



AGENDA

Thursday, September 19, 2024: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. August 22, 20224 Regular Meeting

3. PRELIMINARY FORUMS

a. SU-03-24 Special Use Permit Application; 148 S. Hardin Street

Orbia and Elaine Simon, property owners and applicant, have submitted a request to expand a nonconforming site, per UDO Section 7.1.8, which does not have a principal building (i.e., solely, accessory buildings).

b. MAPP-01-24 Major Subdivision Preliminary Plat Application for Hyland Hills Townhomes

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Moore HL Properties, Inc., has submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the three parent tracts into 24 townhomes with a homeowners' association.

c. MAPP-02-24 Major Subdivision Preliminary Plat Application for Clark Street Townhomes

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Legacy Homes Construction, Inc., has submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the parent tract into 8 townhomes with a homeowners' association.

4. PUBLIC HEARING

a. OA-03-24 Proposed UDO Text Amendments Related to Tree Protection Procedures, Open Space Standards and Landscaping Code

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.

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. PUBLIC COMMENTS

8. ADJOURNMENT

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, August 22, 2024, at 6:00 PM

Chair Westbrook called the meeting to order at 6:00 PM.

Chair Diane Westbrook, Vice Chair Kim Wade, Andy Bleggi, Matthew Walden and Jennifer Garner were present.

Matthew Walden made a motion, which was seconded by Andy Bleggi, to approve the Minutes of the July 2024 regular meeting. The motion carried.

PRELIMINARY FORUM:

PD-04-24: Planned Development District - Preliminary Development Plan for a portion of Phase 2 of Southern Pines Corporate Park

Patrick Theodossiou of SunCap Property Group and Bob Koontz of Koontz Jones Design have submitted a Planned Development District – Preliminary Development Plan application for the addition of a ±65,200 square-foot distribution center including warehousing, office space and courier services within the Southern Pines Corporate Park on a ±15.77-acre portion of the parcels identified as PIN 858200843785 (PARID 00039569) and 858216941750 (PARID 00031777). Per the Moore County tax record, the subject properties are owned by RAB Investments, LLC. The development also includes an access drive and a multimodal path, bringing the total project area to ±18.5 acres of land.

Matthew Walden made a motion, which was seconded by Andy Bleggi, to open the preliminary forum. The motion carried.

Senior Planner Alaina Mallette provided an overview of the application and staff report for PD-04-24 accompanied by a PowerPoint presentation.

Attorney Bill Bryan, representing SunCap Property Group, reiterated the nature of the application and introduced the individuals that were present on behalf of the applicant.

Mr. Theodossiou expressed appreciation to Planning staff and his excitement regarding the project.

Bob Koontz gave an overview of the project and stated that the existing wetlands will not be impacted, utilities are available to the site, and lighting and landscaping will comply with UDO standards.

Member Bleggi asked if a traffic study had been conducted and if any traffic improvements were recommended.

Thomas Shirley, traffic engineer, responded that they did not recommend any improvements at the intersections based on their study. He added that a previous study had recommended a traffic signal but NCDOT was opposed.

Mr. Shirley stated that the peak hours for the proposed use are outside of normal peak hours.

Member Bleggi asked if they traffic engineered had addressed the bridge and Ms. Mallette responded that the Town Engineer would address the during site plan review.

Matthew Walden made a motion, which was seconded by Andy Bleggi, to close the preliminary forum. The motion carried.

Andy Bleggi made a motion, which was seconded by Matthew Walden, to adopt the following for transmission to the Town Council as a result of the August 22, 2024 preliminary forum on application PD-04-24:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a PDP to application PD-04-24:

1. any recommended improvements to traffic patterns at the Highway 1 and the Yadkin Road entrance be considered; and
2. the greenway trail be addressed and either be designed in a way that make senses for the development or eliminated.

The motion carried by a 5-0 vote.

No unfinished or new business was discussed.

Andy Bleggi made a motion, which was seconded by Matthew Walden to adjourn the meeting. The motion carried.

The meeting adjourned at 6:41 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

An audio recording of the meeting and any related PowerPoint presentations are available upon request.

Agenda Item

To: Planning Board

From: Alaina Mallette, Senior Planner

Subject: SU-03-24 Request to Expand a Nonconforming Site to Add Personal Storage Building at 148 South Hardin Street: Owner/Applicant: Orbia and Elaine Simon

Date: September 19, 2024

I. SUMMARY OF APPLICATION REQUEST

Orbia and Elaine Simon, property owners and applicant, have submitted a request to expand a nonconforming site, per UDO Section 7.1.8, which does not have a principal building (i.e., solely, accessory buildings). The proposed personal storage building is intended to store the owners' personal belongings. The application includes a narrative and images of the proposed storage structure. The subject parcel is identified as PIN 857200927322 (PARID 00031796) and is located at 148 S Hardin Street.

II. PROJECT INFORMATION

A. Property Owner & Applicant Information

Elaine and Orbia Simon, 167 Juniper Creek Boulevard, Pinehurst, NC 28374

B. Project History and Site Information

The subject property is part of the originally platted grid of Southern Pines (PC1 SL70) recorded in 1894 (see Figure 1). According to the Applicant, it had a single-family dwelling unit that was removed. The site currently has two accessory structures (i.e., sheds) built in 1955 and 1980, 405 and 96 square feet in size, respectively, according to Moore County Property Records. This site does not have a principal land use classification, per the Unified Development Ordinance (UDO) Exhibit 3-15. The property is currently zoned Office Services (OS) and is within the West Southern Pines Overlap (WSPO) and partially within the High-Quality Water area of the Watershed Protection Overlay (WPO). The property is adjacent to the historic West Southern Pines Jail House and prior Town Hall buildings, and two properties away from the historic site of Mrs. Bennett's Store.

Figure 1. Originally Platted Southern Pines Lot (Subject Property in Pink)

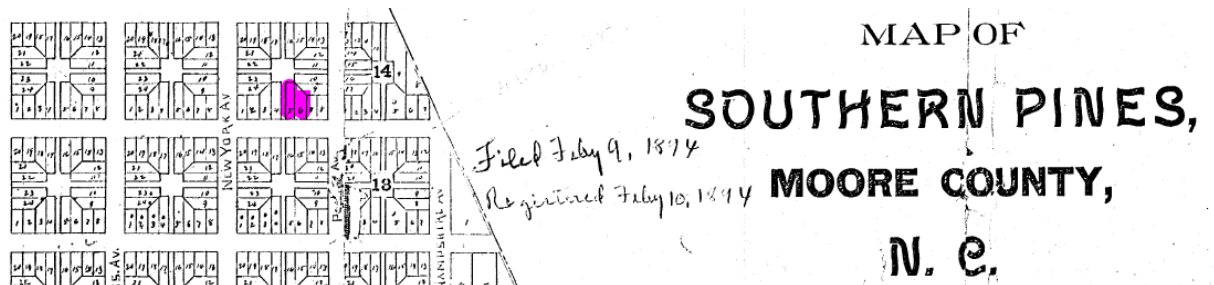


Figure 2. Zoning and Location Map (Subject Property Identified by Black Dot).

The subject property is zoned OS. It is fully within the WSPC, and partially within the WPO (shown in light grey). Town-paved streets are shown in purple and state-system streets in green.



III. STAFF REVIEW

A. Application Review Dates

- Special Use Permit Amendment Application Submitted: **July 26, 2024**
- Application Deemed Complete: **August 5, 2024**
- Notice of Planning Board Public Hearing:
 - Posted On-site: **August 30, 2024**
 - Mailed: **August 30, 2024**
 - Internet: **August 26, 2024**
 - Published: **September 4** and **September 11, 2024** publication
- Planning Board Preliminary Forum: **September 19, 2024**

B. Process and Standards of Review

Considering the site's non-conforming status for lacking a principal use, any on-site development must request permission for expansion of a non-conforming site, per UDO §7.1.8. The procedures for review and approval of a Special Use Permit for the expansion of a non-conformity, per UDO §2.21 and §7.1.8, establish a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. Special Use Permit Criteria, UDO §2.21.6 (A-F) and §7.1.8(B) (1-8) apply to the review of this special use permit amendment.

C. Special Use Permit Criteria for Review [UDO §2.21.6 (A-F) and §7.1.8(B) (1-8)]

An expansion of a nonconforming site is permitted only if the applicant demonstrates compliance with each of the following criteria.

No.	UDO §2.21.6 (A-F) Criteria	UDO §7.1.8(B) (1-8)
A/1	<i>The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations</i> The applicable UDO provisions include: • UDO §3.6.4 WSPO; • UDO §3.6.8 WPO; • UDO §3.5.11 and Exhibit 3-11 OS district standards; • UDO Exhibit 4-1 Dimensional Standards; and • UDO §5.3 Accessory Uses. No discrepancies with the applicable provisions of the UDO have been identified by staff other than the proposed 10' setback being less than required, which cannot be determined without knowing the proposed structure's building height. See staff comments and proposed condition in next section.	<i>The termination of such non-conformity will result in unnecessary hardship</i> The Applicant's would need to construct a dwelling unit or other principal use to bring the site into compliance. Construction of a principal land use would require additional design and permitting processes, which is not necessary for the Applicant's request

B/2	<i>The proposed special use shall conform to the character of the Neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted.</i> The 2040 Comprehensive Plan designates the property as follows: • West Southern Pines Neighborhood; • 2040 Comprehensive Plan Designations; • All Maps: Neighborhood Activity Center; • General Framework Map: Area to Enhance; • Conservation and Development Map: Neighborhood; and • Character District Map: West Southern Pines. The 2040 Comprehensive Plan calls for this area to be commercially or civically activated with civic, retail, or institutional land uses. The request does not call for this, but expands the total square footage of non-principal residential structures. This request would not preclude future development consistent with the 2040 Comprehensive Plan's vision for this property.	<i>The continuation of the non-conformity will not be contrary to the public interest</i> If setbacks are conditioned to be compliant with the UDO, then the public interest and welfare would likely outweigh any adverse impacts
C/3	<i>Adequate public facilities shall be provided as set forth herein</i> Site is adequately served by water and sewer main lines on S. Hardin Street.	<i>The continuation of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district</i> As an accessory use, the site will still have space for a conforming principal use, therefore, the proposed accessory structure is not likely to permanently injure the uses of adjacent properties
D/4	<i>The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the Neighborhood</i> No expert testimony was submitted addressing orderly development nor impact of property values within the neighborhood	<i>The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies</i> Considering location within a proposed Neighborhood Activity Center, the subject property is anticipated to have neighborhood-serving civic, retail, or institutional land uses. The proposed accessory structure would not preclude

		development of these anticipated land uses in the future.
E/5	<i>The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare</i> No health, safety, comfort, or general welfare impacts have been identified by staff	<i>The plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district</i> The ownership of the property is unique in that the property owners do not reside on the property and the original dwelling unit has since been removed leaving only accessory structures.
F/6	<i>The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use</i> If setbacks are conditioned to be compliant with the UDO, then the public interest and welfare would likely outweigh any adverse impacts	<i>The continuation of the non-conformity will not substantially weaken the general purposes of this UDO or the regulations established for the applicable zoning district</i> If setbacks are conditioned to be compliant with the UDO, then the UDO and district purposes will likely not be weakened
7		<i>The continuation of the non-conformity will not adversely affect the public health, safety, and welfare</i> No health, safety, comfort, or general welfare impacts have been identified by staff
8		<i>Mere financial hardship caused by the cost of meeting the requirements of the UDO does not constitute grounds for finding that compliance is not reasonably possible</i> Applicant has not claim financial hardship to staff

D. General Staff Comments and Recommendation

- Approval of the request will result in the expansion of a non-conforming site by allowing the subject property to continue without a principal use and permit a new accessory structure on the property.
- The applicant proposes a minimum setback of 10'. Accessory structures have side and rear setbacks, which are 5' of setback for 12'-high structures or less plus and an additional 2' of setback for each foot of height. For instance, a 16' accessory structure would have a setback of 13'. No height nor setback information were provided, therefore planning Staff recommend a condition of approval regarding setbacks.
- Generally, although the subject property is anticipated to have neighborhood-serving civic, retail, and institutional land uses, the proposed residential accessory structure would not preclude development of these anticipated land uses in the future.

Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare. Planning staff recommend **approval with the following condition**, at a minimum:

- **The proposed structure shall comply with the proper setbacks as required in UDO Exhibit 4-1 prior to issuance of a building permit.**

E. Outside Agency Comments

A request for comments from agencies was emailed on August 26, 2024, to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation (NC DOT), U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission (RLUAC). There were responses of “no comment” from the Town’s Utilities Superintendent, Assistant Public Works Director (Operations), NC DOT, and RLUAC. Any comments received after completion of this staff report will be shared during the preliminary forum.

IV. ATTACHMENTS

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

1. Special Use Permit Application
2. Applicant’s Narrative and Justification
3. Applicant’s Proposed Site Layout and Building Design

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 Town Council’s final decision. 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 list of issues for transmission to the Town Council as a result of the September 19, 2024 Preliminary Forum on application SU-03-24:

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

- 1.

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

- 1.



Special Use Permit

Fee: \$ _____

Date Paid: _____

Case No.: SU- _____ - _____

Project Information:

Street Address: 148 South Hardin Street

PIN: 857200927322

Parcel ID: 00031796

Site Size: Lots 5, 6, alley

Zoning: OS

Applicant:

Name(s): Simon, Orbia and Elaine

Email: oande1970@gmail.com

Phone: 910-6902104

Mailing Address: 167 Juniper Creek Boulevard | Pinehurst, NC 28374

Authorized Agent, if different from Applicant:

Name(s): N/A

Email: _____

Phone: _____

Mailing Address: _____

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

Name(s): N/A

Email: _____

Phone: _____

Mailing Address: _____

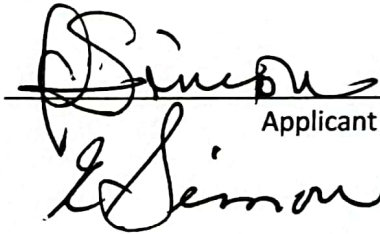
TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a Special Use Permit 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 RIGHT side of SOUTH HARDIN ST (St./Ave.), between W PENN AVE (St./Ave.) and W NEW YORK AVE (St./Ave.). The property has a frontage of _____ feet and a depth of _____ feet.

The special use sought is based upon Section(s) A-B, D-F of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:
30' x 50' storage garage

Date: July 24, 2024


Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net (910) 692-4003 www.southernpines.net

4.17.24

Project Description

Our property located at 148 South Hardin Street, is currently an open space consisting of two lots, both owned by us, Orbia & Elaine Simon. The area was once used for Parking for various functions held within the community. The Parking Lot Sign will be removed.

We are seeking approval to place a very sturdy aluminum 30' x 50' storage garage (pic attached); engineer's drawings and building specs from NC Carports & Garages also attached), on this area for our personal use. The 30' x 50' storage garage will be placed on solid concrete flooring, it will be at least 180 feet from South Hardin Street, and will be in compliance with space requirements from our immediate neighbors' property lines. It will be used to store our antique tractor, our 2008 convertible Volkswagen, that is mostly used by our children while visiting us (both of whom live out-of-state), our 2011 Harley motorcycle, our 14 foot open-work trailer, our Olympic weight set, a set of dumbbells, one e-bike, two regular bicycles, household items, lawnmowers, garden tools, and our seasonal outdoor furniture.

There is a medium size storage building covered with vinyl siding (pic attached), that is owned by us, and it sits approximately 75 feet from South Hardin Street. This existing storage building does not impede the placement of the new storage garage for which we are seeking approval.

There is also a very small storage building on the property that will be removed prior to placing the 30' x 50' New storage garage. The new 30' x 50' storage garage will be placed in the area of the small existing building, near the tree line, a minimum of 10 feet (pic attached) from the adjoining property line.

Special Use Permit Narrative; as related to UDO 2.21.7

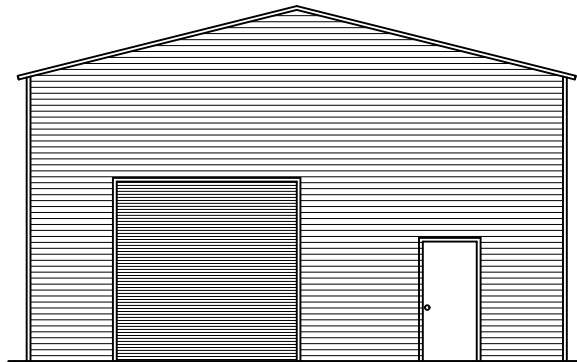
- A. Our property located at 148 South Hardin Street, is currently zoned Office Services which is in compliance with our Special Use Permit request, to place a sturdy 30' x 50' storage garage for our personal storage use.
- B. The 30' x 50' sturdy storage garage is made of quality metal materials manufactured by a North Carolina license provider, and will be neatly housed on a 4-inch thick concrete foundation. It will have a 30' x 50' vertical roof, three 10' x 8' foot roll-up garage doors, a 3' & 1/2 inch roof pitch, and a sturdy walk-in door (pic attached). This high quality, well manufactured building will compliment the character of the existing neighborhood; it certainly will not injure the use and enjoyment of property of the immediate vicinity.
- C. Being only for personal storage use, electricity and public facilities are not needed, and will not be provided.
- D. Visiting the facility on an irregular basis, will not impede the orderly development and will improve the aesthetic appearance of the area. In no way will the well-constructed storage garage diminish property values within the neighborhood.
- E. Being that the storage garage will consist of an enclosed structure that houses non-hazardous items, and will be properly maintained (landscaping, overall maintenance, etc.) there will be no detrimental danger to public health, safety, or general welfare.
- F. There will be no adverse affects by the existence of the sturdy storage garage in relation to public welfare.



148 S HARDIN ST.
SOUTHERN PINES, NORTH CAROLINA



RIGHT



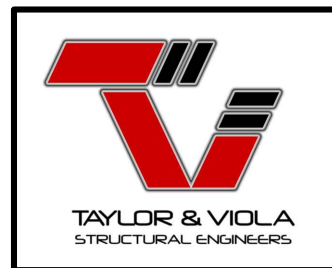
ENCLOSED GABLE END BUILDING

MAXIMUM 30'-0" WIDE X 16'-0" EAVE HEIGHT WITH BOX FRAME / (UP TO) 145 M.P.H. WIND ZONE - 35 P.S.F. SNOW LOAD

FOR:

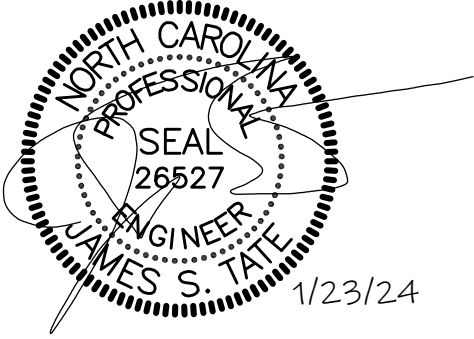
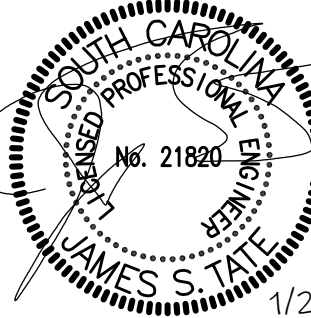
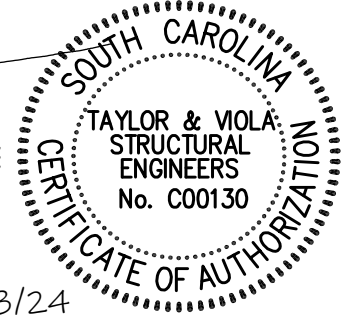
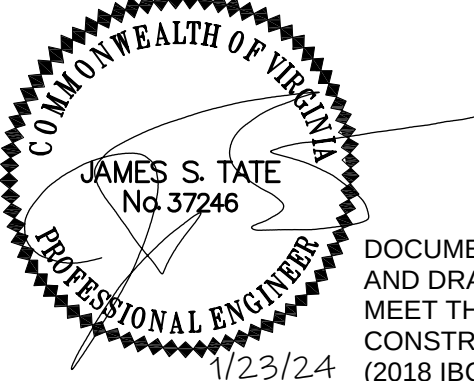
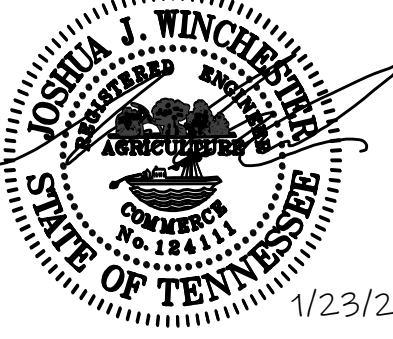
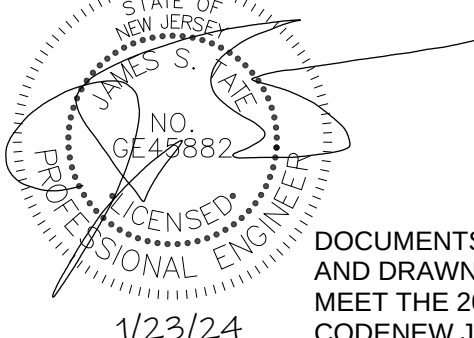
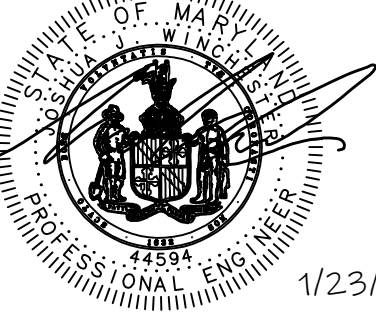
NC CARPORTS & GARAGE
116 EAST MARKET STREET
ELKIN, NORTH CAROLINA
TELE: 336-368-0668

ISSUE DATE: 01.23.24

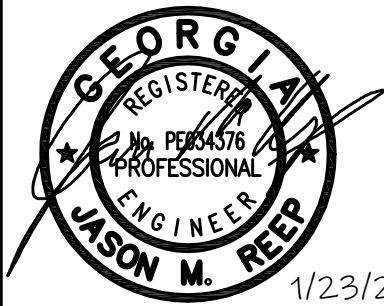


Orbia and Elanie Simon

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2018 NC BUILDING CODE (2015 IBC)	  1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2021 SC BUILDING CODE (2021 IBC)		
 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2018 VA CONSTRUCTION CODE (2018 IBC)	 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2012 IBC		
 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2018 IBC	 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2020 BUILDING CODE OF NEW YORK STATE (2018 IBC)		
 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 20210 BUILDING CODENEW JERSEY EDITION (2021 IBC)	 1/23/24 DOCUMENTS DESIGNED AND DRAWN TO MEET THE 2018 IBC		
 TAYLOR & VIOLA STRUCTURAL ENGINEERS P.O.B. 2616 HICKORY NORTH CAROLINA TEL: 828-328-6331 FAX: 828-322-1801 WWW.TAYLORVIOLA.COM JCMT Associates, PLLC 211 Stone Drive, Pilot Mountain, NC 27041 Telephone: (336) 399-6277	NC CARPORTS & GARAGES 116 EAST MARKET STREET ELKIN, NORTH CAROLINA 28621 TELE: 336-368-0668	DRAWN BY: BKS DATE: 01.23.24	PROJECT NO: MISC SHEET NO: S1

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.



1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2018 IBC



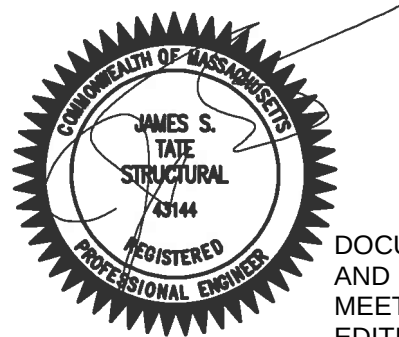
1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2021 BUILDING CODE OF
ALABAMA (2021 IBC)



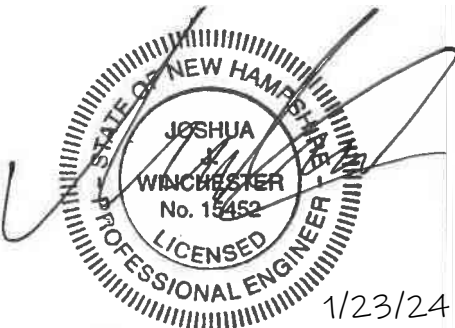
1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2018 IBC



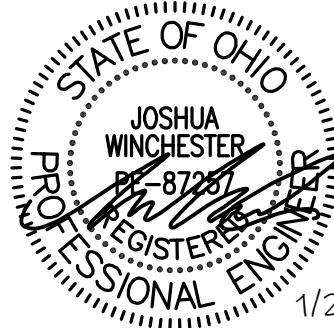
1/23/24

DOCUMENTS DESIGNED
AND DRAWN TO
MEET THE NINTH
EDITION OF THE MA
STATE BUILDING CODE



1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2018 IBC



1/23/24

DOCUMENTS DESIGNED AND
DRAWN TO MEET THE 2017 IBC



1/23/24

DOCUMENTS DESIGNED AND DRAWN TO
MEET THE 2018 KENTUCKY BUILDING CODE
(2015 IBC)



TAYLOR & VIOLA
STRUCTURAL ENGINEERS
P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

JCMT Associates, PLLC
211 Stone Drive, Pilot Mountain, NC 27041
Telephone: (336) 399-6277

**NC CARPORTS
& GARAGES**

116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621
TELE: 336-368-0668

DRAWN BY:
BKS

PROJECT NO:
MISC

DATE:
01.23.24

SHEET NO:
S1

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

SHEET INDEX

SHEET NUMBER	SHEET TITLE
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S1	P.E. SEALS SHEET
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S5	TYPICAL RAFTER / COLUMN FRAME SECTIONS
S5A	TYPICAL RAFTER / COLUMN FRAME SECTIONS
S5B	TYPICAL RAFTER / COLUMN FRAME AND SIDE FRAMING SECTION
S6	COLUMN CONNECTION DETAILS (LACED COLUMN)
S6A	COLUMN CONNECTION DETAILS (DOUBLE AND SINGLE COLUMN)
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S7E	BASE RAIL ANCHORAGE
S7F	BASE RAIL ANCHORAGE
S7G	BASE RAIL ANCHORAGE
S8	BASE RAIL ANCHORAGE
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S16	VERTICAL ROOF / SIDING OPTION END AND SIDE ELEVATION
S16A	VERTICAL ROOF / SIDING OPTION END SECTION
S16B	VERTICAL ROOF / SIDING OPTION SIDE SECTION
S17	SIDE WALL HEADER OPTIONS
S17A	END WALL HEADER OPTIONS



TAYLOR & VIOLA
STRUCTURAL ENGINEERS
P.O.B. 2616 HICKORY NORTH CAROLINA
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**NC AIRPORTS
& GARAGES**

116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621
TELE: 336-368-0668

DRAWN BY:
BKS

PROJECT NO:
MISC

DATE:
01.23.24

SHEET NO:
S2

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

DESIGN LOADS:

IMPORTANCE FACTORS WIND (1w) 1.00
 SNOW (1s) 1.00
 SEISMIC (1e) 1.00

DEAD LOADS ROOF 13 P.S.F.
 ROOF COLLATERAL 0 P.S.F.

LIVE LOADS ROOF 20 P.S.F.

GROUND SNOW LOAD: 35 P.S.F. * DRIFT LOAD HAS NOT BEEN CALCULATED

WIND LOAD: BASIC WIND SPEED V 145 M.P.H. (ASCE 7-16)
 EXPOSURE CATAGORY B

SEISMIC DESIGN CATAGORY ☐ A ☐ B ☒ C ☐ D

PROVIDE THE FOLLOWING SEISMIC DESIGN PARAMETERS:

OCCUPANCY CATEGORY I *NOT FOR SLEEPING QUARTERS

SPECTRAL RESPONSE ACCELERATION Ss 20.5 %g S1 8.8 %g

SITE CLASSIFICATION D ☐ FIELD TEST ☐ PRESUMPTIVE ☐ HISTORICAL DATA

BASIC STRUCTURAL SYSTEM (CHECK ONE)

☐	BEARING WALL	☐	DUAL W/ SPECTRAL MOMENT FRAME
☒	BUILDING FRAME	☐	DUAL W/ INTERMEDIATE R/C OR SPECIAL STEEL
☐	MOMENT FRAME	☐	INVERTED PENDULUM

ANALYSIS PROCEDURE ☐ SIMPLIFIED ☒ EQUIVALANT LATERAL FORCE ☐ MODAL

LATERAL DESIGN CONTROL? ☐ EARTHQUAKE ☒ WIND

SOIL BEARING CAPACITIES:
 PRESUMPTIVE BEARING CAPACITIES: 2,000 P.S.F.

GENERAL NOTES:

1. MAX FRAME SPACING SHALL BE 60"oc UNLESS NOTED OTHERWISE.
2. MAX. END-WALL COLUMN SPACING SHALL BE 60"oc UNLESS NOTED OTHERWISE.
3. TUBE MATERIAL SHALL BE 2-1/2" x 2-1/2" x 14ga. 50 K.S.I. MIN. UNLESS NOTED OTHERWISE.
4. ALL FASTENERS SHALL BE (2) #12 SELF TAPPING AT 9"o.c. UNLESS NOTED OTHERWISE.
5. 2,000 P.S.F. ASSUMED BEARING CAPACITY UNLESS NOTED OTHERWISE.
6. THESE DRAWINGS ARE NOT APPLICABLE TO PARTIALLY OPEN / ENCLOSED OR OPEN BUILDINGS.
7. IF FRAME SPACING IS AT 48"oc (SIDE & END WALLS) - GROUND SNOW LOAD CAN INCREASE TO 43.5 P.S.F. (EXCLUDING DRIFT).



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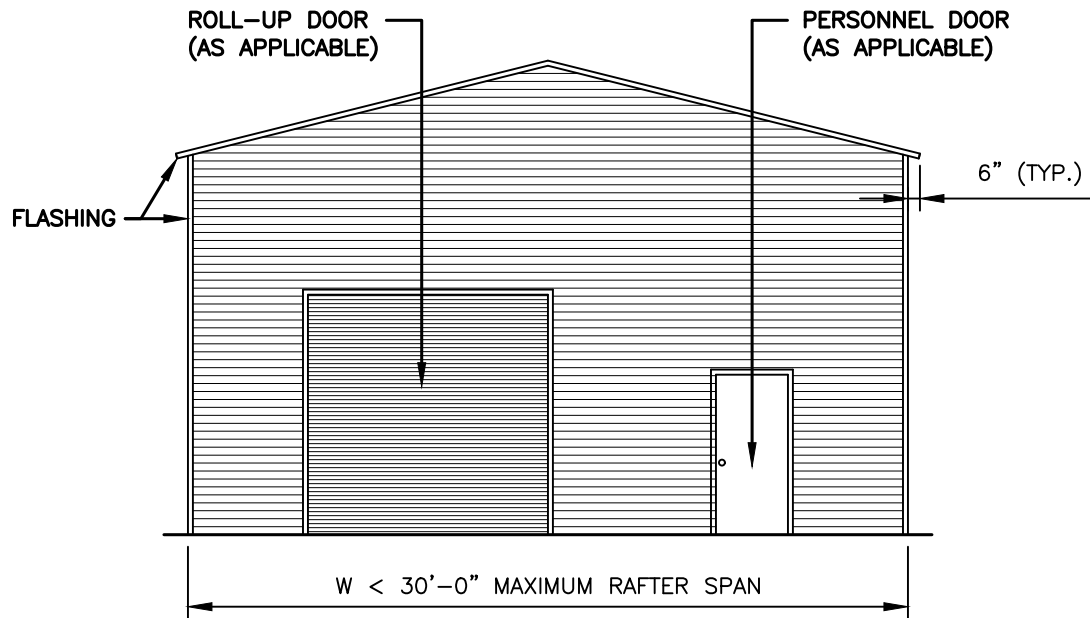
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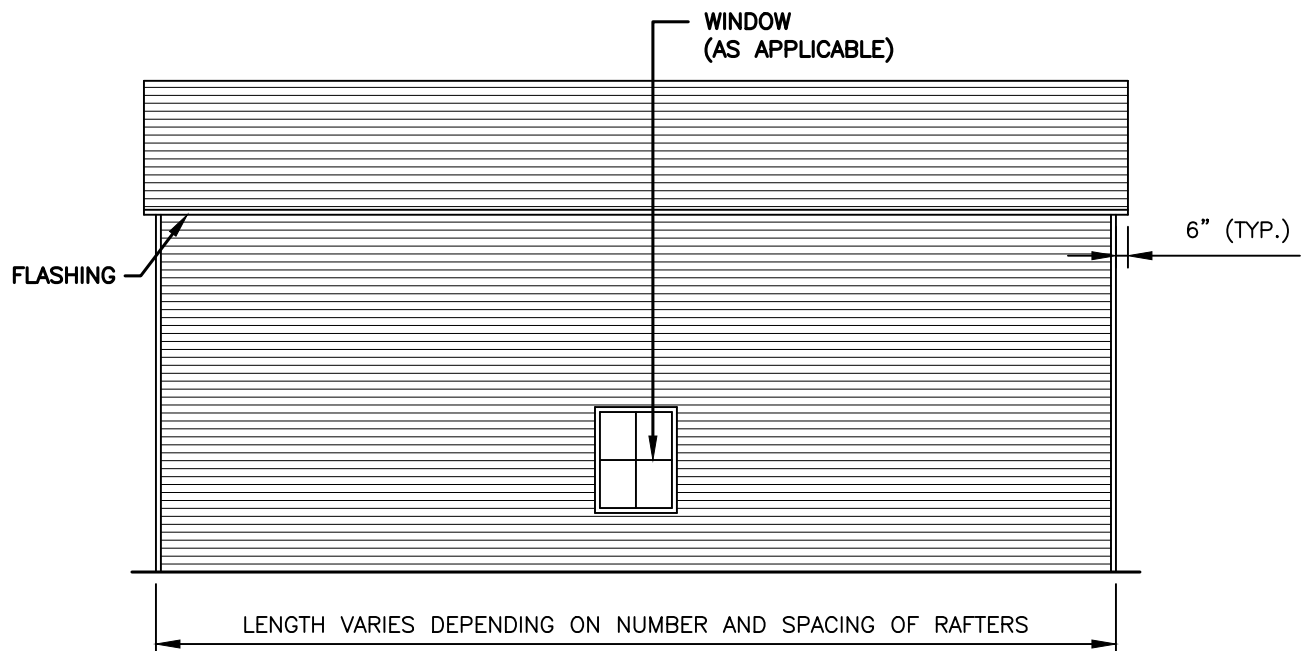
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BOX EVE FRAME RAFTER STRUCTURE



TYPICAL END ELEVATION



TYPICAL SIDE ELEVATION



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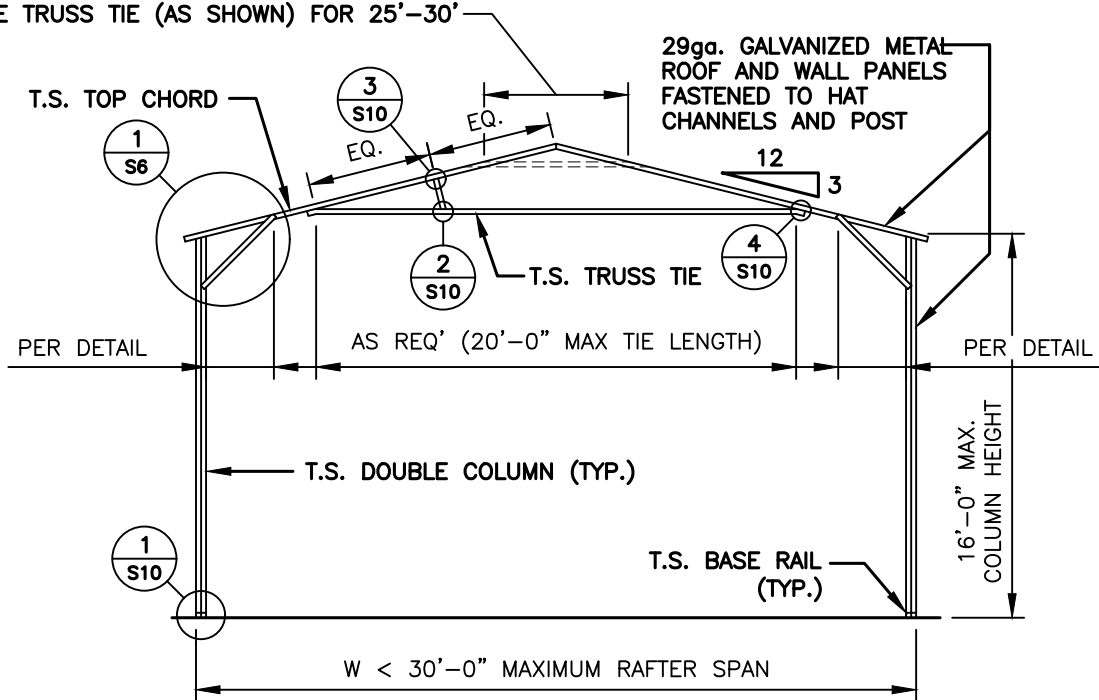
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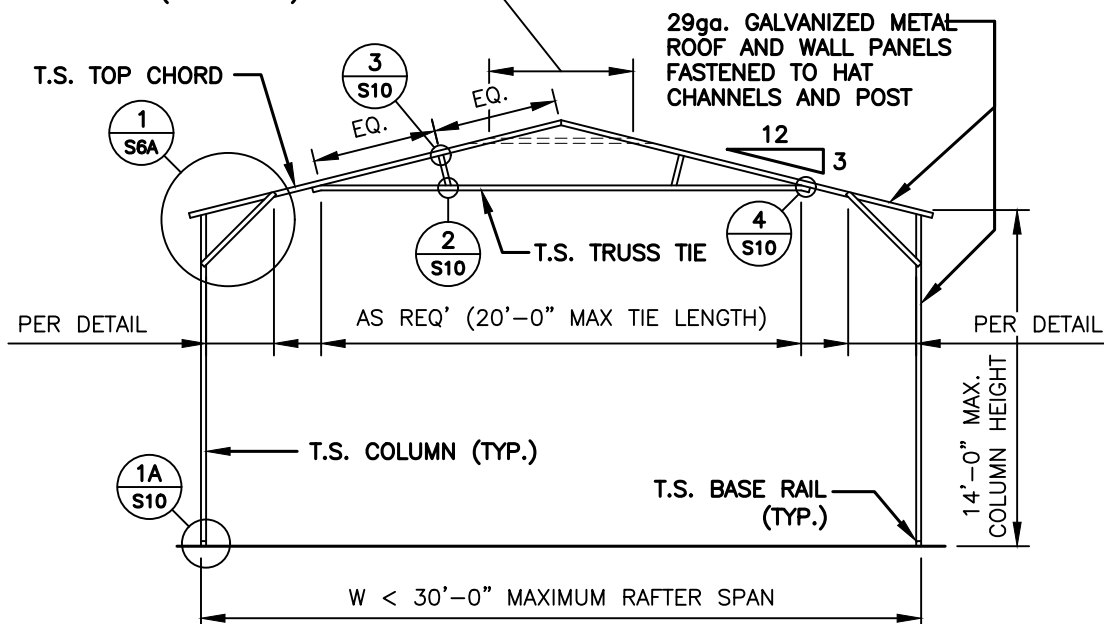
'U' BRACE TRUSS TIE - NOTE:
 6'-0" BRACE FOR 21'-24' BUILDING WIDTH
 20' TUBE TRUSS TIE (AS SHOWN) FOR 25'-30'



TYPICAL RAFTER / COLUMN FRAME SECTION

'U' BRACE TRUSS TIE - NOTE:
 6'-0" BRACE FOR 21'-24' BUILDING WIDTH
 20' TUBE TRUSS TIE (AS SHOWN) FOR 25'-30'

NOTE:
 H.S.S. 2-1/2"x2-1/2"x14ga. OR 2-1/4"x2-1/4"x14ga.
 MATERIAL MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN FRAME SECTION



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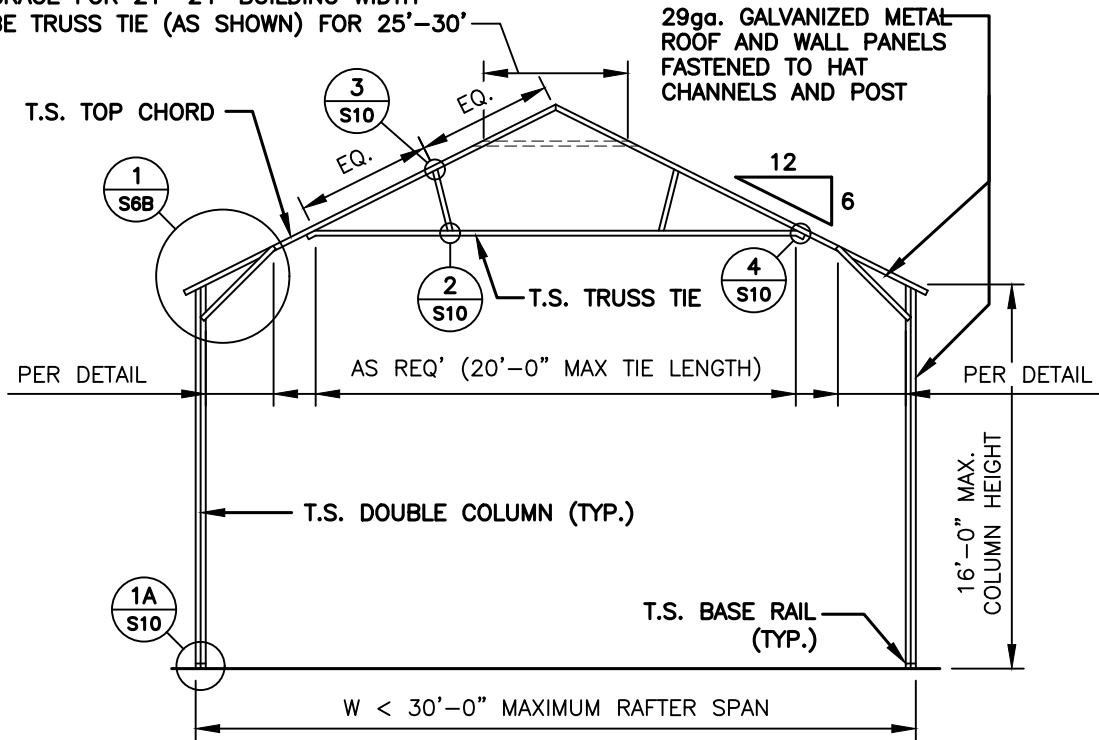
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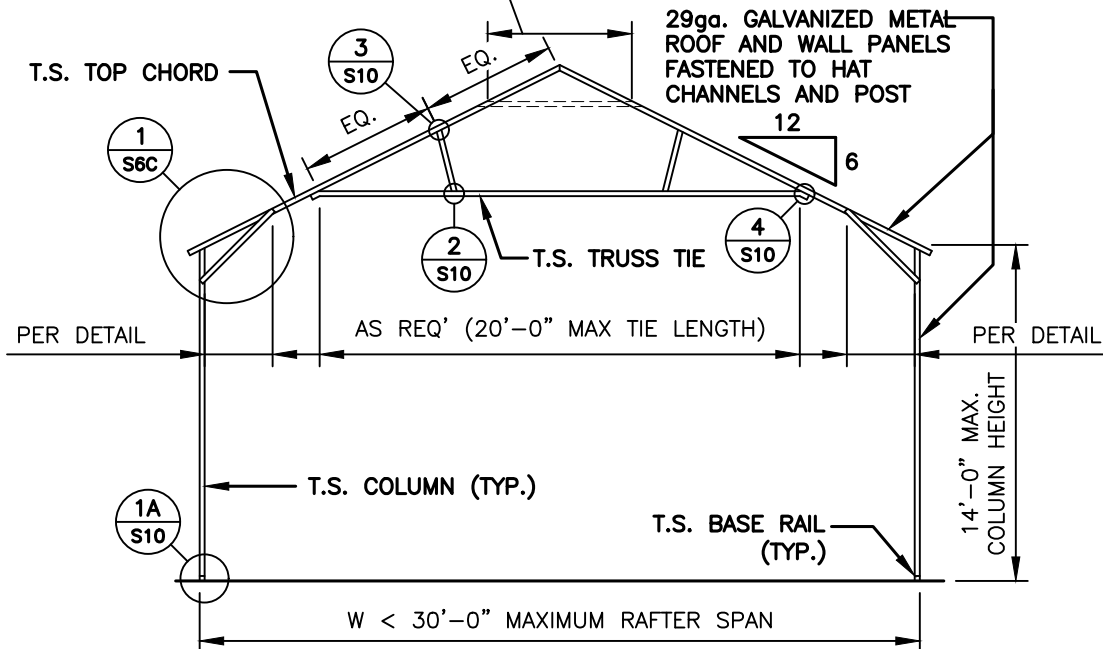
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 20' TUBE TRUSS TIE (AS SHOWN) FOR 25'-30'



TYPICAL RAFTER / COLUMN FRAME SECTION

'U' BRACE TRUSS TIE - NOTE:
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 20' TUBE TRUSS TIE (AS SHOWN) FOR 25'-30'

NOTE:
 H.S.S. 2-1/2"x2-1/2"x14ga. OR 2-1/4"x2-1/4"x14ga.
 MATERIAL MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN FRAME SECTION



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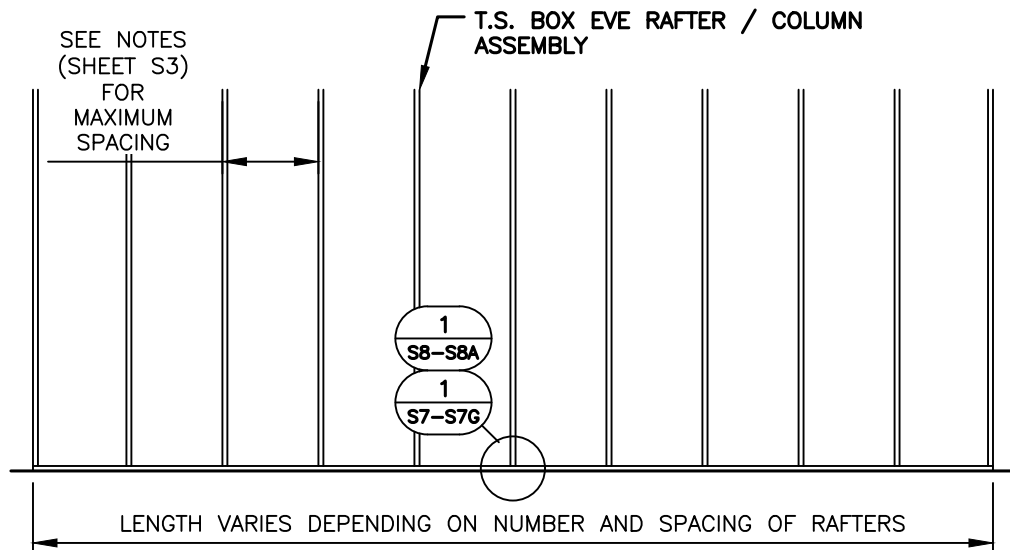
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NOTE:
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2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN SIDE FRAME SECTION



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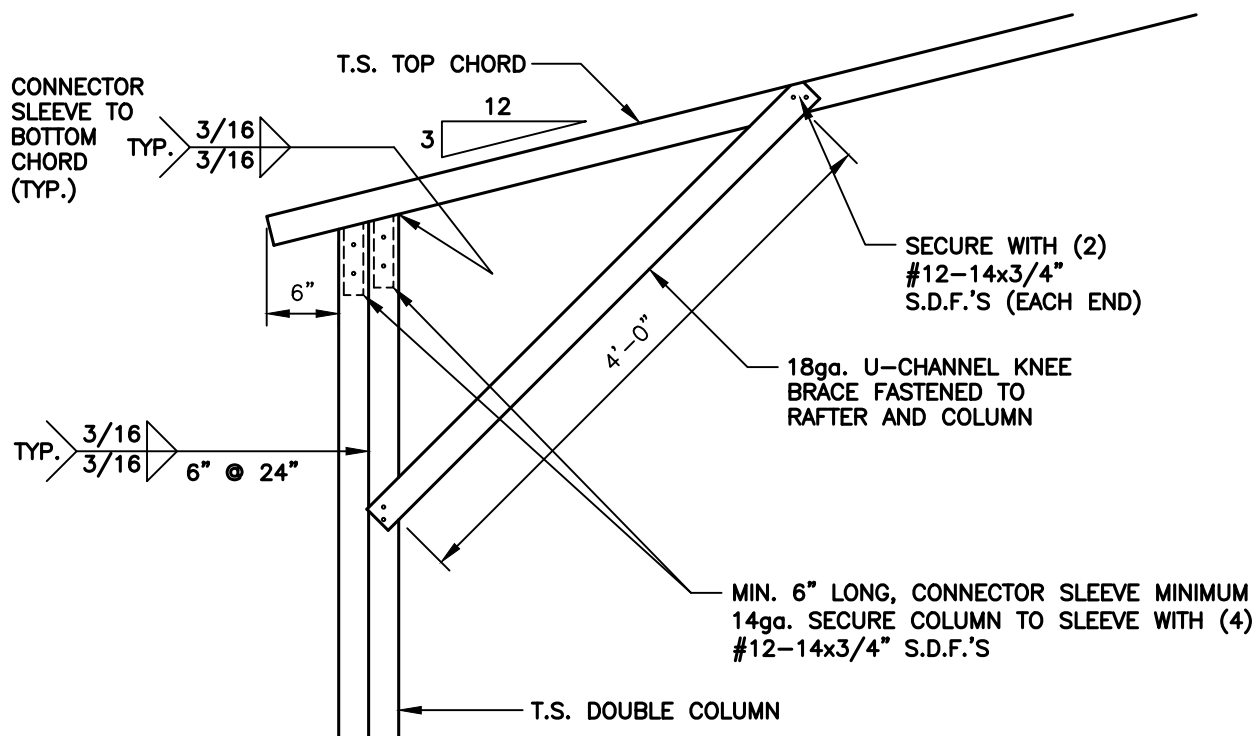
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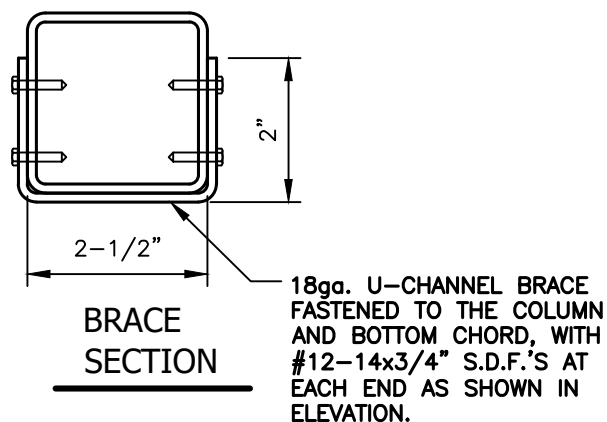
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1 BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHT.S. 14'-1" < TO
S6 SCALE: 1/8" = 1'-0"



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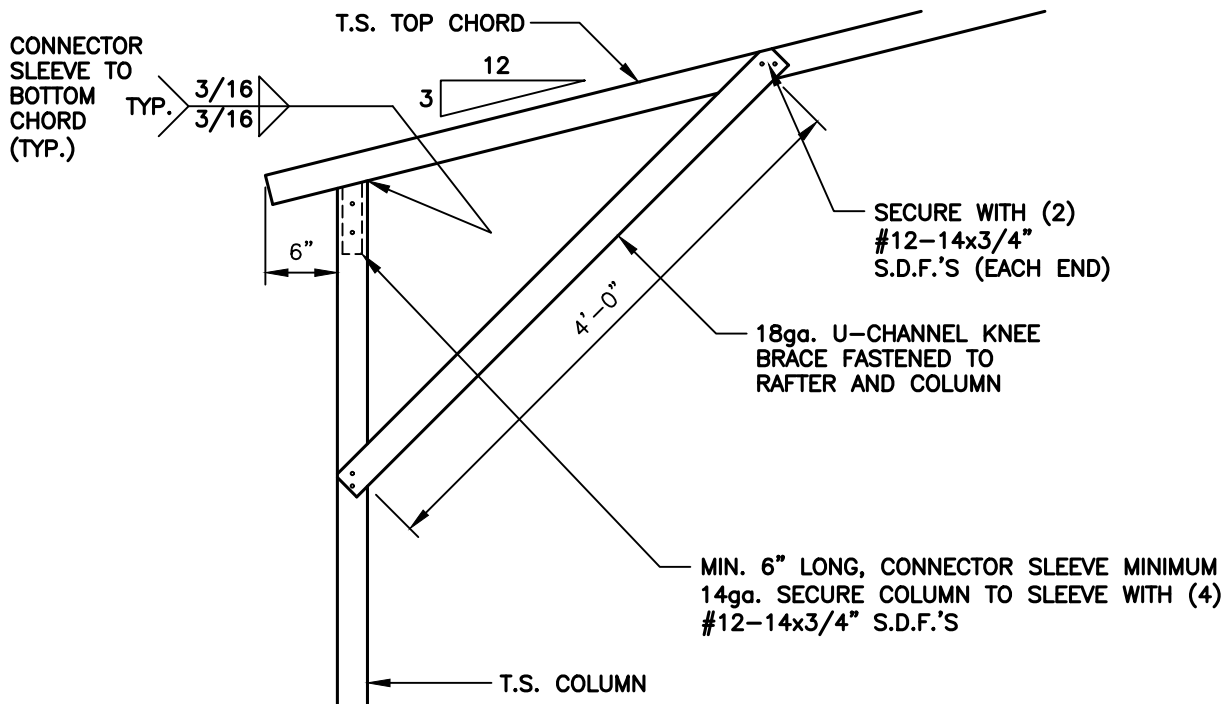
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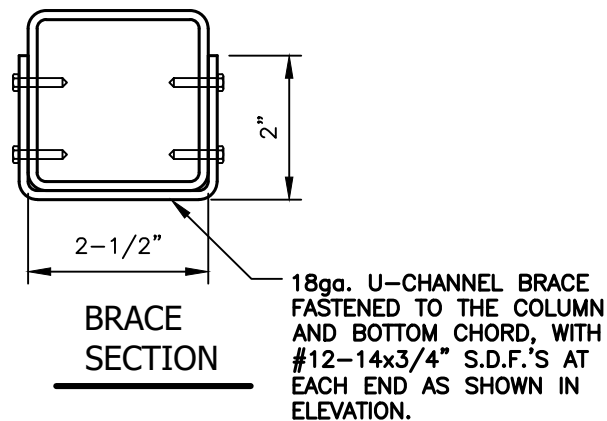
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1 BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHT.S. < 14'-0"

S6A

SCALE: 3/4" = 1'-0"



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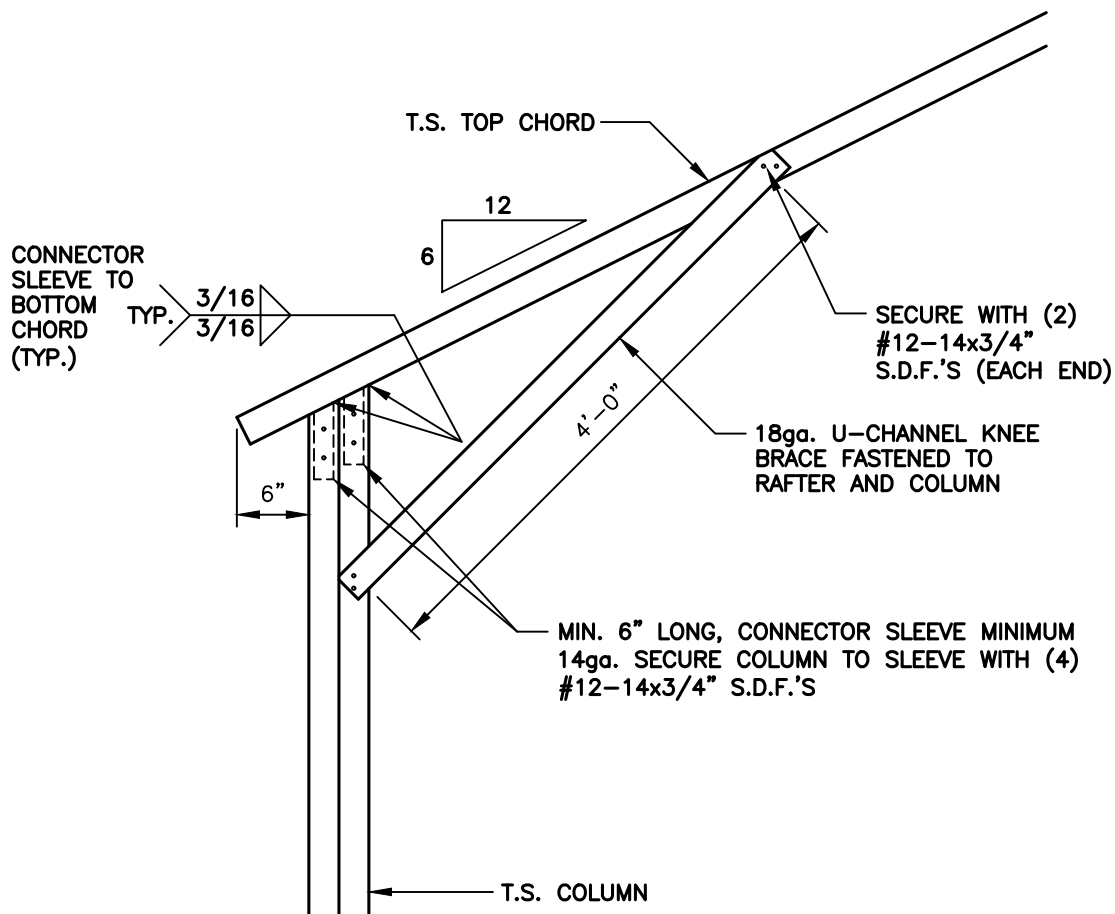
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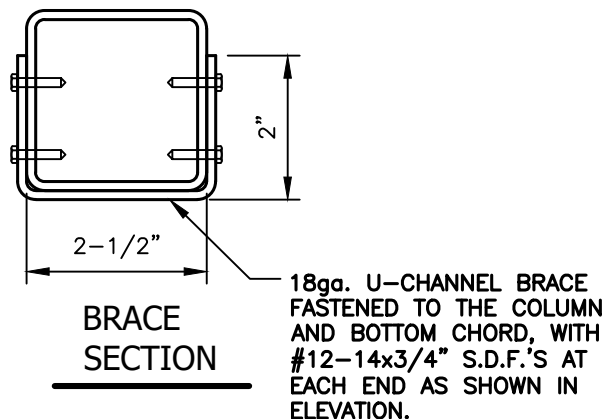
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S6A

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1 BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHT.S. 14'-1" < TO
 S6C SC 16'-0" = 1'-0"



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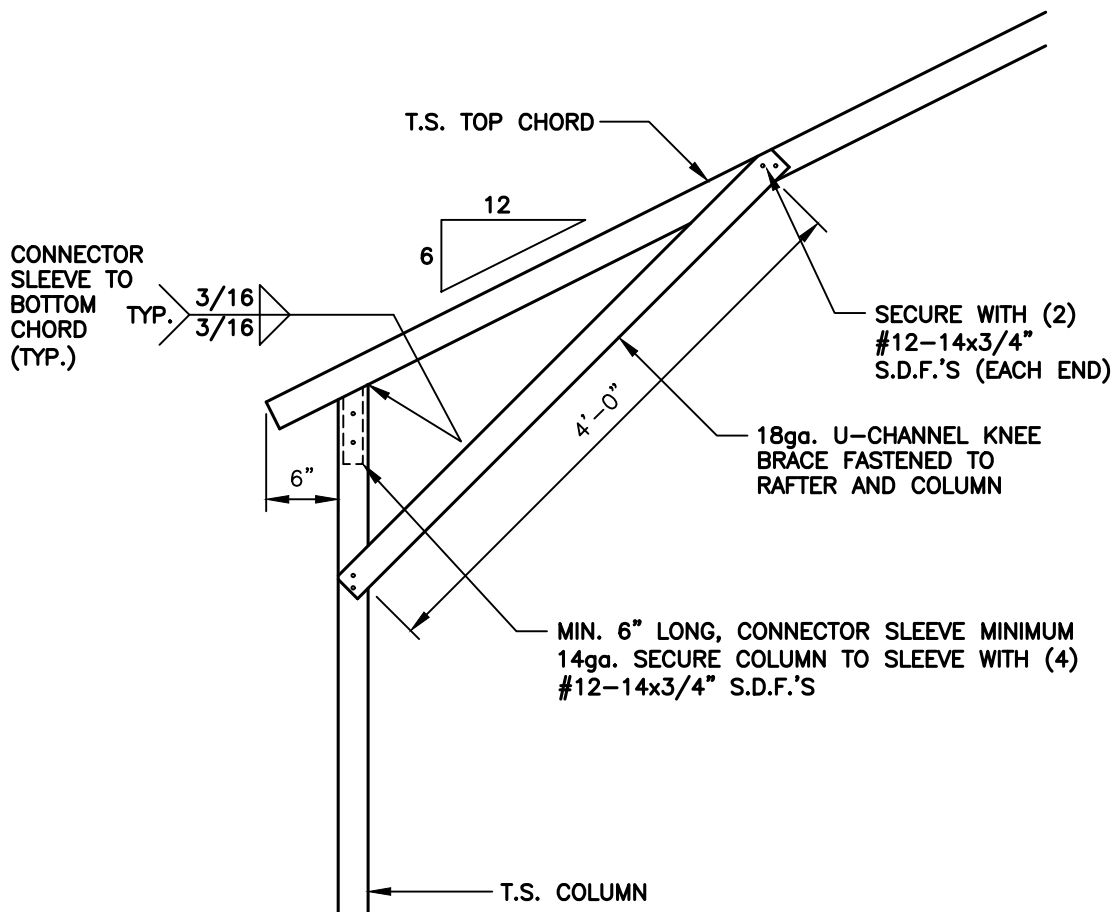
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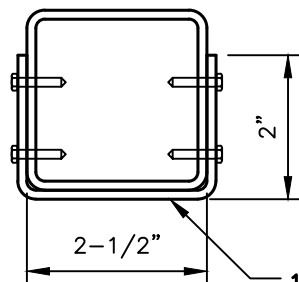
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1 BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHT.S. < 14'-0"

S6C

SCALE: 3/4" = 1'-0"



BRACE SECTION

18ga. U-CHANNEL BRACE FASTENED TO THE COLUMN AND BOTTOM CHORD, WITH #12-14x3/4" S.D.F.'S AT EACH END AS SHOWN IN ELEVATION.



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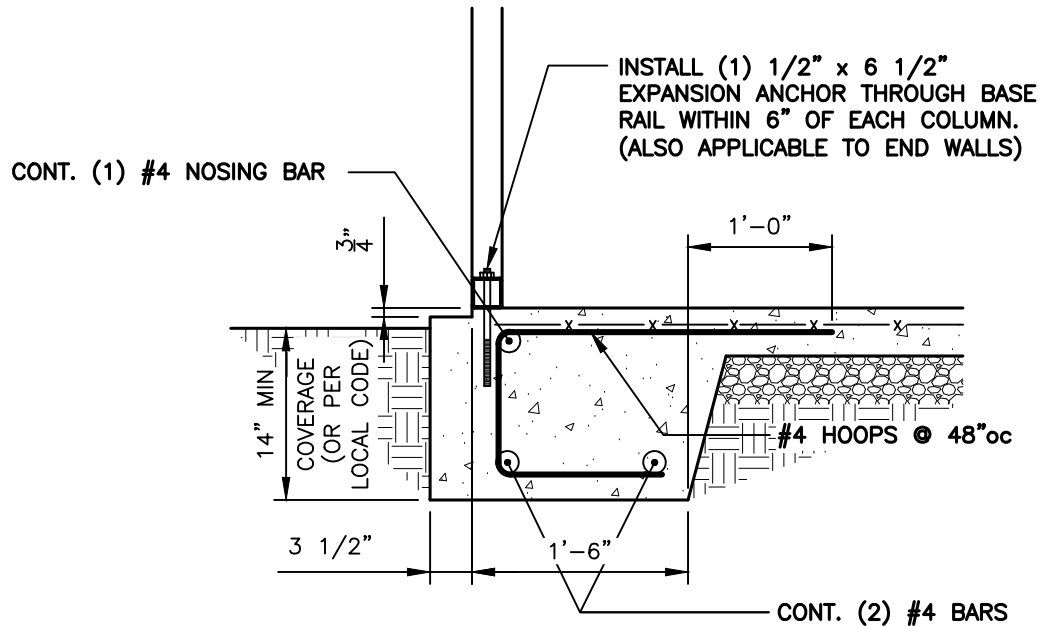
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CONCRETE BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318: 3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

REINFORCEMENT MAT BE BENT IN THE SHOP OF THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



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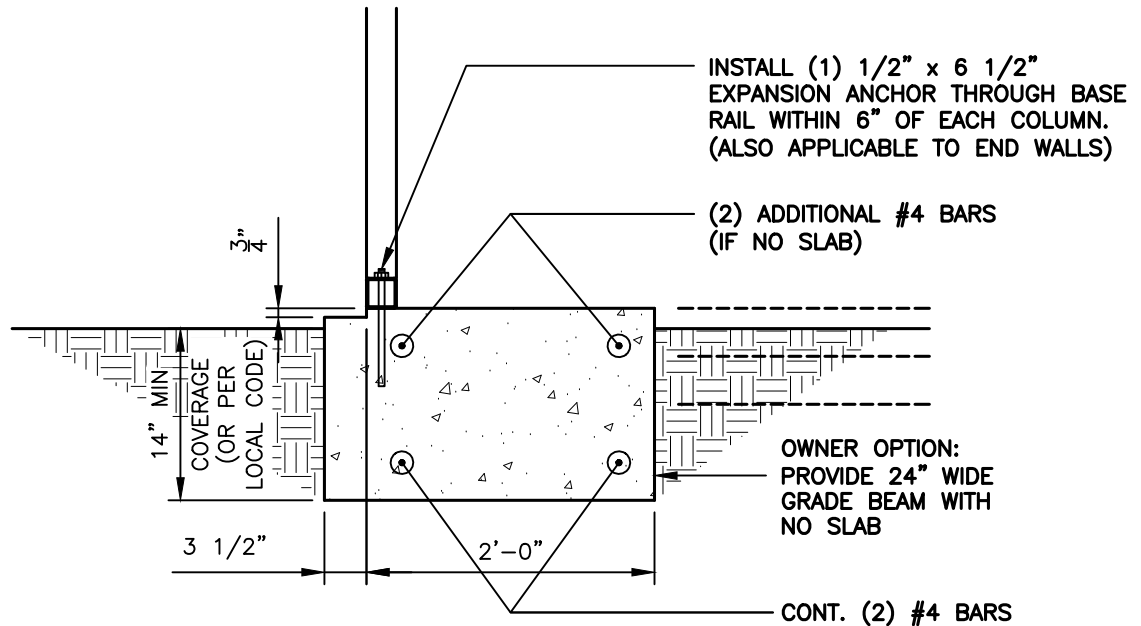
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CONCRETE BASE RAIL ANCHORAGE (NO SLAB)



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

COVER OVER REINFORCING STEEL:

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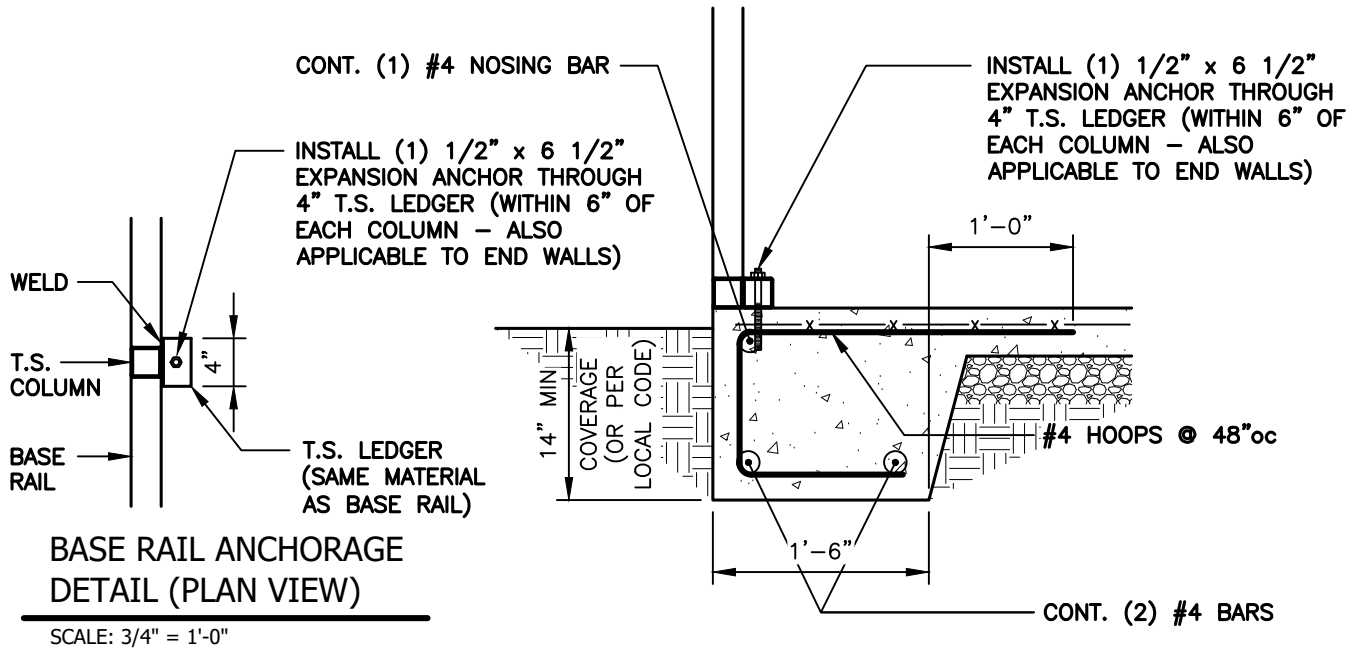
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CONCRETE BASE RAIL ANCHORAGE



GENERAL NOTES:

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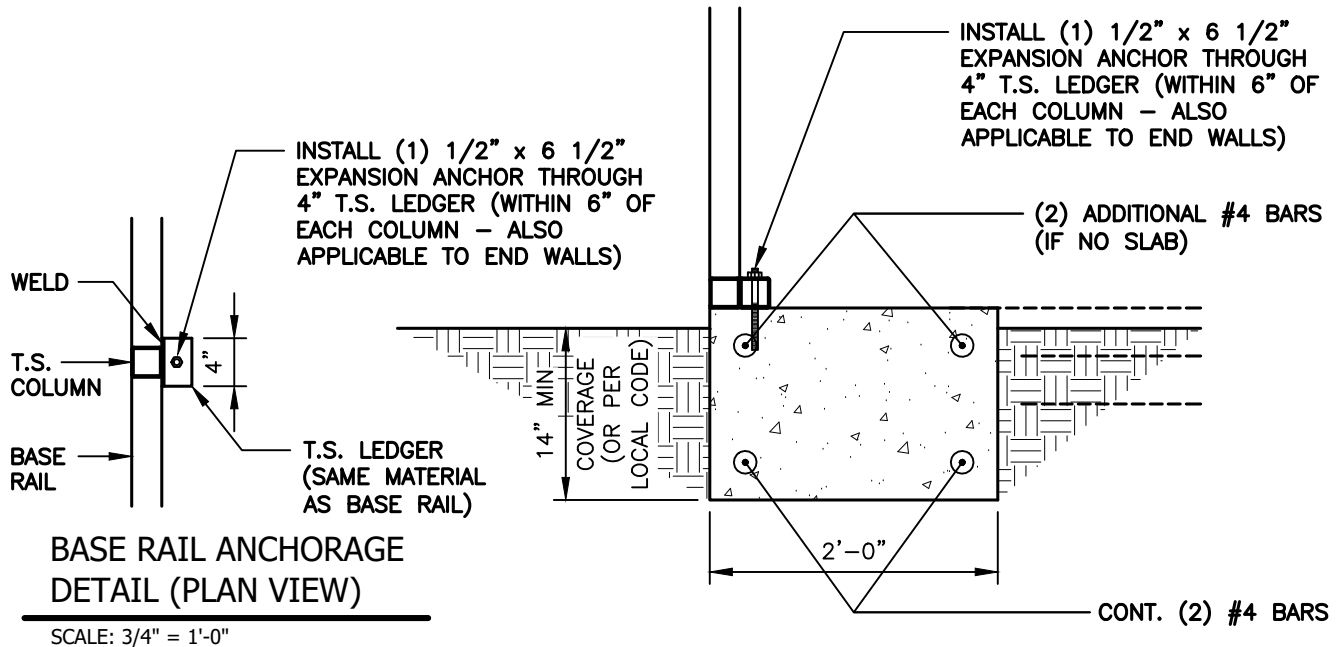
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CONCRETE BASE RAIL ANCHORAGE (NO SLAB)



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

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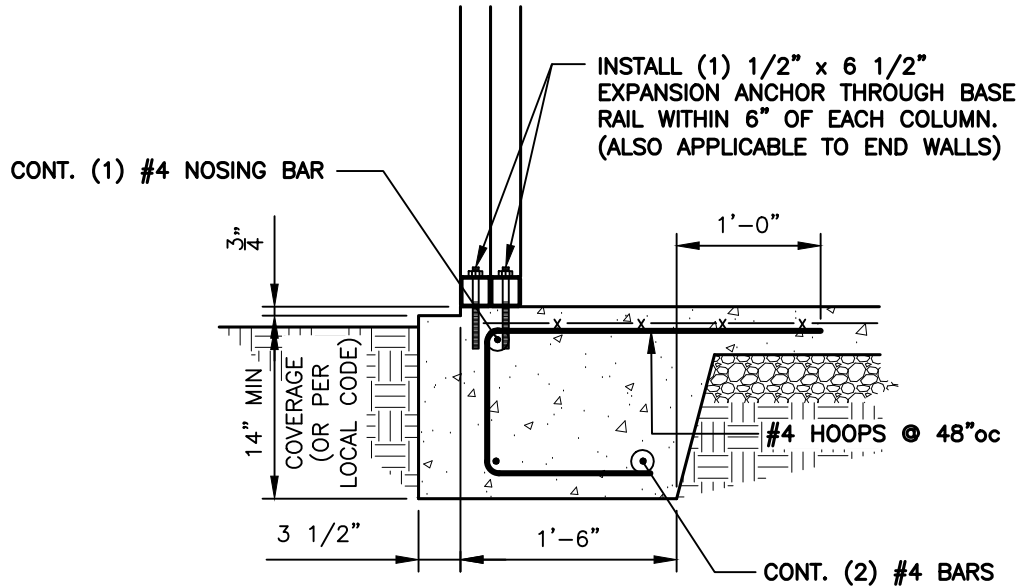
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CONCRETE BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

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CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

COVER OVER REINFORCING STEEL:

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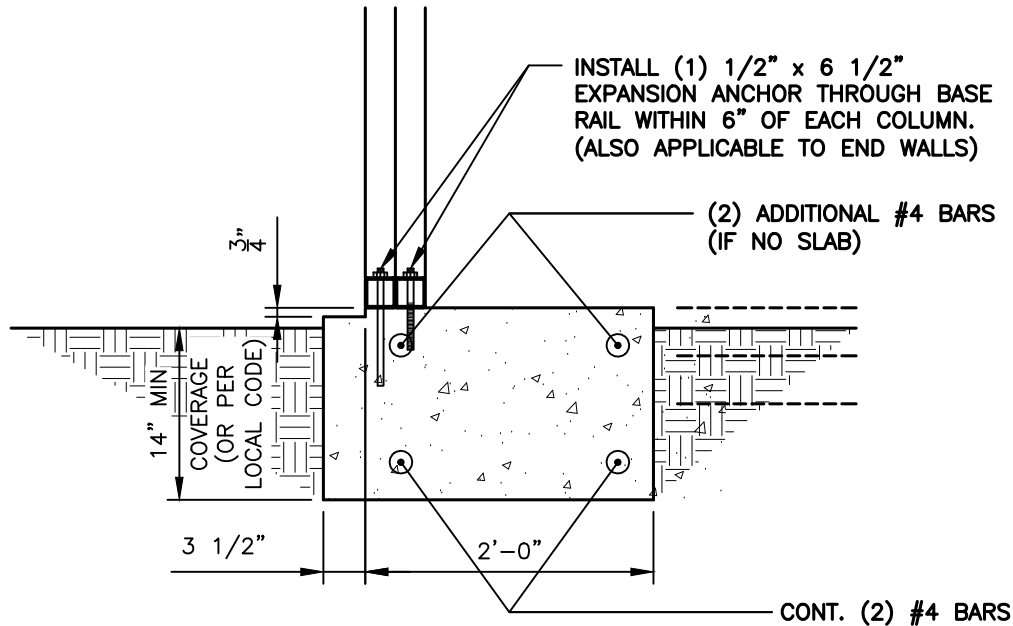
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CONCRETE BASE RAIL ANCHORAGE (NO SLAB)



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318: 3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

REINFORCEMENT MAT BE BENT IN THE SHOP OF THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



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TELE: 336-368-0668

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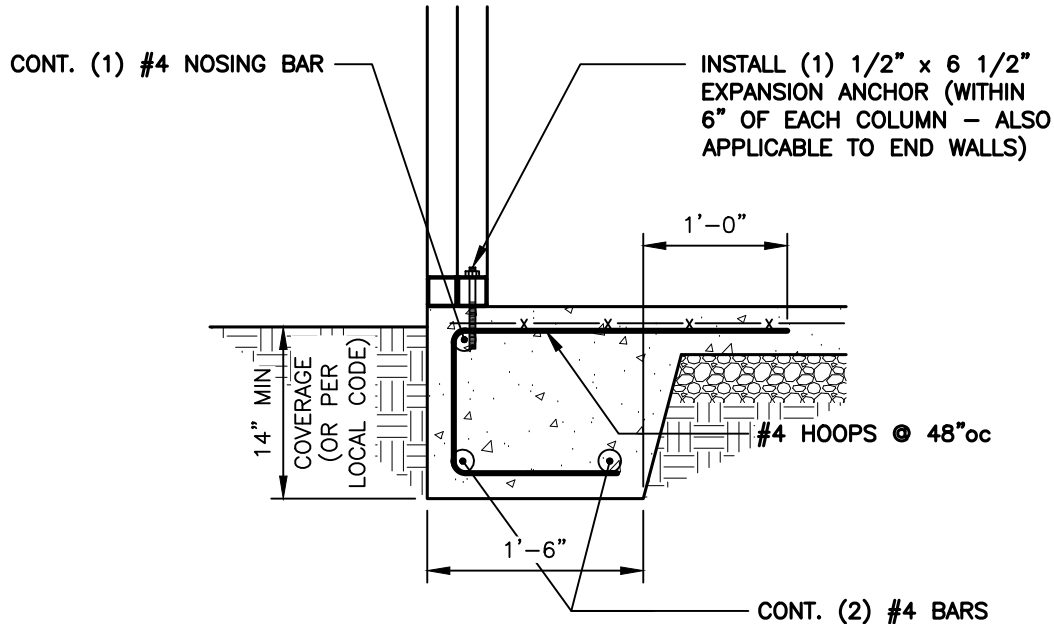
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MISC

SHEET NO:
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CONCRETE BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

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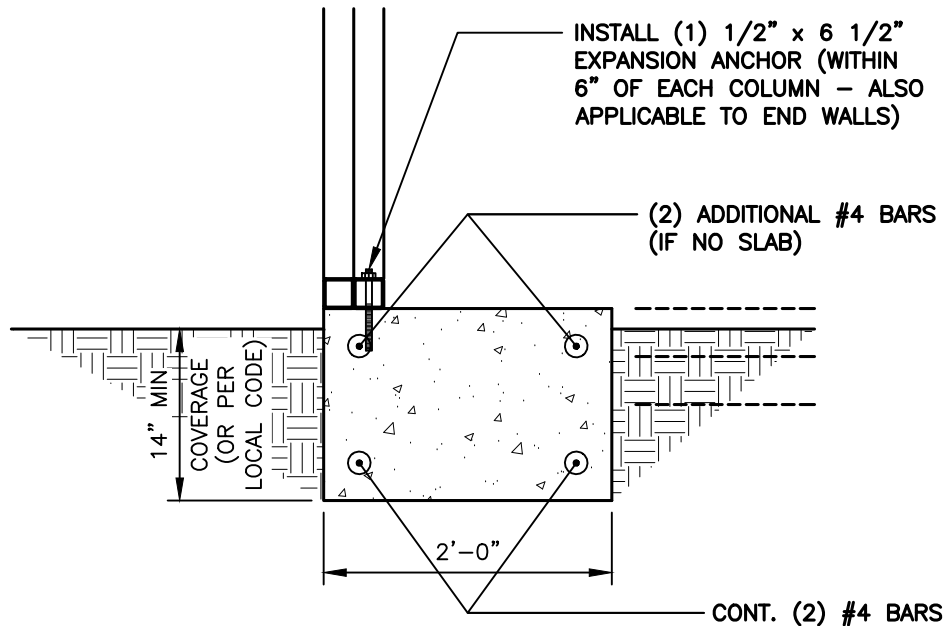
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CONCRETE BASE RAIL ANCHORAGE (NO SLAB)



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 P.S.F.

CONCRETE:

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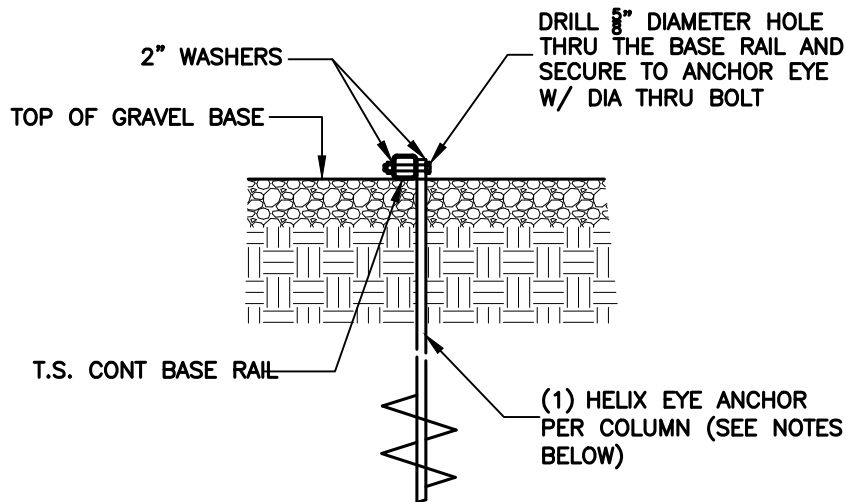
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SOIL NAIL BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

HELIX EMBEDMENT INFORMATION:

FOR VERY DENSE OR CEMENTED SANDS, COARSE GRAVEL, COBBLES, CALICHE, PRELOADED SILT.S. AND CLAYS, USE MIN. (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT - ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

FOR CORAL, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT - ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

FOR MED DENSE COARSE SANDS, SANDY GRAVEL, VERY STIFF SILT.S., AND CLAYS, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT - ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

FOR LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND SILT.S., USE MIN (2) 6" HELICES WITH MINIMUM 50" EMBEDMENT - ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

FOR VERY LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFFER CLAYS AND SILT.S. AND ALLUVIAL FILL, USE MIN (2) 8" HELICES WITH MINIMUM 60" EMBEDMENT - ONE EACH END BASE RAIL AND 20'-0"oc MAX. WITH #4 REBAR AT 5'-0"oc BETWEEN.

NOTE:

IN ALL CASES, IF FROST DEPTH EXCEEDS STATED DEPTH, ANCHOR SHOULD EXTEND A MIN. OF 12" BELOW FROST LINE.



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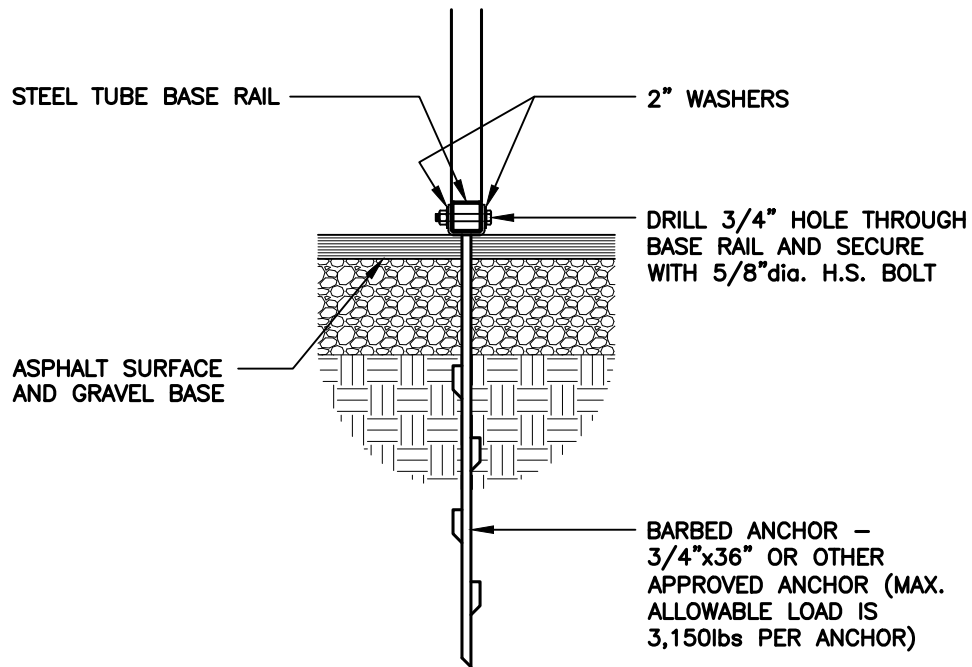
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ASPHALT ANCHOR BASE RAIL ANCHORAGE



ASPHALT / BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"



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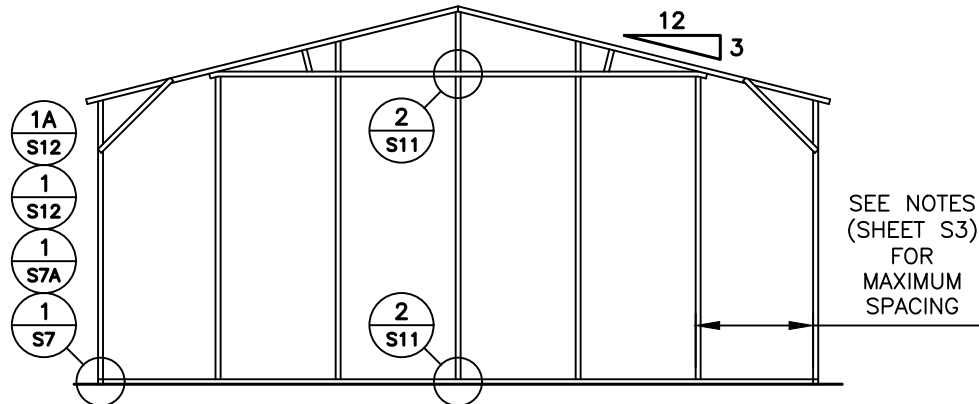
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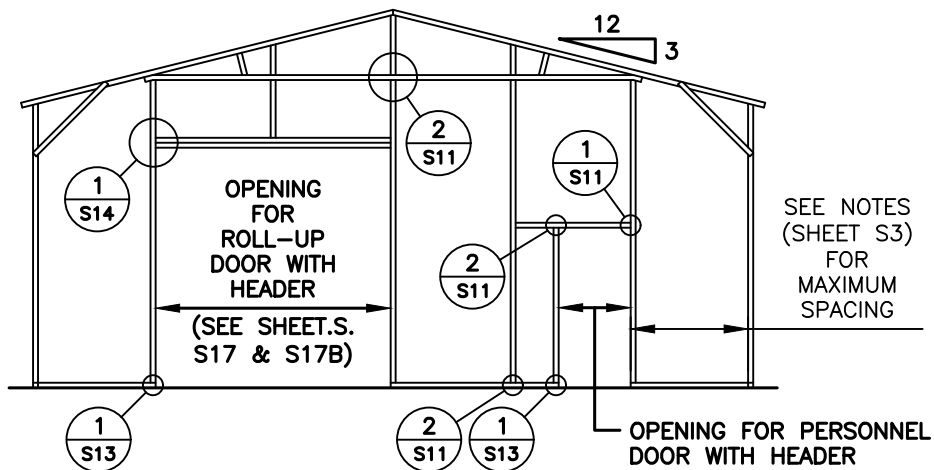
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BOX EVE RAFTER END WALL OPENINGS



TYPICAL BOX EVE RAFTER / END WALL COLUMN FRAME SECTION

NOTE:
ROLL UP DOORS SHALL
HAVE ONE JAMB EACH
SIDE + ONE FRAME
COLUMN BETWEEN OR SITE
SPECIFIC SHALL BE REQ'D.



TYPICAL BOX EVE RAFTER END WALL OPENINGS FRAMING SECTION



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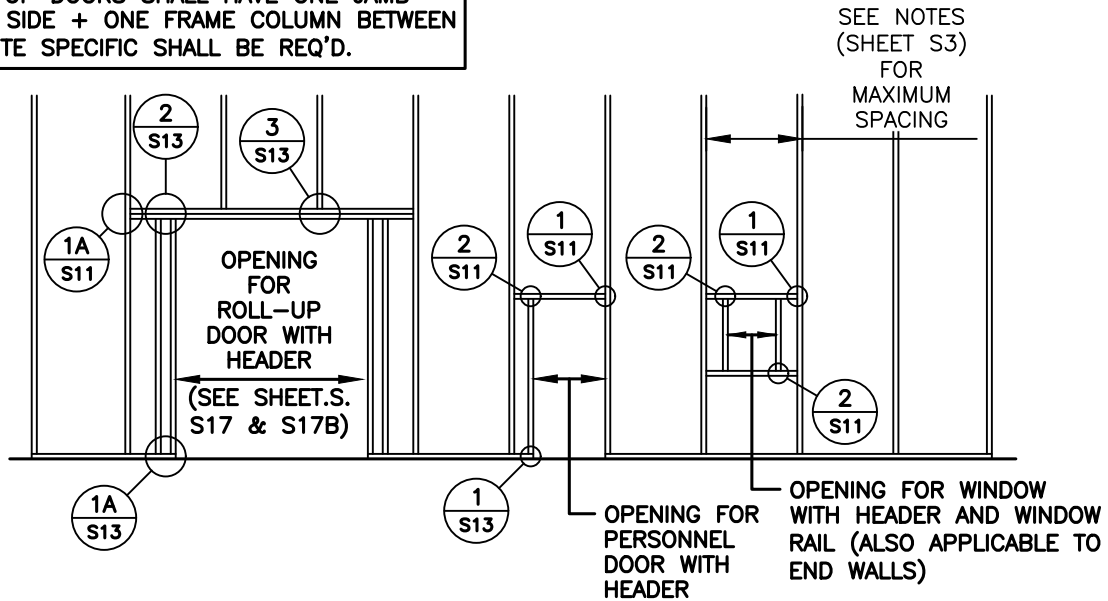
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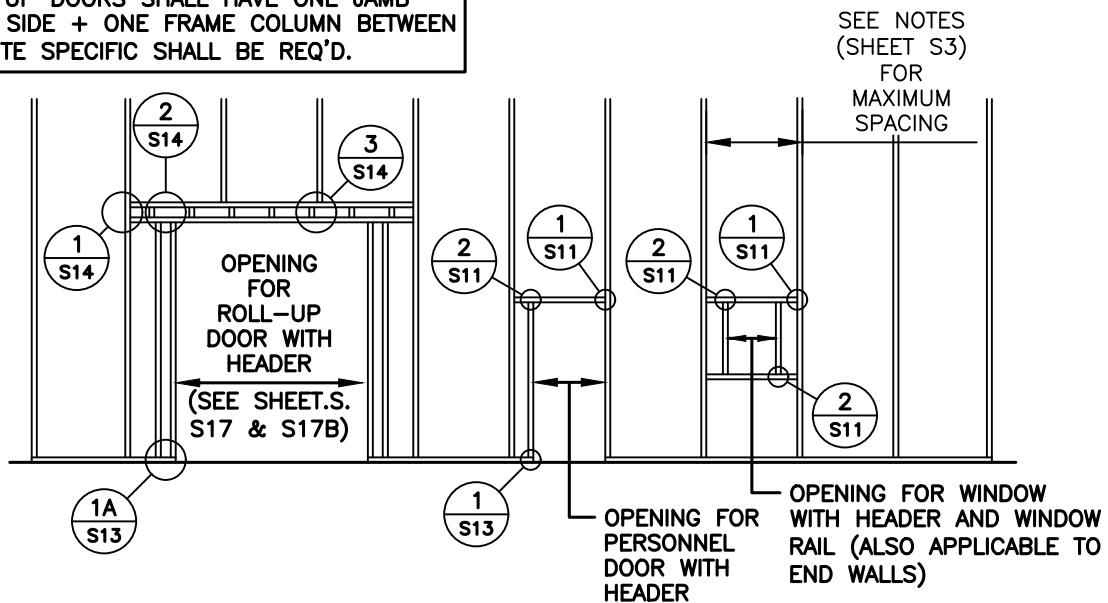
BOX EVE RAFTER END WALL AND SIDE WALL OPENINGS

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL END WALL OPENING FRAMING SECTION

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL SIDE WALL OPENING FRAMING SECTION



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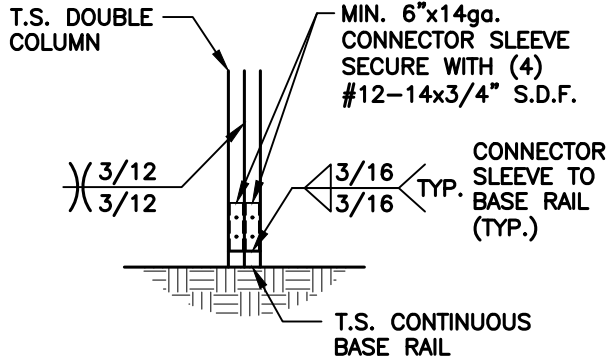
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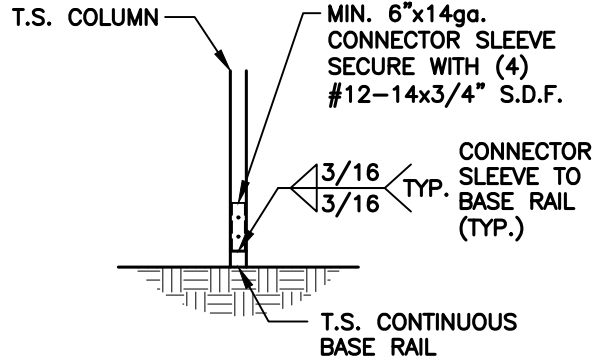
CONNECTION DETAILS



**POST / BASE RAIL
CONNECTION DETAIL**

1
S10

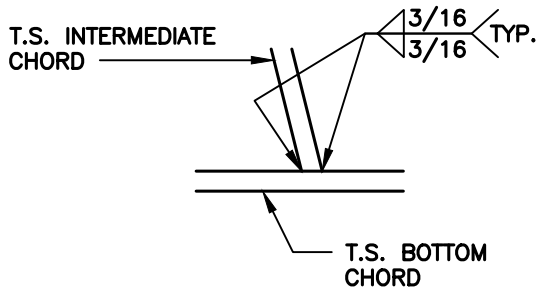
SCALE: 1/2" = 1'-0"



**POST / BASE RAIL
CONNECTION DETAIL**

1A
S10

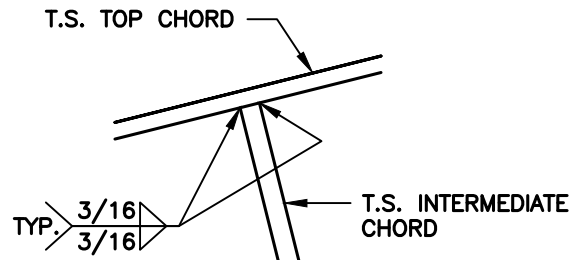
SCALE: 1/2" = 1'-0"



**INTERMEDIATE CHORD
TO BOTTOM CHORD
CONNECTION DETAIL**

2
S10

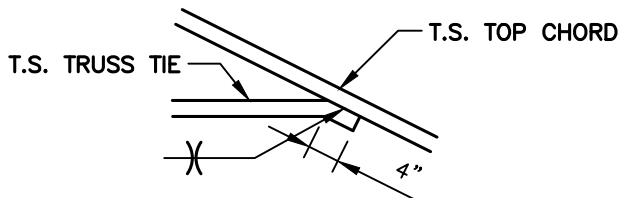
SCALE: 1/2" = 1'-0"



**INTERMEDIATE CHORD TO TOP
CHORD CONNECTION DETAIL**

3
S10

SCALE: 1/2" = 1'-0"



**TRUSS TIE
CONNECTION DETAIL**

4
S10

SCALE: 1/2" = 1'-0"



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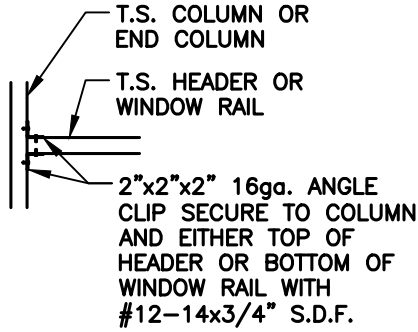
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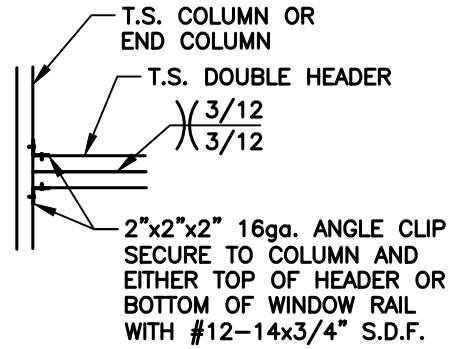
CONNECTION DETAILS



COLUMN OR WINDOW
RAIL / WALL GIRT TO POST
CONNECTION DETAIL

1
S11

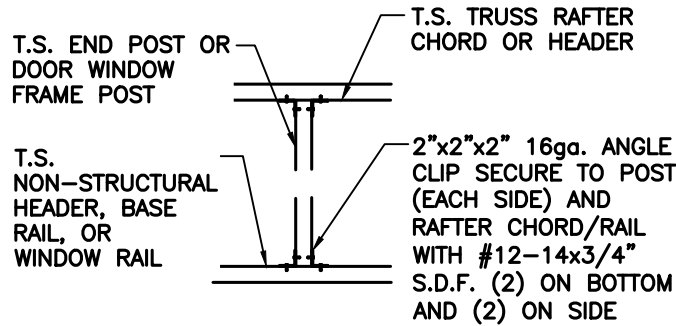
SCALE: 1/2" = 1'-0"



COLUMN / DOUBLE HEADER
CONNECTION DETAIL

1A
S11

SCALE: 1/2" = 1'-0"



DOOR OR WINDOW HEADER
RAIL TO POST CONNECTION
DETAIL

2
S11

SCALE: 1/2" = 1'-0"



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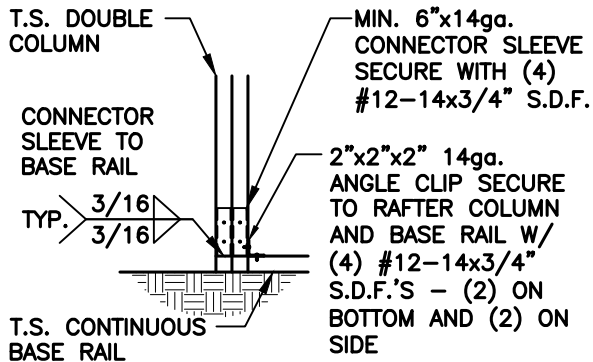
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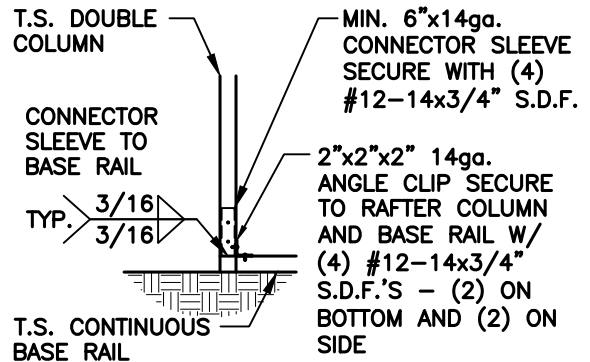
CONNECTION DETAILS



END COLUMN / BASE RAIL
CONNECTION DETAIL

1
S12

SCALE: 1/2" = 1'-0"



END COLUMN / BASE RAIL
CONNECTION DETAIL

1A
S12

SCALE: 1/2" = 1'-0"



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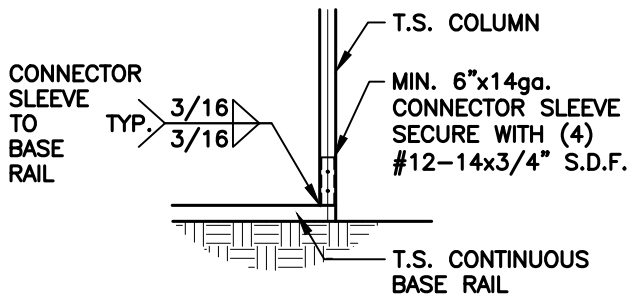
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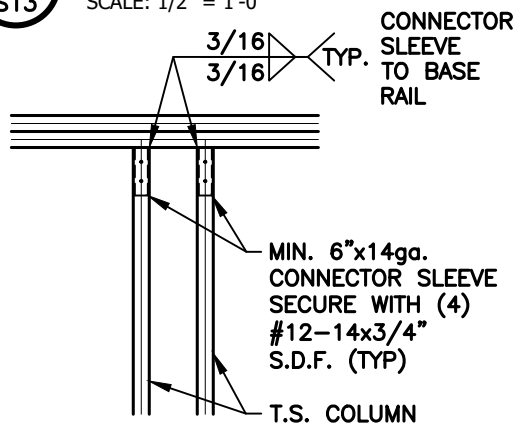
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CONNECTION DETAILS



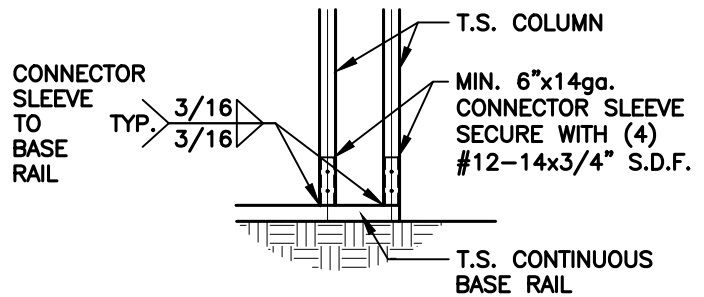
1
**COLUMN / BASE RAIL
CONNECTION DETAIL**

SCALE: 1/2" = 1'-0"



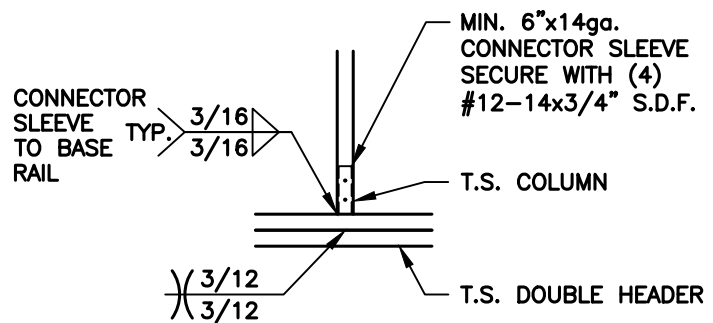
2
**DOUBLE HEADER / COLUMN
CONNECTION DETAIL**

SCALE: 1/2" = 1'-0"



1A
**COLUMN / BASE RAIL
CONNECTION DETAIL**

SCALE: 1/2" = 1'-0"



3
**COLUMN / DOUBLE HEADER
CONNECTION DETAIL**

SCALE: 1/2" = 1'-0"



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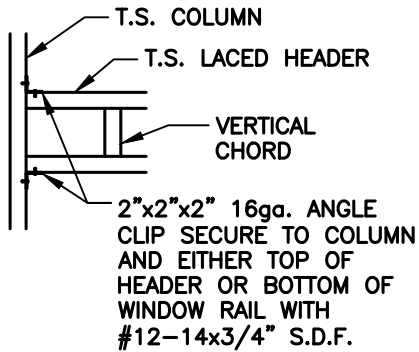
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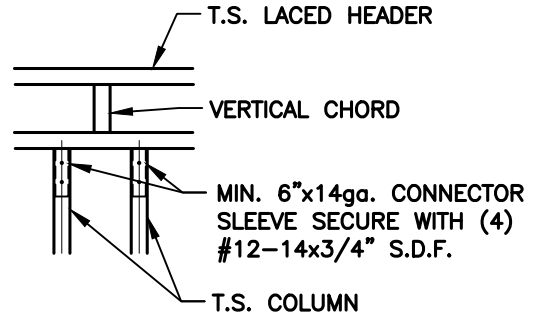
CONNECTION DETAILS



COLUMN / LACED HEADER
CONNECTION DETAIL

1
S14

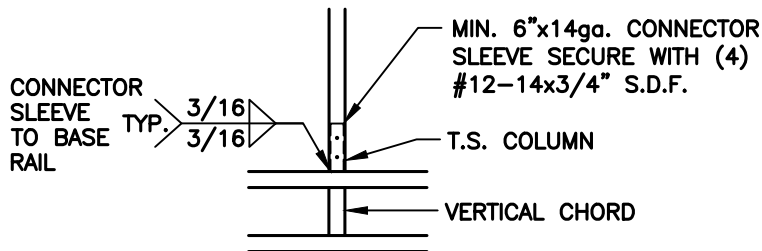
SCALE: 1/2" = 1'-0"



LACED HEADER / COLUMN
CONNECTION DETAIL

2
S14

SCALE: 1/2" = 1'-0"



COLUMN / LACED HEADER
CONNECTION DETAIL

3
S14

SCALE: 1/2" = 1'-0"



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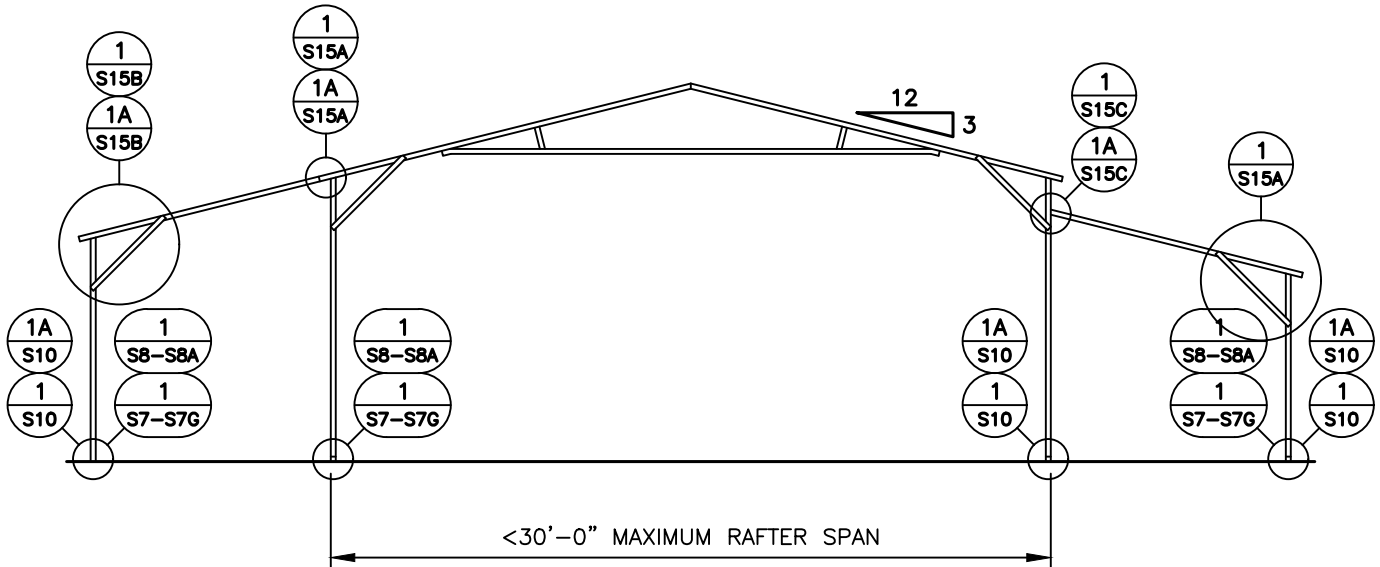
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BOX EVE RAFTER LEAN-TO OPTIONS



TYPICAL LEAN-TO OPTIONS FRAMING SECTION (BOTH OPTIONS SHOWN)

MAXIMUM WIDTH OF SINGLE MEMBER ROOF EXTENSION AND LEAN-TO OPTION IS 12'-0"

MAXIMUM WIDTH OF DOUBLE MEMBER ROOF EXTENSION AND LEAN-TO IS 15'-0"

12'-0" MAX. LEAN-TO HEIGHT WITH SINGLE COLUMN

16'-0" MAX. LEAN-TO HEIGHT WITH DOUBLE COLUMN



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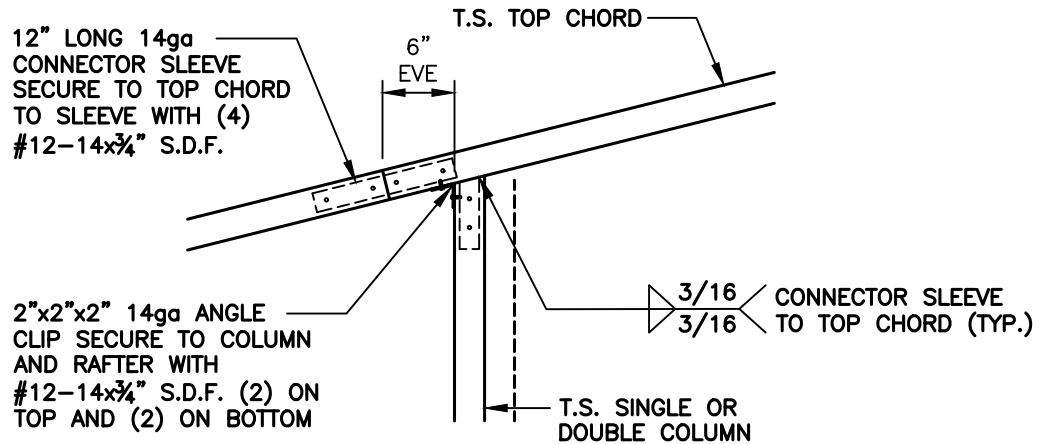
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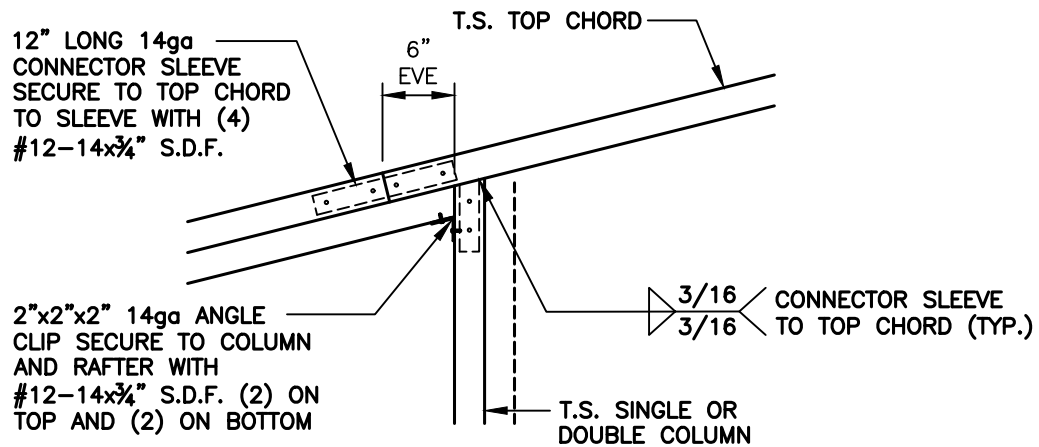
LEAN-TO CONNECTION DETAILS



ROOF EXTENSION RAFTER / CORNER POST DETAIL FOR WIDTHS < 12'-0"

1
S15A

SCALE: $\frac{3}{4}$ " = 1'-0"



ROOF EXTENSION RAFTER / CORNER POST DETAIL FOR WIDTHS < 15'-0"

1A
S15A

SCALE: $\frac{3}{4}$ " = 1'-0"



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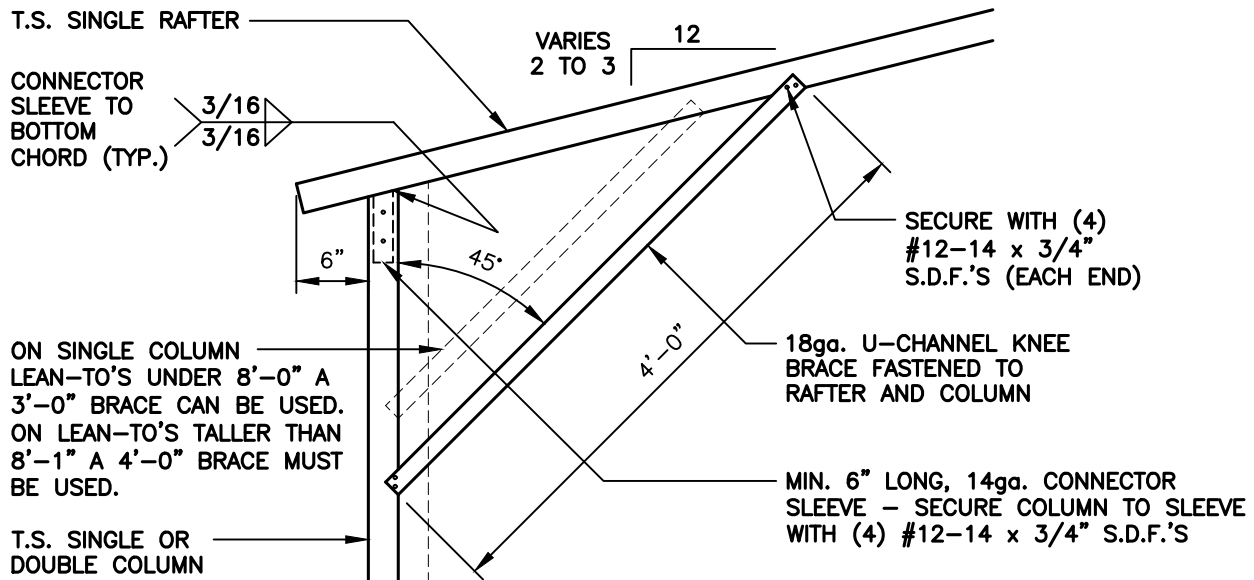
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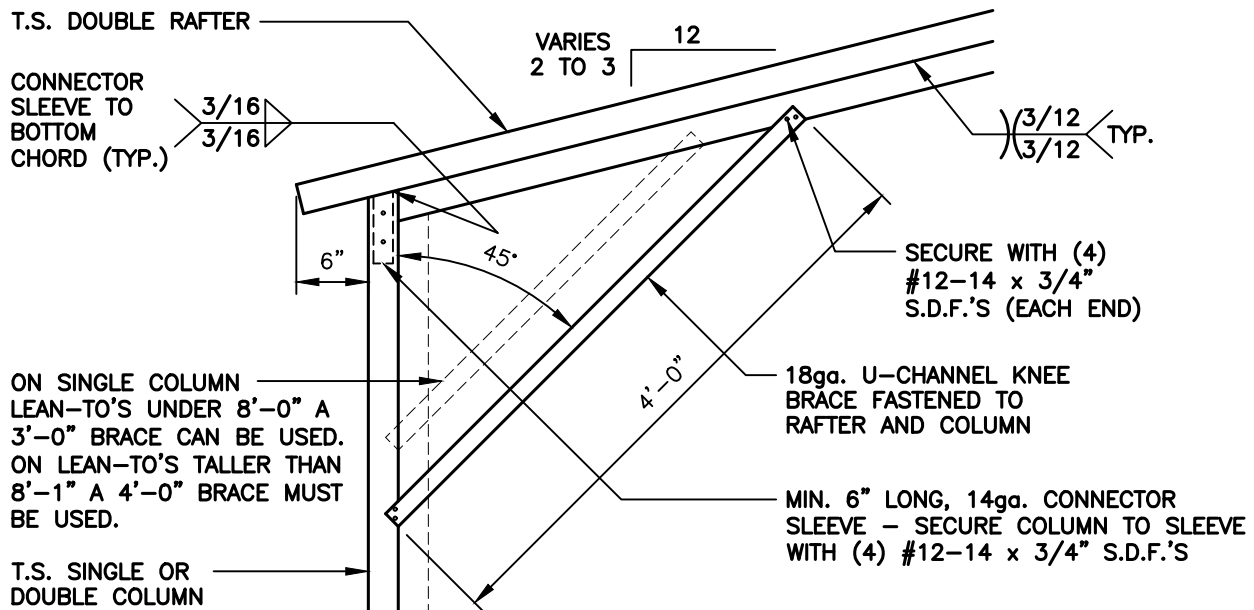
LEAN-TO CONNECTION DETAILS - SINGLE COLUMN



LEAN-TO SINGLE RAFTER / SINGLE COLUMN CONNECTION DETAIL

1
S15B

SCALE: 3/4" = 1'-0"



LEAN-TO DOUBLE RAFTER / SINGLE COLUMN CONNECTION DETAIL

1A
S15B

SCALE: 3/4" = 1'-0"



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**NC AIRPORTS
& GARAGES**

116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621
TELE: 336-368-0668

DRAWN BY:
BKS

PROJECT NO:
MISC

DATE:
01.23.24

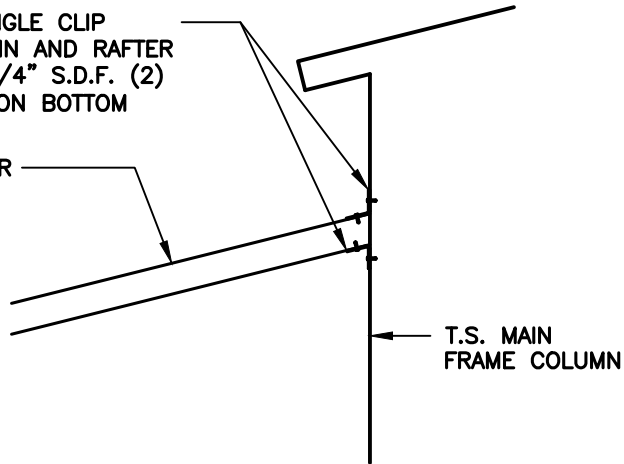
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S15B

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

LEAN-TO / MAIN FRAME CONNECTION DETAILS

2"x2"x2" 14ga. ANGLE CLIP
SECURE TO COLUMN AND RAFTER
WITH #12-14 x 3/4" S.D.F. (2)
ON TOP AND (2) ON BOTTOM

T.S. SINGLE RAFTER



LEAN-TO SINGLE RAFTER / BUILDING FRAME CONNECTION DETAIL

1
S15C

SCALE: 3/4" = 1'-0"

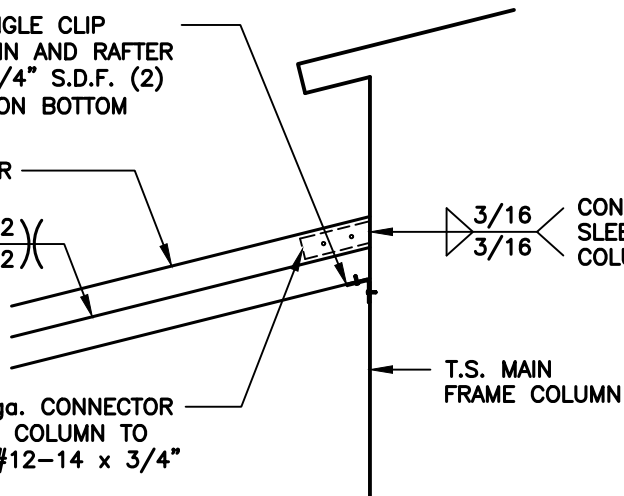
2"x2"x2" 14ga. ANGLE CLIP
SECURE TO COLUMN AND RAFTER
WITH #12-14 x 3/4" S.D.F. (2)
ON TOP AND (2) ON BOTTOM

T.S. SINGLE RAFTER

TYP. $\frac{3}{12}$ $\frac{3}{12}$

$\frac{3}{16}$ $\frac{3}{16}$ CONNECTOR
SLEEVE TO
COLUMN

MIN. 6" LONG, 14ga. CONNECTOR
SLEEVE - SECURE COLUMN TO
SLEEVE WITH (4) #12-14 x 3/4"
S.D.F.'S



LEAN-TO DOUBLE RAFTER / BUILDING FRAME CONNECTION DETAIL

1A
S15C

SCALE: 3/4" = 1'-0"



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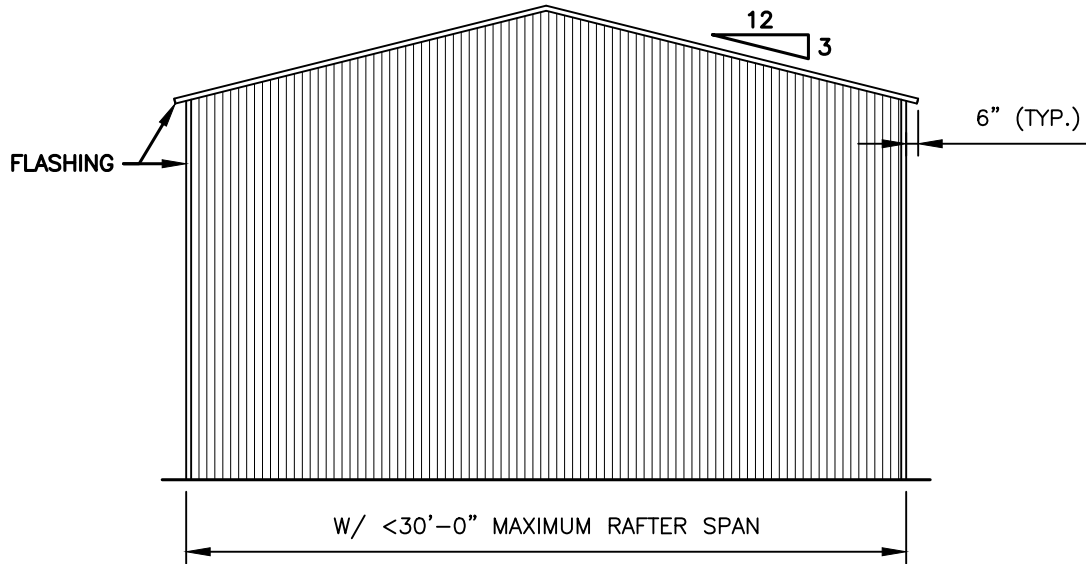
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DATE:
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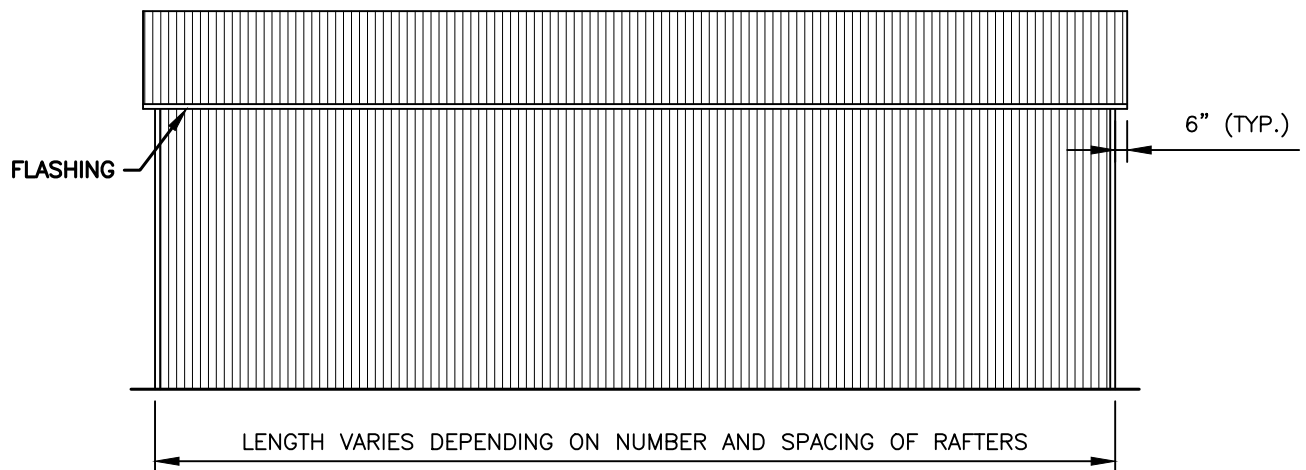
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VERTICAL ROOF / SIDING OPTION



TYPICAL END ELEVATION - VERTICAL ROOF / SIDING



TYPICAL SIDE ELEVATION - VERTICAL ROOF / SIDING



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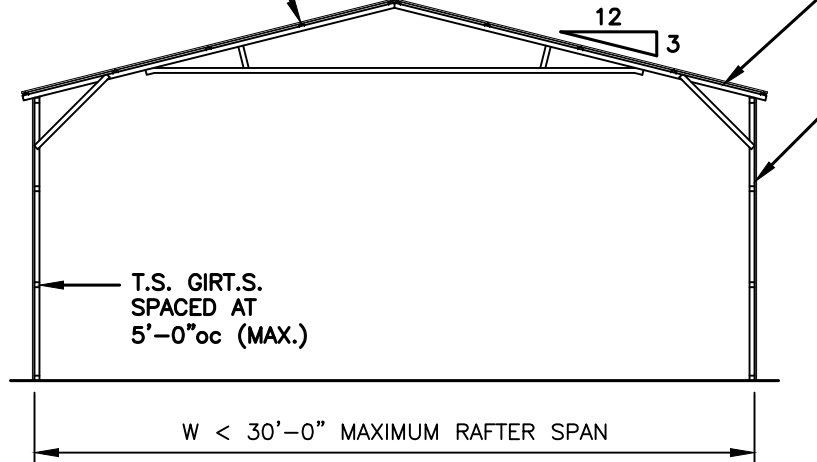
SHEET NO:
S16

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

VERTICAL ROOF / SIDING OPTION

1.125"-18ga. HAT CHANNELS
FASTENED TO EACH RAFTER
WITH (2) #12-14x $\frac{3}{4}$ " S.D.F.
SPACED AT 4'-0"oc MAX.

29ga. GALVANIZED METAL
ROOF AND WALL PANELS
FASTENED TO HAT
CHANNELS AND GIRT.S.



TYPICAL SECTION VERTICAL ROOF / SIDING OPTION

NOTE:

H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



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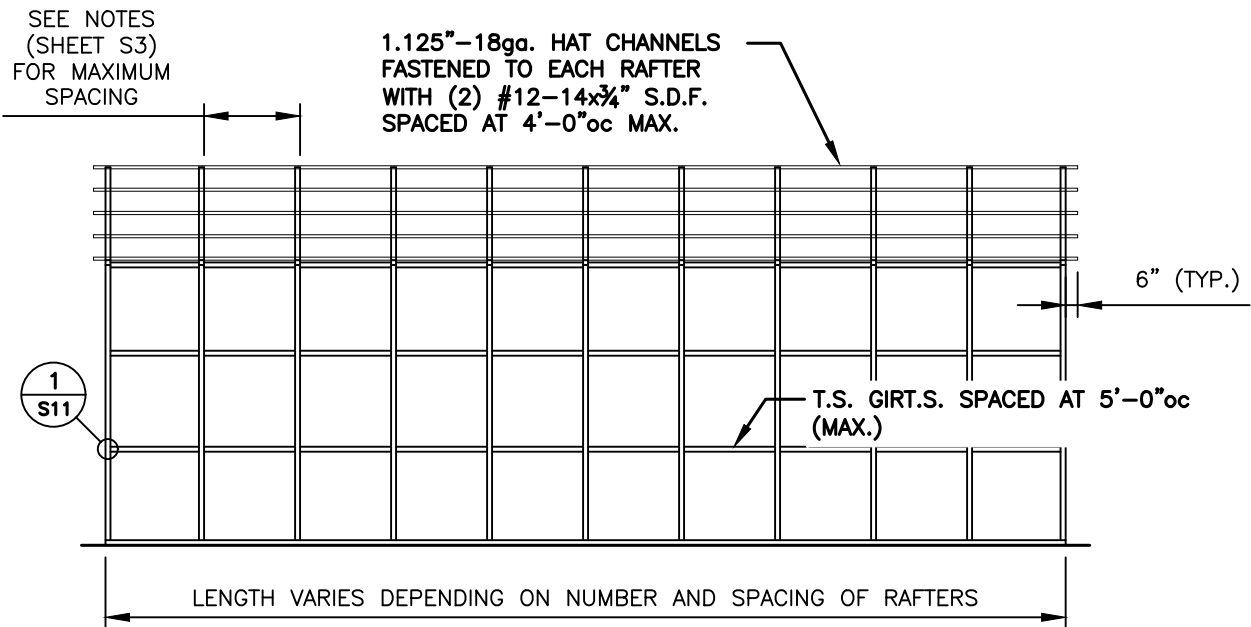
PROJECT NO:
MISC

DATE:
01.23.24

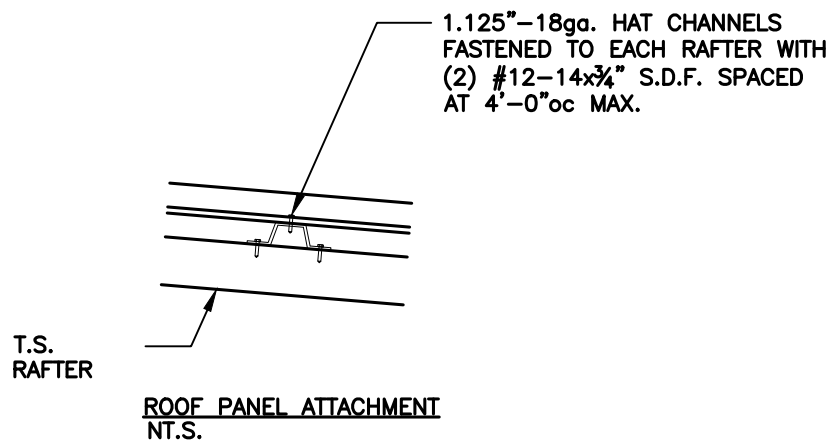
SHEET NO:
S16A

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

VERTICAL ROOF / SIDING OPTION



TYPICAL SIDE FRAMING SECTION VERTICAL ROOF / SIDING OPTION



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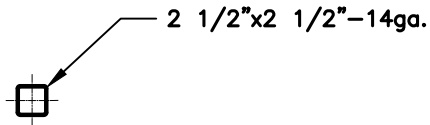
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01.23.24

PROJECT NO:
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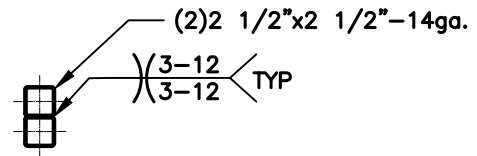
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NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

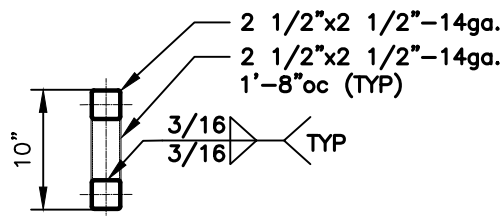
SIDE WALL HEADER OPTIONS



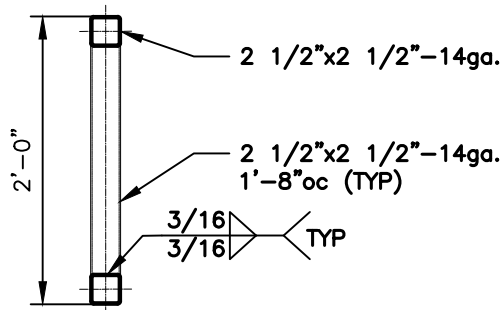
HEADER DETAIL FOR DOOR
OPENINGS < 4'-0"
 NT.S.



HEADER DETAIL FOR DOOR
OPENINGS 4'-1" < TO < 12'-0"
 NT.S.



LACED HEADER DETAIL FOR DOOR
OPENINGS 12'-1" < TO < 15'-0"
 NT.S.



LACED HEADER DETAIL FOR DOOR
OPENINGS 15'-1" < TO < 20'-0"



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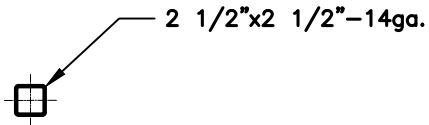
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DATE:
 01.23.24

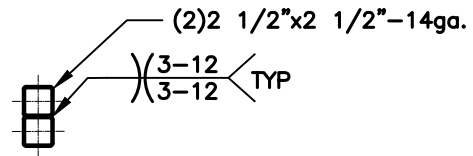
SHEET NO:
S17

NOTE: THESE DRAWINGS ARE VALID FOR (1) CALENDAR YEAR AFTER THE ISSUE DATE LISTED ON THIS SHEET.

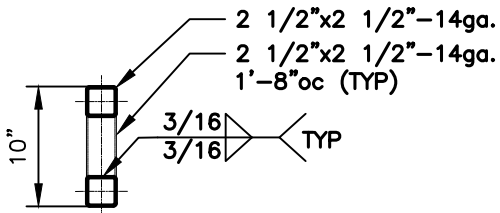
END WALL HEADER OPTIONS



HEADER DETAIL FOR DOOR
OPENINGS < 7'-0"
 NT.S.



HEADER DETAIL FOR DOOR
OPENINGS 7'-1" < TO < 16'-0"
 NT.S.



LACED HEADER DETAIL FOR DOOR
OPENINGS 16'-1" < TO < 20'-0"
 NT.S.



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Agenda Item

To: Planning Board

From: James Broadwell, Planner I

Subject: MAPP-01-24: Major Subdivision Preliminary Plat for 24 Townhomes fronting Dover Street and Hyland Hills Road; Petitioner: Moore HL Properties, Inc. by Koontz Jones Design, PLLC, Agent

Date: September 19, 2024

I. SUMMARY OF APPLICATION REQUEST

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Moore HL Properties, Inc., has submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the three parent tracts into 24 townhomes with a homeowners' association. The parent tracts are presently a natural wooded area. The subject property is located on Hyland Hills Road and Dover Street. Per the Moore County tax records, the property is identified as PARID 00035711, 20190609, and 00991774, which comprises 2.42 acres, and is owned by Moore HL Properties, Inc.

II. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant	Authorized Agent
Moore HL Properties, Inc.	Trevor Hansen
55 Walnut Creek Road	Koontz Jones Design, PLLC
Pinehurst, NC 28374	140 Applecross Road, Suite B
	Pinehurst, NC 28374

B. Project History and Site Information

i. Location, Zoning, Comprehensive Plan Designations

The subject property is zoned RM-1 (multi-family), is also located within the Urban Transition Highway Corridor Overlay (HCO), and the Watershed Protection Overlay (WPO). The General Framework Map and Conservation and Development Maps from the Comprehensive Plan categorize the site as an "Area to Enhance" and "Neighborhood" respectively. This neighborhood area is intended to promote multiple home types and especially the town's "missing middle" home choices. Walkability and well-connected networks of open spaces should be considered and included where feasible in these development areas.

Figure 1: Immediate Vicinity Map. Approximate parent tracts' boundary indicated by thick orange line.



Figure 2: Zoning and Watershed Map. The parent tracts encompass the area outlined in orange. The light brown zoning color indicates a RM-1 zone (multi-family - 10-12 dwelling units per acre). The area north of the blue line indicates the High-Quality (Protected) Water Protection Overlay.



Figure 3: Urban Transition Highway Corridor Map. The parent tracts encompass the area outlined in orange. The area in between the two purple lines indicates the Urban Transition Highway Corridor Overlay.



III. STAFF REVIEW

A. Application Review Dates

- Major Subdivision Preliminary Plat Application Submitted: **August 12, 2024**
- Application Deemed Incomplete: **August 15, 2024**
- Application Deemed Complete: **August 22, 2024**
 - Additional Materials Submitted: **September 12, 2024**
- TRC Staff Review: **September 3, 2024**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **September 3, 2024**
 - Mailed: **August 30, 2024**
 - Internet: **August 28, 2024**
 - Published: **August 30, 2024**
- Planning Board Preliminary Forum: **September 19, 2024**

B. Process of Review

Per UDO §2.19 General Subdivision Regulations, §2.20 Major Subdivision, and §3.7.1(C) Townhouses in Authorized Use Table, the procedures for review and approval of a major subdivision require adherence to supplemental conditions. These sections of the UDO establish a process and standards to plat and approve townhomes.

C. Standards for Review

UDO standards for Supplemental Conditions Criteria for a Major Subdivision Preliminary Plat are found in UDO §2.20.4(G), and apply to the review of this townhome preliminary plat.

D. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria. A major subdivision is permitted only if the applicant demonstrates that:

1. *The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;*

Planning staff agree with the applicant's narrative that the proposed townhomes are consistent with the 2040 Comprehensive Plan and will provide additional housing diversity in the area. It is also consistent with the General Framework Map and Conservation and Development Maps, which categorize the site as an Area to Enhance and Neighborhood.

The applicant expressed during a virtual meeting on September 6, 2024 that they will improve Dover Street to town standards pursuant to UDO §4.11.14 and NCDOT asphalt thickness standards. The developer will also construct new access alleys to these standards. For these reasons, town staff find this development consistent with this criterion.

2. *The proposed Subdivision complies with the UDO and applicable state and federal regulations;*

The application is compliant with all regulations of the RM-1 district standards. The applicant has also submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. If approved, the applicant may develop up to 70% of the parent tracts. Pursuant to *UDO Exhibit 3-14* and its Table Notes, town staff find allocating 5/70 exemption appropriate because:

- The use and location are consistent with the Comprehensive Plan.
- The design is appropriate and location consistent for the WPO district.
- This allocation is necessary to establish the use in the way that best serves the neighborhood and town.
- The allocation will not detract from similar uses in this area.

This application is also compliant with UDO Open Space standards pursuant to *UDO §4.9.1* (10% for development subject to major subdivision approval). Pursuant to *UDO §4.3.4(B)(5)*, buffers at least 20' in width may count toward open space requirements. The applicant has also omitted the depicted storm water pond from this calculation, as it's too deep to qualify as open space pursuant to *UDO §4.9.7(A)*. Staff will review all other applicable UDO standards during site plan review, including, but not limited to, the §4.3 Landscaping Code and §4.8 Lighting Code.

This site is within the Urban Transition Highway Corridor Overlay, and requires corresponding highway yard and side yard planting buffers of 50' and 15' respectively (pursuant to *UDO §4.3.4(A)*, *§4.3.4(B)*, and *Exhibit 4-3*). The applicant requests a variation pursuant to *UDO §4.3.8* to reduce and vary the 50' highway yard buffer to widths of approximately 10' to 40', maximizing depth everywhere possible. Where this buffer must overlap with individual townhome lots, due to size constraints, the applicant has stated a landscaping deed of easement shall be included. The easement will direct buffer maintenance control to the homeowners' association. Planning staff agree that site constraints make these variations appropriate, and with the implementation of the requested plan, this criterion is satisfied.

3. *The proposed Subdivision, including its lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;*

Planning staff concur that the proposed development is compliant with the existing RM-1 zoning (10-12 dwelling units per acre). It's also compliant with the area's vision, especially noting the "missing middle" housing options, and gives proper access and circulation within the existing neighborhood area.

4. *The proposed Subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and*

The Technical Review Committee noted at its September 3, 2024 meeting that Dover Street, a private road, is not currently compliant with access standards given its dilapidated state (see staff comment and Figure 6 below). Therefore, the application approval should include a provision outlining the plan for its improvement. Town staff recommend requiring Dover Street's improvement up to the "Residential Local Town Street" standard pursuant to *UDO §4.11.14*. Separately, asphalt thickness must meet NCDOT minimum asphalt standards pursuant to *NCGS Chapter 160D-804*. With 24 new townhomes, the street will continue to degrade and negatively impact both future and current residents if not corrected.

Staff also wish to highlight the existing five townhomes adjacent to the proposed development; this development will partially encircle those existing lots. In comparing the preliminary plat with these existing townhomes, staff agree they will integrate well with adjacent properties (see figure 4 for reference).

If the Dover Street improvements outlined above are required as part of approval, town staff agree this criterion is satisfied.

5. *The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.*

The applicant has stated that Moore County Public Works will install water and sewer utilities on this site. Installations will include a pump station at the north side of the property and connection to a 10" water main, ensuring adequate fire flow. Between the letter from Moore County Public Works Department (attachment 5), and cross referencing with the applicant, town staff confirm this criterion is met.

E. General Staff Comments

- **Urban Transition HCO Planting Buffers.**

Pursuant to UDO §4.3.4(A), §4.3.4(B), and Exhibit 4-3, a 50' highway yard and 15' side yard planting buffers are required for all development subject to subdivision approval.

Since this development is a townhome development, the more restrictive requirements under exhibit 3-13 do not apply. However, the underlying requirements in UDO Chapter 4, which include cross-references to HCO planting buffers in §4.3.4, are still present and apply. **Figure 4** helps illustrate the purpose and positive effects of retaining highway yard buffers; retaining the natural character of the town and providing a noise and sightline buffer for future townhome residents are most important.

Pursuant to UDO §4.3.8 (Variations) and § 4.3.4(B)(3) (Undulating Buffer Boundaries), flexibility is allowed in administering the buffer requirement.

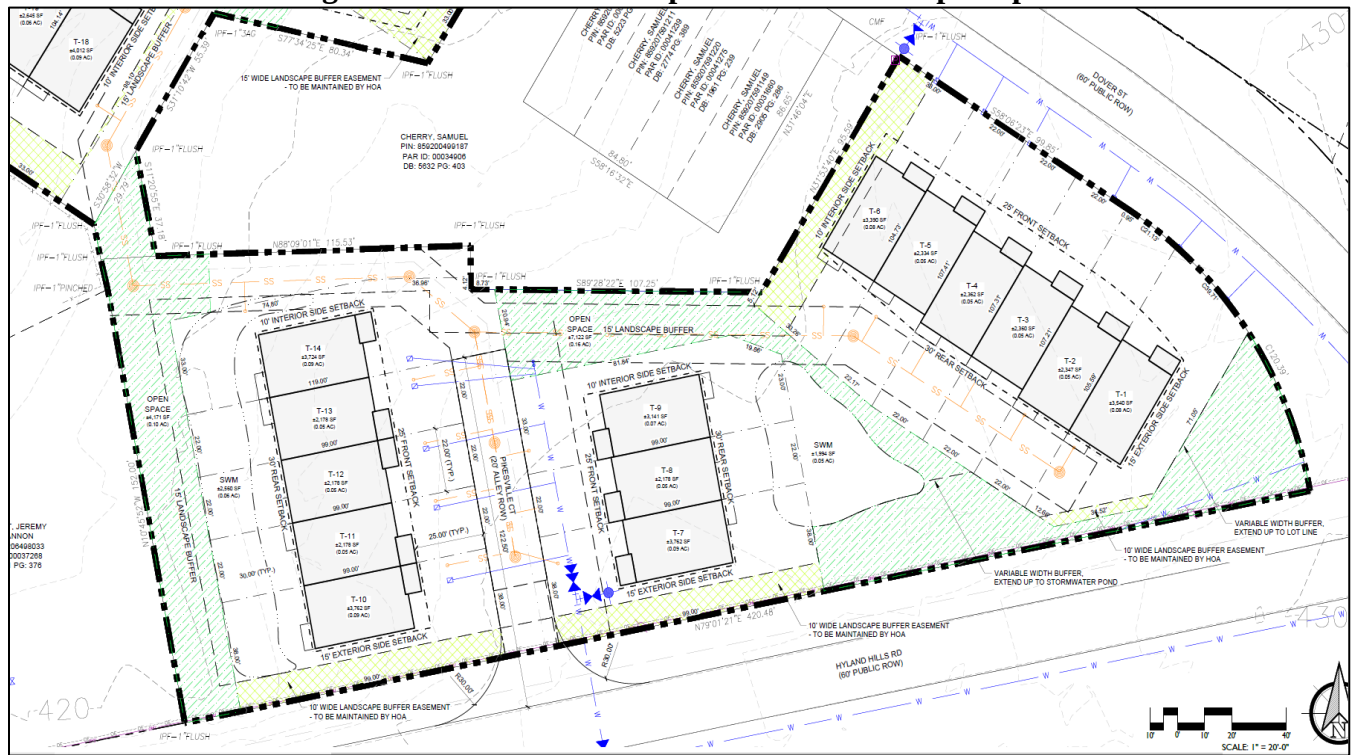
The applicant requests a variation to reduce and vary the 50' highway yard buffer to widths of approximately 10'-40', maximizing everywhere possible. Where this buffer must intersect with individual townhome lots due to building setback constraints, the applicant has stated a landscaping deed of easement shall be included to ensure lot owners do not remove the buffer. The easement will direct buffer maintenance control to the Hyland Hills homeowners' association. **Figure 5** demonstrates what this buffer layout will look like (reference Attachment 3 for the full preliminary plat site map).

Given the unique shape and size of the lots, the ability to creatively retain a level of buffer, and the detrimental effect eliminating three dwelling units would create for the developer, town staff feel the proposed highway yard buffer plan is reasonable solution.

Figure 4: HCO Buffer Purpose and Context - Compared with Existing Adjacent Townhomes



Figure 5: Koontz Jones Proposed Buffer and Open Space Plan



○ **Dover Street Improvement.**

Dover Street is a private road that has potholes, some of which have eroded to holes in the soil beneath the road (see Figure 6 below). This road currently does not meet state or local regulatory standards.

Private streets must adhere to the minimum asphalt standards set by the North Carolina Department of Transportation (pursuant to *North Carolina General Statute Chapter 160D-804*). Private streets must also adhere to the minimum access and public road standards for a “Residential Local Town Street” (pursuant to *UDO §4.11.14*). For these reasons, town staff recommend requiring all improvements mentioned above. These requirements will apply to Dover Street and the newly constructed internal access drives associated with this development.

Figure 6: Dover Street Existing Conditions



- **Moore County Utility Connections**

This townhome project intends to connect to Moore County water and sewer infrastructure. It will include connecting to a 10-inch water main to provide adequate fire flow, and a pump station to service the sewer requirements. The Town of Southern Pines Fire Marshall noted at the September 3, 2024 TRC meeting that staff will need to verify if all the proposed extensions are efficient and adequate to serve normal and emergency demands, primarily noting fire flow capacity. Trevor Hansen from KoontzJones Design stated in a call with James Broadwell on September 4, 2024 that he is confident the water connection will properly meet the fire flow requirements. Given the letter from Moore County Public Works (attachment 5) and our staff internal cross-referencing, staff believe there is adequate evidence that utility connections with the county will meet the demand from this project. If those connections fail to meet the requirements of the Fire Department, the project will be stopped at engineering plan review or during infrastructure installation.

Additionally, DeAngelo J. Jones, a District Engineer with NCDOT, expressed that an encroachment is required for utilities and other facilities to be installed in the Hyland Hills Road right-of-way.

F. Outside Agency and Neighborhood Meeting Comments

Staff have provided information on the project to outside agencies and has received the following responses:

- A response from the DeAngelo J. Jones, Senior Assistant District Engineer from NC Department of Transportation, was received on August 30, 2024 stating that:
 - A driveway permit is required for the connection(s) on Hyland Hills Road.
 - An encroachment is required for utilities and other facilities proposed to be installed in the Hyland Hills Road right-of-way, where applicable.
- A response from Ron Istre, the Town of Southern Pines Utilities Superintendent, reminded all that this site is outside of the town's water and sewer service area.
- The Technical Review Committee reviewed a Pre-Application submittal for the project at their September 3, 2024 meeting, with a few issues identified. They comprised of
 - the need to address discrepancies in the 50' highway yard planting buffer and 10 percent open space requirement.
 - The need to improve Dover Street to NCDOT and town standards as applicable, as well as to build the access drives to these standards.
 - The need to confirm if the fire flow from the 10-inch connection will meet town standards.
 - Confirming the need for 5/70 watershed allocation credits, as this site is within a Watershed Protection Overlay.

A list of Technical Review Committee comments was provided to the applicant on September 4, 2024. Town staff and Koontz Jones Design then conducted a virtual follow-up meeting on September 6, 2024. Further site plan review and approval will be required prior to issuance of any building permits for development, if approved.

IV. ATTACHMENTS

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

1. Preliminary Plat Applications, Agent Authorization, Deeds, and Narrative
2. Watershed Protection Permit Application
3. Preliminary Plat
4. Existing Conditions Graphic
5. Utility Verification Letter – Moore County Public Works Department
6. Homeowners Association Drafted Covenants, Restrictions, and By-Laws

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 September 19, 2024 Preliminary Forum on application MAPP-01-24:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a Major Subdivision Preliminary Plat to application MAPP-01-24:

1. Approval of the request will result in the creation of 24 townhomes each on their own individual lots. The townhomes will include open space and a stormwater pond (see Attachment 3) that will be owned and managed by a homeowners' association. Water and sewer utilities will be provided by the Moore County Public Works Department, and will comprise of a sewer pump station and 10-inch water main connection to provide sufficient fire flow to the site. This site's development is also contingent on approval of Watershed Protection Permit, submitted in conjunction with this application.
2. The applicant requests a variation for the highway yard landscape buffer. This will reduce the 50' highway yard planting buffer to widths of approximately 10'-40', maximizing width at every point, and undulating accordingly. See attachment 3 for reference.

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

- 1.

Major Subdivision Preliminary Plat

REQUIRED APPLICATION MATERIALS:

- ☒ **Special Use Permit Application** and all supporting documentation.
- ☒ **Completed Major Subdivision Preliminary Plat Application** signed by the applicant.
- ☒ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- ☒ **Deed** copy to provide proof of ownership and property boundaries.
- ☒ **Preliminary Plat**: Please refer to Appendix A of the UDO (pg. A-11) for detail requirements.
- ☒ **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.19** and **§2.20**.
- _____ **Additional documentation**: Additional text and/or maps provided to demonstrate consistency with the criteria for approval of a preliminary plat listed in **UDO §2.20.5(G)**. The list of criteria is attached.
- _____ **Covenants and Restrictions**, if applicable.
- ☒ **Utility letters** confirming the availability of service and improvements necessary to provide water, wastewater, natural gas or telecommunications services (not needed for Town services).
- ☒ **Drainage concept plan**, if applicable – see drainage impact analysis checklist.
- _____ **Traffic impact analysis**, if applicable – see traffic impact analysis checklist.
- ☒ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff Review**: Planning staff will review the application within five business days and notify the applicant if additional materials are needed.
2. **Public Hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.20.5(G)**. The Special Use Permit shall not become effective until the Planning Director approves and the Applicant records the final plat for the applicable area.

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



Major Subdivision Preliminary Plat Application

Date Received: _____ Case No.: S-____-____

Subdivision Name: Hyland Hills Townhomes Street Address: 805 Dover St. Southern Pines, 28387

A: 859200591047, B: 859206498289, A: 00991774, B: 0035711,
PIN: C: 859200499187, D: 859200499115 Parcel ID: C: 00034906, D: 20190609 Zoning District: RM-1

Project acreage in: Lots 1.76 + Roads 0.13 + Open Space 0.73 + Common Area 0.18

+ Other (describe) _____ = Total Project Acreage 2.80 AC

Number of Lots: 24 Minimum Lot Size: 2,134 SQ. FT. Setbacks: 25' Front, 10' Interior Side,
(0.05 AC) 15' Exterior Side, 30' Rear

Highway Corridor Overlay: Yes/No Yes If yes, Urban Village X Urban Transition _____ Rural Hwy _____

Watershed: Yes/No Yes If yes, LR #2: X LR Vass: _____ Nicks Creek: _____ HQW: Yes/No Yes

Does the site contain a Special Flood Hazard Area: Yes/No No Does the site contain wetlands: Yes/No No

Applicant:

Name: Koontz Jones Design, PLLC

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

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

Contact Person, if different from Applicant:

Name: _____

Phone: _____ Email: _____

Mailing Address: _____

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

Name(s): Moore HL Properties, Inc.

Phone: 910-295-5973 Email: carolinabuilder@gmail.com

Mailing Address: 55 Walnut Creek Road

Date: 08/12/2024


Signature of Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), Moore HL Properties, Inc., hereby appoint(s) Koontz Jones Design, PLLC as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a Major Subdivision of the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

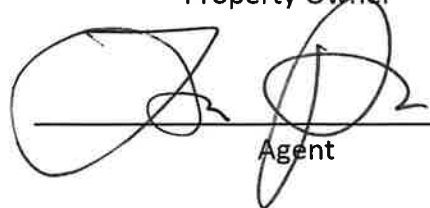
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Major Subdivision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

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

Signed this 12 day of August 12, 2024.



Property Owner

Property Owner


Agent

UDO §2.20.5 Preliminary Plat

(G) Criteria

- (1) The application is consistent with the approved Sketch Plat, if applicable.
- (2) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
- (3) The proposed subdivision complies with the UDO and the applicable state and federal regulations;
- (4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;
- (5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
- (6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

Hyland Hills Property Major Subdivision Justification

Below are listed the six (6) criteria required to approve a Major Subdivision application as described in Section 2.20.4 (G) Criteria of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

(1) The application is consistent with the approved Sketch Plat, if applicable.

Not Applicable

(2) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;

The proposed application conforms to all standards set forth in the RM-1 district and the development standards within the UDO. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines.

(3) The proposed subdivision complies with the UDO and applicable state and federal regulations;

The proposed development complies with the UDO and will meet all the requirements outlined for RM-1 zoning, in addition to applicable state and federal regulations.

(4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;

The proposed development corresponds with and meets all standards and requirements set forth in RM-1 zoning requirements and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses within the underlying zoning district. The development of twenty-four (24) residential townhome lots is compatible with the RM-1 zoning district.

(5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

This residential neighborhood will continue the existing development pattern in the neighborhood and will conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

(6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. Lots will have adequate access to accommodate emergency and waste removal vehicles.

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

June 7, 2021 3:44:59 PM

Book: 5632 Page: 403 - 407 #Pages: 5

Fee: \$26.00 NC Rev Stamp: \$280.00

Instrument# 2021013144

Prepared by:
John M. May, Esq.
Robbins May & Rich LLP
120 Applecross Road, Pinehurst, NC 28374
No Title Exam By Drafting Attorney

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$280.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
By: _____

Brief Description: Tracts One and Two, Moore County

THIS DEED entered into as of this the 26th day of May, 2021, by and between

Grantor

Grantee

John W. Davis, III and wife, Linda B. Davis
3412 Blue Ridge Road
Raleigh, NC 27612

Moore HL Properties, Inc., a North Carolina
corporation
55 Walnut Creek Road
Pinehurst, NC 28374

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.

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

See Exhibit "A" attached hereto and incorporated herein by reference.

Submitted electronically by "Sandhills Law Group"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

Subject and together with utility easements, other easements and restrictive covenants that are enforceable against or a benefit to the property, if any, and to the lien for ad valorem property taxes for the current year to be prorated at closing.

The property hereinabove described was acquired by Grantor by instruments recorded in Book 5078, Page 183 and Book 5221, Page 315, Moore County Registry, North Carolina.

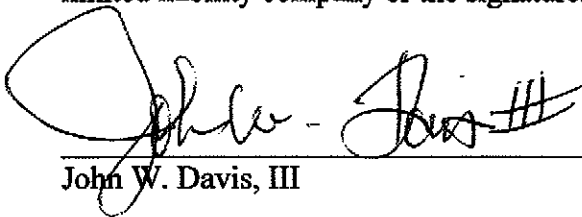
All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

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 Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, has the right to convey the Property in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

[Signature Page to Follow]

IN WITNESS WHEREOF, this instrument is executed (a), if by individuals, by hereunto setting their hands under seal by adoption of the word "SEAL" appearing next to the individuals' names or signatures, (b), if by a corporation, by the duly authorized officers, directors or shareholders of the corporation on its behalf under seal by adoption of the facsimile seal printed hereon for such purpose or, if an impression seal appears hereon, by affixing such impression seal or by adoption of the word "SEAL" appearing next to the name of the corporation or the signatures of the officers, directors or shareholders, (c), if by a partnership, by the duly authorized partners of the partnership on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the partnership or the signatures of the partners or (d), if by a limited liability company, by the duly authorized members or managers on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the limited liability company or the signatures of the members or managers, on the day and year first above written.

 (SEAL)
John W. Davis, III

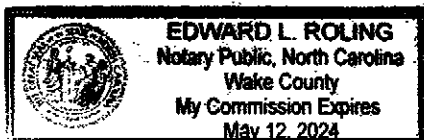
STATE OF North Carolina, COUNTY OF Wake

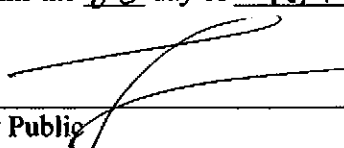
I certify that the following person personally appeared before me this day and acknowledged to me that the following person voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name	Capacity
John W. Davis, III	Individually

- ☐ I have personal knowledge of the identity of the principal;
☒ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC Drivers License; or
☐ A credible witness has sworn to the identity of the principal

Witness my hand and official stamp or seal on this the 26 day of MAY, 2021.




Notary Public

Print notary name: Edward L Roling
(notary name must be exactly as on notary seal)

My commission expires: MAY 12, 2024

[affix notary seal above, which must be fully legible]

IN WITNESS WHEREOF, this instrument is executed (a), if by individuals, by hereunto setting their hands under seal by adoption of the word "SEAL" appearing next to the individuals' names or signatures, (b), if by a corporation, by the duly authorized officers, directors or shareholders of the corporation on its behalf under seal by adoption of the facsimile seal printed hereon for such purpose or, if an impression seal appears hereon, by affixing such impression seal or by adoption of the word "SEAL" appearing next to the name of the corporation or the signatures of the officers, directors or shareholders, (c), if by a partnership, by the duly authorized partners of the partnership on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the partnership or the signatures of the partners or (d), if by a limited liability company, by the duly authorized members or managers on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the limited liability company or the signatures of the members or managers, on the day and year first above written.

Linda B. Davis (SEAL)
Linda B. Davis

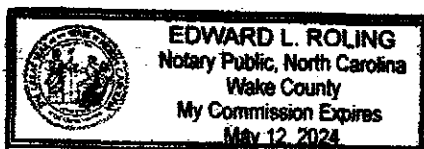
STATE OF North Carolina, COUNTY OF Wake

I certify that the following person personally appeared before me this day and acknowledged to me that the following person voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name	Capacity
Linda B. Davis	Individually

- ☐ I have personal knowledge of the identity of the principal;
☒ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC Drivers License; or
☐ A credible witness has sworn to the identity of the principal

Witness my hand and official stamp or seal on this the 26 day of May, 2021.



Notary Public

Print notary name: Edward L. Roling
(notary name must be exactly as on notary seal)

My commission expires: May 12, 2024

[affix notary seal above, which must be fully legible]

EXHIBIT "A"

Tract One:

A tract of land in McNeill Township, Moore County, North Carolina, more particularly described as follows:

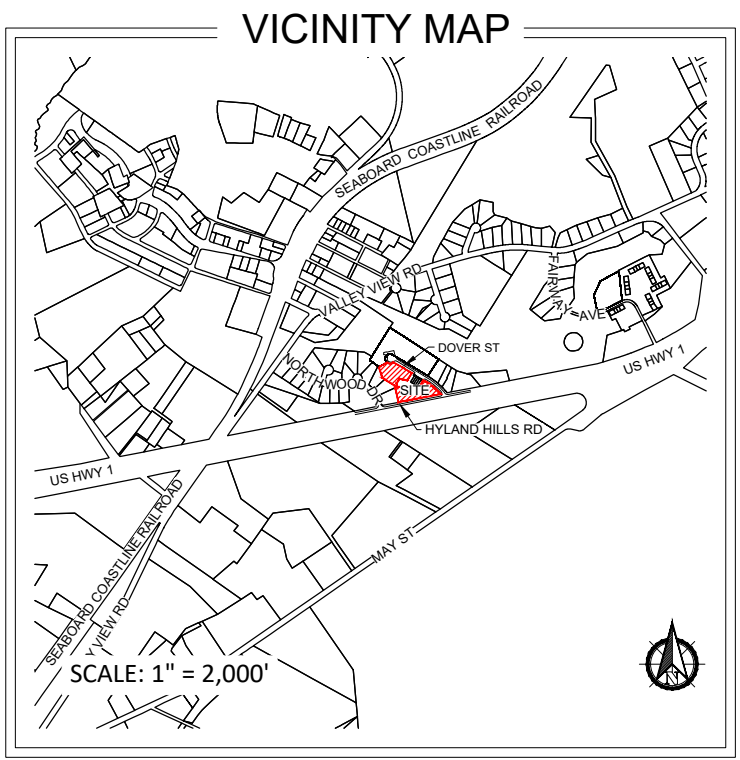
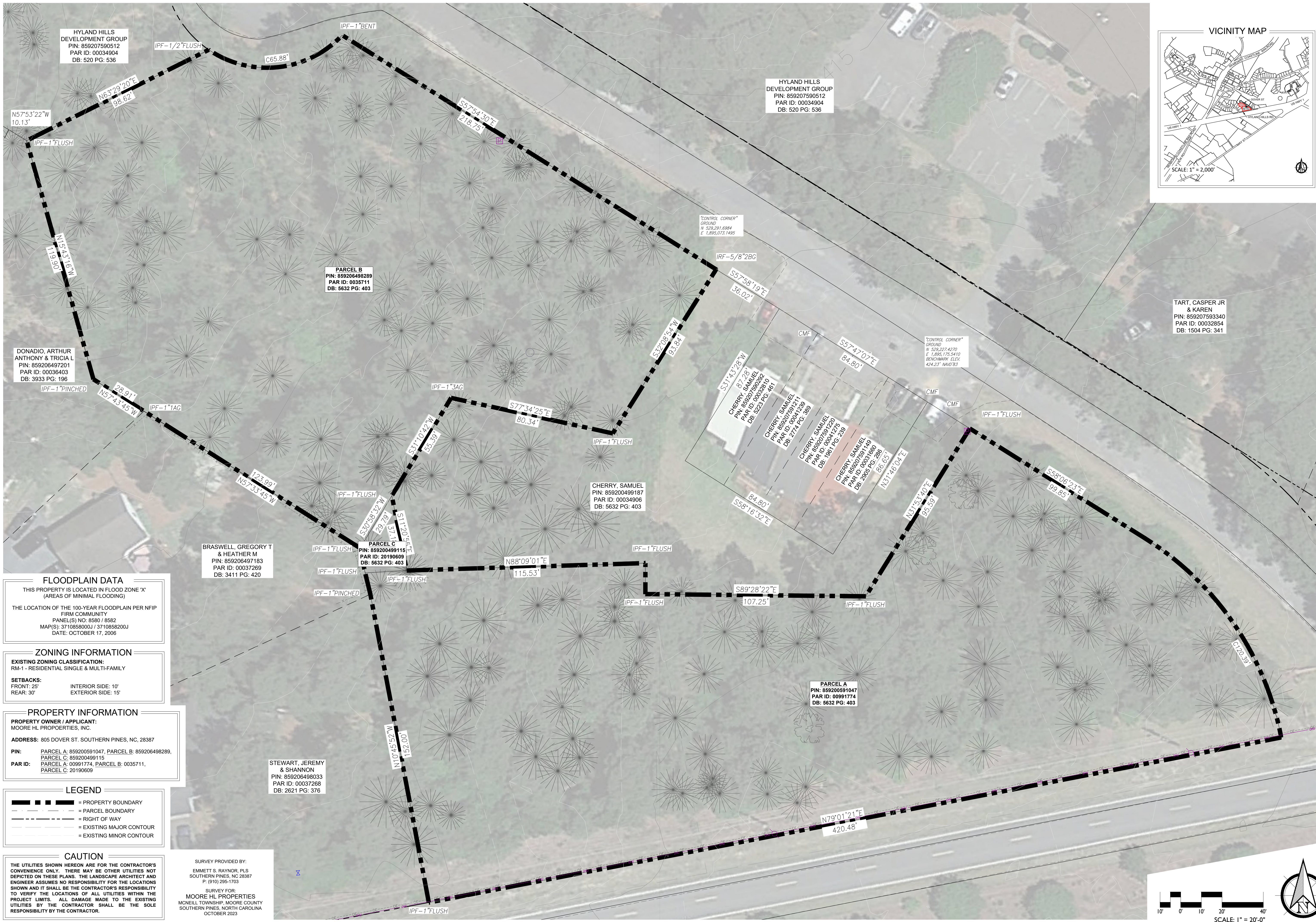
BEGINNING at the southeast corner of Lot 1, Hyland Hills Northwood Subdivision, as shown on the map in the Office of the Register of Deeds in Moore County, recorded in Plat Cabinet 3, Slide 336; thence, along the eastern property lines of Lots 1, 2 and 3 of the above referenced plat, the following calls: North 11° 00' 58" West 175.00 feet, North 57° 41' 06" West 152.88 feet, North 15° 46' 47" West 120.00 feet; thence North 63° 15' 29" East 98.65 feet to the southern line of the cul de sac of Dover Street as shown on the map for Hyland Hills Northwood Condominiums recorded in Unit Ownership Book 9, Page 63; thence along the southern line of Dover Street on a curve to the left on a chord bearing North 84° 06' 43" East 70.76 feet to an existing concrete monument; thence South 57° 58' 00" East 381.01 feet to an existing iron pipe; thence continuing along the southern right of way of Dover Street to its intersection with the northern right of way of State Road 1891; thence along the northern right of way of State Road 1891 to the point of beginning.

EXCEPTING, that portion known as Hyland Hills Northwood Townhouses shown on a map recorded in Plat Cabinet 3, Slide 285 and on a map recorded in Plat Cabinet 18, Slide 288, both of the Moore County Registry (the "Plats"), which includes Units 1301 through 1304 and the property denoted as "Common Area" shown on the Plats.

Reference is made to Deed recorded in Deed Book 5078, Page 183, Moore County Registry.

Tract Two:

That certain tract or parcel of land containing 489.6 square feet, more or less, highlighted on a map entitled "Recombination Northwood Townhouses Highland Hills, McNeill Twp., Moore County, N.C.," dated October 10, 2019, drawn from an actual survey by Benny L. Brown and attached as Exhibit "B" to Deed recorded in Book 5221, Page 315, Moore County Registry.



FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

ZONING INFORMATION
EXISTING ZONING CLASSIFICATION:
RM-1 - RESIDENTIAL SINGLE & MULTI-FAMILY
SETBACKS:
FRONT: 25' INTERIOR SIDE: 10'
REAR: 30' EXTERIOR SIDE: 15'

PROPERTY INFORMATION
PROPERTY OWNER / APPLICANT:
MOORE HL PROPERTIES, INC.
ADDRESS: 805 DOVER ST. SOUTHERN PINES, NC, 28387
PIN: PARCEL A: 859200591047, PARCEL B: 859206498289, PARCEL C: 859200499115
PAR ID: PARCEL A: 00991774, PARCEL B: 0035711, PARCEL C: 20190609

LEGEND
- - - - - = PROPERTY BOUNDARY
- - - - - = PARCEL BOUNDARY
- - - - - = RIGHT OF WAY
- - - - - = EXISTING MAJOR CONTOUR
- - - - - = EXISTING MINOR CONTOUR

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.

SURVEY PROVIDED BY:
EMMETT S. RAYNOR, PLS
SOUTHERN PINES, NC 28387
P: (910) 295-1703
SURVEY FOR:
MOORE HL PROPERTIES
MCNEILL TOWNSHIP, MOORE COUNTY
SOUTHERN PINES, NORTH CAROLINA
OCTOBER 2023

STEWART, JEREMY & SHANNON
PIN: 859206498033
PAR ID: 00037268
DB: 2621 PG: 376

BRASWELL, GREGORY T & HEATHER M
PIN: 859206497183
PAR ID: 00037269
DB: 3411 PG: 420

PARCEL C
PIN: 859200499115
PAR ID: 20190609
DB: 5632 PG: 403

CHERRY, SAMUEL
PIN: 859200499187
PAR ID: 00034906
DB: 5632 PG: 403

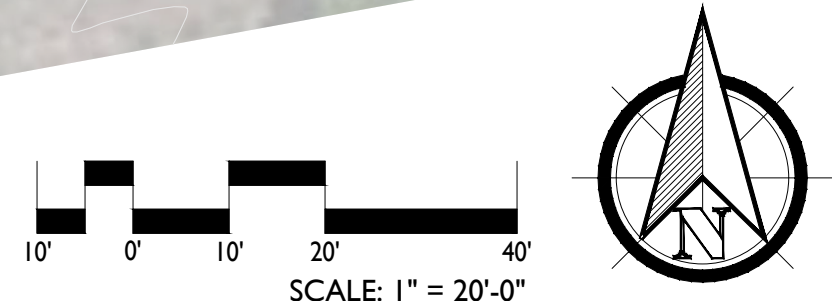
PARCEL A
PIN: 859200591047
PAR ID: 00991774
DB: 5632 PG: 403

HYLAND HILLS DEVELOPMENT GROUP
PIN: 859207590512
PAR ID: 00034904
DB: 520 PG: 536

HYLAND HILLS DEVELOPMENT GROUP
PIN: 859207590512
PAR ID: 00034904
DB: 520 PG: 536

PARCEL B
PIN: 859206498289
PAR ID: 0035711
DB: 5632 PG: 403

TART, CASPER JR & KAREN
PIN: 859207593340
PAR ID: 00032854
DB: 1504 PG: 341



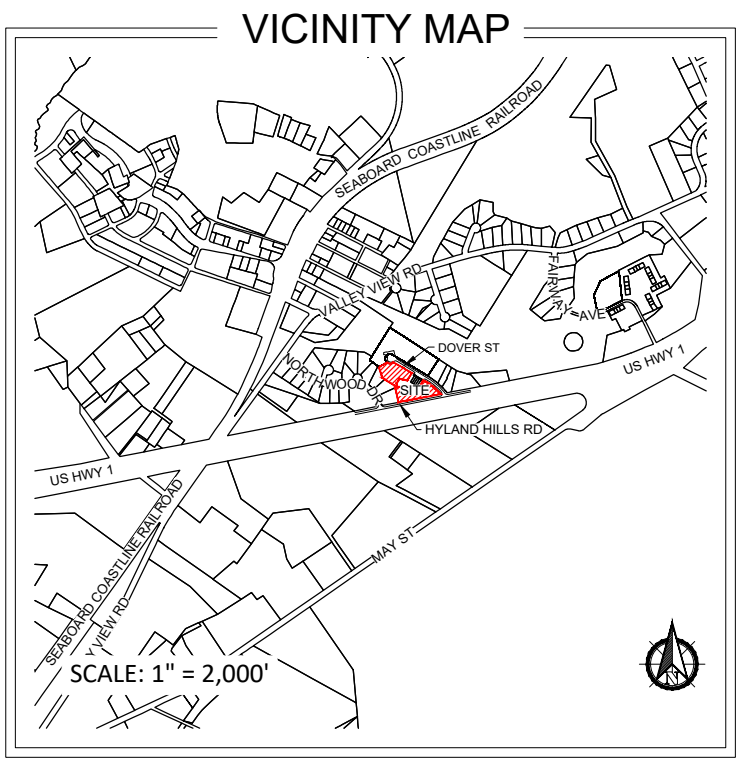
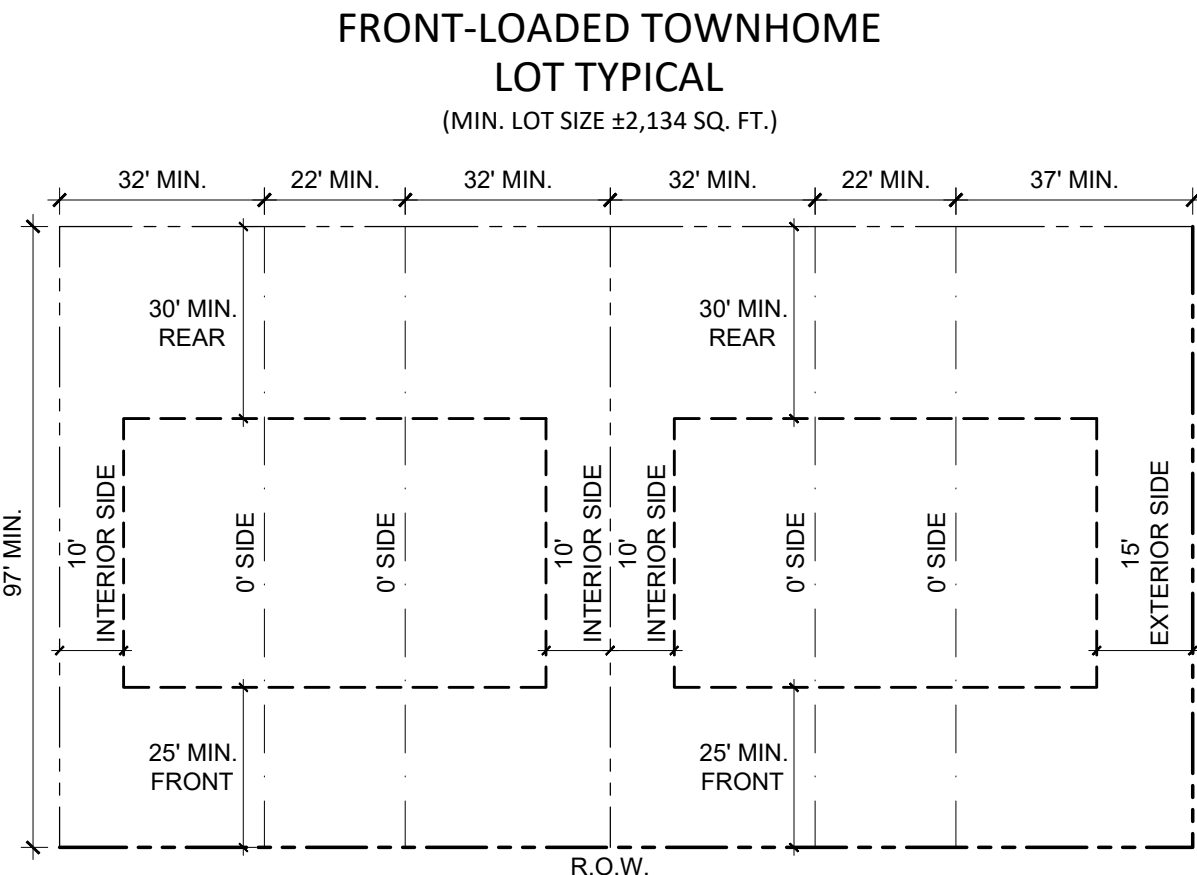
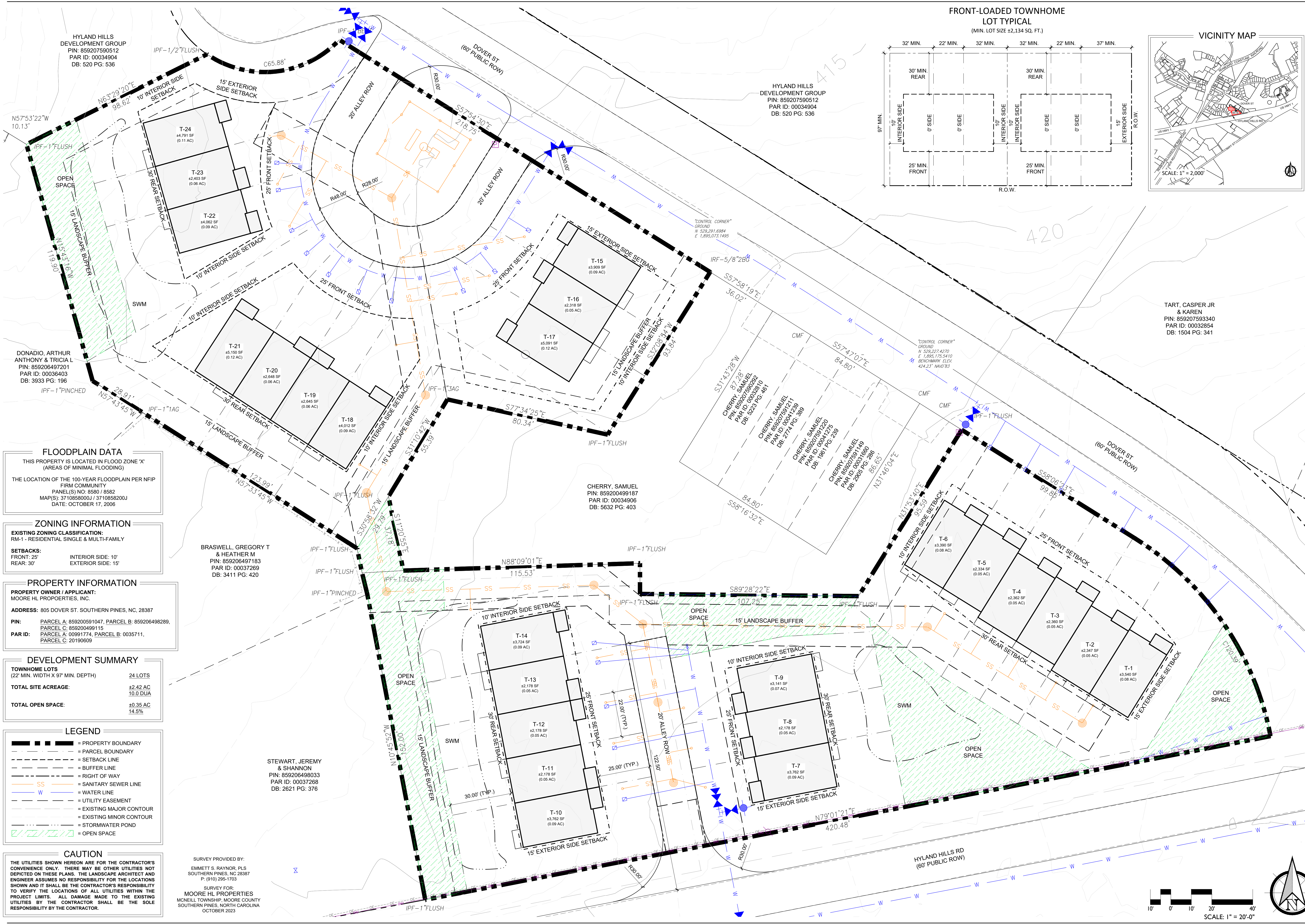
PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8467
W: www.koontzjonesdesign.com

REVISIONS:

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 2024-08-12
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER:
L-1.0



FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP
PANEL(S) NO. 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

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EXISTING ZONING CLASSIFICATION:
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SETBACKS:
FRONT: 25' INTERIOR SIDE: 10'
REAR: 30' EXTERIOR SIDE: 15'

PROPERTY INFORMATION
PROPERTY OWNER / APPLICANT:
MOORE HL PROPERTIES, INC.
ADDRESS: 805 DOVER ST. SOUTHERN PINES, NC, 28387
PIN: PARCEL A: 859200591047, PARCEL B: 859200498289, PARCEL C: 859200499115
PAR ID: PARCEL A: 00991774, PARCEL B: 0035711, PARCEL C: 20190609

DEVELOPMENT SUMMARY
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH) 24 LOTS
TOTAL SITE ACREAGE: ±2.42 AC
10.0 DUA
TOTAL OPEN SPACE: ±0.35 AC
14.5%

LEGEND
- - - - - = PROPERTY BOUNDARY
- - - - - = PARCEL BOUNDARY
- - - - - = SETBACK LINE
- - - - - = BUFFER LINE
- - - - - = RIGHT OF WAY
SS = SANITARY SEWER LINE
W = WATER LINE
- - - - - = UTILITY EASEMENT
- - - - - = EXISTING MAJOR CONTOUR
- - - - - = EXISTING MINOR CONTOUR
- - - - - = STORMWATER POND
- - - - - = OPEN SPACE

CAUTION
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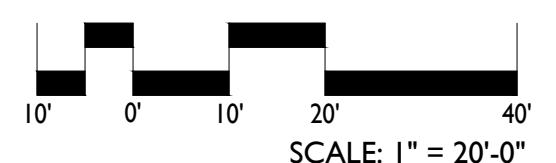
SURVEY PROVIDED BY:
EMMETT S. RAYNOR, PLS
SOUTHERN PINES, NC 28387
P: (910) 295-1703
SURVEY FOR:
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MOORELL TOWNSHIP, MOORE COUNTY
SOUTHERN PINES, NORTH CAROLINA
OCTOBER 2023

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PAR ID: 00034906
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HYLAND HILLS
DEVELOPMENT GROUP
PIN: 859207590512
PAR ID: 00034904
DB: 520 PG: 536

TART, CASPER JR
& KAREN
PIN: 859207593340
PAR ID: 00032854
DB: 1504 PG: 341



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:

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA
OVERALL DEVELOPMENT PLAN

DATE: 2024-08-12
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER:
L-1.1



NORTH CAROLINA

Watershed Protection Permit Application

REQUIRED APPLICATION MATERIALS:

- X **Completed Application** for a Watershed Protection Permit signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- X **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent
- X **Site Plan**
- X **Vicinity Map**
- X **Narrative** (if the property is outside of the **CB** zoning district) addressing each of the criteria listed in Exhibit 3-14, Table Note 3, of the UDO
- X **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff review:** Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Approval:** The Town Council, at its regular meeting, will review and approve, approve with conditions, or deny the application.

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Watershed Protection Permit Application

Date Received: _____ Case No.: WP-_____-____

I, the undersigned, do hereby make application to the Town of Southern Pines Town Council for a Watershed Protection Permit for the property described below.

Project Information:

Project Name: Hyland Hills Townhomes Zoning District: RM-1 Total Property Acreage: 2.42 AC
A: 859200591047, B: 859206498289, A: 00991774, B: 0035711,
PIN: C: 859200499115 Parcel ID: C: 20190609 Watershed: LR #2
Type of Development: Multi-Family Townhomes Total Built-Up Area*: To be determined, not to exceed 1.69 AC
% of Total Property Acreage Proposed to be Built-Up Area*: To be determined during site plan
engineering drawings, not to exceed 70%

Applicant:

Name(s): Koontz Jones Design, PLLC Email: thansen@koontzjones.com
Mailing Address: 140 Applecross Rd. Suite B, Pinehurst NC, 28374 Phone: 910-684-8487

Authorized Agent, if different from Applicant:

Name(s): _____
Email: _____ Phone: _____
Mailing Address: _____

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

Name(s): Moore HL Properties, Inc.
Email: carolinabuilder@gmail.com Phone: 910-295-5973
Mailing Address: 55 Walnut Creek Road


Signature of Applicant

*Definition of Built-Up Area May be Found in Chapter 9 of the Unified Development Ordinance.

Please review **UDO §3.6.8 Watershed Protection Overlay District** in its entirety.

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Appointment of Agent

PLEASE PRINT. INFORMATION MUST BE LEGIBLE.

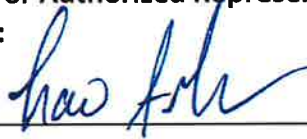
The undersigned property owner(s), Moore HL Properties, LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for Hyland Hills Townhomes on the property described in the foregoing application. The property owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the property 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 Planning Department staff for the issuance of a Watershed Protection Permit on the subject property; 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 Hyland Hills Townhomes under the Southern Pines Unified Development Ordinance.

This Appointment of Agent agreement shall remain in effect until final resolution of this application.

**Property Owner or Authorized Representative of
Property Owner:**

Date: 8/12/2024



Signature

Travis Greene

Printed Name of Signatory

Authorized Agent:

Date: 8/12/2024



Signature

Trevor Hansen - Koontz Jones Design

Printed Name of Signatory

Watershed Protection Permit Application - NARRATIVE

Project Information:

Project Name: Hyland Hills Townhomes

Zoning District: RM-1

PIN: 859200591047, 859206498289, 859200499115

Parcel ID: 00991774, 0035711, 20190609

Exhibit 3-14, Table Note 3 of TOSP UDO 5-14-24

3. Development outside of the CB district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:

a. The use and location of the use are consistent with the Comprehensive Plan;

The proposed townhome development is consistent with the Comprehensive Plan.

b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;

The design of the proposed townhome development is consistent with the purposes of the WPO district.

c. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the Neighborhood and the Town as a whole; and

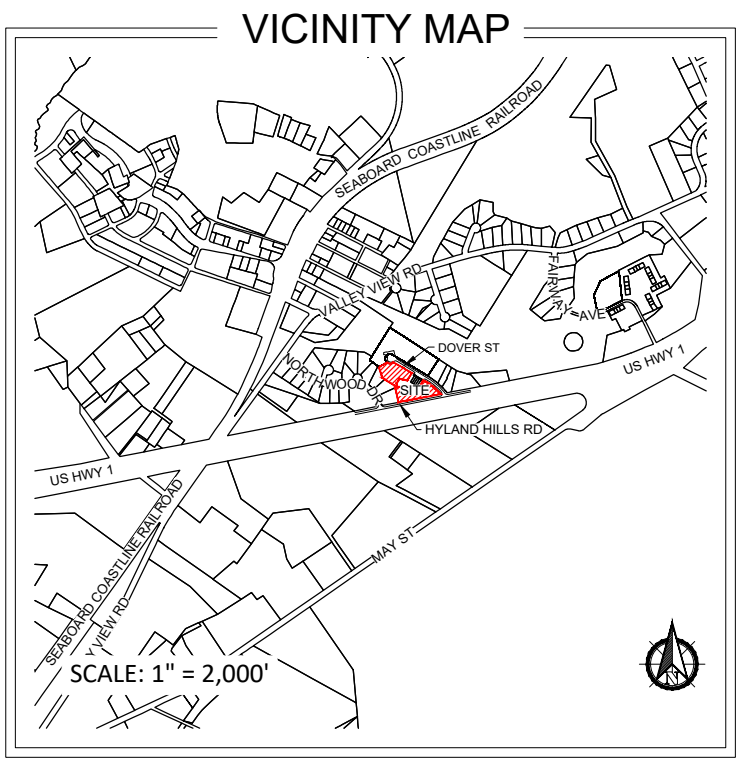
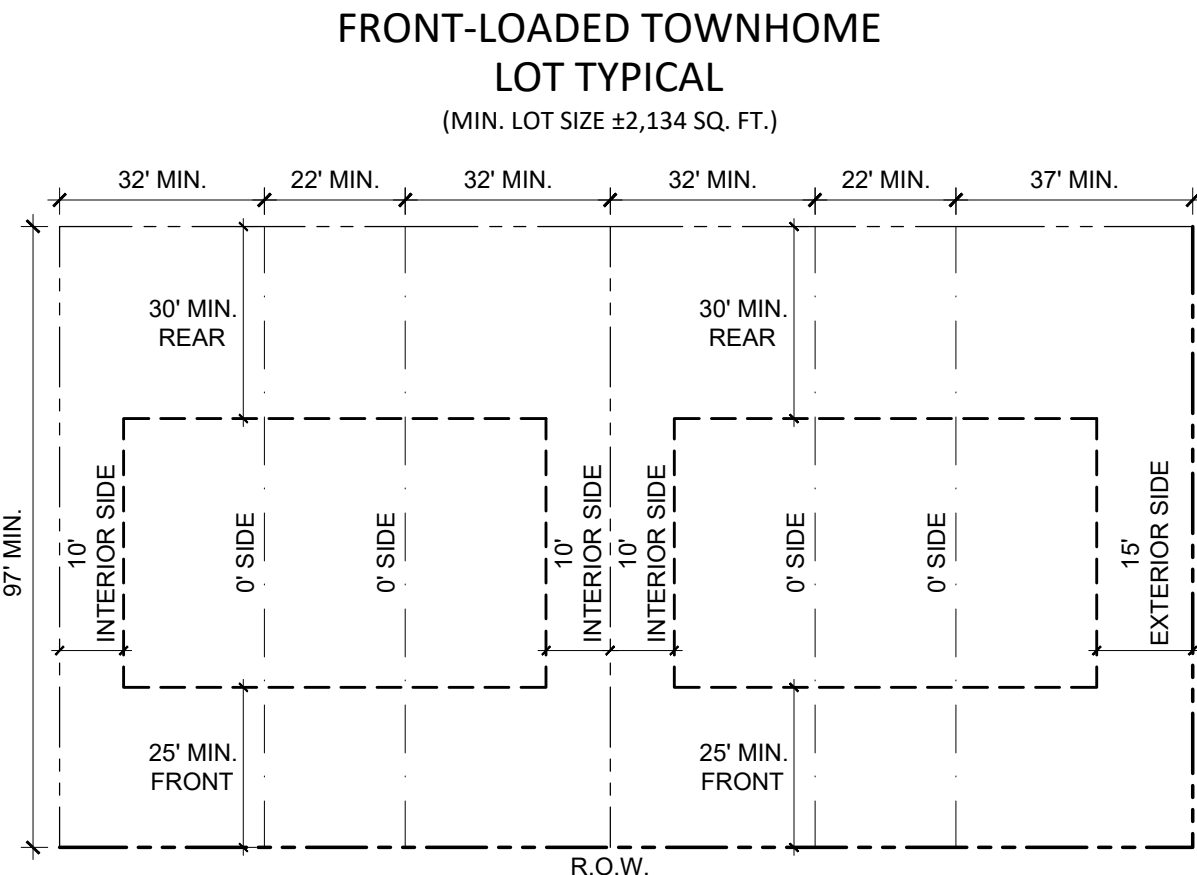
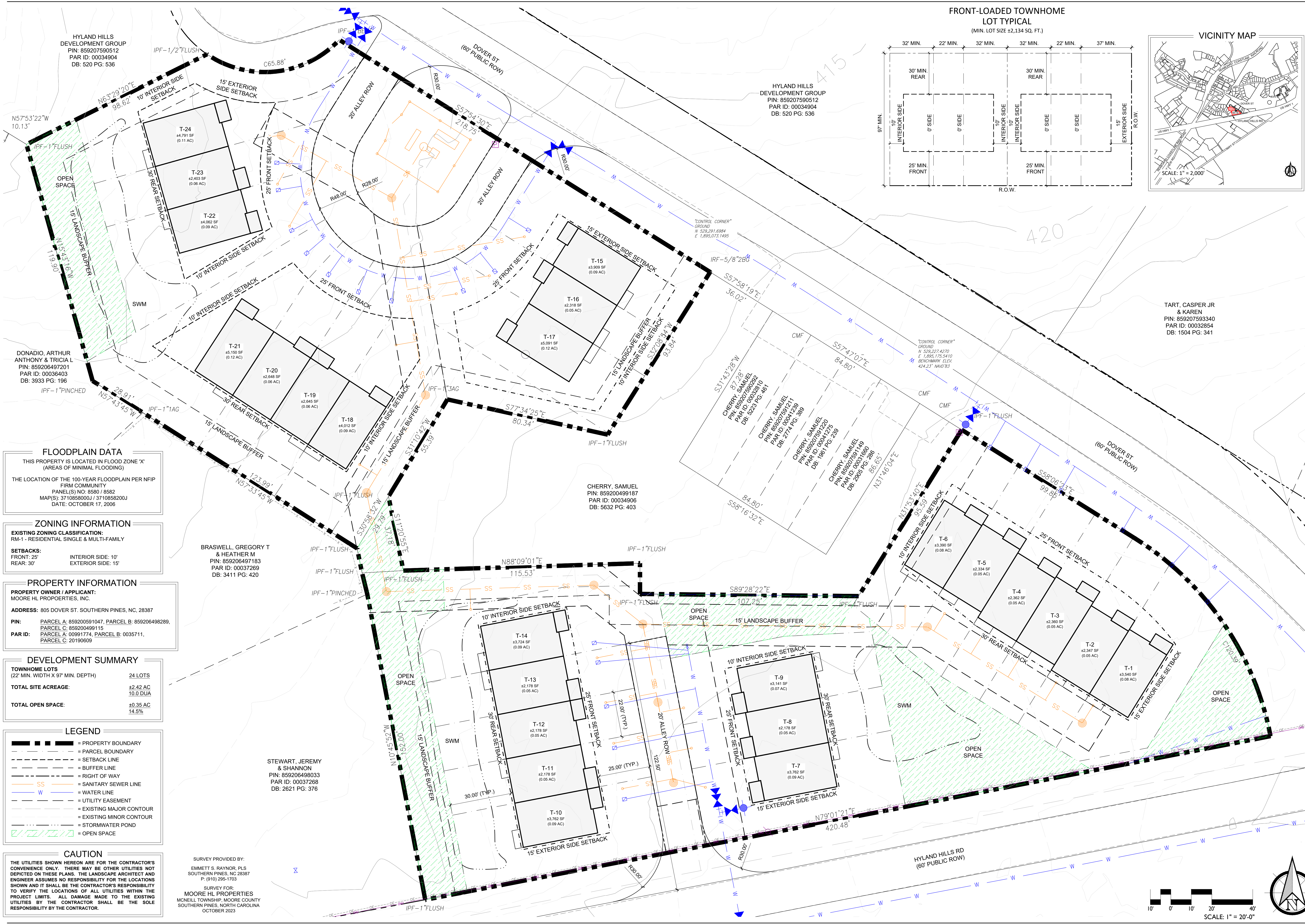
The allocation will not exceed the permitted amount of 70% (1.69 AC) and serves the interests of the Neighborhood and the Town as a whole.

d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town.

The allocation will not detract from the viability of similar uses in the area or other parts of the Town.

The following criteria have been addressed. Please reach out to me if you have any questions at thansen@koontzjones.com or 910-684-8487.

Trevor Hansen, PLA



FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP
PANEL(S) NO. 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

ZONING INFORMATION
EXISTING ZONING CLASSIFICATION:
RM-1 - RESIDENTIAL SINGLE & MULTI-FAMILY
SETBACKS:
FRONT: 25' INTERIOR SIDE: 10'
REAR: 30' EXTERIOR SIDE: 15'

PROPERTY INFORMATION
PROPERTY OWNER / APPLICANT:
MOORE HL PROPERTIES, INC.
ADDRESS: 805 DOVER ST. SOUTHERN PINES, NC, 28387
PIN: PARCEL A: 859200591047, PARCEL B: 859206498289, PARCEL C: 859200499115
PAR ID: PARCEL A: 00991774, PARCEL B: 0035711, PARCEL C: 20190609

DEVELOPMENT SUMMARY
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH) 24 LOTS
TOTAL SITE ACREAGE: ±2.42 AC
10.0 DUA
TOTAL OPEN SPACE: ±0.35 AC
14.5%

LEGEND
- - - - - = PROPERTY BOUNDARY
- - - - - = PARCEL BOUNDARY
- - - - - = SETBACK LINE
- - - - - = BUFFER LINE
- - - - - = RIGHT OF WAY
SS = SANITARY SEWER LINE
W = WATER LINE
- - - - - = UTILITY EASEMENT
- - - - - = EXISTING MAJOR CONTOUR
- - - - - = EXISTING MINOR CONTOUR
- - - - - = STORMWATER POND
- - - - - = OPEN SPACE

CAUTION
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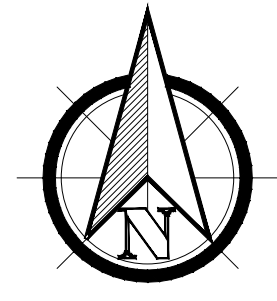
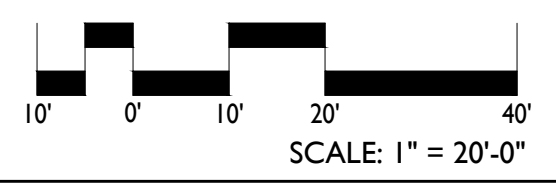
SURVEY PROVIDED BY:
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SOUTHERN PINES, NC 28387
P: (910) 295-1703
SURVEY FOR:
MOORE HL PROPERTIES
MOORE HL TOWNSHIP, MOORE COUNTY
SOUTHERN PINES, NORTH CAROLINA
OCTOBER 2023

STEWART, JEREMY
& SHANNON
PIN: 859206498033
PAR ID: 00037268
DB: 2621 PG: 376

CHERRY, SAMUEL
PIN: 859200499187
PAR ID: 00034906
DB: 5632 PG: 403

HYLAND HILLS
DEVELOPMENT GROUP
PIN: 859207590512
PAR ID: 00034904
DB: 520 PG: 536

TART, CASPER JR
& KAREN
PIN: 859207593340
PAR ID: 00032854
DB: 1504 PG: 341



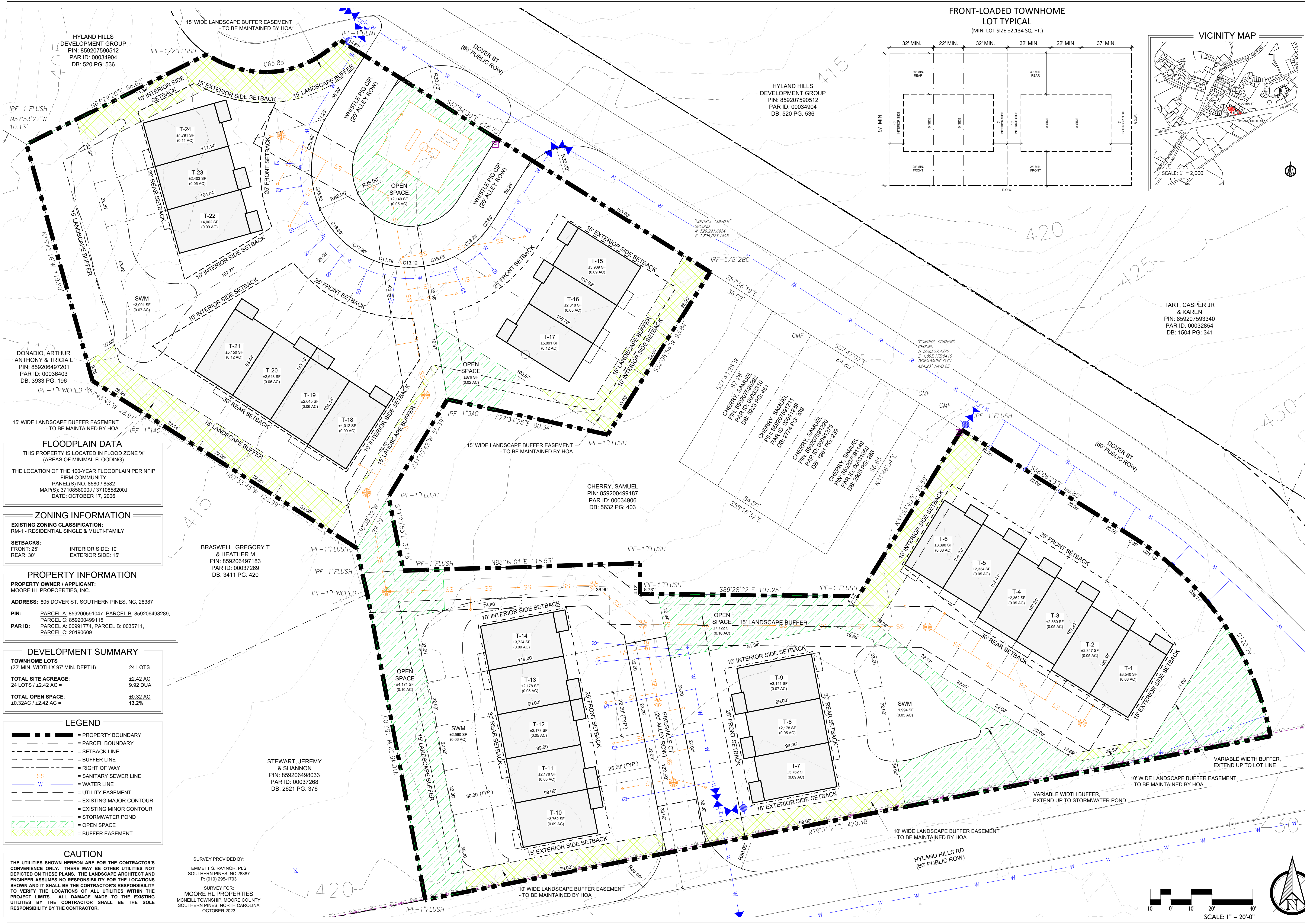
PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

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

REVISIONS:

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA
OVERALL DEVELOPMENT PLAN

DATE: 2024-08-12
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER:
L-1.1



FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO. 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

ZONING INFORMATION
EXISTING ZONING CLASSIFICATION:
RM-1 - RESIDENTIAL SINGLE & MULTI-FAMILY
SETBACKS:
FRONT: 25'
REAR: 30'
INTERIOR SIDE: 10'
EXTERIOR SIDE: 15'

PROPERTY INFORMATION
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PAR ID: PARCEL A: 00991774, PARCEL B: 0035711, PARCEL C: 20190609

DEVELOPMENT SUMMARY
TOWNHOME LOTS
(22' MIN. WIDTH X 97' MIN. DEPTH) 24 LOTS
TOTAL SITE ACREAGE: ±2.42 AC
24 LOTS / ±2.42 AC = 9.92 DUA
TOTAL OPEN SPACE: ±0.32 AC
±0.32AC / ±2.42 AC = 13.2%

LEGEND
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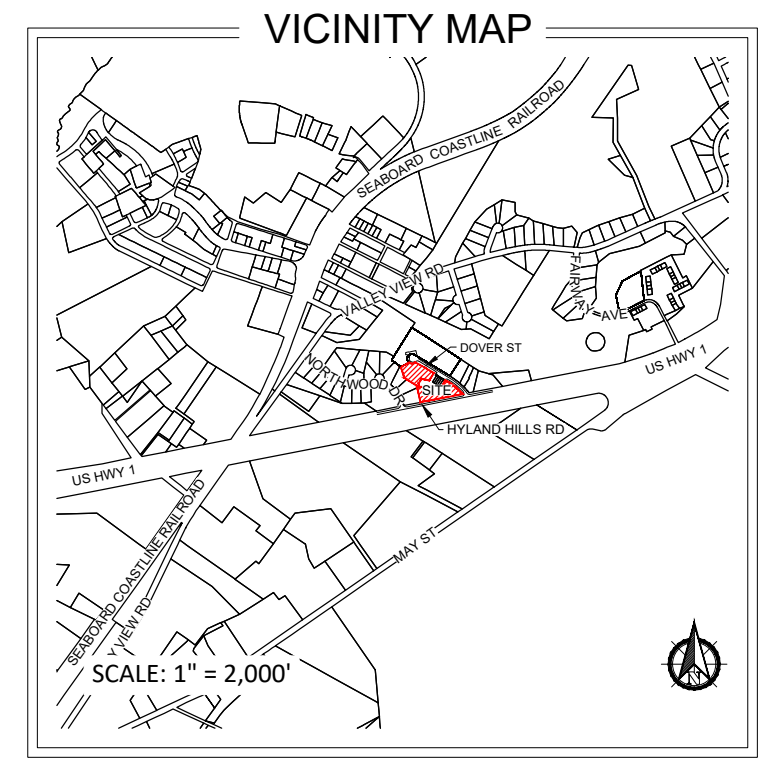
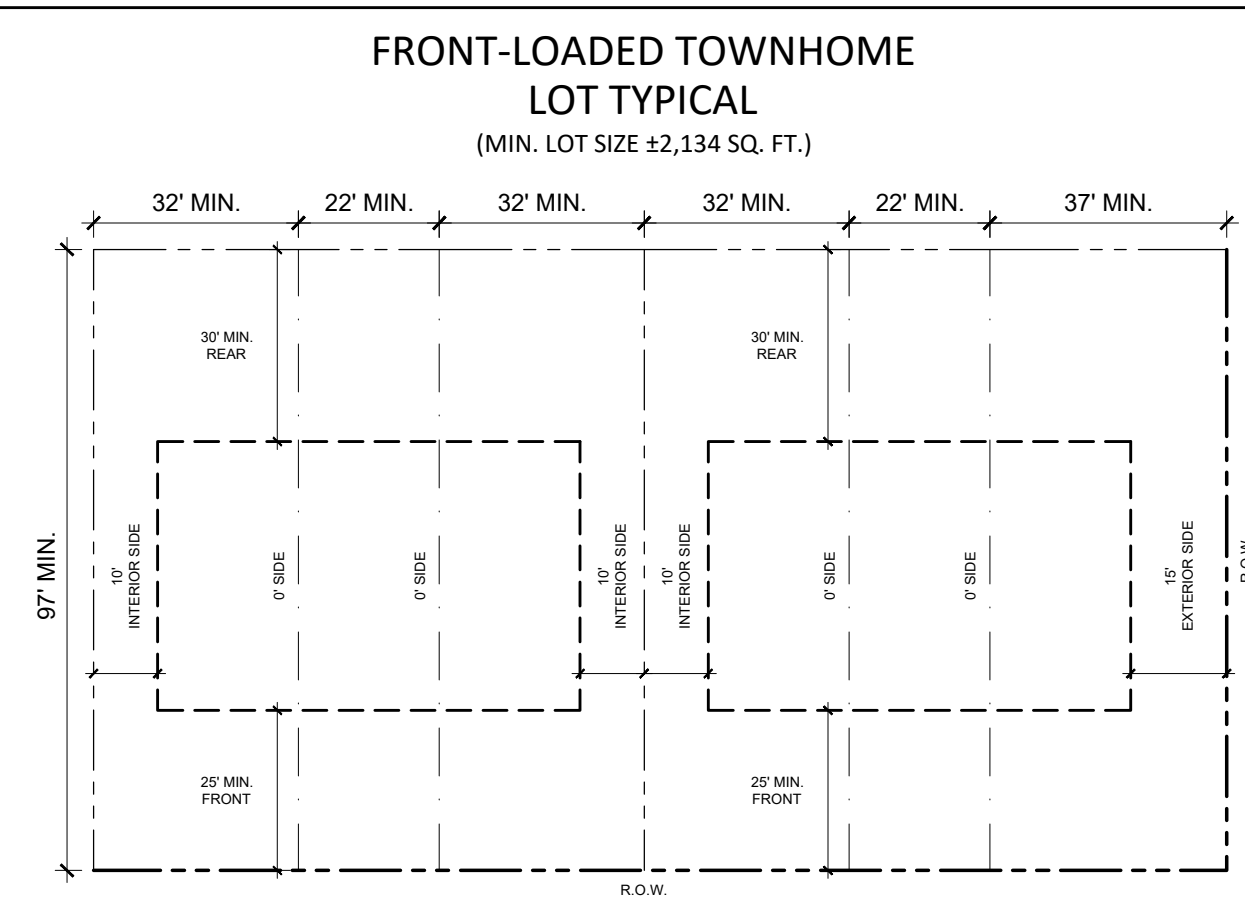
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SOUTHERN PINES, NC 28387
P: (910) 295-1703
SURVEY FOR:
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MOORELL TOWNSHIP, MOORE COUNTY
SOUTHERN PINES, NORTH CAROLINA
OCTOBER 2023

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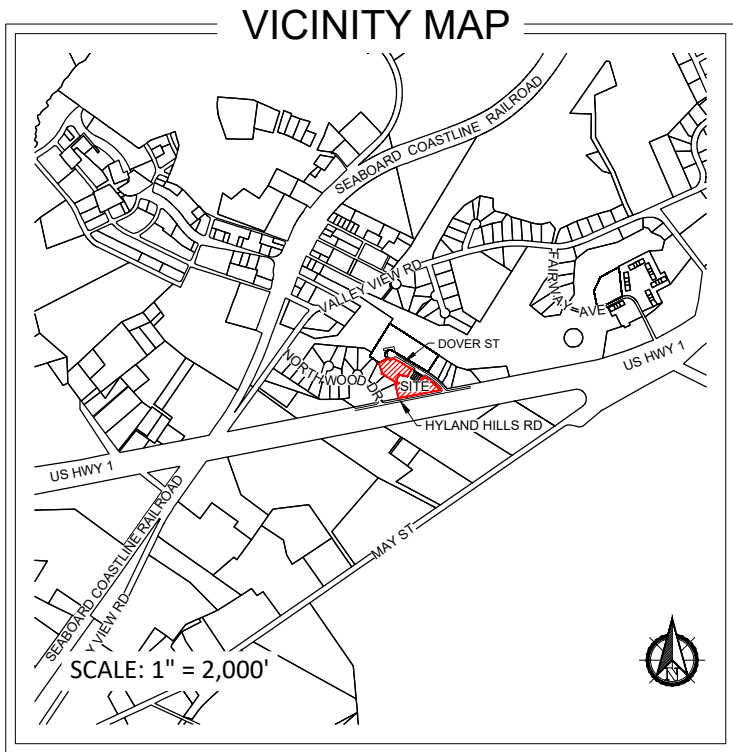
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REVISIONS:

REVISIONS:

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA
OVERALL DEVELOPMENT PLAN

DATE: 2024-09-11
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER:
L-1.1



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PANEL(S) NO: 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

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BRASWELL, GREGORY T
& HEATHER M
PIN: 859206497183
PAR ID: 00037269
DB: 3411 PG: 420

PARCEL C
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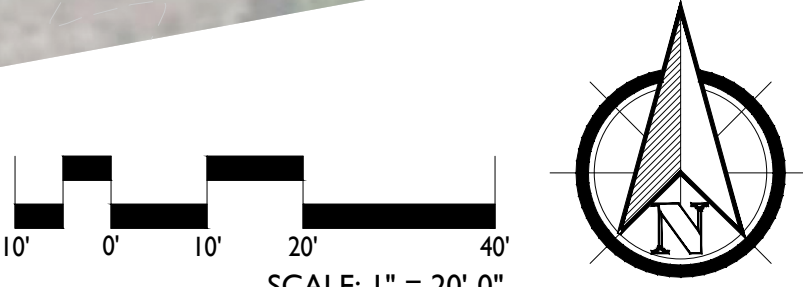
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P: (910) 684-8467
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REVISIONS:

HYLAND HILLS TOWNHOMES
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 2024-08-22
DESIGNED BY: TWH
DRAWN BY: DVM
CHECKED BY: TWH
SCALE: 1" = 20'-0"
PROJECT #: KID21024
SHEET NUMBER:
L-1.0

County of Moore
Public Works
P.O. Box 1927
Carthage, North Carolina 28327



Public Utilities: 910-947-6315

www.moorecountync.gov

August 21, 2024

Re: Utility Service to Hyland Hills Major Subdivision

To Whom It May Concern:

The purpose of this letter is to confirm the availability of water and sewer service by Moore County Public Utilities to the proposed project area.

Hydraulic modeling of the system shows that fire flow is available if the developer connects to an existing 10-inch water main located just north of Valley View Rd along US 1 Hwy South.

Sewer service can be provided to the project area by installing a new sewer lift station that will pump into an existing 8-inch sewer force main located along Hyland Hills Rd. The sewer lift station shall be built to Moore County Public Utilities standards and specifications in case of future ownership.

If you have any questions, please feel free to contact me.

C. Brian Patnode,
County Engineer

Cc: Andy Wilkison, Interim Public Works Director
Chris Fuller, MCPW Operations Manager

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HYLAND HILLS TOWNHOMES

This Declaration of Covenants, Conditions, and Restrictions ("Declaration") is made this [DATE], by [DEVELOPER'S NAME], hereinafter referred to as "Declarant."

RECITALS

WHEREAS, the Declarant is the owner of certain real property located on Hyland Hills Road in Southern Pines, Moore County, North Carolina, as more particularly described in Exhibit A attached hereto and made a part hereof (the "Property");

WHEREAS, the Declarant desires to create a residential community to be known as "Hyland Hills Townhomes" (the "Subdivision") and to provide for the preservation of the values and amenities in said Subdivision and for the maintenance of the Common Areas, private roads, and other improvements;

WHEREAS, the Declarant desires to subject the Property to the provisions of this Declaration, which are intended to protect the value and desirability of the Subdivision and to be binding upon all persons having any right, title, or interest in the Property or any part thereof;

NOW, THEREFORE, the Declarant hereby declares that the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of the Property and which shall run with the land and be binding on all parties having any right, title, or interest in the Property or any part thereof, and their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I: DEFINITIONS

1. "Association" shall mean the Hyland Hills Townhomes Homeowners Association, Inc., a North Carolina nonprofit corporation, its successors, and assigns.

2. "Common Area" shall mean all real property and improvements thereon owned by the Association for the common use and enjoyment of the Owners, including, but not limited to, private roads, green spaces, and landscaped areas.
3. "Lot" shall mean any numbered plot of land shown on the recorded subdivision plat of the Property, which is intended for development as a townhome.
4. "Owner" shall mean the record owner, whether one or more persons or entities, of fee simple title to any Lot within the Subdivision, including contract sellers but excluding those having such interest merely as security for the performance of an obligation.
5. "Declarant" shall mean [DEVELOPER'S NAME], its successors, and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.
6. "Subdivision" shall refer to the planned community known as Hyland Hills Townhomes, located on Hyland Hills Road in Southern Pines, North Carolina.

ARTICLE II: PROPERTY RIGHTS

1. Owner's Easement of Enjoyment: Every Owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- The right of the Association to establish reasonable rules and regulations governing the use of the Common Area.
- The right of the Association to suspend the voting rights and rights to use the Common Area by an Owner for any period during which any assessment against such Owner's Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations.
- The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members.

2. Private Roads: The roads within the Subdivision are private and shall be maintained by the Association. No Owner shall block, obstruct, or hinder traffic on the private roads. The Association may adopt rules regulating parking and speed limits on private roads.

ARTICLE III: HOMEOWNERS ASSOCIATION

1. Membership: Every Owner of a Lot within the Subdivision shall automatically be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

2. Voting Rights:

- Declarant Voting Rights: The Declarant shall be entitled to ten (10) votes for each Lot they own within the Subdivision. This special voting right shall continue until the Declarant no longer owns any Lots or until the Declarant voluntarily relinquishes this right in writing.

- Owner Voting Rights: After the Declarant no longer owns any Lots or relinquishes the special voting rights, each Lot shall have one (1) vote in the Association.

- Voting rights are subject to suspension as provided herein and in the Bylaws of the Association.

3. Board of Directors: The affairs of the Association shall be managed by a Board of Directors. The number, term, and qualifications of the Directors shall be as set forth in the Bylaws of the Association.

4. Assessments:

- Creation of the Lien and Personal Obligation of Assessments:** The Declarant, for each Lot owned within the Subdivision, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements; and (3) special assessments levied for emergency purposes. Such assessments, together with interest thereon and costs of collection, shall be a charge on the Lot and shall be a continuing lien upon the Lot against which each such assessment is made.

- Purpose of Assessments: The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Subdivision and for the improvement and maintenance of the Common Areas, including the maintenance of private roads, open spaces, and landscaping.

ARTICLE IV: USE RESTRICTIONS

1. Residential Use: All Lots shall be used for residential purposes only. No trade, business, or commercial activity shall be conducted on any Lot, except for home offices or home-based businesses that do not generate customer traffic, noise, or other nuisances detectable outside of the dwelling.

2. Architectural Control:

- No structure, including any building, fence, wall, or other improvement, shall be commenced, erected, or maintained on any Lot, nor shall any exterior addition to or change or alteration therein be made, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same have been submitted to and approved in writing by the Architectural Control Committee (ACC).

- The ACC shall consist of three (3) members appointed by the Declarant during the Development Period and by the Board of Directors thereafter. The ACC shall consider the harmony of external design with existing structures, location with respect to topography and finished grade elevation, and conformity with the overall aesthetic of the Subdivision.

3. Nuisances: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Owners shall refrain from activities that generate excessive noise, odor, or pollution.

4. Parking and Vehicle Restrictions:

- Parking shall be restricted to private driveways and garages. No vehicles shall be parked on the streets or Common Areas, except in designated guest parking spaces.

- Commercial vehicles, trailers, boats, and recreational vehicles shall not be parked on any Lot or street within the Subdivision unless stored in a garage or otherwise concealed from public view.

5. Pets:

- A maximum of two (2) household pets may be kept, provided they are not kept, bred, or maintained for commercial purposes. Pets shall be restrained at all times when outside the dwelling and must not create excessive noise or disturbance.

- Owners shall be responsible for cleaning up after their pets in the Common Areas.

6. Trash and Recycling:

- Trash service is provided by the town. Trash and recycling containers shall be stored out of view from the street, except on collection days when they may be placed at the curb.

- All garbage and recycling must be placed in secure, approved containers.

7. Lawn and Open Space Maintenance:

- The Association shall be responsible for the maintenance of all lawns and open spaces within the Subdivision, including mowing, fertilizing, and landscaping.
- No Owner shall alter, landscape, or plant in these areas without the prior written approval of the Association.

ARTICLE V: INSURANCE AND MAINTENANCE

1. Insurance:*

- The Association shall maintain adequate property insurance covering the Common Areas and any improvements thereon against loss or damage by fire, flood, storm, and other hazards, including liability insurance covering the Common Areas and the Board of Directors.
- Each Owner shall be responsible for obtaining insurance coverage for their Lot and townhome, including casualty, liability, and flood insurance if applicable.

2. Maintenance:

- The Association shall maintain the Common Areas, including roads, open spaces, and landscaping. Maintenance shall include, but not be limited to, repair, replacement, and upkeep of all common facilities, utilities, and infrastructure.
- Each Owner shall maintain their townhome and Lot in good condition and repair, including, but not limited to, exterior surfaces, roofs, windows, doors, and landscaping within the Lot boundaries.

ARTICLE VI: EASEMENTS

1. Utility Easements: There is hereby reserved a blanket easement over, under

, and through the Subdivision for the installation, repair, and maintenance of utilities, including but not limited to water, sewer, electricity, gas, cable television, and telecommunications.

2. Ingress and Egress: Easements for ingress and egress over private roads are hereby established for the benefit of all Owners and the Association. No Owner shall obstruct or interfere with the use of these easements.

3. Drainage Easements: Easements for drainage facilities are hereby reserved, and no structure or improvement shall be placed within such easements that would interfere with the flow of water or maintenance of drainage systems.

ARTICLE VII: AMENDMENT

1. Amendment by Declarant: The Declarant reserves the right to unilaterally amend this Declaration for so long as the Declarant owns any Lot within the Subdivision. Any amendment by the Declarant shall be consistent with the general purposes of this Declaration.

2. Amendment by Owners: After the Declarant no longer owns any Lots, this Declaration may be amended by a vote of two-thirds (2/3) of the Owners, with each Lot receiving one vote. Amendments shall be recorded in the public records of Moore County, North Carolina, to be effective.

ARTICLE VIII: GENERAL PROVISIONS

1. Enforcement: The Association or any Owner shall have the right to enforce, by proceedings at law or in equity, all covenants, restrictions, easements, and liens now or hereafter imposed by this Declaration. Failure to enforce any provision hereof shall in no event be deemed a waiver of the right to do so thereafter.

2. Severability: Invalidation of any provision of this Declaration by judgment or court order shall not affect any other provisions, which shall remain in full force and effect.

3. Duration: The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, the Declarant, and any Owner, their respective legal representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time they shall automatically extend for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds (2/3) of the Lots has been recorded agreeing to terminate or amend these covenants.

4. Interpretation: The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of a residential community.

Headings are for convenience only and shall not affect the meaning or interpretation of any provision herein.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

[DEVELOPER'S NAME]

[DEVELOPER'S SIGNATURE]

EXHIBIT A: Legal Description of Property



TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: MAPP-01-24 Hyland Hills Townhomes

Location: Between Dover Street and Hyland Hills Road

PIN#s: 859200591047, 859206498289, 859200499187, and 859200499115

September 11, 2024

Following a review of the above referenced application by the RLUAC Land Use Committee, it has been determined that:

- The site is designated as Critical to Protect in the Fort Liberty Compatible Use Rating system due to its location within a previously identified red-cockaded woodpecker active foraging area.
- The site is designated as Important to Protect in the Fort Liberty Compatible Use Rating system due to its location within a designated High Quality Waters drainage area (Mill Creek HQW Management Area).

Preserving red-cockaded woodpecker (RCW) habitat, both on and off the installation, is critical to the success of Fort Liberty's environmental mission and the long-term sustainment of its military training and operational missions. The cumulative effect of RCW habitat loss throughout the region can reduce the amount of land available for training on Fort Liberty, which, in-turn, impacts military readiness.

Due to the presence of endangered red-cockaded woodpeckers in the vicinity of the property, care should be taken to limit potential impacts to their habitat during the development of the site. It is recommended that the owner have the property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. Information about RCW survey protocols can be found here: <https://www.fws.gov/office/eastern-north-carolina/sandhills-rcw-safe-harbor>. The owner / developer is also encouraged to preserve as many mature pines and as much contiguous undisturbed forested land on the site as possible.

RLUAC also encourages the Town of Southern Pines and the owner / developer to take such measures as are feasible to limit the impact of stormwater runoff from the future development of the site on McDeeds Creek (a tributary of Mill Creek) and the Mill Creek

High Quality Waters Management Area. Maintaining the integrity of important environmental assets contributes to the overall compatibility of our region with Fort Liberty's environmental protection mission, which goes hand-in-hand with its military training and operational missions. Beyond the potential environmental impact of the proposed development, the nature of the use proposed for the site does not present any compatibility concerns with regard to military training or operations.

While RLUAC's findings and recommendations are non-binding on the Town of Southern Pines, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Kia Anthony, Chairman

Vagn K. Hansen II, AICP, Executive Director

Agenda Item

To: Planning Board

From: James Broadwell, Planner I

Subject: MAPP-02-24: Major Subdivision Preliminary Plat for 8 Townhomes fronting Clark Street; Petitioner: Legacy Homes Construction, Inc. by Koontz Jones Design, PLLC, Agent

Date: September 19, 2024

I. SUMMARY OF APPLICATION REQUEST

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Legacy Homes Construction, Inc., has submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the parent tract into 8 townhomes with a homeowners' association. The parent tract contains natural wooded buffers, a vacant field, and one rectangular shaped structure with garage doors. The subject property is located on Clark Street and the rear of the property is also adjacent to Midlothian Drive. Per the Moore County tax records, the property is identified as PARID 00032727, which comprises 1.52 acres, and is owned by Legacy Homes Construction, Inc.

II. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant	Authorized Agent
Legacy Homes Construction, Inc.	Trevor Hansen
415 Pinehurst Avenue	Koontz Jones Design, PLLC
Southern Pines, NC 28387	140 Applecross Road, Suite B
	Pinehurst, NC 28374

B. Project History and Site Information

i. Location, Zoning, Comprehensive Plan Designations

The subject property is zoned RM-2 (multi-family), and is also located within the Watershed Protection Overlay (WPO) district. The General Framework Map and Conservation and Development Maps from the Comprehensive Plan categorize the site as an "Area to Enhance" and "Neighborhood" respectively. This neighborhood area is intended to promote multiple home types and especially "missing middle" home choices. Walkability and well-connected networks of open spaces should be considered and included where feasible in these development areas.

Figure 1: Immediate Vicinity Map. Approximate parent tract boundary indicated by thick orange line.



Figure 2: Zoning and Watershed Map. The parent tracts encompass the area outlined in orange. The light brown zoning color (within the orange outline) indicates a RM-2 zone (multi-family – 5-7 dwelling units per acre). The area north and west of the blue line indicates the High-Quality (Protected) Water Protection Overlay.



III. STAFF REVIEW

A. Application Review Dates

- Major Subdivision Preliminary Plat Application Submitted: **August 12, 2024**
- Application Deemed Incomplete: **August 15, 2024**
- Application Deemed Complete: **August 22, 2024**
- TRC Staff Review: **September 3, 2024**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **September 3, 2024**
 - Mailed: **August 30, 2024**
 - Internet: **August 28, 2024**
 - Published: **August 28, 2024**
- Planning Board Preliminary Forum: **September 19, 2024**

B. Process of Review

Per UDO §2.19 General Subdivision Regulations, §2.20 Major Subdivision, and §3.7.1(C) Townhouses in Authorized Use Table, the procedures for review and approval of a major subdivision require adherence to supplemental conditions. These sections of the UDO establish a process and standards to plat and approve townhomes.

C. Standards for Review

UDO standards for Supplemental Conditions Criteria for a Major Subdivision Preliminary Plat are found in UDO §2.20.4(G), and apply to the review of this townhome preliminary plat.

D. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria. A major subdivision is permitted only if the applicant demonstrates that:

1. *The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;*

Planning staff agree with the applicant's narrative that the proposed townhomes are consistent with the Comprehensive Plan's vision, and will provide additional housing diversity in the area. It is also consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Enhance and Neighborhood.

Adequate public road access is available at this site, and the applicant will develop internal alley access to town standards, pursuant to *UDO §4.11.14*. For these reasons, town staff find that the development of this type of housing, and the inclusion of street and alley construction as planned, is consistent with this criterion.

2. *The proposed Subdivision complies with the UDO and applicable state and federal regulations;*

The application is compliant with all regulations of the RM-2 district standards. The applicant has also submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. If approved, the applicant will be able to develop up to 70% of the parent tracts. Pursuant to *UDO Exhibit 3-14* and its Table Notes, town staff find allocating 5/70 exemption appropriate to this site because:

- The use and location are consistent with the Comprehensive Plan.
- The design and location are consistent with the WPO district.
- This allocation is necessary to establish the use in the way that best serves the neighborhood and town.
- The allocation will not detract from similar uses in this area.

This application is also compliant with UDO Open Space standards pursuant to *UDO §4.9.1* (10% for development subject to major subdivision approval). Pursuant to *UDO §4.3.4(B)(5)*, buffers at least 20' in width may count toward open space requirements. The applicant has also omitted the depicted storm water pond from this calculation, as its construction will be too deep to qualify as open space pursuant to *UDO §4.9.7(A)*. Staff will review all other applicable UDO standards during site plan review, including, but not limited to, §4.3 Landscaping Code and §4.8 Lighting Code.

3. *The proposed Subdivision, including its lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;*

Planning staff concur that the proposed development is compatible with the existing RM-2 zoning (5-7 dwelling units per acre). It's also compliant with the area's vision, especially noting the "missing middle" housing options, and gives proper access and circulation alongside the existing neighborhood area. Finally, given the location of the development, future homeowners will be within walking/biking distance of downtown Southern Pines including parks and the public library. Staff have included a design suggestion, under staff comments below, related to formalizing a safe access to Midlothian Drive. This street is a lower order and more pedestrian and bicycle friendly route into downtown.

4. *The proposed Subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and*

The Technical Review Committee noted at its September 3, 2024 meeting that the internal access drive will need to meet town standards for the access drive. The Town of Southern Pines Fire Marshall also noted at the meeting that the town will need to verify at site plan review that the firetruck turnaround has adequate space.

Finally, town staff wish to highlight that the lot to this property's immediate east, zoned General Business (GB), contains a brick building and stored

vehicles and trailers. Given the volume of vehicles being stored and possible repairs occurring on site, staff find potential for noise, smoke, and odors. Though a 20' buffer will separate the townhome residents from this GB site, the developer should consider consulting with this property owner, Wallace 123, LLC, to address any conflicts that may arise.

Given the fire truck turnaround dimensions will be confirmed at site plan, town staff feel the application meets this overall criterion.

5. *The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.*

Site access is sufficient to address safety at this site, as Clark Street is a NCDOT maintained road, and town utilities are readily available for extension to these proposed units. Town staff confirm that the application is compliant with this criterion. The Town Engineer has also confirmed that this development will not meet the threshold requiring a traffic analysis report.

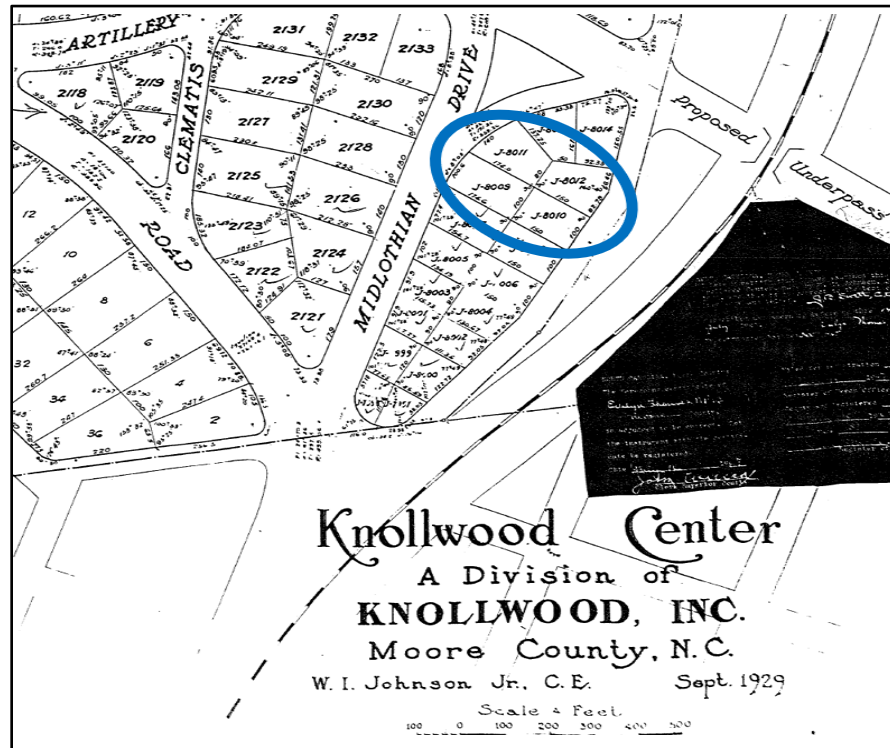
E. General Staff Comments

- **Clarification on Property's Deed and Associated Map Book**

After comparing the preliminary plat with the parent tract's deed and corresponding map book (Map Book 3, Page 31 – **figure 3 below**), planning staff noted a possible discrepancy. The map book from 1929, and its deed, depicts the parent tract as four lots (J-8009, J-8010, J-8011, and J-8012); the layout of the lots is also different from the current tax parcel data. Staff cannot confirm from the subject property's deed if these lots convey together, which brings the question if a recombination survey is necessary to clear up any ambiguity.

For these reasons, planning staff recommend the applicant consult a lawyer to confirm the lot layout and status of these lots. This is not something planning staff recommend as a condition of approval, just a recommendation to verify for the applicant and future townhome landowners.

Figure 3: Map Book 3, Page 31 – Showing the Parent Tract as Four Lots as Referenced in its Deed



- **Street Trees Along Clark Street**

The applicant has stated in a phone call between Trevor Hansen and James Broadwell on September 4, 2024 that KoontzJones Design intends to preserve as many longleaf pines as possible along Clark Street. If so, these trees will count toward the street tree requirement pursuant to *UDO* §4.3.3. Preserving these trees is not a requirement, as the applicant could clear and replant; KoontzJones has opted for tree preservation to meet this requirement, which town staff greatly appreciate, as that's a better fit into the vision of the town's 2040 Comprehensive Plan (preserve the town's natural character). See **figure 4** below for a picture of the trees as they are today.

Figure 4: Longleaf Pines on the South Side of the Parent Tract Adjacent to Clark Street



- **Private Street Access Standards**

Private streets must adhere to the minimum asphalt standards set by the North Carolina Department of Transportation (*pursuant to North Carolina General Statute Chapter 160D-804*). Private streets must also adhere to the minimum access and public road standards for a “Residential Local Town Street” (*pursuant to UDO §4.11.14*). For these reasons, town staff wish to highlight that this will apply to “Old Forester Drive” depicted on the Preliminary Plat (attachment 3).

- **General Business Parcel to the Immediate East**

The parcel to the subject property’s immediate east is zoned General Business (GB). It contains a brick building with garage doors and numerous stored vehicles and trailers on site (see figure 5). Depending on site activity, like repair operations for instance, reasonable potential exists for noise, smoke, and odors. Though a 20’ buffer will separate the townhome residents from this GB site, the developer should consider consulting with this property owner, Wallace 123, LLC, to mitigate any conflicts that may arise.

Figure 5: General Business Site East of Subject Property



- **Opportunity for Pedestrian Access Improvement**

Given this site's proximity to the downtown district and nearby pedestrian infrastructure, this site would greatly benefit from an additional pedestrian access to Midlothian Drive. Midlothian is much more pedestrian friendly, due to its relatively low vehicle traffic, than Clark Street's higher traffic. Clark Street also does not have an existing sidewalk or bicycle lane. A gravel walking trail installed that connects the townhomes to Midlothian Drive through the wooded area to the north of the property would be a great benefit to the future residents (see **figure 6** for reference). At this time, planning staff do not recommend this as a condition; this would be a voluntary addition to the plan by the applicant, and staff wish to highlight it as a feature to consider.

Figure 6: Opportunity for Pedestrian Connection to Midlothian Drive



F. Outside Agency and Neighborhood Meeting Comments:

Staff has provided information on the project to outside agencies and has received the following responses:

- A response from Ron Istre, the Town of Southern Pines Utilities Superintendent, confirmed that 0.75” meter and sewer connection account already exist for the site. Additional meters will need to be placed at the property line, and if any services will go unused, they will need to be abandoned at the respective mains.
- The Technical Review Committee reviewed a Pre-Application submittal for the project at their September 3, 2024 meeting, with no major issues identified except for the need for 5/70 watershed allocation credits. A list of Technical Review Committee comments was provided to the applicant on September 4, 2024. Further site plan review and approval will be required prior to issuance of any building permits for development, if approved.

IV. ATTACHMENTS:

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

1. Preliminary Plat Applications, Agent Authorization, Deed, Existing Conditions, and Narrative
2. Watershed Protection Permit Application
3. Preliminary Plat
4. Homeowners Association Drafted Covenants, Restrictions, and By-Laws

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 September 19, 2024 Preliminary Forum on application MAPP-02-24:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a Major Subdivision Preliminary Plat to application MAPP-02-24:

1. Approval of the request will result in the creation of 8 townhomes each on their own individual lots. The townhomes

will include open space and a stormwater pond (see Attachment 3) that will be owned and managed by a homeowners' association. This site's development is also contingent on approval of Watershed Protection Permit, submitted in conjunction with this application.

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

- 1.

Major Subdivision Preliminary Plat

REQUIRED APPLICATION MATERIALS:

- _____ **Special Use Permit Application** and all supporting documentation.
- ☒ **Completed Major Subdivision Preliminary Plat Application** signed by the applicant.
- ☒ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- ☒ **Deed** copy to provide proof of ownership and property boundaries.
- ☒ **Preliminary Plat**: Please refer to Appendix A of the UDO (pg. A-11) for detail requirements.
- ☒ **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.19** and **§2.20**.
- _____ **Additional documentation**: Additional text and/or maps provided to demonstrate consistency with the criteria for approval of a preliminary plat listed in **UDO §2.20.5(G)**. The list of criteria is attached.
- _____ **Covenants and Restrictions**, if applicable.
- _____ **Utility letters** confirming the availability of service and improvements necessary to provide water, wastewater, natural gas or telecommunications services (not needed for Town services).
- ☒ **Drainage concept plan**, if applicable – see drainage impact analysis checklist.
- _____ **Traffic impact analysis**, if applicable – see traffic impact analysis checklist.
- ☒ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff Review**: Planning staff will review the application within five business days and notify the applicant if additional materials are needed.
2. **Public Hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.20.5(G)**. The Special Use Permit shall not become effective until the Planning Director approves and the Applicant records the final plat for the applicable area.

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



Major Subdivision Preliminary Plat Application

Date Received: _____ Case No.: S-____-____

Subdivision Name: Clark Street Townhomes Street Address: 510 Clark St, Southern Pines, NC 28387
PIN: 858219617079 Parcel ID: 00032727 Zoning District: RM-2
Project acreage in: Lots 0.52 + Roads 0.21 + Open Space 0.51 + Common Area 0
+ Other (describe) 0.28 (Steep Slope/ Retaining Wall/ Remaining Storm Water) = Total Project Acreage 1.52
Number of Lots: 8 Minimum Lot Size: 2,222 sq. ft. Setbacks: 25' (Front) 30' (Rear) 15' (Exterior) 10' (Interior)
Highway Corridor Overlay: Yes/No No If yes, Urban Village - Urban Transition - Rural Hwy -
Watershed: Yes/No Yes If yes, LR #2: Yes LR Vass: - Nicks Creek: - HQW: Yes/No Yes
Does the site contain a Special Flood Hazard Area: Yes/No No Does the site contain wetlands: Yes/No No

Applicant:

Name: Trevor Hansen
Phone: (435) - 265 - 6355 Email: thansens@koontzjones.com
Mailing Address: 140 Applecross Rd, Pinehurst, NC 28374

Contact Person, if different from Applicant:

Name: _____
Phone: _____ Email: _____
Mailing Address: _____

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

Name(s): Legacy Homes Construction, Inc.
Phone: (910 - 725 - 1371) Email: _____
Mailing Address: 415 Pinehurst Ave. Southern Pines, NC 28387

Date: 08/12/2024


Signature of Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), Legacy Homes Construction Inc., hereby appoint(s) Trevor Hansen as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a Major Subdivision of the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

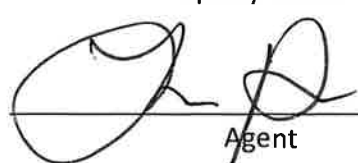
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Major Subdivision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

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

Signed this 12 day of August 12, 2024.



Property Owner

Property Owner


Agent

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

September 8, 2022 3:11:14 PM

Book: 5910 Page: 338 - 339 #Pages: 2

Fee: \$26.00

NC Rev Stamp: \$500.00

Instrument# 2022015463

GENERAL WARRANTY DEED**THIS INSTRUMENT PREPARED BY:**

Michelle Stinnett, Esq.
 Lorenz & Creed Law Firm, PLLC
 230 N. Bennett Street
 Southern Pines, NC 28387

TO BE RECORDED IN THE
 DEED RECORDS OF
 MOORE COUNTY, NC

Excise Tax: \$ 500.00

THIS DEED made this 15th day of August, 2022, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
SOUTHBOUND SALES, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY 674 Youngs Road Vass, NC 28394	LEGACY HOME CONSTRUCTION, INC. A NORTH CAROLINA CORPORATION Tax address: PO Box 667 Southern Pines, NC 28388

WITNESSETH:

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.

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in Moore County, North Carolina, and more particularly described as follows:

Lots J-8009, J-8010, J-8011, and J-8012, as shown on map entitled "Knollwood Center, a Division of Knollwood, Inc." and recorded in Map Book 3, Page 31, Moore County Registry.

Submitted electronically by "Sandhills Law Group"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described does not include the primary residence of the Grantor.

And being the same property conveyed to Grantor in instrument recorded in Book 3877, Page 45, in the Moore County, North Carolina, Register of Deeds. By execution of this deed, Grantor affirms that Jo-an H. DeSell and Jo-an Harter DeSell are one and the same person and that on May 19, 2011 Jo-an H. DeSell was unmarried. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

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 Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors as of the day and year first above written.

**SOUTHBOUND SALES, LLC, A NORTH CAROLINA
LIMITED LIABILITY COMPANY**

By: Jo-an Harter DeSell Manager (SEAL)
JO-AN HARTER DESELL, MANAGER

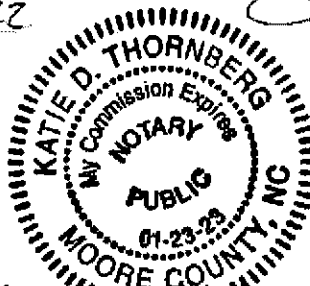
STATE OF NORTH CAROLINA
COUNTY OF MOORE

I certify that the following person(s) personally appeared before me this day and () I have personal knowledge of the identity of the principal(s); (☒) I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; () a credible witness has sworn to the identity of the principal(s); the principal(s) acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Jo-an Harter DeSell, Manager of Southbound Sales, LLC, a North Carolina Limited Liability Company.

Date: 8/15/2022

[SEAL]

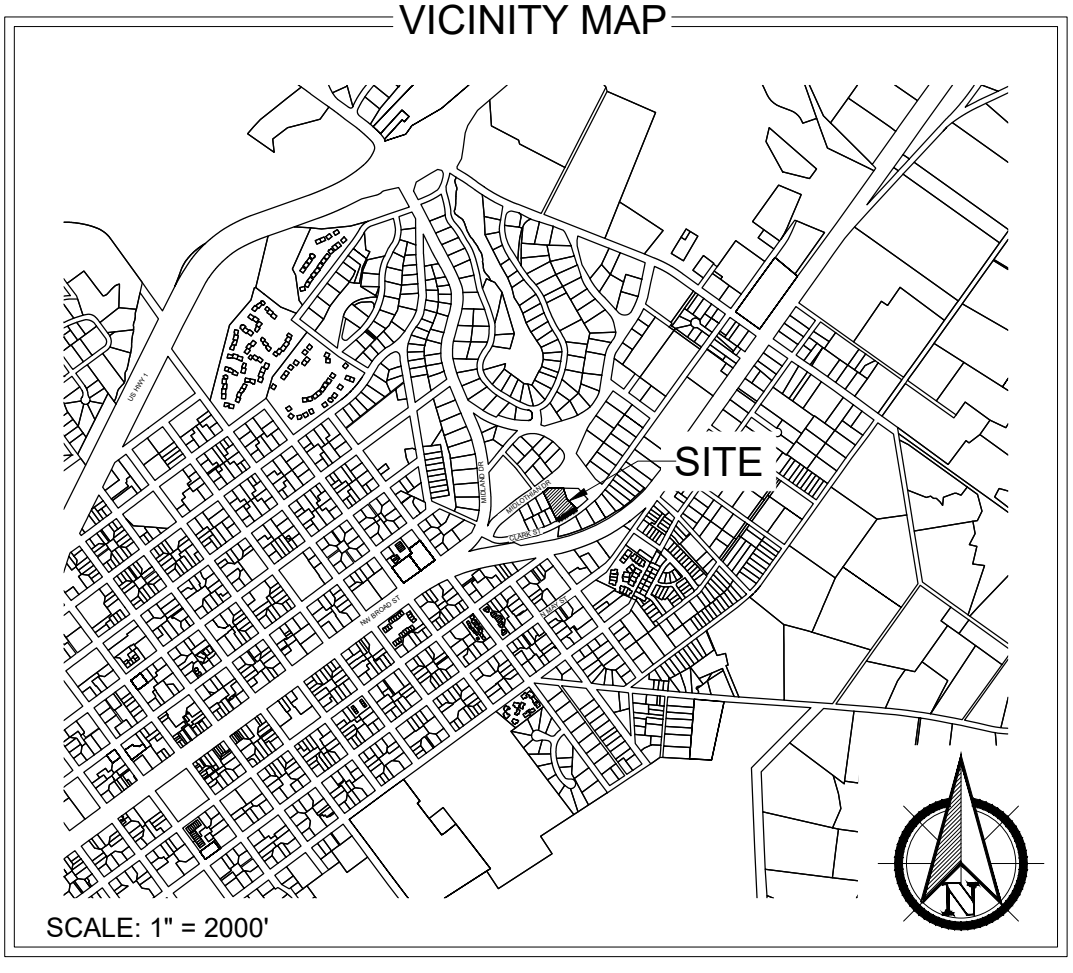


Notary Public

Katie D Thornberg
Printed or typed name of Notary Public

My commission expires: 1/23/2023

NOTARY PUBLIC: Please place an "X" in the space that describes the method of identifying the principal and (--) in the spaces that do not apply.



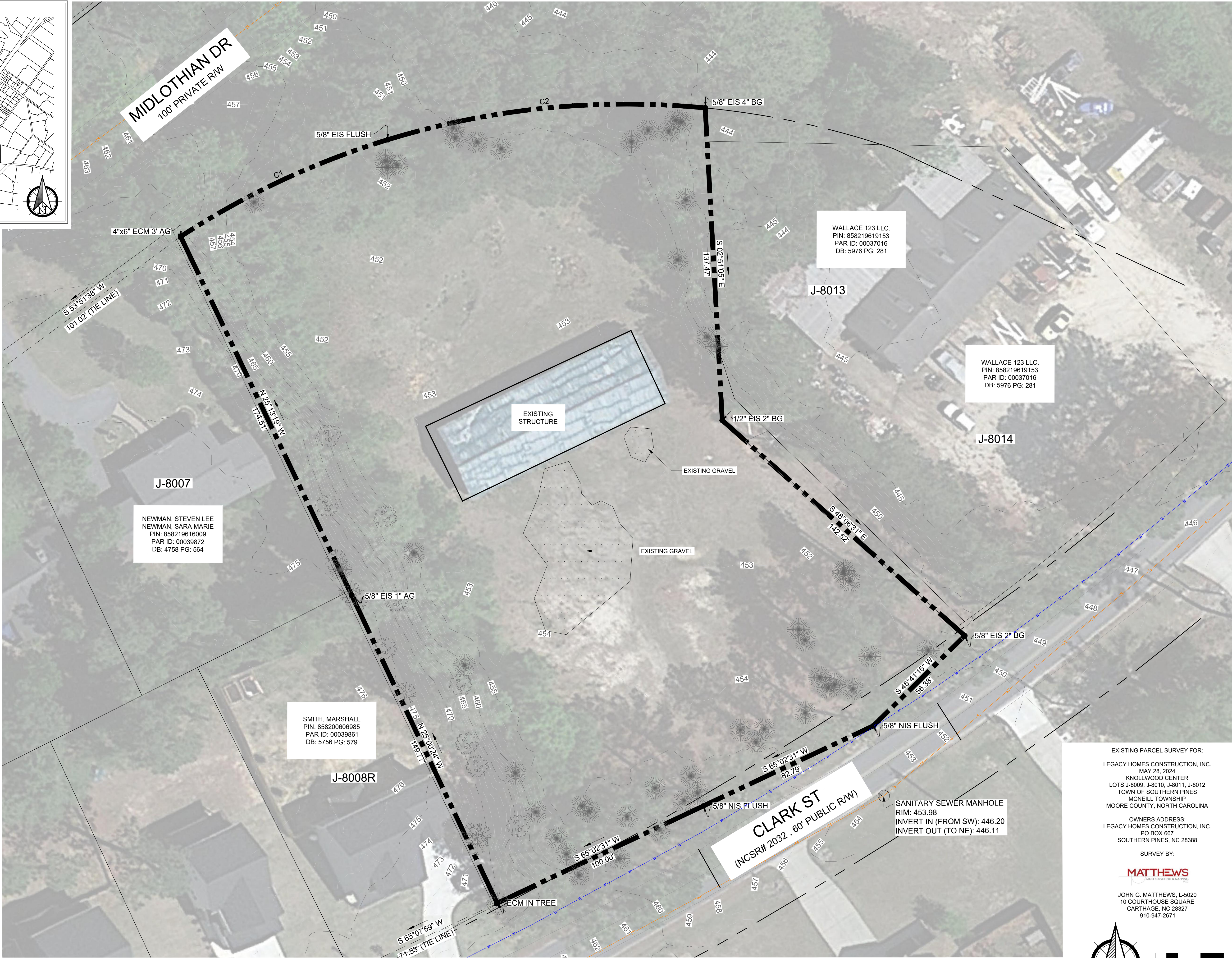
FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'
(AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP
FIRM COMMUNITY
PANEL(S) NO: 8580 / 8582
MAP(S): 3710858000J / 3710858200J
DATE: OCTOBER 17, 2006

ZONING INFORMATION
EXISTING ZONING CLASSIFICATION:
RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY
SETBACKS:
FRONT: 25'
INTERIOR SIDE: 10'
EXTERIOR SIDE: 15'
REAR: 30'

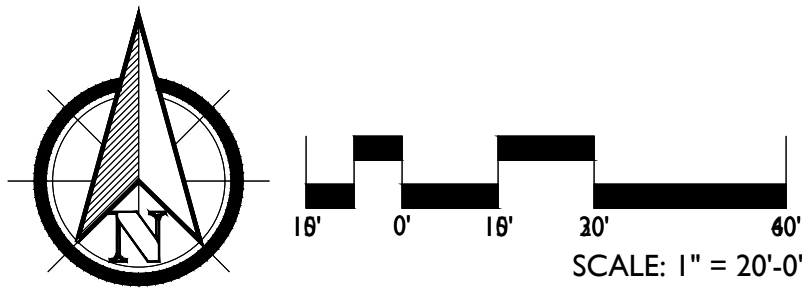
PROPERTY INFORMATION
PROPERTY OWNER / APPLICANT:
LEGACY HOMES CONSTRUCTION, INC.
PROPERTY ADDRESS:
510 CLARK ST, SOUTHERN PINES, NC 28387
PARCEL ID: 00039861
PIN: 858200606985
DEED BOOK #: 5910
DEED PAGE #: 338

LEGEND
- - - - - = PROPERTY BOUNDARY
- - - - - = RIGHT OF WAY
SS = SANITARY SEWER LINE
W = WATER LINE
--- = EXISTING MAJOR CONTOUR
--- = EXISTING MINOR CONTOUR

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.



EXISTING PARCEL SURVEY FOR:
LEGACY HOMES CONSTRUCTION, INC.
MAY 28, 2024
KNOLLWOOD CENTER
LOTS J-8009, J-8010, J-8011, J-8012
TOWN OF SOUTHERN PINES
MCNEILL TOWNSHIP
MOORE COUNTY, NORTH CAROLINA
OWNERS ADDRESS:
LEGACY HOMES CONSTRUCTION, INC.
PO BOX 667
SOUTHERN PINES, NC 28388
SURVEY BY:
MATTHEWS
LAND SURVEYING & MAPPING
JOHN G. MATTHEWS, L-5020
10 COURTHOUSE SQUARE
CARTERSVILLE, NC 28327
910-947-2671



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

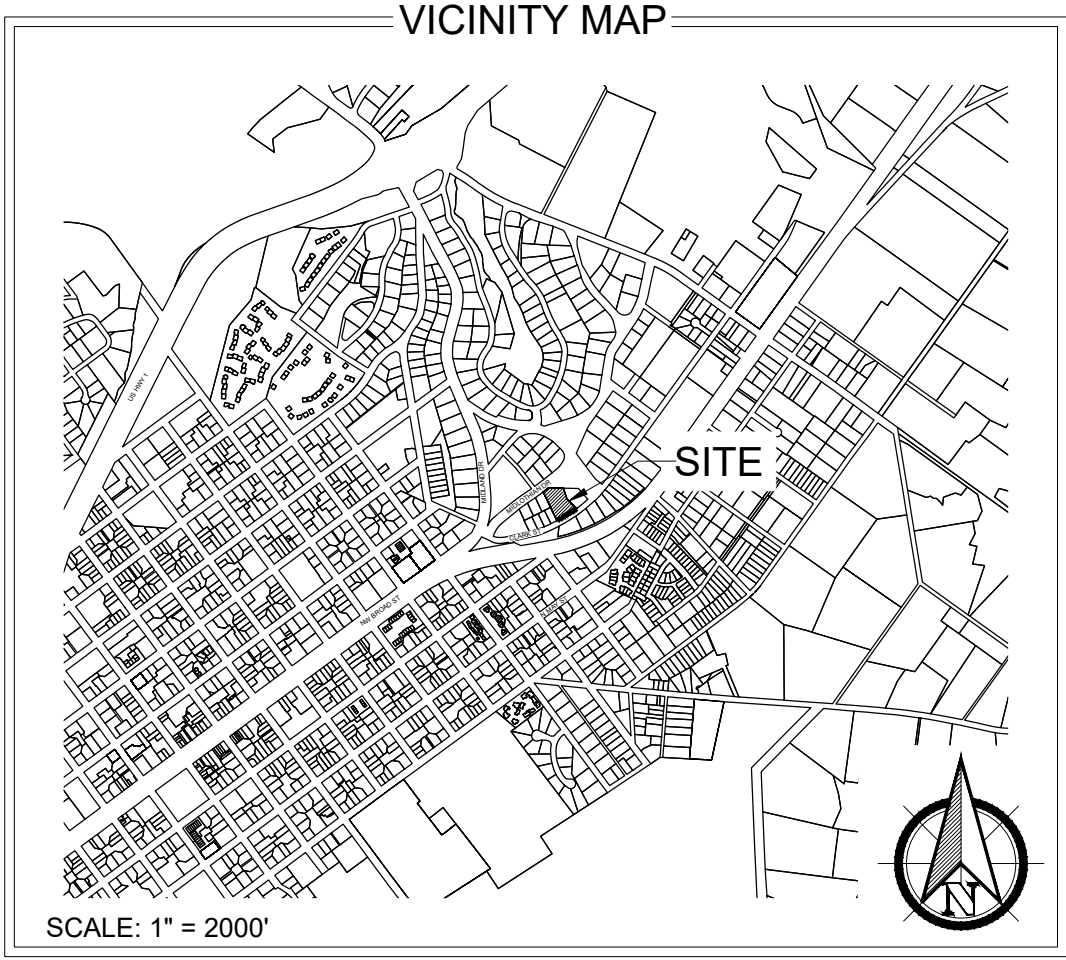
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 894-9487
W: www.koontzjonesdesign.com

REVISIONS:

CLARK STREET TOWN-HOMES
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS PLAN

DATE: 2024.08.12
DESIGNED BY: SCW
DRAWN BY: SCW
CHECKED BY: TWH
Q.C. BY: REV. 08.07
PROJECT #: KDD22102
SHEET NUMBER:
L-1.0





FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY

PANEL(S) NO: 8580 / 8582

MAP(S): 3710858000J / 3710858200J

DATE: OCTOBER 17, 2006

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:

RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY

SETBACKS:

FRONT: 25'

INTERIOR SIDE: 10'

EXTERIOR SIDE: 15'

REAR: 30'

PROPERTY INFORMATION

PROPERTY OWNER / APPLICANT:

LEGACY HOMES CONSTRUCTION, INC.

PROPERTY ADDRESS:

510 CLARK ST. SOUTHERN PINES, NC 28387

PARCEL ID: 00039861

PIN: 858200606985

DEED BOOK #: 5910

DEED PAGE #: 338

DEVELOPMENT SUMMARY

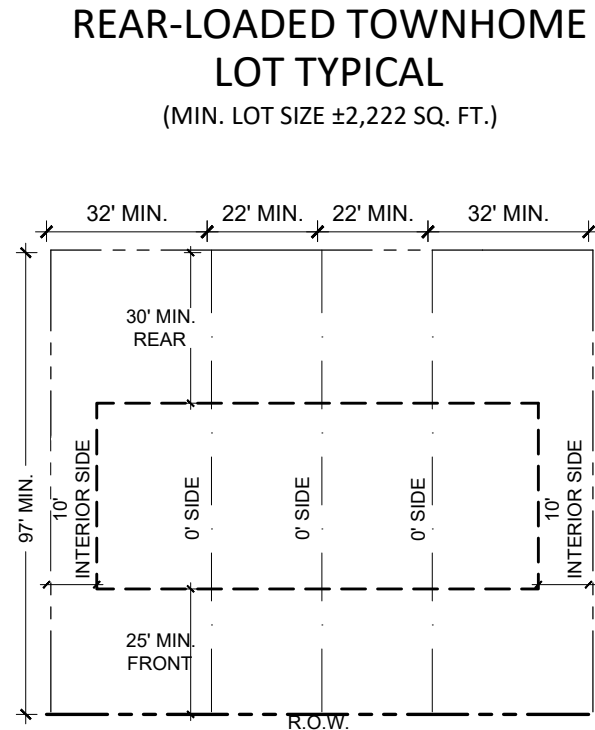
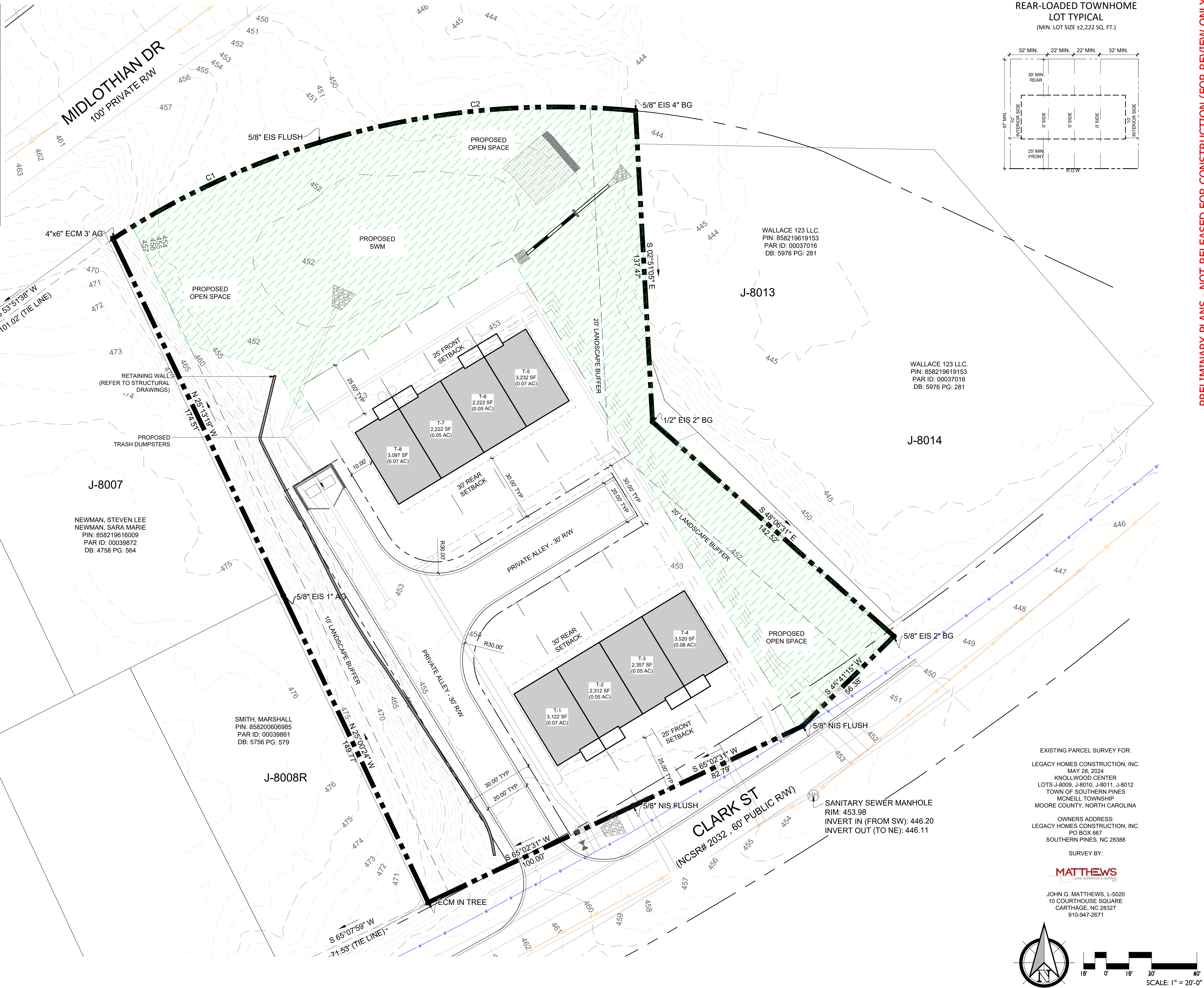
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH)	8 LOTS
TOTAL SITE ACREAGE:	±1.52 AC 5.2 DUA
TOTAL OPEN SPACE:	±0.51 AC 33.5%

LEGEND

- = PROPERTY BOUNDARY
- = PARCEL BOUNDARY
- = SETBACK LINE
- = BUFFER LINE
- = RIGHT OF WAY
- SS --- = SANITARY SEWER LINE
- W --- = WATER LINE
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CAUTION

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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

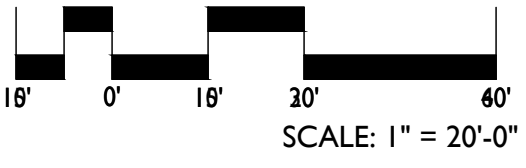
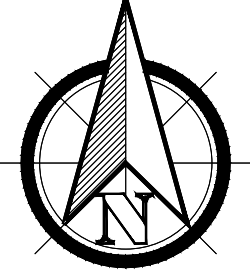
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 894-9487
W: www.koontzjonesdesign.com

REVISIONS:

CLARK STREET TOWN-HOMES
SOUTHERN PINES, NORTH CAROLINA

OVERALL DEVELOPMENT PLAN

DATE: 2024-08-12
DESIGNED BY: SCW
DRAWN BY: SCW
CHECKED BY: TWH
Q.C. BY: REV 00
PROJECT #: KDD22102
SHEET NUMBER:
L-1.1



UDO §2.20.5 Preliminary Plat

(G) Criteria

- (1) The application is consistent with the approved Sketch Plat, if applicable.
- (2) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
- (3) The proposed subdivision complies with the UDO and the applicable state and federal regulations;
- (4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;
- (5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
- (6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

510 Clark Street Property Major Subdivision Justification

Below are listed the six (6) criteria required to approve a Major Subdivision application as described in Section 2.20.4 (G) Criteria of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

(1) The application is consistent with the approved Sketch Plat, if applicable.

Not Applicable

(2) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;

The proposed application conforms to all standards set forth in the RM-2 district and the development standards within the UDO. This project is also consistent with the goals and objectives of the Comprehensive Long-Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines.

(3) The proposed subdivision complies with the UDO and applicable state and federal regulations;

The proposed development complies with the UDO and will meet all the requirements as provided in the previously approved conditional zoning, in addition to applicable state and federal regulations.

(4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;

The proposed development corresponds with and meets all standards and requirements set forth in the RM-2 zoning requirements and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses within the underlying zoning district. The development of three (8) residential townhome lots is compatible with RM-2 zoning district, as originally approved.

(5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

This residential neighborhood will continue the existing development pattern in the neighborhood and will conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

(6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. Lots will have adequate access to accommodate emergency and waste removal vehicles.

Watershed Protection Permit Application

REQUIRED APPLICATION MATERIALS:

- X Completed Application for a Watershed Protection Permit signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- X Appointment of Agent, if applicable, signed by the property owner(s) and the agent
- X Site Plan
- X Vicinity Map
- X Narrative (if the property is outside of the **CB** zoning district) addressing each of the criteria listed in Exhibit 3-14, Table Note 3, of the UDO
- X Electronic copy (PDF) of all application materials submitted to plan@southernpines.net

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff review:** Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Approval:** The Town Council, at its regular meeting, will review and approve, approve with conditions, or deny the application.

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Watershed Protection Permit Application

Date Received: _____ Case No.: WP-____-____

I, the undersigned, do hereby make application to the Town of Southern Pines Town Council for a Watershed Protection Permit for the property described below.

Project Information:

Project Name: Clark Street Townhomes Zoning District: RM-2 Total Property Acreage: 1.517
PIN: 858219617079 Parcel ID: 00032727 Watershed: HQW & WS-III
Type of Development: Multi-Family Townhomes Total Built-Up Area*: 20,856 sf
% of Total Property Acreage Proposed to be Built-Up Area*: 31.56%

Applicant:

Name(s): Legacy Home Construction, Inc. Email: carolinabuilder@gmail.com
Mailing Address: 510 Clark Street, Southern Pines, NC 28388 Phone: 910-639-5973

Authorized Agent, if different from Applicant:

Name(s): Trevor Hansen - KoontzJones Design
Email: thansen@koontzjones.com Phone: 910-684-8487
Mailing Address: 140 Applecross Road, Suite B, Pinehurst, NC 28374

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

Name(s): _____
Email: _____ Phone: _____
Mailing Address: _____

Signature of Applicant

*Definition of Built-Up Area May be Found in Chapter 9 of the Unified Development Ordinance.

Please review **UDO §3.6.8 Watershed Protection Overlay District** in its entirety.

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Appointment of Agent

PLEASE PRINT. INFORMATION MUST BE LEGIBLE.

The undersigned property owner(s), Legacy Home Construction, Inc., hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for Clark Street Townhomes on the property described in the foregoing application. The property owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the property 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 Planning Department staff for the issuance of a Watershed Protection Permit on the subject property; 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 Clark Street Townhomes under the Southern Pines Unified Development Ordinance.

This Appointment of Agent agreement shall remain in effect until final resolution of this application.

**Property Owner or Authorized Representative of
Property Owner:**

Date: 8/12/2024

Signature

Travis Greene - Legacy Home Construction, Inc.

Printed Name of Signatory

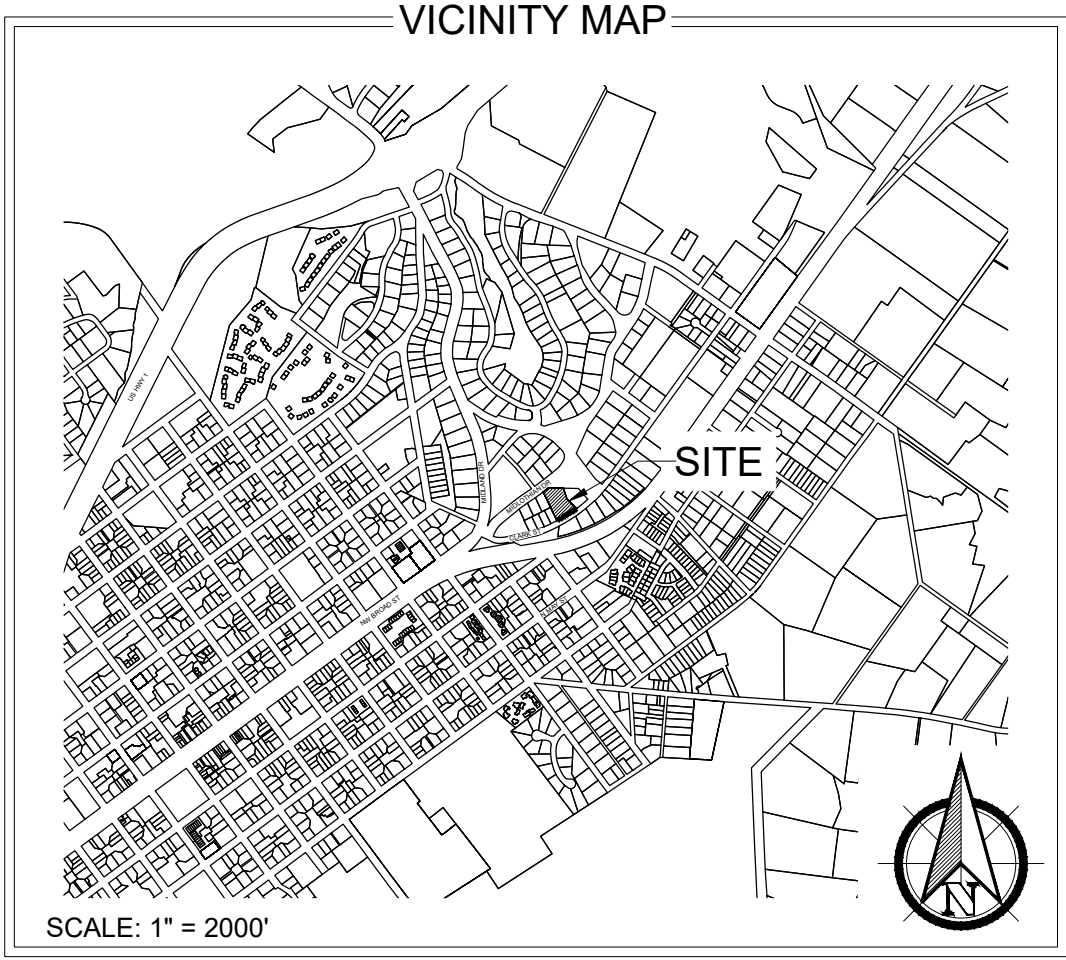
Authorized Agent:

Date: 8/12/2024

Signature

Trevor Hansen - Koontz Jones Design

Printed Name of Signatory



FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY

PANEL(S) NO: 8580 / 8582

MAP(S): 3710858000J / 3710858200J

DATE: OCTOBER 17, 2006

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:

RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY

SETBACKS:

FRONT: 25'

INTERIOR SIDE: 10'

EXTERIOR SIDE: 15'

REAR: 30'

PROPERTY INFORMATION

PROPERTY OWNER / APPLICANT:

LEGACY HOMES CONSTRUCTION, INC.

PROPERTY ADDRESS:

510 CLARK ST. SOUTHERN PINES, NC 28387

PARCEL ID: 00039861

PIN: 858200606985

DEED BOOK #: 5910

DEED PAGE #: 338

DEVELOPMENT SUMMARY

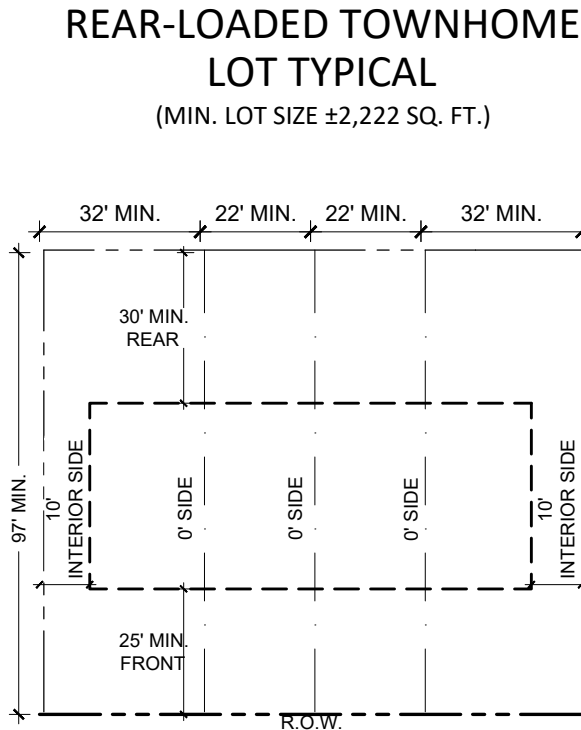
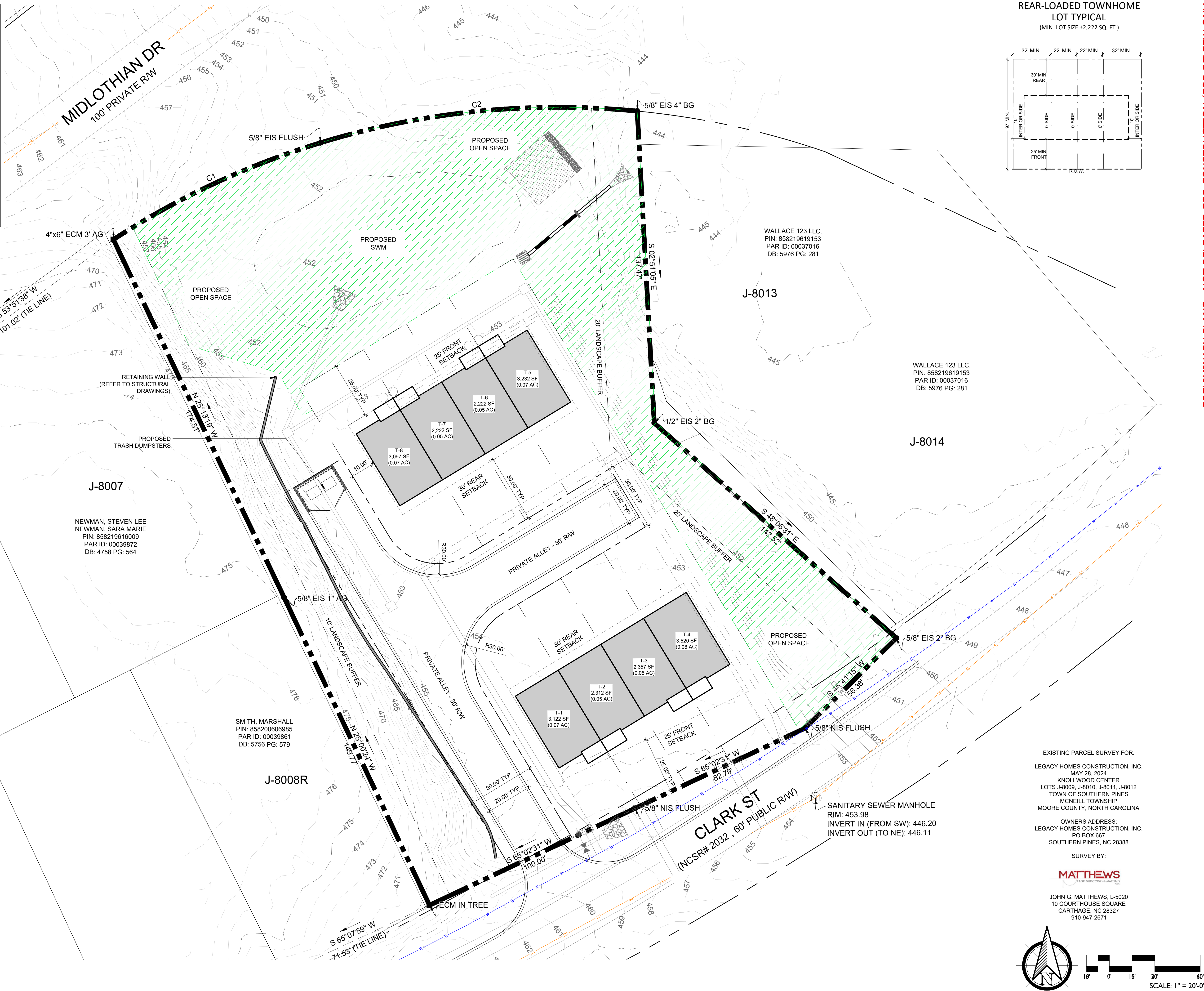
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH)	8 LOTS
TOTAL SITE ACREAGE:	±1.52 AC 5.2 DUA
TOTAL OPEN SPACE:	±0.51 AC 33.5%

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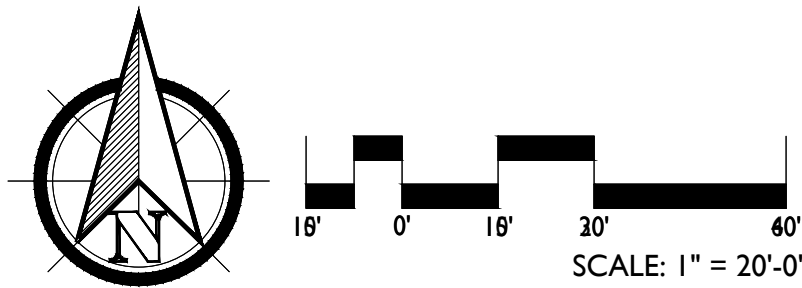
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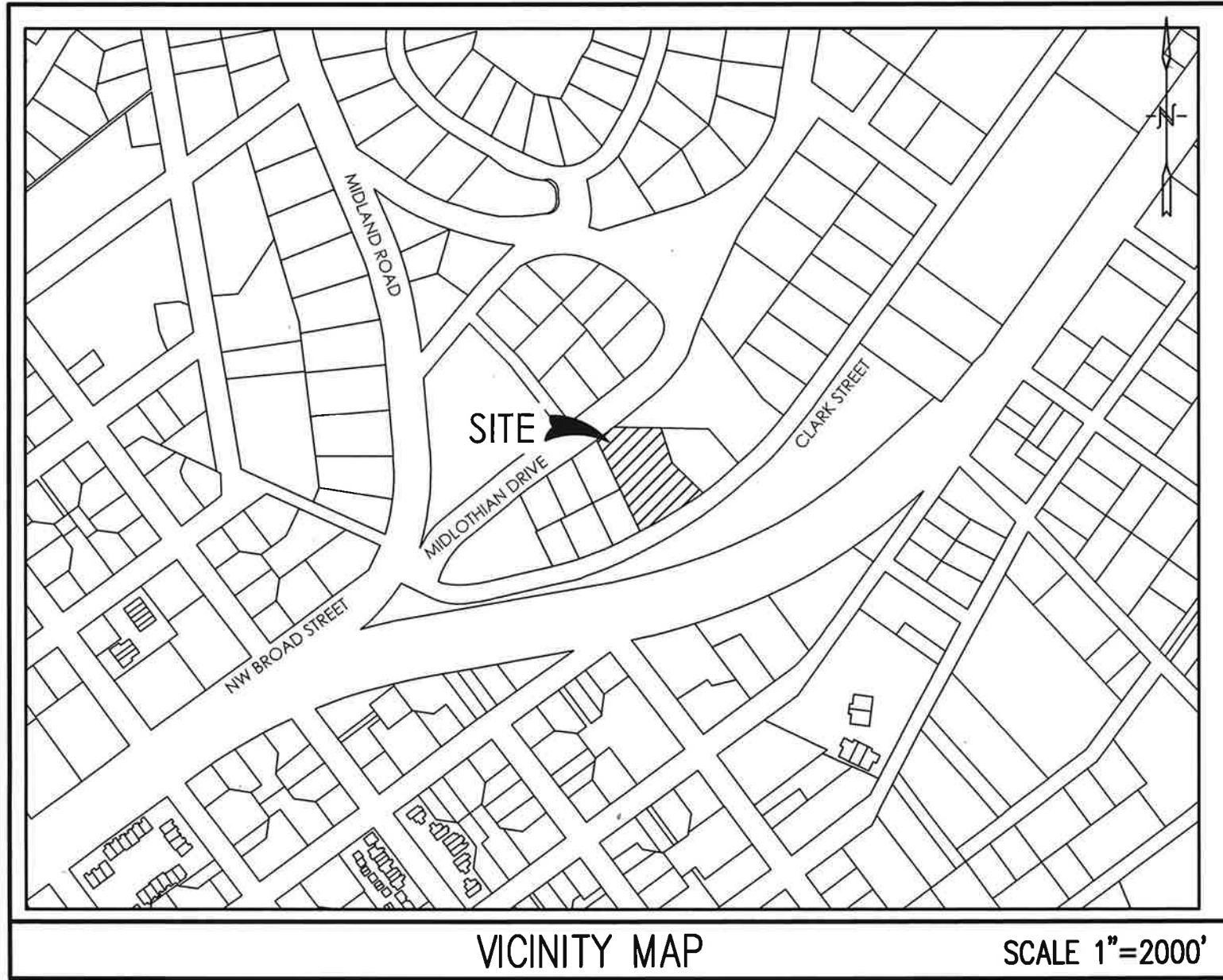
CLARK STREET TOWN-HOMES
SOUTHERN PINES, NORTH CAROLINA

OVERALL DEVELOPMENT PLAN

DATE: 2024-08-12
DESIGNED BY: SCW
DRAWN BY: SCW
CHECKED BY: TWH
Q.C. BY: REV. 01
PROJECT #: KDD22102

SHEET NUMBER:
L-1.1





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are required
verified rece
Email:bsionlir

Watershed Protection Permit Application - NARRATIVE

Project Information:

Project Name: Clark Street Townhomes

Zoning District: RM-2

PIN: 858219617079

Parcel ID: 00032727

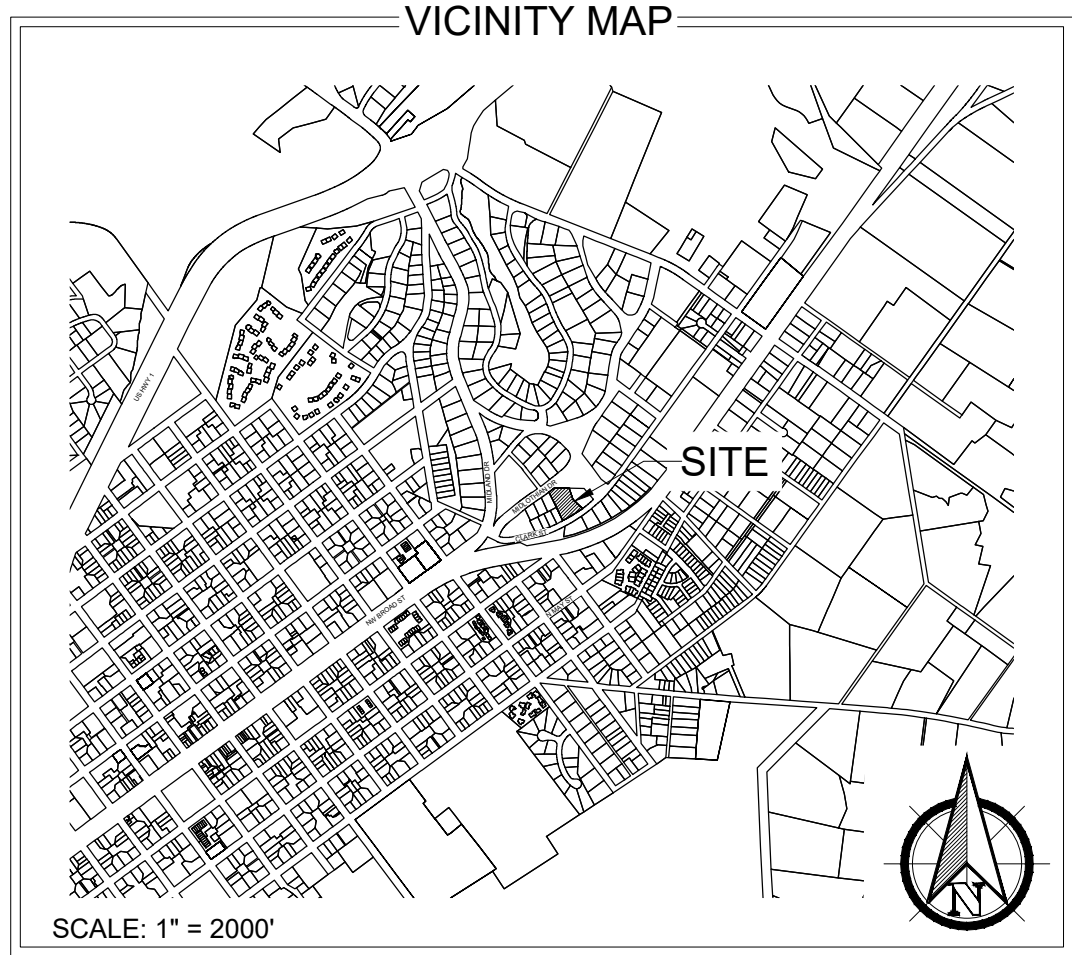
Exhibit 3-14, Table Note 3 of TOSP UDO 5-14-24

3. Development outside of the CB district requiring an allocation of Built-Up Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:

- a. The use and location of the use are consistent with the Comprehensive Plan; *The proposed townhome development is consistent with the Comprehensive Plan.*
- b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district; *The design of the proposed townhome development is consistent with the purposes of the WPO district.*
- c. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the Neighborhood and the Town as a whole; and *The allocation is 31.56% and serves the interests of the Neighborhood and the Town as a whole.*
- d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town *The allocation will not detract from the viability of similar uses in the area or other parts of the Town.*

The following criteria have been addressed. Please reach out to me if you have any questions at cpardo@bowman or 919-553-6570.

Carlo Pardo, PE



FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY

PANEL(S) NO: 8580 / 8582

MAP(S): 3710858000J / 3710858200J

DATE: OCTOBER 17, 2006

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EXISTING ZONING CLASSIFICATION:

RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY

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FRONT: 25'

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EXTERIOR SIDE: 15'

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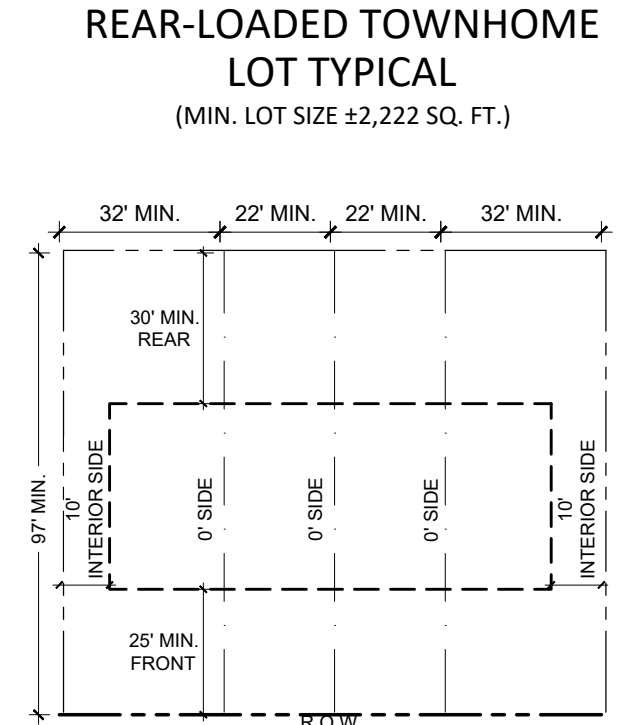
TOWNHOME LOTS (22' MIN. WIDTH X 97' MIN. DEPTH)	8 UNITS
TOTAL SITE ACREAGE:	±1.52 AC 5.2 DUA
TOTAL OPEN SPACE REQUIRED:	6,621 SF ±0.15 AC 10.0%
TOTAL OPEN SPACE PROVIDED (OS-1):	19,223 SF ±0.44 AC 29.0%

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P: (910) 884-9487
W: www.koontzjonesdesign.com

REVISIONS:

REVISIONS:

CLARK STREET TOWN-HOMES
SOUTHERN PINES, NORTH CAROLINA

OVERALL DEVELOPMENT PLAN

DATE: 2024-08-22
DESIGNED BY: SCW
DRAWN BY: SCW
CHECKED BY: TWH
Q.C. BY: REV 08/07
PROJECT #: KDD22102

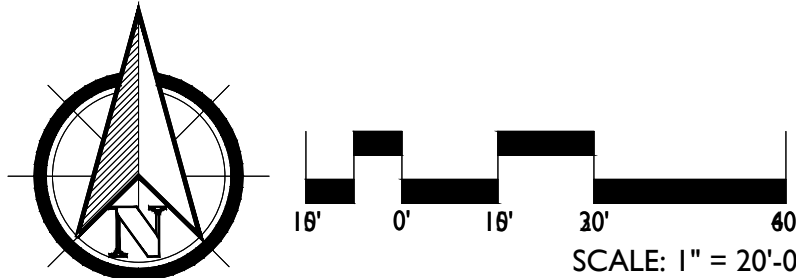
SHEET NUMBER:
L-1.1

EXISTING PARCEL SURVEY FOR:
LEGACY HOMES CONSTRUCTION, INC.
MAY 28, 2024
KNOLLWOOD CENTER
LOTS J-8009, J-8010, J-8011, J-8012
TOWN OF SOUTHERN PINES
MCNEILL TOWNSHIP
MOORE COUNTY, NORTH CAROLINA

OWNERS ADDRESS:
LEGACY HOMES CONSTRUCTION, INC.
PO BOX 667
SOUTHERN PINES, NC 28388

SURVEY BY:
MATTHEWS
LAND SURVEYING & MAPPING

JOHN G. MATTHEWS, L-5020
10 COURTHOUSE SQUARE
CARTERSVILLE, NC 28327
910-947-2671



DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CLARK STREET TOWNHOMES

This Declaration of Covenants, Conditions, and Restrictions ("Declaration") is made this [DATE], by [DEVELOPER'S NAME], hereinafter referred to as "Declarant."

RECITALS

WHEREAS, the Declarant is the owner of certain real property located on Clark Street in Southern Pines, Moore County, North Carolina, as more particularly described in Exhibit A attached hereto and made a part hereof (the "Property");

WHEREAS, the Declarant desires to create a residential community to be known as "Clark Street Townhomes" (the "Subdivision") and to provide for the preservation of the values and amenities in said Subdivision and for the maintenance of the Common Areas, private roads, and other improvements;

WHEREAS, the Declarant desires to subject the Property to the provisions of this Declaration, which are intended to protect the value and desirability of the Subdivision and to be binding upon all persons having any right, title, or interest in the Property or any part thereof;

NOW, THEREFORE, the Declarant hereby declares that the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of the Property and which shall run with the land and be binding on all parties having any right, title, or interest in the Property or any part thereof, and their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I: DEFINITIONS

1. "Association" shall mean the Clark Street Townhomes Homeowners Association, Inc., a North Carolina nonprofit corporation, its successors, and assigns.

2. "Common Area" shall mean all real property and improvements thereon owned by the Association for the common use and enjoyment of the Owners, including, but not limited to, private roads, green spaces, and landscaped areas.
3. "Lot" shall mean any numbered plot of land shown on the recorded subdivision plat of the Property, which is intended for development as a townhome.
4. "Owner" shall mean the record owner, whether one or more persons or entities, of fee simple title to any Lot within the Subdivision, including contract sellers but excluding those having such interest merely as security for the performance of an obligation.
5. "Declarant" shall mean [DEVELOPER'S NAME], its successors, and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.
6. "Subdivision" shall refer to the planned community known as Clark Street Townhomes, located on Clark Street in Southern Pines, North Carolina.

ARTICLE II: PROPERTY RIGHTS

1. Owner's Easement of Enjoyment: Every Owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- The right of the Association to establish reasonable rules and regulations governing the use of the Common Area.
- The right of the Association to suspend the voting rights and rights to use the Common Area by an Owner for any period during which any assessment against such Owner's Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations.
- The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members.

2. Private Roads: The roads within the Subdivision are private and shall be maintained by the Association. No Owner shall block, obstruct, or hinder traffic on the private roads. The Association may adopt rules regulating parking and speed limits on private roads.

ARTICLE III: HOMEOWNERS ASSOCIATION

1. Membership: Every Owner of a Lot within the Subdivision shall automatically be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

2. Voting Rights:

- Declarant Voting Rights: The Declarant shall be entitled to ten (10) votes for each Lot they own within the Subdivision. This special voting right shall continue until the Declarant no longer owns any Lots or until the Declarant voluntarily relinquishes this right in writing.

- Owner Voting Rights: After the Declarant no longer owns any Lots or relinquishes the special voting rights, each Lot shall have one (1) vote in the Association.

- Voting rights are subject to suspension as provided herein and in the Bylaws of the Association.

3. Board of Directors: The affairs of the Association shall be managed by a Board of Directors. The number, term, and qualifications of the Directors shall be as set forth in the Bylaws of the Association.

4. Assessments:

- Creation of the Lien and Personal Obligation of Assessments:** The Declarant, for each Lot owned within the Subdivision, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements; and (3) special assessments levied for emergency purposes. Such assessments, together with interest thereon and costs of collection, shall be a charge on the Lot and shall be a continuing lien upon the Lot against which each such assessment is made.

- Purpose of Assessments: The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Subdivision and for the improvement and maintenance of the Common Areas, including the maintenance of private roads, open spaces, and landscaping.

ARTICLE IV: USE RESTRICTIONS

1. Residential Use: All Lots shall be used for residential purposes only. No trade, business, or commercial activity shall be conducted on any Lot, except for home offices or home-based businesses that do not generate customer traffic, noise, or other nuisances detectable outside of the dwelling.

2. Architectural Control:

- No structure, including any building, fence, wall, or other improvement, shall be commenced, erected, or maintained on any Lot, nor shall any exterior addition to or change or alteration therein be made, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same have been submitted to and approved in writing by the Architectural Control Committee (ACC).

- The ACC shall consist of three (3) members appointed by the Declarant during the Development Period and by the Board of Directors thereafter. The ACC shall consider the harmony of external design with existing structures, location with respect to topography and finished grade elevation, and conformity with the overall aesthetic of the Subdivision.

3. Nuisances: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Owners shall refrain from activities that generate excessive noise, odor, or pollution.

4. Parking and Vehicle Restrictions:

- Parking shall be restricted to private driveways and garages. No vehicles shall be parked on the streets or Common Areas, except in designated guest parking spaces.

- Commercial vehicles, trailers, boats, and recreational vehicles shall not be parked on any Lot or street within the Subdivision unless stored in a garage or otherwise concealed from public view.

5. Pets:

- A maximum of two (2) household pets may be kept, provided they are not kept, bred, or maintained for commercial purposes. Pets shall be restrained at all times when outside the dwelling and must not create excessive noise or disturbance.

- Owners shall be responsible for cleaning up after their pets in the Common Areas.

6. Trash and Recycling:

- Trash service is provided by the town. Trash and recycling containers shall be stored out of view from the street, except on collection days when they may be placed at the curb.

- All garbage and recycling must be placed in secure, approved containers.

7. Lawn and Open Space Maintenance:

- The Association shall be responsible for the maintenance of all lawns and open spaces within the Subdivision, including mowing, fertilizing, and landscaping.
- No Owner shall alter, landscape, or plant in these areas without the prior written approval of the Association.

ARTICLE V: INSURANCE AND MAINTENANCE

1. Insurance:*

- The Association shall maintain adequate property insurance covering the Common Areas and any improvements thereon against loss or damage by fire, flood, storm, and other hazards, including liability insurance covering the Common Areas and the Board of Directors.
- Each Owner shall be responsible for obtaining insurance coverage for their Lot and townhome, including casualty, liability, and flood insurance if applicable.

2. Maintenance:

- The Association shall maintain the Common Areas, including roads, open spaces, and landscaping. Maintenance shall include, but not be limited to, repair, replacement, and upkeep of all common facilities, utilities, and infrastructure.
- Each Owner shall maintain their townhome and Lot in good condition and repair, including, but not limited to, exterior surfaces, roofs, windows, doors, and landscaping within the Lot boundaries.

ARTICLE VI: EASEMENTS

1. Utility Easements: There is hereby reserved a blanket easement over, under

, and through the Subdivision for the installation, repair, and maintenance of utilities, including but not limited to water, sewer, electricity, gas, cable television, and telecommunications.

2. Ingress and Egress: Easements for ingress and egress over private roads are hereby established for the benefit of all Owners and the Association. No Owner shall obstruct or interfere with the use of these easements.

3. Drainage Easements: Easements for drainage facilities are hereby reserved, and no structure or improvement shall be placed within such easements that would interfere with the flow of water or maintenance of drainage systems.

ARTICLE VII: AMENDMENT

1. Amendment by Declarant: The Declarant reserves the right to unilaterally amend this Declaration for so long as the Declarant owns any Lot within the Subdivision. Any amendment by the Declarant shall be consistent with the general purposes of this Declaration.

2. Amendment by Owners: After the Declarant no longer owns any Lots, this Declaration may be amended by a vote of two-thirds (2/3) of the Owners, with each Lot receiving one vote. Amendments shall be recorded in the public records of Moore County, North Carolina, to be effective.

ARTICLE VIII: GENERAL PROVISIONS

1. Enforcement: The Association or any Owner shall have the right to enforce, by proceedings at law or in equity, all covenants, restrictions, easements, and liens now or hereafter imposed by this Declaration. Failure to enforce any provision hereof shall in no event be deemed a waiver of the right to do so thereafter.

2. Severability: Invalidation of any provision of this Declaration by judgment or court order shall not affect any other provisions, which shall remain in full force and effect.

3. Duration: The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, the Declarant, and any Owner, their respective legal representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time they shall automatically extend for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds (2/3) of the Lots has been recorded agreeing to terminate or amend these covenants.

4. Interpretation: The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of a residential community.

Headings are for convenience only and shall not affect the meaning or interpretation of any provision herein.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

[DEVELOPER'S NAME]

[DEVELOPER'S SIGNATURE]

EXHIBIT A: Legal Description of Property



TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: MAPP-02-24 Clark Street Townhomes

Location: Between Clark Street and Midlothian Drive

PIN#s: 858219617079

September 11, 2024

Following a review of the above referenced application by the RLUAC Land Use Committee, it has been determined that:

- The site is designated as Important to Protect in the Fort Liberty Compatible Use Rating system due to its location within a designated High Quality Waters drainage area (Mill Creek HQW Management Area).

RLUAC also encourages the Town of Southern Pines and the owner / developer to take such measures as are feasible to limit the impact of stormwater runoff from the future development of the site on McDeeds Creek (a tributary of Mill Creek) and the Mill Creek High Quality Waters Management Area. Maintaining the integrity of important environmental assets contributes to the overall compatibility of our region with Fort Liberty's environmental protection mission, which goes hand-in-hand with its military training and operational missions. Beyond the potential environmental impact of the proposed development, the nature of the use proposed for the site does not present any compatibility concerns with regard to military training or operations.

While RLUAC's findings and recommendations are non-binding on the Town of Southern Pines, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Kia Anthony, Chairman

Vagn K. Hansen II, AICP, Executive Director

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: September 19, 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 September 19, 2024.

II. PLANNING BOARD INITIAL REVIEW

On July 18, 2024, the Planning Department presented a public hearing draft of the tree protection, landscaping, and open space text amendment. The Town's Senior Planner, Alaina Mallette, stated that the Comprehensive Plan calls for tree protection to be one of the top 10 priorities for the Town and provided an overview of the proposed text amendments accompanied by a PowerPoint presentation. Staff emphasized that there are relief measures available to applicants on sites where tree protection does not make sense for whatever reason, whether because of topography, the size of the site, etc. and those situations are listed in the Landscaping and Open Space standards. Some administrative relief is permitted and there is also legislative flexibility in terms of a Conditional Zoning District if the open space standard needs to be reduced for some reason. The Planned Development process also allows for an applicant to request lower standards and through a quasi-judicial process with the Board of Adjustment they can request a variance if a hardship on the site can be proven.

Member Bleggi inquired about the penalty for noncompliance. Staff responded that NCGS 160D-921 speaks to the ability to have a consequence in terms of time. If a development is in one of the zones or an overlay district that requires a tree protection plan and the site is cleared before having an approved tree protection plan, the penalty is a three-year delay in development of the property. Member Bleggi stated that there should be alternatives to delaying a project, such as a fine or a requirement to plant more trees in a different area.

Staff responded that the Comprehensive Plan calls for a payment-in-lieu program. They looked into that option as an alternative and that would require a third party who is able to quantify the value of the land as open space and establish a dollar amount for the site. Member Bleggi stated that he was in favor of the plan but it passes the burden on to the developer and there should be some type of reward for compliance. He also asked if development in the 100-year floodplain has ever been an issue for the Town.

Staff responded that building in the floodplain was not being prohibited. It is one of the priority areas for protection after natural areas that include endangered species and specimen trees. Member Bleggi stated that there are sites that need to be cleared to install infrastructure. The fine could be large enough to cover the cost of replanting the trees.

Member Harvey asked if staff had looked at what has worked in other jurisdictions. Staff responded that they had looked at Fuquay-Varina, Cary, Wake County, Charlotte and some communities in Georgia. Member Bleggi stated that local banks are going to be unwilling to finance new development with the risk of a 3-year penalty. Discussion among the Board members continued regarding alternatives to the 3-year penalty.

Mr. Chris Dunn, resident of Southern Pines, inquired about the penalty for using exterior building materials that have not been approved. Staff responded that a Certificate of Occupancy would not be issued until the building was brought into compliance with the approved Architectural Compliance Permit. Ray Owen, resident of Southern Pines, stated that he had worked with UNC Greensboro in the initial studies of the old growth longleaf

pinus in Weymouth Woods. The oldest longleaf pine trees are in this area and it is what the Town is named for them. The trees are cavity trees for the red-cockaded woodpeckers, which is a federally endangered species and locations of the trees are GPS mapped.

Member Bleggi asked Mr. Owen about cavity trees that have been removed and if there are designated areas where trees should be replanted. Mr. Owen responded that there are fines for removing cavity trees and mitigation is a very valuable tool. Member Garner asked if red-cockaded woodpecker trees on Morganton Road were removed she would love to see that pursued as that is against federal law. She asked if other endangered species in addition to the red-cockaded woodpecker had been displaced due to development along Morganton Road. Mr. Owen responded that studies were conducted in the 1980's and it is pretty phenomenal the number of different species that were there. Vince Zucchini, resident of Pinehurst, stated that the soil conditions are what need to be protected. It is very difficult to grow a longleaf pine forest once the ground has been compromised.

Jeff Grey, Town Arborist, stated that a red-cockaded habitat tree that is removed will take 85 years to grow back. Member Harvey inquired about the federal law regarding the penalty for removal of a red-cockaded habitat tree. Staff responded that the Town does not regulate the Endangered Species Act. Member Bleggi stated that the penalty is so significant that the land is worthless to the developer.

A motion carried to continue the public hearing to the September 19, 2024 regular meeting to allow staff time to address the following:

1. Consider rewards, payment-in-lieu or alternative punitive measures to the three-year project pause;
2. Concerns regarding language of 4.7 and consider loopholes for getting around punitive measures;
3. Consider rewards for adding needed trees to certain areas;
4. Concerns over the 100-year floodplain – it is prohibitive to development or are there alternatives to allow crossing;
5. Mitigation alternatives for partial clearing;
6. Consider the town's ability to request outside expertise regarding the effect of tree removal for review and/or mitigation; and
7. Other issues that may arise during discussions.

Planning staff has researched each of the items identified above by the Planning Board at the July 18, 2024 meeting and will present and discuss actions taken with the Planning Board at the September 19, 2024 meeting. Planning staff have also met with individual members of the tree protection working group, town staff and management, and have received additional comments from representatives of the development community. The new public hearing drafted text amendment reflect some of the feedback provided.

III. 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**
- Third Public Hearing Draft Available for Review: **September 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** (continued within active hearing)
- Planning Board Public Hearing Continued: **September 19, 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. Changes since the July 18, 2024 version are shown in bold, as well. 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. Planning staff also received a letter of support for the North Carolina Wildlife Resources Commission, following a presentation about the Town's efforts at the June 2024 Sandhills Conservation Partnership meeting.

Any additional responses received from other agencies following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

IV. 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. Agency Comments/Letters of Support

V. 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 September 19, 2024, 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 two meetings held on July 8 and September 19, 2024, to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-03-24. After the public hearing was opened on July 8, 2024, the Planning Board requested a two-month continuance for staff to conduct additional research, which were addressed and included in the September 19, 2024, public hearing drafted text amendments.

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 19th day of September, 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

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:					
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

- (C) The Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

2.29.7. Recording Procedures

The recorder of deeds shall write legibly on the vacated plat the word "vacated," and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

(Ord. #1714)

PART III – PERMITS AND APPROVALS NOT REQUIRING A PUBLIC HEARING

2.30. ADMINISTRATIVE DEVELOPMENT APPROVALS

2.30.1. Generally

- (A) Administrative Development Approvals are routine, non-discretionary UDO implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Planning Director is a purely administrative agent following the literal provisions of this UDO.
- (B) The Planning Director may engage in some fact finding, to determine objective facts that do not involve an element of discretion. In contrast to evidentiary and Legislative Hearings, Administrative Decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this UDO.
- (C) No notice shall be required for an administrative permit issued pursuant to this UDO unless otherwise provided by this Ordinance or by law.

(Ord. #1919)

Amended

3-12-24

2.30.2. Application for Permit

Written application shall be made for all permits required by this chapter. Such application shall be made by the owner of the Building or structure affected or by his authorized agent or representative. The owner shall authorize any work for which a permit is required.

2.30.3. Records

The Planning Director shall maintain a record of all administrative Development Approvals. Copies shall be furnished, upon request, to any person upon the payment of a fee established by the Planning Director.

2.30.4. Plans and Specifications

Where plans and specifications are required, a copy of the same marked "approved" by the Permit Issuing Authority shall be available at the work site for all inspections.

2.30.5. Completeness Review

The Planning Director shall review all applications to determine if the application has been submitted and is complete pursuant to section 2.6.

(Ord. #1919)

2.30.6. Resubmittals Due to Incompleteness

- (A) If a permit application it is not complete, it shall be returned to the Applicant with instructions for completion and resubmittal. The Applicant shall have thirty (30) days from the date of notification to revise and resubmit the application.
- (B) There is no charge for a resubmittal within this period. If the Applicant fails to revise and resubmit the application within this period or to submit a complete application after two (2) submittals, the application shall be deemed withdrawn.
- (C) Thereafter, a resubmittal of an application for the same site shall constitute a new application subject to the payment of fees and commencing a new timeline for action.
- (D) Upon receipt of any resubmittal of the application, a new completeness review period shall begin.

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2.30.7. Resubmittals Due to Non-Compliance

Upon Determination that a permit application does not comply with standards and regulations set forth in this UDO, or requires extensive revision in order to comply with said standards and regulations, the Permit Issuing Authority shall deny the application. Up to two (2) resubmittals of an application that was denied for non-compliance with the UDO may be made within sixty (60) days of the initial action. Subsequent submittals shall be considered new applications.

2.30.8. Limitations on Issuance of Permits

- (A) No permit shall be issued for work on any new or existing structure unless the plans and specifications thereof contain information sufficient to indicate that the work proposed will conform to the provisions of this UDO.
- (B) No permit shall be issued for new construction where Town water or sewer mains are not available without written approval by the Moore County Health Department of the required water supply or waste disposal systems.
- (C) No permit shall be issued to any person who has failed after notice to remedy defective work, or has failed to pay a civil penalty assessed pursuant to this UDO which is due and for which no appeal is pending, or to otherwise comply with the Code of the Town, the regulations adopted therein, or the laws of the State of North Carolina.
- (D) No licensed contractor shall secure a permit for any other person or persons not qualified in accordance with the provisions of the technical codes to do any work covered by the regulatory codes.
- (E) No Building or flood permit shall be issued during the pendency of an application for the revision of a flood-prone area boundary of such property unless the proposed construction or filling is permitted under the existing regulations and under the revision proposed for the property.
- (F) No permit authorized by this UDO shall allow construction to begin on a site until the boundaries of any natural resource buffer yard, any open space area, any riparian surface water buffers, and any tree protection adjacent to or encompassing a work site are clearly and accurately demarked by a protective fence, following standards in Appendix F and G,

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in the field. The location and extent of all authorized land-disturbing activities shall be similarly demarcated for so long as any land-disturbing activity continues.

- (G) If the Historic Preservation Commission has voted to recommend designation of an area as an Historic Overlay District, or if the North Carolina Historic Commission has voted to recommend designation of a property as an historic landmark, the demolition or destruction of any Building, site, or structure located in the proposed district or on the property of the proposed historic landmark may be delayed by the commission with jurisdiction for a period of up to one hundred eighty (180) days or until the Town Council takes final action on the designation, whichever occurs first. Should the Council approve the designation prior to the expiration of the one hundred eighty (180) day delay period, an application for a certificate of appropriateness for demolition must then be requested.

2.30.9. Issuance of Development Approval

The Permit Issuing Authority shall review applications for conformance with this UDO, the appropriate regulatory and technical codes adopted herein, and the laws of the State. Unless review and approval is required by an external agency, the Permit Issuing Authority shall approve, approve with conditions, or deny applications within thirty (30) days of receipt of a complete application. Applications that are denied shall have the reasons for denial, in writing, attached to the application. The Applicant and the Town may agree to extend the response time contained in this section.

(Ord. #1919)

2.31. ADOPTION OF TECHNICAL CODES**2.31.1. Technical Codes**

The term technical codes as used here shall mean the collective provisions of the North Carolina: Building, Accessibility, Plumbing, Electrical, Mechanical, Fire Prevention, Fuel Gas, Energy, Existing Buildings and Residential codes as adopted by the North Carolina Building Code Council, and the Rehabilitation Code established pursuant to 2001 Session Laws Chapter 372.

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a fee sufficient to reimburse the Town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

2.45. CERTIFICATE OF APPROPRIATENESS – MINOR WORK

2.45.1. Applicability

The Planning Director may issue a Certificate of Appropriateness for any Minor Work in a Historic District. Minor Work includes any activity defined as Minor Work as interpreted by the Planning Director and shall not include Ordinary Maintenance or Major Work.

2.45.2. Initiation

- (A) Applications for Certificates of Appropriateness shall be filed with the Planning Director.
- (B) No application shall be accepted by the Planning Director unless it complies with the requirements of Appendix A.
- (C) The Planning Director shall determine whether the application constitutes and Minor or Major Work. Minor Work shall be processed in accordance with this section. If, in the opinion of the Planning Director, the application constitutes Major Work, then the application shall be processed in accordance with section 2.28.

(Ord. #1714)

2.45.3. Action

The Planning Director shall approve, approve with conditions, or deny the application based on the criteria established in section 2.45.5. If the Applicant is denied, the notice shall include the reasons for such action.

2.45.4. Appeal of Decision

A decision by the Planning Director on an application for a Certificate of Appropriateness may be appealed to the HDC.

2.45.5. Criteria

In considering an application for a Certificate of Appropriateness for Minor Work, the Planning Director shall take into account the historical and/or architectural Significance under consideration and the exterior form and appearance of any proposed additions or modifications to that structure that are visible from a public Right-of-Way. The Planning Director shall not consider interior arrangement or use.

The Planning Director shall approve, conditionally approve or disapprove the application based on the application's compliance with this UDO and the Historic District Design Standards. The Planning Director's action may be appealed to the Historic District Commission.

(Ord. #1919)

2.46. ADMINISTRATIVE RELIEF

2.46.1. Purpose

Administrative relief provides for expeditious review of minor deviations from the provisions of the UDO under specified circumstances. The administrative relief process does not involve a public hearing unless a decision is appealed by the Applicant to the Board of Adjustment.

2.46.2. Initiation

The Town Council, Town Manager or property owner may initiate an application. The Applicant shall file a completed application with the Planning Director in conformance with the Appendix A.

2.46.3. Types of Administrative Relief

Administrative relief may be granted for any of the following situations:

- (A) **Building Setback Reduction:** The side and rear Building Setbacks shall not be less than sixty (60) percent of the minimum Setback requirement. Front Building Setbacks shall not be less than seventy-five (75) percent of the minimum Setback requirement. All Setbacks shall be required to meet minimum requirements of the Fire Code. A Building Setback reduction may be authorized during Tree Protection Plan review.
- (B) **Minimum Lot Area:** Minimum Lot Area may be reduced by up to ten (10) percent provided that not more than four (4) Lots are within the

Commented [AM2]: Considering the July 18th public hearing, this is an effort to create an incentive for the creation of Tree Protection Plans.

Subdivision and the Subdivision complies with applicable requirements of the WPO district.

- (C) **Landscaping and Buffers:** Minimum buffer width and planting requirements may be reduced pursuant to section 4.3.8.
- (D) **Parking Spaces:** The number of parking spaces may be reduced by not more than twenty (20) percent based on the proposed use, site conditions and availability of on-street parking.
- (E) **Parking Dimensions:** The minimum Parking Aisle width may be reduced by up to one (1) foot per travel lane if parking space width is increased by at least one-half (1/2) foot.
- (F) **Parking Surfaces:** Subject to the recommendation of the TRC, alternative dust-free parking lot surfaces may be allowed.
- (G) **Minor Amendments:** Subject to specific conditions of approval, the Planning Director may approve minor amendments to a Final Development Plan or Architectural Compliance Permit.

2.46.4. Criteria

Administrative Relief may be granted when the Planning Director finds that the application meets the following criteria:

- (A) The relief will not create a burden on adjacent property owners or conflict with the zoning district's purposes;
- (B) The relief is necessary to allow efficient use of the property due to site conditions or circumstances that do not commonly affect properties in the district; and
- (C) The relief does not convey a right or privilege that would be unavailable to similarly situated properties.

2.46.5. Action

After a review period of not more than fifteen (15) business days, the Director shall approve, conditionally approve, or disapprove any application for administrative relief and provide written documentation justifying the action.

2.47. WATERSHED PROTECTION PERMIT

2.47.1. Purpose

If, at the time of application for a zoning 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.

2.47.2. Initiation

The Town Council, Town Manager or property owner may initiate an application. The Applicant shall file a completed application with the Planning Director in conformance with the Appendix A.

2.47.3. Action

- (A) If the proposed activity as set forth in the application is in conformance with the provisions of this ordinance and the Council has allocated Built-Upon Area pursuant to any Development Approval, the Planning Director shall issue a Watershed Protection Permit for the low-density option.
- (B) If the Council has not allocated Built-Upon Area, the Planning Director shall forward the application to the Town Council at the next regular meeting.
- (C) If any application for a Watershed Protection Permit is not approved, the Approval Authority shall state the cause for such disapproval.
- (D) Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.

2.47.4. Exceptions to Applicability and Pre-Existing Lots

- (A) A pre-existing Lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single Family residential purposes without being subject to any additional restrictions imposed by the Watershed Protection Overlay District. (All regulations stated in the Town of Southern Pines Unified Development Ordinance do apply.)
- (B) Any Existing Development may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as Existing Development or Lots must meet the requirements of this ordinance,

- (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 through a Conditional Zoning district or authorized Development Pattern, at least fifty (50) percent and up to one hundred (100) percent of Open Space required for Development on any site with an area greater than or equal to one (1) acre in PD, FRR, RE, RR, RS-3, WSPD 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

Commented [AM4]: 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 [AM5]: The goal is to protect larger, contiguous sections of forested areas while allowing smaller sites to create open space amenities in a higher density design permitted by the conventional or conditional zoning district. Developments less than 1 acre are exempted from EC, linked to the TPP process.

Commented [AM6]: 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 [AM7]: 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 [AM8]: 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 [AM9]: 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 [AM10]: From Holly Springs UDO Section 4.4(E) and Apex 2.3.15(C).

Commented [AM3]: 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](#).

Commented [AM11]: Development is defined in the Chapter 9 definitions. Generally, this means that any property owner in every zoning district except for GB, I, and FRR may remove trees for whatever reason as long as it is not for Development of any sort.

- (7) Temporary uses permitted per Section 2.4; or
- (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 [AM14]: 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 [AM15]: 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 [AM12]: 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 [AM13]: 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. **Any deviation from the approved Tree Protection Plan, unless approved in advance and in writing by the Planning Director, is deemed a violation of the UDO.**
- (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 occur that result in the removal of trees prior to Development on a Lot where a Tree Protection Plan is required, then any of the following actions shall be taken:
- (1) No approval of a Site Plan, Major Subdivision Plan, or Building Permit shall be issued for a period of **five (5) 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; or
 - (2) If the soil has not been graded nor compacted, **payment of a Restoration Fee for the replacement of Tree Canopy with longleaf pine and wiregrass and/or lovegrass following guidance in Appendix F for the purpose of reestablishing Tree Canopy within Tree Protection Areas, to cover costs including, but not limited to, Tree Protection Plan review, vegetation installation inspection, and final inspections prior to issuance of a Certificate of Occupancy; or**
 - (3) The buffers that are otherwise required shall be **twenty (20) feet or increased in width by one hundred (100) percent, whichever is greater, and comply with the landscape screening standards of**

Commented [AM17]: Considering comments during the July 18th public hearing, this sentence clarifies that deviation from a Tree Protection Plan is considered a violation of the zoning; thus, triggering enforcement procedures until remedied.

Commented [AM18]: The language in this section comes from N.C.G.S §160D-921(C)(1).

Commented [AM19]: Considering comments at the July 18th public hearing, this is one of two additional penalties offered for clearing prior to establishing a Tree Protection Plan. It is not intended to be a payment-in-lieu, rather a fee to cover Town expenses for reviewing and approving the process of reestablishing tree canopy.

Commented [AM16]: 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. Fee can be a lump sum and inspection fee or individual fees for each task, to be determined.

section 4.3.6. **The selected plantings shall include at least three (3) different native species.**

Commented [AM20]: Considering comments on July 18th public hearing, this is the second of two additional penalties offered. It is to create additional landscaping that functions similarly to tree protection areas, especially considering that plants must be at least 5' at the time of planting.

Commented [AM21]: This is to avoid the planting of only a few species that, if infected by a disease or infestation, could cause an entire buffer to die or become unhealthy.

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(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;

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- (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

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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

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- 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 [AM22]: Open Space acreage/percentage required for the gross land area of a PD will remain the same.

Commented [AM23]: 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 [AM24]: 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.

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~~(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

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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.

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- (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

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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

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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.

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- (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 [AM25]: 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.

- (G) In the I districts, Buildings are limited to a maximum of four (4) stories. Buildings must have pitched or mansard roofs, or provide a parapet along any side facing a street. Buildings that are taller than thirty-five (35) feet shall not be located within two-hundred (200) feet of a residential zoning district.

(Ord. #1959; Ord. #2040)

- (H) The following Buildings, where authorized by Exhibit 3-15, may be constructed to a Height of fifty (50) feet provided a sprinkler system and fire-resistant stairway enclosures shall be provided as required in the North Carolina State Building Code:
- (1) Government Offices;
 - (2) Schools;
 - (3) Religious Institutions;
 - (4) Libraries, Museums, Art Galleries, Art Centers and Similar Uses;
 - (5) Golf Course Club House, provided that the Building shall be located no closer than 500 feet to any property line or public Right-of-Way; that there shall be no occupied Floor height above 28 feet; that the Building shall not be more than three (3) stories; and that no Living Quarters shall be in the golf course club house;
 - (6) Hospitals, Clinics and Other Medical Facilities in Excess of 10,000 square feet of Floor area; and
 - (7) Post Offices.
- (I) Chimneys, church spires, water tanks, elevator shafts, scenery lofts and similar structural appendages not intended as places of occupancy are exempt from the height limitation set forth in this section, provided that not more than one-third (1/3) of the roof area is covered by such structures.
- (J) Heating and air conditioning equipment, solar collectors and similar equipment, fixtures and devices are exempt from the height limitation

set forth in this section, provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.

- (K) Towers and antennas are allowed in all zoning districts to the extent authorized in Exhibit 3-15 (table of authorized land uses), and subject to the provisions of section 5.23.
- (L) Light standard heights shall not exceed the limits established in section 4.7(G).
- (M) Flagpoles and similar devices shall be limited to thirty-five (35) feet in Height.

4.2.2. Setbacks

- (A) **Setbacks Required.** Except as specifically provided in this section, or as authorized as part of a Variance, PD, Conditional Zoning district, **Tree Protection Plan**, or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district, no portion of any Building, excluding eaves, decks, patios, steps and uncovered porches may be located on any Lot closer to any Lot line or to the street Right-of-Way line or centerline than is authorized in Exhibit 4-1. All Setbacks are expressed in feet and are minimum Setbacks unless otherwise noted. Additional Setbacks may be required to meet parking, landscaping, buffers or other standards specified in this chapter, the specific use standards of chapter 5 or the Development Pattern standards in chapter 6 of this UDO.

(Ord. #3031)

- (B) **Allowed Setback Encroachments.** A step, stoop, open porch, awnings or other appurtenances may extend up to five (5) feet into the Front Setback, provided such features do not impede pedestrian circulation

Commented [AM26]: Considering the July 18th public hearing, this provides developers an incentive to create Tree Protection Areas.

(Ord. #1714; Ord. #1716; Ord. #1775; Ord. #1871, 8-24-20; Ord. #1887, 11-23-20; Ord. #1890, 1-6-21)

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)

Commented [AM27]: 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.

- (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.
- (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.)

~~(D)(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.

~~(E)(D)~~ A list of recommended large and small trees can be found in Appendix ~~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 ~~p~~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.

Commented [AM28]: Double-counting provisions were nested within different subsections and have been consolidated here.

Commented [AM31]: 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 [AM29]: 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 [AM30]: 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.

(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.

~~(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 ~~b~~Buffer at as near a perpendicular angle as practical. Walkways and paths may pass through a ~~B~~buffer.

(2) Grading in the designated replanted Bbuffer 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~~ establish 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.

Commented [AM32]: 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 [AM34]: This is addressed by proposed Stormwater Pond Landscaping section

Commented [AM33]: 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 [AM35]: This is addressed in section 4.9 Open Space

- (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, as well as for the Side and Rear Yard Buffers abutting properties of similar zoning. Exhibit 4-2 shall 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 following a vegetative management plan and may be replaced with understory grasses, such as wiregrass or lovegrass the following under story trees: Black Jack Oak (*Quercus Marilandica*), and Turkey Oak (*Quercus Laveus*).

(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 4-4.

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

- (7) ~~Planted Vegetation~~ For replanted Buffers, Exhibit 4-34 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 [AM36]: 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 [AM37]: This is inconsistent with Exhibit 3-13. Planning staff implement Exhibit 3-13 and see this as incomplete by comparison.

Commented [AM38]: 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>

Commented [AM40]: 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 [AM39]: 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 [AM41]: 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 [AM42]: 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 [AM43]: 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.

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

September 19, 2024 Public Hearing Draft

Amended

3-12-24

4-12

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 [AM44]: 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 [AM45]: 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 [AM46]: Information in this provision is described in Exhibit 4-4, so removing redundancy.

Exhibit 4-5: Vehicle Use Area Planting Requirements

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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.

Commented [AM47]: Moved to General Standards Section 4.3.3.

Commented [AM48]: 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.

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. Large and small tree planting rate options³ - 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> required landscape area; or - A combination of the previous rates totaling the square footage of the <u>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. General Standards Landscape screens <u>The planting bed within parking lots</u> shall not be more than 12-40 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. Large Tree Standards - 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. Small Tree Standards - 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. Shrub Standards - Shrubs must <u>shall</u> be located within-between 3 feet 6 inches and five feet of the paved area and shall be located to facilitate safe sight distances.
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Commented [AM50]: See third-to-last bullet below which addresses this with regulatory language

Commented [AM51]: 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 [AM49]: 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.

Table Notes:

- 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.
- 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.
- 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 [AM52]: 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.

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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 [AM55]: 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 [AM53]: 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 points on behalf of [Stormwater Management | Department of Environmental Protection, Montgomery County, MD \(montgomerycountymd.gov\)](#); [PowerPoint Presentation \(potomacpartnership.org\)](#).

Commented [AM54]: 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 [AM58]: 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 [AM59]: The Town Arborist has hesitations about using a spade to transplant longleaf pines

Commented [AM56]: This resource is not used considering that specific planting size requirements and standards are established within this section 4.3

Commented [AM57]: 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 [AM60]: Moved down to Landscape Management subsection number (4) and added to guidance in Appendix F.

Commented [AM62]: Moved to Appendix F since tree protection applies to both existing vegetation credited towards landscaping requirements and tree protection areas counting towards open sapce.

Commented [AM61]: 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 and a quarter (1.25) ~~foot-feet~~ for each one (1) inch DBH of trees, whichever is greater.

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

~~(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~~

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 [AM63]: This is added to the site plan checklist

~~this cut farthest away from the tree trunk. This procedure shall be incorporated as a note on the grading and erosion control plans.~~

~~(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.

Commented [AM64]: 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.

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
- (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. 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

Commented [AM66]: This was added to Chapter 9 Definitions.

Commented [AM65]: This is not regulatory, and these specific ecosystems are not regulated separately, aside for Tree Protection Plans.

effective measures. All construction material, dirt or other debris shall be kept outside the Protected Area.

- (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 [AM67]: 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 [AM68]: 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 in 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 one and one-quarter (1.25) 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.
- (D) Disturbance within a Tree Protection Area shall be limited to that permitted within Undisturbed Buffers, as provided in section 4.3.5.

Commented [AM69]: Until this proposed text amendment, there has not been a direct reference to protection of the RCW.

Commented [AM70]: This addresses 2040 Comp Plan Policy 4.7.

Commented [AM71]: This will allow selective thinning, removal of invasive species, planting of understory grasses, and replanting of any areas devoid of vegetation.

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 [AM72]: 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 [AM74]: This is inconsistent with the Flexibility in Administration Authorized section of 4.9

Commented [AM75]: 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 [AM73]: 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.

(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 [AM76]: 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 [AM77]: 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~~ ~~s~~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

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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 [AM78]: Chapter 6 is outside the purview of these amendments, and will be addressed in a future text amendment.

Chapter 9. Definitions

9.1. RULES OF INTERPRETATION

9.1.1. Generally

The text within the UDO shall control where there is any conflict between text within the UDO and any caption, illustration or graphic presentation. Unless prohibited by context, reference to any chapter, section or paragraph shall include all portions of that chapter, section or paragraph.

9.1.2. Rules of Construction

- (A) Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number.
- (B) In computing any period of time prescribed or allowed by the **UDO**, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event, the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than ten (10) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
- (C) A word importing the masculine gender only shall extend and be applied to female persons and to firms, partnerships and corporations, as well as to male persons.
- (D) The words "may" and "should" are always permissive and never mandatory.
- (E) The word "shall" is always mandatory and not merely permissive.
- (F) The word "month" shall mean thirty (30) calendar days.
- (G) The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.

Amended

3-12-24

Chapter 9. Definitions

- (H) Whenever the **UDO** refers to a specific portion of the Code of Ordinances or the **UDO** itself, that reference shall include any subsequent amendment to the referenced portion or any subsequent provision superseding the provision.
- (I) The terms "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the term "existing" as applied to any use, structure, or Development includes the words "existing on the effective date of this UDO."

9.1.3. Responsibility for Interpretations

All interpretations shall be the responsibility of the Planning Director.

9.2. ABBREVIATIONS

As used in this UDO, the following abbreviations shall have the meanings assigned to them in this section.

- (1) **BMP:** Best Management Practices
- (2) **DBH:** Diameter at breast height, which is the diameter of a tree measured four and one-half (4 ½) feet above grade.
- (3) **DENR:** North Carolina Department of Environment and Natural Resources.
- (4) **IESNA:** The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.
- (5) **NCDOT:** North Carolina Department of Transportation
- (6) **TDS:** Traffic Design Study
- (7) **TIA:** Traffic Impact Analysis
- (8) **TRC:** Technical Review Committee
- (9) **UDO:** Unified Development Ordinance

9-1

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 [AM79]: Pulled from A Planner's Dictionary example from Charlotte, NC

Commented [AM80]: 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).

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.

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.

Commented [AM81]: Pulled from Holly Springs, NC UDO.

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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.

Development Envelope: Area within which grading, lawns, pavement and Buildings will be located.

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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:

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- (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.

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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).

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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).

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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.

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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.

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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 [AM82]: Pulled from A Planner's Dictionary for Concord, NC

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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.

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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 [AM83]: Pulled from NCGS 89B-2.

Commented [AM84]: Pulled from [American Society of Landscape Architects Professional Licensure document](#) and NCGS 89A.

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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,

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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

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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.

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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.

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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

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- (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 [AM85]: Was previously 24 inches for hardwoods, but hardwoods grow slowly in the Sandhills, according to the Nature Conservancy.

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- (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".

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 [AM86]: Apex definition

Commented [AM87]: Used [Construction and Tree Protection](#) | [NC State Extension Publications \(ncsu.edu\)](#) as a resource

Commented [AM88]: 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 that 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 including Undisturbed Buffers, Tree Protection Areas, and areas qualifying for existing vegetation landscaping credits, indicating if it is to be removed or retained to include:
 - a. 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);
 - b. Tree Protection fencing location and detail;
 - c. Specify that the natural grade shall be maintained within the tree protection fencing;
 - d. Specify that no storage, dumping of materials, parking construction

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.

trailers, fires, etc., shall be allowed within the tree protection fencing;

~~(11)~~(13) 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;

~~(12)~~(14) Existing right(s) of way and easements;

~~(13)~~(15) Proposed building(s) labelled with intended use, finished floor elevation (FFE), gross floor area,

~~(14)~~(16) Proposed vehicle use area(s) designated by surface material; Proposed sidewalks;

~~(15)~~(17) Location of any Special Flood Hazard Area(s) on or within 50' of the subject property;

~~(16)~~(18) 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 of trees to be used for preservation credits;
~~g. Where an area of existing vegetation is to be preserved, show the canopy spread of the area;~~
h. Where existing vegetation credits, Undisturbed Buffer(s) and/or Tree Protection Area(s) are required, show the same information required on the approved Tree Protection Plan, if applicable, with the addition of all of the following:

- 1) Trunk locations, trunk size (DBH), and canopy spread of all trees to be retained;
- 2) The location of Tree Protection fencing;
- 3) Site note that states that no storage of materials, fill, or equipment is allowed within Tree Protection fencing;
- 4) Tree Protection fencing detail; and
- 5) If the protected area includes Invasive Species, then a Vegetative Management Plan shall be included with the Landscaping Plan.

~~h.i.~~ Location, species, sizes and specifications of all proposed plantings;
~~h.j.~~ Dimensions and plantings in required buffers, including the locations of proposed fences, walls and berms;

~~h.k.~~ Location design and materials of all required screening;

~~h.l.~~ All existing and proposed paved surfaces, curbs, sidewalks, steps and grade changes;

~~h.m.~~ Existing and proposed topography, existing natural features, Post-grading contours and site drainage/stormwater information/facilities;

~~h.n.~~ Schedule of materials to be planted on the site;

o. Irrigation or watering system plans, if proposed; and

p. 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 Special Flood Hazard Areas 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.
- ☐ **VEGETATIVE MANAGEMENT PLAN** – If Invasive Species are found to be within a Tree Protection Area, then a vegetative management plan (for, at least, a three (3) year planning horizon) shall be submitted and include chemical, mechanical (e.g., forestry mulch), or prescribed burn controls.
- ☐ **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.

Commented [AM8]: This was a concern brought up by a local landscape architect and discussed with the Town’s certified arborist. The Town has implemented successful mechanical and chemical controls as well as prescribed burns that have removed or controlled for invasive species on Town land.

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 at least one and a quarter (1.25) 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 or Tree Protection Areas, the only disturbance permitted during Development 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. If Invasive Species are found to be within an Undisturbed Buffer or Tree Protection Area, then a vegetative management plan (for at least a three (3) year planning horizon) shall be submitted with a Tree Protection Plan to include chemical, mechanical (e.g., forestry mulch), or prescribed burn controls.
- (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

Commented [AM9]: According to 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 [AM10]: 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.

section 4.3 and section 4.9.

- (fb) Do not excavate ~~beneath the crown of the tree~~ within the Tree Protection zone.
- (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 direct 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) All trimming, pruning, and other related tree care shall follow International Society of Arboriculture standards.
- (i) 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.
- (kf) 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.
- (lg) No paving or other impermeable ground cover should be placed within the ~~drip line~~ Tree Protection zone of trees to be retained.
- (m) 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.

Commented [AM11]: Added as a reference for the Code of Ordinances, per the Town's arborist's request.

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 E10 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 ~~v~~Vehicle ~~accommodation-Use~~ aArea. 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 v Vehicle Accommodation-Use aArea: *	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.

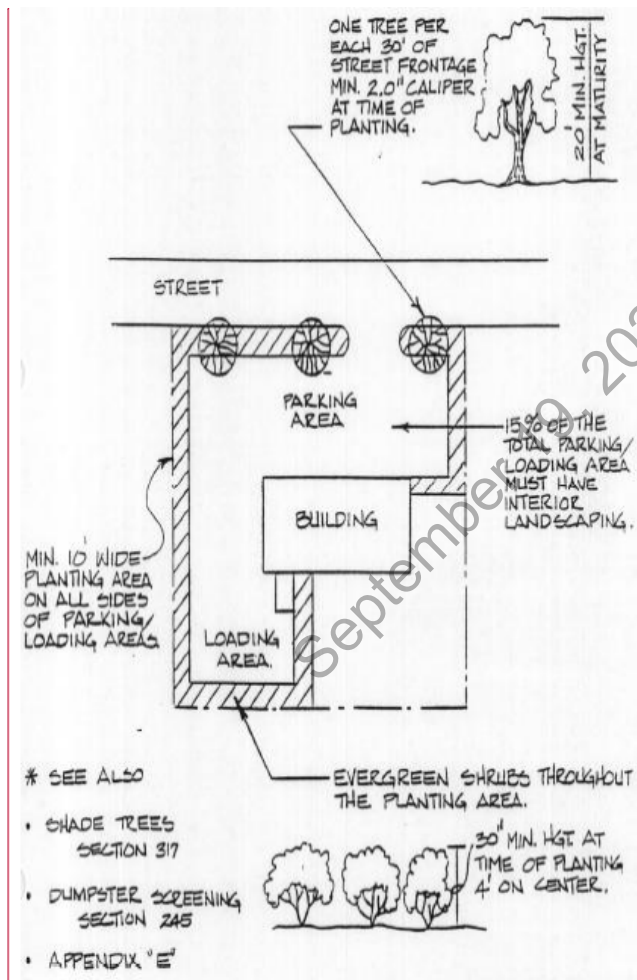
(If line 7 is greater than line 3, then the shading requirement has been met. If not, go on to line 8).

- (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 ~~v~~Vehicle accommodation-Use aArea:**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: $3.14 \times (\text{crown radius})^2 = \text{shaded area}$. Trees planted within the ~~v~~Vehicle accommodation-Use aArea 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 [AM12]: This is addressed in the new "double-counting" provisions of section 4.3.

PARKING LOT LANDSCAPING

Commented [AM13]: 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.

(I) 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 plantingspecies, which will meetfor 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~~ pedmont 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 ~~pedmont 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 d~~ Descriptions 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>
<u>1) Carpinus caroliniana (American Hornbeam)</u> <u>2) Cercis canadensis (Eastern Redbud)</u>	<u>1) Pinus palustris (Longleaf Pine)</u> <u>2) Magnolia grandiflora (Southern Magnolia)</u>

TOWN OF SOUTHERN PINES UDO APPENDICES

<u>3) Cornus sericea (American Dogwood)</u> <u>4) Cornus Kousa (Kousa Dogwood)</u> <u>5) Cornus florida (Flowering Dogwood)</u> <u>6) Cornus Hybrid (Hybrid Dogwood)</u> <u>7) Halesia Carolina (Mountain Silverbell)</u> <u>8) Ilex cornuta (Chinese Holly)</u> <u>9) Ilex 'Emily Bruner' (Emily Bruner 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; wwater-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 coggygria (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>3) Tsuga canadensis (Canadian Hemlock)</u> <u>4) Thuja occidentalis (American Arborvitae)</u> <u>5) Thuja 'Green Giant' (Green Giant Arborvitae)</u> <u>6) Hesperocyparis arizonica (Arizona Cypress)</u> <u>7) Ilex 'Savannah' (Savannah Holly)</u> <u>8) Ilex 'East Palatka' (East Palatka Holly)</u> <u>9) Ilex opaca Holly (American Holly)</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 kentuckea (American Yellowwood)</u> <u>21) Taxodium distichum (Balled 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>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. Rhamphiolepis indica (Indian Hawthorn)</u> <u>7. Pieris japonica (Japanese Pieris)</u> <u>8. Azaleas and Rhododendrons</u> <u>GROUND COVERS, WILDFLOWERS, AND NATIVE GRASSES</u> <u>1. Aristida stricta (Carolina Wiregrass)</u> <u>2. Watsonia (Bugleflower, water-tolerant)</u>	<u>LARGE SHRUBS</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 coggygria (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>

Appendix F

January 6, 2021

F-7

3. <u>Hosta (Plantain Lily, water-tolerant)</u>	17. <u>Philadelphus inodorus (Winter Honeysuckle)</u>
4. <u>Eragrostis spectabilis (Purple Lovegrass)</u>	18. <u>Florida Leucothoe (Fetterbush)</u>
5. <u>Andropogon (Elliot's, Bushy, and Broomsedge Bluestem)</u>	
6. <u>Schizachyrium scoparium (Little Bluestem)</u>	
7. <u>Eleocharis (Spikerush)</u>	
8. <u>Muhlenbergia capillaris (Muhly Grass)</u>	
9. <u>Muhlenbergia sericea (Purple Muhly)</u>	
10. <u>Panicum virgatum (Carthage Switchgrass)</u>	
11. <u>Spartina (Gulf, Smooth, and Sand Cordgrass)</u>	
12. <u>Amphicarpum amphicarpon (Blue Maidencane)</u>	
13. <u>Chrysopogon zizanioides (Vetiver)</u>	
14. <u>Juncus effuses (Soft Rush, water-tolerant)</u>	
15. <u>Cyperus (Flatsedge)</u>	
16. <u>Schoenoplectus lacustris (Lakeshore Bulrush)</u>	
17. <u>Sorghastrum (Yellow and Nodding Indiangrass)</u>	
18. <u>Ctenium aromaticum (Toothache Grass)</u>	
19. <u>Helianthus simulans (Narrow-Leaved Sunflower)</u>	
20. <u>Coreopsis (Plains, Lance-Leaved, Large Flower, Goldenmane Coreopsis)</u>	
21. <u>Bidens aristosa (Bur Marigold)</u>	
22. <u>Cosmos sulphureus (Sulpher Cosmos)</u>	
23. <u>Chamaecrista fasciculata (Common Partridge and Sensitive Pea)</u>	
24. <u>Monarda didyma (Bee Balm)</u>	
25. <u>Rudbeckia fulgida (Black-Eyed Susan)</u>	

Small Trees for Partial ScreeningRiver 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

Wax Myrtle

Large Trees for Evergreen Screening

Deodar Cedar

Southern Magnolia

Canadian Hemlock

Commented [AM14]: River Birch is best suited for moist riparian environments. It has an invasive root system and is messy.

Commented [AM15]: Species struggles to survive with inclement weather, especially snow.

~~Green Giant Arborvitae~~
~~Carolina Blue Sapphire~~
~~Large Trees for Shading~~
~~American Elms—Valley Forge~~
~~White Oak~~
~~Ginkgo (Male)~~
~~Honeylocust (Thornless)~~
~~Sweet Gum (Seedless)~~
~~London Plane Tree~~
~~Eastern Red Oak~~
~~Live Oak~~
~~Nuttall Oak~~
~~White Oak Oak~~

Commented [AM16]: This species spreads uncontrollably in an invasive manner.

Commented [AM17]: The Anthracnose disease is overcoming Sycamore and London Plane.

~~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~~

Commented [AM18]: Invasive characteristic in the Sandhills

~~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~~

Commented [AM19]: This species has an invasive root system and is difficult to control its spread.

~~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~~

Commented [AM20]: Tip blight has wiped out Photinia across the South.

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.

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 Barberrys are 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 Barberrys, which forms an impenetrable thorny hedge. In fact, it grows even more densely than the Warty Barberrys. 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'-4'; Spread: 3'-4'

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 coggygria*) 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 Pearl') 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'

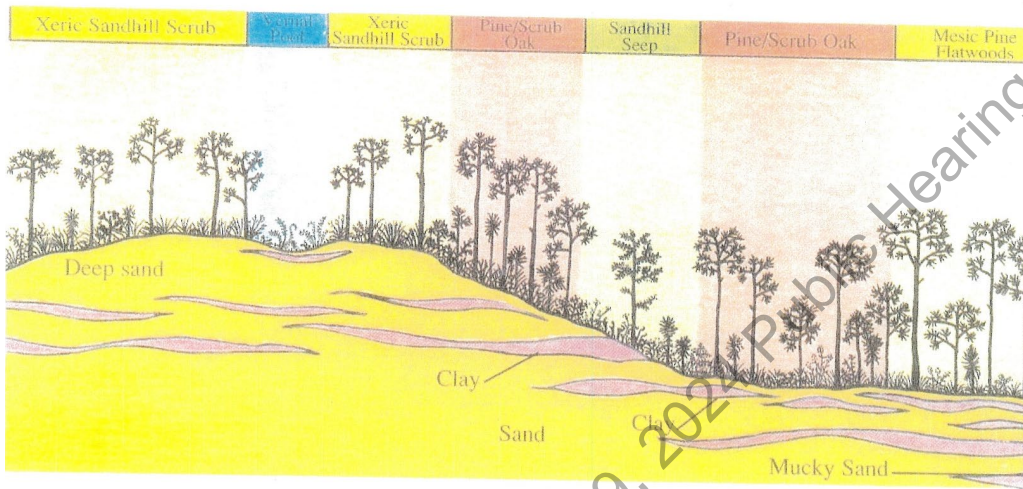
Best grown in average, medium moisture, well-drained soil in part shade, it can be grown in full sun, but must have good moisture. This low-growing, evergreen shrub has a spreading, vase-like shape and will mature slowly.

September 19, 2024 Public Hearing Draft

APPENDIX G: GRAPHICS ILLUSTRATING MAJOR BUFFERING AND LANDSCAPING REQUIREMENTS

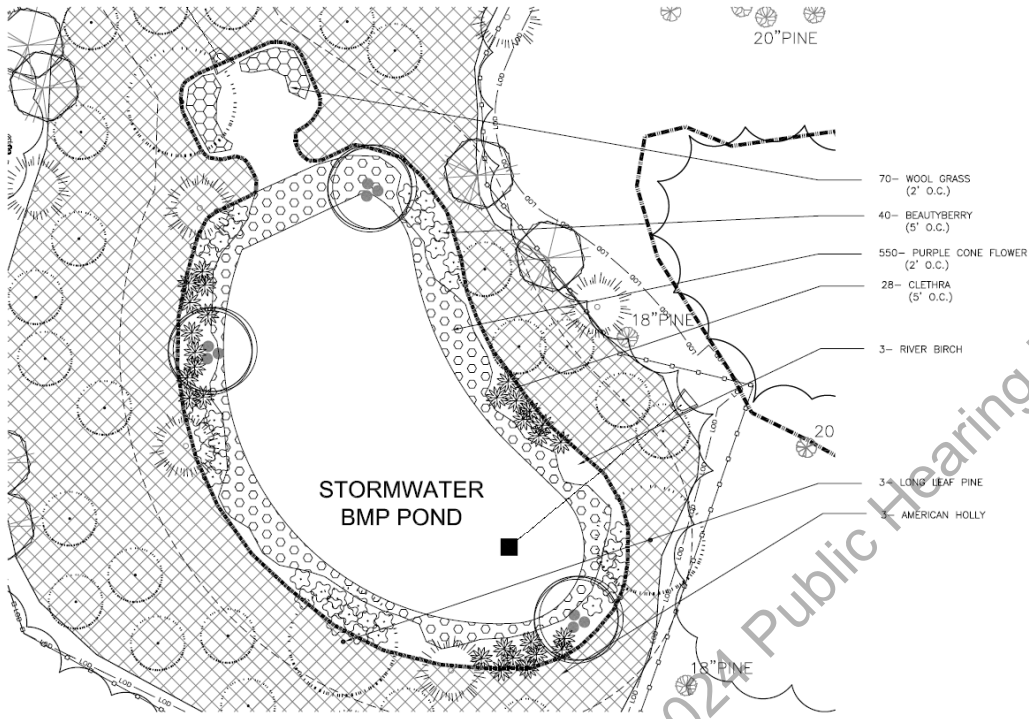
Applicants shall refer to the International Society of Arboriculture and Urban Tree Foundation planting details and specifications when detailing planting, staking, soil modifications, irrigation, and tree protection in landscaping, irrigation, and Tree Protection Plans. The following illustrations are intended to demonstrate compliance with several standards and concepts described within the ordinance.

SANDHILLS OF NORTH CAROLINA TYPICAL WETLAND

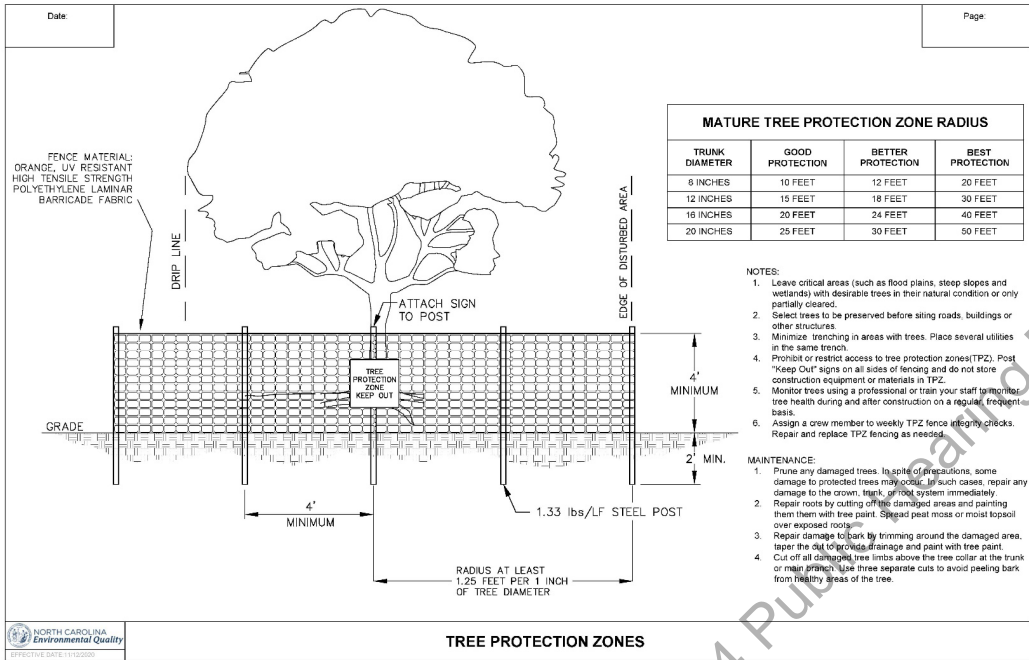


STORMWATER POND LANDSCAPING EXAMPLE

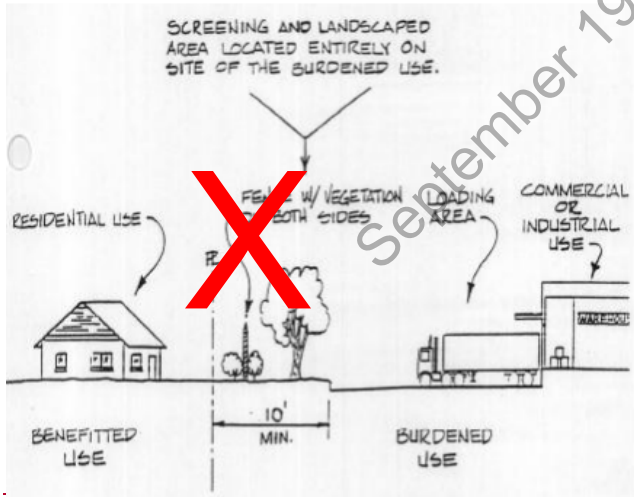
TOWN OF SOUTHERN PINES UDO APPENDICES



TREE PROTECTION DETAIL



TYPICAL SCREENING SITUATION



SOUTHERN PINES LANDSCAPE LDO REQUIREMENTS

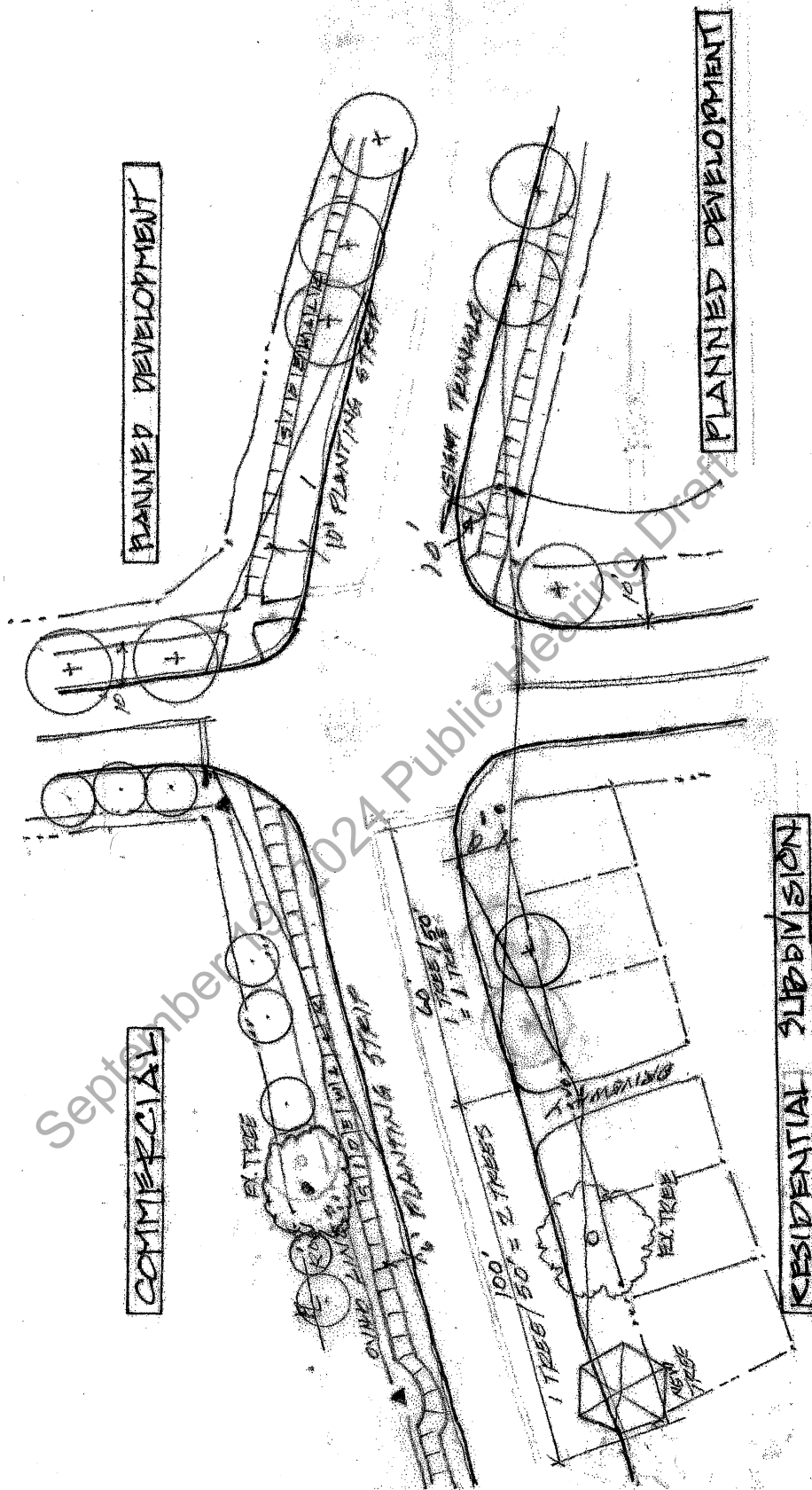
GRAPHICS ILLUSTRATING SELECT LANDSCAPE DETAILS

6.21.24

1 STREET TREES	2 BUFFERS - HIGHWAY CORRIDOR OVERLAY - NON HIGHWAY CORRIDOR OVERLAY (ie: ALL OTHER STREETS)	3 LANDSCAPE SCREENS
4 VEHICLE USE AREA: PERIMETER & SCREEN LANDSCAPING	5 VEHICLE USE AREA APPLICABILITY BY LANDSCAPE TYPE - PERIMETER VUA - INTERNAL/SHADING VUA	6 VEHICLE USE AREA BUFFER RATING RATIO OPTIONS
7 TREE PROTECTION AREAS USABLE OPEN SPACE		

STREET TREES

Planting Rate



INDUSTRIAL OFFICE COMMERCIAL HIGHWAY CORRIDOR OVERLAY

UNDISTURBED
UNDULATED
TREE PROTECTION
FENCE

REPLANTED

MIXED TREE
UNDISTURBED
EXISTING
VEGETATION
CREPT

CORRIDOR OVERLAY

URBAN VILLAGE

MULTIFAMILY

SINGLE-FAMILY
Zoned

SINGLE FAMILY
BY USE

STRAIGHT
OUTTER
PLANTING

NEIGHBORHOOD
BUSINESS

RESIDENTIAL

GENERAL BUSINESS

BUFFERS: NON-HIGHWAY CORRIDOR OVERLAY (ALL OTHER STREETS)

INDUSTRIAL

OFFICE

COMMERCIAL

SINGLE-FAMILY Zoned

SINGLE FAMILY BY USE

MULTIFAMILY

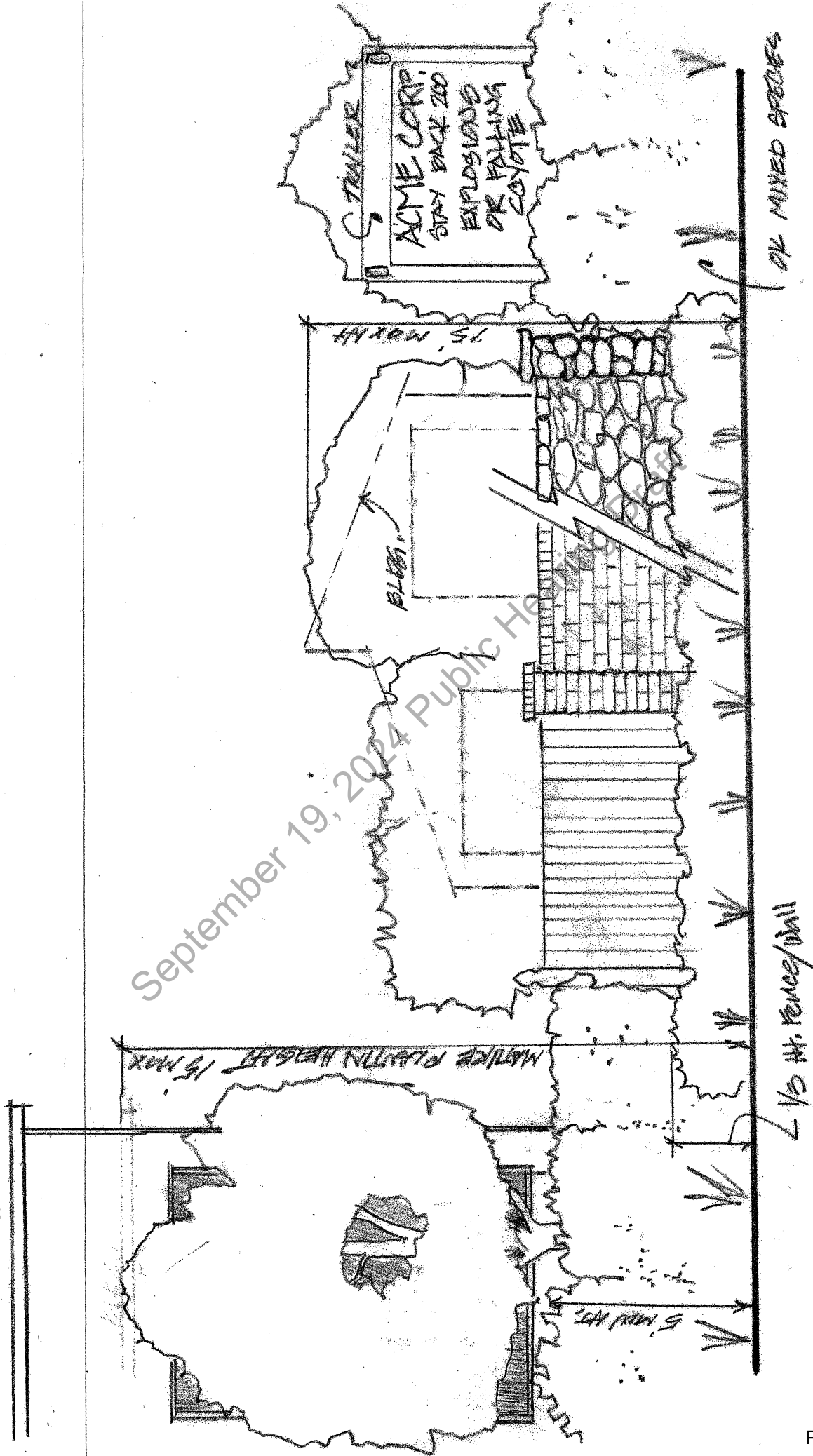
GENERAL BUSINESS

NEIGHBORHOOD BUSINESS

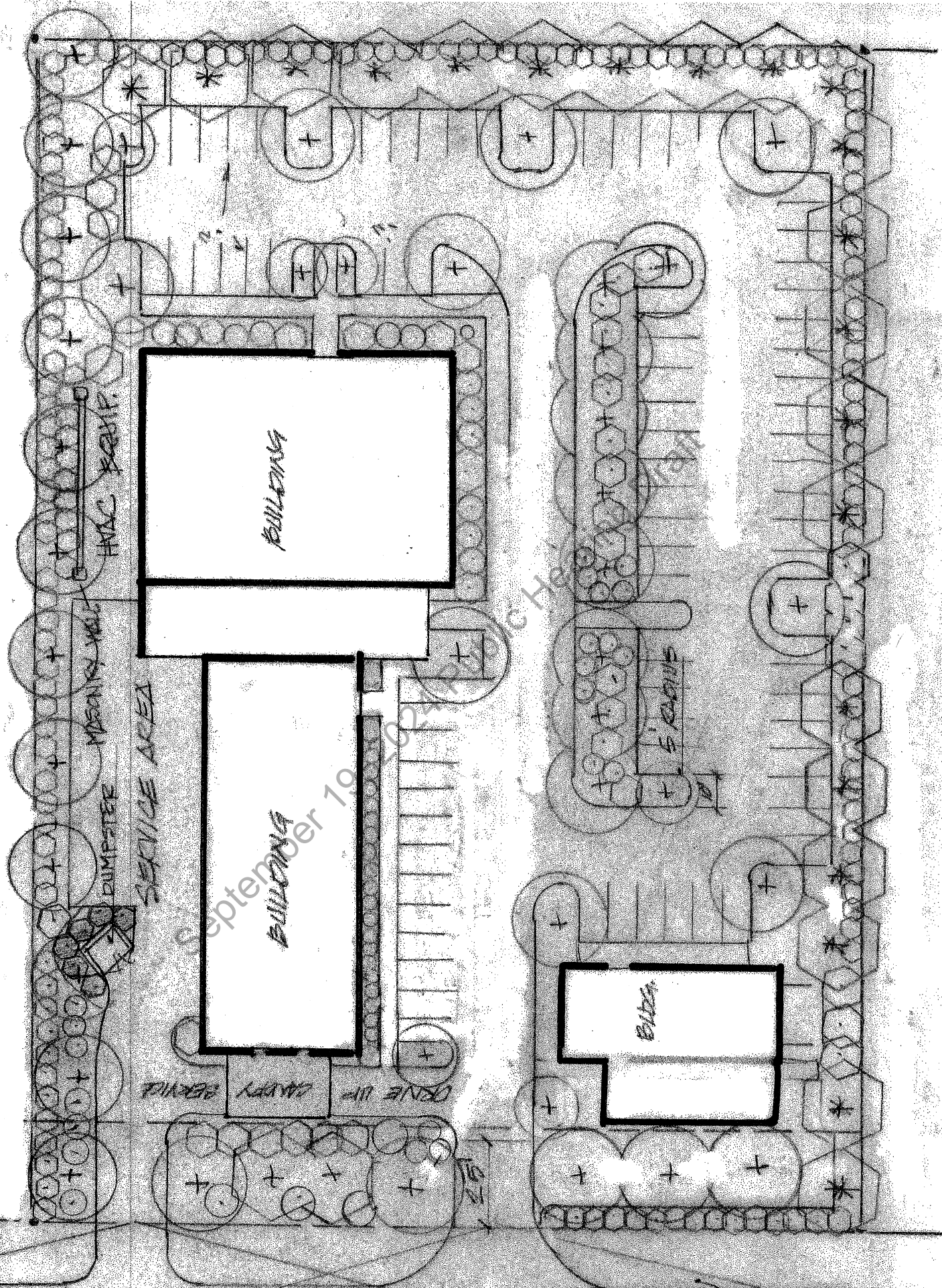
RESIDENTIAL

September 10, 2024 Public Hearing Draft

4.3.5.C. LANDSCAPE SCREENS

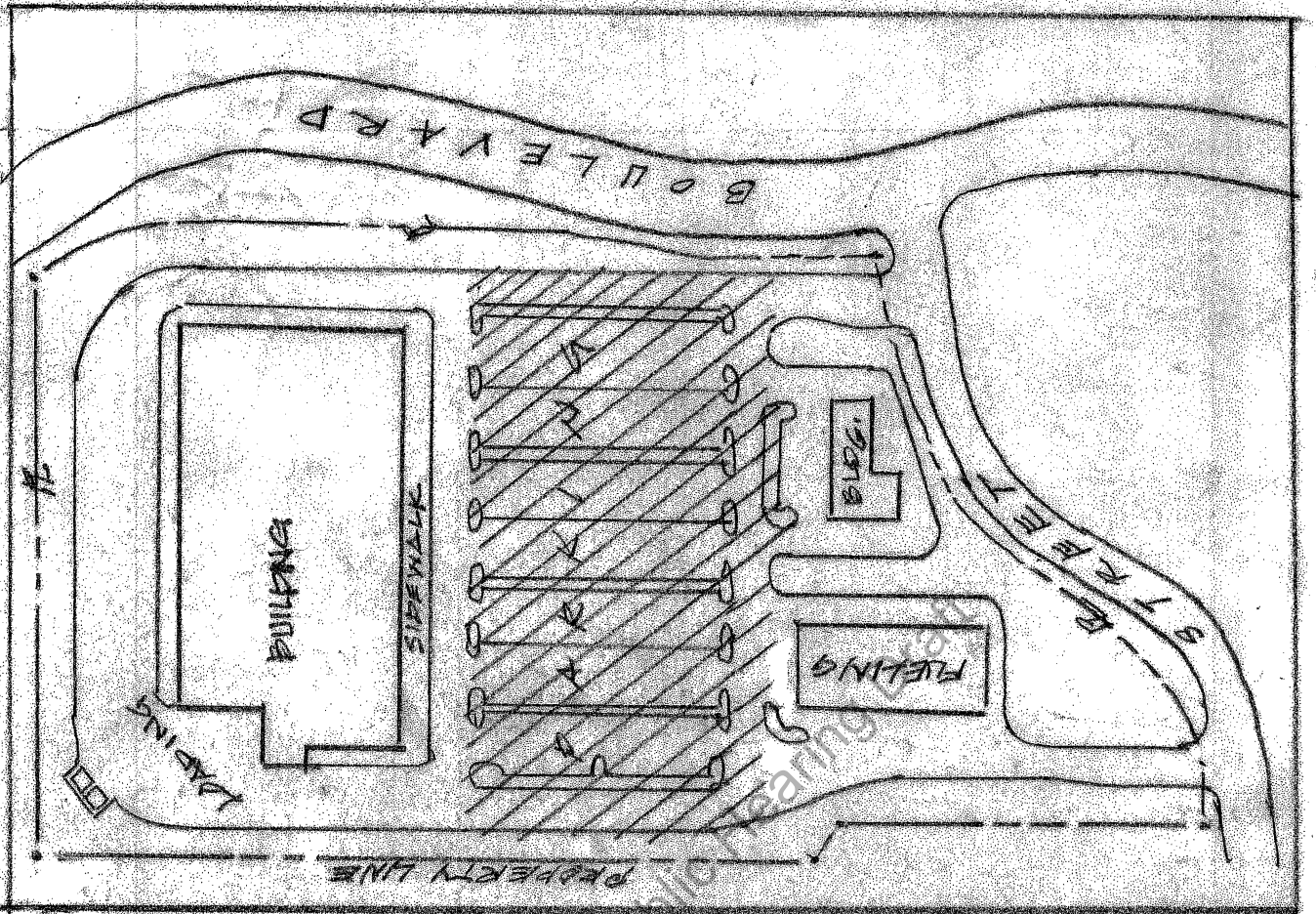
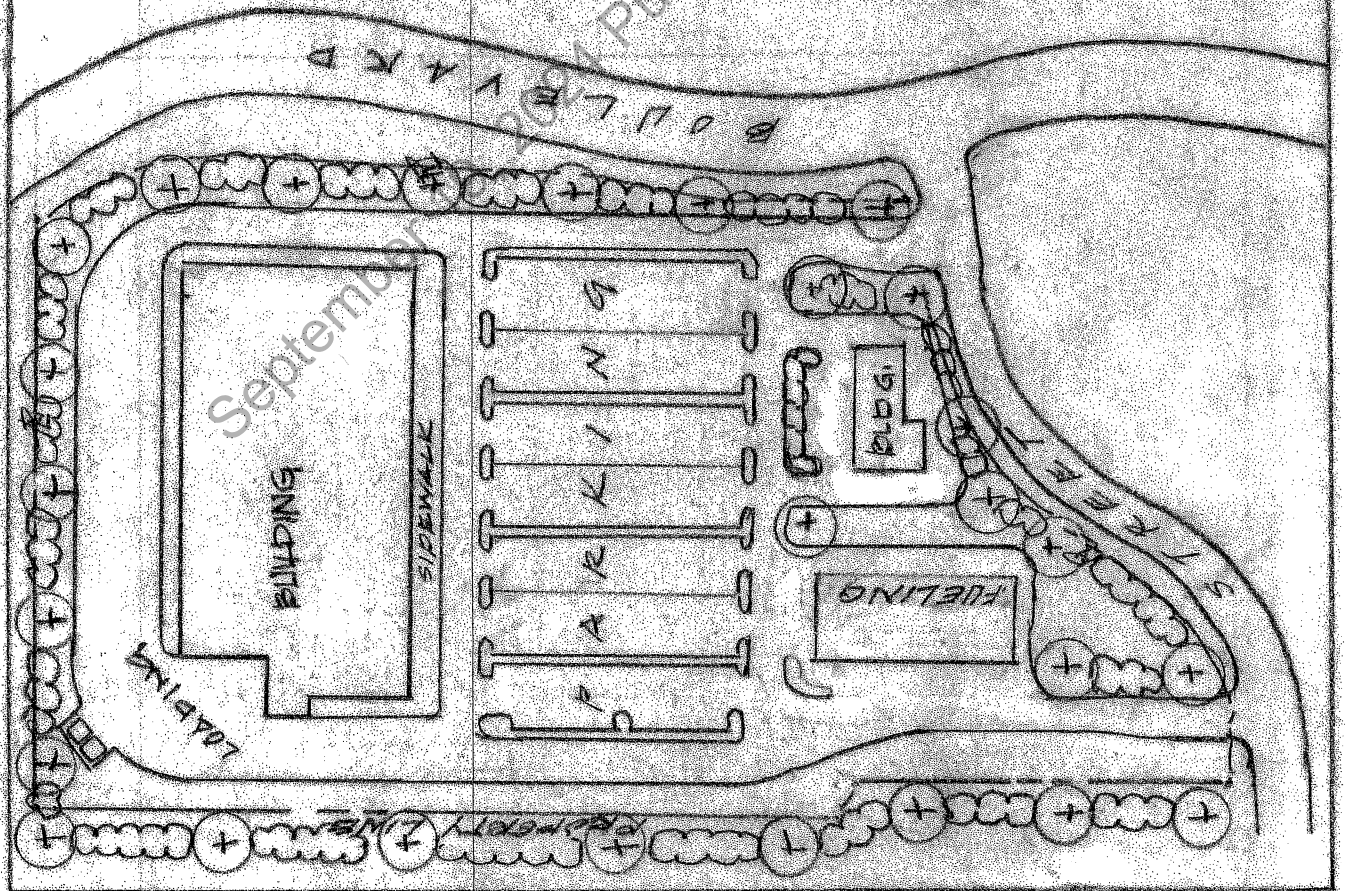


VEHICLE LOBE AREA: PERIMETER & SCREEN LANDSCAPING



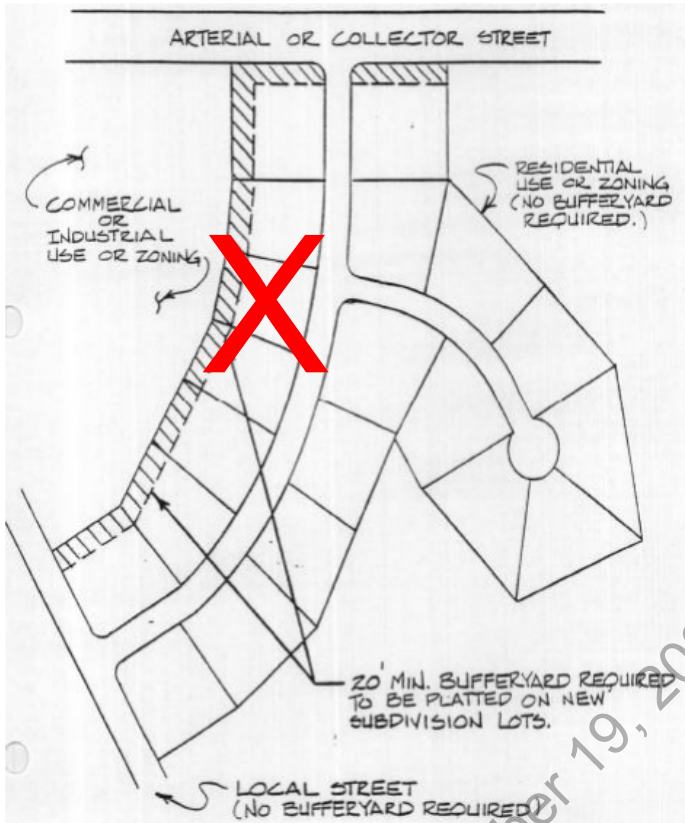
10/21/04 1:40

VEHICLE USE AREA APPLICABILITY BY LANDSCAPE TYPE PERIMETER V.U.A INTERNAL/SHADING VIA

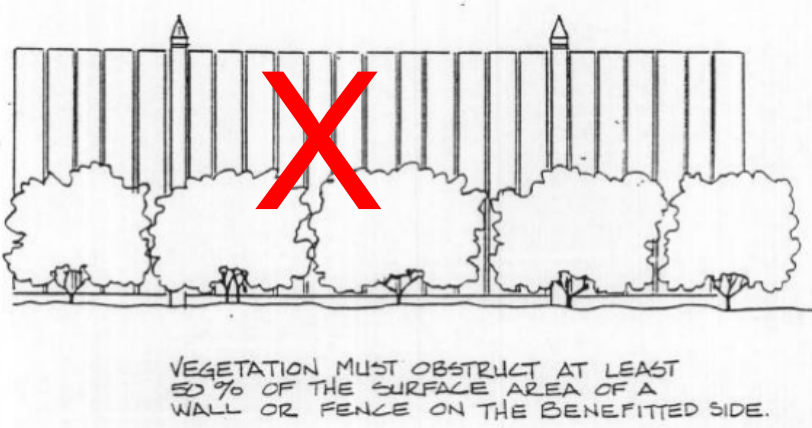




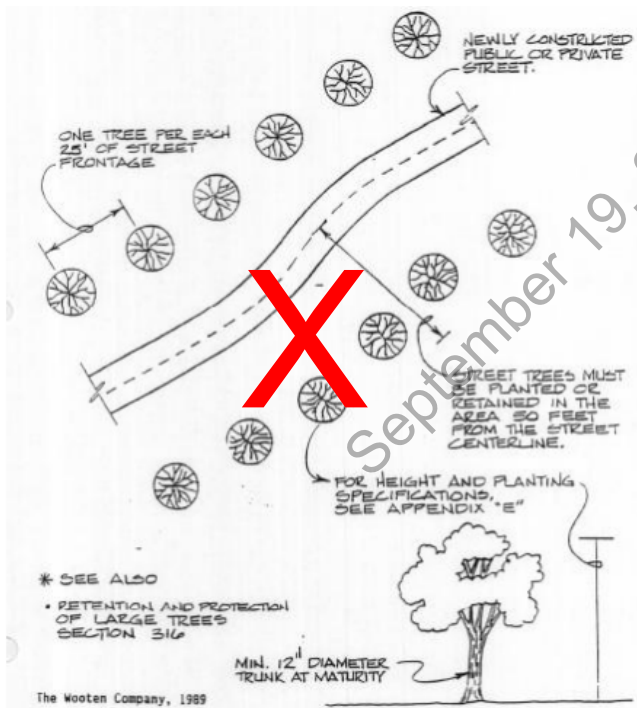
SUBDIVISION BUFFERYARDS



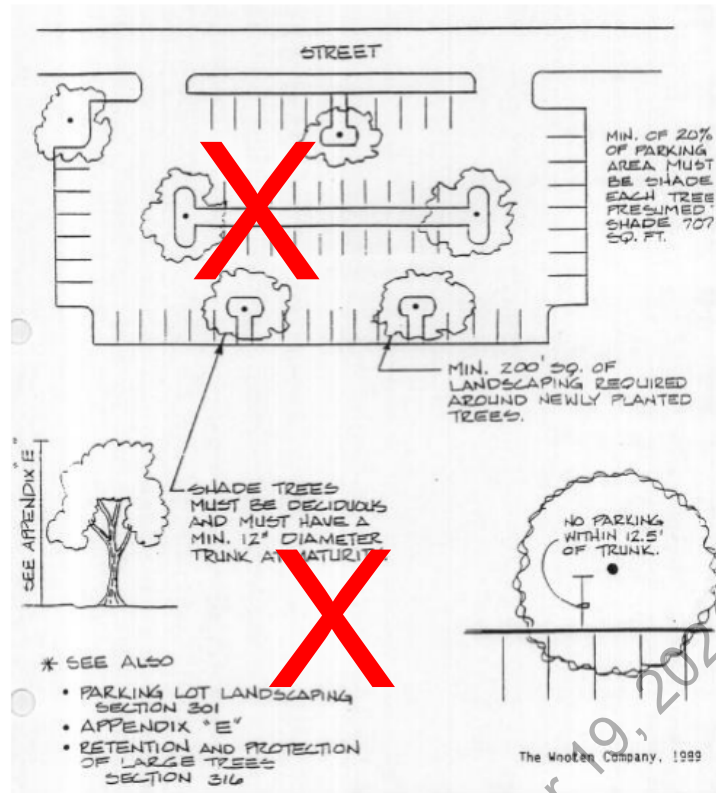
SCREENING WITH FENCES AND WALLS



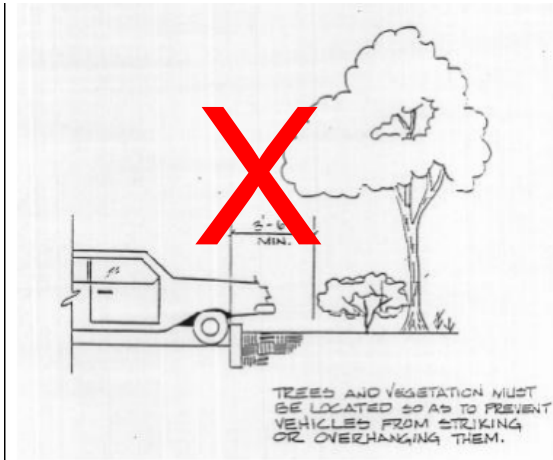
STREET TREES



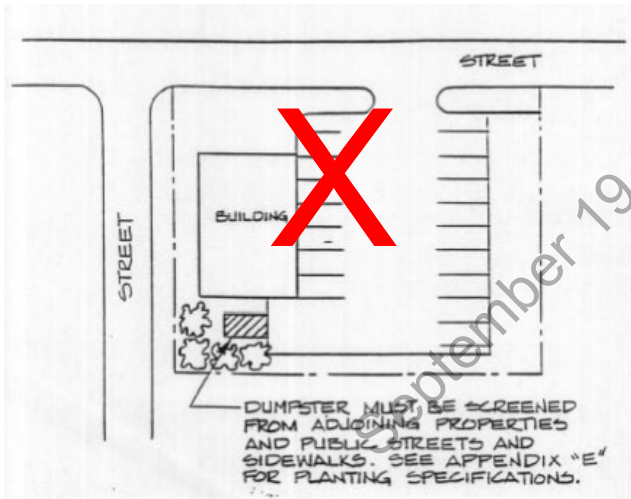
SHADE TREES



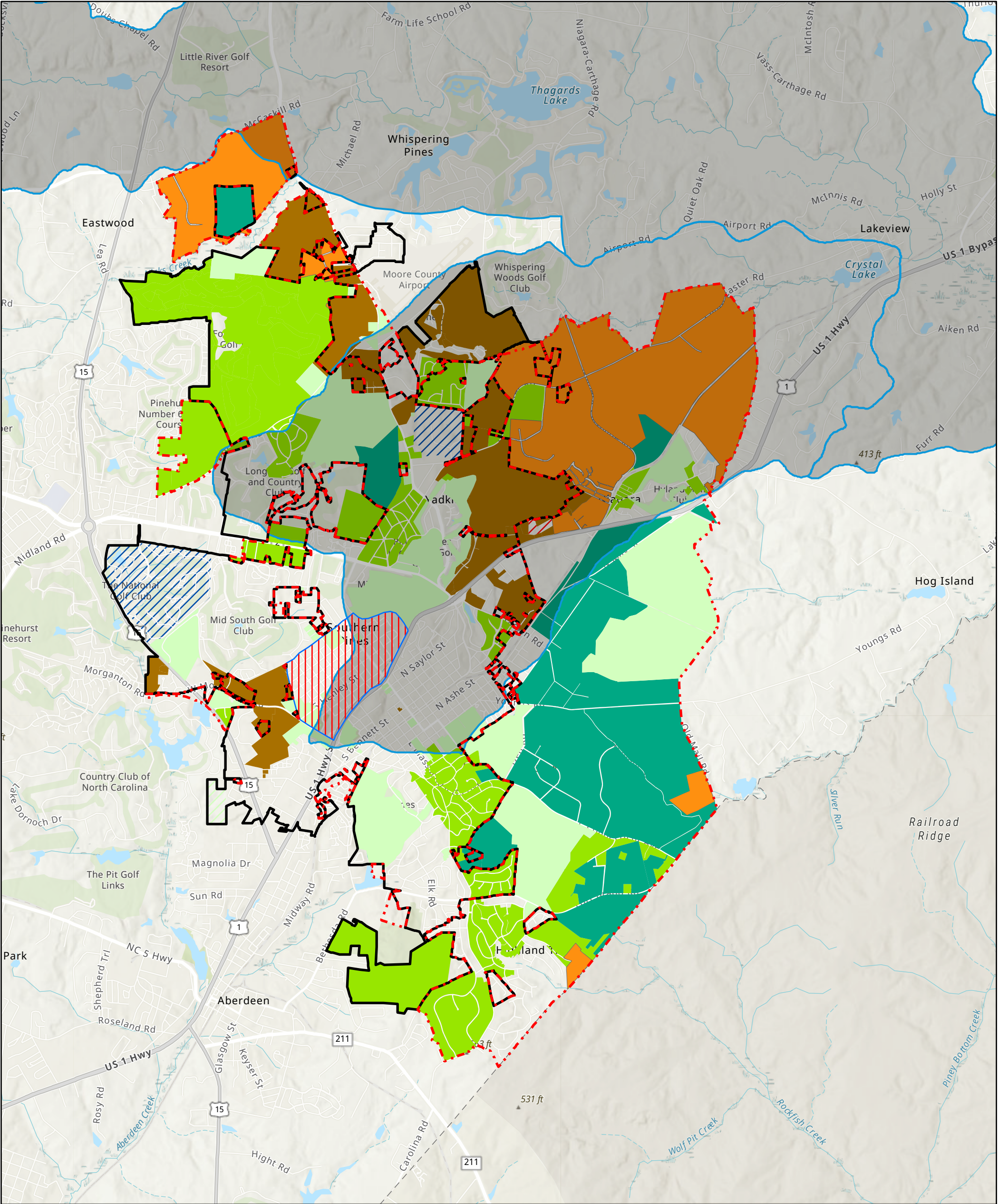
PROTECTION OF TREES AND VEGETATION FROM VEHICLE OVERHANG



DUMPSTER SCREENING



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

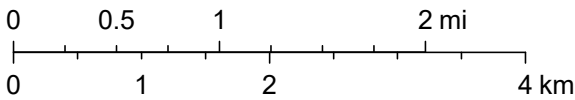
RR, Rural Residential

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



TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: OA-03-24 (Open Space and Tree Protection Amendments)

May 5, 2024

Following a review of the proposed amendments to the Town of Southern Pines UDO, RLUAC finds that the amendments will improve development outcomes with regard to the preservation of open space and protection of trees. These amendments are consistent with Fort Liberty's environmental mission, which, in turn, supports its military training and operational missions. Therefore, RLUAC supports approval of the amendments.

While RLUAC's findings and recommendations are non-binding on the Town of Southern Pines, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole and help to sustain Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Jeff Sanborn, Chairman

Vagn K. Hansen II, AICP, Executive Director



 NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

Cameron Ingram, Executive Director

July 16, 2024

Southern Pines Planning Board and Town Council
125 SE Broad Street
Southern Pines, NC 28387

Dear Planning Board and Town Council Members,

The North Carolina Wildlife Resources Commission (NCWRC) supports the updated tree protection ordinances in the Southern Pines Unified Development Ordinances (UDO). The NCWRC is charged with conserving fish and wildlife species and their habitats throughout the state of North Carolina. As such, the NCWRC has a keen interest in efforts to protect and restore native biodiversity in unique habitats, including those found in the Sandhills of North Carolina. Codifying tree protection in municipality UDOs is moving this effort in a positive direction.

The North Carolina Wildlife Action Plan (NCWAP) identifies priorities for conservation within the Sandhills ecoregion. Among these includes promoting large unfragmented tracts near existing conservation holdings and managing early successional landscapes. We commend the Town of Southern Pines for designating Tree Protection Areas at development sites within specific zoning, the inclusion of language to improve habitat connectivity and reduce habitat fragmentation within and between properties, and their requirements for development plans to include a Tree Protection Plan and review process in the early stages of planning. These ordinances are great steps in restoring and improving wildlife habitat and creating recreational opportunities in Southern Pines.

With NCWRC's support for the UDO update, we offer these comments. When considering Tree Protection Plans, we recommend adding language for understory management of longleaf pine stands in the Tree Protection Areas. All too often, longleaf pine stands are planted with no consideration of native understory grasses and herbaceous plants naturally found in longleaf pine communities. These understory plants provide critical habitat and food sources for beneficial insects and other wildlife. The insects attracted to the native understory further provide food to other wildlife, including the federally endangered red-cockaded woodpecker.

NCWRC recommends considering early successional habitat management in Open Space Requirements. The Open Space Requirements provide a unique opportunity to manage for early successional habitat throughout Southern Pines. Early successional communities are a priority habitat type for NCWRC. They provide the necessary habitat for many species of concern in North Carolina, including beneficial insects and grassland bird species. These habitats and species that depend on them are quickly declining in North Carolina due to development and fragmentation. These habitats are also a great opportunity to provide residents with recreational opportunities like walking trails and bird watching. Utility rights-of-way also create an opportunity to integrate early successional habitat into the UDO. We recommend adding early successional habitats as a management type for utility rights-of-

way and include regular invasive species control.

Another critical habitat in North Carolina is small wetlands. Small wetlands are important for all wildlife, especially amphibians. The Sandhills are home to several imperiled amphibian species, including the Carolina gopher frog and Eastern tiger salamander. Many of these species also require a natural forested buffer to live and forage for food outside their breeding season. Small wetlands are often filled for development and buffers are not integrated into development plans to ensure that the species survive after development. We recommend maintaining a 150-foot critical habitat zone around wetlands and a 600-foot upland habitat zone. The upland habitat zone does not need to be symmetrical and can be incorporated into a developer's required tree protection plan.

Riparian buffers required in Section 3.6.8 describe a 30-foot buffer for perennial streams. NCWRC recommends a 50-foot native forested buffer for intermittent streams and a 100-foot native forested buffer for perennial streams. These buffers will minimize impacts to terrestrial and aquatic species. If federally listed aquatic species are found in waterways, we recommend a 100-foot native forested buffer on intermittent streams and a 200-foot buffer on perennial streams.

Lastly, NCWRC recommends including language in Exhibit 4-4 to allow for other native trees within the replanted buffer, rather than requiring only evergreen trees. There are many native deciduous trees that provide food and habitat for wildlife, while also providing the desired screening. Many of these types of trees are listed in Appendix F.

NCWRC appreciates the opportunity to express our support and provide comments on the updated UDO.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Cox", with a stylized flourish at the end.

David Cox, Supervisor
Habitat Conservation Division