



AGENDA

Thursday, October 24, 2024: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. September 19, 2024 Regular Meeting

b. October 17, 2024 Agenda Meeting

3. PUBLIC HEARINGS

a. Z-04-24 & OA-04-24: Proposed Zoning Map Amendment and UDO Text Amendments to Create Two Character Districts

The Town of Southern Pines Planning Department has prepared a Zoning Map amendment to modify the boundary and rename the Downtown Transition Overlay as well as text amendments within the Unified Development Ordinance (UDO) for the Downtown Overlay and West Southern Pines Overlay. The text amendments relate to implementing character-based zoning standards for commercial and multi-family development. The proposed amendments are an implementation of Policies 3.1 and 3.2 in the 2040 Comprehensive Plan.

b. LRP-01-24: Amendment to the 2040 Comprehensive Plan to Adopt Design Guide for the "Pinedene" Area

The Town of Southern Pines Planning Department proposes a Comprehensive Plan amendment to adopt a "Design Guide" for "Focus Area C" depicted in Chapter 2 of the 2040 Comprehensive Plan. This is an area historically referred to as Pinedene where South Bennett Street, West Morganton Road and Old US Highway 1 create a triangle.

4. UNFINISHED BUSINESS

5. NEW BUSINESS

6. PUBLIC COMMENTS

7. ADJOURNMENT

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, September 19, 2024, at 6:00 PM

Chair Westbrook called the meeting to order at 6:01 PM.

Chair Diane Westbrook, Vice Chair Kim Wade, Matthew Walden, Jennifer Garner and Enrique Herrera were present.

Jennifer Garner made a motion, which was seconded by Matthew Walden, to approve the Minutes of the August 2024 regular meeting. The motion carried.

Chair Westbrook introduced new member Enrique Herrera.

PRELIMINARY FORUM:

SU-03-24 Special Use Permit for 148 S. Hardin Street

Orbia and Elaine Simon have submitted a request to expand a nonconforming site by adding an additional storage building in which to store their personal belongings. The subject parcel is identified as PIN 857200927322 (PARID 00031796) and is owned by the applicants.

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

Senior Planner Alaina Mallette provided an overview of the application and staff report for SU-03-24 accompanied by a PowerPoint presentation.

Elaine and Orbia Simon provided an overview of the application and stated that they would like to have more storage space, which prompted their request for a second storage building on their property.

There were no public comments.

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

Jennifer Garner made a motion, which was seconded by Matthew Walden, that the Board found no issues for transmission to the Town Council as a result of the September 19, 2024 preliminary forum on application SU-03-24 and no concerns were raised. The motion carried by a 5-0 vote.

PRELIMINARY FORUM:

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

Trevor Hansen of Koontz Jones Design, LLC, on behalf of Moore HL Properties, Inc., has submitted a Major Subdivision Preliminary Plat application to subdivide 2.42 acres on Hyland Hills Road and Dover Street into 24 townhome lots. The subject parcels are identified as PIN 859206498289 (PARID 00035711), PIN 859200499115 (PARID 20190609) and PIN 859200591047 (PARID 00991774) and are owned by Moore HL Properties, Inc.

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

Planning Director B.J. Grieve provided an overview of the application and the staff report for MAPP-01-24 accompanied by a PowerPoint presentation and stated that the property is zoned RM-1 and is within the Watershed Protection Overlay and the Urban Transition Highway Corridor Overlay districts. The applicant has applied for 2.42 acres of watershed exemption allocation and has requested a reduction in the 50-foot highway yard buffer due to site constraints.

Mr. Grieve stated that Planning staff recommended approval of the application contingent upon the Town Council granting watershed exemption allocation and the Board's position regarding the variation to the highway buffer, improvements to Dover Street and whether a red-cockaded woodpecker habitat study should be required.

Trevor Hansen stated that the project is consistent with the RM-1 zoning district, it will provide a more affordable housing option and will utilize the site in a way that is consistent with the UDO.

Member Wade asked if the traffic analysis noted any concerns and Mr. Hansen responded that a traffic analysis had not been conducted.

Member Wade asked if the applicant had held a neighborhood meeting and Mr. Hansen responded that a neighborhood meeting was not required and they felt that proposed project was consistent with the current zoning.

Member Herrera commented that the question of a neighborhood meeting was valid as there is going to be a lot of construction activity near the current residences.

Mr. Hansen responded that they may need to consider phasing the project and that would be determined during site plan review.

Member Herrera asked when Dover Street would to be improved and Mr. Grieve responded that all infrastructure would have to be built or a bond for remaining improvements received by the Town prior to final plat approval.

Mr. Grieve stated that the UDO requires that a phasing plan be submitted with a Major Subdivision Preliminary Plat application so it must be submitted prior to the public hearing before the Town Council.

Chair Westbrook asked Mr. Hansen if they planned to phase development and Mr. Hansen responded they would make that determination prior to the Town Council meeting.

Member Walden inquired about the red-cockaded woodpecker habitat assessment and Mr. Hansen responded that they would be reaching out to an environmental consultant to conduct a study and provide their findings.

Member Wade inquired about the buffer reduction and Mr. Hansen responded that the Highway Corridor Overlay buffer along the highway is typically 50', but due to site constraints they proposed a reduced buffer to allow maximum use of the property. The goal would be to save some trees in those areas and they would provide whatever additional landscaping that would be required.

Member Garner commented that she was not as concerned about the buffer reduction because the property does not sit directly on US Hwy 1.

Mr. Hansen stated that the Highway Corridor Overlay district was not created for single-family residential dwellings specifically and there is some nuance in the UDO that allows single-family homes to be exempt from the buffer requirement. The landscape buffer does apply and that is why Mr. Grieve was willing to work with the applicant to create unique standards for the development.

Mr. Grieve stated that a traffic analysis was not required as the threshold is 200 daily trips and single-family attached dwellings generate 7.5 vehicle trips per day per unit, which equates to 180 trips.

Chair Westbrook opened the forum to the public for comment.

Sam Cherry, a resident of Northwood Townhomes, expressed concerns regarding traffic, sewer service and the reduced landscape buffer. He stated that Dover street would likely be impacted.

Trishia Denadio, 201 Northwood Drive, stated that more details regarding screening and open space should be provided and voiced concerns regarding the HOA assuming responsibility for stormwater ponds.

Jerry Smith, a resident of Dover Street and the current president of the HOA, stated that the main concern should be ingress and egress and asked if the roads would be turned over to NCDOT and be subject to its standards.

Member Garner responded that the Town's road design standards are more stringent than NCDOT's standards.

Greg Braswell, 211 Northwood Drive, voiced concerns regarding increased traffic and the reduced buffer and asked why the Highway Corridor Overlay standards were lowered.

Chair Westbrook responded that the UDO allows a variation due to the nature of the project.

Tom McCabe, 235 North May Street, expressed support for the reduced highway buffer and stated that trees or fences should be added to the homeowners' association easement.

Tyler Mergen, 602 Dover Street, inquired about the townhomes being short-term rentals and the impact that would have on the character and quality of the neighborhood, screening of the pump station, the addition of sidewalks and voiced concerns regarding trash pickup and the noise and aesthetics if trash bins are left curbside.

Lee Humphrey with DNL Engineering stated that his team has worked with Moore County about installing a waterline and that a 10" waterline would be extended.

Mr. Hansen stated that building height would be limited to 40'; there would be no stormwater pond, but a basin that would allow for water to infiltrate; road improvements would be constructed to NCDOT standards and completed before any lots would be conveyed; and landscaping would comply with Town standards.

Member Wade inquired about sidewalks and Mr. Hansen said sidewalks had not been planned.

Mr. Grieve stated that short-term rentals are not allowed in the RM-1 district and would be a zoning violation and that once the road is improved, it could be offered to the state but acceptance would be up to NCDOT. The road would be private but built to Town standards. He said the buffer reductions were proposed by Planning staff.

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

Matthew Walden made a motion, which was seconded by Kim Wade, 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:

- site assessment for red-cockaded woodpeckers;
- concerns over the need to improve Dover Street to NCDOT and Town standards prior to starting the project;
- the need to address a phasing plan, if applicable;

- concerns over traffic;
- concerns over saving trees to provide screening;
- the possibility of installing a sidewalk; and
- the Developer could contact the neighbors.

In addition, the following issues were considered to be positive:

- hydrants being added / an increase in water pressure; and
- access to sanitary sewer.

The motion carried by a 5-0 vote.

PRELIMINARY FORUM:

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

Trevor Hansen of Koontz Jones Design, LLC, on behalf of Legacy Homes Construction, Inc., has submitted a Major Subdivision Preliminary Plat application to subdivide 1.52 acres into eight (8) townhome lots. The subject parcel is located on Clark Street and adjacent to Midlothian Drive. Per the Moore County tax records, the property is identified as PIN 858219617079 (PARID 00032727) and is owned by Legacy Homes Construction, Inc.

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

Planning Director Grieve provided an overview of the application and the staff report for MAPP-02-24 accompanied by a PowerPoint presentation and noted that a discrepancy appears to exist between the original 1920s plat of Knollwood Center and the current tax parcel data available via GIS.

Chair Westbrook wanted to clarify that an attempt was made by Planning staff to contact the owner of the adjacent property that is zoned General Business.

Mr. Grieve stated that contact was attempted via a site visit but no one answered the door.

Member Garner asked if contacting the adjacent property owner was required.

Mr. Grieve responded that the adjacent property owner received a public hearing notice, but that staff was not required to attempt to make contact via a visit. The effort was made due to the proposed land use being very different from that which exists on the General Business property.

Mr. Grieve then presented the Board with a copy of the RLUAC letter.

Trevor Hansen provided an overview of the application and stated that a sealed survey would accompany the final plat, and would display official findings of the official boundary.

Member Herrera asked if the proposed project would be considered affordable housing.

Mr. Hansen responded that the proposed project would be more affordable than single-family detached homes.

Chair Westbrook asked if the adjacent business had been contacted and Mr. Hansen responded in the negative.

Member Herrera asked if plans would be made to contact the adjacent business owner.

Mr. Hansen responded that they would likely to do so during the site plan process. He said a majority of the property has been cleared but as many trees as possible would be retained, especially near the adjacent property.

Member Herrera requested that traffic be kept in mind during the planning process.

Chair Westbrook opened the forum to the public for comment.

Tom McCabe, 235 N. Page Street, stated that he was in favor for inner connectivity via sidewalks along Clark Street and of preserving trees wherever possible.

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

Matthew Walden made a motion, which was seconded by Kim Wade, 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:

- create a pedestrian or bicycle connection to Midlothian Drive;
- preserve the pine trees on Clark Street;
- contact adjacent neighbor whose property is zoned General Business;
- preserve the natural character of the lot; and
- check with other residents in the neighborhood regarding water drainage.

The motion carried by a 5-0 vote.

PUBLIC HEARING:

OA-03-24 Proposed UDO Text Amendments Related to Tree Protection Procedures, Open Space Standards and Landscaping Code (continued from July 2024)

The Town of Southern Pines Planning Department is proposing a variety of text amendments to the Unified Development Ordinance (UDO) that are 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 and Planning staff is therefore requesting Planning Board and Town Council review and approval per UDO §2.17.

Senior Planner Alaina Mallette provided a refreshment overview of the application and the staff report for OA-03-24 accompanied by a PowerPoint presentation.

Member Garner asked if restoration fees would be paid to the Town, and asked how the Town would enforce said fees.

Ms. Mallette specified that the costs will be the responsibility of the developer, if they choose that option.

Member Walden asked about the basis of determining fees and Ms. Mallette said that the fees would be based upon the cost to the Town.

Member Garner asked into which budget fees would be collected and Ms. Mallette stated that the fees would be considered administrative.

Mr. Grieve explained the process by which fees are calculated by the Town.

Mr. Walden asked if the added restoration fee would be for those who had already submitted a tree protection plan.

Member Garner asked about clearing before selling to a private developer, after clearing the area.

Mr. Grieve stated that second buyers do not clear violations, and diligence will be the buyer's responsibility.

Mr. Grieve responded to questions with a presentation.

Member Garner stated that she did not believe that the current loophole has been closed.

Discussion continued.

Matthew Walden made a motion, which was seconded by Enrique Herrera, to continue the public hearing to the October 17, 2024 Agenda Meeting at 5:30 p.m. at the Community Services Building located at 801 SE Service Road, to allow staff time to address the following:

- consider rewards, payment-in-lieu or alternative punitive measures to the three-year project pause;
- concerns regarding language of 4.7 and consider loopholes for getting around punitive measures;
- consider rewards for adding needed trees to certain areas;
- concerns over the 100-year floodplain – it is prohibitive to development or are there alternatives to allow crossing;
- mitigation alternatives for partial clearing;
- consider the town’s ability to request outside expertise regarding the effect of tree removal for review and/or mitigation; and
- other issues that may arise during discussion.

The motion carried by a vote of 5-0.

No unfinished or new business was discussed.

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

The meeting adjourned at 9:38 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: BJ Grieve, Planning Director
James Broadwell, Planner I

Subject: Z-04-24: Zoning Map Overlay Amendment to the
Downtown Transition Overlay

OA-04-24: Character Districts Text Amendments to the
Unified Development Ordinance (UDO)

Date: October 24, 2024

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department has prepared a Zoning Map amendment to modify the boundary and rename the Downtown Transition Overlay as well as text amendments within the Unified Development Ordinance (UDO) for the Downtown Overlay and West Southern Pines Overlay. The text amendments relate to implementing character-based zoning standards for commercial and multi-family development. The proposed amendments are an implementation of Policies 3.1 and 3.2 in the 2040 Comprehensive Plan. Planning staff request Planning Board and Town Council review per UDO §2.17. The boundaries of the proposed Zoning Map amendment are depicted on a map that is Attachment B of this report. The proposed UDO text amendments are summarized as follows and the specific text of the proposed amendments (using ~~strikeout~~ for proposed deletions and underline for proposed additions) may be found attached to this report as Attachment C:

1. Amend UDO §2.26.2., Architectural Compliance Applicability, to require an Architectural Compliance Permit for new construction or modification of a multi-family, institutional, commercial or mixed-use building that does not comply with an applicable zoning overlay standard.
2. Under UDO §3.3.3., rename the “Downtown Transition Overlay Zone (DTOZ)” to the new name of “Downtown Overlay (DTO).”
3. Amend UDO §3.6.3., DTO – Downtown Overlay (subsections A through O), to reflect the character of the DTO in new commercial development and redevelopment. Amendments to this section include the district’s purpose, applicability and authorized uses, and 12 categories of commercial standards.
4. Amend UDO §3.6.4., WSPO – West Southern Pines Overlay (subsections A through O), to reflect the character of the WSPO in new commercial development and

redevelopment. Amendments to this section include the district’s purpose, applicability and authorized uses, and 12 categories of commercial standards.

5. Amend UDO §4.10.1. to make clear that overlay district standards take precedent over standards found in UDO §4.10. If an overlay district standard is silent, then UDO §4.10.1 shall apply.
6. Update UDO §9.3. (Definitions) to reflect new definitions for “Gallery or Arcade,” “Porch,” “Shopfront,” and “Stoop.”

Planning staff and representatives from Inspire Placemaking Collective will also provide further explanation at the public hearing on October 24, 2024.

II. APPLICATION REVIEW:

Adoption of the proposed character districts will require both a zoning map amendment to amend the boundary of the Downtown Transition Overlay and amendments to the text of the Downtown Transition Overlay and the West Southern Pines Overlay. Therefore, there are technically to processes, one for each type of zoning amendment, that must be followed.

A. Review Process for a Zoning Map Amendment:

Zoning map amendments are reviewed pursuant to UDO §2.17.

B. Criteria for a Zoning Map Amendment Review:

When reviewing an amendment to the zoning map, the hearing bodies (Planning Board followed by Town Council) shall consider the guidance of the following criteria, as set forth in UDO §2.17.9.:

2.17.9. Criteria for UDO Text Amendments

In its review of an application for a Zoning Map 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. *Rezoning shall be consistent with the adopted Comprehensive Plan.*

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

(C) Suitability as Presently Zoned. *The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can*

exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the Neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.

- (D) Health, Safety, and Welfare.** *The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*
- (E) Public Policy.** *Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with Neighborhood, area, or specific plans.*
- (F) Size of Tract.** *The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*
- (G) Other Factors.** *The Hearing Body may consider any other factors relevant to a rezoning application under state law.*
- (H) Applicant Representations.** *Except for rezoning requests submitted in accordance with the provisions herein for Conditional Zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

C. Review Process for a Text Amendment:

Amendments to the text of the UDO are reviewed pursuant to UDO §2.17.

D. Criteria for a Text Amendment Review:

When reviewing amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider the guidance of 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.*

E. Staff Comments:

Planning Board’s Role

The Planning Board’s primary role when reviewing proposed Zoning Map and UDO text amendments is to advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. In this case, the proposed amendments are a direct implementation of Policies 3.1 and 3.2 in the 2040 Comprehensive Plan.

Zoning Map amendments and UDO text amendments are regulated in slightly different ways according to North Carolina General Statute Chapter 160D and the Town of Southern Pines UDO. In the interest of eliminating ambiguity, staff have drafted separate motions for the zoning map amendment (Z-04-24) and text amendment (OA-04-24).

Narrative on Character Districts

Following the adoption of the 2040 Comprehensive Plan in October 2023, the Town Council chose seven Comprehensive Plan initiatives to immediately implement that the community felt were most important. One of those seven initiatives was the drafting and codifying of character-based zoning for three of the ten character districts depicted in Chapter 2 of the Comprehensive Plan. With the Town Council’s initial guidance given, the Planning Department began work on the Character Districts project.

The project required expertise in architecture and site design that Planning staff lacks. A consulting firm called Inspire Placemaking Collective was used to help identify unique patterns of community design in each of the districts. The project’s timeline is below:

Date	Event / Activity
Sep 9, 2023	2040 Comprehensive Plan adopted.
Sep 2023	“Phase 1 Projects” identified by Town Council.

Oct 2023	Planning staff contract Inspire Placemaking Collective to lead Character Districts' implementation.
Nov 2023	Initial planning between town staff and Inspire.
Dec 7, 2023	First Character District stakeholder meetings: <ol style="list-style-type: none"> 1. Downtown Transition (now Downtown Overlay) 2. West Southern Pines 3. Downtown Adjacent ("Pinedene")
Feb 15, 2024	Second Character District stakeholder meetings (with the three separate districts).
Mar 28, 2024	Character District public forum meeting at the E.S. Douglass Community Center.
Apr 2024	Planning staff and consultants determined the "Focus Area C" ("Pinedene") Character District requires more flexibility than can be achieved in a UDO text amendment. A "Design Guide," under the Comprehensive Plan, was determined the best way forward – separating and changing this district's implementation.
Jun 18, 2024	Draft Zoning Map and UDO text amendments sent to stakeholder groups for feedback.
Aug 2, 2024	Draft amendments sent out for agency comments.
Aug 15, 2024	Draft Zoning Map and UDO text amendments published to the town website.
Oct 2, 2024	2,195 Ordinance Amendment postcards mailed to all landowners in affected parcels for each of the three character areas.
Oct 24, 2024	Planning Board Public Hearing on: <ul style="list-style-type: none"> • Zoning Map Amendment for modifications to the boundary of the Downtown Overlay (Z-04-24) • "Character District" zoning overlay commercial design standards for Downtown and West Southern Pines (OA-04-24) • The "Pinedene" Design Guide as a Comprehensive Plan amendment

During development of the Character District, the area depicted as "Focus Area C" in the Comprehensive Plan changed from a regulatory Character District implemented via zoning to a Design Guide adopted as an Appendix to the Comprehensive Plan. A Comprehensive Plan amendment requires a different process so what is now known as the Pinedene Design Guide it is not included in this staff report. Staff will report on the Pinedene Design Guide in a separate report (LRP-01-24).

Staff Conclusion

Regarding the Zoning Map Amendment (Z-04-24) for the Downtown Overlay and UDO text amendments for Downtown and West Southern Pines Overlays (OA-04-24), staff assess that each meet their corresponding criteria for approval pursuant to

UDO §2.17. These proposed changes directly result from the Comprehensive Plan implementation strategy, and reflect the priorities and values of the community as a whole. For these reasons, staff recommend approval of Z-04-24 and OA-04-24.

F. 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 August 2, 2024.

As of the completion of the staff report on October 18, 2024 responses have been received from RLUAC and NCDOT that they have no comment on the proposed amendments. Staff will provide any responses received from other agencies following completion of this staff report, but prior to the public hearings, verbally at the hearings.

III. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. The Zoning Map depicting the proposed change to the Downtown Overlay
3. Sections of the current UDO with proposed amendments, using ~~strikeout~~ for proposed deletions and underline for proposed additions.

IV. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for zoning map amendments found in UDO §2.17.9, and text amendments found in UDO §2.17.10. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed zoning map and 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 have prepared the following draft motions for the Planning Board’s consideration, possible modification as necessary, and adoption:

I move that after reviewing the proposed **Zoning Map amendment (Z-04-24)** and considering the criteria for approval of Zoning Map amendments found in UDO §2.17.9:

1. Z-04-24 is consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report Z-04-24 & OA-04-24;

2. Z-04-24 is consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report Z-04-24 & OA-04-24 and as revised by the Planning Board as follows;
3. Z-04-24 is inconsistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report Z-04-24 & OA-04-24 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 A 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 Z-04-24 to the Town Council.
 2. Recommend denial of Z-04-24 to the Town Council.
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I move that after reviewing the proposed **UDO text amendments (OA-04-24)** and considering the criteria for approval of UDO text amendments found in UDO §2.17.10:

1. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report Z-04-24 & OA-04-24;
2. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report Z-04-24 & OA-04-24 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 A of staff report Z-04-24 & OA-04-24 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 A 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-04-24 to the Town Council.
2. Recommend denial of OA-04-24 to the Town Council.



ATTACHMENT A

**PLANNING BOARD RESOLUTION
TO ADOPT A WRITTEN RECOMMENDATION FOR
ZONING MAP AMENDMENT APPLICATION Z-04-24, AND
ORDINANCE AMENDMENT APPLICATION OA-04-24**

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

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

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on October 24, 2024 to listen to public comments, ask questions of the Town’s Planning staff, and to consider ordinance amendment applications Z-04-24 and OA-04-24.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Official Zoning Map and 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 Comprehensive Plan.

The 2040 Comprehensive Plan supports growth and development that retains the character of the community. Policies 3.1 and 3.2 call for implementing character-based zoning standards, character-driven development, and decision making, and maintaining a unique sense of place. The Zoning Map amendment, Z-04-24, establishes the “Downtown Overlay (DTO)” by clearly delineating the boundary to not include the historic district but to include a broader area of the community than the former Downtown Transition Overlay as the new Downtown Overlay (DTO). UDO Section 3.3.3. also renames to this overlay to remove the word “Transition.”

Staff and consultants from Inspire Placemaking Collective gathered feedback over the course of six months to inform the Character District text amendments, OA-04-24, in order to reflect public participation throughout the drafting process. The proposed change to UDO Sections 3.6.3. and 3.6.4. directly implement Comprehensive Plan policies 3.1 and 3.2 by identifying building and site design elements that create a unique character and requiring some of those elements be present in

future commercial and multi-family development and redevelopment. The amendment to UDO Section 4.10.1 further clarifies the implementation of character-based zoning in lieu of the current UDO building design standards within character districts. The change to UDO section 2.26.2 also clarifies the need for an Architectural Compliance Permit if Planning staff determine the character district standards are not being met with proposed development.

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

ADOPTED this the 24th day of October, 2024.

Diane T. Westbrook, Chair

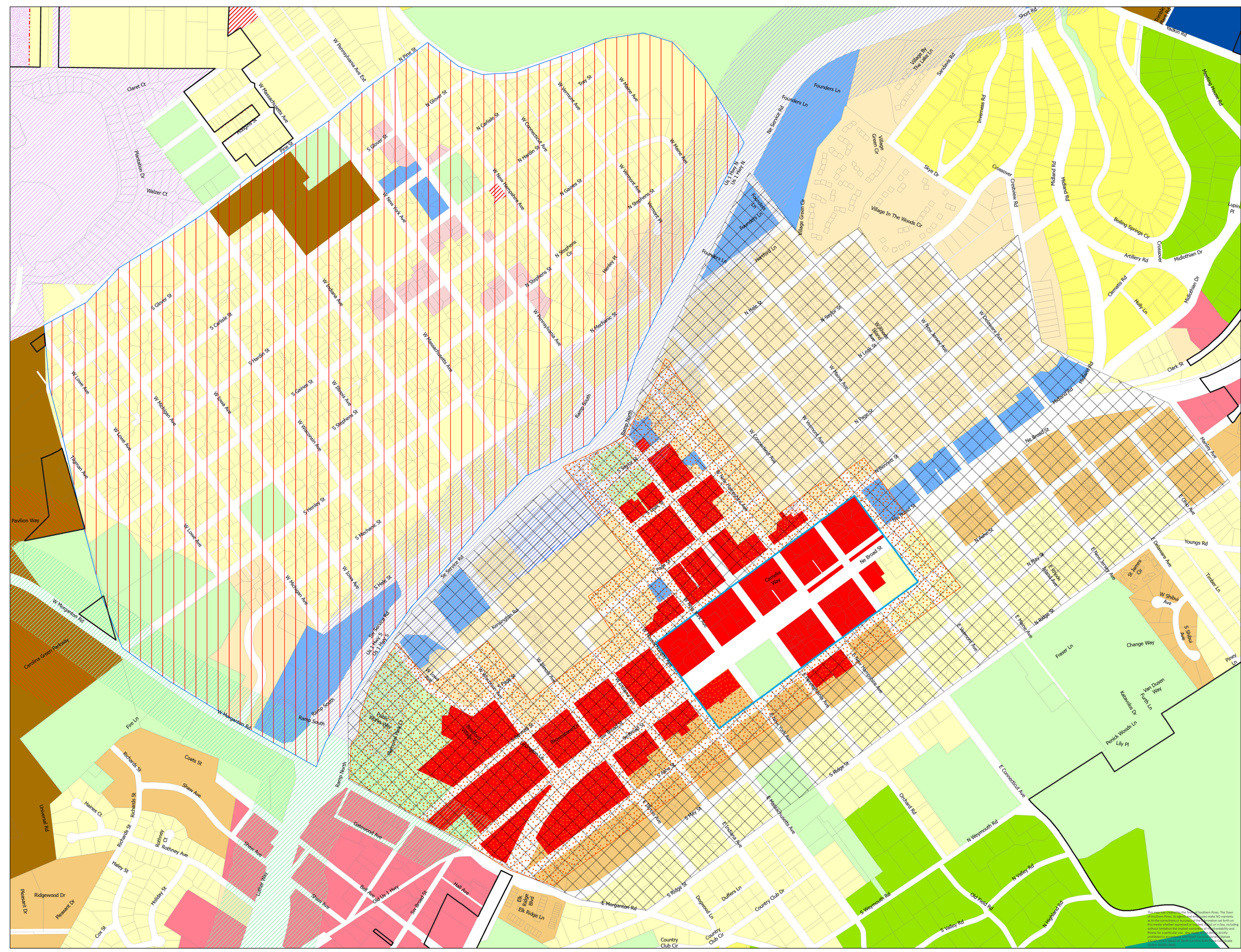
ATTEST:

Cindy Williams
Secretary to the Planning Board



Proposed Downtown Transition Overlay

Town of Southern Pines Zoning Map



- Legend**
- Districts**
- Proposed Downtown Overlay Zoning District
 - Current Downtown Overlay Zoning District
 - West Southern Pines Overlay District
 - Historic District
- Boundaries**
- City Limits
 - ETJ
 - Parcel Boundaries
- Corridors**
- Urban Transition Highway Corridor
 - Urban Village Highway Corridor
 - Morganton Rd Corridor
- Zoning**
- CB, Central Business
 - CB-CD, Central Business Conditional District
 - FRR, Facilities Resources Recreation
 - FRR-CD, Facilities Resources Recreation Conditional District
 - GB, General Business
 - GBCD, General Business Conditional District
 - I, Industrial
 - NB, Neighborhood Business
 - NBCD, Neighborhood Business Conditional District
 - OS, Office Services
 - OSCD, Office Services Conditional District
 - PD, Planned Development
 - RE, Rural Estates
 - RE-CD, Rural Estates Conditional District
 - RM-1, Residential Single & Multi-Family
 - RM-2, Residential Single & Multi-Family
 - RR, Rural Residential
 - RR-CD, Rural Residential - Conditional District
 - RS-1, Residential Single Family
 - RS-1CD, Residential Single Family - 1 Conditional District
 - RS-2, Residential Single Family
 - RS-2CD, Residential Single Family - 2 Conditional District
 - RS-3, Residential Single Family
 - RS-3CD, Residential Single Family - 3 Conditional District
 - No Zoning

2.24.2. Common Law Vested Rights

Common law vested rights shall be acknowledged by the Planning Director after consultation with the Town Attorney if the Applicant for common law vested rights does not demonstrate entitlement to statutory vested rights as provided in this section. The Applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights:

- (A) In reliance upon lawfully issued Development Approval, the Applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said Development Approval;
- (B) The Applicant has proceeded in good faith, has relied upon the issuance of the Development Approval, and such Development Approval has not lapsed or been revoked;
- (C) The Applicant has established any other factor that may establish Estoppel under state or federal law; and
- (D) The Applicant has not obtained a favorable statutory vested rights Determination.

(Ord. #1919)

2.25. DEVELOPMENT APPROVAL REVOCATION

2.25.1. Initiation

The Planning Director shall investigate alleged violations of the requirements of this UDO and conditions imposed upon Development Approvals. If the Planning Director determines that revocation of a Development Approval is appropriate, he or she shall notify the holder in writing stating the reasons(s) for the revocation. A recommendation, including the reason or reasons for their Determination, shall be made to the same Reviewing Body that granted the Development Approval after providing notice as required in section 2.10.

(Ord. #1714; Ord. #1919)

2.25.2. Reviewing Body Action

The Reviewing Body shall conduct an Evidentiary Hearing and shall approve, conditionally approve, or deny the Planning Director's recommendation regarding the revocation of the Development Approval.

The Reviewing Body's action shall contain findings that address the basis for the decision; shall state the condition or conditions that have been violated and the harm such violation has caused. In the case of a suspension of the use, the action shall state the length of time such violation can be cured. In the case of a termination, the action shall state the reason such violation cannot be cured.

(Ord. #1919)

2.25.3. Grounds for Revocation

The following are grounds for revocation of a Development Approval:

- (A) The intentional provision of materially misleading information by the Applicant (the provision of information is considered "intentional" where the Applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence); and
- (B) The failure to comply with any condition of a Development Approval.

2.25.4. Appeals

An aggrieved party may appeal the Reviewing Body's decision as depicted in Exhibit 2-1. The appeal shall be presented within thirty (30) days of action by the Reviewing Body.

(Ord. #1919)

2.25.5. Right Cumulative

The right to revoke a Development Approval, as provided in this section, is cumulative to any other remedy allowed by law.

2.26. ARCHITECTURAL COMPLIANCE PERMIT

2.26.1. Purpose

This section enables the Town Council and the Developer of a Multi-Family, institutional, commercial or mixed-use Development project to collaborate on the project design, thereby providing flexibility from the strict application of the Town's Commercial Design Standards.

(Ord. # 1716; Ord. #2092)

2.26.2. Applicability

- (A) Town Council approval of an Architectural Compliance Permit is required for:
 - (1) New construction of any Multi-Family, institutional, commercial or mixed-use Building with ten thousand (10,000) square feet or more of Gross Floor Area;
 - (2) Significant modification of any Multi-Family, institutional, commercial or mixed-use Building resulting in a Building with a total of ten thousand (10,000) square feet of Gross Floor area; or
 - (3) Any new construction or modification of a Multi-Family, institutional, commercial, or mixed-use Building that, in the opinion of the Planning Director does not comply with the commercial Building design standards in section 4.10 or a zoning overlay as applicable.
- (B) All other Multi-Family, institutional, commercial and mixed-use Building permit applications shall be reviewed by the Planning Director for compliance with the standards established in this UDO.
(Ord. # 1716; Ord. #2092)

2.26.3. Architectural Compliance Permit Process Overview

- (A) The approval process and typical timing for Town Council decision on Architectural Compliance Permits (if required per this section) are summarized in Exhibits 2-23 and 2-24. Actual timing may vary based on the date of submittal and scheduled hearing dates.
- (B) **Subsequent Applications.** If the Architectural Compliance Permit is denied, a new application proposing the same architecture for the same property shall not be filed within six (6) months after a final decision.
(Ord. # 1716; Ord. #2092)

Exhibit 2-23: Approval Process Summary

Architectural Compliance Permit Process
Application, Review
Town Council Decision

Exhibit 2-24: Timing

Architectural Compliance Permit Timing	
Completeness Review	5 business days (from Application Submittal)
Town Council Meeting	30 days (from Completeness Certification)
Town Council Decision	30 days (from Meeting)

(Ord. #2092)

2.26.4. Initiation

The Architectural Compliance Permit application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall include a dimensioned Site Plan, elevation drawings, and color renderings in sufficient detail to enable the Council to evaluate compliance with the applicable Design Standards of the UDO.

(Ord. #2092)

2.26.5. Completeness

- (A) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6.
- (B) Upon finding that the application is complete the Planning Director shall prepare a report making findings and recommendations on the application.
(Ord. #1919)

Chapter 3. Zoning

Chapter 3 Contents

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- 3.2. Overview and Applicability.....3-1
- 3.3. Establishment of Zoning Districts.....3-1
- 3.4. Zoning Map3-2
- 3.5. Conventional Zoning Districts3-4
- 3.6. Overlay Districts3-23
- 3.7. Use Matrix and Interpretation3-34

3.1. PURPOSE

It is the purpose of this chapter to establish and adopt zoning districts to govern the use of land and water in the Town.

3.2. OVERVIEW AND APPLICABILITY

This chapter of the UDO establishes conventional, conditional, and overlay zoning districts; the official Zoning Map, as well as the rules for its maintenance, amendment, interpretation and replacement; the use matrix, which identifies the land uses and the types of approvals required for each authorized land use; and the rules for interpretation of the use matrix.

(Ord. #1919)

3.3. ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the Official Zoning Map (see rules for interpretation of boundaries in section 3.4 of the UDO). After adoption of the UDO, amendments to the Zoning Map shall be made by Plat, legal description or metes and bounds description, which shall be the best evidence of the boundaries, amended or created, and shall control unless a scrivener's or other error in such plat or description is manifestly contrary to the intent of the amending ordinance.

3.3.1. Conventional Districts

The following conventional districts are established.

(A) Residential

- (1) RE – Rural Estate
- (2) RR – Rural Residential
- (3) RS-1 – Residential Single-Family
- (4) RS-2 – Residential Single-Family
- (5) RS-3 – Residential Single-Family
- (6) RM-1 – Residential Multi-Family Medium Density
- (7) RM-2 – Residential Multi-Family Low Density

(B) Non-Residential or Mixed Use

- (1) CB – Central Business
- (2) GB – General Business
- (3) NB – Neighborhood Business
- (4) OS – Office/Service
- (5) I – Industrial
- (6) FRR – Facilities Resource and Recreation

(C) PD - Planned Development District

3.3.2. Conditional Zoning Districts

Where the Town Council finds that the application of conventional district rules may be contrary to either the purposes of this UDO or to implementation of the Comprehensive Plan due to the conditions of a site or adjacent properties, and only in response to a petition by all owners of the property to be included, it may establish a Conditional Zoning district and establish additional use and or design standards if consented to by the petitioner(s) in writing. Conditional Zoning districts shall be designated with the corresponding conventional district designation and followed by the letters "CD".

(Ord. #1919; Ord. #3031)

3.3.3. Overlay Districts

The following overlay districts are established. The uses allowable by the underlying zoning district shall apply, except as limited by the use requirements of the overlay district.

- (A) AHO – Airport Hazard
- (B) FHO - Flood Hazard
- (C) HCO – Highway Corridor
- (D) HDO – Historic District
- (E) DTOZ– Downtown ~~Transition~~-Overlay ~~District~~Zone
- (F) MRO (Morganton Road Overlay)
- (G) RRO – Rural Residential Overlay (manufactured housing)
- (H) WPO - Watershed Protection Overlay District
- (I) WSPO - West Southern Pines Overlay District

3.4. ZONING MAP

3.4.1. Establishment, Amendment and Maintenance of the Official Zoning Map

- (A) There shall be a map designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's Planning Jurisdiction. This map shall be stored on the Town’s geographic information system (GIS) and printed on durable material. Prints shall be dated and kept in the Department of Planning and Development and in the Town Clerk’s office.
- (B) The Official Zoning Map is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with the provisions of chapter 2 of this UDO.
- (C) The Planning Director shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendment on the map, the Planning Director shall

change the date of the map to indicate its latest revision. New prints of the updated map may then be issued. The planning department shall keep copies of superseded prints of the Zoning Map for historical reference.

- (D) No unauthorized person may alter or modify the Official Zoning Map.
- (E) GIS records shall indicate the zoning designation, the number and date of the ordinance creating the designation and, where a Conditional Zoning district is established, the conditions of that rezoning. GIS records shall maintain the zoning history.
- (F) Should the Official Zoning Map be lost, destroyed or damaged, the Planning Director may have a new map generated from the most reliable available data. No further Council authorization or action is required so long as no district boundaries are changed in this process.

3.4.2. Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of districts shown on the Zoning Map or any other map incorporated in or referenced by the UDO, the following rules shall apply:

- (A) Boundaries indicated as approximately following the centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or Right-of-Way has been vacated through official action of the governing body, the boundary shall be construed to follow the centerline of the vacated Right-of-Way.
- (B) Boundaries indicated as approximately following platted Lot lines, section lines or Tract lines shall be construed to follow such lines.
- (C) Boundaries indicated as approximately following Town limit lines shall be construed to follow such Town limit lines.
- (D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (E) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

(P) **Accessory Uses**

Accessory Uses shall comply with the standards of sections 5.2 and 5.3 unless otherwise approved as part of the PD Development Conditions.

3.6. OVERLAY DISTRICTS

Special control overlay districts are intended to be superimposed over the underlying general zoning district and the land within each overlay district may be used in ways that achieve the objectives of each overlay district.

3.6.1. RRO – Rural Residential Overlay (manufactured housing)

(A) **Purpose**

The **RRO** district is established as an overlay district of the RR district only. The purpose of the **RRO** district is to allow, in addition to all of The uses permitted in the underlying RR district, Class C Manufactured Homes on individual Lots and Manufactured Home Parks.

(B) **District Use**

The additional regulations governing uses in the **RRO** are delineated in chapter 5, Supplementary Conditions for Specific uses. In addition to all of the uses allowed in a general **RR** district, Manufactured Home Parks and Class C Manufactured Homes on individual Lots are also permitted in a **RRO** district. Class C Manufactured Homes on individual Lots are permitted subject to the following standards being met:

- (1) The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the Lot and before occupancy.
- (2) All entrances to a Manufactured Home are provided with permanent steps, deck, porch or similar suitable entry.
- (3) A continuous, permanent masonry curtain wall, un-pierced except for required ventilation and access, is installed under the Manufactured Home.

(C) **Additional District Standards**

A RRO district shall be designated for a contiguous area of at least 2 acres in size.

3.6.2. HDO – Historic District Overlay

(A) **Purpose**

The **HDO** district is established as an overlay district for all general zoning districts that contain structures or other facilities of historic significance. The purpose of the **HDO** district is to protect and conserve the heritage and character of the Southern Pines community by providing for the conservation of designated historical areas within the Planning Jurisdiction.

(B) **Boundary Changes**

Neither new historic districts nor any change to the boundaries of an existing historic district shall be designated until the North Carolina Department of Cultural Resources 19, Part 3A of the N. C. General Statutes, makes recommendations with respect to the establishment of such new district or change in the boundaries of an existing district.

(C) **Certificate of Appropriateness Required**

A Certificate of Appropriateness shall be required prior to any activity or issuance of a permit for an activity that constitutes and Major or Minor Work in accordance with sections 2.28 or 2.45.

(D) **District Use and Development Standards**

The use and Development of any land or structure within the **HDO** district shall comply with the Use regulations and intensity regulations applicable to the underlying base zoning district except that:

- (1) Building and site Development shall comply with applicable standards of the Historic District Overlay Standards.
- (2) Minimum Lot Area requirements for residential Dwelling Units in the **CB** district shall not apply in the **HDO** district.

(Ord. # 1919)

3.6.3. DTO – Downtown ~~Transition~~ Overlay ~~District~~ (DTO)

(A) **Purpose**

The **DTO** district is established as an overlay ~~in the areas with boundaries as depicted on the Zoning Map. located within and abutting the CB zoning district, and~~ the DTO is intended to:

- (1) Provide design requirements that assure respect for the character district of the DTO district and reduce incompatible and adverse impacts on the community.
- (2) Promote development that is located and configured in a manner that is visually harmonious with the terrain and vegetation of the Parcel and with nearby Parcels.
- (3) Support design and configuration of structures, materials, and colors that are visually harmonious with the overall appearance, history and heritage of the Town and specifically the DTO.
- (4) Promote the development of structures within the character district that reflect the characteristics set forth in this section.
- (5) Establish design, site, and architectural standards unique to this district
 - ~~(1) Establish an area with greater land use flexibility than the CB and adjoining zoning districts;~~
 - ~~(2) Foster Compatible land use transitions between the CB Development and abutting residential Neighborhoods;~~
 - (3)(6) Promote Compatible design transitions in blocks facing or adjacent to the HDO; and
 - (4)(7) Provide safe and convenient connectivity between the downtown and nearby Neighborhoods for bicyclists, pedestrians and motorists.

(B) Applicability

(1) The design standards of this section are applicable to the new Development and redevelopment of all commercial, mixed-use, office, and multi-family structures in the DTO. 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 the portion of the Building being changed.

(2) These design standards apply to new and redevelopment except as authorized as part of a CZD. choose per section 2-17

(3) In the case of a conflict between Section 3.6.3 and Section 4.10.1, Section 3.6.3 shall apply. In the case Section 3.6.3 is silent, Section 4.10.1 shall apply.

(B)(C) Authorized Uses

The uses authorized by section 3.7 of this UDO for the underlying district may be established in accordance with the provisions of this UDO, including, but not limited to the procedures established in chapter 2, and the zoning district standards of this chapter, ~~and the design standards of chapter 4.~~

(C)(D) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in ~~chapters 5 and 6~~ this UDO. In addition, the following standards shall apply:

- (1) Banks and professional offices are allowed on any Floor of a Building with CB base zoning subject to applicable DTO district design standards.
- (2) Drive-through uses are permitted in areas with CB base zoning subject to the standards in section 5.8, except that no drive-through or drive-in service shall be allowed for any food or beverage service provider.
- (3) Any non-residential use allowed in the OS district is allowed in areas with CB, RM-1 and RM-2-base zoning subject to the following:
 - (a) Compliance with the Downtown Overlay District Development Standards;
 - (b) and with a Conditional Zoning District rezoning; and
 - ~~(3)(c) to ensure~~ demonstration of consistency with the Comprehensive Plan.

(Ord. #1745, 7-10-18)

(D)(E) District Dimensional and Development Standards

Dimensional and density standards shall comply with the underlying conventional district except for the Site Standards provided in Table 1 and the following that:

- ~~(1) Minimum Front Setbacks shall be fifteen (15) feet from the front property line.~~

- ~~(2) Minimum Side Setbacks shall be five (5) feet from the property line in areas with CB base zoning.~~
- ~~(3) Minimum Rear Setbacks shall be ten (10) feet from the property line in areas with CB base zoning.~~
- ~~(4)(1) Minimum Lot Areas per Dwelling Unit in areas with RM or OS base zoning shall be 4,500 square feet for a single Dwelling Unit or office structure plus 1,800 square feet for each additional Dwelling Unit.~~
- ~~(5)(2) Maximum Lot width provisions of the CB district do not apply within the DTO district.~~
- ~~(6) Non-residential and mixed-use Buildings shall comply with the design standards of section 4.10.~~
- (3) Sign standards for any Parcel facing the HDO district and any Lot facing a street that extends outward from and is located within one block of the HDO district shall comply with adopted Historic District Standards as interpreted by the Planning Director.

(F) Building Standards

Building elevations as required herein shall be submitted and reviewed as part of an Architectural Compliance Permit. Volume breaks may be achieved by volume projections and recesses, and varying heights and roof lines as follows:

- (1) Buildings shall be articulated to break down large volumes into smaller volumes grouped together. In no event shall buildings exceed a height to width ratio of 1:3 or the length noted in the table, whichever is less, without providing a substantial volume break, which may consist of a projection or recess and/or an architecturally prominent entrance. Vertical and horizontal projections and recesses shall have a minimum depth as noted in Table 1 and represented in Figure 1.
- (2) Roofs or assemblies of roofs shall also be articulated to reduce building mass. Roof heights shall vary using the Building Massing parameters listed in Table 1.
- (3) Buildings on corner lots and buildings that terminate vistas shall incorporate a corner entrance or similar treatment to emphasize their prominent location.

Table 1 Site Standards

	Multi-Family	Mixed Use	Commercial/Office
Building Placement			
Front and street side setback	5' min. to 15' max.	5' min. to 10' max.	5' min. to 10' max.
Side setback	0' min.	0' min.	0' min.
Rear setback	5' min.	5' min.	5' min.
		15' min. abutting single-family	15' min. abutting single-family
Frontage buildout	50% min.	60% min.	70% min.
Building Height			
Minimum building height	16'	16'	22'
Maximum building height	3 stories	3 stories	3 stories
Ground floor ceiling height	9' min	12' min.	12' min.
Front Yards			
Front façade style options	Porch, stoop	Storefront, Forecourt, gallery/arcade, porch, stoop	Shopfront, forecourt, gallery/arcade
Building Massing			
Articulation	Every 50'	Every 75'	Every 75'
Projection/recess depth	2' min.	3' min.	3' min.

Figure 1 Articulation

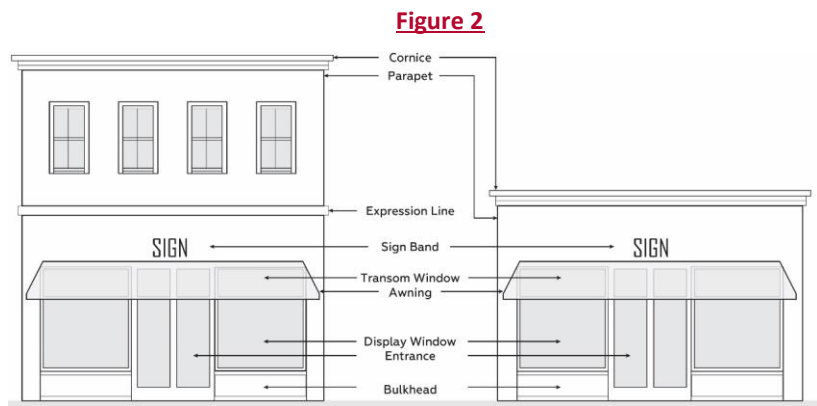


(G) Connection to Street

(1) Pedestrian connections measuring at least five (5) feet in width shall be provided between sidewalks and all Buildings on a site.

(H) Front Façades. Front façades shall include one of the following architectural enhancements: ~~architectural enhancements~~. The following are options: Storefronts, Galleries/Arcades, Forecourts, Porches or Stoops.

(1) Storefront. Figure 2 indicates the required elements of a storefront, which is defined in Chapter 9, Definitions:



1. The bulkhead shall not exceed three feet in height (measured from the sidewalk).
2. Shopfront windows shall extend up from the sill at least eight (8) feet.
3. The distance between glass panels shall be a maximum of two (2) horizontal feet.
4. Doors may be recessed a maximum of five (5) feet.
5. Canopies/awnings shall extend at least 70% of storefront width.
6. Awnings shall be canvas or material of similar appearance and flexibility.
7. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council see Figure 3.

Figure 3

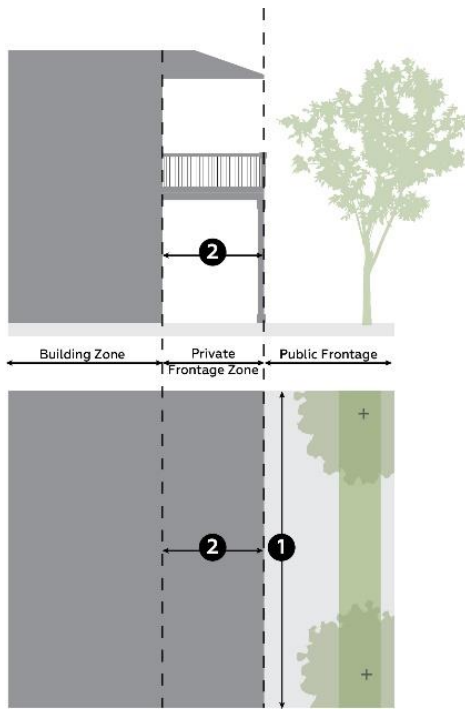


8. Domed, bubble, and hoop style awnings are prohibited.
9. Awnings with eight (8) feet of clearance may encroach over the sidewalk, with the approval of the Planning Director.
10. Shopfront windows may not be made opaque by window treatments (except operable sunscreen devices within the interior space). Zero percent transparent glass, such as reflective and frosted glass, is prohibited on shopfronts.
11. Solid doors are prohibited.

(2) Gallery/Arcade. This front façade option is intended for buildings with ground-floor commercial or retail uses and may be one or two stories in height as shown in Figure 4. The gallery/arcade, which is defined in Chapter 9, Definitions may not encroach into the public right-of-way and the space provided by the gallery/arcade (#2 in Figure 3) shall be active space for outdoor seating or dining.

Figure 4

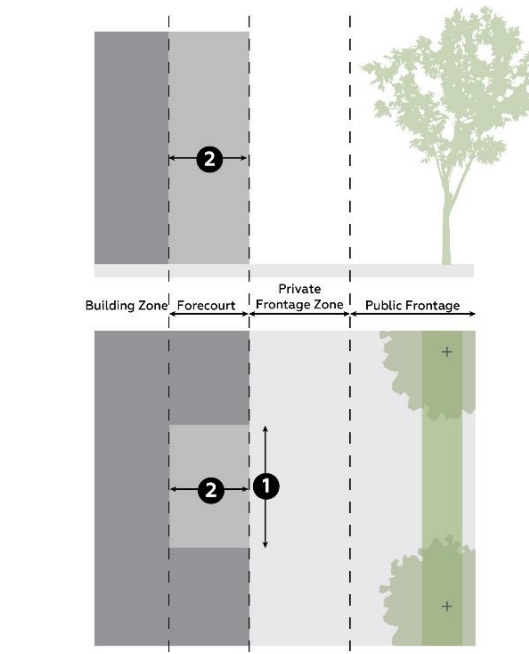
GALLERY/ARCADE	
Depth (2)	8' min.
Width (1)	75% min. of façade width
Height	2 stories maximum
Ground floor height	10' min. clearance
Upper floor height	9' min. clearance

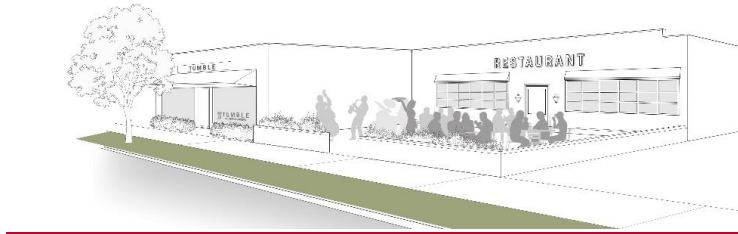


- (3) **Forecourt.** Recessed courtyard space used as a residential or office entry court, garden space, or for outdoor seating or dining, and defined in Chapter 9, Definitions as shown in **Figure 5.**

Figure 5

FORECOURT	
Width (1)	12' min., 50% of front façade or 50' (whichever is less) max.
Depth (2)	12' min., 40' max.

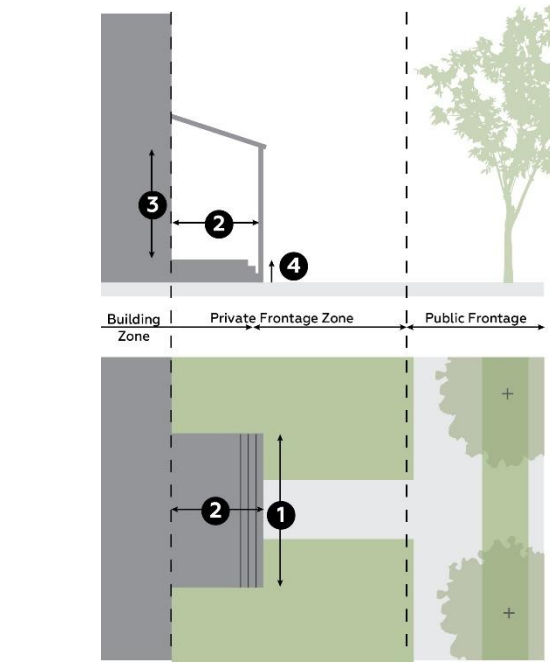




(4) **Porch.** The porch, as defined in Chapter 9, Definitions, is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building as shown in Figure 6. A porch is large enough to function as an outdoor living space. Stairs from the porch may descend to the front or to the side. Porches and stairs from the porch may extend forward of the minimum setback line but shall not extend into the public right-of-way.

Figure 6

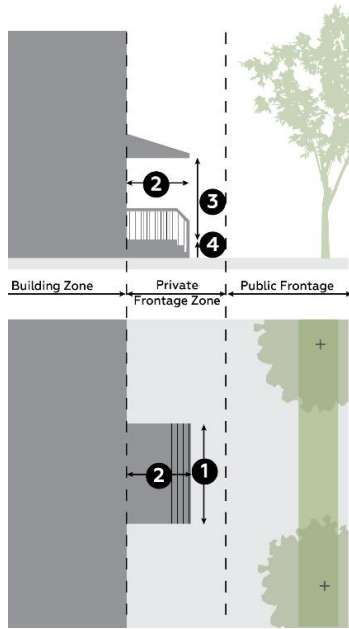
PORCH	
Length (1)	10' min.
Depth (2)	8' min.
Height (3)	2 story max.
Finish level above sidewalk (4)	2' min.



(5) **Stoop.** Stoop, as defined in Chapter 9, Definitions, is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building, as shown in Figure 7. Stoops may extend forward of the minimum setback line but shall not extend into the public right-of-way. The stairs may be perpendicular or parallel to the building façade.

Figure 7

STOOP	
<u>Width (1)</u>	<u>5' min., 8' max.</u>
<u>Depth (2)</u>	<u>5' min., 8' max.</u>
<u>Height (3)</u>	<u>8' min.</u>
<u>Finish level above sidewalk (4)</u>	<u>2' min.</u>



(I) Parking. Parking lots shall be located on the rear or interior side of any Building. There shall be no parking between the front elevation of the Building and the street Right-of-Way.

(J) Landscaping. Landscaping shall comply with the provisions of Section 4.3.

(K) Building Materials. A minimum of 80% of the façades that face streets or residential lots shall contain brick. Wood and metal may be used as trim around doors and windows. The Planning Director may approve:

(1) The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.

(2) Alternative materials satisfying minimum Building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.

(L) Roofs. Parapets, gable or hip roofs may be used. Shingles or standing seam, non-reflective metal shall be used on all roofs visible from public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

(M) Mechanical Equipment Mechanical equipment shall be screened from view from the street and shall not be located between the street and the Building.

(N) Loading Zones and Garage Bays Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5.

(O) Sidewalks. A sidewalk shall be installed along the property, adjacent to the street. Sidewalks required by this section shall be at least five (5) feet wide and constructed according to the specifications set forth in Appendix B.

(Ord. #1714; Ord 1745; Ord. #1919)

3.6.4. WSPO - West Southern Pines Overlay

(A) Purpose

The **WSPO** district is established to assure respect for the character district of West Southern Pines, reduce incompatible and adverse impacts on the community, and to facilitate greater land use flexibility for home occupations that more closely reflect historic land use patterns as described below:-

- (1) 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.
- (2) 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 and specifically the WSPO.
- (3) 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 within the character district where the structures reflect the characteristics set forth in this section.
- (4) The preservation of the existing tree canopy is critical to the WSPO. Therefore, additional side setbacks are proposed.
- (5) Other than building and site design, the WSPO district is established to facilitate greater land use flexibility for home occupations that more closely reflect historic land use patterns.

(B) Applicability.

- (1) The design standards of this section are applicable to the new development and redevelopment of all commercial, mixed-use, office, and multi-family structures in the WSPO. 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 the portion of the Building being changed.
- (2) In the case of a conflict between Section 3.6.4 and Section 4.10.1, Section 3.6.4 shall apply. In the case Section 3.6.4 is silent, Section 4.10.1 shall apply.

(C) Exclusions. Properties within 1,000 feet of Morganton Road shall be excluded from the design standards of this section.

(D) Authorized Uses

The uses authorized by section 3.7 of this UDO for the underlying zoning districts may be established in accordance with the provisions of this UDO, including, but not limited to the procedures established in chapter 2, and the zoning district standards of this chapter, and the design standards of chapter 4.

(E) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6. In addition, the following standards shall apply except as provided below for home occupations.

- (1) Home Occupations
Home occupations shall comply with the provisions of section 5.9.10, except that:
 - (a) Up to two non-resident employees may be allowed
 - (b) Incidental sales shall be allowed provided that they are products that are used in providing an authorized service and the display and storage area does not occupy more than ten (10) percent of the area used for the home occupation.
 - (c) Hair care, nail care, tailoring and sewing services are authorized in addition to the other Uses authorized by section 5.9.10.
- (2) Small religious institutions shall be allowed in all districts subject to compliance with the provisions of section 5.15.
- (3) The Council may approve other institutional and community service uses as Special Uses in all districts.

(Ord. # 1919)

(F) Development Standards

Buildings, except for exclusions as described in this section, must be divided to appear as smaller volumes grouped together. Volume breaks may be achieved by volume projections and recesses, and varying heights and roof lines.

- (1) Buildings shall be articulated to break down large volumes into smaller volumes grouped together. Vertical and horizontal projections and recesses shall have a minimum depth as noted in Table 1, Site Standards.

Table 1. Site Standards

	Multi-Family	Non-Residential
Building Placement		
<u>Front and street side setback</u>	<u>15' min.</u>	
<u>Side setback</u>	<u>5' min.</u>	<u>10' min.</u>
<u>Rear setback</u>	<u>10' min.</u>	<u>10' min.</u>
	<u>25' min. abutting single-family</u>	<u>25' min. abutting single-family</u>
<u>Frontage buildout</u>	<u>50% min.</u>	<u>60% min.</u>
Building Height		
<u>Maximum building height.</u>	<u>2 stories, 25 feet</u>	<u>2 stories, 25 feet</u>
Front Yards		
<u>Allowed front yard types</u>	<u>Porch, stoop</u>	<u>Shopfront, porch, stoop</u>
Building Massing		
<u>Articulation Spacing</u>	<u>Every 50'</u>	<u>Every 75'</u>
<u>Projection/recess depth</u>	<u>2' min.</u>	<u>3' min.</u>

(2) Gable or hip roofs shall be used to be consistent with the general residential feel of the WSP0. Shingles or standing seam, non-reflective metal shall be used on all roofs visible from public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

(3) The exterior finish of building walls for all properties in the WSP0 except where excluded in this section shall be consistent with the general feel of the WSP0. A minimum of 80% of the façades that face streets or residential lots shall contain brick, stone, cementitious horizontal lap siding, or wood siding. Wood and metal may also be used as trim around doors and windows. The Planning Director may approve:

(a) The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.

(4) Unenclosed porches, stoops and balconies may encroach into the Front Setback by up to five (5) feet.

(G) Mechanical Equipment: Mechanical equipment shall be screened from view from the street and shall not be located between the street and the Building.

(H) Front Façades. Front façades shall include architectural enhancements. The following are options: Storefronts, porches, or Stoops. one of the following architectural enhancements:

(1) Storefront. **Figure 1** indicates the overall look of a storefront in the WSP overlay, which is defined in Chapter 9, Definitions:

Figure 1



- (a) The bulkhead shall not exceed three feet in height (measured from the sidewalk).
- (b) Storefront windows shall extend up from the sill at least eight feet.
- (c) The distance between glass panels shall be a maximum of 2 horizontal feet.
- (d) Doors may be recessed a maximum of 5 feet.
- (e) Domed, bubble, and hoop style awnings are prohibited.
- (f) Storefront windows may not be made opaque by window treatments (except operable sunscreen devices within the

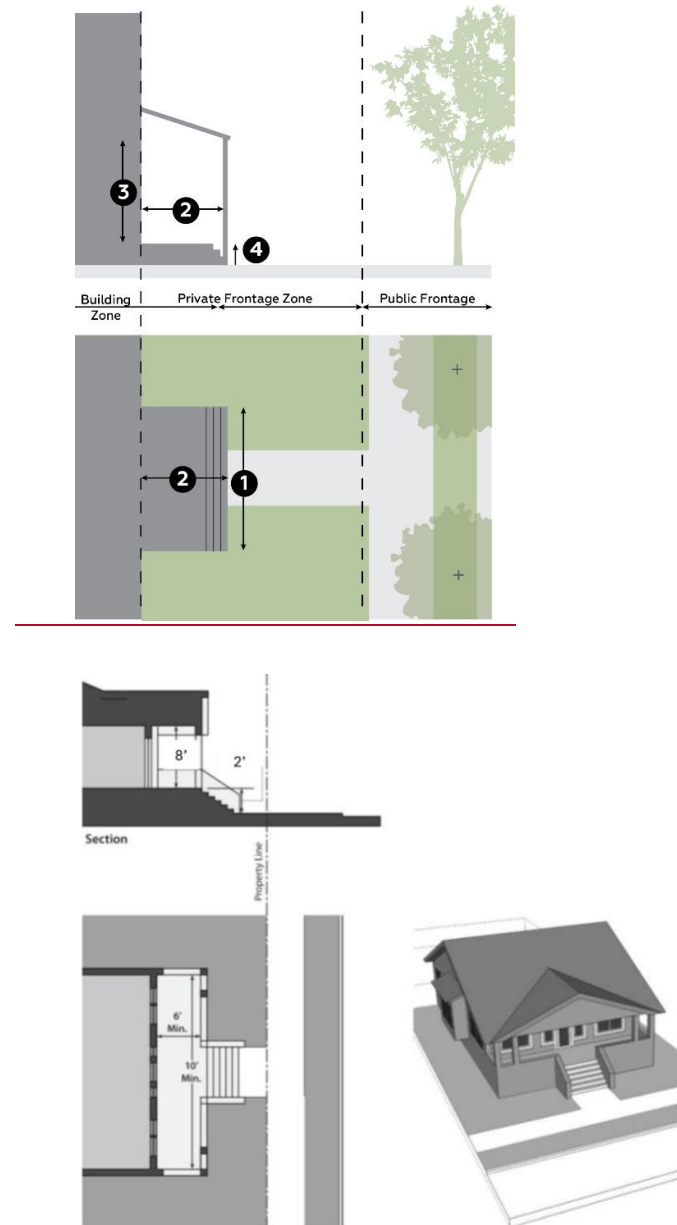
interior space). Zero percent transparent glass, such as reflective and frosted glass, is prohibited on shopfronts.

(g) Solid doors are prohibited.

(2) **Porch.** The porch, as defined in Chapter 9, Definitions, is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building as shown in **Figure 2**. A porch is large enough to function as an outdoor living space. Stairs from the porch may descend to the front or to the side.

Figure 2

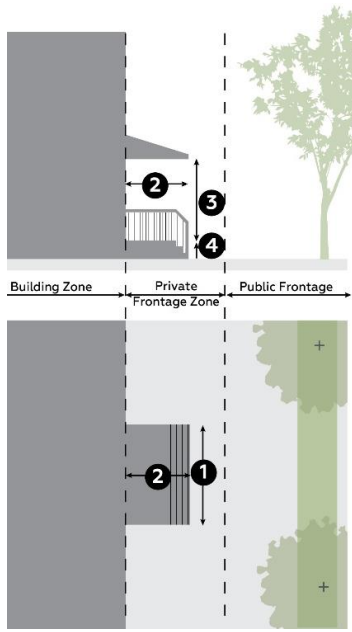
PORCH	
Length (1)	10' min.
Width (2)	6' min.
Height (3)	8' min.
Finish level above sidewalk (4)	2' min.



(3) **Stoop.** Stoop, as defined in Chapter 9, Definitions, is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building, as shown in **Figure 3**. Stoops may extend forward of the minimum setback line but shall not extend into the public right-of-way. The stairs may be perpendicular or parallel to the building façade.

Figure 3

STOOP	
Width (1)	5' min., 8' max.
Depth (2)	5' min., 8' max.
Height (3)	8' min.
Finish level above sidewalk (4)	2' min.

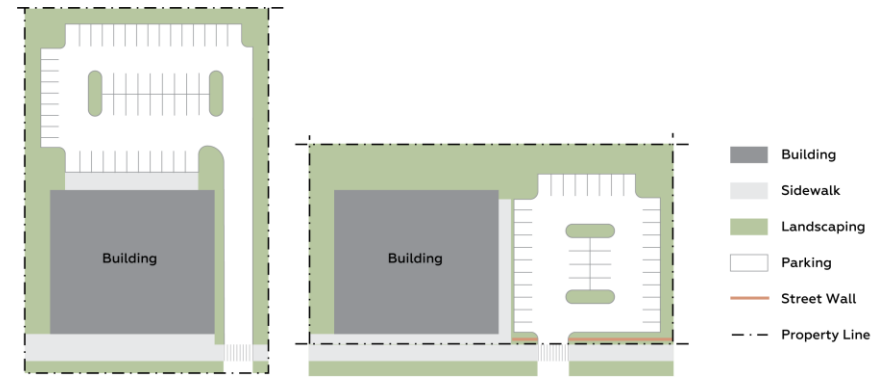


Parking

(4) Parking shall be in the rear or to the side of a building as provided in **Figure 4**.

(5) The ~~minimum~~ parking requirements of 4.10 shall be the maximum permitted in the WSPO. Excess parking is prohibited.

Figure 4



(l) **Sidewalks.** A sidewalk shall be installed along the property, adjacent to the street. Sidewalks required by this section shall be at least five (5) feet wide and constructed according to the specifications set forth in **Appendix B**. ~~Underlying conventional district Development standards shall apply in the WSPO except that covered, but unenclosed porches and balconies may encroach into the Front Setback in areas subject to the RM zoning by up to five (5) feet.~~

(Ord. # 1919)

3.6.5. HCO – Highway Corridor Overlay

(A) Purpose

The HCO district is established to place special land Development controls on land adjacent to major highway corridors to protect the natural and environmental features that constitute important physical, aesthetic,

- (B) Dedicated school sites;
- (C) Other dedicated open spaces;
- (D) Common open space located adjacent to the Development;
- (E) Portions of the regional trail and open space system;

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, except properties within overlay districts. In those cases, the overlay district shall apply unless the overaly district is silent and in while case, Section 4.10.1 shall apply. 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.
- (3) For Developments on sites of five (5) or more acres, Outlots or outblocks with liner Buildings may be used to separate large surface parking areas from the street, provided that the liner

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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.

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.

Gallery or Arcade: [A covered passage that is open at one side, such as a portico or a colonnade, used to create an open appearance of a building's façade.](#)

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

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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).

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.

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.

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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.

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, Usable: Usable Open Space areas comprised of, but not limited to, any combination of the following: 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 water bodies including ponds and lakes, and/or innovative and accessible water quality ponds (that are designed as an amenity).

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

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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.

Porch: A covered shelter projecting in front of the entrance of a building that is open on three sides.

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.

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,

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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.

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.

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.

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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, 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.

Shopfront: The front of a store that includes display windows, doorway, and awnings to serve as the entranceway of an establishment.

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.

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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.

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:

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- (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
- (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.

Stoop: An unroofed entrance to the house consisting of stairs, a threshold, and/or a platform which may have railings.

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;
- (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

Agenda Item

To: Planning Board

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

Subject: LRP-01-24: Pinedene District Design Guide, as an Appendix to the 2040 Comprehensive Plan

Date: October 24, 2024

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department proposes a Comprehensive Plan amendment to adopt a “Design Guide” for “Focus Area C” depicted in Chapter 2 of the 2040 Comprehensive Plan. This is an area historically referred to as “Pinedene,” where South Bennett Street, West Morganton Road and Old US Highway 1 create a triangle. The Design Guide originates from implementation of Comprehensive Plan policies 3.1 and 3.2, to implement character-based zoning standards in commercial districts. Planning staff have identified “Focus Area C” in the 2040 Comprehensive Plan as a district that requires more flexibility and a different approach to achieve its intended vision. Planning staff request Planning Board and Town Council review and approval of an amendment to the 2040 Comprehensive Plan per UDO §2.16. The proposed Comprehensive Plan amendment’s Design Guide can be found in Attachment B of this report. The boundaries of the area to which the Design Guide will apply may be found in Attachment C of this report. The proposed Design Guide intends to foster the following goals:

1. Convey the vision for what is now being called the “Pinedene” area – a “complete community” characterized by walkability, mixed-use structures, creative designs, a variety of site uses, and integrated green spaces.
2. Enhance the conceptual commercial site and building design guidance set forth “Focus Area C” in the Comprehensive Plan that is too vague and conceptual in practice. This guidance will give planning staff and landowners and developers more details about the vision of the community for future development and redevelopment of the “Pinedene” area without adopting zoning standards that do not provide adequate design flexibility.
3. Provide guidance for Conditional Zoning, Planned Development and Architectural Compliance Permit decisions in the district.
4. Provide examples of well-crafted design that already exists in “Pinedene,” as well as examples from elsewhere in Southern Pines and the country.

Planning staff will provide further explanation at the public hearing on October 24, 2024.

II. APPLICATION REVIEW:

A. Review Process for a Comprehensive Plan Amendment:

Applications for Comprehensive Plan amendments are reviewed pursuant to UDO §2.16.

B. Criteria for a Comprehensive Plan Amendment Review:

When reviewing an application for amendments to the Comprehensive Plan, the hearing bodies (Planning Board followed by Town Council) shall consider the guidance of the following criteria, as set forth in UDO §2.16.6.:

2.16.6. Criteria for Comprehensive Plan Amendments

In determining whether the proposed amendment shall be approved, the Planning Board and Town Council shall consider the change is needed to address:

(A) Original Errors or Omissions: *Whether there was error or omission in the adoption of the Comprehensive Plan, or in the supporting Premises and findings.*

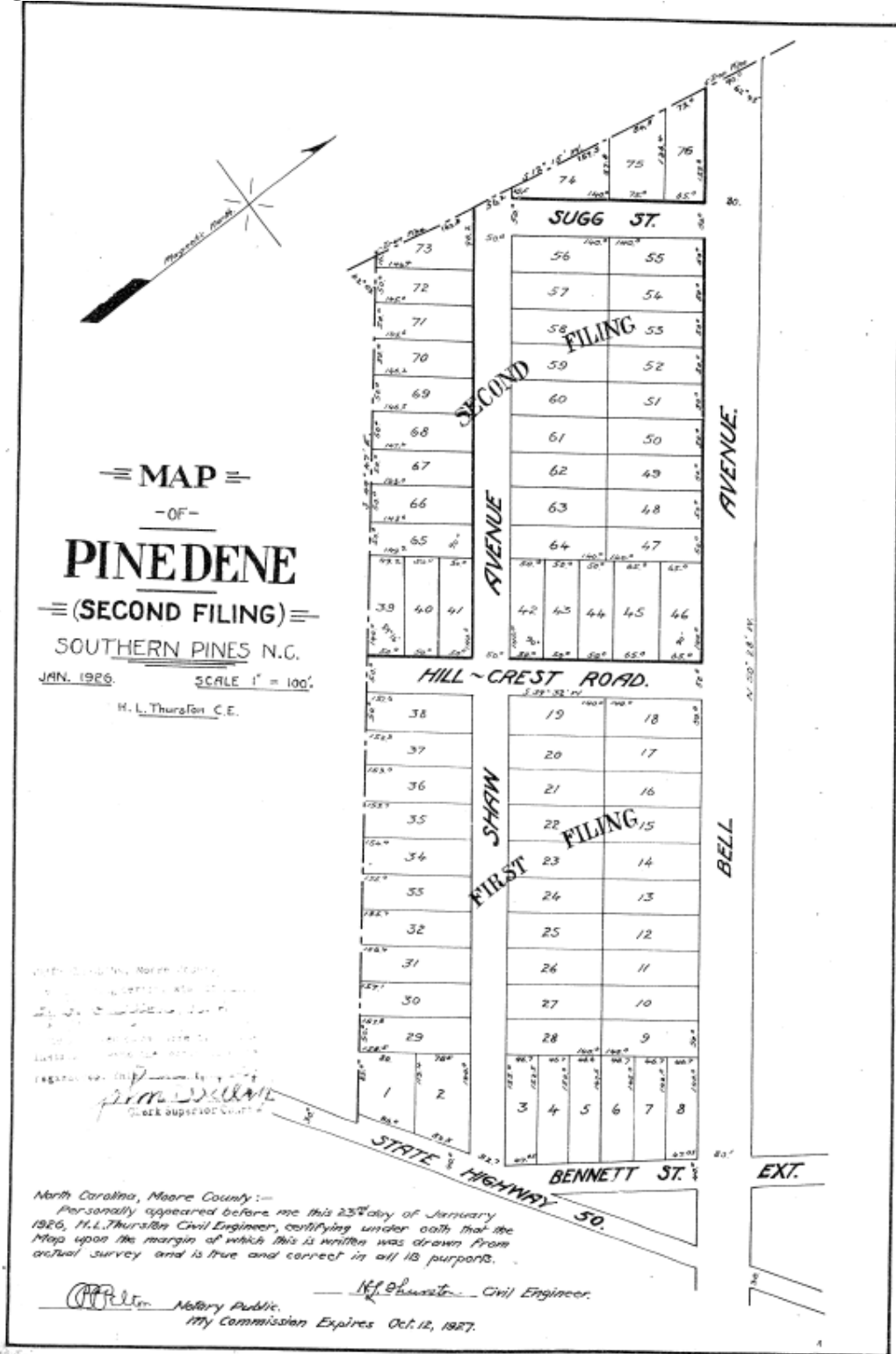
(B) Subsequent Events: *Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the Town, or demonstrated new information, such that an amendment is acceptable.*

C. Staff Comments:

Overview

The proposed Comprehensive Plan amendment, in the form of a Design Guide to be adopted as an Appendix to the plan, can be found in Attachment B of this staff report. Its corresponding boundary map can be found in Attachment C. Following the 2040 Comprehensive Plan's adoption, it was determined by staff that "Focus Area C" in the plan did not have enough detail to provide adequate design guidance. However, implementing "Focus Area C" as a Character District using zoning regulations was also determined to be too inflexible given the multitude of development and redevelopment scenarios in the area. This challenge precipitated the need for a Design Guide that was not regulatory but that could still guide development at the correct point in time. A portion of "Focus Area C" was platted as "Pinedene" in 1926 and is still known as Pinedene by some locals, so staff have adopted this name for the area (See Figure 1 below). The following subheadings provide more information on the Planning Board's role, the project's history and narrative, and overall recommendation of approval.

Figure 1: Pinedene Plat from 1926



Planning Board’s Role

The Planning Board’s role when reviewing a proposed Comprehensive Plan amendment is to advise and comment on whether the proposed amendment is consistent with the requisite criteria for approval (as set in UDO § 2.16.6.) and with matters as deemed appropriate by the Planning Board. In this case, the proposed amendment intends to enhance the level of detail for “Focus Area C” in the Comprehensive Plan (now called Pinedene) and clarify the vision for the district. This amendment will directly implement Comprehensive Plan policy 3.2, and significantly support policies 3.3 and 3.4. The Planning Board should assess and comment on this amendment’s alignment with the criteria for approval – the need to adapt to new information by correcting a partial omission.

Staff Comments

Pinedene is an area of Southern Pines that has historically been a hub of auto-urban oriented commerce. In recent years, the district has seen many businesses close and change hands. Though many developers have attempted to redevelop in this area, cost and site layout feasibility under General Business zoning standards consistently presents challenges. For that reason, many commercial sites go underutilized and even unutilized. Though some sites within Pinedene have creatively transformed into thriving businesses, many have been unable to redevelop under current Unified Development Ordinance (UDO) requirements.

Figure 2: The Pinedene Area



The Comprehensive Plan envisions this district as embodying a dynamic, creative, and “complete community” character. Site design flexibility, multi-use structures, walkability, and green space integration are a few of the primary characteristics

intended. To achieve that vision, staff concluded a regulatory zoning overlay would be too rigid. Flexibility would need to be inherent to catalyze Pinedene’s redevelopment.

Flexibility in design, therefore, meant leveraging two mechanisms:

1. Various types of Development Approvals, such as Conditional Zoning, that require consistency with the Comprehensive Plan, and
2. A guide of some sort to visually convey the town’s redevelopment priorities for the Pinedene area.

Conditional Zoning, which the town revised as a regulatory tool in March 2024, allows development applicants to rezone property with conditions specific to how the property will be used and developed. These conditions can be used to provide relief for various requirements that are unworkable and to enhance development in ways that are more consistent with the community’s plans. The end result would both better conform to the Comprehensive Plan’s vision while accommodating what’s feasible for development at a given location.

Scenario:

Mr. John Doe, a development applicant, wishes to construct a four-story structure on a General Business (GB) site in Pinedene. Under the current code, only three stories are allowed. Mr. Doe may apply for Conditional Zoning for his site to allow for the fourth story, while also implementing Comprehensive Plan goals like:

- *Operate the building as mixed-use (apartments and retail)*
- *incorporate green spaces on the site*
- *install pedestrian connectivity*

Mr. Doe needs the fourth story to make the project economically feasible, and the town needs character defining features to foster the district’s vision. The applicant and the Town Council negotiate the final details during a legislative hearing process.

Conditional Zoning, Planned Developments and other types of Development Approvals requiring consistency with the Comprehensive Plan are an effective tool for implementing the plan, but a design guide with an adequate level of detail to convey the Pinedene vision and assist landowners and developers is also needed.

Planning staff worked with Inspire Placemaking Collective to create a Guide Book for Pinedene that relies heavily on drawings and diagrams to enhance the level of detailed guidance for development and redevelopment in Pinedene. Staff could not adequately convey this intent from the Comprehensive Plan alone.

Staff Conclusion

Planning staff have daily experience with attempting to implement “Focus Area C” in the Comprehensive Plan. This experience has taught staff that the Comprehensive Plan lacks adequate detail to guide and inform development in the area. Planning staff have also experienced and shared concerns with adopting a

prescriptive zoning overlay in a very dynamic redeveloping area of the community. These experiences give staff ample basis for proposing this amendment. Staff recommend approval of LRP-01-24 pursuant to the criteria set in UDO §2.16.

D. 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 August 2, 2024.

As of the completion of the staff report on October 18, 2024, a response has been received from RLUAC, showing no comment on the proposed amendments. Staff will provide any responses received from other agencies following completion of this staff report, but prior to the public hearings, verbally at the hearings.

III. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Pinedene Design Guide
3. The overall map and corresponding parcels associated with the Pinedene Design Guide.

IV. PLANNING BOARD ACTION:

The Planning Board should be aware of and consider the criteria for Comprehensive Plan amendments found in UDO §2.16. Per North Carolina General Statute 160D-501(c), prior to consideration of the proposed Comprehensive Plan amendment by the Town Council, the Planning Board should provide advice and consultation. To do this, the Planning Board can provide a written recommendation to the Town Council that addresses any matters as deemed appropriate by the Planning Board.

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

I move that after reviewing the proposed **Comprehensive Plan amendment (LRP-01-24)** and considering the criteria for approval of Comprehensive Plan amendments found in UDO §2.16:

1. LRP-01-24 is consistent with the criteria set in UDO §2.16.6 for the reasons set forth in Attachment A of staff report LRP-01-24;
2. LRP-01-24 is consistent with the criteria set in UDO §2.16.6 for the reasons set forth in Attachment A of staff report LRP-01-24 and as revised by the Planning Board as follows;

3. LRP-01-24 is inconsistent with the criteria set in UDO §2.16.6 for the reasons set forth in Attachment A of staff report LRP-01-24 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 A 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 LRP-01-24 to the Town Council.
2. Recommend denial of LRP-01-24 to the Town Council.



ATTACHMENT A

PLANNING BOARD

**RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR COMPREHENSIVE PLAN AMENDMENT APPLICATION
LRP-01-24**

WHEREAS, the Town of Southern Pines Planning staff have worked with consultants from Inspire Placemaking Collective to prepare a “Design Guide” to help influence the form of future development in the area described as “Focus Area C” in the Comprehensive Plan and have proposed that this Design Guide be appended to the Comprehensive Plan so that it is considered when Development Approvals that require consistency with the Comprehensive Plan are reviewed; and

WHEREAS, Section 160D-501(c) of the North Carolina General Statutes specifies that prior to adopting plans, and presumably prior to amending plans as well, the Town Council seek the advice and consultation of the Planning Board; and

WHEREAS, Section 2.16.6 of the Unified Development Ordinance (UDO) specifies that when considering an amendment to the Comprehensive Plan, the Planning Board shall consider if the proposed amendment is needed to address errors or omissions in the plan or if the proposed amendment is to address events subsequent to adoption of the plan that have created a reason for the amendment; and

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on October 24, 2024 to listen to public comments, ask questions of the Town’s Planning staff and to consider Comprehensive Plan amendment application LRP-01-24.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the Design Guide proposed to be adopted as an appendix to the Comprehensive Plan is reasonable, in the public interest, and consistent with the criteria for a Comprehensive Plan amendment as set in UDO §2.16.6.

The 2040 Comprehensive Plan supports growth and development as long as it retains the character of the community. Policies 3.1 and 3.2 call for implementing character-based zoning standards, character-driven development and decision making, and for maintaining a unique sense of place. The Comprehensive Plan amendment is a direct result of new information gathered by Planning staff following the 2040 Comprehensive Plan’s adoption. This new information demonstrated to Planning staff a lack of sufficient detail and clarity in the design vision and character of “Focus Area C,” an area now referred to as “Pinedene” in recognition of historic plats in that area. Planning

staff and consultants from Inspire Placemaking Collective gathered feedback over the course of six months to inform the Comprehensive Plan amendment. The Design Guide reflects public participation and directly implements Comprehensive Plan policy 3.2, and greatly supports policies 3.3 and 3.4.

Therefore, the proposed Comprehensive Plan amendment is reasonable, in the public interest, and consistent with the requisite Comprehensive Plan amendment criteria as set in the town's UDO.

ADOPTED this the 24th day of October, 2024.

Diane T. Westbrook, Chair

ATTEST:

Cindy Williams
Secretary to the Planning Board

PINEDENE

Design Guide for the Southern Pines
Complete Community
Focus Area C



Purpose

Southern Pines is growing, and with that growth comes opportunity. The purpose of the Pinedene Design Guide is to guide that growth and facilitate the implementation of the vision outlined for Focus Area C: U.S.-1 South of Morganton in the 2040 Comprehensive Plan. The developmental history of the focus area dates back to 1927, when it was first incorporated into the Town of Southern Pines. Its original name, Pinedene, is how it will be referred to in the rest of this document.

Process

The Design Guide was prepared through a collaborative process between the Town of Southern Pines and Inspire Placemaking Collective. After several meetings with the town to establish a shared vision for the document, the design process began. The first step involved a thorough review of the existing Comprehensive Plan and the subsequent requirements for the Complete Community Character District. A set of criteria for future

development was then established reflecting the goals and objectives set forth by the Town and Comprehensive Plan.

Usage

This Pinedene Design Guide is a supplement to the 2040 comprehensive plan. When a development or redevelopment entitlement process requires consistency with the 2040 Comprehensive Plan, including for rezonings and architectural compliance permits, the Pinedene Design Guide provides clear direction for designers as well as current and prospective property owners looking to enhance their sites. While section one and two provide the context and overall vision for the focus area, section three details and illustrates applicable development standards. For renovation and reuse projects, property owners, developers and designers are encouraged to review pages 28-29. For new development guidelines, please consult pages 30-31.

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Context

Southern Pines, North Carolina, is renowned for its small-town charm, rich history, scenic landscapes, and vibrant community. Nestled in Moore County, it serves as a cultural and recreational hub in the Sandhills region. Longstanding traditions of literature, recreation, conservation and service are still practiced and celebrated by the approximately 17,000 people that call Southern Pines home today.

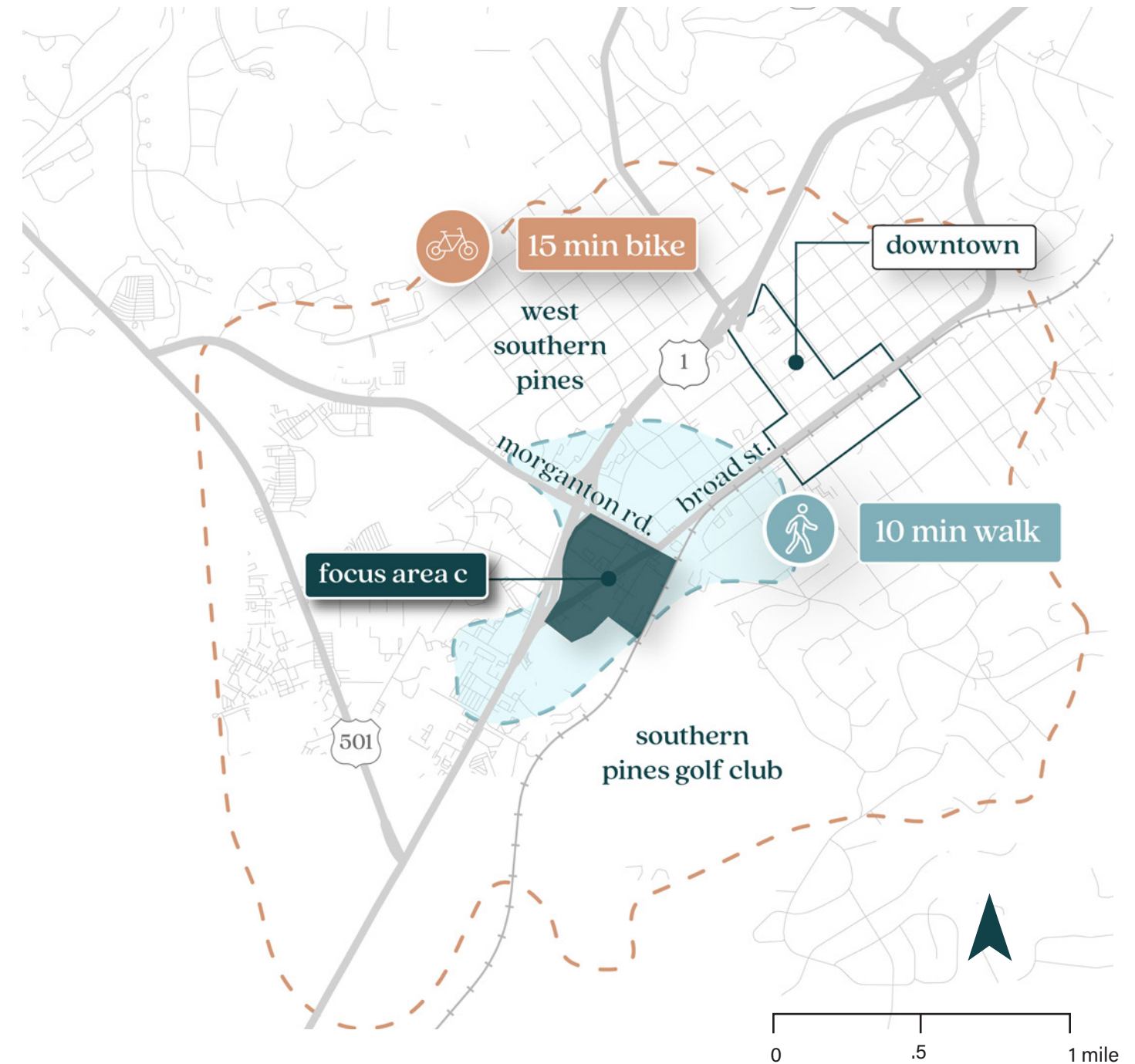
In stark contrast to the historic buildings and walkable streets of the downtown, the 74 acre Focus Area C (also referred to as Pinedene) is characterized by large parcels of single-use commercial buildings surrounded by parking and vacant land. The massing diagrams below clearly depict the difference in urban form between these two neighborhoods.

Proximity to downtown and extensive underutilized space, nevertheless, present a substantial opportunity for redevelopment. The Town recognizes this opportunity and the potential to create a connected, yet unique neighborhood through guided redevelopment efforts. On page 111 of the Southern Pines 2040 Comprehensive Plan it states, *“The size and scale of the redeveloped area could build enough interest to create a named district (destination) in the town that makes it a very desirable place to eat, shop, work, and live. Walkable streets, public art, and interesting parks or plazas throughout the area could encourage active living and community-gathering.”*

Downtown



Focus Area C



Focus Area C is clearly bounded by U.S. Highway 1 to the west, Morganton Road to the north, and the railroad to the east. The southern boundary aligns with the town limits and extra-territorial jurisdiction. Old U.S. Highway 1 (represented as Broad Street on the illustrative plan on page 9), is the site’s main thoroughfare and connects the area directly to the historic downtown. While infrastructure to improve the safety and comfort for pedestrians and cyclists is needed, only a 12-minute walk, or 5-minute bike ride, separates the districts.

Complete Community Qualities

The adjacent image depicts Focus Area C as a lush, thriving, pedestrian friendly neighborhood. The vision reflects the Complete Community Character District qualities, generally described by the 2040 Comprehensive Plan to include:

- A mixed-use area that may serve broad economic, entertainment, employment, shopping, or civic needs of the community
- A discernible center or corridor in the activity centers including a main street, park, square, or plaza
- Anchor businesses for the activity center fronting on the center or corridor
- Secondary buildings fronting the center or corridor
- Wide frontal sidewalks
- Small-scale, compact businesses radiating from the activity center or corridor
- Public gathering places for the community in multiple locations
- One or more neighborhoods connected to the activity center including a mixture of home types and residential densities
- A connected network of streets, sidewalks, parks, and greenways.
- Civic spaces, including, but not limited to, schools, churches, fire stations, or community centers



Focus Area C
Image Source: Southern Pines 2040 Comprehensive Plan , p. 110-111

Focus Area C: U.S. -1 South of Morganton

- 1 Invest in this area as a continuation of the energy and vibrancy of downtown Southern Pines while instilling a unique experience in the district that does not simply copy downtown further south. An eclectic mix of uses, building architecture, and investments in the public realm should reinforce the idea of delivering a different experience (brand) in the heart of Southern Pines
- 2 Facilitate redevelopment in this area to maximize the utilization of land and accommodate a mix of desired and compatible uses
- 3 Allow a land use mix and development intensities that can help developers yield a reasonable return on investment that funds high-quality design and placemaking features. A coordinated approach generally improves an area's economic vitality, perceived security, and sense-of-place or character
 - Establish different but equally effective design standards. A departure from some of the standards set forth for downtown could introduce more flexibility in design approaches, setting this area apart from downtown. In doing so, ensure high quality public spaces are created without jeopardizing the viability of existing and future real estate developments
- 4 As redevelopment occurs, partner with private investors to enhance the public realm to create an inviting, vibrant atmosphere comprised of functional spaces that vary in size depending on intended uses. Those spaces may include:
 - Streets with wide sidewalks, trees, and furnishings that are aesthetically pleasing and allow restaurants and shops to comfortably (and safely) "spill" into the public space
 - Parks and greens at the foreground to commercial spaces that serve as extensions of interior spaces

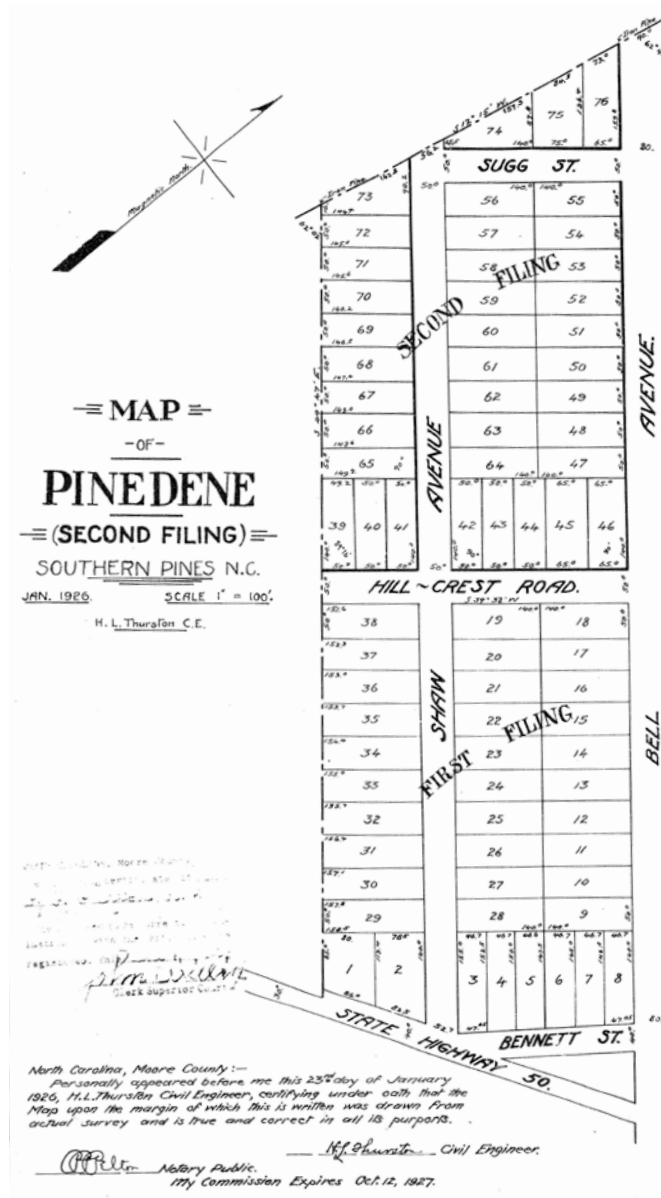
- 5 Working with private landowners and developers, create gateways that accommodate public art and amenities. These signal the transition into the heart of town and support a variety of activities. Well-designed plazas and greens may be among the open spaces that connect the component parts while supporting formal and informal gatherings, programmed events, and enjoying the outdoors
- 6 Emphasize pedestrian connections with walkways and crosswalks that aid pedestrian circulation and reduce the need to navigate by automobile. This may also help promote a "park-once" mentality, as each visitor leaves their car in a single parking space and navigates from one destination to the next on foot instead of repositioning their car
- 7 Introduce housing in the form of townhomes and loft spaces at the edges, as a 24/7 population will help generate the activity needed to create a vibrant destination
- 8 Encourage the reuse of commercial properties for updated versions of existing uses, such as the hotel site (Days Inn and Econolodge), which could be reinvented with dual-brand hotels and supporting amenities. This would satisfy demand for such uses (or the spaces they require) while concentrating such uses in places where the community has grown accustomed to them. Reassurance that the community supports such changes could help the owners decide to make the investments
- 9 Encourage public art that helps reinforce that identity and helps create a memorable experience for visitors
- 10 Promote the preservation of existing canopy trees where practical. Flexibility in the application of local regulations may be warranted to ensure tree preservation is possible, where desired. An example of this is the standards dictating the size, location, and organization of parking areas, as meeting the standards could impact the health of trees or require the removal of some



- 11 Extend bicycle and pedestrian infrastructure on Broad Street from downtown to the new district presented as Focus Area C
- 12 New energy on this area of town may spur additional investment along the Morganton Road corridor sometime in the future

Image Source: Southern Pines 2040 Comprehensive Plan , p. 109

Pinedene: Southern Pines' Destination for Fragrance & Flavor



"The pines thrust brilliant new green spray above the sober old green leaves, the last cones fell softly bouncing to the ground, slim white candle blossoms reached up to the sun; below, the dogwood opened in a silver mist, song-sparrows bustled and twittered in the thorns (Boyd, pg 42)."

The gentle awakening of nature, so vividly depicted in *Drums*, seems a distant memory in a modern landscape dominated by asphalt and automobiles. Drawing inspiration from James Boyd's evocative descriptions, the Comprehensive Plan's framework, and historic site drawings, Focus Area C can be reborn as Pinedene, Southern Pines' fragrance and flavor destination.

The transformation of this area requires a drastic deviation from current development patterns. Larger mixed-use projects are encouraged and recognized as a critical part of the successful redevelopment of the site. Nevertheless strategic, cost-effective upgrades that focus on enhancing public space, connectivity, and the natural landscape can unlock the site's potential, unleashing both its social and economic vitality.



PINEDENE TODAY Image Source: The Town of Southern Pines



PINEDENE TOMORROW Image Source: Southern Pines 2040 Comprehensive Plan, p. 110-111

Development Opportunities

See Chapter 2 of 2040 Comprehensive Plan

In addition to the general description, the Comprehensive Plan provides various matrices to clarify suitable development types and design considerations for the Complete Community Character District. For more detail and definitions of building types consult pages 64-95 of the Comprehensive Plan.

Block Size and Pattern Mix



Traditional Grid



Curvilinear Streets in Modified Grid

Building Placement and Frontage Type Matrix

Development Priority

Greenfield Development

General Development Pattern

Mix of Uses

Prevailing Building Height

2 to 4 Stories

Typical Block Length

300 - 800 Feet

Transportation choices

Walk-Bike-Auto

Parking Provisions

Street-Public Lot/ Private Lot-Driveway

Setback or Build-To-Line

Build-To/Setback

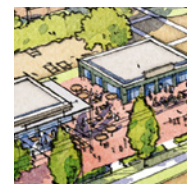
Street Classification Category

Urban

Non-Residential Building Types



Neighborhood Commercial



Neighborhood Commercial



Institutional: Church, School, etc.



Stacked Mixed-Use Building



Mixed-Use Buildings on Same Block

Residential Building Types



Accessory Dwelling Unit



Single-Family Detached, Small Lot



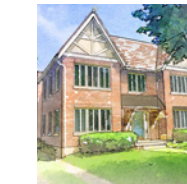
Duplex, Side-by-Side Units



Duplex, Stacked Units



Triplex, Stacked Units



Quadplex, Stacked Units



Courtyard Cottages



Townhome (Row Homes)



Stacked Multi-Family



Live-Work Units

Open Space and Natural Features



Natural Area



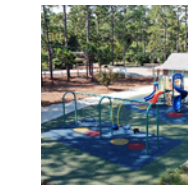
Trail or Greenway



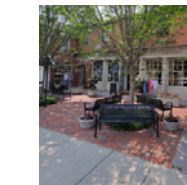
Common Green



Athletic Field or Sport Court



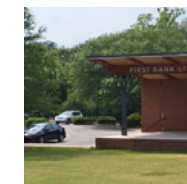
Playground



Pocket Park

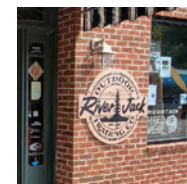


Community Garden



Public Square or Plaza

Signage Considerations



Wall Sign



Building Murals



Blade Sign



Ground Sign



Entrance Sign



Free Speech Sign

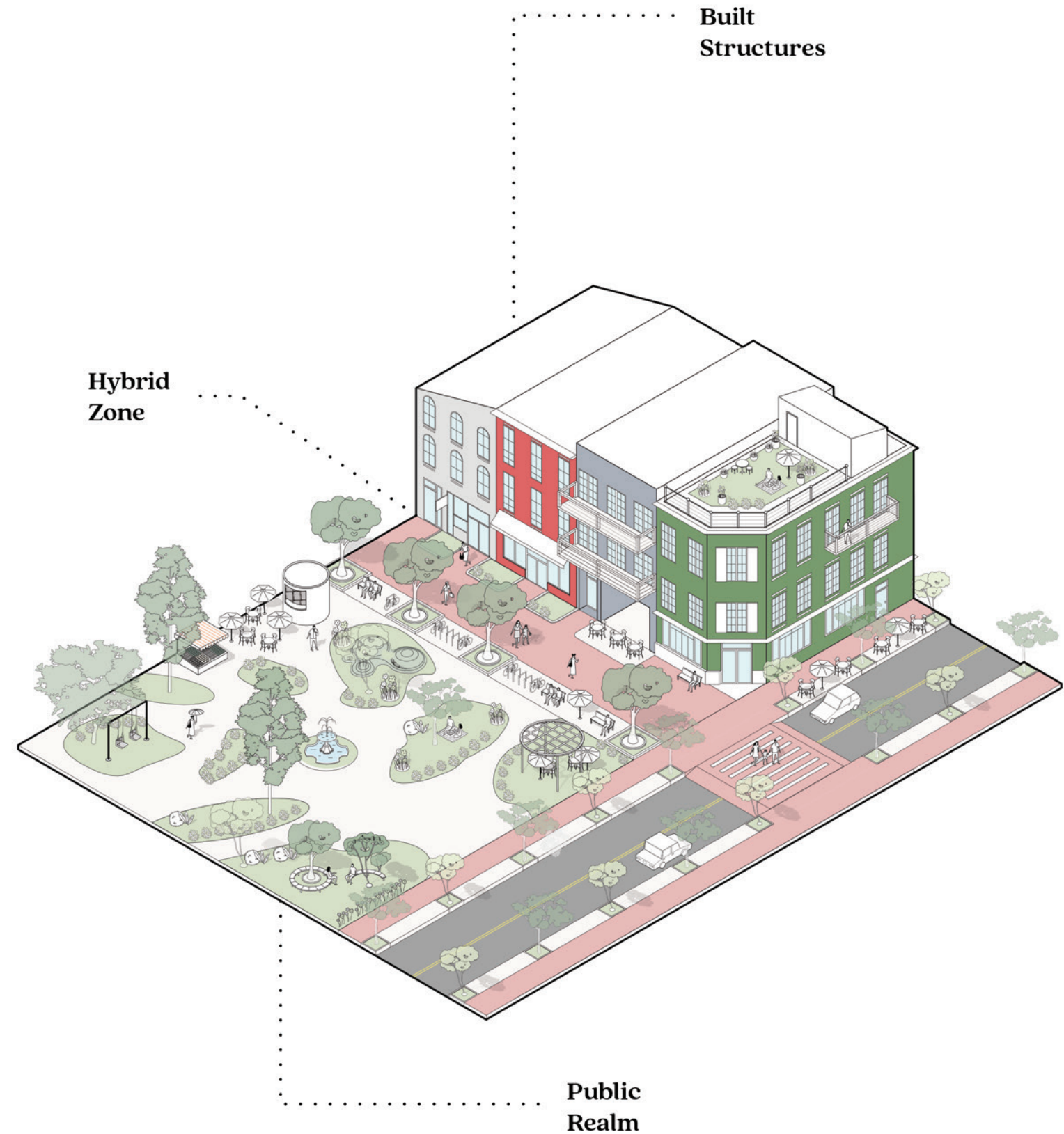
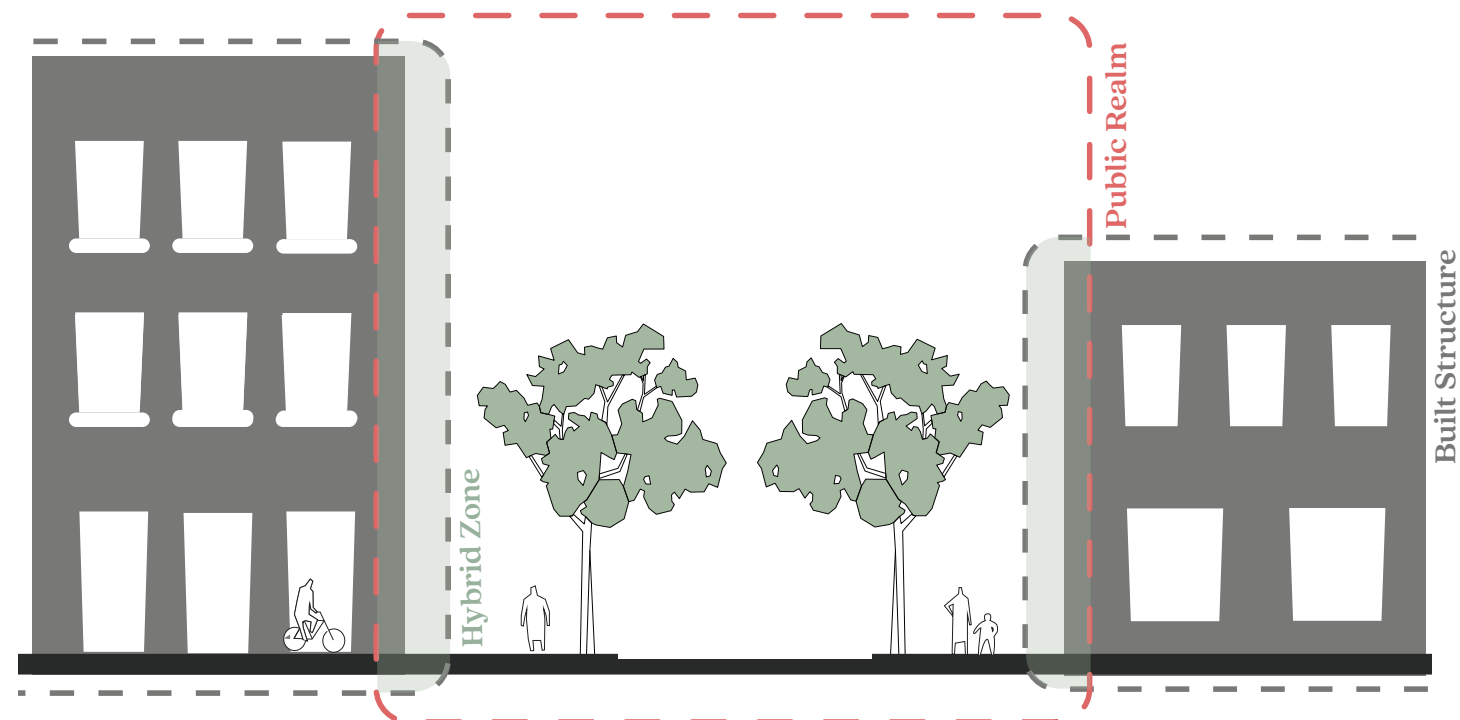
Implementing the Vision

Implementing the vision for Pinedene requires commitment and collaboration between the public and private sector. More importantly, it requires an understanding by government officials, private property owners, developers and designers of what needs to be done for that vision to be realized.

The components of a city block can be deconstructed into three main parts – **built structures, hybrid zones, and the public realm.**

Built structures refer to permanent, enclosed structures that are extrusions of the site. These are typically private. The public realm is the exterior space between buildings where social life occurs. Overlapping both the built structures and public realm is the hybrid zone, where the facade of a building meets the ground.

Successful precedents and design considerations applicable to Pinedene are organized into these categories and detailed throughout the remainder of this section.



Built Structures

Built structures refer to the permanent, enclosed structures that demarcate the boundaries of a street. These, notably, do not include quick-build or free standing structures such as canopies, playgrounds, or outdoor seating areas. In accordance with the Southern Pines 2040 comprehensive plan, built structures in the Pinedene district should contribute to a vibrant neighborhood culture through both a horizontal (different uses on the same block) and vertical (different uses in the same building) mixed use strategy. This cohesive mixed-use strategy will ensure a vibrant public life for the neighborhood that has use and occupancy throughout all times of the day, avoiding urban “dead zones” that can be uncomfortable or dangerous to navigate on foot.

Structures along mixed use streets should form a consistent and comfortable streetwall to create an enhanced destination and sense of place. To do so, abutting buildings should avoid artificial projections or recessions. Architectural elements, however, such as balconies, loggias, covered walkways, etc., are encouraged because of their architectural intent and desirable qualities (providing shade, shelter from rain, etc.)



Fidelity Bank



Sly Fox



Downtown Southern Pines



Broad St. Townhomes



CASE STUDY: Downtown Southern Pines

Key Takeaways:

1. High quality architectural materials, such as marble, stone, brick, etc., stimulate the streetscape and create inviting and dignifying environments
2. Gentle variations in building height and roof types create a cohesive visual language without adopting a “cookie cutter” appearance
3. Orienting buildings to the street with minimal setbacks enhances the character and walkability of the area. In scenarios when this is not possible, bridge the gap between street and building with thoughtful landscaping and other public amenities, and locate car parking in the rear.
4. An emphasis on both vertical and horizontal mixed use is the key foundation to creating vibrant neighborhoods

Other Considerations:

1. Small investments like informal rooftop gardens or terraces can provide public, private, or semi-private outdoor space and an attractive amenity to residents
2. Introduce gentle density by allowing multiple detached buildings on the same lot (ADU’s, cottage courts, etc.)
3. Balconies can act as an important interface between the street and residence, providing residents a visual and audible connection to the street, as well as private outdoor space
4. Mixed-use buildings including permanent residences should not exceed five stories in order to maintain the human scale and connection to the streetscape

Hybrid Zone

The hybrid zone refers to the ground floor, eye-level interaction which the intersection of the street and building offers back to the public. It plays a key role in reinforcing the human scale and identity of a place. Currently, hybrid zones in the Pinedene district are dominated by surface parking, blank facades, and a scale catered towards fast moving vehicle traffic than people (a direct result of the surrounding infrastructural conditions). Combined with a comprehensive implementation of a safe and convenient pedestrian and bike network, both new development and redevelopment in Pinedene must consider how the frontage of the building can positively serve the functions of the street as a whole as well as visitors.

For business owners and potential developers in the Pinedene area, it is essential to recognize that improving the hybrid zone is a viable business investment. Expert studies have continuously shown a positive correlation between streetscape quality and business performance, and the hybrid zone is the crucial element of the streetscape that can be used to attract the patronage of potential customers.



Transparent and diverse storefronts - Downtown Southern Pines



Outdoor Seating and Facade Decor- The Sly Fox



Public Art interfacing with the street - Bikram Yoga



Covered Porch - Red's Corner



CASE STUDY: Grove Arcade - Asheville, NC

Key Takeaways:

1. High quality architectural materials, such as marble, stone, brick, etc., stimulate the streetscape and create inviting and dignifying environments
2. Implement a transparent ground floor facade to help create a fluid transition between public and private realms
3. Use trees, awnings, umbrellas, and other shading techniques to provide shelter from natural elements
4. Potted plants and attention to landscaping create a welcoming experience for visitors and passersby
5. Outdoor seating breathes life into the streetscape and allows opportunities for chance encounters and socialization

Other Considerations:

1. Human-scaled signage and branding not only attracts pedestrian attention, but also keeps the street "in-scale" and promotes spontaneous visitation
2. Walkways should be wide enough to simultaneously accommodate businesses "spilling out onto the sidewalk", designated areas for landscaping, and pedestrian passage

Public Realm

The public realm plays host to all the life that occurs in between buildings, and serves as the mesh of connection between people and place. A successful public realm caters to the human scale and sensory experiences, and is open and inclusive to the social and recreational lives of all community members.

The public realm of Pinedene has yet to be written. Streets, commonly thought of as little more than a means to get between point A and B, can be designed as destinations within themselves. Think of a street you've visited where you felt comfortable talking with friends or sitting for a moment versus a street you've only interacted with from behind the windshield of a car. Chances are, this comfortable street provides places for public seating, natural

features such as landscaping and tree canopies, and a use of elevated materials such as bricks or pavers. Design elements like these make outdoor environments inviting for human activity, and leave a lasting positive effect on us.

Opportunities for larger gatherings, whether informal or formal, should be facilitated by public plazas and squares which offer a clear visual and circulatory connection to the streets. These squares should also be taken as an opportunity to integrate the natural environment into the public realm. A consistent tree canopy can provide shade and ensure year round comfort, natural plantings can introduce local biotopes, and water features can both creatively manage stormwater and provide an aesthetic and acoustic ambiance.



Red's Corner



Downtown Southern Pines Park



Downtown Southern Pines



Broad Street, Southern Pines

CASE STUDY: Downtown Park - Cary, NC

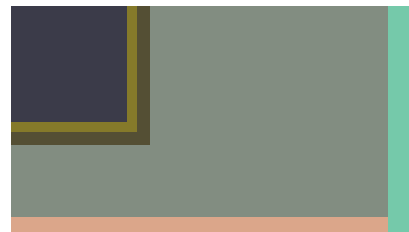
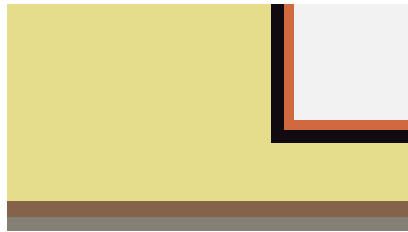


Design Considerations:

1. Consider user comfort in tandem with climatic impact to ensure public spaces can be enjoyed year round. The use of permeable surfaces, tree canopies, vegetation, and wet surfaces can both provide shelter from harsh sunlight on warm days, and reduce the urban heat island effect.
2. The implementation of pedestrian-scale street lighting should be considered as an investment in both safety and streetscape quality.
3. Small retail or pop-up stores can be used to "anchor" public spaces, ensuring activities for all ages and family members
4. Provide comfortable public seating along streets and plazas as moments of rest for both those with mobility needs or for those wanting to enjoy public space without spending money. Public seating can also play an important role in supporting small businesses who can't invest in a space large enough to host an indoor dining room
5. Covered outdoor seating, whether it be under a canopy, trees, or a building overhang can provide a much needed refuge from the sun in warmer months, ensuring that public space can be comfortably used year-round
6. Landscape designs should favor native plantings over non-native options. Native plantings' disposition to the local climate means that less water, fertilizer, and maintenance are required while also providing habitats and support for local wildlife
7. Proximity of open unprogrammed to space to one with programmed uses can retain activation while still providing flexibility to host large community events
8. Play and recreational areas (such as playgrounds, play sculptures, water features, and fitness parks) should be well integrated into the public realm. Locating playgrounds near restaurants, for example, encourages an overlap of uses, boosts businesses, and promotes multi-generational interactions

Ways to Further Support Neighborhood Character

Color Schemes



While the use of a variety of high quality materials is encouraged, embracing the use of colors can help unite the district and strengthen the sense of place. Downtown Southern Pines accomplishes this very well.

Landscaping



Longleaf Pines: <https://www.charlottemagazine.com/around-towns-southern-pines/>



Crested Iris: <https://www.ourstate.com/native-plants-in-north-carolina/>



Image Source: Flowering dogwood, <https://fairviewgardencenter.com/plants/trees-shrubs/dogwood/>

Non-invasive plants should be chosen based on their aesthetic and environmental characteristics (air purification, water retention, wildlife habitat).

Application Strategy

The following two catalyst zones illustrate how the design guidelines can be applied to 1) renovation and reuse projects and 2) redevelopment projects. These focus areas are chosen based on their potential to contribute to the establishment of a connected pedestrian network and proximity to both existing resources and the downtown.



Catalyst zones

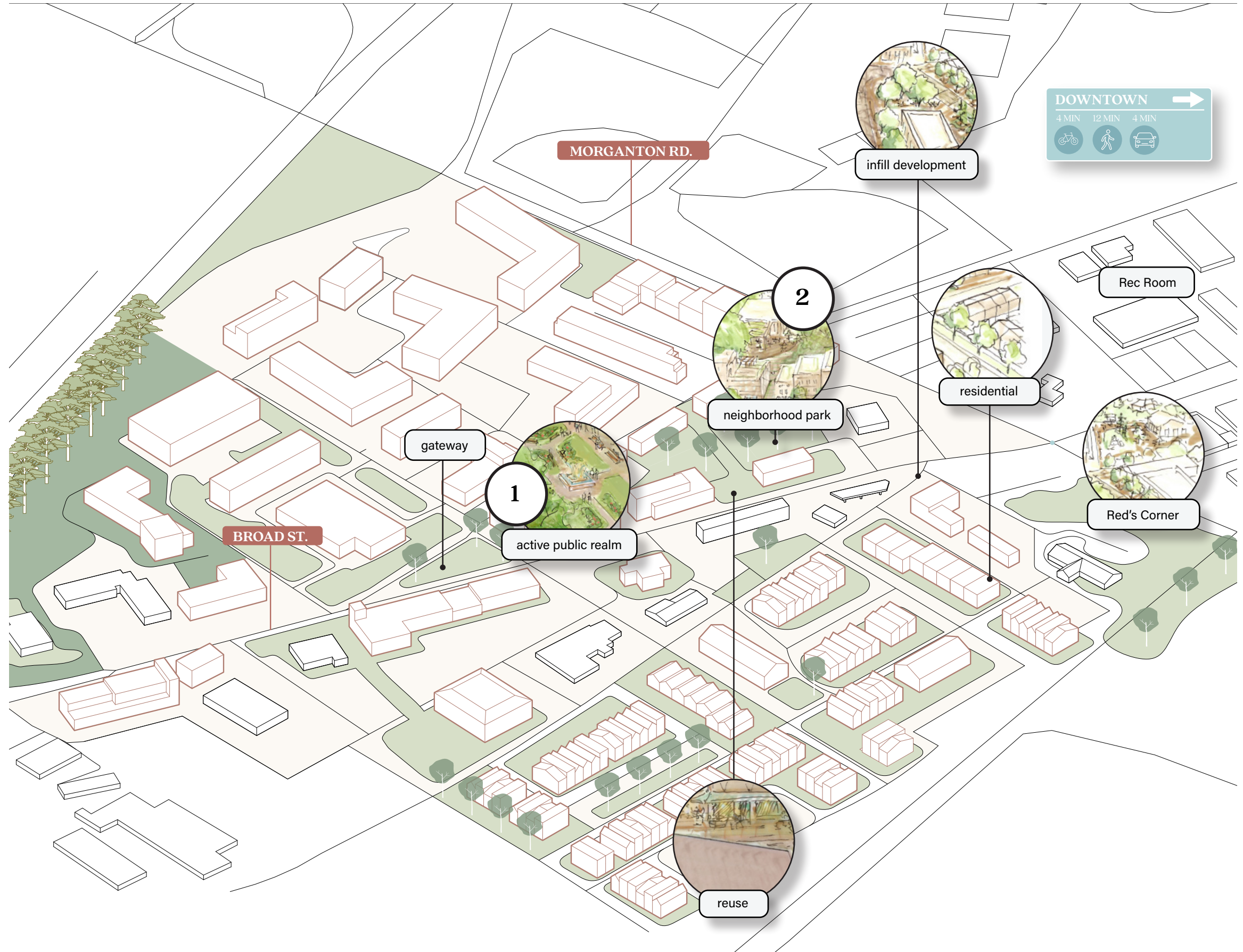
Catalyst zone 1, situated between 940 and 980 Old US Highway 1, presents a prime opportunity for transformation. This area is well-positioned for a renovation/re-use project with minimal modifications needed to existing structures, focusing instead on re-imagining the expansive parking lot as a vibrant public square.

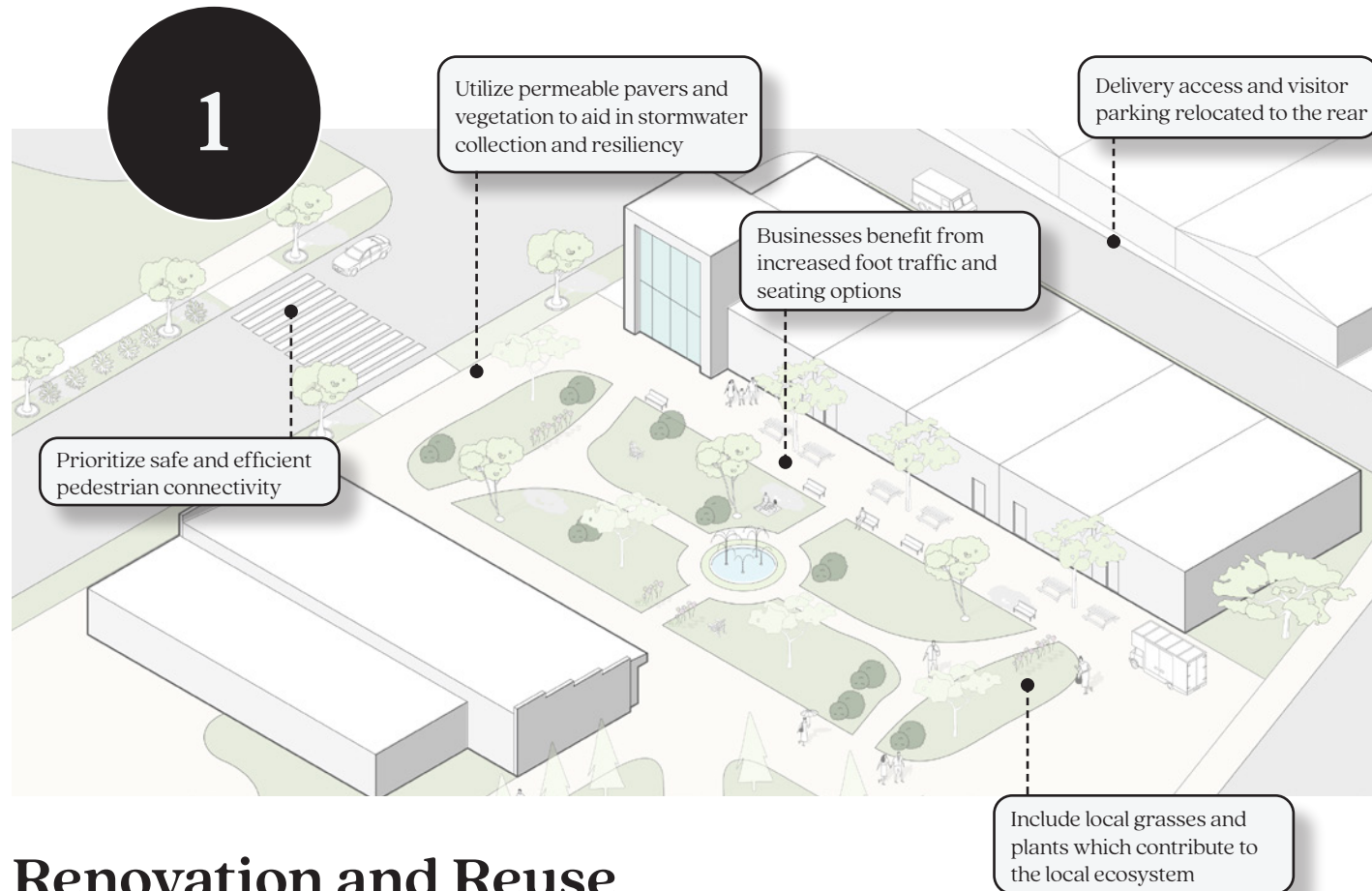
Currently, the large surface parking lot is one of many in that contributes to the spread-out development in Pinedene, making traversing the town on foot difficult and unpleasant. By converting this space into a dynamic public square, we can significantly enhance both the town's identity and the adjacent businesses' desirability.

Importantly, this transformation does not require a net loss of parking spaces. By re-locating parking to the rear side of the buildings, in junction with pursuing a strategy of shared municipal parking as outlined in the 2040 comprehensive plan, this design presents an improved experience for pedestrians, cyclists, and motorists alike.

Catalyst zone 2 serves as a potential site for redevelopment. Currently hosting a drive-through bank and its large parking lot, this site could easily densify by adding new buildings with a mixed-use of ground floor retail and restaurants, with residential or workspaces above. This density would not only allow for greater housing options and neighborhood activities, but also a greater return on financial investment for the property owner.

Both cases are for **illustrative and inspirational purposes only**, and show only one possible way properties can be updated in accordance with the Southern Pines 2040 Comprehensive Plan.





PINEDENE TODAY Image Source: The Town of Southern Pines

Renovation and Reuse

Public Realm Improvements

- Sidewalks should be no less than 6', 8-10' desirable
- Placing street trees every 30-45' ft creates a comfortable shaded canopy for pedestrians
- Water fountains and other intentional focal points give the community meaningful gathering spaces
- Facade investments such as awnings and updated storefronts serve to both attract customers and improve the quality of the public realm
- Provide secure bicycle parking for those who choose to shop by bike

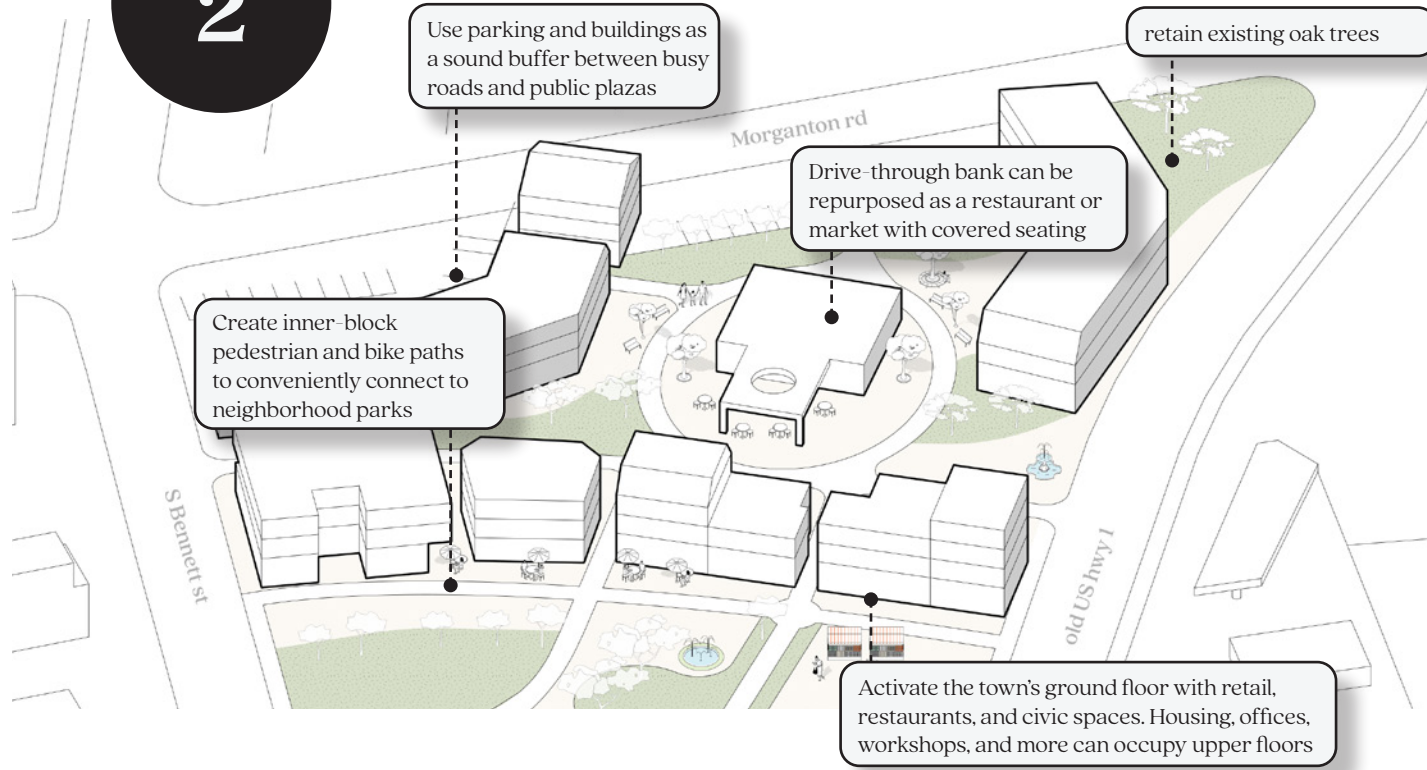
Traffic Calming Measures

- sidewalks and crosswalks
- crosswalk daylighting
- protected bicycle infrastructure
- travel lane narrowing
- side friction



PINEDENE TOMORROW

2



PINEDENE TODAY Image Source: The Town of Southern Pines

Redevelopment

Public Realm Improvements

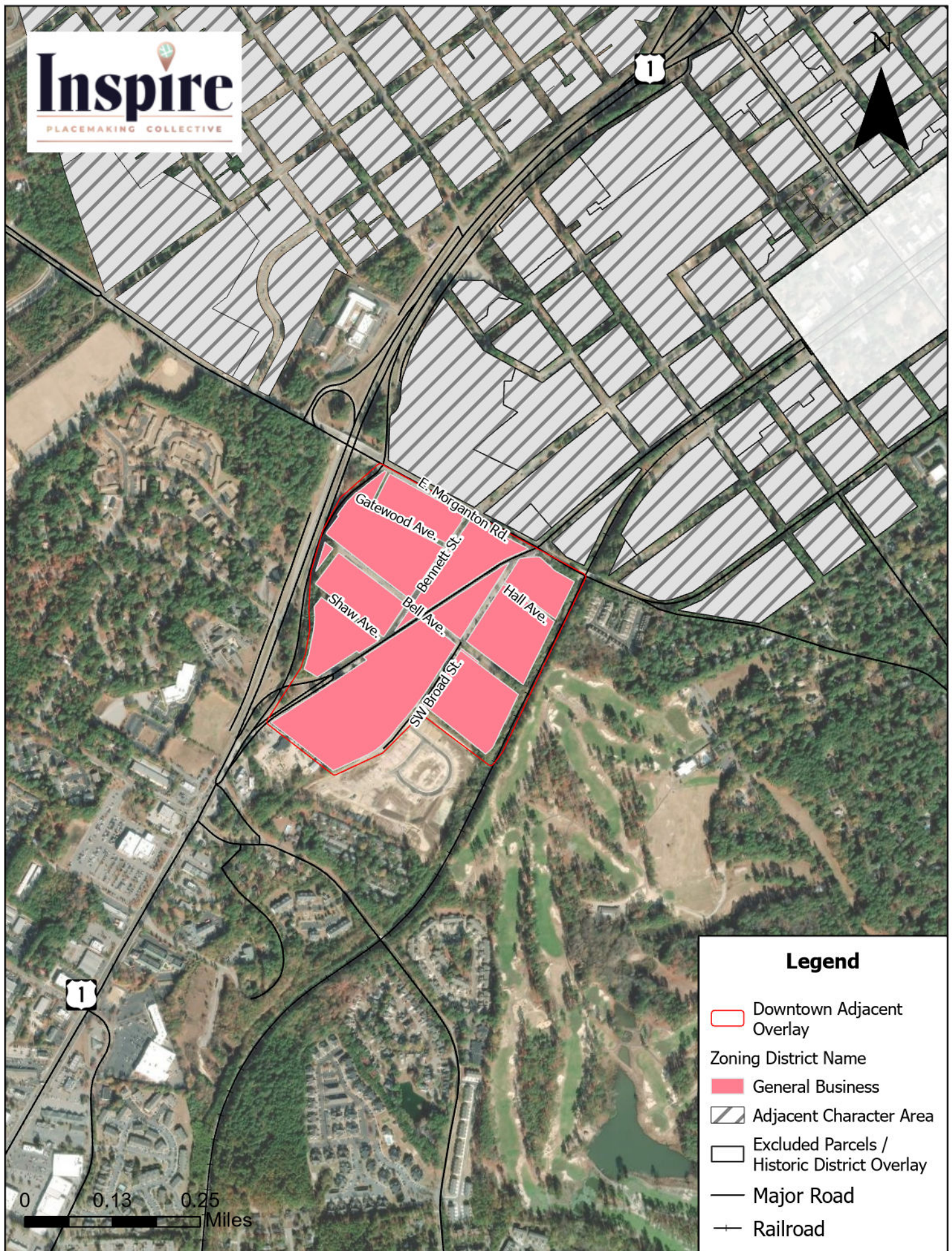
- Implement a mix of uses to create an active space with “eyes on the street” to ensure safety and comfort
- Public seating can ensure that spaces are accessible and enjoyable regardless of age or physical ability
- Building access should orient towards the inside of the block
- Create a balance between shaded green space and open recreation space
- Floor plans should be designed to be flexible and respond to a changing functions over time

Traffic Calming Measures

- Inner block paths should be inaccessible by private car, but be wide enough to be accessed by vendor trucks or emergency vehicles as “guest users” of the space
- Protected bike lanes can be implemented to connect redevelopment areas to downtown southern pines



PINEDENE TOMORROW



Legend

- Downtown Adjacent Overlay
- Zoning District Name**
- General Business
- Adjacent Character Area
- Excluded Parcels / Historic District Overlay
- Major Road
- Railroad