recommended.

SWEET GUM (Liquidambar styraciflua) Height: 60-100'; Spread: 50'+

The Sweet Gum is a native bottom land tree which adapts to a variety of soils. Its dense foliage and balanced form make it an excellent shade tree for large open areas. The Sweet Gum needs sun and plenty of room to achieve maximum size and beauty. In the fall, its leaves turn a brilliant wine and gold color. Other than clean up of its prickly seed balls, the Sweet Gum poses no special maintenance problems. Seedless varieties are available.

LONDON PLANE TREE (Platanus acerifolia) Height: 70-100'; Spread: 30'+

The London Plane Tree is excellent for streets and parking lots for a variety of reasons. It puts out its branches high enough above the ground so as not to obstruct traffic. Its broadly spreading crown makes it especially useful along wide streets. The London Plane is one of the world's hardiest trees in polluted air. Although it needs plenty of sun and moisture, it is undemanding about soil. Finally, it is very long lived. The London Plane Tree is a hybrid of the Sycamore and like the Sycamore, it may suffer from certain diseases. However, it is more resistant. Cultivars are available.

EASTERN RED OAK ((Nereus rubra) Height: 50-70'; Spread: 40'+

This tree grows faster than any other oak, two feet or more per year. It is prized as a tree because its high branching habit gives it an ideal shape. The Red Oak grows in almost any average soil and presents no special maintenance problems.

LITTLELEAF LINDEN (Tilia cordata) Height: 30-50'; Spread: 25'+

Lindens are notable for their exceptional symmetry and their ability to grow in poor soils. The Littleleaf Linden requires plenty of moisture, but it has proven to be useful for city planting and is especially recommended as a street tree. With its many thick branches and abundant foliage, the Linden provides very dense shade. It should be sprayed for aphids in order to prevent sticky droppings from the leaves. Best suited for parks.

AMERICAN ELM VALLEY FORGE (Ulmus americana 'Valley Forge') Height: 25-30'; Spread: 30'

Dutch Elm Disease (DED) resistant variety with superior horticultural characteristics including tolerance to air pollution, drought and poor soil conditions make these cultivars ideal candidates for the urban landscape. This tree is upright, arching, broadly vase-shaped with full, dense leaf canopy. Adaptable to a wide variety of soil conditions. American elms tolerate deicing salts, drought, poor soil conditions, air pollution and range of pH's.

WHITE OAK (Quercus alba) Height: over 100'; Spread: 50-80'

The White Oak grows upright and its bark is whitish gray. The life span of the Oak tree, if undisturbed is 500 to 600 years old. The Oak tree's leaves have 7 to 9 rounded points which resemble finger-like lobes. In May and early June male flowers appear in slender catkins. Female flowers are not noticeable to the naked eye. The Oak tree's seeds are commonly known as acorns, they are small oval shaped nuts with a cap and they are mostly eaten by squirrels, chipmunks and deer. It grows in many different habitats, wet lowlands to dry mesas.

LIVE OAK (*Quercus virginiana*) Height: 40-60'; Spread: 60-100'

The Live Oak is one of the broadest spreading of the Oaks, providing large areas of deep, inviting shade. It usually possesses many sinuously curved branches. Live Oak is an impressive sight for any large-scale landscape. An amazingly durable American native, it can measure its lifetime in centuries if properly located and cared for in the landscape. It makes an excellent street tree in the South.

NUTTALL OAK (*Quercus nuttallii*) Height: 60-80'; Spread: 35-50'

This native North American deciduous tree is capable of reaching 100 to 120 feet in Height; but is more often seen at 60 to 80 feet. The dull, dark green, lobed leaves are four to eight inches long and two to five inches wide. The small, reddish-brown acorns are 0.75 to 1.25 inches long. The bark is dark, grey/brown, and divided into broad, flat plates. With a symmetrical, round crown, the Nuttall Oak likes well-drained soils but can withstand extended flooding.

PAPERBARK MAPLE (*Acer griseum*) Height: 20-30'; Spread: 15-25'

This small, deciduous, oval to oval-rounded paperbark maple tree is noted for its peeling, cinnamon to reddish-brown bark. Trifoliate leaves are dark green, but turn red in the fall. Seed is a two-winged samara. It is easily grown in average, medium, well-drained soil in full sun to part shade.

ZELKOVA (*Zelkova serrata*) Height: 50-80'; Spread: 50-80'

Easily grown in average, medium wet, well-drained soils in full sun, the established trees tolerate some drought. Prefers rich, moist loams and is tolerant of urban conditions. The zelkova has an upward-branching, vase-shaped crown. It is noted for its graceful shape, clean foliage and attractive bark. Zelkova has been promoted in recent years as a substitute for American elm (*Ulmus americana*) because of its resistance to Dutch elm disease.

F-14. Small Shrubs for Evergreen Screening:

The following shrubs are recommended for informal (unclipped) hedges or screens. Each species grows to a height of less than six feet; therefore, these shrubs are appropriate for semi-opaque screens.

GLOSSY ABELIA (*Abelia grandiflora*) Height: 4-6'; Spread: 3-5'

Abelia is quite common in local nurseries and tends to be less expensive than other shrubs on this list. It bears pale pink flowers throughout the summer. Although it has proven quite popular for informal hedges, it has several drawbacks. Abelia should be pruned and thinned to maintain its best form. It may drop its leaves due to low temperatures, lack of pruning or starvation.

WARTY BARBERRY (*Barberis verruculosa*) Height: 3-4'; Spread: 3-4'

Barberrys as a group have proven to be excellent as hedge plants. With their dense, spiny limbs, they are effective barriers in public places. The Warty Barberry is a shrub with a neat, compact habit. It is soil tolerant and has no special maintenance requirements. It grows slowly, but it will reach a height of 3 to 4 feet within five years.

WINTERGREEN BARBERRY (*Barberis julianae*) Height: 4-6'; Spread: 2-5'

This is another Barberry, which forms an impenetrable thorny hedge. In fact, it grows even more densely than the Warty Barberry. It is pest resistant and is very hardy. No pruning is required. Because it is fairly slow growing, it will take eight to ten years to reach a height of 5 to 6 feet.

LITTLELEAF JAPANESE HOLLY (*Ilex crenata* 'microphylla' Height: 4-6'; Spread: 5-7')

This holly is a good substitute for the more finicky and often more expensive boxwood. It withstands pruning, but is quite attractive in its natural form. Although considered to be slow growing, it will form a stiff 6-foot tall hedge within ten years. The Littleleaf Japanese Holly grows well in both sun and shade and does well in city conditions.

NEEDLEPOINT HOLLY (*Ilex cornuta*) Height: 10-15'; Spread: 10-15'

Needlepoint is a quality cultivar with fine leaves of lustrous dark green, bright scarlet fruits and steady, fastigate growth. Very similar to 'Anicet Delcambre'. *Ilex cornuta* is a large, evergreen shrub with lustrous dark green, often spiny, blocky to oval shaped leaves, 2 to 3 inches long. Heavy crops of red or yellow berries, to 1/2 inch in diameter, remain throughout the winter. An effective hedge, screen, espalier, or garden specimen, it is extremely heat and drought tolerant and thrives in full sun or part shade.

COMPACTA HOLLY (*Ilex glabra* 'Compacta') Height: 3-4'; Spread: 4-6'

Also known as an inkberry, this plant is easily grown in average, medium to wet soils in full sun to part shade. Adaptable to both light and heavy soils, it prefers rich, constantly moist, acidic soils in full sun. Needs minimal pruning as a hedge, but may be sheared regularly to form a lower growing hedge. This plant is a slow growing, compact shrub with a tight, oval to rounded shape.

JAPANESE PIERIS (*Pieris japonica* 'Mountain Fire') Height: 4-8'; Spread: 3-6'

This plant is best grown in humusy, organically rich, acidic, medium moisture, well-drained soils in full sun to part shade. It grows best in locations sheltered from wind with part afternoon shade. It is a slow growing broadleaf evergreen shrub with a dense, upright shape. 'Mountain Fire' is a popular cultivar that is particularly noted for the fiery red color of its newly emerging foliage and its heavy flower clusters. It typically matures in a spreading mound to 4' tall and 3' wide over the first 10 years.

CAMELLIA (*Stewartia malacodendron*) Height: 7-12'; Spread: 5-10'

The camellia flourishes in shaded or semi-shaded positions, and sheltered in cold climates. Well-draining neutral to acid soil is essential. This plant dislikes changes in temperature or irregular watering. Camellias last many years and can be grown as a shrub or small tree. Japanese camellia is best known for its lovely white, red, pink or variegated flowers, two to five inches across.

INDIA HAWTHORNE (*Raphiolepis indica*) Height: 3-4'; Spread: 4-5'

With its spreading, irregular branching, the India Hawthorne makes an excellent informal hedge. It is tolerant of a variety of soils and is fairly drought resistant. However, it is not as cold tolerant and pest resistant as other shrubs on this list.

AZALEAS and RHODODENDRONS (*Rhododendron* species) Height: 3'+; Spread: 3'+

Many varieties of azaleas and rhododendrons are dense and evergreen and are therefore,

good screening material. The universal popularity of this large shrub family belies the fact that its members must not be planted indiscriminately. As a group, *Rhododendron* species prefer cool, moist, well drained, acidic soil which has a fairly high organic content. They do best in shade or partial shade particularly when they are planted in extremely hot or windy locations. Planting in full sun is not recommended. In spite of these requirements, once established in good soil with the correct culture and water, both rhododendrons and azaleas tend to take care of themselves. Some relatively hardy and vigorous species are: Kurume Azaleas (*R. obtusum*), Snow Azaleas (*R. mucronatum*), Indian Azaleas (*R. indicum*) and the native Carolina Rhododendron (*R. carolinianum*).

F-15. Large Shrubs for Evergreen Screening:

The following shrubs are recommended for high hedges or screens. Each species grows to a height of more than 6 feet; therefore, these shrubs are appropriate for opaque screens.

BURFORD HOLLY (*Ilex cornuta 'burfordii'*) Height: 8-15'; Spread: 6-8'

The Burford Holly has been called, "one of the best and most serviceable of all broad-leaved evergreens for general planting in the south". It is soil tolerant, grows rapidly, requires no pruning, and usually has no pest problems. Its dark green leaves lack the usual holly spines.

JAPANESE PRIVET (*Ligustrum japonicum*) Height: 6-10'; Spread: 5-6'

The Japanese Privet will survive almost any adversity including heat, cold, drought, air pollution and poor soil. Accordingly, it is one of the most popular hedge plants in America. This and other *Ligustrums* are fast growing and remarkable pest free. They are ideal as a high screen in large scale areas. It has been said that if a *Ligustrum* will not grow in a particular location, then nothing will.

FORTUNE TEA OLIVE (*Osmanthus fortunei*) Height: 9-12'; Spread: 5-7'

This *Osmanthus* hybrid is a popular, though non-descript, shrub. With its vigorous growth, it will form an excellent screen or border. It is soil tolerant. The Fortune Tea Olive is most notable for its inconspicuous yet highly fragrant flowers.

RED PHOTINIA (*Photinia glabra*) Height: 6-10'; Spread: 4-5'

This low maintenance shrub is often selected for its glossy saw-toothed leaves, which are a bright red when they first appear. Photinia forms a good hedge when planted in full sun. It has somewhat looser foliage than other plants on this list. In recent years, Red Photinia has become very popular in the southeast.

FRAGRANT OSMANTHUS (*Osmanthus fragrans*) Height: 10-15'; Spread: 10-15'

It is easily grown in average, consistently moist, well-drained garden soils in full sun to part shade. Best with part afternoon shade, it is drought tolerant once established. It is a small, upright, evergreen tree or large shrub that will typically grow to 10-15' tall in cultivation.

ANISE TREE (*Illicium parviflorum*) Height: 10-15'; Spread: 6-10'

It is easily grown in moist, rich soils in part shade to full shade and tolerates full sun as long as soils are kept uniformly moist. Established plants tolerate some drought, but prefer good moisture. Branches may root where they touch the ground. It is an upright, rounded,

suckering, evergreen shrub or small tree with shiny, elliptic, olive-green leaves (to 4" long) emit an anise-like aroma when crushed.

VIBURNUM (Viburnum prunifolium) Height: 12-15'; Spread: 8-12'

This plant is easily grown in average, dry to medium, well-drained soil in full sun to part shade and it tolerates drought. It is usually grown as a large, upright, multi-stemmed, deciduous shrub with an irregular crown, but it also may be grown as a small, single trunk tree. As a shrub, it typically grows 12-15' tall with a spread of 6-12', but as a tree may reach a height of 30'.

BANANA SHRUB (Michelia figo or Magnolia figo) Height: 6'-10'; Spread: 6-10'

This magnolia is best grown in evenly moist, fertile, slightly acidic, organically rich, well-drained loams in part shade. It tolerates full sun, but foliage may turn a less attractive yellow green. Also tolerates substantial shade, but plant foliage tends to open up. Site in locations protected from strong winds. The banana shrub, is a dense, rounded, multi-stemmed, broadleaf evergreen shrub has fragrant, creamy-yellow blooms shaded with purple.

F-16 — Assorted Shrubs for Broken Screen

WEGLEA (Weigela florida) Height: 6-10'; Spread: 9-12'

This plant is easily grown in average, medium moisture, well-drained soils in full sun. Needs full sun for best flowering and foliage color, but will tolerate very light or sun dappled shade. It is a dense, rounded, deciduous shrub.

COMMON SMOKE TREE (Cotinus coggygia) Height: 10-15'; Spread: 10-15'

This plant is easily grown in average, medium, well-drained soils in full sun and tolerates wide range of soils except wet, poorly-drained ones. Prefers somewhat infertile loams, but also does well in poor, rocky soils with good drainage. The smoketree is a deciduous, upright, loose-spreading, multi-stemmed shrub.

WITCH HAZELS (Hamamelis sp) Height: 6-20'; Spread: 8-20'

Witch hazels are easily grown in average, medium, well-drained soils in full sun to part shade and prefer moist, acidic, organically rich soils. This deciduous shrub or small tree that is native to woodlands, forest margins and stream banks in eastern North America.

PEARL BUSH (Exochorda serratifolia 'Northern Pearls') Height: 6-8'; Spread: 6-8'

The pearl bush is easily grown in average, medium, well-drained soils in full sun to part shade. Established plants have good heat and drought tolerance. It may be pruned as a small single-trunk tree or maintained as an upright deciduous shrub.

MOCK ORANGE (Philadelphus pekinensis) Height: 4-6'; Spread: 4-6'

Mock orange is easily grown in average, medium moisture, well-drained soils in full sun to light shade and tolerates a wide range of soils except poorly-drained ones. It is a dense, compact, multi-stemmed, deciduous shrub that is grown in landscapes primarily for its fragrant, creamy white, disc-shaped flowers.

FLORIDA LEUCOTHOE (Leucothoe axillaris) Height: 2-4'; Spread: 3-5'

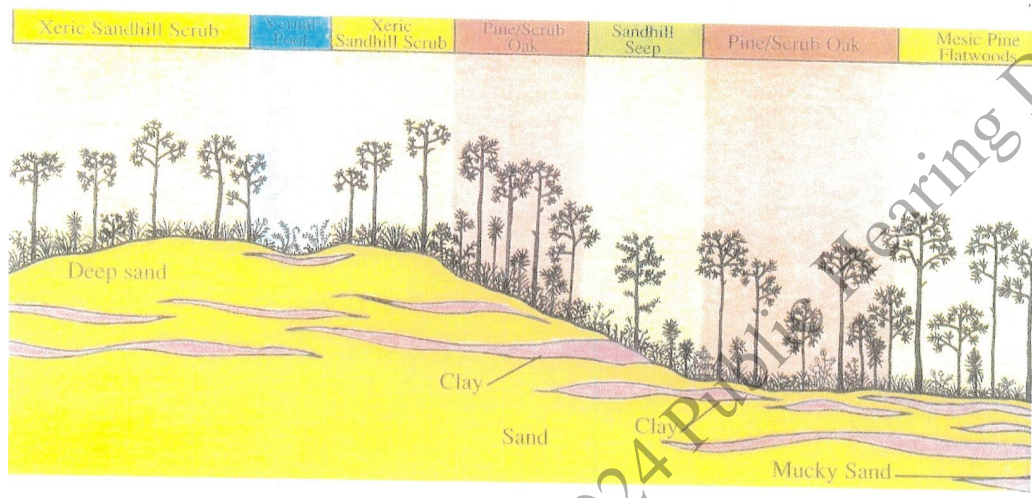
Best grown in average, medium moisture, well-drained soil in part shade, it can be grown in full sun, but must have good moisture. This low-growing, evergreen shrub has a spreading, vase-like shape and will mature slowly.

July 18, 2024 Public Hearing Draft

APPENDIX G: GRAPHICS ILLUSTRATING MAJOR BUFFERING AND LANDSCAPING REQUIREMENTS

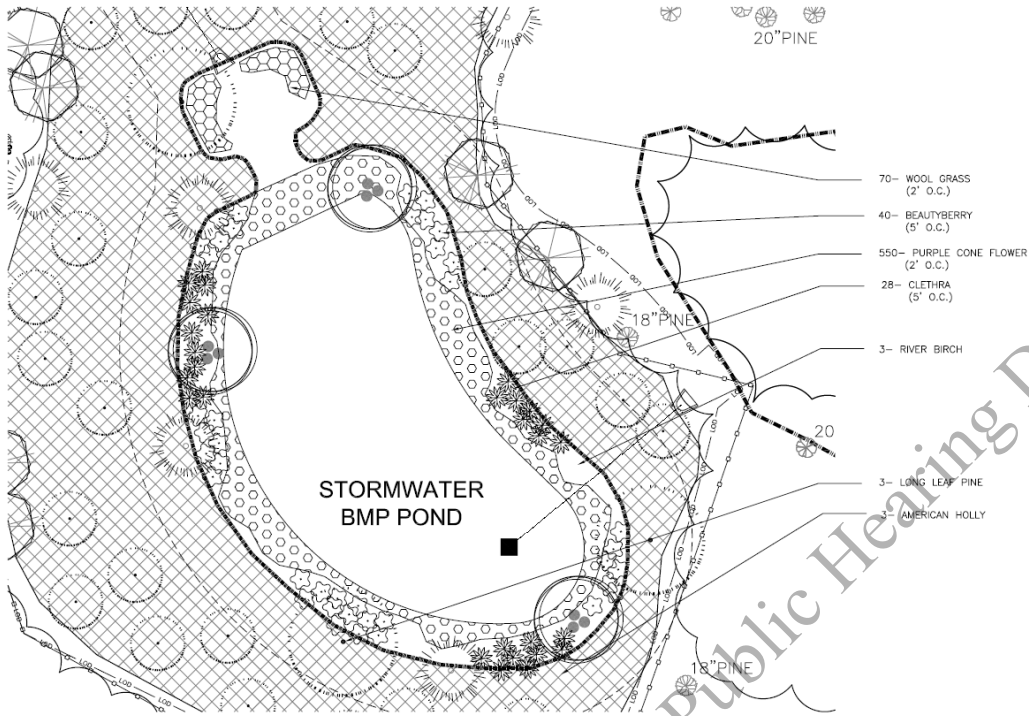
Applicants shall refer to the International Society of Arboriculture and Urban Tree Foundation planting details and specifications when detailing planting, staking, soil modifications, irrigation, and tree protection in landscaping, irrigation, and Tree Protection Plans. The following illustrations are intended to demonstrate compliance with several standards and concepts described within the ordinance.

SANDHILLS OF NORTH CAROLINA TYPICAL WETLAND

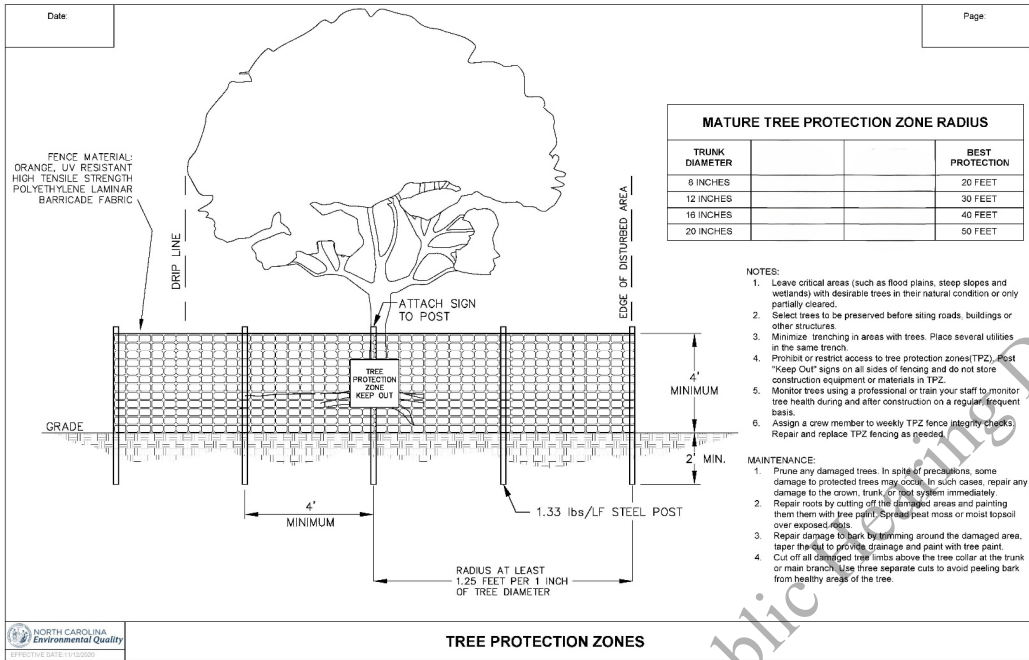


STORMWATER POND LANDSCAPING EXAMPLE

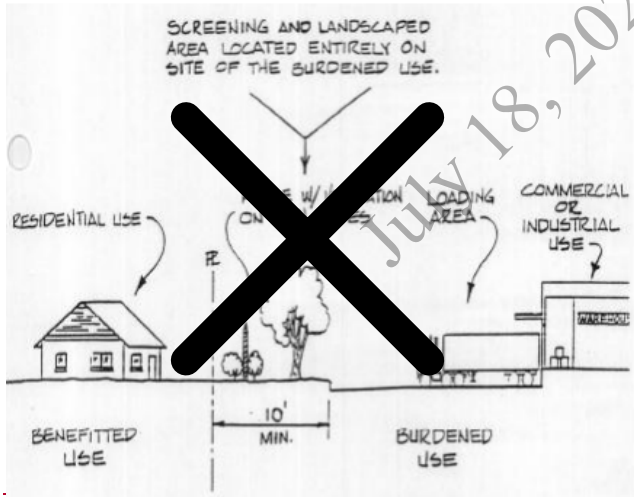
TOWN OF SOUTHERN PINES UDO APPENDICES



TREE PROTECTION DETAIL

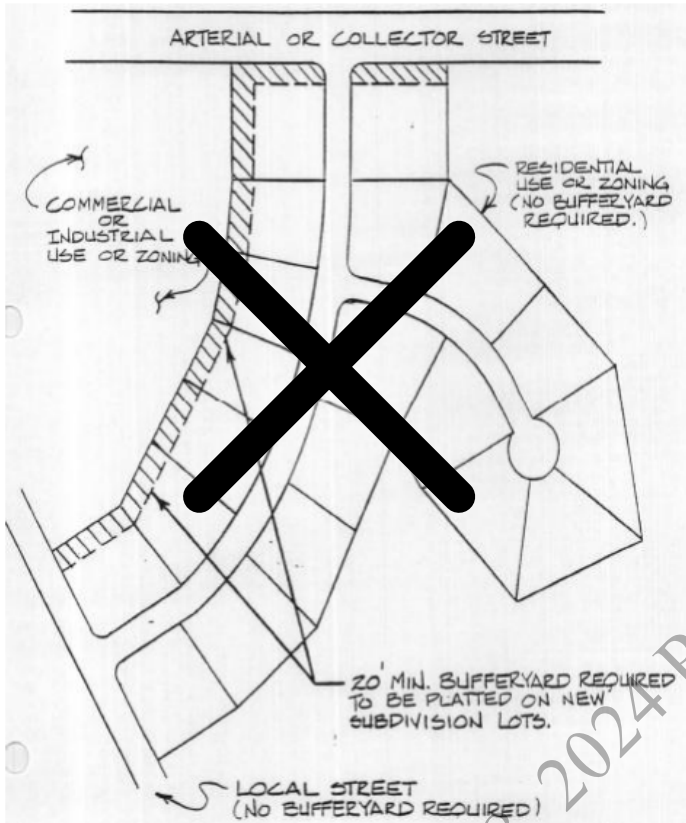


TYPICAL SCREENING SITUATION

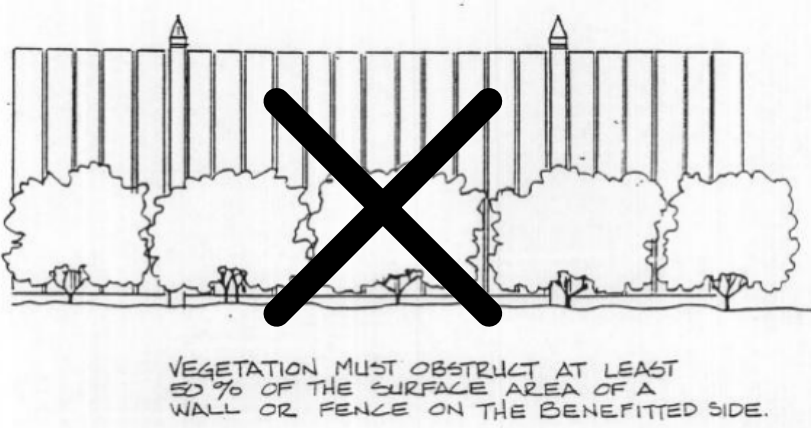


July 18, 2024 Public Hearing Draft

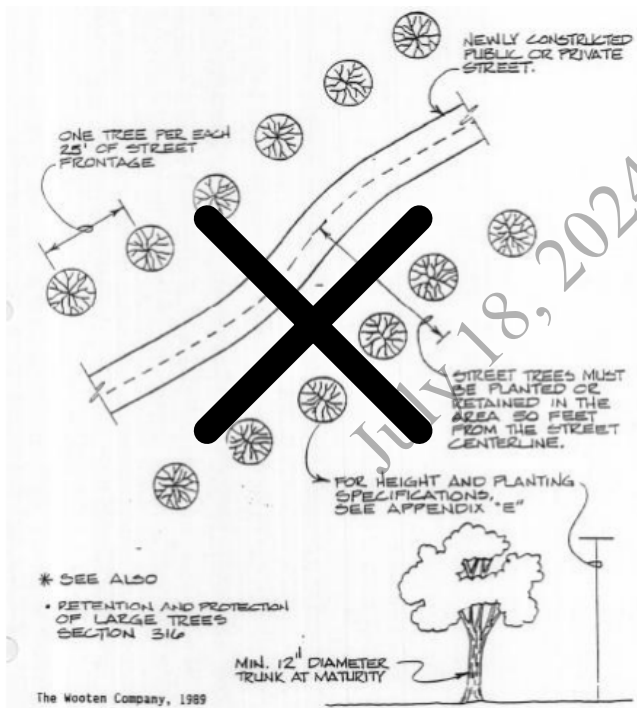
SUBDIVISION BUFFERYARDS



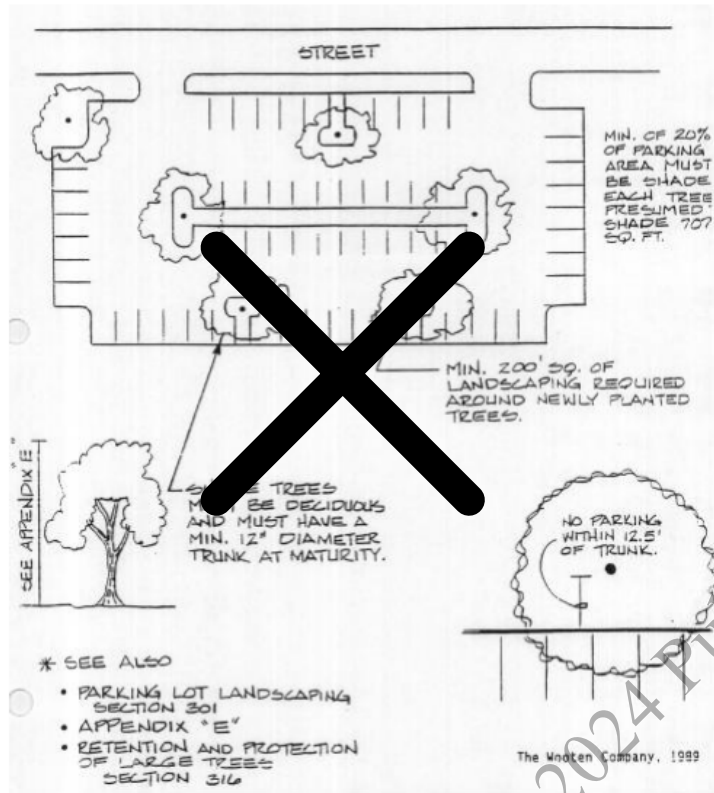
SCREENING WITH FENCES AND WALLS



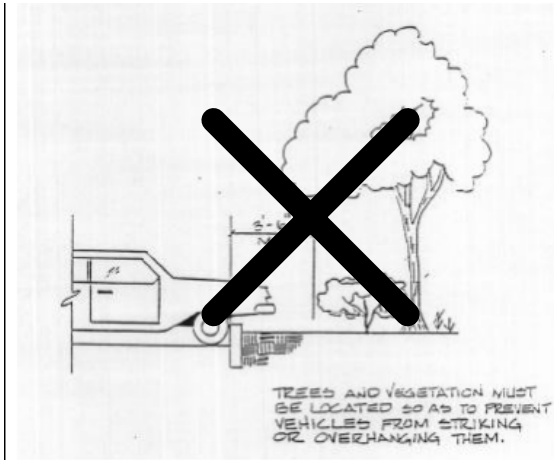
STREET TREES



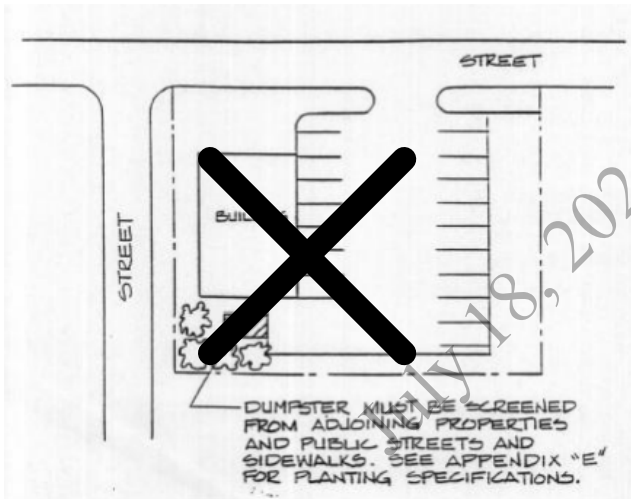
SHADE TREES



PROTECTION OF TREES AND VEGETATION FROM VEHICLE OVERHANG

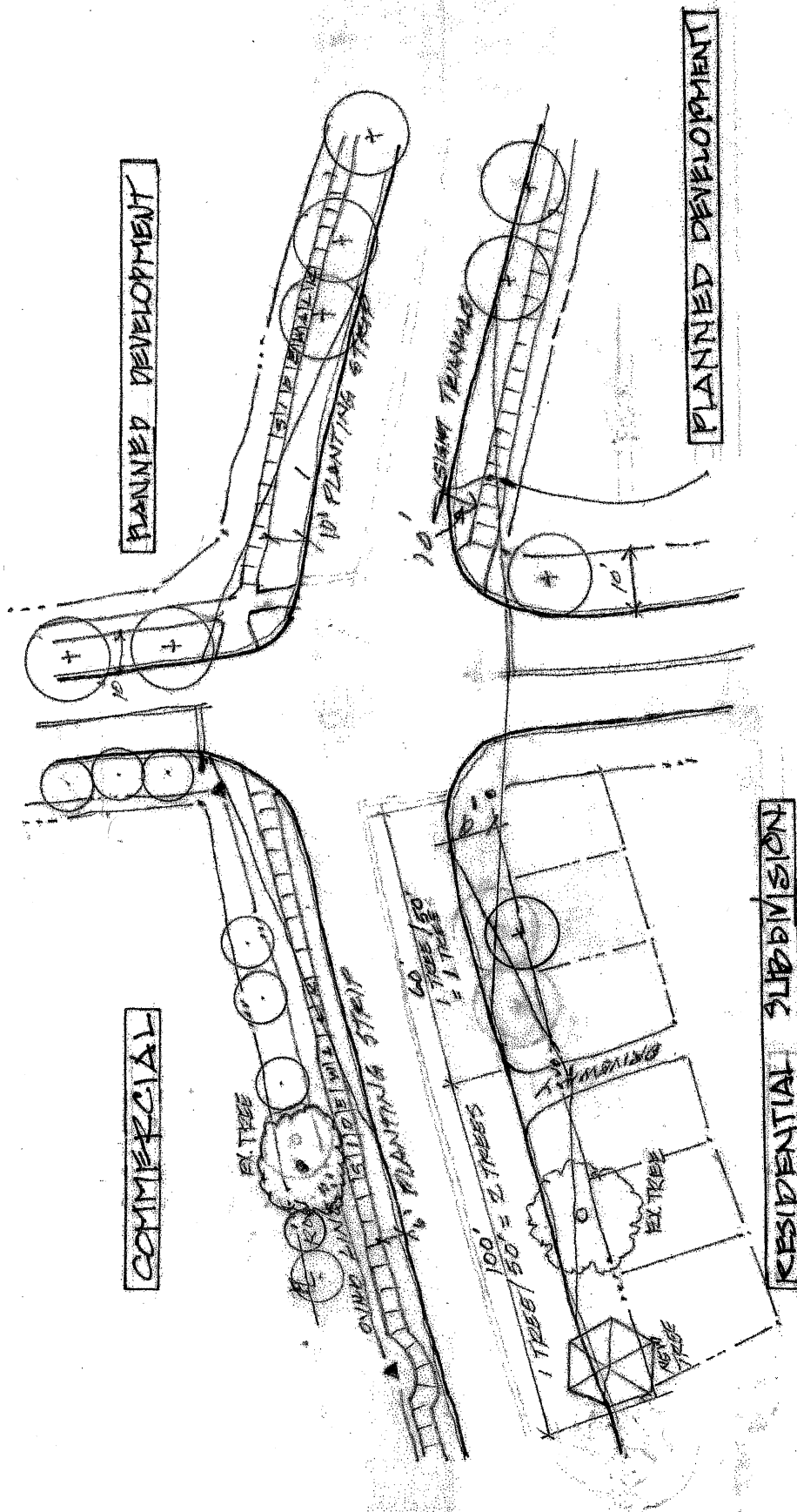


DUMPSTER SCREENING



STREET TREES

Planting Rate



INDUSTRIAL OFFICE COMMERCIAL

BUFFERS: HIGHWAY CORRIDOR OVERLAY

UNDISTURBED
UNDULATED
TREE PROTECTION
FENCE

REPLANTED

MIXED TREE
UNDISTURBED
EXISTING
VEGETATION
CREPT

URBAN VILLAGE

URBAN VILLAGE

TRANSITION
H I G H W A Y

SINGLE-FAMILY
Zoned

SINGLE FAMILY
BY USE

MULTIFAMILY

STRAIGHT
BUFFER
PLANTING

NEIGHBORHOOD
BUSINESS

RESIDENTIAL

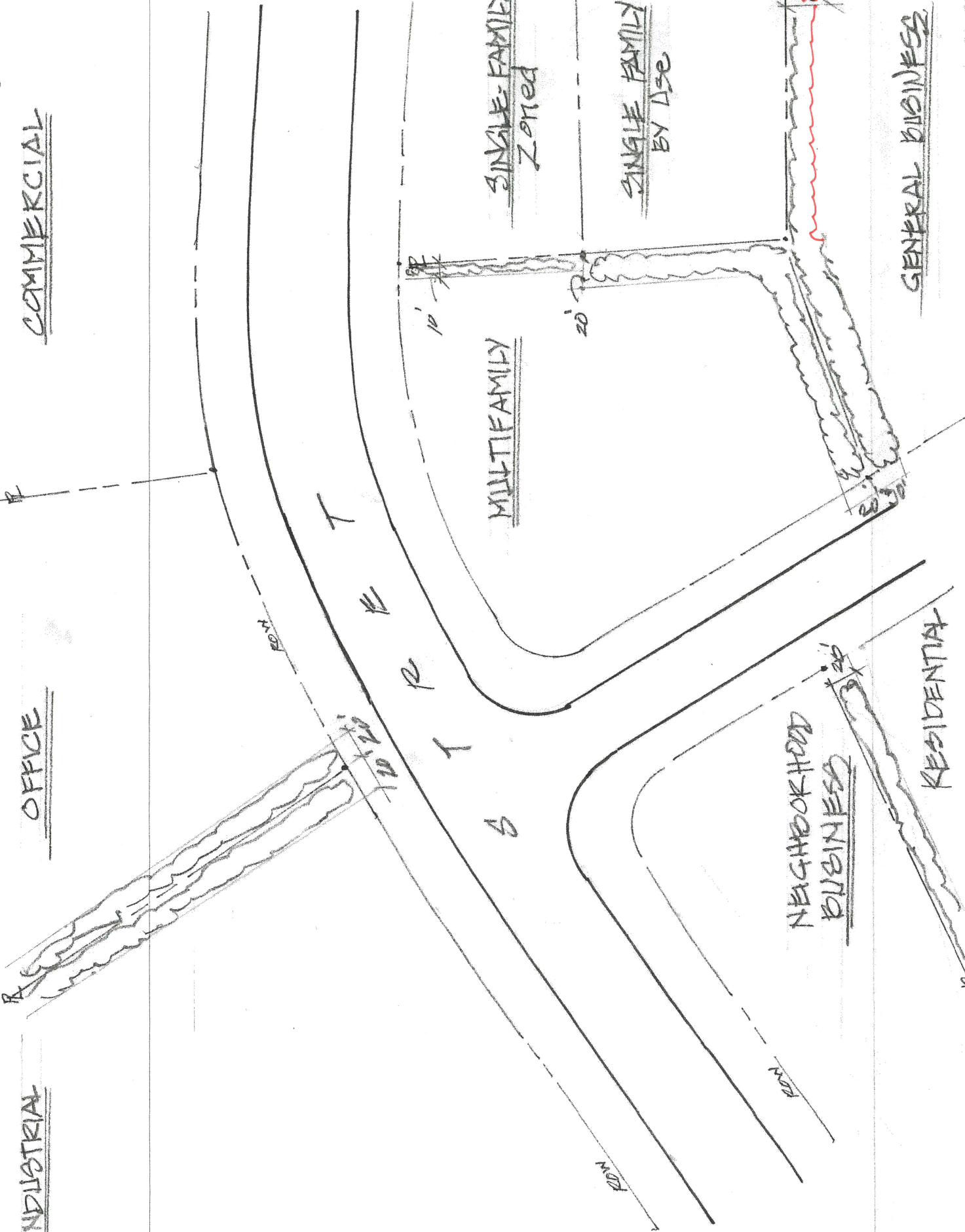
GENERAL BUSINESS

BUFFERS: NON-HIGHWAY CORRIDOR OVERLAY (ALL OTHER STREETS)

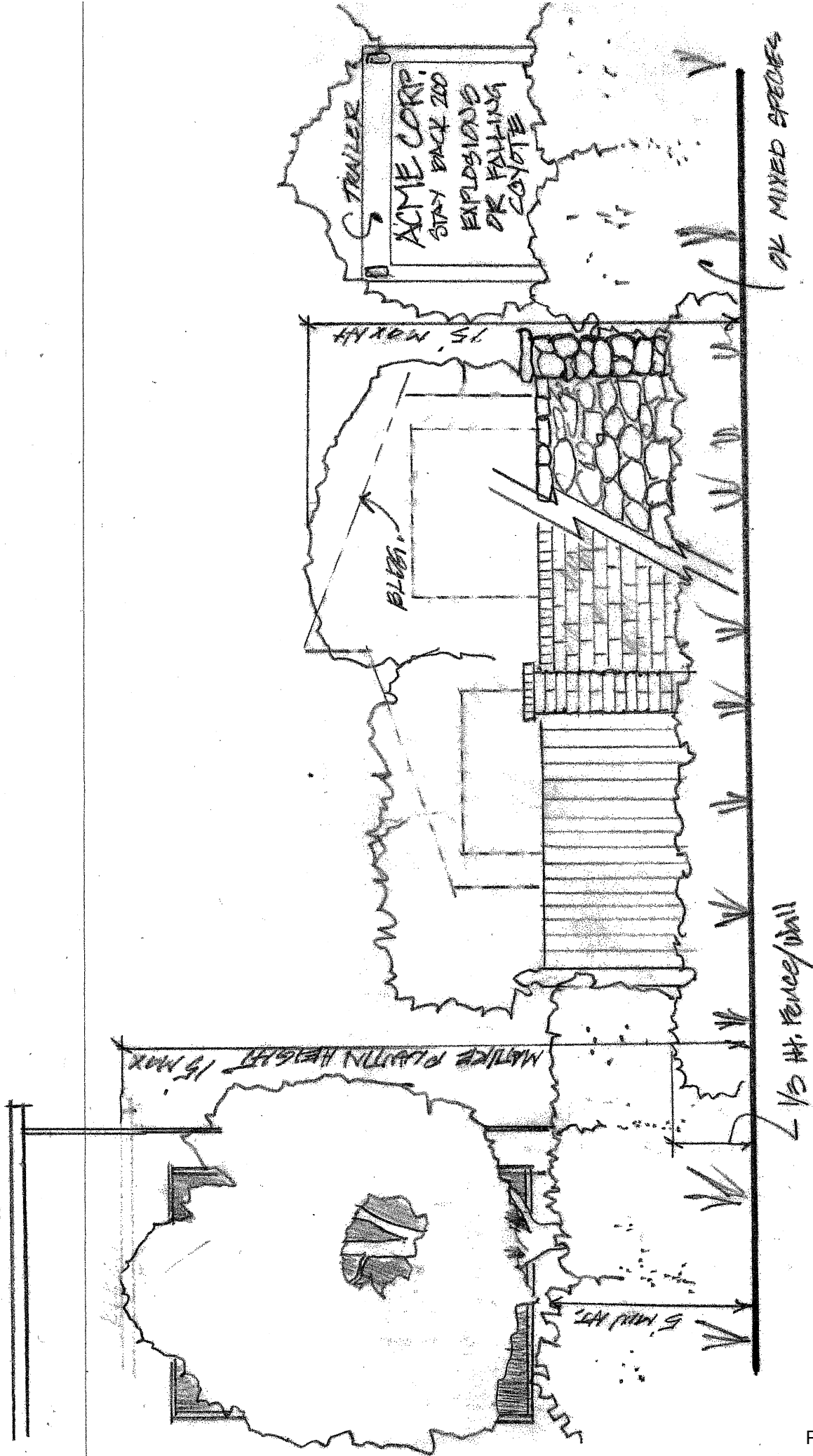
INDUSTRIAL

OFFICE

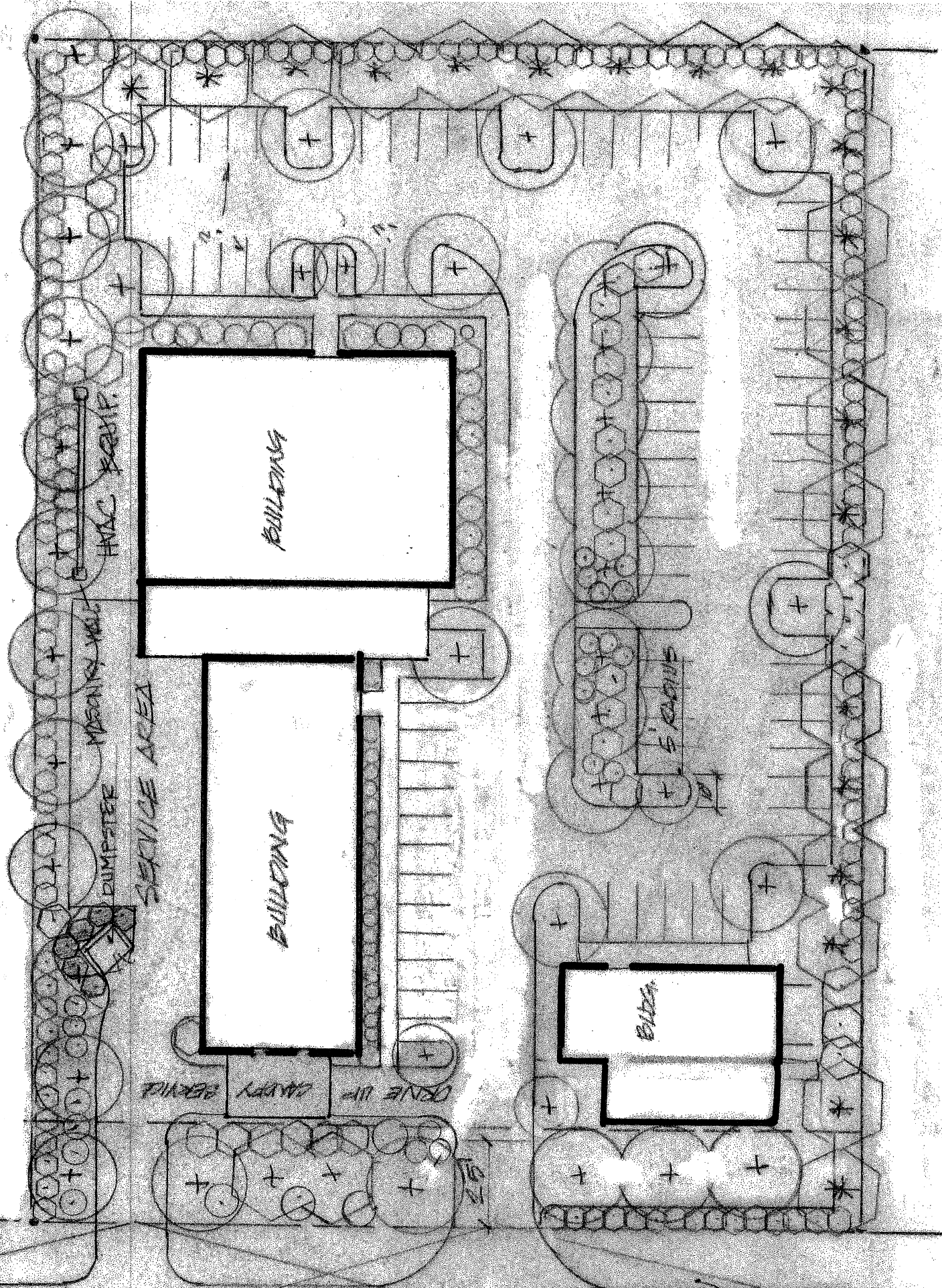
COMMERCIAL



4.3.5.C. LANDSCAPE SCREENS

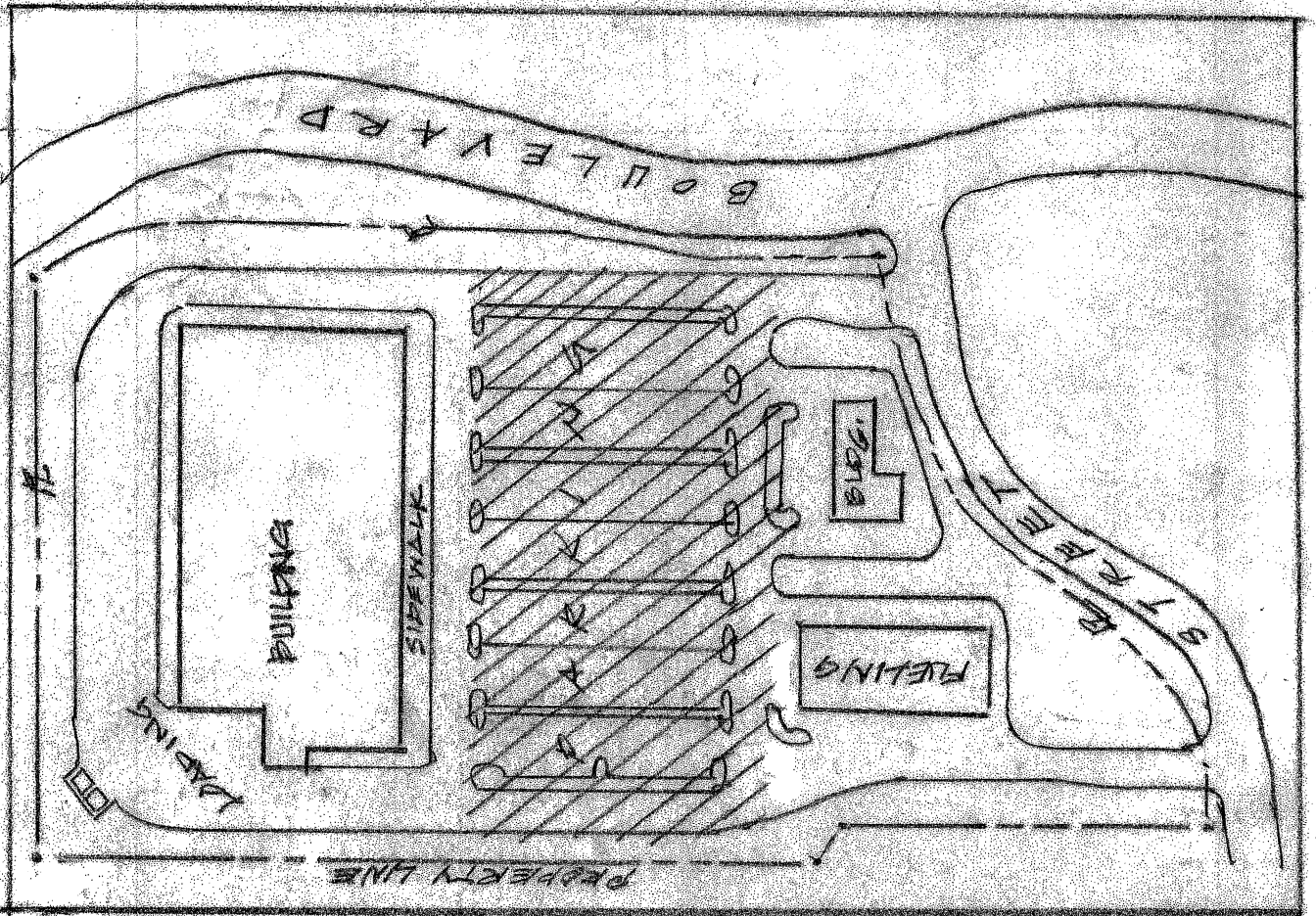
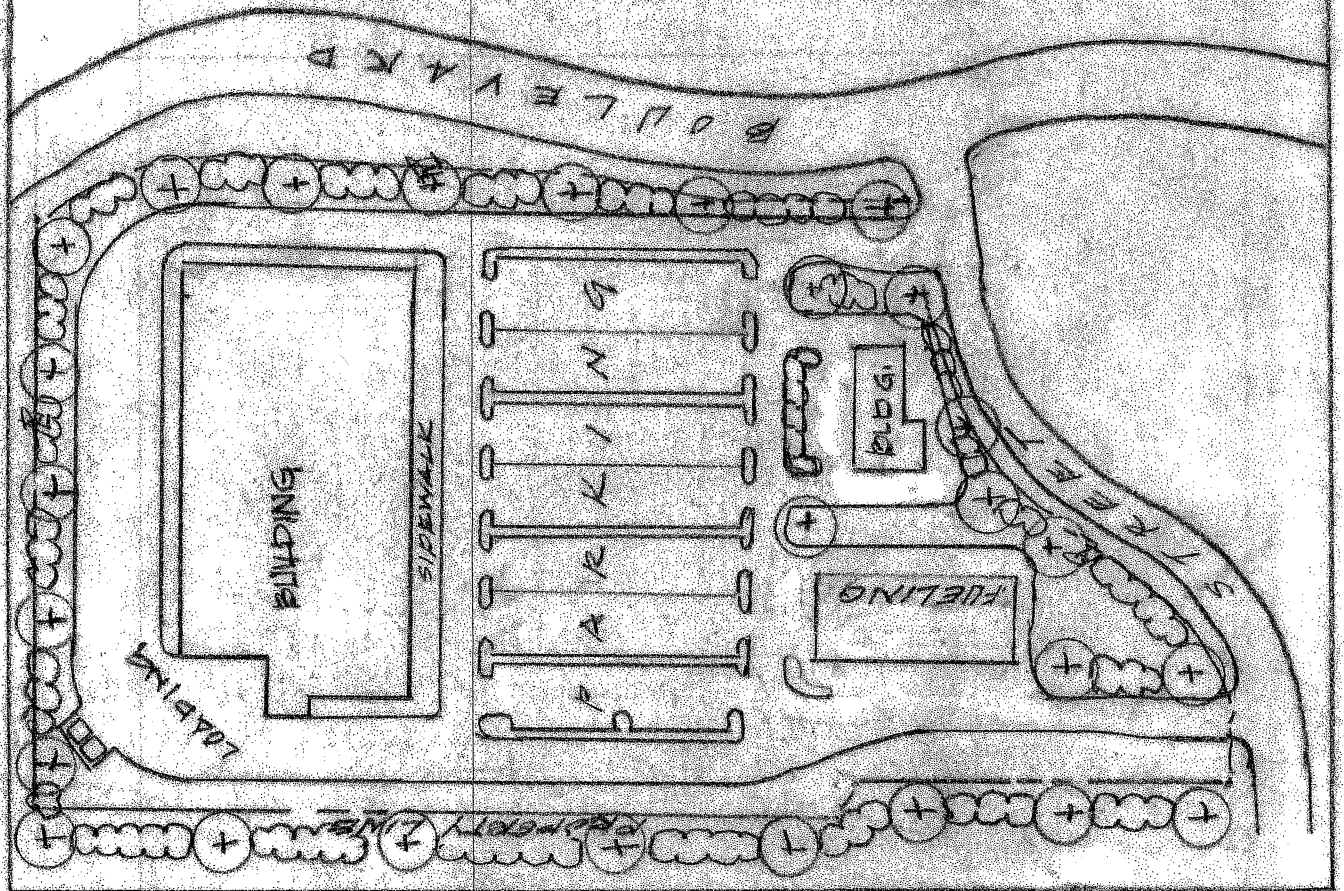


VEHICLE LOBE AREA: PERIMETER & SCREEN LANDSCAPING

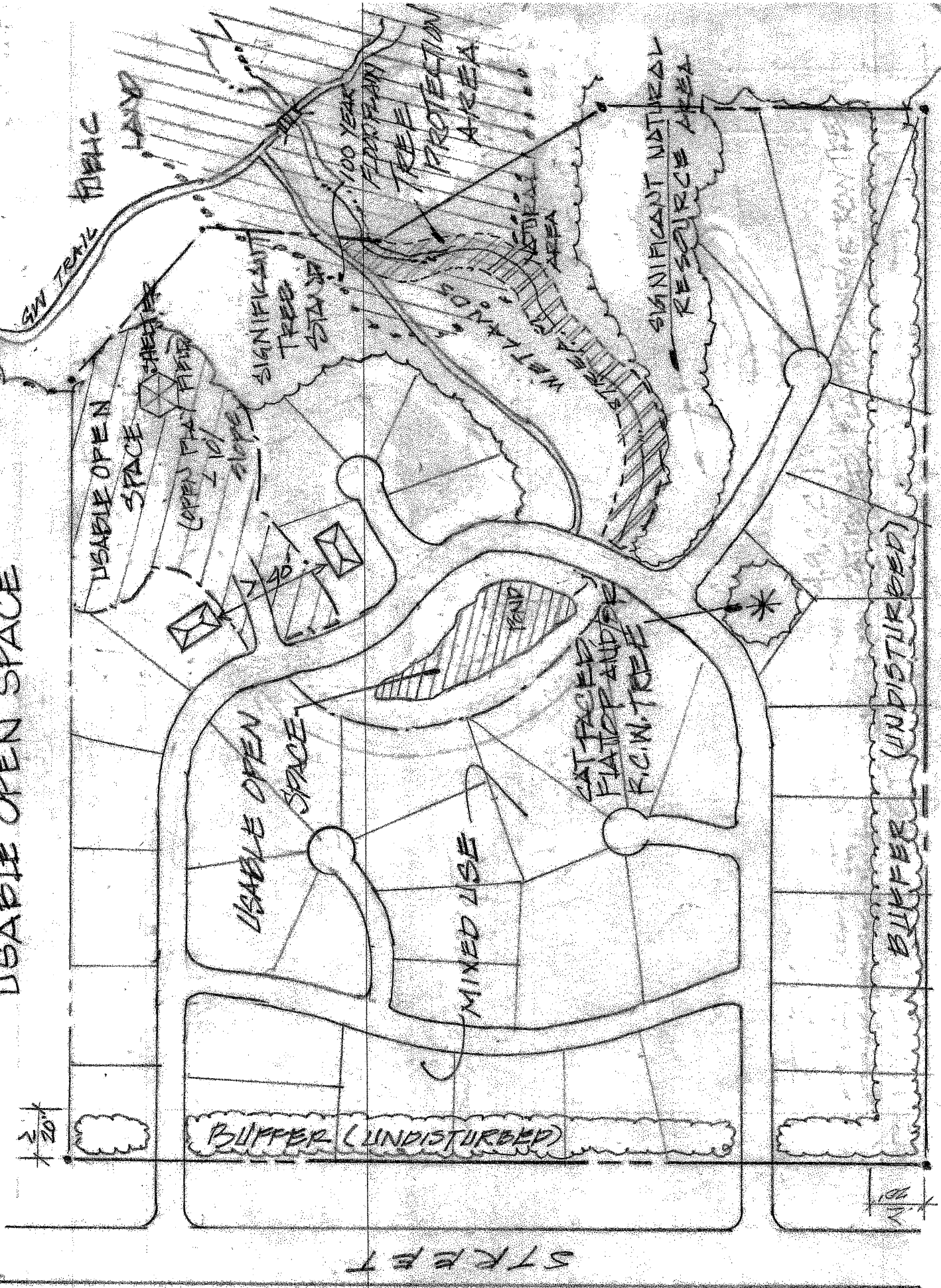


01/21/2014

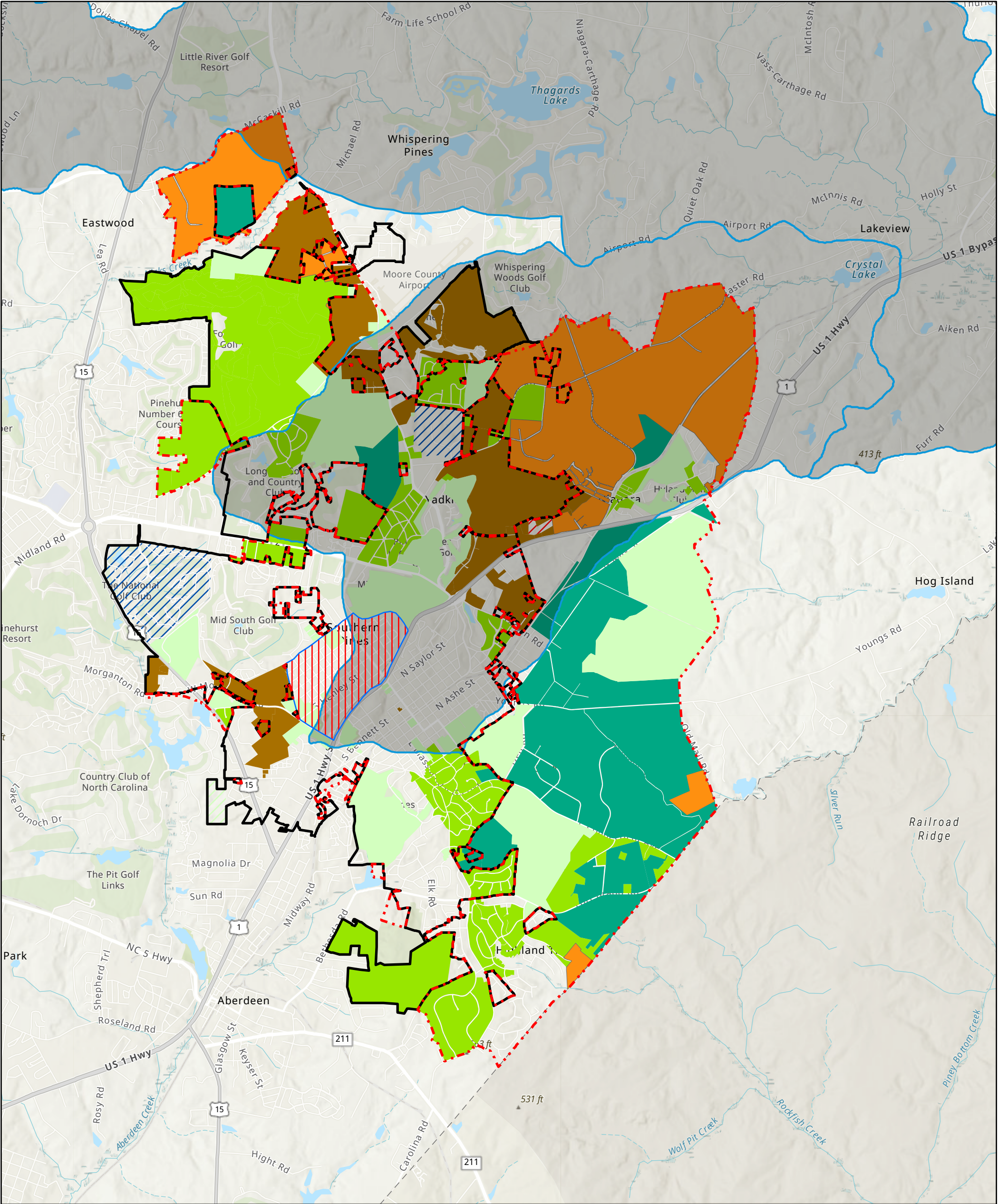
VEHICLE USE AREA APPLICABILITY BY LANDSCAPE TYPE PERIMETER V.U.A INTERNAL/SHADING VIA



TREE PROTECTION AREAS USABLE OPEN SPACE



Town of Southern Pines: Districts Where Tree Protection Areas Are Proposed



5/14/2024, 9:42:49 AM

- ETJ Outline

City Limits Outline

Overlay - West Southern Pines District

Water Supply - High Quality Water

FRR, Facilities Resources Recreation

FRR-CD, Facilities Resources Recreation Conditional District

PD, Planned Development
- RE, Rural Estates

RE-CD, Rural Estates Conditional District

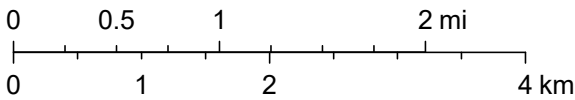
RR, Rural Residential

RR-CD, Rural Residential - Conditional District

RS-3, Residential Single Family

RS-3CD, Residential Single Family - 3 Conditional District

1:72,224



Moore County GIS (NC), State of North Carolina DOT, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA

From: [RLUAC Executive Director](#)
To: [Cindy Williams](#)
Cc: [Alaina Mallette](#)
Subject: RE: OA-03-24 Proposed UDO Text Amendments
Date: Thursday, June 27, 2024 3:19:40 PM
Attachments: [Southern Pines Courtesy Review OA-03-24 July.pdf](#)

Cindy,

We provided a letter in support of these amendments previously. The prior letter is attached with an updated date for distribution to the Planning Board.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission
6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Wednesday, June 26, 2024 12:41 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; DeAngelo Jones <djjones1@ncdot.gov>; Director <director@rluac.com>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Rick Cloutier <rcloutier@moorecountyaairport.com>; Ron Istre <RIstre@southernpines.net>
Cc: Alaina Mallette <amallette@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: OA-03-24 Proposed UDO Text Amendments

Good afternoon,

Please review the attached legal notice and respond with any questions or comments at your earliest convenience. Thank you.

Sincerely,

Cindy Williams

Planning Department



801 SE Service Rd.
Southern Pines, NC 28387
(910) 692-4003