



AGENDA

Tuesday, December 17, 2024: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

a. Adoption of Agenda

4. PUBLIC COMMENTS

5. CONSENT AGENDA

a. Approve Meeting Minutes for November 2024

Staff has prepared the following minutes for approval:

b. Adopt the 2025 Town Council Meeting Calendar

2025 Town Council Meeting Calendar

c. Approve Appointment: Planning Board

Jennifer Garner was appointed to the Planning Board on June 13, 2023 to serve the remainder of a vacant term, which is now expiring. Ms. Garner is eligible to serve two full terms per the UDO and has expressed an interest in remaining on the board. The Planning department recommends her appointment, with her first full term to expire on December 16, 2027.

d. Adopt Resolution #1102 Naming "Southern Pines Elaine T. Baillie Skatepark"

Skaters for Moore (SFM) received a generous donation from longtime local resident Elaine T. Baillie to help fund the skatepark construction and has requested that the Town consider naming the facility the "Southern Pines Elaine T. Baillie Skatepark." SFM founder William Dean shared that Ms. Baillie "was a surrogate mother to several in my skateboarding group [as a teen], and helped offer a safe space and guidance growing up. I believe her name being attached to the Park personifies the mission of being a safe, fun environment for the action sports community." Staff has prepared a resolution to name the skatepark after Ms. Baillie.

e. Resolution #1103 - Direct the Town Clerk to investigate the sufficiency of the petition and certify the result, per NCGS 160A-31(c).

An application has been received petitioning to annex property into the Town of Southern Pines.

f. Approve ARPA Compliance Audit Contract - Forvis

g. Authorize the Town Manager to execute a contract with WakeRack Contract, LLC.

WakeRack will install a kiosk for rental kayaks and stand-up paddle boards at Reservoir Park. They will be responsible for the maintenance of all equipment, the reservation system and insurance. The Town Attorney has reviewed and approved the contract. As part of the agreement the Town will receive 10% of the rental fees.

6. LEGISLATIVE PUBLIC HEARINGS

a. OA-03-24: Landscaping & Tree Protection Amendments

A continuation of a legislative public hearing that began at the November 12, 2024 meeting regarding proposed amendments to the UDO.

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

A continuation of a legislative public hearing that began at the November 12, 2024 meeting related to the creation of a Downtown Character District and a West Southern Pines Character District.

c. AX-02-24: Petition for Annexation - 2.5 acres off Air Tool Drive

RAB Investments, LLC is petitioning the Town of Southern Pines to annex 2.5 acres of land located adjacent to Air Tool Drive inside the Southern Pines Corporate Park.

d. Z-05-24: Conditional Zoning District - Tony Fairley Duplexes

Tony and Sandra Fairley request to rezone three properties from RS-1 to RS-1 Conditional Zoning District to allow for three pre-fabricated duplexes (one on each property). The subject parcels are identified as PIN 858200023471 (PARID 00037070); PIN 858200024317 (PARID 00036484); and PIN 858213023794 (PARID 00035309) and the total acreage of all three properties is 0.56 acres.

7. EVIDENTIARY PUBLIC HEARINGS (QJ)

a. PD-06-24: Morganton Park South Phase 4 - Whataburger Restaurant

Whataburger Restaurants, LLC and BL Companies have submitted a Preliminary Development Plan application for a ±3,305 square-foot restaurant in Morganton Park South for the parcels identified as PIN 857100478061 (PARIDs 20230956).

8. ACTION ITEMS

a. Skateboard/Pedestrian District Discussion

At the October work session, staff discussed with Council the issue of enforcement of skateboarding on public streets and in the downtown district. Based on discussion at that meeting, staff has refined some options for Council review.

b. Phase 2 Comprehensive Plan Implementation Projects

The Planning Director has prepared a list of projects for the Council's consideration that, if approved, will constitute the second phase of implementing the 2040 Comprehensive Plan.

c. 2025 Council Appointments

Individual councilmembers are appointed by the body each year to serve in various capacities and manage certain responsibilities.

9. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](#). Video of the Town Council meetings will be live streamed on the channel for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream. To receive notifications when new content is published, please "subscribe" to the Town's channel at <https://bit.ly/3hXx2Qk>



MINUTES

Tuesday, November 12, 2024: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Avenue

1. CALL TO ORDER

Mayor Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

a. Adoption of Agenda

Mayor Pro Tem Pate made a motion to approve the meeting agenda, seconded by Councilmember Goodman; the vote was unanimous.
Motion passed.

4. PUBLIC COMMENTS

William Dean, owner of N2 Flow Skateboards & founder of Skaters 2 Moore addressed the Council regarding the recently adopted Skatepark Rules and shared the dissatisfaction of some residents that bicycles had been excluded per the rules adapted at the last Work Session meeting and urged the Council to reconsider its decision. Discussion ensued.

Julie Raymond of 65 Brownstone Lane shared what she considers dangerous traffic issues concerning the intersections of SW. Broad St. & SE Broad St at Illinois Ave. There is no sidewalk over the train tracks and the incline is so steep that it affects the visibility of cross traffic.

Kirstopher Kendall of 459 S Ridge Street recommends that the following intersections need thermal markings for the sidewalks:

- S. Ridge St. crossing over E. Morganton Rd. (suggests the installation of mirrors)
- S. Ridge St. crossing over Indiana Ave. (suggests flashing lights for pedestrians)
- Country Club Dr. and E Morganton Rd.
- Country Club Dr. and E. Indiana Ave.
- S May St. and E New York Ave.

Rick Payer of 107 Steeplechase referenced a letter that appeared in the Pilot Newspaper Editorial Section that shared the concerns of the Longleaf and Talamore Communities over the proposal to remove a turning lane on Knoll Rd.

5. CONSENT AGENDA

Mayor Pro Tem Pate moved to approve the Consent Agenda, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

a. Approve Meeting Minutes for October 2024

Staff has prepared the following minutes for review and approval:

- October 8, 2024, Town Council Business Meeting
- October 22, 2024, Town Council Work Session

b. Budget Amendments

Staff requests approval for budget ordinances

6. PUBLIC HEARINGS

a. OA-03-24 Landscaping & Tree Protection Amendments

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

Mayor Clement opened the public hearing

Senior Planner Alaina Mallette presented the application and staff report to the Council.

Petersen shared her concern over the recommended tree use list, use of the word 'recommended' and the Town's options for recourse if a developer does not follow the Town's recommendations. Discussion ensued

- Patty Heuckeroth, 363 Oxridge Ln., is concerned about the increase in residents and construction in the area and the effect it can have on the feel and charm of the community. Ms. Heuckeroth spoke about the importance of easement requirements and monitoring future construction in the area.

- Rachel Jurgins, 231 Oxridge Ln., questioned if the penalties proposed in OA-03-24 stay with the land or the owner and was told that as of now, the penalties stay with the land and any inventory of what foliage is existing is provided by satellite pictures and drone footage.

- Sue Smithson, 1745 E. Connecticut Ave., agrees with Councilmember Petersen that the penalties as written are too vague and don't prevent developers from clear-cutting.

- Kate Shinkwin, 330 Newton Dr., shared her appreciation for the community who seeks to protect the native trees and queried whether changing the language to a 'pre-approved list of plantings' might incentivize developers to choose from that list to speed their plans through the approval process.

- Jeanne Dupoch, 148 Oxridge Ln., expressed her belief in 'Save the Trees, Keep the Pines in Southern Pines' and the importance of preserving and protecting the existing ecosystem of Southern Pines.

- Bill Geneva, 231 Oxridge Ln., thanked the Council for their service to the community and volunteered to help the Town in any way. Mr. Geneva shared a philosophy 'you never get what you expect, you get what you inspect and the more clear you can be the less inspecting you need to do' and challenged the Council to be more specific when it comes to the verbiage regarding what is expected of developers and to maintain control of what is done landowners are doing with their land.

Mayor Clement feels that the language of the amendments needs more work and suggested continuing the hearing to the December 17th meeting.

Barbara Sherman, 3304 Young Rd., shared her reservations regarding the proposed amendments affecting the preservation the existing ecosystem.

Discussion ensued.

Councilmember Petersen moved to continue the hearing to the December 17, 2024, Town Council

meeting, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

b. 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.

Mayor Clement opened the public hearing.

Town Planner I James Broadwell presented the request to the Council.

Discussion ensued.

Sara Sinatra, Vice President of Inspire Place Making Collective, presented the recommendations to the Council.

Discussion ensued regarding ceiling height and building height requirements and verbiage, zoning changes, the esthetics of downtown, and sidewalks.

Mayor Clement asked for public comments and none were voiced.

Mayor Clement closed the public hearing.

Councilmember Petersen moved to reopen the public hearing and continue the hearing to the December 17, 2024, Town Council Business meeting, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

c. 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.

Mayor Clement opened the public hearing

Sara Sinatra, Vice President of Inspire Place Making Collective, presented the recommendations to the Council.

Discussion ensued.

Mayor Clement asked for public comments and none were voiced.

Mayor Clement closed the public hearing.

Mayor Pro Tem Pate moved that after reviewing the proposed Comprehensive Plan amendment LRP-01-24, considering the criteria for approval of Comprehensive amendments found in UDO §2.16, and considering the Planning Board's recommendation, the Town Council finds that the proposed Comprehensive Plan amendment (adding the Pinedene Design Guide as an appendix) is consistent with UDO §2.16 and is a reasonable addition to the 2040 Comprehensive Plan, for the reasons set forth in the Planning Board's resolution that was included as an attachment to the LrP-01-24 staff report. The motion was seconded by Councilmember Petersen and the vote was unanimous.

Motion passed.

Mayor Pro Tem Pate to approve the Pinedene Design Guide, seconded by Councilmember Petersen; the vote was unanimous.
Motion Passed.

bp ap 5-0

bp ap 5-0

7. ACTION ITEMS

a. Approve Resolution #1101: Setting a Public Hearing Date for Annexation Petition AX-02-24: Yadkin Road

RAB Investments, LLC is petitioning the Town of Southern Pines for annexation of a +/- 2.50 acre parcel of land. Per Resolution #1098, Directing the Clerk to Investigate a Petition Received Under G.S. 106A-31, the Clerk has certified the sufficiency of the application in Resolution #1100 and requests the Council approve Resolution #1101 - Setting the Public Hearing Date for the Town Council Business Meeting on December 17, 2024.

Mayor Pro Tem Pate moved to approve Resolution #1101: Setting a Public Hearing Date for annexation petition AX-02-24, seconded by Councilmember Gray; the vote is unanimous.

Motion passed.

8. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Goodman and carried unanimously, Council adjourned at 9:21 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, November 19, 2024: 3:00 PM

Town Council Work Session

C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Avenue

1. CALL TO ORDER

Mayor Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. ACTION ITEMS

a. Review and Request Adoption of the FY24 Audit

Finance Director Speis and representatives of our 3rd party Audit firm will present the FY24 Audit and request adoption.

Town of Southern Pines Finance Director Tess Brubaker-Speis and Chad Cook, Audit Director with Forvis Mazars presented the Fiscal Year 2024 Audit results to the Council.

One deficiency was identified relating to the accounts payable cut off process and receiving construction invoices by the fiscal year cutoff.

Discussion ensued regarding the findings.

Mayor Pro Tem Pate moved to approve the adoption of the Fiscal Year 2024 Audit Report, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

b. Consider Re-Appointing Katherine Schirmer to the Appearance Commission: Term to Expire 12/31/2027

Ms. Schirmer is a current member of the Appearance Commission and her term expires this month. She requests appointment to serve another 3-year term.

Mayor Pro Tem Pate moved to re-appoint Katherine Schirmer to the Appearance Commission with a term expiring on December 31, 2027. The motion was seconded by Councilmember Petersen and the vote was unanimous.

Motion passed.

c. Review of Skatepark Rules

Staff will have additional information for the Council's consideration of the request to include BMX bikes at the new skate park. Alternatives for potential amendment prior to the Park opening will be made available.

Assistant Town Manager Jessica Roth reviewed the item for the Council.

Mayor Clement asked Mr. Mr. Dean to join Asst. Town Manager Roth at the microphone

Council adopted the Southern Pines Skatepark Rules on October 22, 2024, and the recommendation

at that time was to prohibit bike use due to concerns by the Town's insurance company. Mr. Dean requested that the Town reconsider the ban on bike use and upon consideration, the staff has 3 options for the Council to consider.

1) Make no changes to the adopted rules at this time and reevaluate the rules at a future date.

2) Revise the current rules to allow bikes at certain times and under specific conditions by segregating the groups by equipment. - staff recommendation.

3) Revise the rules to allow unrestricted co-mingling of groups. This option is not recommended by staff and would double the insurance premiums.

Mayor Pro Tem Pate questioned how the Town would enforce the rules and discussion ensued..

Volunteers teaching skate park etiquette was discussed..

When questioned, Town Attorney Mac McCarley shared that he agreed with the staff recommendation of segregating the groups.

Asst. Town Manager Roth presented a prepared Ordinance that incorporated the staff recommendations for Council approval.

Mayor Clement moved to approve the Ordinance revising the Skatepark Rules as presented by Asst. Town Manager Roth, seconded by Councilmember Gray.

Councilmember Petersen confirmed that the insurance would remain the same if groups are separated.

Councilmember Petersen questioned the Town Attorney on his satisfaction with the proposed rules as written and Attorney McCarley confirmed that he was.

Council voted unanimously to approve the ordinance to review the Skatepark rules as presented Motion passed.

5. COUNCIL UPDATES AND DISCUSSION

a. Planning Department Update

Staff will update Council on applications advancing from the Planning Board to Council and have a follow-up discussion on Phase 2 implementation efforts related to the 2040 Comprehensive Plan.

Planning Director BJ Grieve presented an update on the Planning Department.

b. 2025 Town Council Meeting Calendar

Staff has prepared a draft 2025 council meeting calendar.

Town Council discussed the meeting calendar for 2025 and the following decisions were made:

- Annual Budget Retreat = 4/3/2024
- November Business Meeting = 11/6/2024
- November Work Session = 11/18/2024
- July Business Meeting = 7/22/2024
- No Work Session for July or December

Mayor Clement advised the Council that she would not attend the February Town Council Business Meeting.

6. COUNCIL ROUNDTABLE

Mayor Clement

- Reviewed a letter regarding ETJs the Town has been asked to sign along with other municipalities.

Mayor Clement suggests that we edit the letter to better fit our Town and then sign and send it.

Council concurs.

- Has learned that the Department of Transportation has granted golf courses the use of blue signage. Mayor Clement would like to ask the Department of Transportation not to grant the signs in our Town if possible since we have restricted signage ordinances and have nice signage in place and the Council concurred.

Councilmember Goodman

- questioned the Town policy or format with regard to how we communicate utility & street work to the citizens.

- Assistant Town Manager/Fire Chief Mike Cameron addressed the issue and described all the methods used by the Town to get information out to the citizens. .

- questioned if there are plans to replant trees at Pennsylvania & Ashe.

- Town Engineer James Michel advised that the project in that area was not completed, so nothing could be considered at this time.

Mayor Pro Tem Pate

- Asked if the Town has contacted Mr. Smith regarding drainage issues as he has contacted him again.

- Town Manager Parsons advised that he met with Mr. Smith, Public Works Director Cory Albers and Town Engineer Michel the previous Friday to address the issue. The Town stormwater system is functioning as it should and the issue is on private property.

7. CLOSED SESSION

Upon motion by Mayor Pro Tem Pate, seconded by Councilmember Petersen and voted unanimously, the Council entered into closed session at 6:17 pm.

Council returned to open session at [time] pm.

a. Town Manager's Annual Review

Council will hold a closed session as authorized in N.C.G.S. §143-318.11(a)(6) to discuss a personnel matter.

8. ADJOURNMENT

Upon motion by [name], seconded by [name] and carried unanimously, Council adjourned at [time] pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

JANUARY

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4/3 | 9am
Budget
Retreat

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DECEMBER

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Agenda Item

To: Reagan Parsons, Town Manager
From: BJ Grieve, Planning Director
Subject: Planning Board Appointment – Jennifer Garner
Date: December 17, 2024

I. RECOMMENDATION:

The Planning Director recommends that Jennifer Garner be considered for appointment to serve her first full term which will expire on December 16, 2027.

II. BACKGROUND:

Ms. Garner was appointed on June 13, 2023 to serve the remainder of Cooper Carter's term which expired on August 10, 2024.

Ms. Garner has expressed an interest in serving her first full term and the Planning Director has recommended her for appointment.

III. LEGAL REVIEW:

In accordance with UDO §8.13.1(B), the Planning Board shall consist of seven (7) members. Five members appointed by the Town Council shall reside within the Town. Two members appointed by the County Board of Commissioners shall reside within the Town's Extraterritorial Planning Area.

- *Jennifer Garner has served the remainder of Cooper Carter's term which expired on August 10, 2024.*
- *The Board currently consists of five (5) active members who reside in Town and two (2) active members who reside in the Town's ETJ.*
- *Ms. Garner currently resides in Town and is thereby eligible for appointment as an in-Town member of the Board.*

In accordance with UDO §8.13.1(C), Planning Board members shall be appointed for three-year staggered terms but may be appointed to not more than two (2) successive complete terms.

- *Upon appointment, Ms. Garner will serve her first full term to expire on December 16, 2027.*



PLANNING BOARD ROSTER 12/17/24

<u>In Town Members</u>	<u>First Term</u>	<u>Second Term</u>
Diane Westbrook	12/03/18 - 12/02/21	12/03/21 - 12/02/24
Kim Wade	08/14/19 - 08/13/22	08/14/22 - 08/12/25
Matthew Walden	10/24/22 - 10/23/25	
Enrique Herrera	06/11/24 - 05/08/26*	
Jennifer Garner	12/17/24 – 12/16/27	
<u>ETJ Members</u>		
Andy Bleggi	03/10/20 - 03/09/23	05/09/23 - 05/08/26
Monica Harvey	01/10/23 - 01/09/26	

*Enrique Herrera will serve the remainder of John Earp's term.

In accordance with UDO §8.13.1(B), the Planning Board shall consist of seven (7) members, all of which shall be resident citizens. Five (5) members appointed by the Town Council shall reside within the Town. Two members appointed by the County Board of Commissioners shall reside within the Town's Extraterritorial Planning Area, also referred to as the Extraterritorial Jurisdiction (ETJ).

In accordance with UDO §8.13.1(C), members are appointed for staggered terms of three years, but may continue to serve until their successors have been appointed. Members may serve no more than two successive complete terms.

Elaine T. Baillie Bio

Elaine T. Baillie has been a foundational resident of Southern Pines for over 60 years. She has raised three daughters and one bonus son while supporting many more children of her heart who needed her when their own situations were challenging, always providing a safe place to be themselves. She has three step children who live in Canada from her late husband Robert Baillie and eleven grandchildren.

Her personal interests include wild songbird cultivation, serving in multiple officer positions for the local chapter of the American Needlepoint Guild, and she has a wicked green thumb with special focus on raising orchids. She's never passed a plant, whether potted or in the ground, that she didn't stop to prune or admire and listening to and identifying the calls of songbirds has always brought a smile to her heart- especially Bluebird.

She is an active philanthropist, supporting organizations and causes that are related to the nurturing and education of children, bettering the lives of animals, and the beautification of the landscape of Southern Pines. Mrs. Baillie volunteered for more than ten years at The O'Neal School in the learning center and has served on the Boards of and has been a dedicated patron of *Sandhills Children's Center*, *Prancing Horse Therapeutic Riding Center*, *MIRA Foundation USA*, and *Sandhills Classical Christian School*. She also continues her support for *Vision 4 Moore*, founded by her late husband.

THE MEMORIAL PARK SKATEPARK PROJECT



Town of Southern Pines Commitment

- **\$50,000 in funding**
- **Land in downtown park w/ facilities**
- **Janitorial/Maintenance Services for the park**
- **Park under Recreation Department, assisting with programming & publicity**
- **Assuming future maintenance of the park**

PROJECT GOALS

- **Raise \$400,000** to build a permanent, public, concrete skatepark with a lifespan of 20+ years,
 - * **7.30.24 UPDATE:** We received the Pinehurst-Aberdeen-Southern Pines Area Convention & Visitors' Bureau OTPF Matching Grant for up to \$200,000, to be spent by 12.31.24. Current funds raised, including Town commitment & Matching Grant: \$270,000. ***Park groundbreaking & construction to begin 9.24.***
- **Design & Build Skatepark** with input from local action-sports community,
- Work with other area non-profits, such as Boys & Girls Club, to reach at-risk youth,
- Continue to provide activities such as contests, skate camps, youth outreach & more, &
- Provide a forum & organization for future expansion.



CHARITABLE DONATION REQUEST

Vision

Skaters for Moore (SFM), a 501c3 grassroots initiative focused on helping the Southern Pines community build a permanent, public skatepark, to be located at Memorial Park (a municipal park).

Mission

Our mission is to raise community support and funding to design & build a quality skatepark that generations of Moore County families can enjoy for years to come. In order to achieve this goal, we have partnered with the Town of Southern Pines (who has dedicated land and a promise of \$50,000 for the project), local businesses, and the Friends of the Skateparks Foundation (FSF, a 501(c)(3) non-profit organization) that specializes in skatepark fundraising, design, & building. SFM is also seeking both public & private grants. Our aim is to raise funds through Fall, 2024, to break ground September, 2024.

Reasons to Promote Skateboarding in Southern Pines



Reduce Crime

Reduction of property damage as skaters (& other action sports enthusiasts) spend more time perfecting their tricks at the Park, rather than at other public facilities or private property.



Fight Obesity

Skateboarding builds flexibility in joints, offers a full body workout, requires physical endurance, improves coordination, and burns calories!



Fastest Growing Sport (it's now an OLYMPIC SPORT)

Skateboarding has reached the mainstream through the X-Games & other media outlets. Skateboarding was even in the Tokyo Olympics & is now recognized worldwide!



Increase Tourism

As the sport has grown, so has its participation across all demographics. Southern Pines can work with local organizations to sponsor contests, attracting skaters from outside of Moore County and North Carolina. We predict tens of thousands of visitors over the life of the park.

Benefits of the Skatepark

- Strengthens community image / creates a sense of place.
- Provides positive youth development in a safe, secure environment.
- Develops new community partnerships that may not have been connected before.
- Skateboarders are statistically less likely to smoke cigarettes, turn to drugs, or skip class.
- Adds to Southern Pines' & Moore County's amenities for tourists & young families living in the area.

Leadership / Contact Information

William Dean, II, *Director*
Skaters for Moore
(910) 315-3175
info@skatersformoore.org

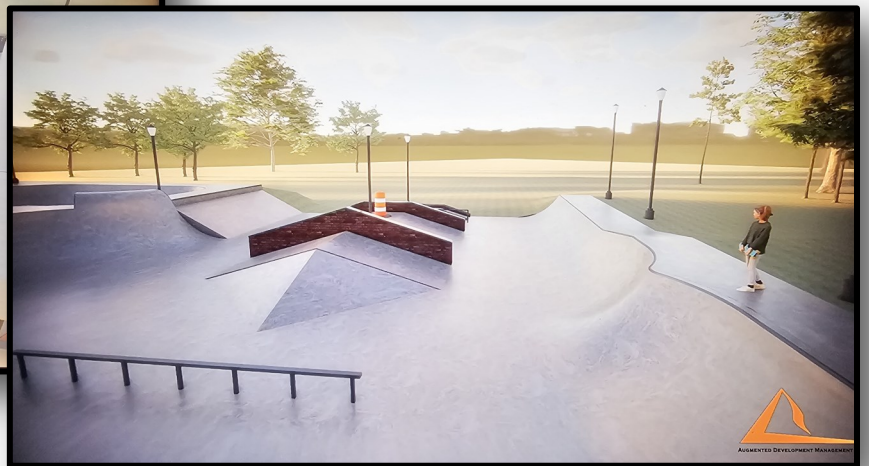
Terry Grimble, *Director*
Friends of the
Skateparks Foundation
(910) 229 - 6602
tgrimble@gmail.com

Jessica Roth, Asst. Town Manager
Town of Southern Pines
(910) 692 - 7021
jroth@southernpines.net

PROPOSED SOUTHERN PINES SKATEPARK DESIGN



7,000 SQ FT, 70FT WIDE X 100FT LONG



**DESIGN AS OF 7.30.24, SUBJECT TO CHANGE, BASED ON FUNDS RAISED.
BY AUGMENTED DEVELOPMENT MANAGEMENT, IN COORDINATION WITH
SKATERS FOR MOORE AND FRIENDS OF THE SKATEPARKS FOUNDATION,
AND THE ACTION SPORTS COMMUNITY OF THE SANDHILLS.**

JOIN THIS COMMUNITY EFFORT TO #HELPBUILDTHEPARK

♦ LIFETIME TITLE SPONSOR (EXCLUSIVE): \$50,000

- ♦ Park will be named the “‘Your Company’ - Southern Pines Skatepark”,
- ♦ Inclusion on all literature related to skatepark & events for the life of the park (up to 20+ years),
- ♦ All signage will include your company logo at top for the life of the park,
- ♦ Listing on Google Maps, Apple Maps, & Others as “Your Company - Southern Pines Skatepark”, Mentions at all Events incl. concerts, contests, & more;
- ♦ Social Media Mentions; &
- ♦ Website listing on www.SkatersForMoore.org with prominent *Advertisement Banner* & all Social Media related to skatepark as Title Sponsor, **FOR LIFE.**

♦ PLATINUM LEVEL (UP TO 2): \$25,000

- ♦ All Signage will include your Company Logo prominently just below Title Sponsor, for the life of the park; Mentions at all Events incl. concerts, contests, & more; Social Media Mentions; &
- ♦ Website listing with *Advertisement Banner* under sponsors on [SkatersForMoore.org](http://www.SkatersForMoore.org) & all Social Media related to skatepark, **FOR LIFE.**

♦ GOLD LEVEL (UP TO 3): \$10,000

- ♦ All Signage will include your Company Logo (smaller than Platinum Level), for **FOR LIFE**, Mentions at all Events incl. concerts, contests, & more; Social Media Mentions; &
- ♦ Prominent listing with link under sponsors on www.SkatersForMoore.org & all Social Media related to Skatepark, **FOR LIFE.**

♦ SILVER LEVEL (UP TO 5): \$5,000

- ♦ All Signage will include your Company LOGO (Smaller than Gold Level, for 5 years (Renewable or Replaced); Social Media Recognition; Mentions at all Events incl. concerts, contests, & more; &
- ♦ Listing with link under sponsors on www.SkatersforMoore.org for 5 years.

♦ BRONZE LEVEL (UP TO 5): \$1,000

- ♦ All Signage will include your Company LOGO, for 5 years (Renewable or Replaced), Mentions at all Events incl. concerts, contests, & more.
- ♦ Name Listing under sponsors on www.SkatersforMoore.org, for 5 years.

♦ HONORABLE MENTION (UNLIMITED): \$500

- ♦ Name Listing under sponsors on signage & www.SkatersForMoore.org, for 5 years.

SPONSOR DONATION FORM

(PLEASE INCLUDE THIS FORM WITH YOUR CHECK)

- ♦ **COMPANY NAME:** _____
- ♦ **ADDRESS:** _____

- ♦ **CITY:** _____
- ♦ **STATE:** _____
- ♦ **ZIP CODE:** _____
- ♦ **CONTACT NAME:** _____
- ♦ **POSITION:** _____
- ♦ **PHONE NUMBER:** _____
- ♦ **SPONSOR LEVEL (MARK WITH X):**
TITLE _____ PLATINUM _____ GOLD _____ SILVER _____
BRONZE _____ HONORABLE MENTION _____
- ♦ **DONATION AMOUNT:** _____

Your tax-deductible donation will be made to **“Friends of the Skateparks Foundation (FSF)”**, a 501(c)3 organization, based in North Carolina. Skaters for Moore has chosen to partner with FSF due to their expertise in fundraising, designing, building & running successful public skateparks for communities across North & South Carolina. FSF is dedicated to *helping municipalities get the most out of their skatepark project funding.*

Make checks payable to: ***“Friends of the Skateparks Foundation fbo Southern Pines Skatepark Project”***

Mail to: ***FSF c/o Terry Grimble, 1001 Stamper Rd, Fayetteville, NC 28303***



RESOLUTION #1103
DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER
G.S. 160A-31
AX-03-24: S. Broad Street

WHEREAS, a petition requesting annexation of an area described in said petition was received on December 2, 2024, by the Town Council of the Town of Southern Pines; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

Adopted this 17th day of December, 2024.

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on December 17, 2024, as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

EXHIBIT A

BEGINNING at a stake in the southeastern line of South Broad Street, said stake marking the point where the south eastern line of South Broad Street begins to curve into the northeastern line of Henson Street; running thence along the south eastern line of South Broad Street N. $45^{\circ} 45'$ E. 147.05 feet to a stake; thence S. $38^{\circ} 58'$ E. 103.65 feet to a stake; thence S. $44^{\circ} 39'$ W. 180 feet to a stake in the north eastern line of Henson Street; thence running along the northeastern line of Henson Street in a northwesterly direction as it curves to the point where the northeastern line of Henson Street begins to curve into the southeastern line of South Broad Street (the chord course and distance of the last ball being N. $69^{\circ} 57'$ E. 21.25 feet), all according to a survey entitled "Lot in Pine Ridge Subdivision" by C.H. Blue, Registered Surveyor, dated September 17, 1965. The above is Lot No. 1 (one) in Block H of the Pine Ridge Subdivision, a map of which is recorded in Map Book 2A, page 59 of the Moore County Registry.

JDB

PETITION FOR VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is ☒ contiguous ☐ non-contiguous to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 85 7116 738902 ; PARID: 000 47416 .

Property Owner(s):

Name: David Thomas Burris Signature: David Thomas Burris

Address: 1485 SW Broad St
Southern Pines NC 28387

Name: Deborah Stover Burris Signature: Deborah Stover Burris

Address: 1485 SW Broad St
Southern Pines NC 28387

Name: _____

Signature: _____

Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

December 13, 2024

Town Council and Management
Town of Southern Pines
125 S.E. Broad Street
Southern Pines, North Carolina 28388

We appreciate your selection of **Forvis Mazars, LLP** as your service provider and are pleased to confirm the arrangements of our engagement in this contract. Within the requirements of our professional standards and any duties owed to the public, regulatory, or other authorities, our goal is to provide you an **Unmatched Client Experience**.

In addition to the terms set forth in this contract, including the detailed **Scope of Services**, our engagement is governed by the following, incorporated fully by this reference:

- Terms and Conditions Addendum

Summary Scope of Services

As described in the attached **Scope of Services**, our services will include the following:

Town of Southern Pines

- Attestation Examination Services for the year ended June 30, 2024

You agree to assume full responsibility for the substantive outcomes of the contracted services and for any other services we may provide, including any findings that may result.

You also acknowledge these services are adequate for your purposes, and you will establish and monitor the performance of these services to ensure they meet management's objectives. All decisions involving management responsibilities related to these services will be made by you, and you accept full responsibility for such decisions.

We understand you have designated a management-level individual(s) to be responsible and accountable for overseeing the performance of nonattest services, and you have determined this individual is qualified to conduct such oversight.

Engagement Fees

Our fees will be based on time, skill, and resources, including our proprietary information required to complete the services. The fee for our services will be \$6,000.

Our pricing for this engagement and our fee structure are based upon the expectation that our invoices will be paid promptly. Payment of our invoices is due upon receipt. We will issue progress billings during the course of our engagement.

Our timely completion of services and the fees thereon depends on the assistance you provide us in accumulating information and responding to our inquiries. Inaccuracies or delays in providing this information or the responses may result in additional billings, untimely filings, or inability to meet other deadlines.

Contract Agreement

Please sign and return this contract to indicate your acknowledgment of, and agreement with, the arrangements for our services including our respective responsibilities.

Forvis Mazars, LLP

Acknowledged and agreed to as it relates to the entire contract, including the **Scope of Services** and **Terms and Conditions Addendum**, on behalf of Town of Southern Pines.

BY: _____
Taylor Clement, Mayor

DATE: _____

BY: _____
Tess Brubaker-Speis, Finance Officer

DATE: _____

Scope of Services – Attestation Examination Services

We will examine the Town of Southern Pines' compliance with the compliance requirements "activities allowed or unallowed" and "allowable cost/cost principles" (the specified requirements) as described in Part IV "Requirements for an Alternative Compliance Examination Engagement for Recipients That Would Otherwise be Required to Undergo a Single Audit or Program-Specific Audit as a Result of Receiving Coronavirus State and Local Fiscal Recovery Funds" of the CSLFRF section of the 2024 OMB Compliance Supplement (referred to herein as "Requirements for an Alternative CSLFRF Compliance Examination Engagement") during the year ended June 30, 2024.

The objective of our examination is the expression of an opinion in a written report about whether the Town complied, in all material respects, with the specified compliance requirements referenced above.

The criteria to be used consist of "the specified requirements" as described in the "Requirements for an Alternative CSLFRF Compliance Examination Engagement."

You acknowledge that we plan to use internal auditors to provide direct assistance to us as part of the examination. The internal auditors will be allowed to follow our instructions and you will not intervene in the work the internal auditor performs for us.

We will assist with evaluating the Town's compliance in accordance with "the specified requirements" as described in the "Requirements for an Alternative CSLFRF Compliance Examination Engagement.". We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Chad Cook is responsible for supervising the engagement and authorizing the signing of the report or reports. We plan to begin our audit work in December 2024.

The following apply for the attestation examination services described above:

Our Responsibilities

We will conduct our examination in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable rather than absolute assurance about whether the subject matter as measured or evaluated against the criteria is free of material misstatement.

Limitations & Fraud

Because of the inherent limitations of an examination engagement, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the examination is properly planned and performed in accordance with the attestation standards.

Our engagement will not include a detailed examination of all transactions and cannot be relied upon to disclose misstatements that might exist due to error, fraud, or illegal acts. However, we will inform you of any such matters, if material, that come to our attention.

Report

We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement. If we discover conditions which may prohibit us from issuing a standard examination report, we will notify you. In such circumstances, further arrangements may be necessary to continue our engagement.

Your Responsibilities

To facilitate our engagement, management is responsible for providing a written assertion about the measurement or evaluation of the subject matter against the criteria, supplying us with all necessary information, and for allowing us access to personnel to assist in performing our services. It should

be understood that management is responsible for the accuracy and completeness of these items, for the subject matter and the written assertion(s) referred to above, and for selecting and determining the appropriateness of the criteria.

At the conclusion of our engagement, management will provide to us a letter confirming these responsibilities, whether it is aware of any material misstatements in the subject matter or assertion, and that it has disclosed all known events subsequent to the period (or point in time) of the subject matter being reported on that would have a material effect on the subject matter or assertion.

Management is responsible for establishing and maintaining effective internal control over financial reporting and setting the proper tone; creating and maintaining a culture of honesty and high ethical standards; and establishing appropriate controls to prevent, deter, and detect fraud and illegal acts. Management is also responsible for identifying and ensuring compliance with the laws and regulations applicable to your activities and for establishing and maintaining effective internal control over compliance.

**Written
Representations**

At the conclusion of our engagement, you agree to provide us with certain written representations in the form of a representation letter.

Peer Review Report

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our most recent peer review report accompanies this contract.

Forvis Mazars, LLP Standard Terms & Conditions Addendum

GENERAL

1. **Overview.** This addendum describes **Forvis Mazars, LLP's** standard terms and conditions ("Terms and Conditions") applicable to Our provision of services to the Client ("You"). The Terms and Conditions are a part of the contract between You and Forvis Mazars, LLP. For the purposes of the Terms and Conditions, any reference to "Firm," "We," "Us," or "Our" is a reference to Forvis Mazars, LLP ("Forvis Mazars"), and any reference to "You" or "Your" is a reference to the party or parties that have engaged Us to provide services and the party or parties ultimately responsible for payment of Our fees and costs.

BILLING, PAYMENT, & TERMINATION

2. **Billing and Payment Terms.** We will bill You for Our professional fees and costs as outlined in Our contract. Unless otherwise provided in Our contract, payment is due upon receipt of Our billing statement. Interest will be charged on any unpaid balance after 30 days at the rate of 10 percent per annum, or as allowed by law at the earliest date thereafter, and highest applicable rate if less than 10 percent. All fees, charges and other amounts payable to Forvis Mazars hereunder do not include any sales, use, excise, value added or other applicable taxes, tariffs or duties, payment of which shall be Your sole responsibility, and do not include any applicable taxes based on Forvis Mazars' net income or taxes arising from the employment or independent contractor relationship between Forvis Mazars and Forvis Mazars' personnel.

We reserve the right to suspend or terminate Our work for this engagement or any other engagement for nonpayment of fees. If Our work is suspended or terminated, You agree that We will not be responsible for Your failure to meet governmental and other deadlines, for any penalties or interest that may be assessed against You resulting from Your failure to meet such deadlines, and for any other damages (including but not limited to consequential, indirect, lost profits, or punitive damages) incurred as a result of the suspension or termination of Our services.

Our fees may increase if Our duties or responsibilities are increased by rulemaking of any regulatory body or any additional new accounting or auditing standards. Our engagement fees do not include any time for post-engagement consultation with Your personnel or third parties, consent letters and related procedures for the use of Our reports in offering documents, inquiries from regulators, or testimony or deposition regarding any subpoena. Charges for such services will be billed separately.

3. **Billing Records.** If these services are determined to be within the scope and authority of Section 1861(v)(1)(I) of the Social Security Act, We agree to make available to the Secretary of Health and Human Services, or to the U.S. Comptroller General, or any of their duly authorized representatives, such of Our books, documents, and records that are necessary to certify the nature and extent of Our services, until the expiration of four (4) years after the furnishing of these services. This contract allows access to contracts of a similar nature between subcontractors and related organizations of the subcontractor, and to their books, documents, and

records.

4. **Termination.** Either party may terminate these services in good faith at any time for any reason, including Your failure to comply with the terms of Our contract or as We determine professional standards require. Both parties must agree, in writing, to any future modifications or extensions. If services are terminated, You agree to pay Forvis Mazars for time expended to date. In addition, You will be billed costs and fees for services from other professionals, if any, as well as an administrative fee of five (5) percent to cover certain technology and administrative costs associated with our services. Unless terminated sooner in accordance with its terms, this engagement shall terminate upon the completion of Forvis Mazars' services hereunder.

DISPUTES & DISCLAIMERS

5. **Mediation.** Any dispute arising out of or related to this engagement will, prior to resorting to litigation, be submitted for nonbinding mediation upon written request by either party. Both parties agree to try in good faith to settle the dispute in mediation. The mediator will be selected by agreement of the parties. The mediation proceeding shall be confidential. Each party will bear its own costs in the mediation, but the fees and expenses of the mediator will be shared equally.
6. **Indemnification.** Unless disallowed by law or applicable professional standards, You agree to hold Forvis Mazars harmless from any and all claims which arise from knowing misrepresentations to Forvis Mazars, or the intentional withholding or concealment of information from Forvis Mazars by Your management or any partner, principal, shareholder, officer, director, member, employee, agent, or assign of Yours. You also agree to indemnify Forvis Mazars for any claims made against Forvis Mazars by third parties, which arise from any wrongful actions of Your management or any partner, principal, shareholder, officer, director, member, employee, agent, or assign of Yours. The provisions of this paragraph shall apply regardless of the nature of the claim.
7. **Statute of Limitations.** You agree that any claim or legal action arising out of or related to this contract and the services provided hereunder shall be commenced no more than one (1) year from the date of delivery of the work product to You or the termination of the services described herein (whichever is earlier), regardless of any statute of limitations prescribing a longer period of time for commencing such a claim under law. This time limitation shall apply regardless of whether Forvis Mazars performs other or subsequent services for You. A claim is understood to be a demand for money or services, demand for mediation, or the service of suit based on a breach of this contract or the acts or omissions of Forvis Mazars in performing the services provided herein. This provision shall not apply if enforcement is disallowed by applicable law or professional standards.
8. **Limitation of Liability.** You agree that Forvis Mazars' liability, if any, arising out of or related to this contract and the services provided hereunder, shall be limited to the amount of the fees paid by You for services rendered under this contract. This limitation shall not apply to the extent it is finally, judicially determined that the liability resulted from the intentional or willful misconduct of Forvis Mazars or if enforcement of this

provision is disallowed by applicable law or professional standards.

9. **Waiver of Certain Damages.** In no event shall Forvis Mazars be liable to You or a third party for any indirect, special, consequential, punitive, or exemplary damages, including but not limited to lost profits, loss of revenue, interruption, loss of use, damage to goodwill or reputation, regardless of whether You were advised of the possibility of such damages, regardless of whether such damages were reasonably foreseeable, and regardless of whether such damages arise under a theory of contract, tort, strict liability, or otherwise.
10. **Choice of Law.** You acknowledge and agree that any dispute arising out of or related to this contract shall be governed by the laws of the State of Texas, without regard to its conflict-of-laws principles.
11. **WAIVER OF JURY TRIAL. THE PARTIES HEREBY AGREE NOT TO ELECT A TRIAL BY JURY OF ANY ISSUE TRIABLE OF RIGHT BY JURY, AND WAIVE ANY RIGHT TO TRIAL BY JURY FULLY TO THE EXTENT THAT ANY SUCH RIGHT SHALL NOW OR HEREAFTER EXIST WITH REGARD TO THIS AGREEMENT, OR ANY CLAIM, COUNTERCLAIM OR OTHER ACTION ARISING IN CONNECTION THEREWITH. THIS WAIVER OF RIGHT TO TRIAL BY JURY IS GIVEN KNOWINGLY AND VOLUNTARILY BY THE PARTIES, AND IS INTENDED TO ENCOMPASS INDIVIDUALLY EACH INSTANCE AND EACH ISSUE AS TO WHICH THE RIGHT TO A TRIAL BY JURY WOULD OTHERWISE ACCRUE.**
12. **Severability.** In the event that any term or provision of this agreement shall be held to be invalid, void or unenforceable, then the remainder of this agreement shall not be affected, and each such term and provision of this agreement shall be valid and enforceable to the fullest extent permitted by law.
13. **Assignment.** You acknowledge and agree that the terms and conditions of this contract shall be binding upon and inure to the parties' successors and assigns, subject to applicable laws and regulations.
14. **Disclaimer of Legal or Investment Advice.** Our services do not constitute legal or investment advice. You should seek the advice of legal counsel in such matters. Regulatory authorities may interpret circumstances differently than We do. In addition, the applicable laws, regulations, and regulators' enforcement activities may change over time.

RECORDS, WORKPAPERS, DELIVERABLES, & PROPRIETARY INFORMATION

15. **Maintenance of Records.** You agree to assume full responsibility for maintaining Your original data and records and that Forvis Mazars has no responsibility to maintain this information. You agree You will not rely on Forvis Mazars to provide hosting, electronic security, or backup services, e.g., business continuity or disaster recovery services, to You unless separately engaged to do so. You understand that Your access to data, records, and information from Forvis Mazars' servers, i.e., Forvis Mazars portals used to exchange information, can be terminated at any time and You will not rely on using this to host Your data and records.
16. **Forvis Mazars Workpapers.** Our workpapers and documentation retained in any form of media for this

engagement are the property of Forvis Mazars. We can be compelled to provide information under legal process. In addition, We may be requested by regulatory or enforcement bodies (including any State Board) to make certain workpapers available to them pursuant to authority granted by law or regulation. Unless We are prohibited from doing so by law or regulation, Forvis Mazars will inform You of any such legal process or request. You agree We have no legal responsibility to You in the event We determine We are obligated to provide such documents or information.

17. **Subpoenas or Other Legal Process.** In the event Forvis Mazars is required to respond to any such subpoena, court order or any government regulatory inquiry or other legal process relating to You or Your management for the production of documents and/or testimony relative to information We obtained or prepared incident to this or any other engagement in a matter in which Forvis Mazars is not a party, You shall compensate Forvis Mazars for all time We expend in connection with such response at normal and customary hourly rates, and to reimburse Us for all out of pocket expenses incurred in regard to such response.
18. **Use of Deliverables and Drafts.** You agree You will not modify any deliverables or drafts prepared by Us for internal use or for distribution to third parties. You also understand that We may on occasion send You documents marked as draft and understand that those are for Your review purpose only, should not be distributed in any way, and should be destroyed as soon as possible.

Our report on any financial statements must be associated only with the financial statements that were the subject of Our engagement. You may make copies of Our report, but only if the entire financial statements (exactly as attached to Our report, including related footnotes) and any supplementary information, as appropriate, are reproduced and distributed with Our report. You agree not to reproduce or associate Our report with any other financial statements, or portions thereof, that are not the subject of Our engagement.

19. **Proprietary Information.** You acknowledge that proprietary information, documents, materials, management techniques, and other intellectual property are a material source of the services We perform and were developed prior to Our association with You. Any new forms, software, documents, or intellectual property We develop during this engagement for Your use shall belong to Us, and You shall have the limited right to use them solely within Your business. All reports, templates, manuals, forms, checklists, questionnaires, letters, agreements, and other documents which We make available to You are confidential and proprietary to Us. Neither You, nor any of Your agents, will copy, electronically store, reproduce, or make any such documents available to anyone other than Your personnel. This provision will apply to all materials whether in digital, "hard copy" format, or other medium.

REGULATORY

20. **U.S. Securities and Exchange Commission ("SEC") and other Regulatory Bodies.** Where We are providing services either for (a) an entity that is registered with the SEC, (b) an affiliate of such registrant, or (c) an entity or affiliate that is subject to rules, regulations, or standards beyond those of the American Institute of Certified Public Accountants ("AICPA"), any term of this contract that would be prohibited by or impair Our independence under applicable law or regulation shall not

apply to the extent necessary only to avoid such prohibition or impairment.

21. **Offering Document.** You may wish to include Our report(s) on financial statements in an exempt offering document. You agree that any report, including any auditor's report, or reference to Our firm, will not be included in any such offering document without notifying Us. Any agreement to perform work in connection with an exempt offering document, including providing agreement for the use of the auditor's report in the exempt offering document, will be a separate engagement.

Any exempt offering document issued by You with which We are not involved will clearly indicate that We are not involved by including a disclosure such as, "Forvis Mazars, LLP, our independent auditor, has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. Forvis Mazars, LLP also has not performed any procedures relating to this offering document."

22. **Forvis Mazars Not a Municipal Advisor.** Forvis Mazars is not acting as Your municipal advisor under Section 15B of the *Securities Exchange Act of 1934*, as amended. As such, Forvis Mazars is not recommending any action to You and does not owe You a fiduciary duty with respect to any information or communications regarding municipal financial products or the issuance of municipal securities. You should discuss such matters with internal or external advisors and experts You deem appropriate before acting on any such information or material provided by Forvis Mazars.
23. **Forvis Mazars NOT A Fiduciary.** In providing Our attest services, We are required by law and our professional standards to maintain our independence from You. We take this mandate very seriously and thus guard against impermissible relationships which may impair the very independence which You and the users of our report require. As such, You should not place upon us special confidence that in the performance of Our attest services We will act solely in Your interest. Therefore, You acknowledge and agree we are not in a fiduciary relationship with You and We have no fiduciary responsibilities to You in the performance of Our services described herein.

TECHNOLOGY

24. **Electronic Sites.** You agree to notify Us if You desire to place Our report(s), including any reports on Your financial statements, along with other information, such as a report by management or those charged with governance on operations, financial summaries or highlights, financial ratios, etc., on an electronic site. You recognize that We have no responsibility to review information contained in electronic sites.
25. **Electronic Signatures and Counterparts.** This contract and other documents to be delivered pursuant to this contract may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document, and will be effective when counterparts have been signed by each of the parties and delivered to the other parties. Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this contract are intended to authenticate

this writing and to have the same force and effect as manual signatures. Delivery of a copy of this contract or any other document contemplated hereby, bearing an original manual or electronic signature by facsimile transmission (including a facsimile delivered via the internet), by electronic mail in "portable document format" (".pdf") or similar format intended to preserve the original graphic and pictorial appearance of a document, or through the use of electronic signature software, will have the same effect as physical delivery of the paper document bearing an original signature.

26. **Electronic Data Communication and Storage.** In the interest of facilitating Our services to You, We may send data over the internet, temporarily store electronic data via computer software applications hosted remotely on the internet, or utilize cloud-based storage. Your confidential electronic data may be transmitted or stored using these methods. In using these data communication and storage methods, We employ measures designed to maintain data security. We use reasonable efforts to keep such communications and electronic data secure in accordance with Our obligations under applicable laws, regulations, and professional standards.

You recognize and accept that We have no control over the unauthorized interception or breach of any communications or electronic data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by Us. You consent to Our use of these electronic devices and applications during this engagement.

OTHER MATTERS

27. **Cooperation.** You agree to cooperate with Forvis Mazars in the performance of Forvis Mazars' services to the You, including the provision to Forvis Mazars of reasonable facilities and timely access to Yours data, information and personnel. You shall be responsible for the performance of Your employees and agents.
28. **Third-Party Service Providers.** Forvis Mazars may from time to time utilize third-party service providers, including but not limited to domestic software processors or legal counsel, or disclose confidential information about You to third-party service providers in serving Your account. Forvis Mazars maintains, however, internal policies, procedures, and safeguards to protect the confidentiality and security of Your information. In addition, Forvis Mazars will secure confidentiality agreements with all service providers to maintain the confidentiality of Your information. If We are unable to secure an appropriate confidentiality agreement, You will be asked to consent prior to Forvis Mazars sharing Your confidential information with the third-party service provider.
29. **Independent Contractor.** When providing services to You, We will be functioning as an independent contractor; and in no event will We or any of Our employees be an officer of You, nor will Our relationship be that of joint venturers, partners, employer and employee, principal and agent, or any similar relationship giving rise to a fiduciary duty to You. Decisions regarding management of Your business remain the responsibility of Your personnel at all times. Neither You nor Forvis Mazars shall act or represent itself, directly or by implication, as an agent of the other or in any manner assume or create any obligation on behalf of, or in the name of, the

other.

30. **Hiring of Forvis Mazars Personnel.** We ask that You respect the employment relationship that Our personnel have with Our firm and to refrain from any employment offers to Forvis Mazars personnel. However, if You find it necessary to make an offer of employment and if it is accepted, during the term of this engagement and for a period of 18 months after Forvis Mazars stops providing services, You agree that We will be paid a one-time employment fee equal to 100 percent of the employee's highest annual salary. This fee will be payable prior to Our personnel commencing employment with You. Provided, however, You shall not be in violation of the nonsolicitation covenant set forth herein with respect to any position You advertise in the form of a general solicitation not delivered to or focused upon any single individual.
31. **Use of Forvis Mazars Name.** Any time You intend to reference Forvis Mazars' firm name in any manner in any published materials, including on an electronic site, You agree to provide Us with draft materials for review and approval before publishing or posting such information.
32. **Network.** Forvis Mazars, LLP is a Delaware limited liability partnership and an independent member of Forvis Mazars Global Ltd., a leading global professional services network. Forvis Mazars Global Ltd. is a United Kingdom company limited by guarantee and does not provide any services to clients .
33. **Entire Agreement.** The contract, including this Terms and Conditions Addendum and any other attachments or addenda, encompasses the entire agreement between You and Forvis Mazars and supersedes all previous understandings and agreements between the parties, whether oral or written. Any modification to the terms of this contract must be made in writing and signed by both You and Forvis Mazars.
34. **Force Majeure.** We shall not be held responsible for any failure to fulfill Our obligations if such failure was caused by circumstances beyond Our control, including, without limitation, fire or other casualty, act of God, act of terrorism, strike or labor dispute, war or other violence, explosion, flood or other natural catastrophe, epidemic or pandemic, or any law, order or requirement of any governmental agency or authority affecting either party, including without limitation orders incident to any such epidemic or pandemic, lockdown orders, stay at home orders and curfews.

NORTH CAROLINA
MOORE COUNTY

CONTRACT FOR SERVICES

THIS CONTRACT ("Contract") is entered into by and between WakeRack, LLC, hereinafter referred to as the "Contractor", and the City of Southern Pines, a North Carolina municipal corporation, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the City desires to procure a contractor to perform services; and

WHEREAS, the City has completed necessary steps for retention of professional and other services under applicable City policies; and

WHEREAS, the City has agreed to engage the Contractor, and the Contractor has agreed to contract with the City, for performance of services as described, and according to the further terms and conditions, set forth herein.

NOW THEREFORE, in consideration of sums to be paid to the Contractor, and other good and valuable consideration, the Contractor and City do contract and agree as follows:

Scope of Services

The Contractor shall perform for the City the following described services:

- Contract shall provide patrons with high quality paddling equipment for rental services, with adequately trained staff to manage and operate the rental process at Reservoir Park located at 300 Reservoir Park Drive Southern Pines NC, 28387
- Provide adequate safety equipment including approved flotation devices and distress whistles for each patron.
- Contractor shall be responsible for reviewing and complying with all laws, regulations, and ordinances applicable to rental operations.
- Contractor shall provide a mix of Single Person Kayaks, Tandem Kayaks, and Stand Up Paddle board equipment as vessels for rent. The contractor shall also provide USCG approved level 3 or higher Personal Floatation Device for each person per vessel as well as whistle or other devices required by regulation. The mix of equipment may change over the course of the contract, however, the change will be discussed and approved with the contract manager, or other designee prior to change.
- The contractor will provide rental stations and signage for public use. Contractor will provide stations that are sized depending on location chosen for construction. Materials to match with existing park buildings. Hardened four-digit combination locks will be used to control access to individual lockers. Lockers will be secured onsite. Construction review process will determine the best method.
- Contractor shall be fully responsible for construction review and permitting process.

- Contractor shall manage reservations of equipment. Reservations shall be scheduled online through the contractor's website. The contractor will provide customer support during established operating hours via voice, text, email, and chat.
- The contractor will be responsible for the maintenance program. The contractor will be responsible for the availability of safe equipment for rental with minimal interruptions. The contractor staff will regularly service equipment to ensure it is in proper working condition. Equipment that is not in good working condition it will be deactivated and removed from the rental rotation to ensure quality of service. The contractor will replace missing equipment when discovered or reported missing.
- Compensation to the City will be as follows. The contractor will collect fees associated with equipment rental. The city will receive 10% of these fees. The contract will provide monthly rental/sales reports to the contract manager via email on the first business day of each month. Payment for corresponding report is due within 20 business days of the first business day of the month.

1. Time of Performance

In performing the services described in this Contract, it is mutually agreed that time is of the essence. The Contract shall be effective upon the date of the City's signature.

In performing the services described in this Contract, it is mutually agreed that time is of the essence. The Contract shall have a term of five (5) years, beginning on the Effective Date through and including January 1st, 2030.

2. Compensation; Time of Payment

For services to be performed hereunder, the City shall pay the Contractor a not to exceed total contract amount \$0.00, unless changed by a duly authorized amendment.

3. Workmanship and Quality of Services

All work performed under this Contract shall be performed as described in the Scope of Services, above, and in a workmanlike and professional manner, all to the reasonable satisfaction of the City, and shall conform to all prevailing industry and professional standards.

4. Notices

Except as otherwise expressly provided in this Contract, all notices, requests for payment, or other communications arising hereunder shall be sent to the following:

City of Southern Pines

Attn: Parks and Recreation
 Title: Director of Parks and Recreation
 Address 1: 482 East Connecticut Ave.
 Address 2: Southern Pine, NC 28387
 Telephone: 910-692-2463
 E-mail: gthompson@southernpines.net

Contractor

Attn: Brandon Massengill
 Title: WakeRack, Founder
 Address 1: 2516 Holiday Avenue
 Address 2: Zebulon, NC 27597
 Telephone: 919-600-7575
 E-mail: WakeRack@gmail.com

5. Non-Discrimination

- 5.1. To the extent permitted by North Carolina law, the Parties for themselves, their agents, officials, directors, officers, members, representatives, employees, and contractors agree not to

discriminate in any manner or in any form based on actual or perceived age, mental or physical disability, sex, religion, creed, race, color, sexual orientation, gender identity or expression, familial or marital status, economic status, veteran status or national origin in connection with this Contract or its performance.

6. Minority and Women Owned Business Enterprise

The City of Southern Pines prohibits discrimination in any manner against any person based on actual or perceived age, race, color, creed, national origin, sex, mental or physical disability, sexual orientation, gender identity or expression, familial or marital status, religion, economic status, or veteran status. The City maintains an affirmative policy of fostering, promoting, and conducting business with women and minority owned business enterprises.

7. Assignment

This Contract may not be assigned without the express written consent of the City.

8. Applicable Law

All matters relating to this Contract shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Contract shall be Moore County Civil Superior Court or the United States District Court for the Eastern District of North Carolina, Western Division.

9. Insurance

Contractor agrees to maintain, on a primary basis and at its sole expense, at all times during the life of this Contract the following coverages and limits. The requirements contained herein, as well as City's review or acceptance of insurance maintained by Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Contractor under this Contract.

- 9.1. **Commercial General Liability** – Combined single limit of no less than \$1,000,000 each occurrence and \$2,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations, Contractual Liability or Cross Liability.
- 9.2. **Automobile Liability** – Limits of no less than \$1,000,000 Combined Single Limit. Coverage shall include liability for Owned, Non-Owned and Hired automobiles. In the event Contractor does not own automobiles, Contractor agrees to maintain coverage for Hired and Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Auto Liability policy. Automobile coverage is only necessary if vehicles are used in the provision of services under this Contract and/or are brought on a COR site.
- 9.3. **Worker's Compensation & Employers Liability** – Contractor agrees to maintain Worker's Compensation Insurance in accordance with North Carolina General Statute Chapter 97 with statutory limits and employees liability of no less than \$1,000,000 each accident.
- 9.4. **Additional Insured** – Contractor agrees to endorse the City as an Additional insured on the Commercial General Liability, Auto Liability and Umbrella Liability if being used to meet the

standard of the General Liability and Automobile Liability. The Additional Insured shall read **‘City of Southern Pines is named additional insured as their interest may appear’**.

- 9.5. **Certificate of Insurance** – Contractor agrees to provide COR a Certificate of Insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by Contractor’s insurer.

If Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Contractor agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance.

- The Certificate Holder address should read:
Town of Southern Pines
Parks and Recreation Director
PO Box 870
Southern Pines, NC 28388
910-692-2463
gthompson@southernpines.net

- 9.6. **Umbrella or Excess Liability** – Contractor may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability, however, the Annual Aggregate limits shall not be less than the highest ‘Each Occurrence’ limit for required policies. Contractor agrees to endorse City of Southern Pines as an ‘Additional Insured’ on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a ‘Follow-Form’ basis.

- 9.7. **Professional Liability** – Limits of no less than \$1,000,000 each claim. This coverage is only necessary for professional services such as engineering, architecture or when otherwise required by the City.

All insurance companies must be authorized to do business in North Carolina and be acceptable to the City of Southern Pines’ Risk Manager or his/her designee.

10. Indemnity

Except to the extent caused by the negligence or willful misconduct of the City, the Contractor shall indemnify and hold and save the City, its officers, agents and employees, harmless from liability of any kind, including all claims, costs (including defense) and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Contract, and from any and all claims, costs (including defense) and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the Contractor in the performance of this Contract. This representation and warranty shall survive the termination or expiration of this Contract.

The Contractor shall indemnify and hold and save the City, its officers, agents and employees, harmless from liability of any kind, including claims, costs (including defense) and expenses, on account of any copyrighted material, patented or unpatented invention, articles, device or appliance manufactured or used in the performance of this Contract.

11. Intellectual Property

Any information, data, instruments, documents, studies, reports or deliverables given to, exposed to, or prepared or assembled by the Contractor under this Contract shall be kept as confidential proprietary information of the City and not divulged or made available to any individual or organization without the prior written approval of the City. Such information, data, instruments, documents, studies, reports or deliverables will be the sole property of the City and not the Contractor.

12. Force Majeure

Except as otherwise provided in any environmental laws, rules, regulations or ordinances applicable to the parties and the services performed under this Contract, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God. Either party to the Contract must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this Contract by this provision.

13. Advertising

The Contractor shall not use the existence of this Contract, or the name of the City of Southern Pines, as part of any advertising without the prior written approval of the City.

14. Cancellation

14.1. The City may terminate this Contract if the City, in its sole discretion, determines that Contractor has violated any provision herein, and said violation continues for a period of ninety (90) days after the Contractor's receipt of written notice from the City specifying the nature of the violation; provided, however, if any such failure is susceptible of being cured but cannot reasonably be cured within such ninety (90) day period, then the Contractor shall have such additional time as may reasonably be required to cure such failure with such cure to be completed not more than ninety (90) days from receipt of the original notice from the City unless otherwise consented to in writing by the City ("Termination").

14.2. Within sixty (60) days of Termination, Contractor shall vacate the work area, cause the Contractor's employees to vacate the work area, remove or caused to be removed any construction goods or equipment stored within the work area, and grade, stabilize, and reseed any disturbed portion of the work area in accordance with generally accepted landscaping and engineering practices.

14.3. Except in the event of early termination for cause under Section 1501, in the event of early termination, Contractor shall be entitled to receive just and equitable compensation for costs incurred prior to receipt of notice of termination and for the

satisfactory work completed as of the date of termination and delivered to the City. The Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of this Contract, and the City may withhold any payment due to the Contractor for the purpose of setoff until such time as the City can determine the exact amount of damages due the City because of the breach.

- 14.4. Payment (obligation) of compensation specified in this Contract, its continuation or any renewal thereof, is dependent upon and subject to the allocation or appropriation of funds to the City for the purpose set forth in this Contract. However, failure of the contractor to pay funds due the Town shall constitute a violation of the Contract and entitle the Town to immediately terminate the contract for cause under Section 15.1.

15. Laws/Safety Standards

- 15.1. The Contractor shall comply with all laws, ordinances, codes, rules, regulations, safety standards and licensing requirements that are applicable to the conduct of its business, including those of Federal, State, and local agencies having jurisdiction and/or authority.
- 15.2. Contractor must comply with *North Carolina Occupational Safety and Health Standards for General Industry 13 NCAC 07F (29CFR 1910)*. In addition, Contractor shall comply with all applicable occupational health and safety and environmental rules and regulations.
- 15.3. All manufactured items and/or fabricated assemblies subject to operation under pressure, operation by connection to an electric source, or operation involving a connection to a manufactured, natural, or LP gas source shall be constructed and approved in a manner acceptable to the appropriate state inspector which customarily requires the label or re-examination listing or identification marking of the appropriate safety standard organization, such as the American Society of Mechanical Electrical Engineers for pressure vessels; the Underwriters' Laboratories and/or National Electrical Manufacturers' Association for electrically operated assemblies; or the American Gas Association for gas operated assemblies, where such approvals of listings have been established for the type(s) of devices offered and furnished. Further, all items furnished by the Contractor shall meet all requirements of the Occupational Safety and Health Act (OSHA), and state and federal requirements relating to clean air and water pollution.
- 15.4. Contractor shall effectively manage their safety and health responsibilities including:
- a. Accident Prevention
Prevent injuries and illnesses to their employees and others on or near their job site. Contractor managers and supervisors shall ensure personnel safety by strict adherence to established safety rules and procedures.
 - b. Environmental Protection
Protect the environment on, near, and around their work site by compliance with all applicable environmental regulations.

c. Employee Education and Training

Provide education and training to all contractors employees before they are exposed to potential workplace or other hazards as required by specific OSHA Standards.

16. Applicability of North Carolina Public Records Law

Notwithstanding any other provisions of this Contract, this Contract and all materials submitted to the City by the Contractor are subject to the public records laws of the State of North Carolina and it is the responsibility of the Contractor to properly designate materials that may be protected from disclosure as trade secrets under North Carolina law as such and in the form required by law prior to the submission of such materials to the City. Contractor understands and agrees that the City may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Contract. To the extent that any other provisions of this Contract conflict with this paragraph, the provisions of this section shall control.

17. Miscellaneous

17.1. The Contractor shall be responsible for the proper custody and care of any property furnished or purchased by the City for use in connection with the performance of this Contract and will reimburse the City for the replacement value of its loss or damage.

17.2. The Contractor shall be considered to be an Independent Contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. Nothing herein is intended or will be construed to establish any agency, partnership, or joint venture. Contractor represents that it has, or will secure at its own expense, all personnel required in performing the services under this Contract. Such employees shall not be employees of or have any individual contractual relationship with the City.

17.3. This Contract may be amended only by written agreement of the parties executed by their authorized representatives.

18. Right to Audit and Access to Records

18.1. The City may conduct an audit of any services performed and fees paid subject to this Contract. The City, or its designee, may perform such an audit throughout the contract period and for three (3) years after termination thereof or longer if otherwise required by law.

18.2. The Contractor and its agents shall maintain all books, documents, papers, accounting records, contract records and such other evidence as may be appropriate to substantiate costs incurred under this Contract. The City, or its designee, shall have the right to, including but not limited to: review and copy records; interview current and former employees; conduct such other investigation to verify compliance with contract terms; and conduct such other investigation to substantiate costs incurred by this Contract.

18.3. "Records" shall be defined as data of every kind and character, including but not limited to books, documents, papers, accounting records, contract documents, information, and materials that, in the City's sole discretion, relate to matters, rights, duties or obligations of this Contract.

- 18.4. Records and employees shall be available during normal business hours upon advanced written notice. Electronic mail shall constitute written notice for purposes of this section.
- 18.5. Contractor shall provide the City or its designee reasonable access to facilities and adequate and appropriate workspace for the conduct of audits.
- 18.6. The rights established under this section shall survive the termination of the Contract, and shall not be deleted, circumvented, limited, confined, or restricted by contract or any other section, clause, addendum, attachment, or the subsequent amendment of this Contract.
- 18.7. The Contractor shall reimburse the City for any overcharges identified by the audit within ninety (90) days of written notice of the City's findings.
- 18.8. Contractor shall, upon request, provide any records associated with this engagement to the North Carolina State Auditor that are necessary to comply with the provisions of G.S. § 147-64.7.

19. E – Verify

Contractor shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of Contractor's knowledge, any subcontractor employed by Contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 et seq.

20. Iran Divestment Act Certification

Contractor certifies that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, *et seq.* In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, Contractor shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

21. Companies Boycotting Israel Divestment Act Certification

Contractor certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81.

22. Incorporation of Documents/Complete Agreement

This Contract represents the entire Contract between the parties and suspend all prior oral or written statements, agreements or Contracts.

In cases of conflict between this Contract and any of the above incorporated attachments or references, the terms of this Contract shall prevail.

The remainder of this page remains blank intentionally.

IN WITNESS WHEREOF, the parties hereto have executed this Contract by digital signature, under seal, on the respective dates below, and this Contract shall be effective upon the date of the City’s signature (the “Effective Date”).

CONTRACTOR:

WakeRack, LLC

By:

_____(SEAL)

Signature

Brandon Massengill

Name

Founder

Title

Date of Signature

CITY:

CITY OF Southern Pines
a North Carolina municipal corporation

By:

Signature

Name

Title

Department

Date of Signature

ATTEST:

_____(SEAL)
City Clerk (or designee)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Chief Financial Officer (or designee)

Agenda Item

To: Reagan Parsons, Town Manager
From: Alaina Mallette, Senior Planner
Via: BJ Grieve, Planning Director
Subject: OA-03-24: Open Space and Landscaping Amendments to the Unified Development Ordinance (UDO)
Date: December 17, 2024

I. SUMMARY OF AMENDMENT REQUEST

The Town of Southern Pines Planning Department is continuing with implementation of the 2040 Comprehensive Plan by proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments primarily related to tree protection procedures, open space standards, and landscaping code. The proposed amendments are an implementation of Policies 3.2, 3.8, 4.1, 4.45, 4.5, 4.7, 4.9, and 4.10 in the town's 2040 Comprehensive Plan. Work on implementing these policies in the town's long-range plan was prioritized by the Town Council in October of 2023. The planning staff is therefore requesting Town Council review and approval per UDO §2.17. Description of the proposed amendments can be found in the [November 12, 2024, staff report](#) and its attachments, as follows.

1. [Planning Board Resolution to Adopt a Written Recommendation](#);
2. [Applicability Map of Zoning Districts and Overlays where Tree Protection Areas Would be Required within Open Space](#);
3. [Proposed amendments \(amended sections only\)](#), using ~~strikeout~~ for proposed deletions and underline for proposed additions;
4. [Red-Cockaded Woodpecker Reclassification US FWS Fact Sheet](#); and
5. [Agency Comment and Letters of Support](#).

A full copy of the UDO showing all proposed amendments using ~~red text~~ for all changes and underlining for additions and ~~strikeout~~ for deletions, along with margin comments providing explanatory context for many of the changes: tinyurl.com/TOSPOA0324. Planning staff will continue the November 12, 2024 public hearing discussion with the Town Council at its December 17, 2024, public hearing.

II. TOWN COUNCIL REVIEW

On November 12, 2024, the Planning Department presented a public hearing draft of the proposed landscaping and open space—including tree protection areas and plans—text amendment. Planning staff presented the proposed amendments. Planning staff responded to a variety of questions and comments from the Town Council, including penalties for unauthorized tree removal where tree protection areas would be required, cleared areas

landscaping standards, and Appendix F's list of recommended species. Seven members of the public spoke on the proposed amendments, specifically on the topics of clearcutting, landscape buffering, requirements "running with the land," concerns about too many penalty options for developers who clear-cut without approvals, Appendix F's recommended list of species, support of preservation efforts, and the importance of inspections. Additional discuss was had about tree protection fencing and site inspections during construction.

Ann Peterson moved to continue the public hearing to the December 17, 2024, regular business meeting of the Council so that councilmembers could meet with Planning staff and provide additional feedback and discuss concerns. Motion carried unanimously by all members of the Council.

III. PLANNING BOARD REVIEW

On July 18, 2024, the Planning Department presented a public hearing draft of the landscaping and open space—including tree protection areas and plans—text amendment. Planning staff presented the proposed amendments. Planning staff responded to a variety of questions and comments from the Planning Board. Following planning staff's presentation, four public comments were made regarding the proposed amendments, which are described in the [November 12, 2024, staff report](#).

IV. APPLICATION REVIEW

A. Review Process

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

B. Criteria for Review

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

2.17.10. Criteria for UDO Text Amendments

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

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

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

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

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

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

C. Staff Comments

Planning staff met with Councilpersons Goodman and Peterson since the November 12, 2024 public hearing. The following list includes all discussed changes at those meetings.

1. Change “should” in UDO §3.6.8(F)(2) Buffers Required within the Watershed Protection Overlay District to “shall.”
2. Change “should” in UDO §4.3.1(D) Landscaping Code Findings and Purpose to “shall.”
3. Change both occurrences of “should” in UDO §4.3.1(G) Landscaping Code Findings and Purpose to “shall.”
4. Change “should” in UDO Appendix F §F-1(j) Guide to Protecting Existing Trees to “shall.”
5. Change “should” in UDO Appendix F §F-1(k) Guide to Protecting Existing Trees to “shall.”
6. Change “should” in UDO Appendix F §F-1(l) Guide to Protecting Existing Trees to “shall.”
7. Change “should” in UDO Appendix F §F-2 Standards for Street and Parking Lot Trees to “shall.”
8. Add a section after UDO §2.49.8 (and renumber following sections) titled “Tree Protection Plan Incentives.” This new section would state:
“Complete Tree Protection Plan applications for Development Approval, may concurrently submit a written request for flexibility in administration from the following standards:
 (A) Building Setbacks, not to be less than sixty (60) percent of the minimum Setback requirement for side and rear Setbacks nor less than seventy-five (75) percent of the minimum Setback requirement for front Setbacks; and
 (B) Landscaping Code standards where the Tree Protection Area is sufficient to meet the intent of applicable Landscaping Code standards required adjacent to the Tree Protection Area. Section 4.3.15 Existing Vegetation Credit standards shall be followed to qualify for this flexibility in administration.”
9. Add the following language to the end of proposed UDO §2.49.9(A) Removal of Trees within Approved Tree Protection Areas:
“... and the Planning Director shall order the excavation, grading, filling, clearing, or alteration of land to be immediately stopped. The stop order shall be in writing and state the work to be stopped, specific reasons for the stoppage, and conditions under which the work may be resumed. The stop

order shall be directed to the holder of the Development Approval and owner of the property involved, if the owner is not the holder of the Development Approval. If the soil within the approved Tree Protection Area has been graded or compacted, then the Tree Protection Plan shall be revoked—following provisions within section 8.19.2. Revocation of Permits or Approvals—and a new Tree Protection Plan shall be initiated. If the soil has not been graded or compacted, then the Developer shall pay the Restoration Fee and shall follow replanting rates within this section.”

10. Add “and Harmful Plants” between “Planting of Invasive Species” and “is prohibited” in proposed UDO §4.3.3(B) General Landscaping Code Standards.
11. Add “Harmful Plants” and “Tree Dripline” definitions to UDO Chapter 9 Definitions, which would state:
“Harmful Plants: A plant that contains potentially harmful substances in high enough concentrations to cause illness or irritation if touched or swallowed. Species considered to be harmful in this UDO are those listed as poisonous to humans, problem for cats, problem for children, problem for dogs, and problem for horses in the North Carolina State University Extension Gardener Plant Toolbox.
Tree Drip Line: An invisible delineation projected from the outermost extent of a tree or tree canopy’s branches and foliage to the ground.
12. Remove “as soon as possible after being disturbed” and add “immediately after excavation, grading, filling, clearing, or alteration of land” in proposed UDO §4.3.8(A) Cleared Areas.
13. Add “and shall be approved by a certified arborist employed or contracted by the Town” to the end of proposed UDO §4.3.11(B) Plant Material and Installation Standards.
14. Replace language in proposed UDO §4.3.15(B) Existing Vegetation Credits to read “Tree Protection fencing is required and shall maintain a radius of at least six (6) feet from the Tree Drip Line of existing vegetation.”
15. Add “pools” to the list of areas not permitted as open space in proposed UDO §4.9.2(1).
16. Replace “if the Usable Open Space is dedicated to the Town pursuant to section 4.9.6” with “if part of new commercial Development or redevelopment” in proposed UDO §4.9.4(A)(3) Usable Open Space.
17. Add “accepted by” after “dedicated to” in proposed UDO §4.9.8(D).

The following list includes additional comments that were received from these two meetings.

1. The Town must protect, within its statutory authority, the jurisdiction from developers who violate the proposed tree protection regulations. What should happen to repeat violators?
2. The Restoration Fee for unauthorized tree removal in proposed UDO §2.49.10(A)(2) will likely be an hourly fee rather than a static fee.
3. When considering flexibility in open space administration, a certified arborist employed or contracted by the Town should be consulted,

especially if it is to verify that there are few or no prioritized tree protection areas identified.

4. Who administers UDO §4.13.4(D)(4) and where are the records located?
5. Reconsider the boundary mentioned in UDO §4.5.3(A) Parking Space Requirements.

Furthermore, please note that the proposed illustrations in UDO Appendix G are in draft format, and upon approval, will be finalized in ink with added digital text boxes by the consultant and Planning staff to be included in the final ordinance for recordation. Planning staff is available during regular business hours prior to the Town Council public hearing on December 17, 2024 for questions and/or to discuss any of the proposed amendments.

D. Outside Agency Comments

No new agency comments have been received since the November 12, 2024, public hearing. Previous agency comments and letters of support were compiled into the [November 12, 2024, staff report's Attachment 5](#). Any responses received from other agencies following completion of this staff report but prior to the public hearings will be provided at the hearing.

V. TOWN COUNCIL ACTION

The Town Council shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance:

I move that after considering the criteria for text amendment found in in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

- 1. The proposed text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the November 12, 2024, staff report for OA-03-24;**
2. The proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the staff report for OA-03-24, but with the following edits or additions to the resolution...
3. The proposed text amendment is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. Approve OA-03-24 as attached to **the ordinance** with the list of proposed changes in Section IV(C) of the December 17, 2024, staff report and with finalized illustrations to replace the drafts provided for the hearing.
(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);
2. Approve OA-03-24 as attached to **the ordinance** with numbers (##, ##, etc.) from the list of proposed changes in Section IV(C) of the December 17, 2024, staff report and with finalized illustrations to replace the drafts provided for the hearing.
(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);
3. Approve OA-03-24 as attached to **the ordinance** with [the list of proposed changes in Section IV(C) of the December 17, 2024, staff report]/[with numbers (##, ##, etc.) from the list of proposed changes in Section IV(C) of the December 17, 2024, staff report], finalized illustrations to replace the drafts provided for the hearing, and the following additional changes...
(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed);
4. Deny OA-03-24
(the Town Council shall state any reasons for denial of the proposed amendment);
OR
5. Other...



ORDINANCE #
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
OA-03-24

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on November 12th, 2024 at 6:00 PM and again on December 17, 2024 at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and.

WHEREAS, after the completion of said public hearing, and upon consideration of any comments, objections or presentations at the hearing, the Town Council of the Town of Southern Pines deems it advisable and in the best interest of the Town of Southern Pines that the Unified Development Ordinance of the Town of Southern Pines be amended as herein set forth below.

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 17th day of December, 2024:

Section 1. That multiple sections of the Unified Development Ordinance are hereby amended as depicted on Attachment A to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

Section 2. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption.

Adopted this 17th day of December, 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on December 17th, 2024 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

COUNTY OF MOORE
STATE OF NORTH CAROLINA

CLERK’S CERTIFICATION

I, Elizabeth Robertson, Town Clerk of the Town of Southern Pines, North Carolina, do hereby certify that the attached is a true and accurate copy of Ordinance # _____ Amending the Unified Development Ordinance of the Town of Southern Pines OA-03-24 which was adopted at a meeting of the Southern Pines Town Council on the 17th day of December 2024.

WITNESS my hand and the official Seal of the Town of Southern Pines, North Carolina, this the 17th day of December 2024.

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

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: December 17, 2024

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is continuing with implementation of the 2040 Comprehensive Plan by proposing a Zoning Map amendment to modify the boundary of the Downtown Transition Overlay as well as text amendments to amend 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 Town Council review and an approval decision per UDO §2.17. The boundaries of the proposed Zoning Map amendment are depicted on a map that is attached to 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:

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 and multi-family development and redevelopment. Amendments to this section include the district’s purpose, applicability, authorized uses, and various building and site design 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 and multi-family

development and redevelopment. Amendments to this section include the district's purpose, applicability, authorized uses, and various building and site design 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 provide further explanation at the public hearing on December 17, 2024.

II. TOWN COUNCIL REVIEW:

At the November 12, 2024 Town Council regular meeting, a public hearing was held on Z-04-24 and OA-04-24. Planning staff presented the background and reasoning behind the Character Districts project. Ms. Sarah Sinatra, from Inspire Placemaking Collective, presented additional project background, how the text amendments would function, and what outcomes the new standards would achieve. Ms. Sinatra and planning staff responded to a variety of questions from the council.

At the conclusion of the hearing, the Town Council articulated four issues that needed further analysis and possible changes. For that reason, the Council continued the public hearing to the December 17, 2024 regular meeting. Those four issues and their corresponding corrections made are listed below:

1. Clarifying language for sidewalk locations.

Issue: The Town Council noted on 11/12/24 that the proposed UDO amendments on sidewalk locations, within the Downtown and West Southern Pines overlays, were too ambiguous. The wording did not clarify if sidewalks must be installed in the Right-of-Way or within private property with a sidewalk easement (if the Right-of-Way is too narrow). The proposed §3.6.3(O) and §3.6.4(I) should clearly require sidewalks with new development or redevelopment to be installed within the public Right-of-Way, or on private property within a sidewalk easement if installation in the Right-of-Way is not feasible.

Corrective Change: The proposed UDO §3.6.3(O) and §3.6.4(I) now read "*a sidewalk shall be installed along the property, adjacent to the street within a Right-of-Way or within a sidewalk easement on private property.*"

2. The addition of “OS” zoning to a “RM” zoning minimum lot size provision in the Downtown Overlay.

Issue: The true original purpose of adding “OS” to section §3.6.3(E)(1), a “RM” zoning minimum lot size provision for downtown, was unclear at the time of the 11/12/24 town council meeting and needed clarification.

Corrective Change: Staff researched the history of this change and discussed with the consultants and have proposed to strike OS from §3.6.3(E)(1). Staff and consultants from Inspire examined this addition and determined it was erroneous. The possible outcomes that adding “OS” to this section would promote were also examined. Though some minor positives were identified, like creating slightly more housing density in a preferred area under specific circumstances, staff ultimately concluded that the ambiguity imposed outweighed the positives. Staff also found that Conditional Zoning is an alternative mechanism that will produce better outcomes in these unique circumstances.

3. Clarify that one may deviate from Character District Design Standards in West Southern Pines with Conditional Zoning

Issue: The town council asked at their 11/12/24 meeting if a third story could be an option under a Conditional Zoning District (CZD) in West Southern Pines. Planning staff confirmed that it was; however, the provision enabling deviation from Character District design standards by employing a CZD was not explicitly noted in the proposed applicability section for the West Southern Pines overlay.

Corrective Change: Staff and consultants added the CZD provision note to §3.6.4(B)(3) which reads: *“These design standards shall apply to new and redevelopment except as authorized as part of a CZD.”*

4. Requiring Corner Entrances on Corner Lot Properties in the Downtown Overlay

Issue: The town council felt at their 11/12/24 meeting that the provision prescribing corner entrances on corner lots in the Downtown Overlay was too rigid. The council agreed this design is preferred, but may not be desirable at every location. For that reason, the wording should reflect that preference but also allow flexibility to display why a corner entrance is not feasible and an alternative design is reasonable.

Corrective Change: Under the proposed §3.6.3(F)(3), the consulting team changed the wording of *“shall incorporate a corner entrance or similar treatment to emphasize their prominent location”* to *“shall make efforts to incorporate a corner entrance or similar treatment to emphasize their prominent location.”*

III. PLANNING BOARD REVIEW:

At the October 24, 2024 Planning Board regular meeting, a public hearing was held prior to the Board's motion on the map and text amendments. Planning staff presented the background for the Character Districts project, presented the reasoning behind the project, and distributed a letter of comments received from Mr. Thomas McCabe that staff received that same day via email. Consultants from Inspire Placemaking Collective presented additional project background, how the text amendments would function, and what outcomes the new standards would achieve. The consulting team from Inspire and planning staff responded to a variety of questions from the board. Only one public comment was made regarding the amendments; Ms. Jeanne Dupuch expressed her concerns about growth increasing demand on utility and traffic infrastructure throughout Moore County, and that this project does not address those emerging issues.

After closing the public hearing, a motion was made by Andy Bleggi and seconded by Jennifer Garner that the zoning map amendment (Z-04-24) is consistent with the 2040 Comprehensive Plan and that the Board adopts Attachment A of the staff report. Andy Bleggi then motioned that the text amendment (OA-04-24) is consistent with the 2040 Comprehensive Plan, which was seconded by Matthew Walden. Furthermore, the Planning Board recommended approval of Z-04-24 and OA-04-24, with two modifications to OA-04-24, to the Town Council as follows:

1. That the proposed revisions presented by Mr. Thomas McCabe to the OA-04-24 text amendment be carefully considered; that the planning department will revise the final text amendment draft according to all proposed revisions that hold merit.
2. That the existing text "CB/DTO" under UDO Exhibit 3-15 (Table of Authorized Uses) be changed to "CB" to clarify where uses are authorized alongside the changes set in OA-04-24.

The motion to recommend approval of the zoning map amendment, Z-04-24, passed on a 5-0 unanimous vote. The motion to recommend approval of the text amendment, OA-04-24, with two modifications, passed on a 5-0 unanimous vote. The Planning Board's recommended modifications were incorporated into a version of the UDO showing all proposed amendments that was posted on the [Planning Department's website](#) for public review prior to mailing and publication of the legal notice for the November 12, 2024 public hearing.

IV. APPLICATION REVIEW:

Application Review Dates

- Notice of October 24, 2024 Planning Board Public Hearing:
 - Posted On-site: **September 30, 2024**
 - Mailed: **October 1, 2024**
 - Internet: **August 15, 2024**
- Planning Board Preliminary Forum: **October 24, 2024**
- Notice of November 12, 2024, Town Council Public Hearing:

- Posted On-site: **September 30, 2024**
- Mailed: **October 28, 2024**
- Publication Dates: Emailed to The Pilot on **October 28, 2024**
- Internet: **October 29, 2024** (revisions)
- Town Council Regular Meeting/Public Hearing: **November 12, 2024**
- Town Council Regular Meeting/Public Hearing (continued): **December 17, 2024**

Adoption of the proposed character districts requires 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 two 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:

Town Council's Role

The Town Council's primary role when reviewing proposed Zoning Map and UDO text amendments is to determine whether the proposed amendments are consistent with the Comprehensive Plan. The Town Council shall also determine if the amendments are reasonable by considering factors including, but not limited to, area attributes, affects on landowners and the community, and why the action is in the public interests. 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 Statue 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 September 2023, the Town Council chose seven Comprehensive Plan initiatives that were most important to immediately implement. One of those seven was the identification and codifying of character-based zoning for West Southern Pines, Downtown, and Downtown-Adjacent Character Districts. With the Town Council's initial guidance given, the Planning Department began work on the project.

The Character Districts 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: 1. Downtown Transition (now Downtown Overlay) 2. West Southern Pines

	3. Downtown Adjacent (“Pinedene”)
Jan 23, 2024	Inspire’s Initial Assessment Report published.
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 the three character districts—notifying of the Planning Board public hearing.
Oct 24, 2024	Planning Board Public Hearing on: • 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
Oct 28, 2024	2,195 Ordinance Amendment postcards mailed to all landowners the three character districts—notifying of the Town Council public hearing.
Nov 12, 2024	Town Council Regular Meeting where the council opted to continue the Z-04-24 and OA-04-24 public hearing to the December 17, 2024 regular meeting.

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,” 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 November 21, 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.

V. ATTACHMENTS:

- A. The Zoning Map depicting the proposed change to the Downtown Overlay
- B. Sections of the current UDO with proposed amendments, using ~~strikeout~~ for proposed deletions and underline for proposed additions.

(The Planning Board Resolution and comments from Mr. Thomas McCabe were that were attached to the November 12, 2024 report may be found [online](#) in the records of that meeting.)

VI. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for map amendments and text amendments found in UDO §2.17.9 and UDO §2.17.10, including consistency with the Comprehensive Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance:

I move that after considering the criteria for a map amendment found in UDO §2.17.9, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

- 1. The proposed map amendment (Z-04-24) is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the Z-04-24 & OA-04-24 staff report;**
2. The proposed map amendment (Z-04-24) is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the

Z-04-24 & OA-04-24 staff report, but with the following edits or additions to the resolution...

3. The proposed map amendment (Z-04-24) is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. **Approve Z-04-24 as attached to the ordinance** *(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);*
 2. Approve Z-04-24 as attached to the ordinance, and with the following additional changes... *(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed);*
 3. Deny Z-04-24 *(the Town Council shall state any reasons for denial of the proposed amendment);* OR
 4. Other...
-

I move that after considering the criteria for text amendments found in in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

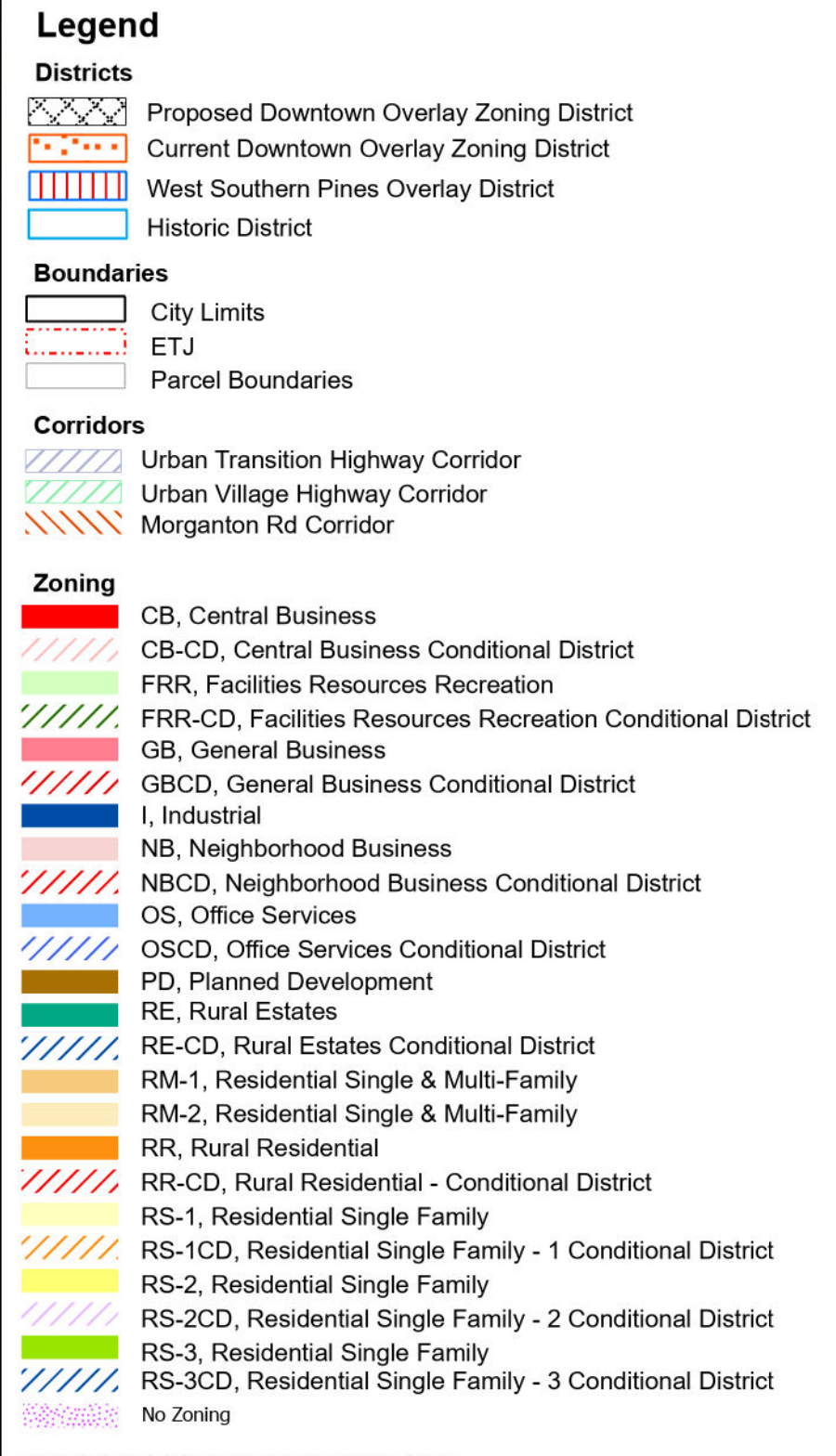
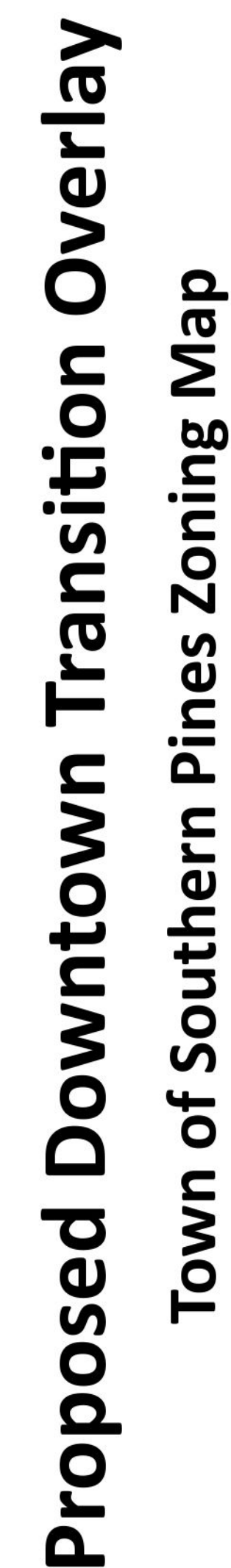
1. **The proposed text amendments (OA-04-24) are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the Z-04-24 & OA-04-24 staff report;**
2. The proposed text amendments (OA-04-24) are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the Z-04-24 & OA-04-24 staff report, but with the following edits or additions to the resolution...
3. The proposed text amendments (OA-04-24) are not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. **Approve OA-04-24 with modifications recommended by the Planning Board and by the Town Council following the November 12, 2024 public hearing, and as attached to the ordinance** *(if*

desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);

2. Approve OA-04-24 with modifications recommended by the Planning Board and as attached to the ordinance, and with the following additional changes... *(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed);*
3. Deny OA-04-24 *(the Town Council shall state any reasons for denial of the proposed amendment);* OR
4. Other...



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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3.1. 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~~ 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** 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. The width of a building may not be more than three times the height, unless 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 make efforts to 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	Shopfront, 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

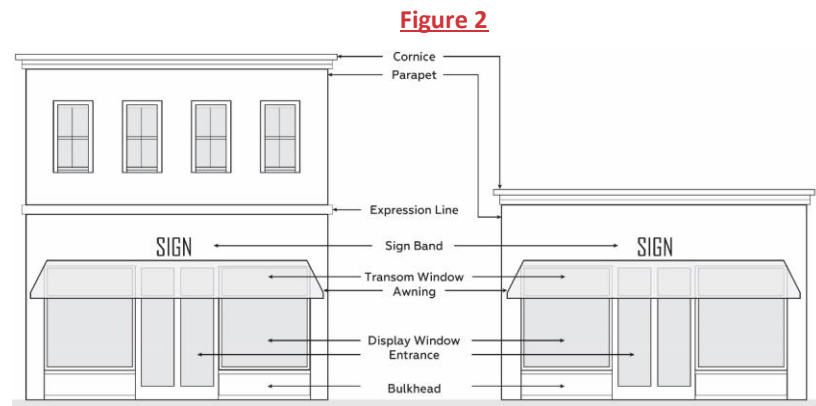


(G) Connection to Street

(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) **Shopfront.** Figure 2 indicates the required elements of a shopfront, 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 shopfront 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.

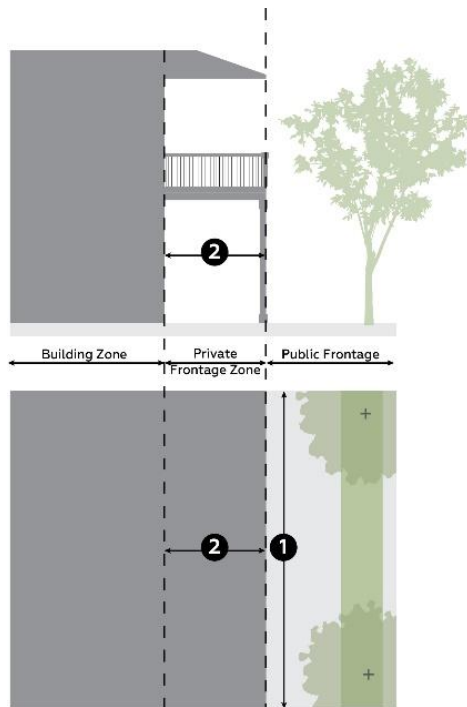
Figure 3



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). Shopfront windows shall be glazed in non-reflective clear glass with at least eighty (80) percent transparency.
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

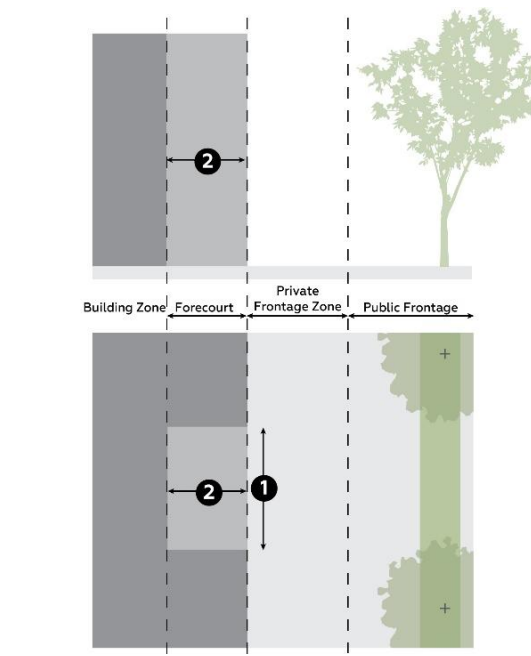
GALLERY/ARCADE	
Depth (2)	8' min.
Width (1)	75% min. of façade width
Height	2 stories maximum
Ground floor height	10' min. clearance
Upper floor height	9' min. clearance



- (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.

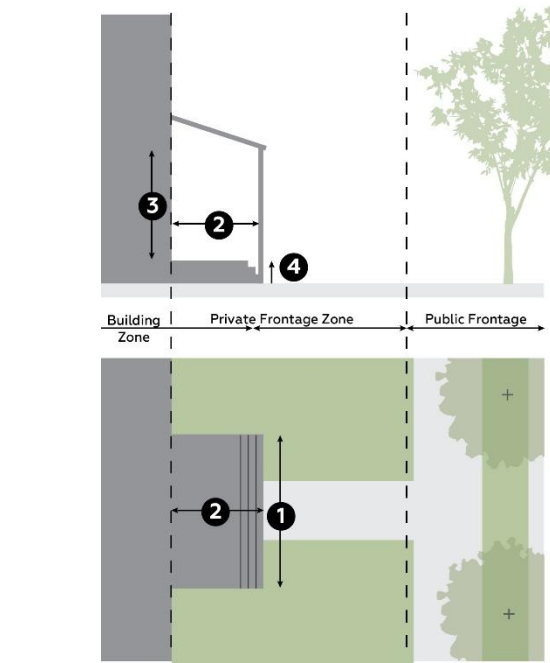




- (4) **Porch.** The porch, as defined in Chapter 9, Definitions, is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building as shown in **Figure 6**. A porch is large enough to function as an outdoor living space. Stairs from the porch may descend to the 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

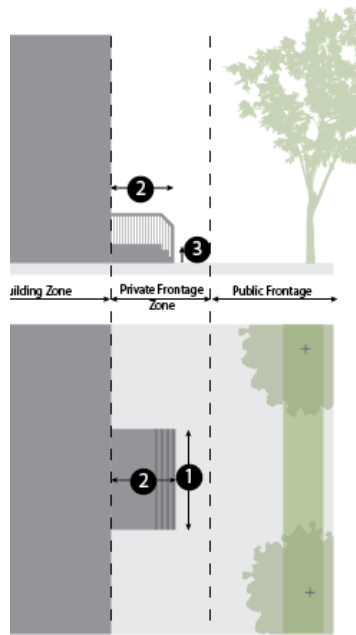
PORCH	
<u>Width (1)</u>	<u>10' min.</u>
<u>Depth (2)</u>	<u>8' min.</u>
<u>Height (3)</u>	<u>2 story max.</u>
<u>Finish level above sidewalk (4)</u>	<u>2' min.</u>



- (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	
Width (1)	5' min., 10' max.
Depth (2)	5' min., 8' max.
Finish level above sidewalk (3)	2' min.



(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 within a right-of-way or within a sidewalk easement on private property. 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. WSP - West Southern Pines Overlay

(A) Purpose

The **WSP** 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
- (3) These design standards shall apply to new and redevelopment except as authorized as part of a CZD.

- (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 5.910, 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 5.910.
- (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		
Front and street side setback	15' min.	
Side setback	5' min.	10' min.
Rear setback	10' min. 25' min. abutting single-family	10' min. 25' min. abutting single-family
Frontage buildout	50% min.	60% min.
Building Height		
Maximum building height.	2 stories, 25 feet	2 stories, 25 feet
Front Yards		
Allowed front yard types	Porch, stoop	Shopfront, porch, stoop
Building Massing		
Articulation Spacing	Every 50'	Every 75'
Projection/recess depth	2' min.	3' min.

- (2) Gable or hip roofs shall be used to be consistent with the general residential feel of the WSPO. 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) 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 one of the following architectural enhancements:

- (1) **Shopfront.** Figure 1 indicates the overall look of a shopfront in the WSPO 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) Shopfront 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) Shopfront windows may not be made opaque by window treatments (except operable sunscreen devices within the

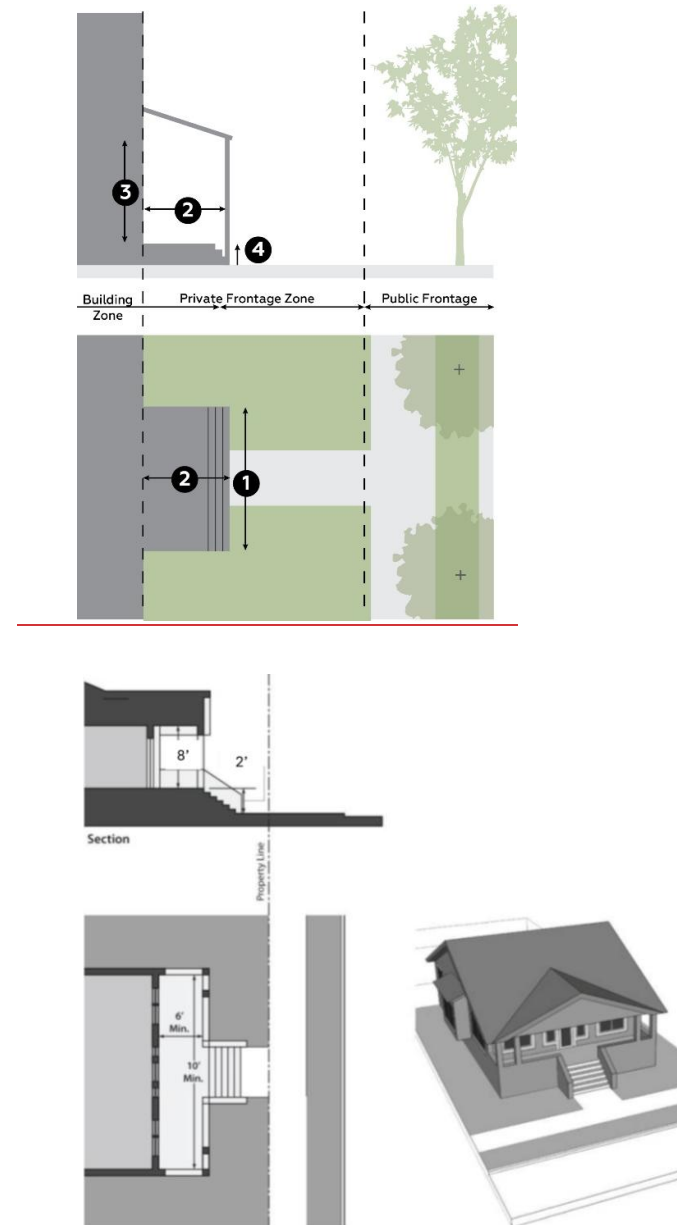
interior space). Shopfront windows shall be glazed in non-reflective clear glass with at least eighty (80) percent transparency.

(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

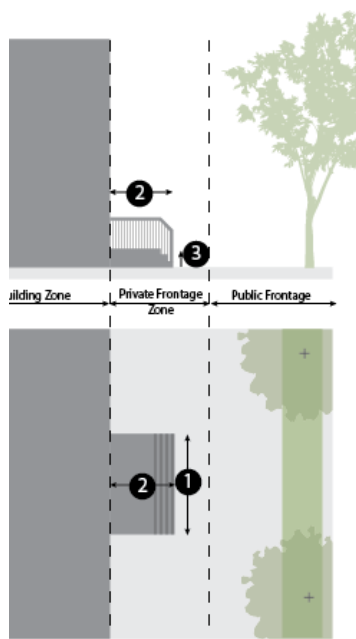
PORCH	
Length (1)	10' min.
Width (2)	6' min.
Height (3)	8' min.
Finish level above sidewalk (4)	2' min.



- (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

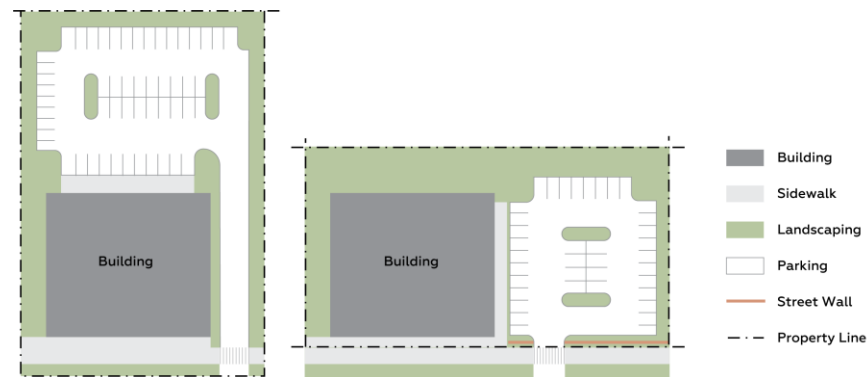
STOOP	
Width (1)	5' min., 10' max.
Depth (2)	5' min., 8' max.
Finish level above sidewalk (3)	2' min.



(4) **Parking**

- (a) Parking shall be in the rear or to the side of a building as provided in Figure 4.
- (b) The ~~minimum~~ parking requirements of 4.10 shall be the maximum permitted in the ~~WSP~~ WSP. Excess parking is prohibited.

Figure 4



- (I) **Sidewalks.** A sidewalk shall be installed along the property, adjacent to the street within a right-of-way or within a sidewalk easement on private property. 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 WSP 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

forth herein provided that appropriate screening be accomplished and approved by staff.

Exhibit 3-15: Table of Authorized Land Uses

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB AD-10	GB	NB	OS	I	FRR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels													
Private Dwelling	1100	Single-Family homes, doubles, apartments, Condominiums, mobile homes, Townhouses; excludes households with special provisions													
Single-Family	1110														
Single-Family detached	1111	Typical Single-Family Dwelling	Z	Z	Z	Z	Z	Z	Z	ZS		Z	Z		
Single-Family attached (Townhouses) (Ord. # 1716)	1112	Each Dwelling Unit on a separate Lot; fire wall may protrude from roof or roofs may be staggered						ZS	ZS	ZS		ZS	ZS		
Class A Single-Family Manufactured Home	1113	modular homes and other structures that comply with the NC Residential Building Code as amended	Z	Z	Z	Z	Z	Z	Z	ZS					
Class B Single-Family Manufactured Home	1114	Manufactured Homes that comply with HUD standards and other local criteria		Z											
Class C Single-Family Manufactured Home	1115	Manufactured Homes that comply with HUD standards and do not meet the standards for Class A or Class B Manufactured Homes		SU											
Manufactured Home Park	1116	a group of three or more spaces for sale or lease that are designed to accommodate Manufactured Homes		CZ											
Two-Family (double or Duplex)	1120				CZ			Z	Z	Z		Z	Z		
Accessory Dwelling	S1130		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
Multi-Family	S1200	Three or more Dwelling Units													
Multi-Family	1151	Three or more Dwelling Units						MR	MR	MR		MR	MR		
Multi-Family Conversion	1152	Three or more Dwelling Units in a converted Single-Family home						Z	Z	Z		Z	Z		
Housing Services	1200	Housing and custodial services for those who cannot care for themselves													
Retirement housing services	1210	Offer minimal convenience services						Z	Z						

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Congregate living services	1220	Provide convenience services such as housekeeping, transportation, recreational programs						Z	Z						
Assisted-living board and care and adult care group homes	1230	Adult care, group homes, board and care (excludes rehab uses in code #6520)	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z		
Continuing care retirement center (PD zoning required)	1240	Continuing care retirement centers; includes some health care													
Nursing or convalescent home	1250	Nursing homes and convalescent hospitals						CZ	CZ		CZ				
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers													
Bed and Breakfast Home	1311	Primarily in private homes and small Buildings	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
Bed and Breakfast Inn	1312	Primarily in private homes and small Buildings	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ			
Tourist Home	1313	A Dwelling Unit used for periods of less than 30 days								Z	Z		Z		
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members						Z	Z	Z			Z		
Hotel or motel	1330	Hotels or motels that do not have gambling services; includes extended-stay hotels								CZ	CZ		CZ		
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use													
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair													
Automobile sales or service establishment	2110	Motor vehicle and parts dealers including repair and maintenance													
car dealer	2111	New or used automobiles and light trucks such as SUV's									Z				
bus, truck, mobile homes, or large vehicles	2112	New or used larger vehicles such as buses, RV's, and trucks									Z				
motorcycle, atv	2113a	New or used motorcycles or motorbikes									Z				
bicycle sales and repair	2113b	New or used bicycles sales or repair								Z	Z	Z			
boat or marine craft dealer	2114	New or used boats and related repair services									Z				
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores, tire and tube shops									Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
gasoline service	2116	Gas stations with or without convenience stores or food marts, includes truck stops									Z				
automotive repair and maintenance	2117	Repair garages, body and paint shops, oil change, car wash									Z				
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services													
furniture or home furnishings	2121	Furniture, flooring, bedding stores, window treatment								Z	Z				
hardware, home center	2122	Home building and repair supplies, lighting supply									Z				
lawn and garden supplies	2123	Nursery and garden products predominantly grown elsewhere, outdoor power equipment sales or services									Z				
department store, warehouse club, or superstore	2124	Large variety of goods									Z				
electronics and appliances	2125	Household-type appliances, tv's, stereos, including repair shops and cell phone stores									Z				
lumber yard and building materials	2126	Lumber yards and heavy building materials									Z				
heating and plumbing equipment	2127	Heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category									Z				
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.													
computer and software	2131	Computers and prepackaged software without other electronic equipment, including repair, support, and training								Z	Z				
camera and photographic supplies	2132	Primarily retail cameras and photographic supplies or retail with repair and film developing								Z	Z				
clothing, jewelry, luggage, shoes, clocks, sewing	2133	Including shoe repair and tailoring								Z	Z	Z			
sporting goods, toy and hobby, and musical instruments	2134									Z	Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc,	2135									Z	Z				
Consumer goods, other	2140	Establishments that retail merchandise (except groceries or health items) not included in preceding codes													
florist	2141									Z	Z	Z			
art dealer, supplies, sales and service	2142	Including frame shops								Z	Z	Z			
tobacco or tobacconist establishment	2143									Z	Z	Z			
mail order or direct selling establishment	2144	Retailing other than in stores									Z			Z	
antique shop, flea market, thrift stores	2145									Z	Z	Z			
Grocery, food, beverage, dairy	2150	Retail food and beverage merchandise from fixed point-of-sale locations													
grocery store, supermarket, or bakery	2151	Included are meat and seafood markets and delicatessens								Z	Z				
convenience store	2152	Excludes those with fuel pumps								Z	Z	Z			
specialty food store	2153	Retail specialty food items such as coffee and gourmet foods								Z	Z	Z			
fruit and vegetable store	2154									Z	Z	Z			
beer, wine, and liquor store	2155									Z	Z	Z			
Health and personal care	2160	Retail health and personal care merchandise from fixed point-of-sale locations													
pharmacy or drug store	2161	Primarily retail prescription or nonprescription drugs								Z	Z	Z			
cosmetic and beauty supplies and personal grooming products	2162	Primarily retail cosmetics, perfumes, toiletries,								Z	Z	Z			
optical and contact lenses	2163	Retail prescription or nonprescription eyeglasses								Z	Z	Z			

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Markets for farm produce or crafts	2199			Z						Z	Z	Z			Z
Finance and Insurance	2200	Use this category when difficult to differentiate an establishment into a subcategory													
Bank, credit union, or savings institution	2210	Central banking functions								Z	Z	Z	Z		
Credit and finance establishment	2220	Credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing								Z	Z	Z	Z		
Investment banking, securities, and brokerages	2230	Securities underwriting, brokering, exchange services, managing portfolios								Z	Z	Z	Z		
Insurance-related establishment	2240	Insurance underwriting, selling insurance								Z	Z	Z	Z		
Fund, trust, or other financial establishment	2250	Pool assets on behalf of shareholders or beneficiaries								Z	Z	Z	Z		
Pawn shop	2260										Z				
Real Estate, and Rental and Leasing	2300	Rent or lease assets													
Real estate services	2310	Lease real estate (except Buildings) such as Manufactured Home sites and vacant Lots; includes real estate appraisers								Z	Z	Z	Z		
Property management services	2320	Manage real property for others													
commercial property-related, mini- or self-storage	2321	Lease Buildings not used as residences; includes mini-warehouses and self-storage Dwelling Units												Z	
rental housing-related	2322	Lease Buildings used as residences								Z	Z	Z	Z		
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators													
cars	2331	Lease passenger cars without drivers									Z				
leasing trucks, trailers, RVs, buses, aircraft, tugboats, etc.	2332	Drivers not provided									Z				
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles									Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
leasing commercial, industrial machinery and equipment	2334	Rent or lease office machinery and equipment, heavy equipment used for construction, well-drilling, telecommunications, manufacturing, institutional furniture									Z			Z	
consumer goods rental	2335	Rent personal and household-type goods and a range of consumer, commercial, and industrial equipment geared toward consumers									Z				
intellectual property rental	2336	Establishments that assign patents, trademarks, brand names, and franchise agreements								Z	Z	Z	Z		
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services													
Professional services	2410	Services provided depend on worker skills and knowledge rather than equipment													
legal services	2411	Title abstract, lawyers, notaries								Z	Z	Z	Z		
accounting, tax, bookkeeping, payroll services	2412									Z	Z	Z	Z		
architectural, engineering, surveying and related services	2413	Architectural, engineering, Building inspection, surveying and mapping, and laboratory testing (except medical, veterinary, or auto emission)								Z	Z	Z	Z		
graphic, industrial, interior design services	2414	Interior, industrial, and graphic design								Z	Z	Z	Z		
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues								Z	Z	Z	Z		
scientific research and Development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences									ZS			Z	
advertising, media, and photography services	2417	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers								Z	Z	Z	Z		
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners									ZS	ZS		ZS	
Administrative services	2420	Typical office establishments in any business area. Use as a default category for most office Buildings (nursing staffing)													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning								Z	Z	Z	Z		
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.								Z	Z	Z	Z		
employment agency	2423	Provide employee placement, temporary help								Z	Z	Z	Z		
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, etc.								Z	Z	Z	Z		
collection agency	2425	Collect payments, compile credit information, repossess tangible assets								Z	Z				
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus								Z	Z	Z	Z		
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems									Z				
Services to Buildings and Dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc.													
extermination and pest control	2451													Z	
janitorial	2452													Z	
landscaping	2453										Z			Z	
carpet and upholstery cleaning	2454										Z			Z	
packing, crating, and convention and trade show	2455										Z				
Food Services	2500	Prepare meals, snacks, and beverages													
Full-service restaurant	2510	Provide services to patrons who order and are served while seated or in combination with takeout								Z	Z	Z			
Cafeteria or limited service restaurant	2520	Provide services to patrons who order or select items and pay before eating; may be consumed on Premises, taken out, or delivered								Z	Z				
drive-through restaurants	2521	Provides drive-in, drive-through or drive-up service to patrons; includes most fast-food restaurants									Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Snack or nonalcoholic bar	2530	Prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, coffee, juices for consumption on or near the Premises, snowball stand								Z	Z	Z			
Bar or drinking place	2540	Bars, taverns, nightclubs primarily serving alcoholic beverages; may provide limited food and entertainment								Z	Z				
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles									ZS	ZS		ZS	
Food Truck Campus	2551	Multiple Food Trucks, Food Trailers, and/or Food Carts operating on one Parcel of land								CZ					
Caterer	2560	Provide single event-based food services, including banquet halls with catering for wedding receptions, etc.								Z	Z	Z		Z	
Food service contractor	2570	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts									Z			Z	
Vending machine operator	2580	Retail merchandise through vending machines that they service									Z			Z	
Personal Services	2600	Catch-all category for personal service establishments not classified elsewhere such as bail bonding, wedding planning, psychic services, etc.													
Personal care	2610	Hair, nail, and skin care and related personal care													
hair, nail, and cosmetic skin care	2611	Barber or beauty shop								Z	Z	Z			
dieting and weight reducing	2612									Z	Z	Z			
tanning salon	2614									Z	Z	Z			
electrolysis, ear piercing, and other personal care services	2616									Z	Z	Z			
Dry cleaning and laundry	2620														
coin-operated laundromat	2621									Z	Z	Z			
dry cleaning and laundry	2622									Z	Z	Z			
linen and uniform supply	2623										Z			Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.									Z			Z	
Parking Lot and parking garage	2640									Z	Z				
Special Services	2650														
massage therapist	2651									Z	Z				
tattoo parlor	2652									Z	Z				
adult establishment	2653										ZS				
adult cabaret	2654										ZS				
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking													
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies								Z	Z	Z			
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)													
animal services	2721	grooming and training	ZS								ZS	ZS			
animal boarding	2722	sitting and boarding	ZS	ZS							ZS			ZS	
pet cemetery	2723										Z				
MANUFACTURING AND WHOLESALE TRADE	3000	When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing													
Foods, Textiles, and Related Products	3100	Produce food, tobacco, textiles, and leather													
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing												Z	
Tobacco manufacturing	3120													Z	
Textiles	3130	Textile mills, apparel manufacturers												Z	
Leather and leather substitute products	3140	Leather and leather substitutes such as rubber footwear												Z	
Wood, Paper, and Printing Products	3200														
Wood products	3210	Except furniture												Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Paper and printing materials	3220	Manufactures paper and offer printing-related products												Z	
printing and related support activities	3221	Establishments do not manufacture the stock that they print; for publishers and publishers that also print, use publishing or information codes									ZC			Z	
Furniture and related products	3230	Includes mattresses, window blinds, cabinets, fixtures												Z	
Chemicals, and Metals, Machinery, and Electronics Manufacturing	3300	Transform or refine chemicals or metals, and manufacture products from chemicals or metals													
Petroleum products	3310	Transform crude petroleum into usable products												SU	
Chemicals, plastics, and rubber products	3320													SU	
Nonmetallic mineral products	3330	Manufacture bricks, ceramics, glass, cement, concrete, statuary, stone products												SU	
Primary metal manufacturing	3340	Manufacture basic metal products, such as bars, rods, wires, and castings or finished products												SU	
Machinery manufacturing	3350	Make machinery for particular applications, such as construction, ventilation, heating and cooling												Z	
Electrical equipment, appliance, and components manufacturing	3360	Manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances												SU	
Transportation equipment	3370													Z	
Miscellaneous Manufacturing	3400	Use for manufacturing establishments not classified elsewhere													
Jewelry and silverware	3410										Z			SU	
Dolls, toys, games, and musical instruments	3420										Z			Z	
Office supplies, inks, etc.	3430	Except paper									Z			Z	
Signs	3440										Z			Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses									Z			Z	
Warehousing and Storage Services	3600	Operate warehouse and storage facilities for general merchandise, refrigerated goods													
Office and warehousing	3610										Z			Z	
Warehousing	3620													Z	
Tankfarm	3630													SU	
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000														
Transportation Services	4100	Serve passengers and cargo movements													
Air transportation	4110	Provide transportation for passengers or cargo using aircraft, excludes air courier (see 4160)													
air passenger transportation	4111	Provide scheduled and nonscheduled air transportation for passengers													SU
air freight transportation	4112	Provide scheduled and nonscheduled air transportation of cargo without transporting passengers													SU
airport and support establishment	4113	Provide air traffic control, operate airports and support airport operations such as rental of hangar space													SU
aircraft and accessories	4114	Aircraft maintenance and repair (except factory conversions)													SU
other air transportation	4115	Hot air balloon rides, helicopter rides, aerial tram and cable cars													SU
Rail transportation	4120	Provide passenger and freight transportation and rail transportation support; use this category for establishments providing both transportation and support services, otherwise use the more specific subcategory													
rail passenger transportation	4121	For passengers only								Z					
rail freight transportation	4122	For freight systems only													
rail transportation support establishment	4123	Provide specialized services such as repair, maintenance, loading and unloading													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Road, ground passenger, and transit transportation	4130	Urban transit systems, charter and school bus transportation, taxis													
local transit systems--bus, special needs, and other motor vehicles	4133	Single-mode local transit systems other than rail									Z				
non-local and charter bus	4134	Non-local passenger buses for charter or for special needs transportation for elderly, infirm, or handicapped									Z			Z	
school and employee bus transportation	4135	Provide buses and other motor vehicles to transport pupils or employees												Z	
sightseeing	4136	Scenic or sightseeing land transportation								Z	Z				
taxi and limousine service	4137	Provide passenger transportation by automobile or van									Z			Z	
towing and other road and ground services	4138	Tow vehicles									Z			Z	
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles													
general freight trucking, local	4141	Provide local general freight trucking												Z	
general freight trucking, long-distance	4142	Provide long-distance freight trucking												Z	
Courier and messenger services	4160	Provide air, surface, or combined courier delivery services of Parcels and messages									Z			Z	SU
Postal services	4170	Operate the national postal service, including establishments that sort, route, and deliver on a contract basis									Z			Z	
national post office	4171									Z	Z			Z	
Pipeline transportation	4180	Use transmission pipelines to transport products, such as crude oil or natural gas													
Communications and Information	4200	Produce or distribute information													
Publishing	4210	Issue copies of works for which they usually possess copyright													
newspapers, books, periodicals, etc.	4211	Publish newspapers, magazines, books, databases, greeting cards, calendars, maps, and similar works								Z	Z		Z	Z	
software publisher	4212	Publish and reproduce computer software								Z	Z	Z	Z		

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB 4240	GB	NB	OS	I	FRR
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings													
motion picture and video production, publishing, and distribution	4221	Produce or distribute motion pictures, videos, television programs, or commercials									Z	Z	Z	Z	
motion picture viewing and exhibition services	4222	Operate movie theaters, drive-ins, film festival exhibitions								Z	Z				
sound recording, production, publishing, and	4223	Produce, distribute, or publish music and musical recordings or provide sound recording									Z			Z	
Tele-communications and broadcasting	4230	Provide point-to-point communications; if multiple services are shared between the same facilities, use this general category; if separate facilities are maintained for each type of service, then use a specific classification													
radio and television broadcasting	4231	Operate broadcasting studios and facilities for over the air or satellite delivery of radio and television programs								Z	Z			Z	
cable networks and distribution	4232	Operate studios and facilities or cable systems, direct-to-home satellite systems									Z			Z	
wireless telecommunications	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or full motion picture video, cell towers									Z			Z	
towers and antennas 50ft tall or less	4233a		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
towers and antennas taller than 50 ft	4233b			SU							SU				SU
telephone and other wired tele-communications	4234	Operate telephone networks	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Information services and data processing industries	4240	News syndicates and information data processing services													
online information services	4241	Internet access and service providers									Z	Z	Z	Z	
library or archive	4242	Provide library or archive services									Z	Z	Z	Z	
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media									Z		Z	Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Utilities and Utility Services	4300	Provide utility services such as electric power, gas, water and sewage removal													
Electric power	4310	Provide electric power generation, transmission, control, and distribution													
service distribution lines	4315		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
electric substations	4316										Z			Z	Z
Natural gas, petroleum, fuels	4320	Operate gas distribution systems, gas marketers, gas brokers, transmit and distribute gas													
natural gas service	4329	Provide natural gas service distribution to retail customers (includes distribution lines and valves)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Water, steam, air conditioning supply	4330	Public and private utility establishments that offer drinking water, water treatment, water supply, or hot or cool air supply													
drinking water	4331	Operate water treatment plants, filtration plants, pumping stations												Z	Z
water service	4339	Provide water service distribution to retail customers (includes distribution lines pumps and valves)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Sewer, solid waste, and related services	4340	Collect, treat, and dispose of waste materials													
hazardous waste collection	4341	Operate treatment and disposal facilities for hazardous waste, combine, collect, or haul hazardous waste materials												SU	
hazardous waste treatment and disposal	4342	Remediate and clean contaminated Buildings, soil, or ground water, abate asbestos, lead paint and other toxic material												SU	
solid waste collection	4343	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials, operate waste transfer stations									SU			SU	Z
solid waste combustor or incinerator	4344	Operate combustors and incinerators for the disposal of non-hazardous solid waste, includes compost dumps												SU	
solid waste landfill	4345	Operate landfills for the disposal of non-hazardous solid wastes												SU	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
waste treatment and disposal	4346	Operate facilities for separating and sorting recyclable materials from non-hazardous waste streams												SU	Z
septic tank and related services	4347	Pump septic tanks and cesspools, rent or service portable toilets												SU	
wastewater treatment plants	4348													Z	Z
wastewater service	4349	Provide wastewater service distribution to retail customers (includes collection lines and lift stations)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
ARTS, ENTERTAINMENT, AND RECREATION	5000														
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs													
Theater, dance or music establishment	5110	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment								Z	Z				
Sports team or club	5120	Professional or semi-professional sports teams or clubs participating in live sporting events													
Racetrack establishment	5130	Operate racetracks for events													
horse track	5131		Z	Z											
dog track	5132														
automotive track	5133														
Promoter of sports, performing arts, similar events	5140	Organize, promote, and manage performances, events													
Agent for management services	5150	Agents representing artists, athletes, entertainers, etc.								Z	Z	Z	Z	Z	
Independent artist, writer, or performer	5160	Independent individuals engaged in art, productions								Z	Z	Z	Z	Z	
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, zoos, and similar establishments													
Museum	5210									Z	Z	Z	Z		
Historical or archeological institution	5220	Archeological sites, battlefields								Z	Z	Z	Z		Z
Zoos, botanical gardens, arboreta	5230													SU	Z

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Amusement, Sports, or Recreation Establishment	5300	Operate facilities offering activities and provide services													
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games									SU				
Games arcade establishment	5320	Operate arcades and parlors, except gambling, billiard, or pool								Z	Z	Z			
Casino or gambling establishment	5330	Except casino hotels, includes riverboat casinos, bingo halls, and video gaming terminals, or provide services such as Lotteries or off-track betting													
Miniature golf establishment	5340										Z				
Golf course	5350														
public golf course	5351	may include country club	Z	Z	Z	Z	Z	Z	Z						Z
private golf course	5352	may include country club			Z	Z	Z								Z
golf course resort	5353	may include club house, guest accommodations and/or residences that may be individually owned, but fall within the management of the resort													SU
Marina or yachting club facility operators	5360	Operate docking and storage facilities for pleasure craft owners													
Fitness, recreational sports, gym, athletic club, multipurpose facility	5370	Includes archery and shooting ranges, horseback riding, ball parks and courts, fitness clubs, and more													
public facilities	5371		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z
private facilities	5372									Z	Z	Z	Z	Z	
Horse Riding Stables	5373	not constructed pursuant to a residential Development Approval	Z	Z											Z
Bowling, billiards, pool	5380									Z	Z	Z			
Skating rink, roller skating	5390										Z				
Camps, Camping, and Related Establishments such as trailer parks	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, trailer parks	CZ	CZ											
Natural and other Recreational Parks	5500	All parks without special economic functions	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000														
Educational Services	6100	Offer teaching and learning													
Nursery or preschool	6110		CZ	Z	CZ	Z	Z	Z	Z	Z	Z	CZ	CZ		
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level													
elementary	6121				CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ
middle or junior	6122				CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ
senior or high	6123				CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		CZ
special needs education services	6125	Offer specialized services such as for the physically or mentally disabled			CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		
adult education services	6126										Z				
College or university	6130				CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ			SU
Technical, trade, or other specialty school	6140	Offer vocational and technical training													
beauty schools	6141										Z				
business management	6142	Offer courses in office procedures, secretarial skills, and basic office skills									Z				
computer training	6143	Except computer repair									Z				
driving education	6144										Z				
fine and performing arts education	6145	Dance, art, drama, and music schools									Z				
flight training	6146	Offer aviation and flight training									Z				
sports and recreation education	6147	Offer instruction in athletic activities									Z				
Public Administration	6200	All government functions, includes federal, state and local government agencies													
Legislative and executive functions	6210	Government and public administrative offices								Z	Z	Z	Z		

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Judicial functions	6220	Civilian courts of law and correctional institutions								Z	Z	Z	Z		
court	6221									Z					
correctional institution or jail	6222	Facilities for the confinement, correction, and rehabilitation of offenders sentenced by a court												Z	
Other Government Functions	6300	Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments								Z	Z			Z	
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services													
Fire and rescue	6410		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Police	6420	Includes combined police and fire departments	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Emergency response	6430	Provide ground or air transportation for medical relief purposes	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Health and Human Services	6500	Provide health care, social assistance, and associated services													
Ambulatory or outpatient care services	6510	Offer health care services directly to patients without providing inpatient services													
clinics and health spas (Ord. # 1716)	6511	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers									Z	Z	Z		
family planning or outpatient care clinic	6512	Provide outpatient family planning services and outpatient care									Z	Z	Z		
medical or diagnostic laboratory	6513	Provide analytic or diagnostic services including medical imaging									Z				
blood or organ bank	6514										Z				
Nursing, supervision and other rehabilitative services, except	6520	Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes convalescent homes, nursing homes, inpatient care hospices, alcoholism or drug addiction rehabilitation, mental health Halfway Houses, group homes, and psychiatric convalescent homes	SU	SU	ZS						ZS				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/0370	GB	NB	OS	I	FRR
Hospital	6530										SU				
Health care facility	6540	Maximum of 25 beds for overnight care									ZS	ZS			
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters													
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services									Z	Z	Z		
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	ZS	ZS	ZS		
community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens									Z	Z			
emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims									Z	Z			
other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.									Z	Z			
services for elderly and disabled	6566	Does not include housing for the elderly									Z	Z			
veterans affairs	6567										Z	Z			
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services									Z	Z			
homeless shelters	6569	Provide temporary residential or accommodation services									SU				
Religious Institutions	6600	Churches, temples, synagogues, mosques													
small institution		Up to 250 seats in largest seating area		ZS							ZS	ZS			
other institutions		More than 250 seats in largest seating area		ZS							ZS				
Death Care Services	6700	Funeral homes, crematories, cemeteries													
Funeral home and services	6710	Includes funeral homes combined with crematories									Z	Z			
Cemetery or cremation services	6720														
cemetery accessory to religious institution			ZS	ZS							ZS	ZS			

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
free-standing cemetery															Z
crematorium											SU			Z	
Associations, Non-Profit Organizations, Clubs	6800	Includes grant making, civic, professional, and similar organizations													
Labor or political organization	6810	Labor unions, political groups, and political fund-raising groups								Z	Z	Z	Z		
Business association or professional membership	6820	Promote the business interests of their members organization or of their profession								Z	Z	Z	Z		
Civic, social, or fraternal organization	6830									Z	Z	Z	Z		
CONSTRUCTION-RELATED BUSINESSES	7000	Build or demolish Buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services													
Building, Developing, and General Contracting	7100	Custom builders, general contractors, Developers, land Applicants, and construction management firms									Z			Z	
Machinery Related	7200	Contractors that install or utilize specialized machinery not generally used by other contractors, machinery installation, excavation, wrecking and demolition, structural steel erection contractors												Z	
Special Trade Contractor	7300	Specialize in construction activities such as plumbing, painting and electrical work													
Carpentry, floor, and tile contractor	7310										Z			Z	
Concrete contractor	7320													Z	
Electrical contractor	7330										Z			Z	
Glass and glazing contractor	7340	Excludes automotive glass establishments									Z			Z	
Masonry and drywall contractor	7350	Includes bricklaying, drywall, and plaster work									Z			Z	
Painting and wall covering	7360										Z			Z	
Plumbing, heating, and air conditioning	7370										Z			Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTG	GB	NB	OS	I	FRR
Roofing, siding, or sheet metal contractor	7380										Z			Z	
Heavy Construction	7400	Provide heavy non-Building construction												Z	
MINING AND EXTRACTION ESTABLISHMENTS	8000														
Oil and Natural Gas	8100	Operate and develop oil and gas field properties													
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries													
Crop Production	9100														
Outdoor Production	9110		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Greenhouse Production	9140														
Greenhouse - no on-premises sales	9141		Z	Z						Z	Z	Z			Z
Greenhouse - sales of products grown on Premises	9142			Z							Z	Z			
Greenhouse - sales of products and related accessory products	9143										Z	Z			
Support Functions for Agriculture	9200	Includes dusting, spraying, fertilizing												Z	
Animal Production	9300	Keep, graze, breed or feed animals in farms or feedlots													
Cattle ranch	9310		Z	Z											
Dairy cattle	9320		Z	Z											
Hog farm	9330		Z	Z											
Poultry and egg production	9340	Commercial facilities	Z	Z											
Domestic backyard chickens	9340a	The keeping of up to 10 hens (no roosters) for personal use	Z	Z	Z	Z	Z	Z	Z						
Sheep and goats	9350		Z	Z											
Fish	9360		Z	Z											

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/9370	GB	NB	OS	I	FRR
All other animals	9370		Z	Z											
bees	9371		Z	Z	Z	Z	Z	Z	Z						
horses	9372	See Exhibit 4-1 regarding minimum Parcel size required for the keeping of horses. (Ord. # 1775)	Z	Z											
fur-bearing	9373		Z	Z											
Support functions	9380	Includes horse boarding and animal breeding	Z												
Forestry and Logging	9400		Z	Z											
Fishing, Hunting and Trapping	9500		Z	Z											
Unclassifiable or No Function	9900	Temporary placeholder until a code can be assigned													
Special Events	9910														
special home events (Ord. # 1716)	9911		CZ	CZ	CZ	CZ	CZ	CZ	CZ						CZ
Temporary Uses (Ord. # 1716)	9920	Temporary uses specifically authorized in section 5.22	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Home Occupations	9950		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
Development Patterns	9960														
Cluster Subdivisions (sec. 6.1)	9961				ZS	ZS	ZS	ZS	ZS						
Conservation Subdivision (sec. 6.2)	9962		ZS	ZS											
Reserved	9963														
Small Lot Patterns (sec. 6.4)	9964							ZS	ZS						
Traditional Neighborhood Development (sec. 6.5)	9965							ZS	ZS						
Morganton Road (sec. 6.6)	9966														

(Ord. #1714; Ord. #1717; Ord. #1604; Ord. #1820; Ord. #1871; Ord. #2096; Ord. #3024; Ord. #3031)

- (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 which 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.

Forecourt: A frontage wherein a portion of the facade is close to the frontage line and the central portion is set back.

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.

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Halfway House: A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in G.S. 122C-3.(14), or anti-social or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Handicapped or Infirm Home: A residence within a single Dwelling Unit for at least two but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

Handicapped or Infirm Institution: An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

Hazardous Material: Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances or Section 311 of CWA (oil and hazardous substances).

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

Southern Pines Unified Development Ordinance

Manufactured Home, Class C: Any Manufactured Home that does not meet the definition criteria of a Class A or Class B Manufactured Home but which, at a minimum, exceeds 32 feet in length and 8 feet in width.

Manufactured Home Park: A residential use in which more than one Class B or Class C Manufactured Home is located on a single Lot.

Minor Work: Exterior work that involves the repair and/or partial replacement of an architectural feature or Building element but does not involve a significant alteration or addition to the existing Building or structure. All Minor Work shall be undertaken in accordance with adopted design standards. In addition, Minor Work shall include alterations and new construction of significant landscape and natural features.

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),

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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 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.

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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.

Sign: Any device, depiction, lettering, or symbol that:

- (A) Is sufficiently visible to persons not located on the Lot where it is located to accomplish either of the objectives set forth in paragraph (b) of this definition, and
- (B) Is designed to attract the attention of such persons or communicate information to them.

Sign, Awning: A Sign that is printed, painted or otherwise placed on an awning.

Sign, Electronic Message Center: An electrically activated, changeable Sign with a variable message and/or graphic presentation capability that can be electronically programmed by computer from a remote location or at the Sign. Also known as an EMC or digital Sign, these Signs typically use arrays of LED lights to create an illuminated message.

Sign, Freestanding: A Sign that is attached to, erected on or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a Building or other structure having principal function other than the support of a Sign. A Sign that stands without supporting elements such as a "sandwich Sign" is also a Freestanding Sign.

Sign, Internally Illuminated: A Sign where the source of the illumination is inside the Sign and light emanates through the message of the Sign, rather than being reflected off the surface of the Sign from an external source. Without limiting the generality of the foregoing, Signs that consist of or contain tubes that:

- (A) Are filled with neon or some other gas that glows when an electric current passes through it; and

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- (B) Are intended to form or constitute all or part of the message of the Sign, rather than merely providing illumination to other parts of the Sign that contain the message shall also be considered Internally Illuminated Signs.

Sign, Landmark: A Freestanding Sign that identifies a Planned Development by integrating the name of the Planned Development into a structure that is consistent with the key design theme of the Development.

Sign, Logo Emblem: A type of Wall Sign in which the logo of the business is displayed separately from the Wall Sign. Logo Emblem Signs contain no words or text. One (1) Logo Emblem Sign is allowed to accompany the permitted number of Wall Signs. Logo Emblem Signs are calculated into the permitted Wall Sign square footage. The Logo Emblem Sign is subject to the same standards as a Wall Sign and must adhere to all other applicable requirements.

Sign, Monument: A type of Freestanding Sign, often referred to as a ground Sign, in which there is not exposed frame, mast or pole, which has a low profile and which is built of brick or other substantial material resembling a monument is called a Monument Sign.

Sign, Non-conforming: A Sign that on the effective date of this chapter does not conform to one or more of the regulations set forth in section 4.6.18.

Sign, Off-Premises: A Sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the Premises on which the Sign is located.

Sign, Plaque or Plaque-Inset: A Sign embedded in the wall during the construction of the Building. The face of the Plaque shall not protrude from the main wall facade more than one inch. A Plaque-Inset Sign that exceeds 3.5 square feet is considered a Wall Sign.

Sign, Portable: A Sign is designed to be moved from place to place and which is not permanently installed.

Sign, Projecting: A Sign which is attached to and projects more than twelve (12) inches from a Building face or wall.

Sign, Temporary: A Sign that:

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- (A) Is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or
- (B) Is intended to remain on the location where it is erected or placed for a period of not more than fifteen days.

Sign, Wall: A Wall Sign is

- (A) A Sign attached to or painted on a wall or Building with the exposed display surface of the Sign in a plan parallel to the plane of the wall to which it is attached or painted and including Signs affixed to or otherwise displayed on or through a facade window.;
- (B) Any Sign attached to, painted on or erected against any wall of a Building or structure so that the exposed face of the Sign is on a plane parallel to the plane of said wall and which does not extend more than 12 inches from the wall;
- (C) Any Sign erected against, installed on or painted on a penthouse above the roof of a Building as long as the wall of the penthouse is on a plane parallel to the wall of the Building; or
- (D) A Sign attached to, painted on or erected against a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the adjoining wall elevation.

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.

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Special Use Permit: A permit issued to authorize Development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits.

Specified Anatomical Areas: For the purpose of this UDO, "Specified Anatomical Areas" is defined as:

- (A) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (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



ORDINANCE #
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
Z-04-24 & OA-04-24

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on November 12th, 2024 at 6:00 PM and again on December 17th, 2024 at 6:00 PM for the purpose of considering an amendment to the zoning map and text of the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and.

WHEREAS, after the completion of said public hearing, and upon consideration of any comments, objections or presentations at the hearing, the Town Council of the Town of Southern Pines deems it advisable and in the best interest of the Town of Southern Pines that the Unified Development Ordinance of the Town of Southern Pines be amended as herein set forth below.

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 17th day of December, 2024:

Section 1. That the boundary of the Downtown Transition Overlay is hereby amended as depicted on Attachment A to this Ordinance, and

Section 2. That multiple sections of the Unified Development Ordinance are hereby amended as depicted on Attachment B to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

Section 2. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption.

Adopted this 17th day of December, 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on December 17th, 2024 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

COUNTY OF MOORE
STATE OF NORTH CAROLINA

CLERK’S CERTIFICATION

I, Elizabeth Robertson, Town Clerk of the Town of Southern Pines, North Carolina, do hereby certify that the attached is a true and accurate copy of Ordinance #_____ Amending the Unified Development Ordinance of the Town of Southern Pines Z-04-24 and OA-04-24 which was adopted at a meeting of the Southern Pines Town Council on the 17th day of December 2024.

WITNESS my hand and the official Seal of the Town of Southern Pines, North Carolina, this the 17th day of December 2024.

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: B.J. Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: AX-02-24: Hold a Public Hearing for Voluntary Annexation of 2.71 Acres Contiguous to the Corporate Limits of the Town of Southern Pines;
Applicant: RAB Investments LLC

Date: December 17, 2024

I. SUMMARY OF APPLICATION REQUEST:

Chris Jordan, on behalf of RAB Investments LLC, is requesting voluntary annexation of 2.71 acres that are currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject property is identified as PIN 858216941750 (PARID 00031777) and is owned by RAB Investments LLC.

II. PRIOR TOWN COUNCIL ACTION:

During the October 22, 2024 Town Council work session, the Town Council adopted *Resolution #1098 Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

On November 4, 2024, the Town Clerk signed *Resolution #1100 Certificate of Sufficiency*.

During the November 12, 2024 Town Council Regular Meeting, the Town Council adopted *Resolution #1101 Setting Date of Public Hearing for Annexation Application*.

III. PROJECT INFORMATION:

A. Physical Address:

Yadkin Road
Southern Pines, NC

B. Property Owner/Applicant:

RAB Investments LLC
PO Box 4406
Pinehurst, NC 28374

C. Property Identification & Parcel Identification Numbers:

PIN 858216941750 (PARID 00031777)

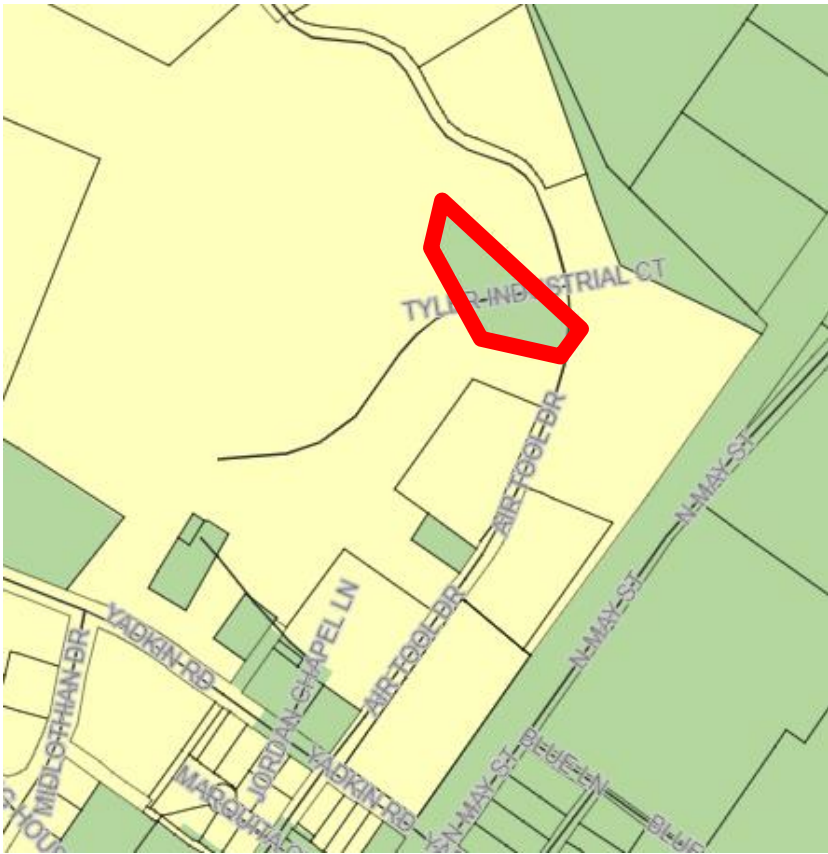
D. Size of Property:

Total area: 2.71 acres

IV. STAFF COMMENTS:

- The applicant has submitted a Petition for Voluntary Annexation accompanied by a description of the subject property.
- The legal description of the parcel to be annexed has been sent to the Moore County Tax Mapper for approval.
- The request is a voluntary request for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject property is presently zoned PD (Planned Development). The adjacent properties are also zoned PD.
- The subject property, and the need to annex in order to be within municipal limits, came to the attention of Planning staff during the review and approval of PD-04-24, WNC8 Distribution Center. That development requires use of Tyler Industrial Ct. that passes through the subject property.

Figure 1: Adjacent Properties (Area to be Annexed Outlined in Red)



Town of Southern Pines Corporate Limits
Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Red)



V. ATTACHMENTS:

1. Petition and property description
2. Recorded subdivision plat
3. Signed Resolutions

VI. TOWN COUNCIL ACTION:

To either approve or deny the voluntary annexation, the Town Council may choose one of the following motions or any alternative they wish:

- 1) I move to adopt an Ordinance approving voluntary annexation request AX-02-24 for the property as defined in the submitted written metes and bounds description, and to have the Ordinance effective immediately.

-or-

- 2) I move to deny voluntary annexation request AX-02-24 for the property as defined in the submitted metes and bounds description.

PETITION FOR VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 858216941750; PARID: 0031777.

Property Owner(s):

Name: RAB Investments LLC

Signature: 

Manager, RAB Investments LLC

Address: Post Office Box 4406

Pinehurst, North Carolina 28374

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

Exhibit A
Metes and Bounds Description

Metes and Bounds description from Book 23, Page 734, Moore County Registry:

Being in McNeill Township, Moore County, and State of North Carolina described as follows:

Beginning at a stake near Manly south side of Harts Branch and runs thence North 85-25, 10 chains to a stake; thence South 32 East 2.30 chains; thence South 75 E 5.40 chains to a stump; thence North 70 East 4.30 chains to a stake; thence North 17 West 1.80 chains to the beginning excepting 35/100 of an acre sold to A.J. McKay for metes and bounds see deed from J.S. Buchan and wife to A.J. McKay.

See Tract 1 as shown and depicted on Exhibit A recorded in Book 3032, Page 352, Moore County Registry.

(For informational purposes, Parcel ID 00039569, which fully surrounds this Parcel ID 00031777, has previously been annexed into the Town of Southern Pines)

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable Land Development Regulations.





RESOLUTION #1098
DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER
G.S. 160A-31
AX-02-24: Yadkin Road

WHEREAS, a petition requesting annexation of an area described in said petition was received on October 14, 2024, by the Town Council of the Town of Southern Pines; and

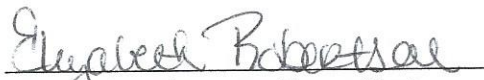
WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

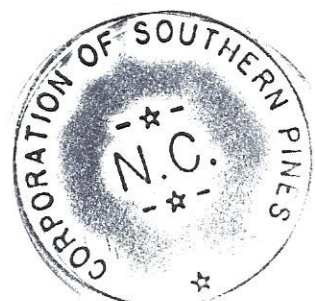
WHEREAS, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

Adopted this 22nd day of October, 2024.

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on October 22, 2024, as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk





**RESOLUTION #1100
CERTIFICATE OF SUFFICIENCY
AX-02-24: Yadkin Road**

To the Town Council of the Town of Southern Pines, North Carolina;

I, Elizabeth Robertson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

1. The petition contains an adequate property description of the area proposed for annexation, which is identified as follows:
 - PIN 858216941750 (PARID: 00031777)
2. The petition is signed by and includes addresses of all owners of real property lying in the area described herein. Per the Moore County Tax Department and Moore County Register of Deeds, the property owners are listed as:

RAB Investments, LLC
George Christopher Jordan
P.O. Box 4406
Pinehurst, NC 28374

3. The area described in the petition is contiguous to the Town of Southern Pines primary corporate limits, as defined by N.C.G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, North Carolina, this 4th day of November, 2024.


Elizabeth Robertson, Town Clerk





**RESOLUTION #1101
SETTING DATE OF PUBLIC HEARING FOR ANNEXATION
APPLICATION
AX-02-24: Yadkin Road**

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the ES Douglass Community Center at 6:00 pm on December 17, 2024.

Section 2. The area proposed for annexation is described as follows:

Property Identification Number (PIN) and Parcel Identification:

PIN: 858216941750; PARID: 00031777

Property Owners/Applicants:

RAB Investments, LLC
P.O. Box 4406
Pinehurst, NC 28374

Total Size of Property:

Total Acreage: +/- 2.50 acres

Meets & Bounds:

Meets & Bounds description from Book 23, Page 734 Moore county Registry:

Being in McNeill Township, Moore County, and State of North Carolina described as follows:

Beginning at a stake near Manly south side of Harts Branch and runs thence North 85-25, 10 chains to a stake; thence South 32 East 2.30 chains; thence South 75 E 5.40 chains to a stump; then North 70 East 4.30 chains to a stake; then North 17 West 1.8 chains to the beginning excepting 35/100 of an acre sold to A.J. McKay for metes and bounds see deed from J.S. Buchan and wife to A.J. Buchan

See Tract 1 as shown and depicted on Exhibit A recorded in Book 3032, Page 352, Moore County Registry

Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

Adopted this 12th day of November, 2024.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of November 12, 2024, as shown in the minutes of the Town Council for that date.




Elizabeth Robertson, Town Clerk



ORDINANCE #3093
TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-02-24: Yadkin Road

THAT WHEREAS, the Town Council has been petitioned under G.S. 160A-31 as amended to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-02-24, was scheduled to be held in regular session of the Town Council at the E.S. Douglass Community Center at 6:00 P.M. on the 17th day of December, 2024, after due notice by publication; and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

WHEREAS, based on the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex the following parcel according to the requirements of G.S. 160A-31:

Meets & Bounds description from Book 23, Page 734 Moore county Registry:

Being in McNeill Township, Moore County, and State of North Carolina described as follows:

Beginning at a stake near Manly south side of Harts Branch and runs thence North 85-25, 10 chains to a stake; thence South 32 East 2.30 chains; thence South 75 E 5.40 chains to a stump; then North 70 East 4.30 chains to a stake; then North 17 West 1.8 chains to the beginning excepting 35/100 of an acre sold to A.J. McKay for metes and bounds see deed from J.S. Buchan and wife to A.J. Buchan

See Tract 1 as shown and depicted on Exhibit A recorded in Book 3032, Page 352, Moore County Registry

A map of the area herein described is provided with this Ordinance as Attachment A.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 17^h day of December, 2024:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 17th day of December, 2024.

Section 2. Upon and after the 12th day of September, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 17th day of December, 2024.

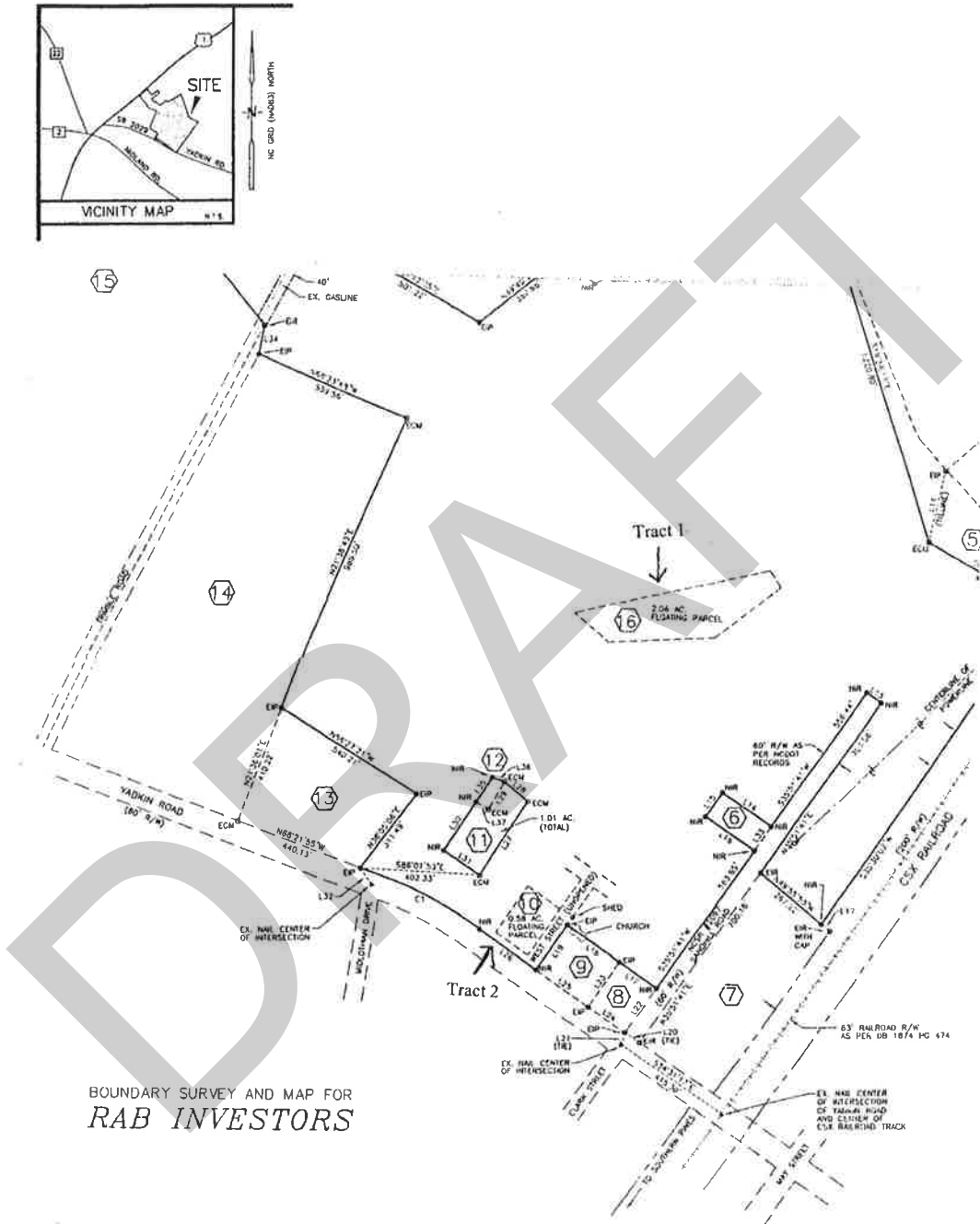
I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on December 17, 2024, as shown in the Minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

DRAFT

EXHIBIT A

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable Land Development Regulations.



Agenda Item

To: Town Council

Via: BJ Grieve, Planning Director

From: Mason Mattox, Planner I

Subject: Z-05-24: Request to Rezone Two Parcels located on W. New Hampshire Ave. and One Parcel Located on N. Hardin Street from Residential Single Family (RS-1) to Residential Single-Family Conditional Zoning District (RS-1CD).

Date: December 17, 2024

I. SUMMARY OF APPLICATION REQUEST

Tony and Sandra Fairley have submitted a request to rezone three properties from RS-1 to RS-1 Conditional Zoning District to allow for the land use of three pre-fabricated duplexes, one on each property. The subject parcels are identified as PIN 858200023471 (PARID 00037070) owned by Tony and Sandra Fairley; PIN 858200024317 (PARID 00036484) owned by 1092 West New Hampshire LLC (Rev. Tony Fairley); and PIN 858213023794 (PARID 00035309) owned by Tony Fairley, totaling 0.56 acres. This application also includes WP-05-24 for 0.56 acres of allocation credit.

II. PLANNING BOARD REVIEW

On November 2, 2024, the Town of Southern Pines Planning Board convened to hold a public hearing regarding application Z-05-24. The public hearing was opened and concluded on the same day. Alaina Mallette, Senior Planner, made a staff presentation of the subject parcel, followed by staff's recommendation of approval. Following staff's comments, Mr. Tony Fairley, Applicant, received questions from the Board. No members of the public spoke in favor or against the application.

After closing the public hearing, by a unanimous vote of 6-0, the Board moved that, the proposed amendment is consistent with the 2040 Comprehensive Plan and therefore, recommended approval of Z-01-24 to the Town Council with the following conditions on the RS-1 conditional zoning district.

- **Condition 1.** That the land use shall be limited to: Land-Based Classification Standard (LBCS) #1120: "Two-Family (double or Duplex)," which may be manufactured and permanently affixed to the ground or built on-site.
- **Condition 2.** That the manufactured Duplexes created on Lots 9, 10, and 174 shall be built within the setbacks shown in Preliminary Surveys for Tony Fairley and Wife Sandra Fairley, dated 09/25/2024 and submitted with this application. This shall include a reduction in the minimum lot size requirement to 8,1000 SF for each lot.

- **Condition 3.** That the architecture and design shall be consistent with attachment #5 of the 2024 Staff Report.

III. PROJECT INFORMATION

A. Physical Addresses	B. Property Owners	C. Applicants
No address assigned as of the writing of this staff report; PIN 858200023471 (PARID 00037070)	Tony and Sandra Fairley	Tony and Sandra Fairley
No address assigned as of the writing of this staff report; PIN 858200024317 (PARID 00036484)	092 West New Hampshire LLC (Rev. Tony Fairley)	
No address assigned as of the writing of this staff report; PIN 858213023794 (PARID 00035309)	Tony Fairley	

D. Existing Zoning

The subject property is currently zoned Residential Single-Family 1 (RS-1). The subject property is also within the West Southern Pines District Overlay, and the Watershed Protection Overlay District (specifically, the Protected Area). The building footprint is approximately 2,280 square feet per Duplex. With the parcels being 8,100, 8,106, and 8,105 square feet, each parcel will have a built upon area of approximately 28 percent according to Planning staff's calculations. UDO Exhibit 3-14 states that: "New Development with a Development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area.

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

General Framework

The two W. New Hampshire Ave. parcels are located within the 'Areas to Strengthen' designation, and the parcel on N. Hardin Street is located within the 'Areas to Enhance' designation. Areas to strengthen are "places that already have positive momentum but may need intentional support to overcome specific hurdles preventing them from reaching their full potential." Areas to enhance are existing developed areas such as established residential neighborhoods, and they may benefit from small-to-medium improvements over the long-term, such as limited infill development, so long as this infill is sensitive to the surrounding area as a whole.

Conservation and Development

The two W. New Hampshire Ave. parcels are located within the 'Mixed-Use Area' designation, and the parcel on N. Hardin Street is located within the 'Neighborhood' designation.

Both Mixed-Use Area and Neighborhood mention “Missing Middle” home choices which is further expanded to specifically name Duplexes, amongst other densities of dwelling units. Page 107 of the plan discusses the importance of infill development in West Southern Pines, specifically to achieve “Missing Middle” housing options. Similarly, page 150 discusses Missing Middle Housing Concepts, also naming Duplexes, and also calling for infill in existing neighborhoods: “[Multi-family development in a new neighborhood] should consider “missing middle” home choices – duplex, triplex, quadplex, or cottage courts – to create more variety in terms of size and scale of buildings.”

Character District

The West Southern Pines describes the area as having low-profile homes on small lots.

F. Proposed Conditions

- **Condition 1.** That the land use shall be limited to: Land-Based Classification Standard (LBCS) #1120: “Two-Family (double or Duplex),” which may be manufactured and permanently affixed to the ground or built on-site.
- **Condition 2.** That the manufactured Duplexes created on Lots 9, 10, and 174 shall be built within the setbacks shown in Preliminary Surveys for Tony Fairley and Wife Sandra Fairley, dated 09/25/2024 and submitted with this application. This shall include a reduction in the minimum lot size requirement to 8,100 SF for each lot.
- **Condition 3.** That the architecture and design shall be consistent with attachment #5 of the 2024 Staff Report.

Figure 1: Vicinity Zoning Map
Town of Southern Pines



10/30/2024, 3:58:02 PM

- Parcels (Yellow Lines)
- Parcels PARID Number
- Streets
- Zoning Text
- All Zoning Over Aerial
- FRR, Facilities Resources Recreation
- NB, Neighborhood Business
- NBCD, Neighborhood Business Conditional District
- RS-1, Residential Single Family

1:1,128
 0 0.01 0.02 0.04 mi
 0 0.01 0.03 0.06 km
 NC CGIA, Maxar, Microsoft

Source: TOSP Planning Mapping Site
 The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether express or implied.

IV. STAFF REVIEW

1. Application Review Dates

Application Submitted: **October 02, 2024**

Application Complete: **October 04, 2024**

Planning Board Public Hearing Notice

Publication: **November 06, 2024** and **November 13, 2024**

Mail: **November 04, 2024**

Signage: **November 01, 2024**

Internet: **October 31, 2024**

Planning Board Regular Meeting: **November 21, 2024**

Town Council Regular Meeting: **December 17, 2024**

Publication: **December 04** and **December 11, 2024**

Mail: **December 03, 2024**

Signage: **November 01, 2024**

Internet: **December 02, 2024**

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

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

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

See “2040 Comprehensive Plan Designation for General Framework, Conservation and Development, and Character Districts” for more information. The applicant’s narrative also addresses compliance with the Comprehensive Plan, referencing the target objectives of West Southern Pines, and long-term goals for the area. Planning staff agree with the applicant’s narrative, and have not identified any inconsistencies with the 2040 Comprehensive Plan. Staff instead find that the proposed rezoning would be supported as a priority of the 2040 Plan in addressing ‘Missing Middle’ housing in key areas of the Community.



*(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.*

Planning staff find that adverse impacts have been mitigated in proposed list of conditions.

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

As presently zoned, several land uses are permitted on the parcels. In terms of residence or accommodation functions that which is permitted is: Single-Family detached, Class A Single-Family Manufactured Home, Class B Manufactured Home, Class C Single-Family Manufactured Home (with Special Use Permit), Assisted-living board and care and adult care group home, and Bed and Breakfast Home (with Special Use Permit). The use of Duplex is permitted only by Conditional Zoning District within the RS-1 base zoning. As such, no unsuitable factors have been identified by Planning staff, and the proposal may be rezoned to effectuate important goals, objectives, and policies of the Comprehensive Plan.

Exhibit 3-15: Table of Authorized Land Uses

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels													
Private Dwelling	1100	Single-Family homes, doubles, apartments, Condominiums, mobile homes, Townhouses; excludes households with special provisions													
Single-Family	1110														
Single-Family detached	1111	Typical Single-Family Dwelling	Z	Z	Z	Z	Z	Z	Z	ZS		Z	Z		
Single-Family attached (Townhouses) (Ord. # 1716)	1112	Each Dwelling Unit on a separate Lot; fire wall may protrude from roof or roofs may be staggered						ZS	ZS	ZS		ZS	ZS		
Class A Single-Family Manufactured Home	1113	modular homes and other structures that comply with the NC Residential Building Code as amended	Z	Z	Z	Z	Z	Z	Z	ZS					
Class B Single-Family Manufactured Home	1114	Manufactured Homes that comply with HUD standards and other local criteria		Z											
Class C Single-Family Manufactured Home	1115	Manufactured Homes that comply with HUD standards and do not meet the standards for Class A or Class B Manufactured Homes		SU											
Manufactured Home Park	1116	a group of three or more spaces for sale or lease that are designed to accommodate Manufactured Homes		CZ											
Two-Family (double or Duplex)	1120				CZ			Z	Z	Z		Z	Z		
Accessory Dwelling	S1130		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
Multi-Family	S1200	Three or more Dwelling Units													
Multi-Family	1151	Three or more Dwelling Units						MR	MR	MR		MR	MR		
Multi-Family Conversion	1152	Three or more Dwelling Units in a converted Single-Family home						Z	Z	Z		Z	Z		
Housing Services	1200	Housing and custodial services for those who cannot care for themselves													
Retirement housing services	1210	Offer minimal convenience services						Z	Z						
Congregate living services	1220	Provide convenience services such as housekeeping, transportation, recreational programs						Z	Z						

(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.

No health, safety, or welfare concerns have been identified by Planning staff at this time, based on the application materials, and routine analysis of the subject parcels and surrounding areas. Parcel research suggests that PARID 00036484 is the former site of the home of Mr. Jim Bethea, notable figure in West Southern Pines History. No portion of this residence would appear to remain on the present-day site.

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

See comments under **Consistency**. The proposed Duplexes are expressly listed as a need according to the 2040 Comprehensive Plan.

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

The rezoning is for three parcels, each being approximately 0.186 acres. The size of the tracts is slightly smaller than the current UDO standard for minimum lot size in RS-1 zoning, which is 10,000 square feet. Attached list of proposed conditions seeks to address this by lowering the minimum lot size to 8,100 square feet. The smaller size would not appear to be substantial enough to declare the proposed use of Duplexes as unsuitable for the area.

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

Pursuant to UDO Exhibit 3-14: Residential Projects within High Quality Water / Protected Areas are required to obtain a state Stormwater Permit; if the Development disturbance area exceeds one (1) acre [Or] If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption. The applicant has proposed that the total built upon area by parcel will be approximately 34 percent. Staff find that the proposed increased density on the properties is supported by the 2040 Comprehensive Plan's initiatives to encourage infill development within the West Southern Pines Character District. This calculation is also well under the watershed permit allocation limit of 70 percent total built upon area. A watershed protection permit (i.e., WP-05-24, see Attachment 2) has been submitted with this rezoning application, which may only be granted under the authority of Town Council.

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

The rezoning request is for a conditional zoning district with the restriction that the land use of the parcels be limited to "Two-Family (double or Duplex)" (i.e., LBCS 1120) as described in attached list of proposed conditions. The Town Council may consider applicant representations as part of their review.

3. Outside Agency Comments

A request for comments was emailed to agencies on October 31, 2024. Agencies notified include Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), United States Fish and Wildlife Services (US FWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT). No comments have been received as of the writing of this staff report. Any

comments received after the writing of this staff report will be submitted during the public hearing on December 17, 2024.

4. Staff Comments and Recommendation

Approval of a conditional zoning district approves a specific use with reasonable conditions that mitigate the negative impacts of the proposed development and ensure compatibility with the surrounding area. Only conditions approved by the Town Council and consented to by the petitioner in writing may be incorporated into the conditional zoning district. If the applicant ever wishes to change an approved condition, they must follow the same rezoning procedure required to amend the official zoning map unless considered a minor change per UDO §2.17.11(K).

Planning staff recommend that the hearing bodies approve the conditions on the Residential Single-Family RS-1 Conditional Zoning District as initially proposed and submitted in the application, which read as follows:

- **Condition 1.** That the land use shall be limited to: Land-Based Classification Standard (LBCS) #1120: “Two-Family (double or Duplex),” which may be manufactured and permanently affixed to the ground or built on-site.
- **Condition 2.** That the manufactured Duplexes created on Lots 9, 10, and 174 shall be built within the setbacks shown in Preliminary Surveys for Tony Fairley and Wife Sandra Fairley, dated 09/25/2024 and submitted with this application. This shall include a reduction in the minimum lot size requirement to 8,1000 SF for each lot.
- **Condition 3.** That the architecture and design shall be consistent with attachment #5 of the 2024 Staff Report.

Planning staff also recommend that WP-05-24 be approved with this application, which will allocate 0.56 acres of credit.

V. ATTACHMENTS

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

1. Signed Planning Board Resolution to Adopt a Written Recommendation
2. Zoning Map Amendment and Watershed Protection Permit Applications
3. Narrative for Proposed Amendment and List of Conditions provided by Applicant
4. Parcel Surveys with Proposed Site Layouts
5. Sugar Run Style Duplex Architectural Renderings provided by Applicant
6. Watershed Protection Permit Application

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

VI. TOWN COUNCIL ACTION:

A request for a zoning map amendment approval is a request for a rezoning. Per North Carolina General Statute 160D-601(a), before adopting the rezoning, the Town Council shall hold a legislative hearing. Per North Carolina General Statute 160D-605(a) the Town Council shall also approve a statement addressing consistency or inconsistency with the 2040 Comprehensive Plan. Furthermore, per North Carolina General Statute 160D-605(b), the Town Council must also approve a statement about the reasonableness of the rezoning and shall approve a brief statement describing whether its action is consistent with an adopted comprehensive plan.

To assist the Town Council 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 map amendments (i.e., rezoning) to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9:

1. **The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the West Southern Pines District and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9, considering that the Duplexes will expand housing opportunities to account for ‘missing middle’ options and the proposed design is appropriate for the character of the area. Therefore, the requested rezoning from RS-1 to RS-1CD (Conditional Zoning District) is reasonable for the reasons set forth in the Planning Board recommendation and staff report for application Z-05-24.**
2. The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and partially consistent with the current character of the West Southern Pines District and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. Considering that the Duplexes will expand housing opportunities to account for ‘missing middle’ options as the 2040 Comprehensive Plan seeks to amplify, the proposal is consistent with the rezoning request. Therefore, the requested rezoning from RS-1 to RS-1CD (Conditional Zoning District) with an amended condition would be a reasonable request for the reasons mentioned above and within the staff report for application Z-05-24. The requested rezoning is a reasonable request for the reasons set forth in the written Planning Board recommendation attached to staff report Z-05-24 as modified by Town Council as follows:
- OR-
3. The requested rezoning is inconsistent with the 2040 Comprehensive Plan and is not a reasonable request for the following reasons:
 - a.

And, therefore, I move to:

1. Approve Z-05-24 and WS-05-24 with the conditions submitted by the applicant on the RS-1 Conditional Zoning District and as set forth in staff report Z-05-24:

- Condition 1. That the land use shall be limited to: Land-Based Classification Standard (LBCS) #1120: “Two-Family (double or Duplex),” which may be manufactured and permanently affixed to the ground or built on-site.
- Condition 2. That the manufactured Duplexes created on Lots 9, 10, and 174 shall be built within the setbacks shown in Preliminary Surveys for Tony Fairley and Wife Sandra Fairley, dated 09/25/2024 and submitted with this application. This shall include a reduction in the minimum lot size requirement to 8,100 SF for each lot.
- Condition 3. That the architecture and design shall be consistent with attachment #5 of the 2024 Staff Report.

-OR-

2. Approve Z-05-24 and WS-05-24 with the following modifications made by the Town Council, accepted by the applicant, and as set forth in attachments to staff report Z-05-24:

-OR-

3. Deny Z-05-24.

Note that the effect of Town Council approval of a conditional zoning district and all conditions that have been attached to the approval are binding on the property as an amendment to the Zoning Map. All subsequent Development and use of the property shall be in accordance with the standards for the approved Conditional Zoning district; the approved petition and all conditions attached to the approval. Only those uses and structures indicated in the approved petition shall be allowed on the subject property. Any Development in the district shall comply with all provisions of and conditions to the approved petition. Any uses and structures on the subject property also shall comply with all standards and requirements for Development in the underlying general zoning district. Lastly, minor changes in the detail of the approved petition or Site Plan that do not involve a change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards. Lastly, minor changes in the detail of the approved petition that do not involve a

change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards.



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
FOR A CONDITIONAL ZONING DISTRICT
Z-05-24**

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

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

WHEREAS, the Planning Board has reviewed the proposed zoning map amendment—which includes the written staff report and application materials showing the proposed district boundaries, and has conducted a public hearing on November 21, 2024, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application #Z-05-24.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The Planning Board recommends that the Town Council approve the zoning map amendment request for the subject parcels, identified as PIN 858200023471 (PARID 00037070), PIN 858200024317 (PARID 00036484, and PIN 858213023794 (PARID 00035309), totaling 0.56 acres. Two of the parcels are located on W. New Hampshire Ave. and one parcel is located on N. Hardin St.

The proposed zoning amendment is consistent with the Town of Southern Pines 2040 Comprehensive Plan, which advises decision makers to consider future needs when reviewing development applications.

The proposed conditions, as submitted by the Applicant, at the November 21, 2024 public hearing, on the RS-1 redistricting are consistent with the intent of the Areas to Strengthen and Areas to Enhance designation on the General Framework Map, and the Mixed-Use Area and Neighborhood designation on the Conservation and Development Map, as well as the West Southern Pines Character District Map. Considering the final agreed-upon conditions, the Planning Board found

that reasonably foreseeable adverse impacts on neighboring lands or on general health, safety, and welfare were appropriately addressed.

The Planning Board recommends the Town Council adopt this zoning amendment (i.e., #Z-05-24) with Watershed Protection Permit (i.e., WP-05-24), which rezones the properties from Residential Single-Family 1 to Residential Single-Family 1 Conditional Zoning District (RS-1 CD) with the following conditions to which the applicant has consented:

- **Condition 1** That the land use shall be limited to: Land-Based Classification Standard (LBCS) #1120: "Two-Family (double or Duplex)," which may be manufactured and permanently affixed to the ground or built on-site.
- **Condition 2** That the manufactured Duplexes created on Lots 9, 10, and 174 shall be built within the setbacks shown in Preliminary Surveys for Tony Fairley and Wife Sandra Fairley, dated 09/25/2024 and submitted with this application. This shall include a reduction in the minimum lot size requirement to 8,100^{sq} SF for each lot.
- **Condition 3** That the architecture and design shall be consistent with attachment #5 of the 2024 Staff Report.
- _____

ADOPTED this the 21st day of November, 2024.

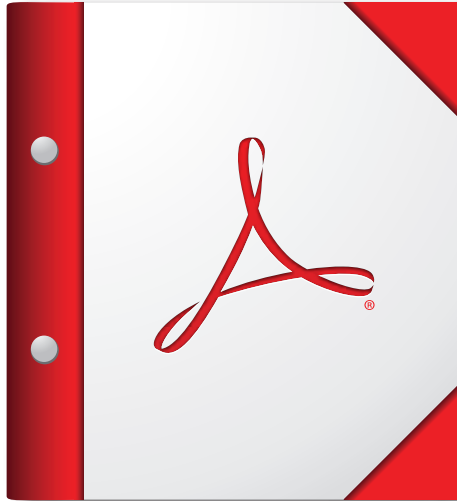


Diane T. Westbrook, Chairwoman

ATTEST:



Cindy Williams
Secretary to the Planning Board



**For the best experience, open this PDF portfolio in
Acrobat X or Adobe Reader X, or later.**

Get Adobe Reader Now!

Narrative

A. Consistency

As noted on page 40 of the 2040 Comprehensive Plan, *Investment and development from outside forces creates change in local neighborhoods and, in most cases, the benefits from increased investment and interest are not distributed evenly or equitably between new and existing residents.* (pg. 139) 2040 Comprehensive Plan. As life long residents and investors, we are able to better address the needs and concerns of the community at a grassroots level.

West Southern Pines, *"is now the target of widespread redevelopment from outside investors that attracts an influx of new residents different from existing residents. New homes built in the neighborhood are also different in terms of size, scale, and building materials compared to homes built earlier."* (pg. 138) As a long-time resident of the community, We will develop homes that look like earlier built homes and will preserve the rich history and character of the neighborhood.

The town also advocates for programs, policies, projects, and implementation strategies that distribute benefits equitably within the community. (pg.139) 2040 Comprehensive Plan. We are pleased to work with town officials who we feel have a genuine interest in re-vitalizing West Southern Pines and maintaining its rich history of prosperity .

B. Neighborhoods

Page 52 of the 2040 C.P, states: *Some new neighborhoods may mix home types, lot sizes, or home sizes on the same block and provide accessory dwelling units. Multi-family development in a new neighborhood should consider "missing middle" home choices — duplex, triplex, quadplex, or cottage courts — to create more variety in terms of size and scale of buildings.* Zoning from RS-1 to RS-1-Conditional Zoning District will offer an affordable housing options consistent with 2040 Comprehensive Plan.

C. Suitability as Presently Zoned

a. Currently this district is zoned RS-1 which allows for *Two-Family (double or Duplex)* 1120 Exhibit 3-15 *Table of Authorized Land Uses* (pg 125) UDO. Designating this district RS-1-Conditional Zoning District is consistent with the 2040 Comprehensive Plan. Also according to page 70 of 2040 Comprehensive Plan, within the desired Residential Building Type Matrix, Side-by-side units are allowed in the West Southern Pines Character District.

D. Conditions offered:

1. That the land use shall be limited to: Land-Based Classification Standard (LBCS) #1120: "Two-Family (double or Duplex)," which may be manufactured and permanently affixed to the ground or built on-site.
2. That the manufactured Duplexes created on Lots 9, 10, and 174 shall be built within the setbacks shown in Preliminary Surveys for Tony Fairley and Wife Sandra Fairley, dated 09/25/2024 and submitted with this application. This shall include a reduction in the minimum lot size requirement to 8,100 SF for each lot.
3. For Lot 174, internal side setbacks shall be reduced by 1/2' (one-half of a foot) to 9.5' (nine and a half feet), and exterior side setbacks shall be reduced by 1/2' (one-half of a foot) to 14.5' (fourteen and a half feet).
4. That the architecture and design shall be consistent with attachment # of the 2024 Staff Report.



I certify that this map was drawn under my supervision from maps of record made under my supervision and not from field survey.

Further:
I hereby certify that the premises shown & described hereon, do not lie in a F.E.M.A. designated 100 year flood plain area.

REFERENCE:
MAP BOOK 2, PAGE 4
DEED BOOK 3440, PAGE 302
MOORE COUNTY REGISTRY
ACREAGE DETERMINED
BY COORDINATE METHOD.

NOT INTENDED TO BE PREPARED
FOR RECORDATION IN ACCORDANCE
WITH G. S. 47-30 AS AMENDED.

CORPORATE LICENSE NO. C-1987

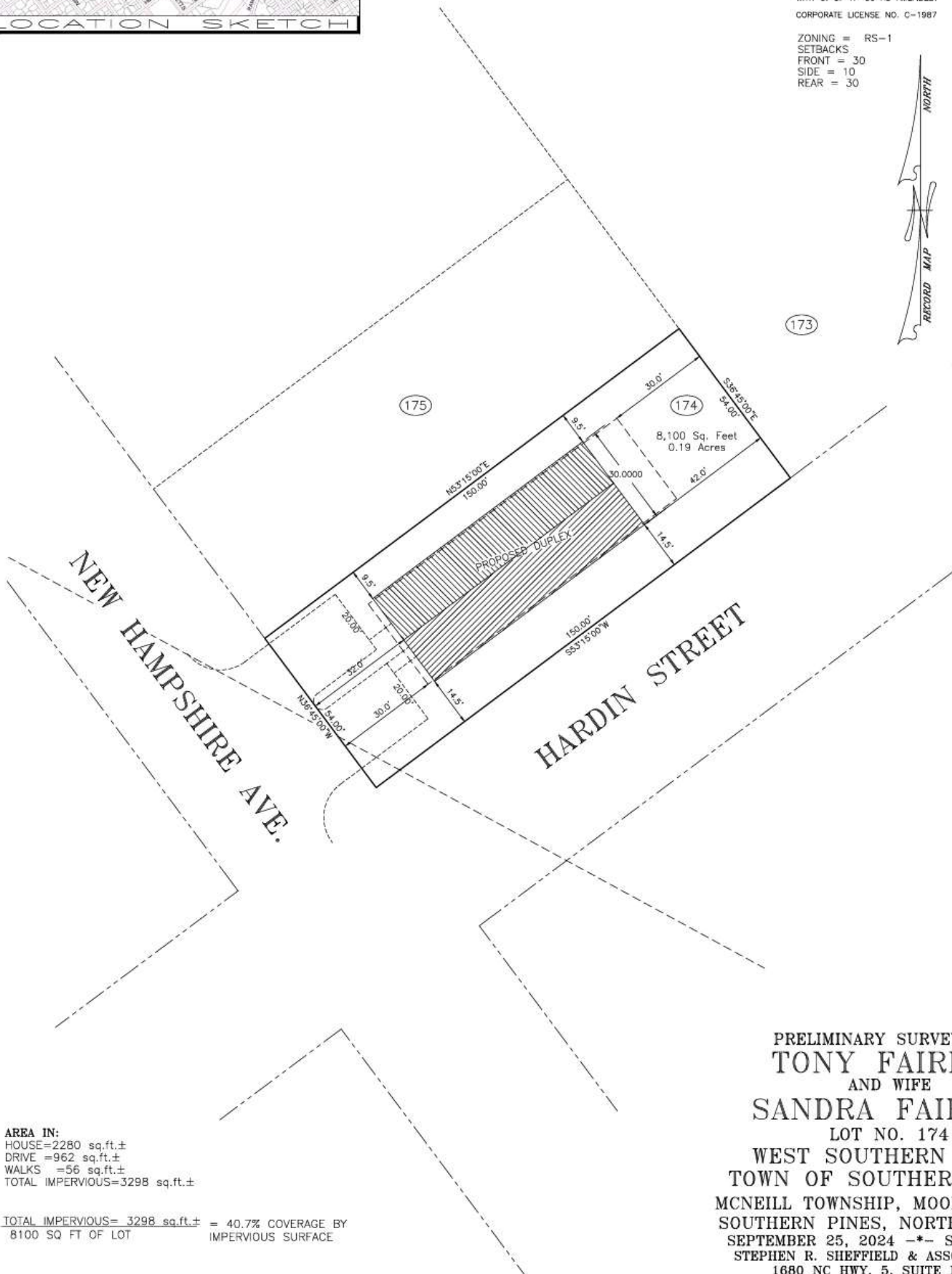
ZONING = RS-1
SETBACKS
FRONT = 30
SIDE = 10
REAR = 30

PRELIMINARY DRAWING
NOT FOR SALES, CONVEYANCE
OR RECORDATION.

S. R. SHEFFIELD, PLS NO.
DATE: SEPTEMBER 25, 2024

UNLESS OTHERWISE DENOTED
● = EXISTING IRON STAKE
■ = EXISTING CONCRETE MONUMENT
□ = SET CONCRETE MONUMENT
○ = SET IRON STAKE
+ = SQUARE FOOTAGE
P = UTILITY POLE
W = WATER METER
V = WATER VALVE
F = FIRE HYDRANT
C = CATCH BASIN
S = SANITARY SEWER MANHOLE
P = POWER SERVICE STUB
S = SEWER SERVICE STUB
T = TELEPHONE SERVICE STUB
C = CABLE TV SERVICE STUB
- - - = FENCE
- - - - - = SILT

TSP = PINE TREE W/ SIZE N
O = OAK TREE
HW = HARDWOOD TREE
DW = DOGWOOD TREE
O = AREA LIGHT



AREA IN:
HOUSE=2280 sq.ft.±
DRIVE =962 sq.ft.±
WALKS =56 sq.ft.±
TOTAL IMPERVIOUS=3298 sq.ft.±

TOTAL IMPERVIOUS= 3298 sq.ft.± = 40.7% COVERAGE BY
8100 SQ FT OF LOT IMPERVIOUS SURFACE

PRELIMINARY SURVEY FOR
TONY FAIRLEY
AND WIFE
SANDRA FAIRLEY
LOT NO. 174
WEST SOUTHERN PINES
TOWN OF SOUTHERN PINES
MCNEILL TOWNSHIP, MOORE COUNTY,
SOUTHERN PINES, NORTH CAROLINA
SEPTEMBER 25, 2024 -- SCALE 1"=20'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
1680 NC HWY. 5, SUITE NO. 170
ABERDEEN, NORTH CAROLINA

20' 10' 0' 20' 40'

The Sugar Run

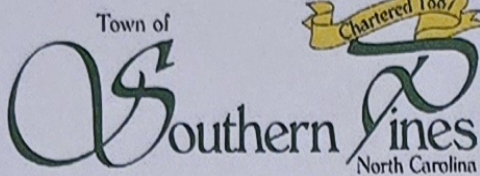


2 Bed • 1 Bath • 1050 Sq Ft

3 Bed • 2 Bath • 1050 Sq Ft



*OPTIONAL - 2 BED/2 BATH



Watershed Protection Permit Application

(PIN) (Parcel ID)

1. 858200023471-00037070
2. 858200024317-00036484
- ~~3. 858200024317-00036484~~
3. 858213023794-00035309

Date Received: _____

Case No.: WP-_____-____

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

Project Information:

Project Name: Z-05-24 Zoning District: RS-1 Total Property Acreage: 0.56

PIN: _____ Parcel ID: _____ Watershed: Little River

Type of Development: Residential Total Built-Up Area*: 2780 sq. ft.

% of Total Property Acreage Proposed to be Built-Up Area*: 340%

Applicant:

Name(s): Tony & Sandra Fairley Email: pastorfairley@gmail.com

Mailing Address: 2739 Army Rd. Hargett, N.C. 28376 Phone: 910.603.0642

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

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

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Signature of Applicant

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

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

COMMUNITY DEVELOPMENT DEPARTMENT

TOWN OF SOUTHERN PINES

180 SW BROAD STREET

SOUTHERN PINES, NORTH CAROLINA 28387

plan@southernpines.net (910) 692-4003 www.southernpines.net



ORDINANCE #3095

AMENDING THE ZONING MAP OF THE TOWN OF SOUTHERN PINES

THAT WHEREAS, after notice duly given according to law, a public hearing was held before the Town of Southern Pines Town Council at its regular business meeting on December 17, 2024 at 6:00 PM for the purpose of considering and passing of an ordinance amending the Zoning Map of the Town of Southern Pines, North Carolina; and

WHEREAS, after the completion of said public hearing, and upon consideration of the reasonableness of the request, compliance with the criteria for a zoning map amendment found in UDO §2.17.9, as well as consistency with the adopted 2040 Comprehensive Plan, the Southern Pines Town Council approved petition Z-05-24 to amend the Zoning Map of the Town of Southern Pines;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town of Southern Pines Town Council, in regular session assembled on the 17th day of December, 2024:

Section 1. That the Zoning of the Town of Southern Pines on file in the office of the Town Clerk be amended to reflect that the parcel located between North Carlisle Street and North Hardin Street and West Connecticut Avenue and West New Hampshire Avenue as well as the parcels located between North Hardin Street and North Gaines Street, and West New Hampshire Avenue and West Pennsylvania Avenue is zoned Residential Single Family (RS-1) Conditional Zoning District with the following final list of conditions on that district:

Condition 1. That the land use shall be limited to: Land-Based Classification Standard (LBCS) #1120: “Two-Family (double or Duplex),” which may be manufactured and permanently affixed to the ground or built on-site.

Condition 2. That the manufactured Duplexes created on Lots 9, 10, and 174 shall be built within the setbacks shown in Preliminary Surveys for Tony Fairley and Wife Sandra Fairley, dated 09/25/2024 and submitted with this application. This shall include a reduction in the minimum lot size requirement to 8,1000 SF for each lot.

Condition 3. That the architecture and design shall be consistent with attachment #5 of the 2024 Staff Report.

The subject parcels are as recorded in the Moore County Registry as follows:

- (1) Lot as recorded in Deed Book 3440, Page 302 and as identified as Parcel Identification Number 00035309

Lot No. 174 in West Southern Pines, as shown on a map of “West Southern Pines” made by Francis Deaton, C.E., and recorded in the Moore County Registry, to which record reference is hereby made for a more complete description, said lot being bounded and described as follows:

Beginning at the point of intersection of the north line of Hardin Street and the east line of New Hampshire Avenue; running thence with Hardin Street in a northeasterly direction 150 feet to a stake; thence at right angles to said street in a northwesterly direction of 54 feet to a stake; thence parallel with the line of New Hampshire Avenue; thence parallel with the second line and with said New Hampshire Avenue 54 (fifty-four) feet to the beginning, this being the same lot conveyed by Warranty Deed from Grady Burney to Amy McIver, said deed being on record in the Office of the Register of Deeds for Moore County, to which record reference is hereby made and by this reference made a part hereof.

- (2) Lot as recorded in Deed Book 3940, Page 145, and as identified as Parcel Identification Number 00037070, referencing Deed Book 271, Page 374 as recorded in 1975

Beginning at an iron stake located in the James K. Draper property line, same being the northwest corner of the Davis Wayne Holder 4.588 acre tract, and running thence North 83 degrees 52 minutes West 247.57 feet with the James K. Draper southern property line to an iron pipe and northeast corner of a 9.131 acre tract; thence South 06 degrees 18 minutes West 803.28 feet to an iron pipe; thence South 82 degrees 01 minute East 71 feet to an iron stake and northeast corner of a 7.0 acre tract; thence continuing South 82 degrees 01 minute East 176.67 feet to an iron stake and southwest corner of the Davis Wayne Holder 4.588 acre tract; thence North 06 degrees 18 minutes East 811.27 feet with the western line of the said Holder tract to the point of beginning, containing 4.588 acres, more or less, and being the western half of the Carl Franklin Hussey, Jr. 9.177 acre tract. For further reference see Deed Book 364 at page 548 and Deed Book 49 at page 4 in the Moore County Registry.

- (3) Lot as recorded in Deed Book 6164, Page 318, and identified as Parcel Identification Number 00036484

Lot 9 of Block K-13 of the map of Southern Pines recorded in Map Book 1 at page 70. This lot is on New Hampshire Avenue. For the history of this lot see the deeds recorded in Book 1486 at page 247 and Book 5726 at page 4.

Section 2. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption until otherwise amended.

Adopted this 17th day of December, 2024.

Elizabeth Robertson, Town Clerk

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on December 17, 2024 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: Gene R. Ruiz, Planner II

Via: BJ Grieve, Planning Director

Subject: PD-06-24: Planned Development District - Preliminary Development Plan for Phase 4 of Morganton Park South, Whataburger Petitioner: Whataburger Restaurant LLC; Authorized Agent: BL Companies; Property Owner: MSP Retail II, LLC

Date: December 17, 2024

I. SUMMARY OF APPLICATION REQUEST

Wesley William with Whataburger Restaurants, LLC and Dylan Rowell with BL Companies have submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance for a ±3,305 square-foot Whataburger restaurant in Morganton Park South for the parcels identified as PIN 857100478061 (PARIDs 20230956). Per the Moore County tax record, the subject properties are owned by MSP Retail II, LLC.

II. PLANNING BOARD REVIEW

On November 10, 2024, the Planning Board held a Preliminary Forum regarding PD-06-24 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by Town staff, Lee Blakely with BL Companies and Wesley Williams a project manager with Whataburger Corporate conducted a presentation for the planning board. Mr. Lee Blakely explained the parking requirements for Whataburger as shown on the Preliminary Development Plan for a building size of 3,305sf. The building will have a dining room with 58 seats. He explained the general rule of thumb is one parking space for every four seats. According to this calculation Whataburger would require 15 parking spaces for customers. Whataburger maximum shift calculations are consistent with Chick-fil-A which consist of 18 employees at maximum capacity. This ensures service can keep up with high demands during peak times. Additionally, Whataburger includes two additional parking spaces which are dedicated for DoorDash and other delivery services. That equates to 35 parking spaces which is consistent with Whataburger's numerical data in running restaurants in Texas, the Midwest and across the Southwest. At a minimum Whataburger would like to have 1 parking space per every 100sf. Mr. Blakely stated based on the size of the lot they were able to fit 42 parking spaces and it worked with this site. He indicated that he could make some concession to go below the 40's but anything below a parking ration of 1 parking space per every 100sf would have to be approved by senior management in Whataburger.

Mr. Blakley stated based of grading analysis for this site and the necessity of a retaining wall that exceeds 6ft in height it will have to move the retaining wall to meet building setback requirement in accordance to UDO. UDO standard states walls that exceed 6ft will be considered structure and therefore must meet the building setback requirements. Mr. Wesley Williams stated by moving retaining wall to meet 25ft building setback standard; Whataburger would concede 3 parking spaces to meet set standards and would be ok with 39 or 38 based on what would work with the site plan.

Mr. Wesley Williams agreed with planning staff to maintain a 20ft undisturbed buffer on the western side of the parcel next to Duke Energy sub-power station. He explained how this would be advantageous to Whataburger to preserve existing hardwoods and pines by using appropriate tree protection measure and is willing to supplement buffer with more trees if necessary to have an adequate buffer to screen sub-power station. Planning board member Diane Westbrook asked if there would be a rail on the edge of the retaining wall. Mr. William confirmed that according to building code, any wall taller than 3ft requires a rail system to prevent people from falling over and prevent individuals from to climbing over the railing system.

Planning Board member Jennifer Garner asked Mr. Williams what are the hours of operations. He stated Whataburger is open 24 hours a day, 7 days a week, 364 days a year and it only closes on Christmas. Whataburger prides itself by being open 24 hours a day to serve first responders and third shift employees. Diane Westbrook asked for clarification on where the pickup area with 2 lanes of the drive-through. Her concern is related to circulation on the site and the drive through lane exit proximity to driveway entrance/exit off Southern Rd. nearest to Carolina Green Parkway. Mr. Williams responded during normal hours only one lane would be utilized. During peak hours the second lane would be in use, and that an employee would walk out the meals, like they do at Chick-fil-A. Planning Board Member Andy Bleggi asked what percentage of Whataburger is drive through versus dine in? Mr. Williams stated 70-75% drive through but its location dependent. He stated that locations near a shopping center as this location anticipate a higher demand for sit down traffic based on the shoppers getting a bite to eat before or after shopping. Whereas quick serve restaurants near main thoroughfare are very drive through oriented because commuters are looking at grabbing a bite to eat and get back on the road/highway. Andy Bleggi stated since this is not on the main thoroughfare you are requesting more parking spaces. Mr. Blakley expressed the challenge with using shared parking on this site is how Whataburger is isolated/separated from the rest of the development with no direct commercial neighbors making highly unlikely for potential customers to walk from Target, Dicks or even BJ's right across from Southern Road. This is just another point on why Whataburger would be ok with 35-40 parking spaces for the restaurant.

On a unanimous vote of 6-0, the Planning Board moved to transmit the following issues to the Town Council to consider while reviewing application PD-06-24:

Issues related to criteria:

1. Planning board find 42 parking spaces reasonable for Whataburger.
2. Retaining wall should be moved to follow building setback standards in the UDO.
3. The tress in the buffer should be retained leaving an undisturbed buffer.

4. Directional/wayfinding signage should be included throughout the site leading people to the drive through for safety reasons within the parking lot area

Issues not related to criteria

1. Applicants should continue to work with staff to address perimeter landscape screening

III. PROJECT INFORMATION

A. Property Owner & Applicant Information

1. Property Owner

MSP Retail, LLC
8044 Montgomery Rd. Suite 370
Cincinnati, OH 45236

2. Applicant

Wesley William
Whataburger Restaurants, LLC
300 Concord Plaza
San Antonio, TX 78216

3. Authorized Agent

Dylan Rowell
BL Companies
3420 Toringdon Way Suite 210
Charlotte, NC 28377

B. Property Information

1. **Street Address** has not yet been given.

2. **Size of Property**

Total acreage in approved CDP: +/-98.78
Total Size of Existing Parcels: 17.78 acres (deeded acres)
Total Project Acreage: 2.39 acres

3. **Subject Property Description**

The subject project is located within the “Retail” area of the approved CDP and is described as being positioned between U.S. Highway 15-501 and West Morganton Road, adjacent to the current dead end of Southern Road. The deed states that the “Tract 2” is 17.78 acres, and +/-2.39 of that parcel will be developed.

The PDP anticipates access to the extension of Southern Road (to be completed with Morganton Park South Phase 3 development, i.e., BJ’s Wholesale and Starbucks), which will connect to a roundabout on Carolina Green Parkway, which cuts through the center of the Planned Development. This extension and connection will provide a link between the Southern Pines Village (i.e., Kohl’s) development along Brucewood Road and Morganton Park South.

4. Jurisdiction

The subject property is currently located entirely within Southern Pines' corporate boundary after being annexed in February 2022 (see AX-07-21). The CDP approval was conditioned on annexation of the entirety of the CDP area prior to issuance of the first building permit for construction for any phase.

5. Property Zoning Classification

The zoning of the subject property is PD-Planned Development (See Figure 4: Vicinity & Zoning Map below). A Conceptual Development Plan (CDP) for Morganton Park South was approved by the Town of Southern Pines Town Council on September 14, 2021 as file PD-08-21. The current and all future Preliminary Development Plan (PDP) applications must be consistent with the approved CDP or must request and be granted deviations from the CDP as part of the PDP review and approval process.

Figure 1. Existing Zoning (Approx. Proposed Lot Boundaries in White)



Figure 2.

Morganton Park South CDP Conceptual Land Use Plan (2021) with Black Star on Subject Site

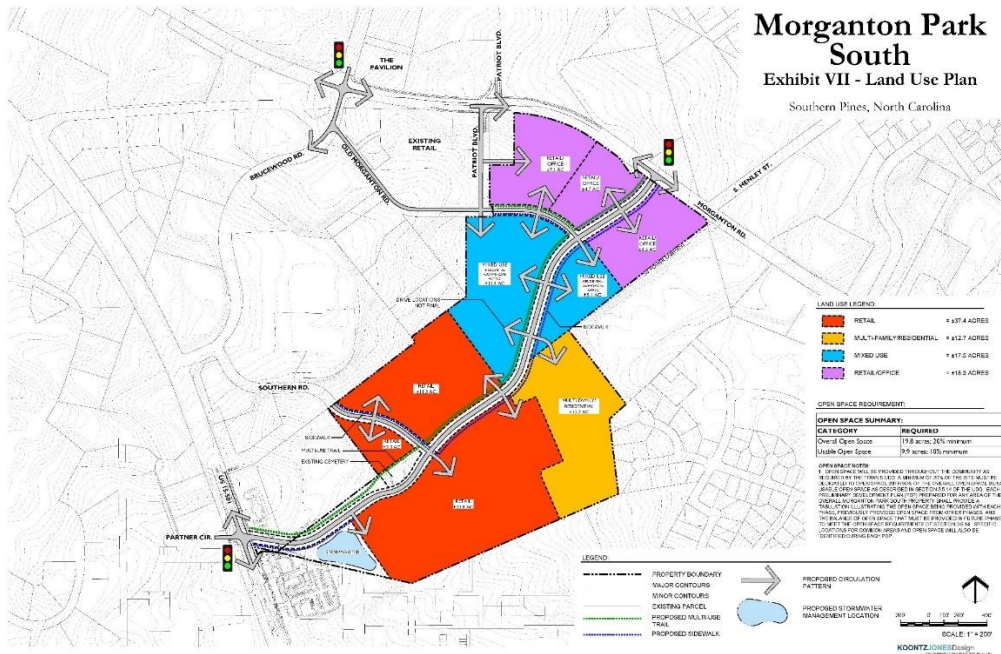


Figure 3: Morganton Park South CDP Conceptual Transportation Plan (2021) with Black Star on Subject Site

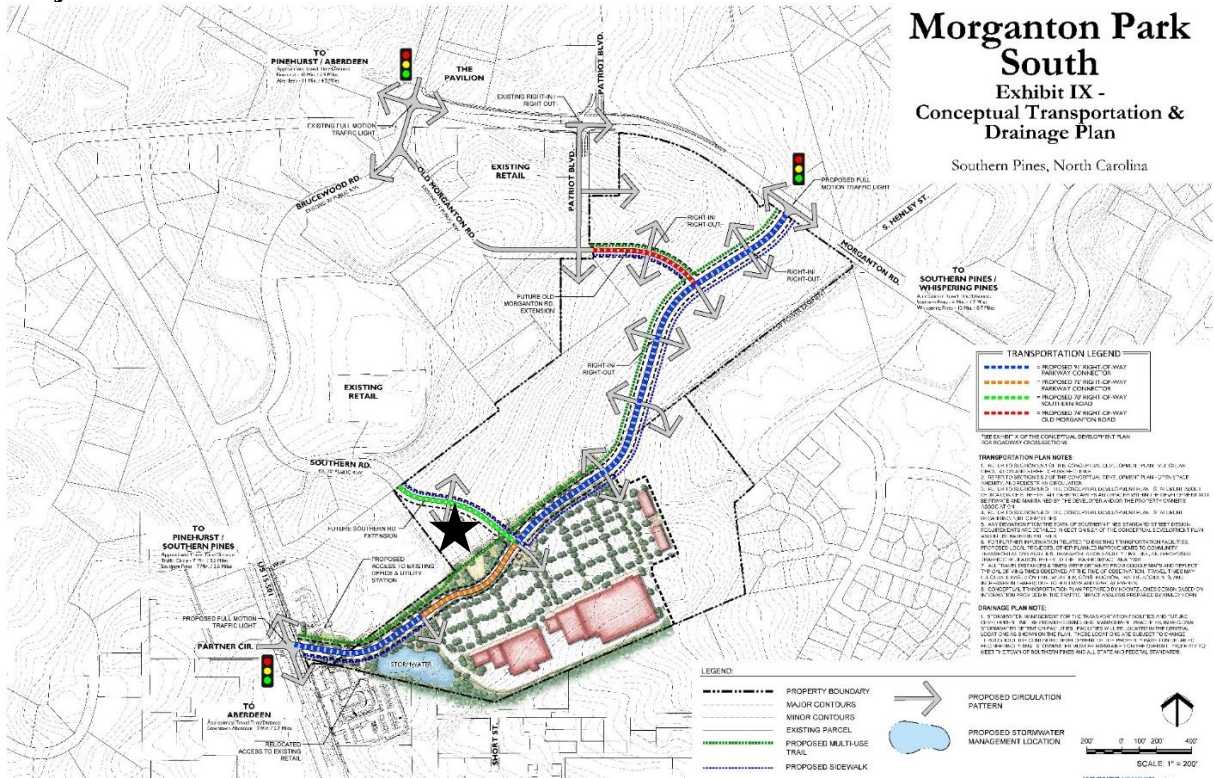


Figure 4: Drone image taken Nov 6, 2024, Overhead image of site



Figure 5: Drone image taken Nov 6, 2024, looking southwest from Target Retail Building



Figure 6: Drone image taken Nov 6, 2024, looking southwest from the Overlook at Pine Ridge Apartments



IV. STAFF REVIEW

A. Review Process

Applications for a Planned Development District (PD) are reviewed in accordance with UDO §2.18. Creating a Planned Development District is a three-step process including Conceptual Development Plan (CDP), Preliminary Development Plan (PDP), and Final Development Plan (FDP). The second step, PDP, is when a project or phase of a project is reviewed for compliance with the unique zoning standards established in the CDP. An application for approval of a Preliminary Development Plan (PDP) follows the procedure for quasi-judicial decisions by the Town Council. Prior to the Council's decision, the Planning Board may hold a Preliminary Forum to review the project, which will occur on November 21, 2024.

B. Summary of Procedural Requirements

- Preliminary Development Plan Application Submitted: **October 15, 2024**
 - Additional Materials Submitted: **October 23, 2024**
- Application Deemed Complete: **October 23, 2024**
- Notice of August 22, 2024, Planning Board Preliminary Forum:
 - Posted On-site: **October 31, 2024**
 - Mailed: **November 11, 2024**
 - Internet: **October 31, 2024**
 - Published: **October 21, 2024**
- Consultation with the Technical Review Committee: **November 6, 2024**
- Planning Board Regular Meeting/Preliminary Forum: **November 21, 2024**
- Notice of December 17, 2024, Town Council Evidentiary Hearing:
 - Posted On-site: **October 31, 2024**
 - Mailed: **December 2, 2024**
 - Publication Dates: Emailed to The Pilot on November 22, 2024, for publication on **December 2, 2024**
 - Internet: **November 22, 2024**
- Town Council Regular Meeting/Evidentiary Hearing: **December 17, 2024**

C. Applicable Criteria for Review

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

Preliminary Development Plan (UDO §2.18.5(H))

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

For additional reference, the following excerpt describes the **purpose of Planned Development districts (UDO §3.5.14A)**

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

- A. Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;*
- B. Exclude heavy commercial and heavy industrial land uses;*
- C. Encourage Development in areas located on major thoroughfares and collector streets;*
- D. Encourage vehicular access from service drive and other local streets;*
- E. Provide performance standards to help ensure Compatible land uses;*
- F. Encourage common or shared parking;*
- G. Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;*
- H. Facilitate clustering of Development thereby increasing the amount of saved land;*
- I. Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;*
- J. Improve connectivity within and between Developments to promote mobility and enhance walkability;*
- K. Integrate public spaces and amenities to promote community gatherings and activities;*
- L. Establish coordinated land plan and consistent treatment of common design elements;*
- M. Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and*
- N. If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.”*

D. Town Staff Review and Comments

Planning staff have reviewed the PDP application materials for consistency with each of the four (4) criteria for PDPs. See comments in this section.

i. **Consistency with the Conceptual Development Plan (CDP) and the Unified Development Ordinance (UDO)**

Parking

Section 5.5.1 of the approved Morganton Park South CDP addresses parking standards within the development. Section 5.5.1 reads as follows:

“Parking for large scale retail development may be located in the front of the buildings, between the street and building front. Smaller mixed-use, office, and retail developments will follow the standards of UDO Section 3.6.6(F)(2). Parking for large scale retail development and/or shopping centers must maintain a parking level between 1 parking space per 250 sf and 1 parking space per 200 square feet of retail/restaurant building square footage.”

Since the proposed Whataburger restaurant is a restaurant building within the Morganton Park South development, planning staff interpret this language to mean that the maximum parking for Whataburger is 1 parking space per 200 square feet of building square footage. Based on the square footage of the proposed restaurant building, this would be 17 parking spaces. The applicant is proposing 42 parking spaces, or 25 parking spaces in excess of the maximum in the CDP. Planning staff also notes that Section 5.5.1 of the CDP states as follows:

“Parking will be reviewed at the time of the PDP for the individual development areas and dependent upon proposed uses for the property.”

This language would appear to give the Town Council discretion to adjust the permitted parking at the time of PDP approval. The applicants have requested flexibility in their narrative that is attached to this report.

In addition to the parking standards set forth in the CDP, the Morganton Road Overlay (i.e., MRO) has a maximum parking standard that applies to the property. The MRO standard in UDO § 3.6.6(F) 4 states as follows:

“The number of required parking spaces shall be a minimum of one (1) space per four hundred (400) square feet of Gross Floor Area with a maximum (exclusive of on-street spaces) of one (1) space per two hundred fifty (250) square feet of Gross Floor Area.”

Considering the maximum parking permitted within the MRO, the proposed PDP allows for 29 more parking spaces than allowed by the UDO. This is inconsistent with letter “f” within the purpose statement of Planned Developments, referenced above, regarding shared and common parking.

Buffer

According to Section 5.5.4 of the approved Morganton Park South CDP (Landscaping, Setbacks, and Buffering), a 20’ perimeter landscape buffer will

be required along the boundaries of the CDP that abut adjoining properties. This perimeter buffer will follow the planting standards of the Town's UDO. This buffer requirement is not called out on the Preliminary Development Plan, nor is it stated whether the required buffer will remain undisturbed or be replanted. Planning staff recommend this be revised in accordance with feedback from the Planning Board following the Preliminary Forum.

ii. Location in an area of town that is appropriate

The PDP is proposed for an area with access to a commercial local road (i.e., Southern Road), which is to be constructed by a prior phase of development and dedicated to the Town thereafter. The newly constructed Southern Road will provide access to Carolina Green Parkway that bisects the Morganton Park South Planned Development and connects Morganton Road to U.S. Highway 15-501, which are two commercial highway corridors within the town. The proposed site is located near shopping centers (e.g., Southern Pines Village/Kohl's retail plaza, Morganton Park South Phase 1 retail including Target, and Morganton Park South Phase 3 for BJ's Wholesale and Starbucks) and multi-family housing (e.g., Phase 2 development and Murray Hill Road multifamily build-to-rent project).

iii. Efficient extensions and expansions of public facilities, utilities and services

Water and sewer lines are located on Southern Road and U.S. Highway 15-501 and extensions have already been anticipated and incorporated in the Morganton Park South PDP. These extensions will be at the cost of the developer. The applicant's extension of these services to this site constitutes an efficient expansion of coverage.

CDP Section 5.4 Public Facilities states that multimodal trails will be dedicated to the Town of Southern Pines upon completion. However, linear park amenities that are required in the CDP are the responsibility of the adjoining landowners to maintain. Nothing in the narrative speaks to this process.

E. Cooperating Agency, Technical Review Committee Review, and Town Manager and Comments

The proposed development received a pre-application review on January 23, 2024. Staff consulted the TRC on November 6, 2024 after the PDP application was deemed complete, per UDO §2.18.5(E). The Town Engineer, James Michel stated that the applicant sufficiently demonstrated that the traffic generation is considered under the original TIA that was established for Morganton Park South CDP. The applicant provided data confirming projected traffic within parameters originally anticipated for the site. The Town Engineer also requested drive through stacking analysis, which has been submitted and can be found in Attachment 4. The stacking analysis was acceptable to Engineer Michel. Further site plan review and Architectural Compliance Permit approval

will be required prior to issuance of any building permits for development, if approved.

A request for comments was emailed to agencies on October 31, 2024. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), U.S. Fish and Wildlife Service (USFWS). No issues or concerns were submitted by contacted agencies.

V. ATTACHMENTS

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

1. Preliminary Development Plan Application
2. Preliminary Development Plan Narrative
3. Preliminary Development Plan Site Plan, Stormwater, and Utilities
4. Supporting Documentation (i.e., Traffic Impact Analysis Executive Summary, Stacking Analysis, Impact on Property Values, and Access to Services)
5. Prior Development Approvals (MPS CDP)
6. Agency Comment

Additional documents related to this application including (but not limited to) property deeds, plan detail sheet, full traffic impact analysis and appraiser analysis, email correspondence, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

VI. TOWN COUNCIL ACTIONS:

To either approve or deny a Preliminary Development Plan application, the Town Council must make findings of fact and conclusions to the applicable standards.

To either approve or deny a Preliminary Development Plan application, the Town Council must make findings of fact and conclusions to the applicable standards.

The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4. Staff has drafted a finding of fact for consideration in Attachment 1. The Town Council may make modifications or provide an alternative to the draft findings of fact and related motions at their discretion.

I move to:

1. Adopt **Attachment 1** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-06-24.

- OR -

2. Adopt **Attachment 1** of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-06-24, with the following changes:

Next, the Town Council shall vote on whether to approve, deny, or approve with conditions the proposed Preliminary Development Plan. The Town Council may choose one of the following motions, or any alternative they wish.

I move to:

1. Approve the Preliminary Development Plan for PD-06-24;
2. Deny the Preliminary Development Plan for PD-06-24;
3. Approve the Preliminary Development Plan for PD-06-24 with the following additional conditions:
 - a. That the proposed development is limited to 35 parking spaces.
 - b. That the 20' Morganton Park South perimeter buffer required by the CDP be an undisturbed buffer for Phase 4.
 - c. That retaining walls greater than 6' in height meet structure setbacks.

ATTACHMENT 1
Draft Town Council Findings of Fact
Preliminary Development Plan Application PD-06-24

FINDINGS OF FACT

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.18.5(H), Criterion 1 (The application demonstrates that it will achieve the purposes of the PD district and the UDO), in that the Morganton Park South CDP is a Mixed-Use development that was approved on September 14, 2021. This is phase four and the last parcel in the first set of retail development, and its use is consistent with PD-08-21.

The Town Council also finds that by limiting parking spaces to a number that aligns with the purpose of the Planned Development District (UDO §3.5.14) and guidance in the Morganton Park South CDP (CDP §5.5.1) to 35 spaces, Criterion 1 is met.

3. The Town Council finds that the application complies with UDO §2.18.5(H), Criterion 2 (the Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO) by incorporating a 20' undisturbed perimeter buffer and adjusting the project's retaining wall to meet UDO setback requirements. A 20' perimeter planted buffer is a requirement under §5.5.4 within the Morganton Park South CDP, and walls greater than 6' tall are required to adhere to setback requirements pursuant to UDO §4.2.2(E). With these two adjustments, the council finds the applications will meet this criterion.
4. The Town Council finds that the application complies with UDO §2.18.5(H), Criterion 3 (The proposed Development is located in an area of the Town that is appropriate), in that the proposed development aligns with the Morganton Park South CDP as its Phase 4. The area being developed is designated "Traditional Mixed-Use" in the Comprehensive Long-Range Plan (CLRP), the predecessor of the 2040 Comprehensive Plan, under which this project is vested. The proposed land use will provide a restaurant within walking distance of a large apartment complex and retail stores.

The Town Council also finds that given the prior phase of Morganton Park South development, and the relative convenience of the location near a variety of existing and planned land uses, the proposed development is located in an appropriate area of town.

Furthermore, the development is located in an area of town with existing access to necessary infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes.

5. The Town Council finds that the application complies with UDO §2.18.5(H), Criterion 4 (The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services), in that all necessary utilities and transportation infrastructure and the development will bear the cost of all infrastructure modifications and/or extensions.



Planned Development District Preliminary Development Plan Application

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

Project Information:

Project Name: Whataburger-Aberdeen (Southern Pines)
Physical Address: 200 Southern Road, Southern Pines, NC 28387
PIN: 857100478061 Parcel ID: 20230956
Site Size: 2.39 Acres Zoning: PD - Planned Development District

Applicant:

Name(s): Whataburger Restaurants, LLC
Email: wwilliams@wbhq.com Phone: 210-425-9430
Mailing Address: 300 Concord Plaza, San Antonio, TX 78216

Authorized Agent, if different from Applicant:

Name(s): N/A
Email: N/A Phone: N/A
Mailing Address: N/A

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

Name(s): MSP RETAIL II, LLC
Email: 513-792-5000 Phone: wmees@midlandatlantic.com
Mailing Address: 8044 Montgomery Road, Ste 370, Cincinnati, OH 45236-2923

1/12/22

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

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

The property which is the subject of this application is located on the South side of Southern Rd. (St./Ave.), between Carolina Green Pkwy (St./Ave.) and Southern Road (St./Ave.). The property has a frontage of +/- 706 ft. feet and a depth of +/- 315 ft. feet.

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

Date: 10/14/24


Applicant

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

APPOINTMENT OF AGENT

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

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

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

Signed this 15th day of October, 2024.



William M. Mees, Jr.

Property Owner

Property Owner

Whataburger Restaurants, LLC c/o Wes Williams

Agent

WHATABURGER – ABERDEEN (SOUTHERN PINES) PRELIMINARY DEVELOPMENT PLAN (PDP) NARRATIVE

The proposed development, identified as “Whataburger – Aberdeen (Southern Pines)” in the submitted exhibits, will be a drive-thru restaurant with a total square footage of 3,305 square feet. The project will encompass approximately 2.4 acres. All information, descriptions, and calculations included in this application pertain specifically to the development of this parcel.

The project is located outside of any high-quality watershed designations, and there are no floodplains on the property. Additionally, the site does not contain woodpecker habitat, wetlands, or endangered species. The project will fully comply with all general notes and standards outlined in the approved Morganton Park South Conceptual Development Plan (CDP).

Design standards for individual elements of development are described below.

- **Pedestrian Connectivity**

- Pedestrian access will be provided throughout the site. A sidewalk will be constructed along Southern Road connecting to Carolina Green Parkway. Parking areas will be linked to sidewalks leading to the building entrances and provide accessible access as required by State and Federal standards.

- **Parking Areas**

- Parking areas will be designed per the Town of Southern Pines Unified Development Ordinance (UDO) standards in Section 4.5.
- According to Section 4.6 in the UDO, a minimum of 9 parking spaces and a maximum of 14 parking spaces are required. However, this site proposes a total of 42 parking spaces. To accommodate this, a Flexibility in Administration request will be submitted.
- Parking views will be screened from adjoining roadways as required by the Town of Southern Pines UDO Section 4.3.

- **Streets and Access**

- The approved CDP (PD-08-21) initially indicated a single driveway access to Parcel 11. However, the main access to the property will now be facilitated by two driveways off New Southern Road, as detailed in this PDP.
- The TIA for the overall development designates this site as Phase 6, with an assumed retail use of 23,000 square feet as outlined in the report. Please refer to the Pod-2 Phase 6 traffic data from the Morganton Park South TIA, included as part of this PDP submission.
 - AM Peak Total = 163
 - PM Peak Total = 109

- Standard trip generation numbers for a 3,305 square foot Whataburger restaurant have been provided along with this PDP in lieu of a full TIA. The projected traffic generated by the Whataburger is less than what was assumed for this parcel in the Morganton Park South TIA. The peak traffic volumes for the Whataburger are:
 - AM Peak Total = 148
 - PM Peak Total = 109
- **Landscaping**
 - Landscaping will be implemented in accordance with the Town of Southern Pines Unified Development Ordinance (UDO), specifically Section 4.3. This will include the installation of tree islands, parking lot landscaping, and screening measures.
- **Lighting**
 - All lighting on the property will comply with Section 4.8 of the UDO. Lighting levels along streets and in parking areas will be designed to meet the UDO standards for safety, with all fixtures directed downward to minimize light spill onto adjacent properties.
- **Open Space**
 - Open space will be allocated in accordance with the requirements outlined in Section 4.9 of the Town of Southern Pines UDO. This designated open space, totaling approximately 0.51 acres ($\pm 21\%$), will be located along the plan south and plan east property lines, as depicted in the Preliminary Site Plan.
 - Additional open space areas within the property may be established if required by the Town of Southern Pines. Furthermore, the approved CDP (PD-08-21) includes a total of 19.8 acres of open space for the entire master planned development, of which 9.9 acres is designated as usable open space.
- **Stormwater**
 - Stormwater management devices will be provided as necessary and required to control stormwater runoff on-site.
 - This project is outside of any high-quality watersheds
 - Plans and calculations will be provided during the detailed site engineering process
- **Utility Service**
 - Adequate water and sewer services are available from the Town of Southern Pines to support this development. Utility extensions will be implemented during the Morganton Park South Phase 3 development. All utilities on-site will be installed underground, in accordance with the policies of local utility providers and the Town of Southern Pines.
 - During construction of utilities in accordance with the approved CDP (PD-08-21) the Fire Marshall requested the relocation of the fire hydrant on Parcel 11 to a position closer to the driveway nearest to Carolina Green Parkway. The new location of the relocated fire hydrant is indicated in the Preliminary Site Plan.

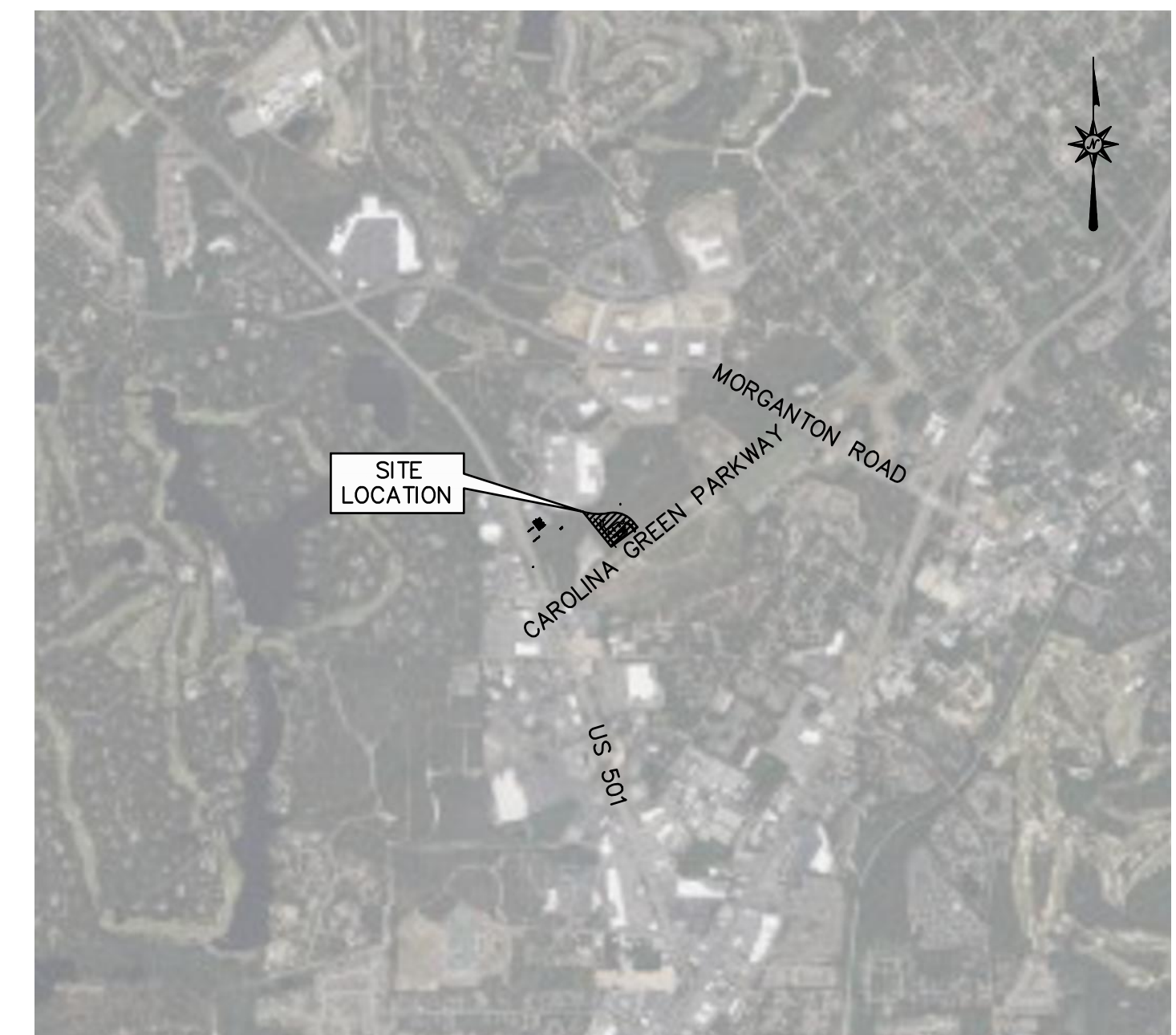
- **Buffers and Setbacks**
 - The setbacks for the property will follow the standards of the UDO and the requirements set forth in the Morganton Park South CDP.

- **Architectural Character**
 - The proposed building will be required to meet the standards of the commercial building design guidelines described in Section 4.10 of the UDO.

- **Signage**
 - All signage will be designed in conformance with the requirements of the Town of Southern Pines UDO in Section 4.6.

The descriptions and conditions outlined above will apply to the development of Parcel 11 within the Morganton Park South development, as detailed in this Preliminary Development Plan document. The proposed plan adheres to the development standards established by the Comprehensive Development Plan (CDP) and represents a new phase of development within the Morganton Park South property.

In summary, the proposed Preliminary Development Plan (PDP) aligns with the Town's Comprehensive Long-Range Plan (CLRP) and supports its objectives. This PDP incorporates a restaurant building within the overall development and its adjacent areas.



PROJECT LOCATION MAP

SCALE: 1"=2000'

ZONING INFORMATION

LOCATION: TOWN OF SOUTHERN PINES, MOORE COUNTY			
ZONE: PD - PLANNED DEVELOPMENT			
USE: GENERAL BUSINESS RESTAURANT (PERMITTED USE)			
ITEM	REQUIREMENTS	PROPOSED	VARIANCE
MINIMUM LOT AREA	NONE REQUIRED	+/- 104,108 S.F. (2.39 AC.)	NO
MINIMUM LOT WIDTH	NONE REQUIRED	+/- 315 FEET	NO
MINIMUM LOT FRONTAGE	NONE REQUIRED	+/- 706 FEET	NO
MINIMUM FRONT SETBACK	25 FEET	+/- 99 FEET	NO
MINIMUM SIDE SETBACK	25 FEET	+/- 83 FEET	NO
MINIMUM REAR SETBACK	25 FEET	+/- 130 FEET	NO
MAXIMUM BUILDING HEIGHT	45 FEET	<45 FEET	NO
MAXIMUM IMPERVIOUS COVERAGE	70 PERCENT	+/- 48% PERCENT	NO

PARKING INFORMATION

ITEM	REQUIREMENTS	PROPOSED	VARIANCE
BUILDING SIZE	NONE REQUIRED	+/- 3,305 S.F.	NO
PARKING REQUIRED	RETAIL 1 SPACE PER EVERY 200 S.F. OF GROSS FLOOR AREA (3,305 S.F.) MAX: 17 SPACES	39 SPACES	NO
MINIMUM ADA PARKING SPACES REQUIRED	2 SPACES	2 SPACES	NO
MINIMUM PARKING DIMENSIONS	9 FEET X 19 FEET	9 FEET X 19 FEET	NO
MINIMUM AISLE WIDTH	24 FEET - 2-WAY	24 FEET - 2-WAY	NO
MINIMUM FRONT LANDSCAPE BUFFER	NONE REQUIRED	+/- 16 FEET	NO
MINIMUM SIDE LANDSCAPE BUFFER	NONE REQUIRED	+/-56 FEET	NO
PERIMETER LANDSCAPE BUFFER PER CDP	20 FEET	20.5 FEET	NO

SITE PLAN LEGEND

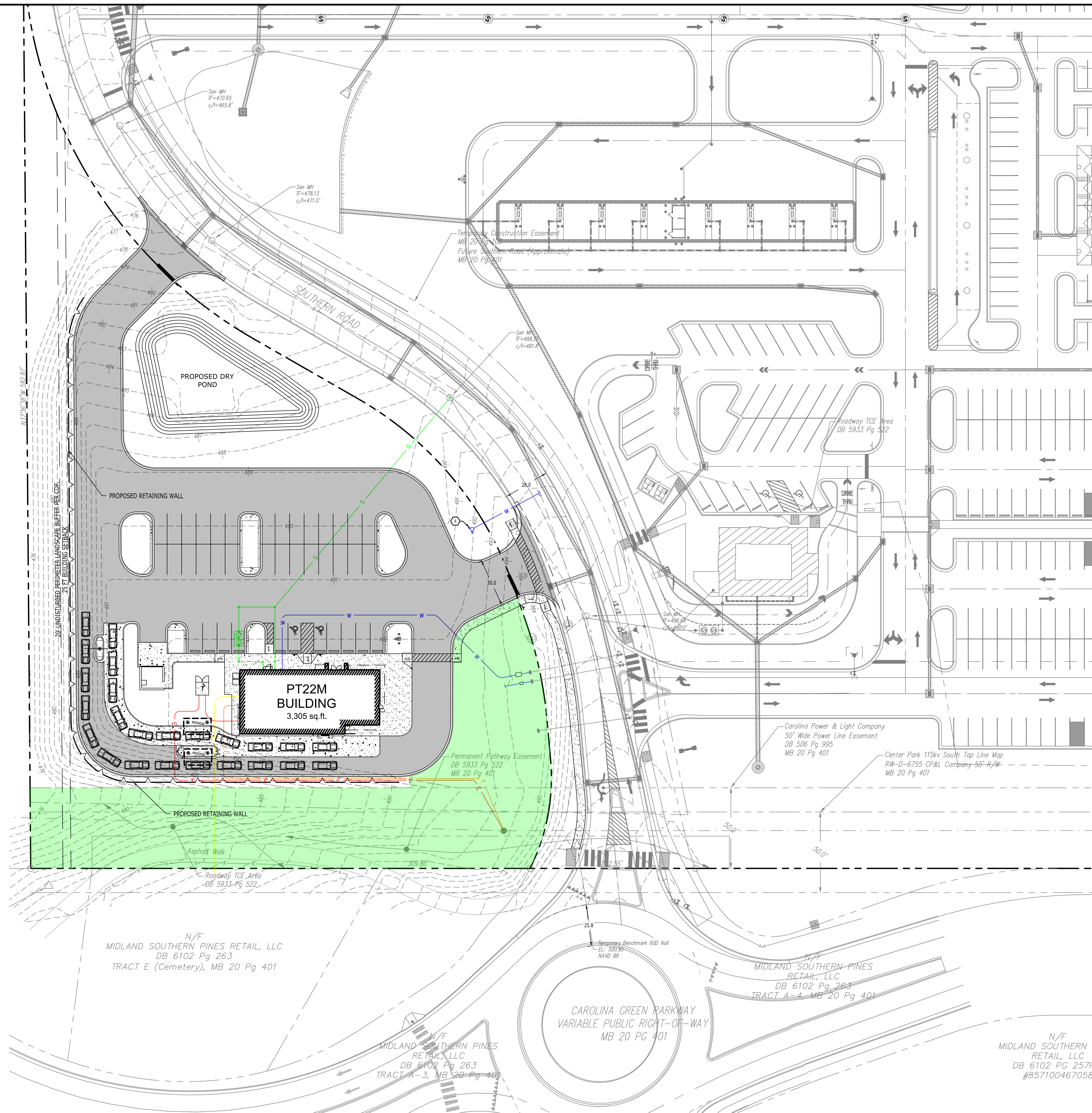
OPEN SPACE ($\pm 21\%$)

SITE KEY NOTES

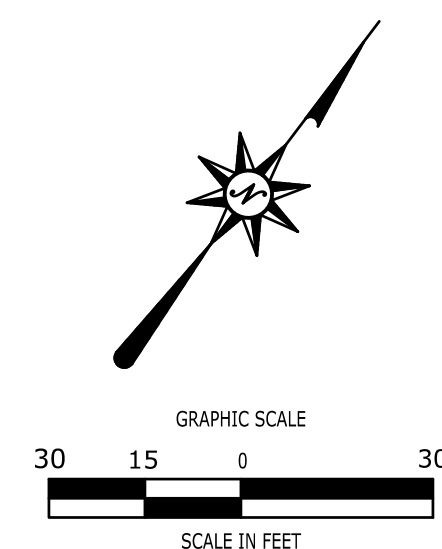
-  PROP. APPROXIMATE LOCATION OF FIRE HYDRANT. TO BE INSTALLED BY MASTER DEVELOPER AND EXACT LOCATION DETERMINED BY MASTER DEVELOPER.

NOTES

*PROPOSED NUMBER OF PARKING SPACES IS GREATER THAN THE ALLOWABLE MAXIMUM PARKING SPACE COUNT OF 17 SPACES, PER THE TOWN OF SOUTHERN PINES UDO. A FLEXIBILITY IN ADMINISTRATION FOR ADDITIONAL PARKING SPACES WILL BE PURSUED.



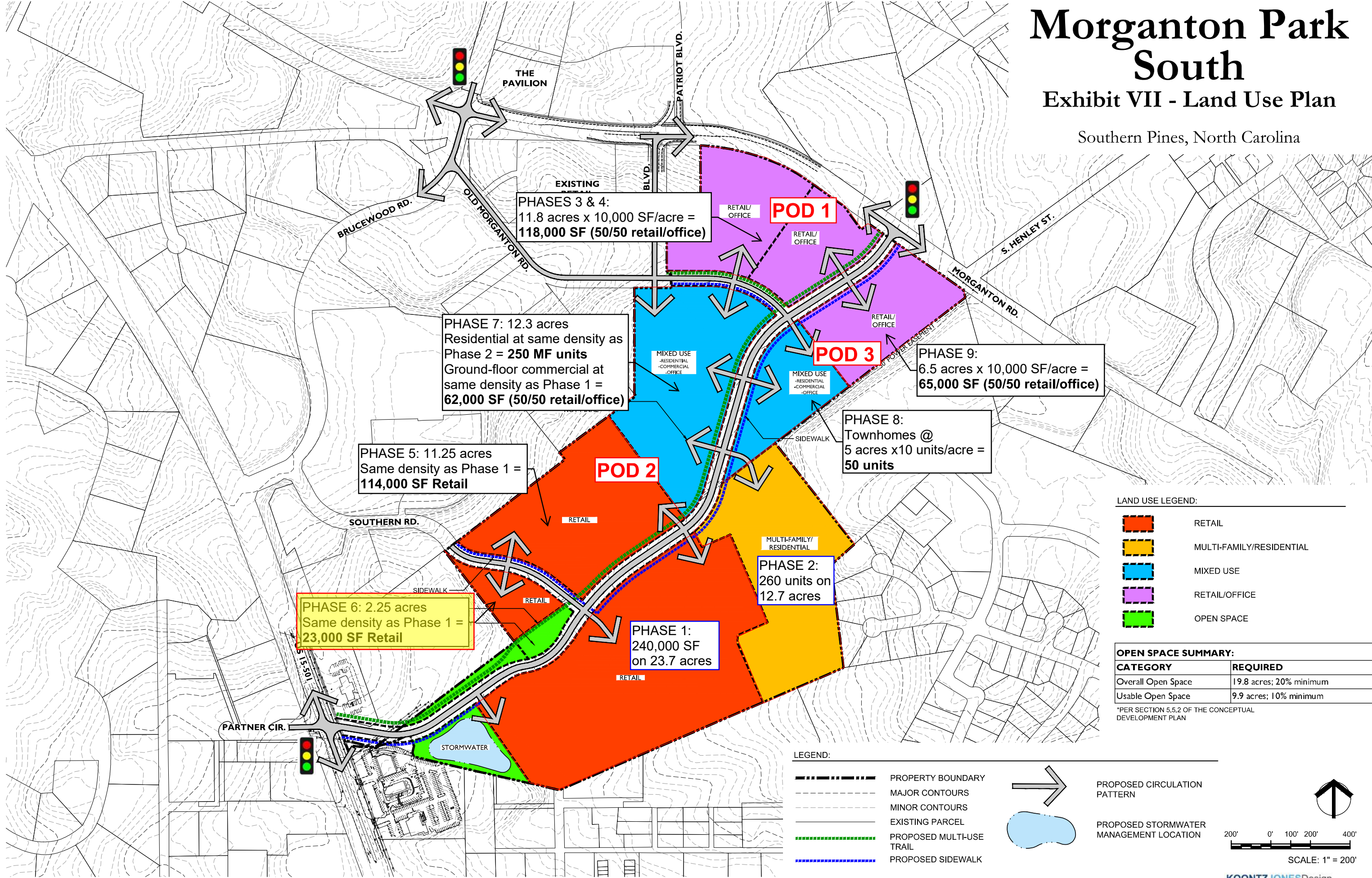
FOR PERMITTING PURPOSES ONLY
NOT RELEASED FOR CONSTRUCTION

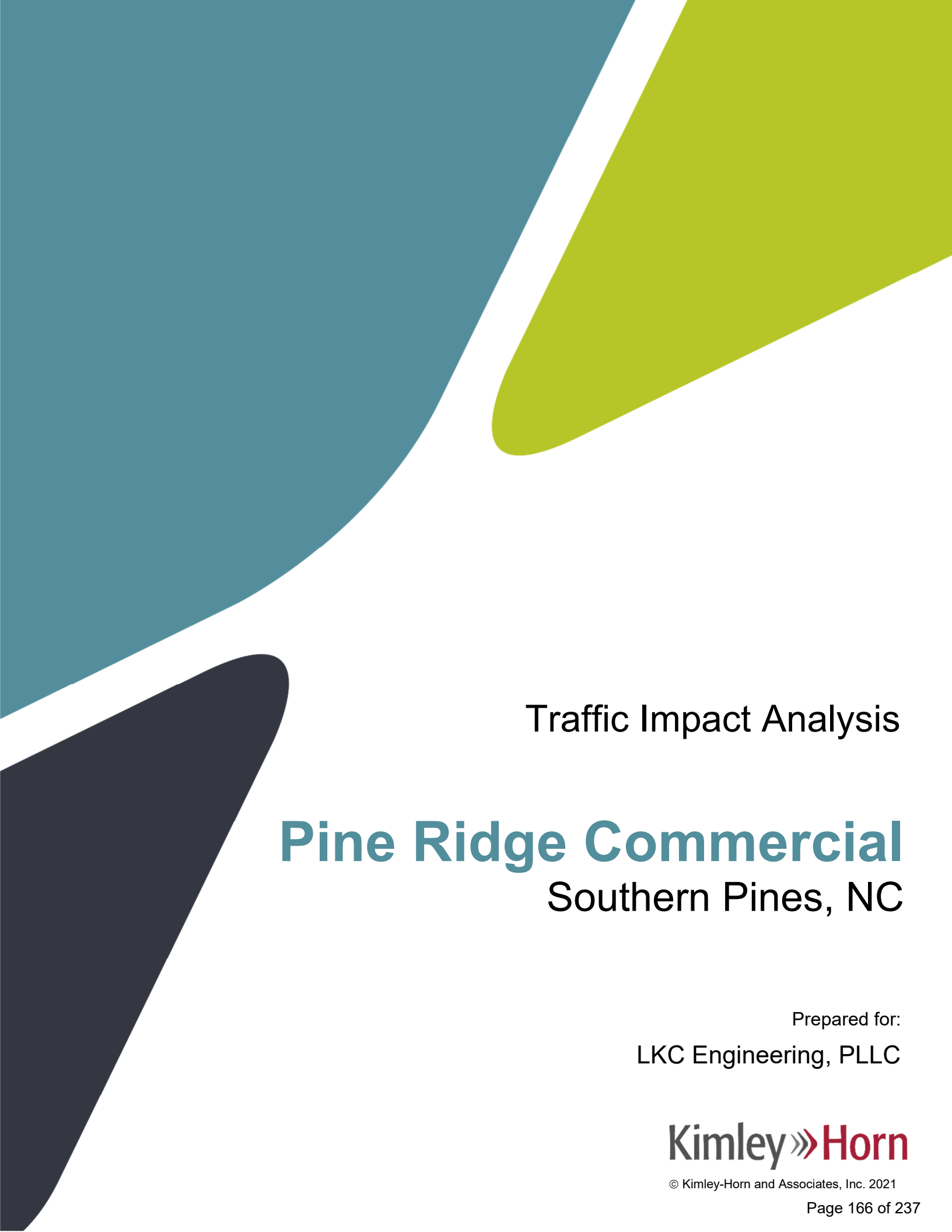


Morganton Park South

Exhibit VII - Land Use Plan

Southern Pines, North Carolina





Traffic Impact Analysis

Pine Ridge Commercial

Southern Pines, NC

Prepared for:
LKC Engineering, PLLC

Kimley»Horn

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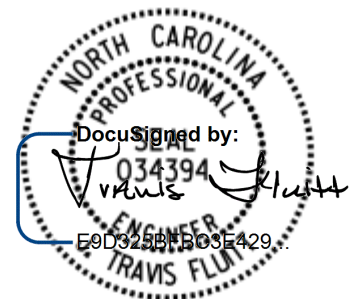
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Traffic Impact Analysis for
Pine Ridge Commercial
Southern Pines, North Carolina

Prepared for:
LKC Engineering
Aberdeen, NC

Prepared by:
Kimley-Horn and Associates, Inc.
NC License #F-0102
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
(919) 677-2000

July 2021
018923019



7/23/2021

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Executive Summary

Kimley-Horn and Associates, Inc. has performed a Traffic Impact Analysis (TIA) for the proposed Pine Ridge Commercial development located between US 15/501 and Morganton Road east of the Southern Pines Village shopping center in Southern Pines, NC. The site is currently vacant. As currently envisioned, the development is proposed to include up to 260 multi-family residential units, 20,000 square feet (SF) of office space, and 220,000 SF of shopping center space. The site is proposed to be accessed by the new Pine Ridge Parkway, which will extend from US 15/501 at Partner Circle to Morganton Road at the proposed S. Stephens Street Extension. Build-out of the development is anticipated in 2024.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development. The Town of Southern Pines' Unified Development Ordinance (UDO) requires the study of the build-out traffic conditions for both the site build-out and 10-year projections. Therefore, the traffic conditions studied include the existing (2021) and projected (2024 and 2031) background and build-out traffic conditions for the AM and PM peak hours.

As shown in [Table ES-1](#), the site has the potential to generate approximately 7,832 net new daily trips, 382 net new external trips during the AM peak hour, and 685 net new external trips during the PM peak hour.

Table ES-1 ITE Traffic Generation (Vehicles)								
Land Use Code	Land Use	Intensity		Daily Total	AM Peak Hour		PM Peak Hour	
					In	Out	In	Out
221	Multifamily Housing (Mid-Rise)	260	d.u.	1,416	23	64	68	43
710	General Office Building	20,000	s.f.	224	39	6	4	21
820	Shopping Center	220,000	s.f.	10,278	162	100	468	506
Subtotal				11,918	224	170	540	570
<i>Internal Capture Reduction</i>				784	6	6	56	56
<i>Pass-By Reduction</i>				3,302	0	0	152	161
Total Net New External Trips				7,832	218	164	332	353

Intersection capacity analyses were performed using Synchro/SimTraffic Version 10.3 software. [Table ES-2](#) summarizes the operation of the overall study intersections for the AM and PM peak hours.

Table ES-2 Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
US 15/501 at Brucewood Road (Signalized)		
Existing (2021) Traffic	A (7.5)	C (20.4)
Background (2024) Traffic	A (8.2)	C (23.8)
Build-Out (2024) Traffic	A (7.1)	C (25.6)
Background (2031) Traffic	A (9.7)	C (25.1)
Build-Out (2031) Traffic	A (9.9)	C (26.3)
US 15/501 at Pine Ridge Parkway North U-Turn (Signalized)		
Background (2031) Traffic	A (7.3)	B (14.0)
Build-Out (2031) Traffic	A (8.9)	C (20.7)
US 15/501 at Partner Circle / Pine Ridge Parkway		
Existing (2021) Traffic – <i>Unsignalized, Full Movement</i>	EB – D (33.7) WB – F (72.6) NBL – B (10.8) SBL – B (10.7)	EB – F (77.4) WB – F (>500) NBL – B (14.2) SBL – B (12.8)
Background (2024) Traffic – <i>Unsignalized, Full Movement</i>	EB – E (46.7) WB – F (85.8) NBL – B (11.5) SBL – B (11.4)	EB – F (143.0) WB – F (>500) NBL – C (15.8) SBL – B (13.9)
Build-Out (2024) Traffic – <i>Signalized, Full Movement</i>	A (7.4)	B (12.5)
Background (2031) Traffic – <i>Signalized, Superstreet</i>	NB Side - A (7.2) SB Side - B (10.7)	NB Side - A (9.8) SB Side - B (16.3)
Build-Out (2031) Traffic – <i>Signalized, Superstreet</i>	NB Side - B (10.2) SB Side - B (10.6)	NB Side - C (21.4) SB Side - C (12.9)
US 15/501 at Murray Hill Road (Signalized)		
Existing (2021) Traffic	C (32.2)	F (90.8)
Background (2024) Traffic	D (39.1)	F (109.8)
Build-Out (2024) Traffic	D (40.5)	F (111.3)
Background (2031) Traffic - <i>Superstreet</i>	NB Side - B (15.9) SB Side - B (11.4)	NB Side - C (32.2) SB Side - D (37.3)
Build-Out (2031) Traffic - <i>Superstreet</i>	NB Side - B (16.6) SB Side - B (14.3)	NB Side - D (43.3) SB Side - D (50.9)

Table ES-2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Morganton Road at Brucewood Road (Signalized)		
Existing (2021) Traffic	B (11.2)	B (15.1)
Background (2024) Traffic	C (26.3)	C (32.0)
Build-Out (2024) Traffic	C (26.4)	C (32.0)
Background (2031) Traffic	C (28.7)	C (32.1)
Build-Out (2031) Traffic	C (28.9)	C (32.5)
Morganton Road at S. Stephens Street Extension / Pine Ridge Parkway		
Background (2024) Traffic – <i>Unsignalized</i>	NB – F (63.3) SB – E (49.4) EBL – B (11.2) WBL – B (10.3)	NB – F (74.3) SB – F (118.0) EBL – B (11.1) WBL – B (10.6)
Build-Out (2024) Traffic – <i>Signalized</i>	A (5.8)	A (9.0)
Background (2031) Traffic – <i>Signalized</i>	A (7.2)	B (11.0)
Build-Out (2031) Traffic – <i>Signalized</i>	A (8.7)	C (23.3)
Pine Ridge Parkway at Site Driveway 1 (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.6) WBL – A (7.5)	NB – B (12.8) WBL – A (8.0)
Build-Out (2031) Traffic	NB – C (16.2) WBL – A (8.8)	NB – E (45.3) WBL – A (9.5)
Pine Ridge Parkway at Southern Road / Site Driveway 2 (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.4) WBL – A (7.5)	NB – B (12.5) WBL – A (8.0)
Background (2031) Traffic	SB – B (12.0) EBL – A (7.9)	SB – C (16.7) EBL – A (8.7)
Build-Out (2031) Traffic	NB – C (17.8) SB – C (16.3) EBL – A (8.1) WBL – A (8.7)	NB – F (136.5) SB – F (59.9) EBL – A (9.1) WBL – A (9.3)
Pine Ridge Parkway at Site Driveway 3 / Phase 5 East Driveway (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.1) WBL – A (7.4)	NB – B (10.6) WBL – A (7.8)
Background (2031) Traffic	SB – B (11.8) EBL – A (8.1)	SB – C (23.7) EBL – A (8.8)
Build-Out (2031) Traffic	NB – C (17.2) SB – C (15.4) EBL – A (8.3) WBL – A (8.3)	NB – F (62.5) SB – F (72.4) EBL – A (9.5) WBL – A (8.7)

Table ES-2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Pine Ridge Parkway at Site Driveway 4 / Phase 7 Driveway (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.2) WBL – A (7.4)	NB – B (10.9) WBL – A (7.8)
Background (2031) Traffic	NB – B (13.5) SB – B (10.9) EBL – A (7.8) WBL – A (7.9)	NB – C (15.9) SB – B (12.9) EBL – A (8.2) WBL – A (7.9)
Build-Out (2031) Traffic	NB – B (16.5) SB – B (12.0) EBL – A (8.0) WBL – A (8.1)	NB – D (33.1) SB – C (18.8) EBL – A (8.9) WBL – A (8.6)
Pine Ridge Parkway at Old Morganton Road Extension		
Background (2031) Traffic	EB – B (11.0) WB – B (11.7) NBL – A (7.7) SBL – A (7.6)	EB – B (12.4) WB – B (10.8) NBL – A (7.8) SBL – A (7.7)
Build-Out (2031) Traffic	EB – B (12.0) WB – B (13.2) NBL – A (8.0) SBL – A (7.8)	EB – C (18.4) WB – B (14.4) NBL – A (8.4) SBL – A (8.2)

The following improvements are recommended to be performed as part of the proposed Pine Ridge Commercial development:

US 15/501 at Partner Circle / Pine Ridge Parkway:

- Provide an exclusive left-turn lane and a shared through/right lane on westbound Pine Ridge Parkway
- Install a temporary wood-pole traffic signal

Morganton Road at S. Stephens Street / Pine Ridge Parkway:

- Provide an exclusive left-turn lane and a shared through/right-turn lane on the northbound approach of Pine Ridge Parkway
- Construct a westbound left-turn lane on Morganton Road (and convert the existing intersection of Morganton Road at S. Henley Street to right-in/right-out only)
- Install a traffic signal when warranted

Pine Ridge Parkway at Site Driveway 1:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 2:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 3:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 4:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

The following additional improvement is recommended to be incorporated into STIP Project U-5814:

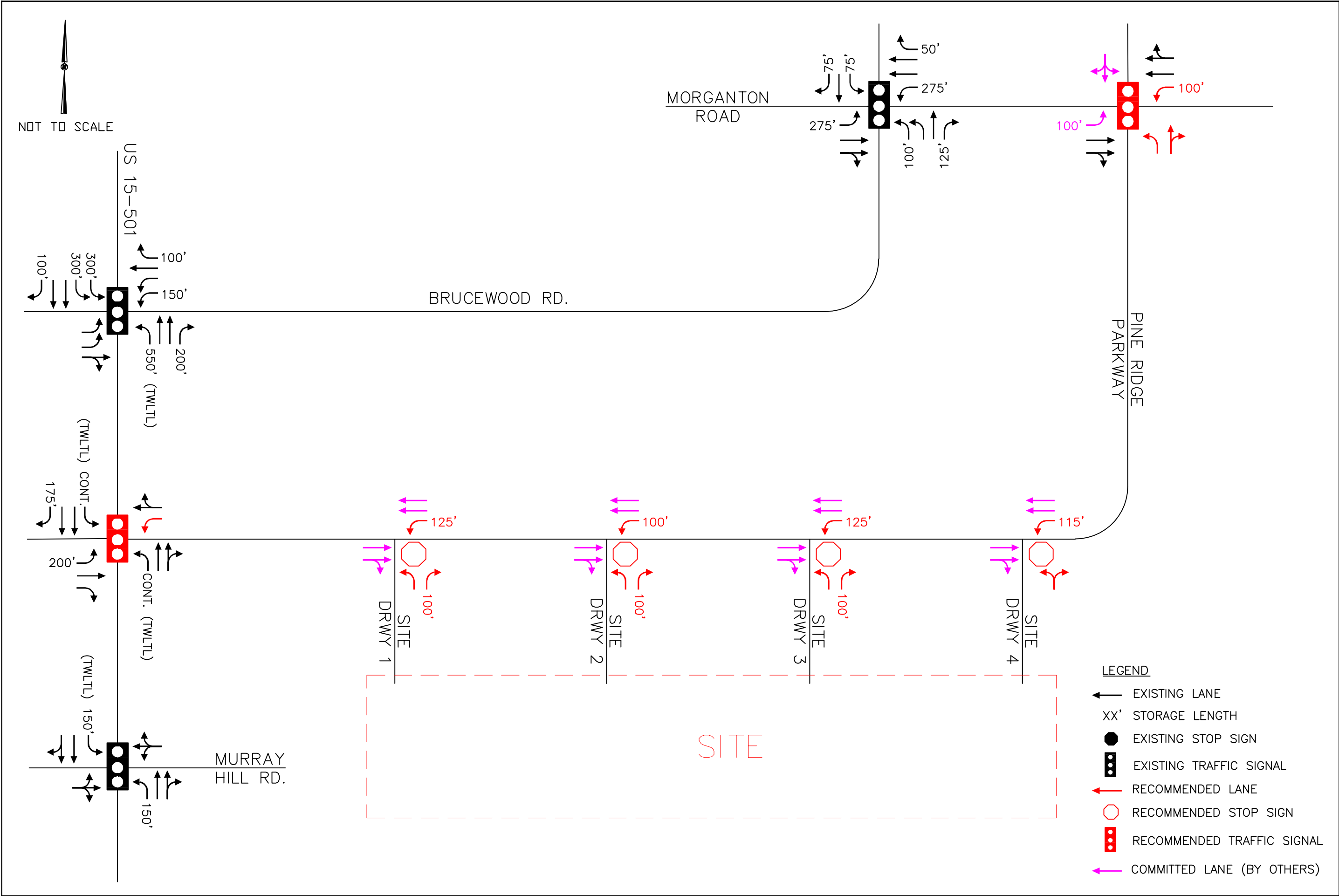
US 15/501 at Partner Circle / Pine Ridge Parkway:

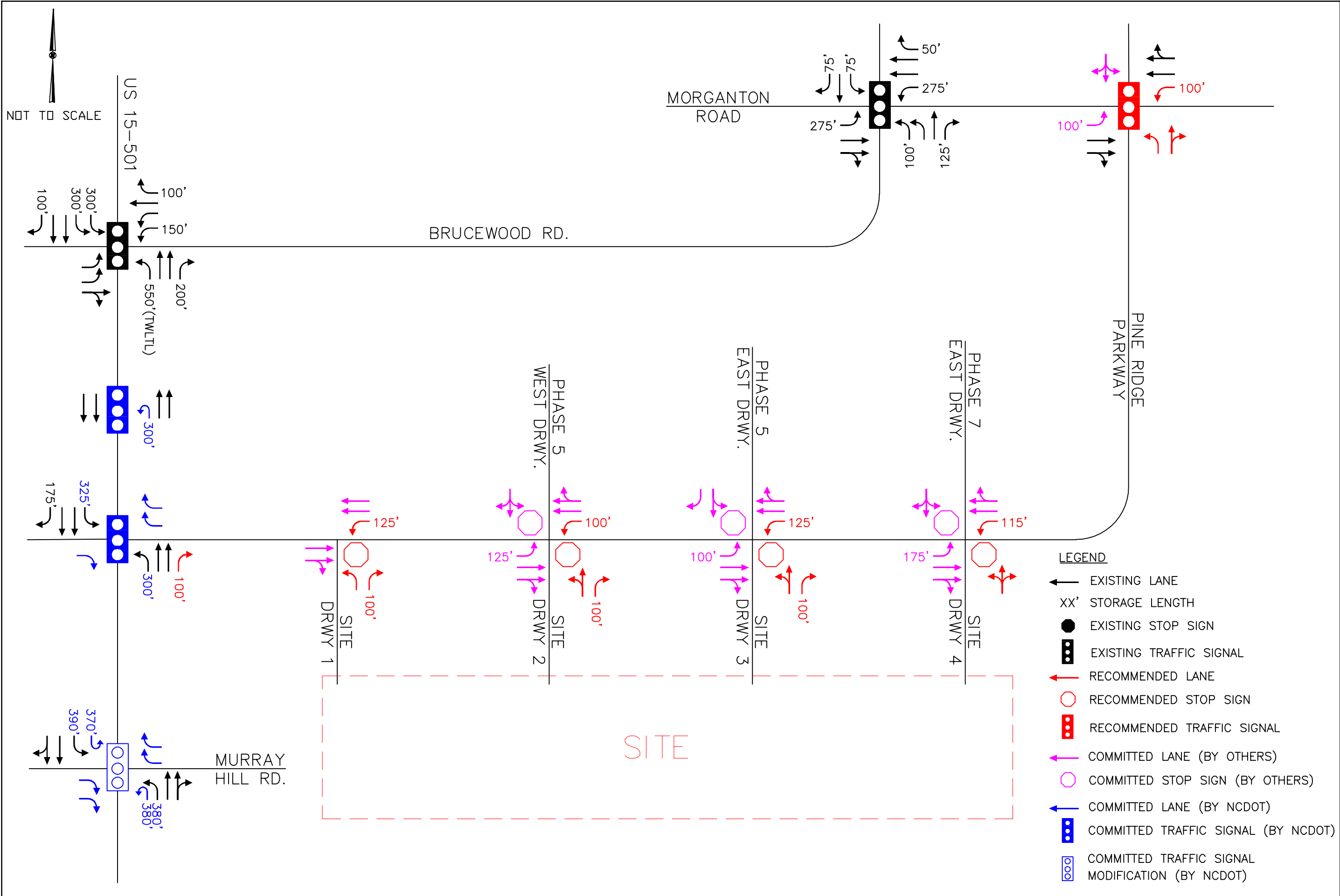
- Construct a northbound right-turn lane on US 15/501 with a minimum of 100 feet of storage and appropriate tapers

With the recommended improvements in place, all of the study intersections except for the intersection of US 15/501 at Murray Hill Road are expected to operate acceptably in the build-out traffic conditions. US 15/501 at Murray Hill Road currently operates at LOS F in the PM peak hour due to the lack of turn lanes on Murray Hill Road. It is anticipated that the commercial development proposed on the northeast quadrant of the intersection will provide at least a right-turn lane on the westbound approach. When the superstreet is implemented on US 15/501 with NCDOT STIP Project U-5814, the intersection is expected to operate at acceptable levels of service.

While some unsignalized intersections are expected to operate with long delays, it is typical for stop sign controlled side streets and driveways intersecting major streets to experience long delays during peak hours, while the majority of the traffic moving through the intersection on the major street experiences little or no delay. SimTraffic simulations also show no significant queuing issues as any of these intersections.

The recommended 2024 roadway laneage is shown on **Figure ES-1**, and the committed and recommended 2031 roadway laneage is shown on **Figure ES-2**.





Fast-Food Restaurant with Drive-Through Window - Aberdeen, NC
Trip Generation (using 1000 GFA) - peak hour of adjacent street traffic

10/14/2024

Land Use	ITE Land Use Code	Size		Trips								
				AM Peak Hour Adjacent			PM Peak Hour Adjacent			Saturday Mid-Day1		
				Total	In	Out	Total	In	Out	Total	In	Out
Retail	934 Fast-Food Restaurant with Drive-Through Window	3.31		148	75	73	109	57	52	183	93	90
	Gross Trips			148	75	73	109	57	52	183	93	90
	Pass-By Trips 50% AM, 55% PM, 50% SAT (assumed)			-74	-37	-37	-60	-30	-30	-90	-45	-45
	Net New Trips			74	38	36	49	27	22	93	48	45

Ref: Trip Generation, 11th Edition

Pine Ridge Commercial

Table 2 - Master Plan Trip Generation: Pod 2

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
221 Multifamily Housing (Mid-Rise) - Phase 7	250 d.u.	1,362	681	681	84	22	62	107	65	42
710 General Office Building - Phase 7	31,000 s.f.	342	171	171	56	48	8	37	6	31
820 Shopping Center - Phase 7	31,000 s.f.	2,712	1,356	1,356	167	104	63	228	109	119
820 Shopping Center - Phase 5	114,000 s.f.	6,572	3,286	3,286	209	130	79	599	288	311
820 Shopping Center - Phase 6	23,000 s.f.	2,214	1,107	1,107	163	101	62	183	88	95
Subtotal		13,202	6,601	6,601	679	405	274	1,154	556	598
<u>Internal Capture</u>										
221 Multifamily Housing (Mid-Rise) - Phase 7		332	166	166	2	0	2	51	31	20
710 General Office Building - Phase 7		94	50	44	5	3	2	11	4	7
820 Shopping Center - Phase 7		90	44	46	2	1	1	13	6	7
820 Shopping Center - Phase 5		217	107	110	2	1	1	33	14	19
820 Shopping Center - Phase 6		73	36	37	1	1	0	10	4	6
<i>Internal Capture Total</i>		<i>806</i>	<i>403</i>	<i>403</i>	<i>12</i>	<i>6</i>	<i>6</i>	<i>118</i>	<i>59</i>	<i>59</i>
Total External Trips		12,396	6,198	6,198	667	399	268	1,036	497	539
<u>Pass-By Capture</u>										
	AM PM									
820 Shopping Center - Phase 7	0% 34%	868	434	434	0	0	0	73	35	38
820 Shopping Center - Phase 5	0% 34%	2,107	1,053	1,054	0	0	0	192	93	99
820 Shopping Center - Phase 6	0% 34%	714	357	357	0	0	0	59	29	30
<i>Pass-By Capture Total</i>		<i>3,689</i>	<i>1,844</i>	<i>1,845</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>324</i>	<i>157</i>	<i>167</i>
Total Net New External Trips		8,707	4,354	4,353	667	399	268	712	340	372

TECHNICAL MEMORANDUM

To: Whataburger – 300 Concord Plaza Dr, San Antonio, TX, 78216

From: Amy E. Avery, P.E., PTOE | Chris Lira, E.I.T.
Kimley-Horn and Associates, Inc.

Date: January 2024

Subject: Whataburger Drive-Through Queue Evaluation

INTRODUCTION

Kimley-Horn was retained by Whataburger to perform a queue, delay, and service time study at restaurant locations around the country to understand on average how Whataburger restaurants function during key peak times of the day. The goal of this technical memorandum is to provide data on typical Whataburger peak queues and average customer service times.

STUDY LOCATIONS

Whataburger provided Kimley-Horn with twelve (12) restaurant locations around the country to act as an average sample size of all Whataburger's. These restaurants were of varying age and locations within the United States. **Table 1** provides a list of the restaurants and their location. Some of the locations had two order boards and drive-through lanes while others only had a single lane. For those locations with a single lane, most locations utilize the bypass lane for vehicle storage at peak times – typically based on the food ordered and anticipated time to complete the order. This is a manual determination made by staff taking orders.

Table 1 – Study Locations

Address	City	State	Age (years)	Size (KSF)	Number of Drive-Through Lanes
2859 N Germantown Pkwy	Memphis	TN	0.6	4.21	2
1211 US Highway 380	Bridgeport	TX	0.8	*	2
11400 Gateway Blvd N	El Paso	TX	0.9	3.43	2
1835 Old Fort Pkwy	Murfreesboro	TN	1	3.27	2
702 N Tyndall Pkwy	Callaway	FL	1.1	2.81	1
2590 S Market St	Gilbert	AZ	1.2	3.46	2
8239 Old Middleburg Rd S	Jacksonville	FL	1.2	2.87	1
905 Hwy 7	Blue Springs	MO	1.3	2.74	1
306 Stribling Ln	Brandon	MS	1.7	3.25	2
13880 US Hwy 19 S	Thomasville	GA	19.2	3.24	1
421 S Broadway	Edmond	OK	47.5	3.85	1
1313 N New Warrington Rd	Pensacola	FL	62.1	2.96	1

* Aerial imagery not recent enough to determine building size

STUDY METHODOLOGY

Data was collected at each of the twelve (12) locations on a non-holiday midweek day (Tuesday, Wednesday, or Thursday) while school was in session for the local jurisdiction.

Whataburger provided information on the typical peak times for each study location based on Point of Sale (POS) transaction data. These hours are provided in **Table 2** for both the primary peak hour and secondary peak hour. As anticipated, a majority of the restaurants had peak service times during the lunch hour of 12:00 Noon to 1:00 PM.

Table 2 – Peak Demand Times

Peak Hour	Primary Peak Restaurant Locations	Secondary Peak Restaurant Locations
9:00 AM – 10:00 AM	Pensacola	
10:00 AM – 11:00 AM		Pensacola
11:00 AM – 12:00 PM		Callaway Bridgeport Blue Springs Brandon Edmond
12:00 PM – 1:00 PM	Murfreesboro Gilbert Callaway Bridgeport Blue Springs Brandon Jacksonville Edmond Thomasville	Memphis
1:00 PM – 2:00 PM	Memphis	Murfreesboro Jacksonville Thomasville
2:00 PM – 3:00 PM		
3:00 PM - 4:00 PM		
4:00 PM – 5:00 PM		
5:00 PM – 6:00 PM	El Paso	
6:00 PM – 7:00 PM		El Paso Gilbert
7:00 PM - 8:00 PM		

Observations were made during the peak service times at each location and the following three key data points were recorded in an effort to understand the queue space required to accommodate patrons during the peak times. For the purposes of this queue study, the average space per vehicle was allocated as 25 feet. This was based on a passenger car average length of 22 ft plus 3 feet from rear bumper of leading car to front bumper of trailing car.

Average Queue

The Average Queue was determined by taking a “snapshot” or a onetime observation every five (5) minutes during the location’s peak hours of service. The total number of vehicles in the queue per drive-through lane at that time were recorded. At locations that had more than one drive-through lane, the lanes were not always utilized evenly so the values presented in the summaries are an average of the two lanes.

Maximum Queue

The Maximum Queue was documented by the observer as the longest the queue ever became during the observation period independent of the five (5) minute intervals utilized for the documenting the average queue.

Average Service Time

Average Service time was determined by selecting a vehicle at random as they entered the queue. For purposes of this study, entering the queue was separated into low volume and high volume periods.

During low volume periods, entering the queue meant when the guest was able to place their order either with a live representative or at the order window / call box. In periods of high demand the beginning of the service time was recorded as when the guests entered the queue and began waiting to place their order to better capture the compounding delay periods of high demand can cause for drive through operations.

The end of the service time was the same in both low and high demand scenarios as the time when they received their order from the food delivery window. Once that vehicle received their order and the completed time was recorded, a new vehicle was chosen at random from the beginning of the queue. This procedure was executed continuously for the length of the study period.

STUDY RESULTS

The results of the nationwide data collection effort are summarized in **Table 3**.

Table 3 – Summary Table

Location			Site Visit Data						
City	State	Number of Lanes	Average Queue per lane		Average Queue Per Site	Maximum Queue		Maximum Queue Per Site	Average Service Time (min)
			Cars	ft		Cars	ft		
Blue Springs	MO	1	2	50	50	7	175	175	8
Brandon	MS	2	4	100	200	8	200	400	10
Bridgeport	TX	2	3	75	150	6	150	300	10
Callaway	FL	1	4	100	100	8	200	200	15
Edmond	OK	1	2	50	50	6	150	150	2
El Paso	TX	2	3	75	150	6	150	300	5
Gilbert	AZ	2	2	50	100	5	125	250	6
Jacksonville	FL	1	1	25	25	2	50	50	3
Memphis	TN	2	4	100	200	8	200	400	6
Murfreesboro	TN	2	6	150	300	12	300	600	21
Pensacola	FL	1	6	150	150	11	275	275	10
Thomasville	GA	1	3	75	75	7	175	175	3
Total:			4	100	130	8	200	273	8

Figure 1, Figure 2, and Figure 3 show the average queue in feet, the maximum queue in feet, and the average service time in minutes for all study locations respectively.

Figure 1 – Average Queue Per Site (ft)

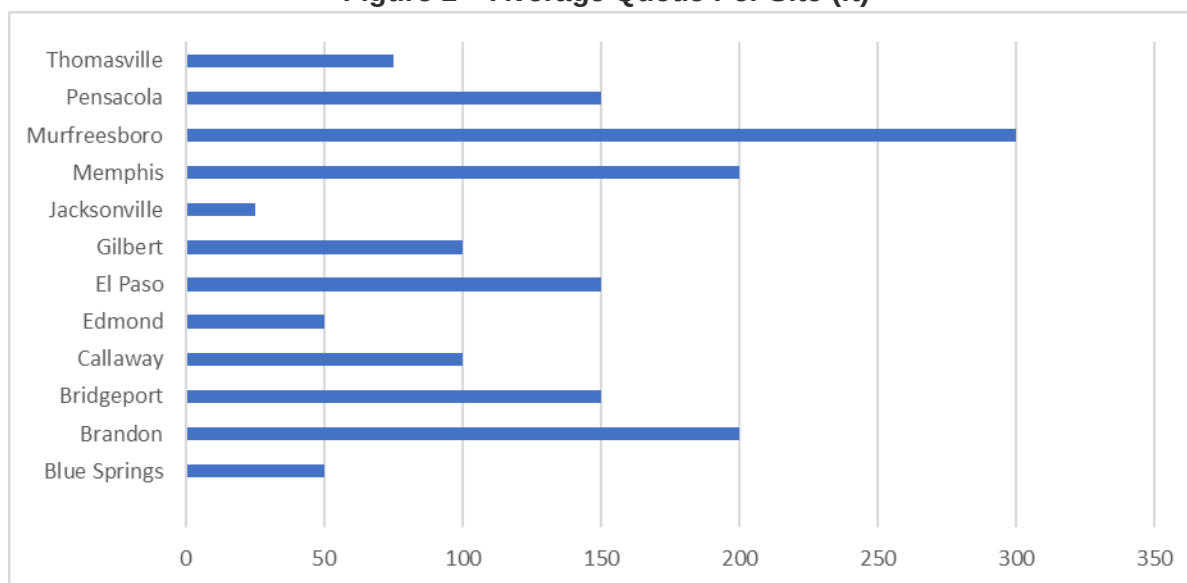
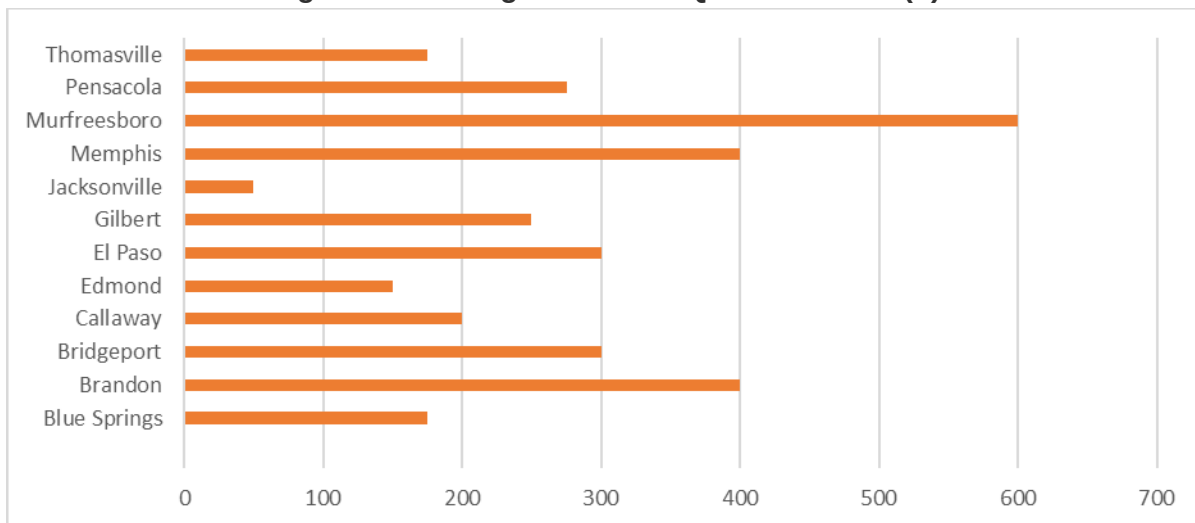
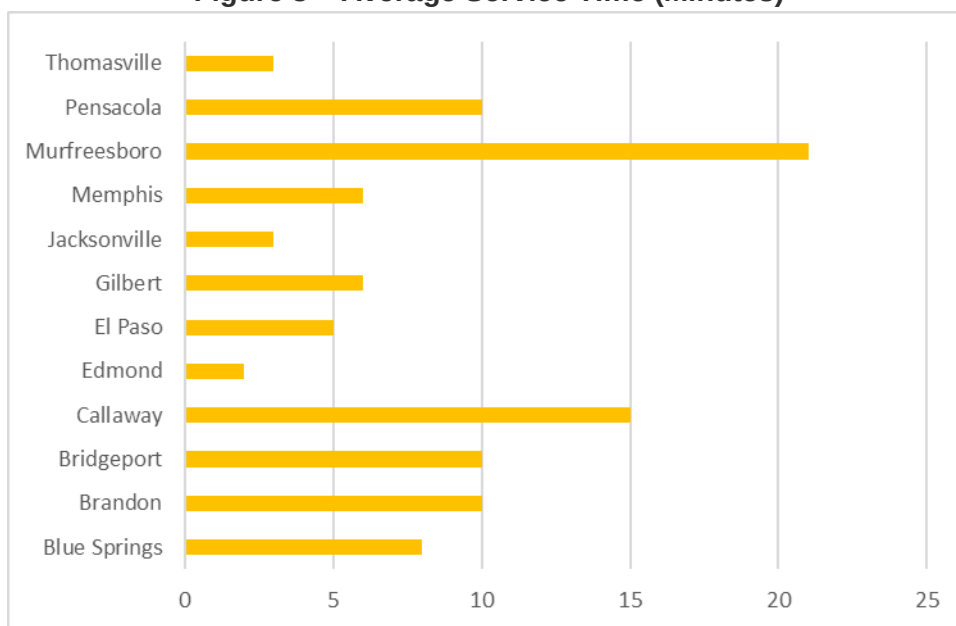


Figure 2 – Average Maximum Queue Per Site (ft)



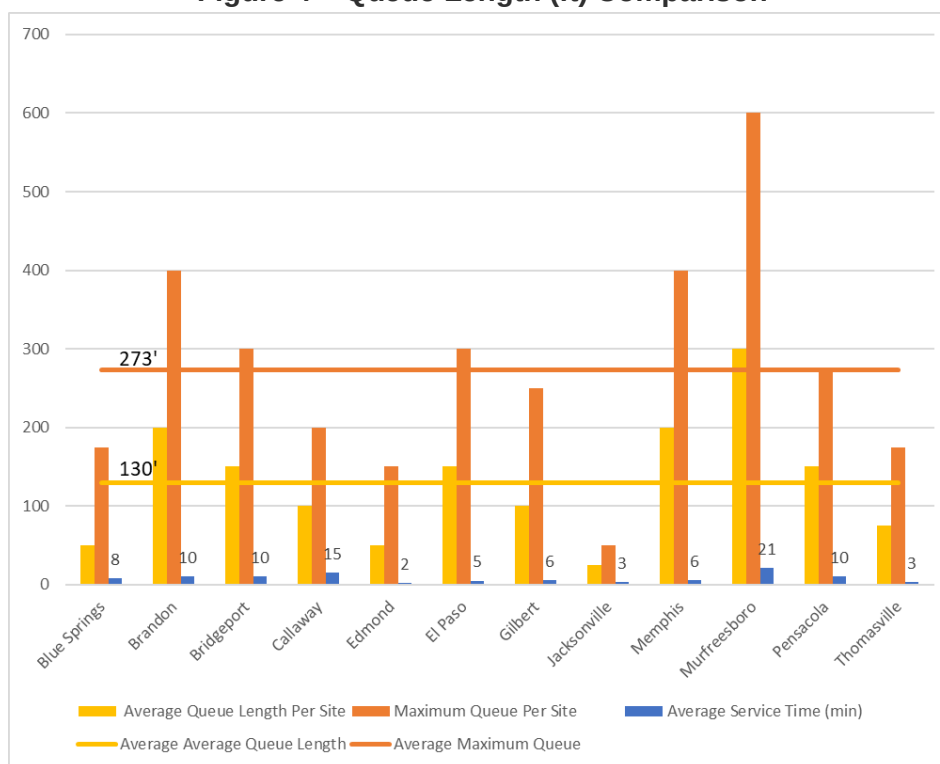
* At sites with two drive through lanes, the average maximum queue is taken from the sum of the two drive through lanes

Figure 3 – Average Service Time (Minutes)



The total average queue across all twelve (12) sites was 130 feet. The average maximum queue was 273 feet, and the average service time was 8 minutes per vehicle from order placement to reception of order at the window. **Figure 4** presents a comparison of each store to the overall average.

Figure 4 – Queue Length (ft) Comparison



As shown in Figure 4, three of the five locations where the maximum queue was observed to exceed the average among all locations were restaurants where the average service time observed exceeded the average of all restaurants. Whether this was an isolated occurrence or frequent trend, there is likely an operational improvement that could reduce service times and associated queue lengths.

SUMMARY

Based on the data collected on site, the following conclusions are offered regarding Whataburger Restaurants and anticipated vehicle queues.

- While operations vary from site to site, the following storage lengths are recommended:
 - 6 vehicles prior to the order board within the desired designated drive through area to accommodate average high demand queue lengths
 - 11 vehicles of storage space measured from the pickup window to the first interaction with cross traffic in the parking lot to accommodate peak demand queue lengths
- The storage lengths above can be accommodated in a single or multiple lane configuration. Omitting the Murfreesboro average service time observations from the averaging process, the one and two lane order board configurations operate with comparable service times. This is likely because many locations carefully manage use of the bypass lane for orders expected to take additional preparation time.

PD DISTRICT CONCEPTUAL DEVELOPMENT PLAN

Morganton Park South

SOUTHERN PINES, NORTH CAROLINA

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August 9, 2021

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 - 4.1 Existing Natural Features
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- 5.5.10 Storm Water Management and Water Quality Management
- 6.0 Property Maintenance
- 7.0 Conceptual Transportation Plan
- 8.0 Statement about Dedication of Streets
- 9.0 Annexation
- 10.0 Phasing

Exhibits

- | | |
|--------------|--|
| Exhibit I | Southern Pines Conceptual Development Plan Application |
| Exhibit II | Site Location Map |
| Exhibit III | Neighborhood Meeting Sign-In Sheet and Report |
| Exhibit IV | Existing Conditions – Aerial Imagery |
| Exhibit V | Existing Conditions - Property Information |
| Exhibit VI | Adjacent Property Owners |
| Exhibit VII | Land Use Plan |
| Exhibit VIII | Conceptual Master Plan & Phasing |
| Exhibit IX | Conceptual Transportation & Drainage Plan |
| Exhibit X | Street and Sidewalk Standards |
| Exhibit XI | Signage Standards |
| Exhibit XII | Proof of Ownership |
| Exhibit XIII | List of Deviations |

1.0 PURPOSE

The purpose of this PD – Conceptual Development Plan application is to:

- Establish a Conceptual Development Plan for the +/- 98.78 acres of land currently zoned as Planned Development (PD).
- Establish the permitted uses, density, standards and conditions under which the subject property shall be developed.

The Town's Conceptual Development Plan application form is included as Exhibit I and the required items, per Section 2.18.4, Conceptual Development Plan of the Town's Unified Development Ordinance (UDO) are included as a part of this document. The Conceptual Development Plan for this property shall include all standards and conditions included in this document.

The proposed CDP Morganton Park South properties are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the property as a Traditional Mixed-Use. This CDP encourages a variety of land uses and building types including residential, commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development.

2.0 PROJECT OVERVIEW

2.1 Location

The proposed project described in this application is geographically located northwest of downtown Southern Pines on the east side of US Highway 15/501 and connects to the southwest side of Morganton Road. The property is bordered/connected by: US Highway 15/501 on its Western boundary, Old Morganton, Patriot Boulevard, and Southern Road on its Northern boundary, Morganton Road on its northern boundary, and Short Street on its southern boundary. A site location map showing the site and immediate surroundings is included in Exhibit II. The proposed parcel is within the Town of Southern Pines ETJ, allowing the town to have zoning jurisdiction. Utilities are available at the site with capacity to accommodate the proposed development.

2.2 Vision

The vision for the project is to master plan and develop a high-quality, mixed-use community that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document. The master plan provides for a mixture of land uses, and requires the creation of open spaces, parks and trails along a linear park network and utilizes design that results in a cohesive community.

The northern portion of the development along Morganton Road will be limited to retail and office development adjacent to the existing shopping center and across Morganton Road from the Morganton Park North development which includes, restaurants, multi-family residential, an elementary school, and large medical office facilities. The southern

area, with direct access to US 15/501, will include retail and commercial uses, and connect to adjoining properties to provide better access to these facilities as the North Carolina Department of Transportation (NCDOT) prepares for modifications of the existing roadway to create a “super street” with medians and limited turning areas. The center portion of the property will provide mixed-use development, which may include multi-family residential, retail, commercial, and office development.

Main access to the site will be provided through the construction of a Parkway Connector through the property. This roadway will connect US 15/501 and Morganton Road, creating a significant transportation route for the Town of Southern Pines. Southern Road and Old Morganton Road will be connected to the Parkway Connector and provide connections to adjacent developments per the phasing standards set forth in Section 10 of this document. Development of this public street network will include vehicular, pedestrian, and bicycle transportation routes. Through a “linear park” located along the Parkway Connector, a system of trails, bicycle paths, parks, and open space will be provided to add to the character of the overall development.

Additional setbacks and buffers will be provided along the major roadways and enhanced with landscape and hardscape features in keeping with the area. Community parks, trails, sidewalks and a street tree planting program will be included. Future greenway connections will be provided as the Town’s Greenway network expands. Best management practices will be implemented for development, storm water management and erosion control.

A detailed description of the development program, conditions and standards is included in Section 5.0 of this document.

2.3 Applicant and Project Team

The applicant is Midland Atlantic Properties. Consultants currently include Koontz Jones Design, PLLC (Land Planner), LKC Engineering (Civil Engineer), Dr. J. H. Carter and Associates (Environmental Consultant), and Kimley Horn (Traffic Engineer)

2.4 Compliance

All development within the site must adhere to the approved standards and conditions stated in this document. As allowed under UDO Section 3.5.14, unique conditions and standards, differing from baseline UDO conditions and standards, can be established in order to facilitate a planned development district. This allows for flexibility and further allows for response to market conditions over the longer period of development required for a master plan of this scale. The conditions and requirements stated in this document that vary from the UDO shall supersede the UDO. Prior to the issuance of a building permit and start of any construction, a Preliminary Development Plan for each phase must be submitted and approved per the requirements of Section 2.18.5 of the UDO. All development and building permits are subject to all Local, State and Federal permitting guidelines, architectural review, rules and regulations and must be approved by the Town of Southern Pines. To the extent this document does not otherwise establish a development standard, the UDO standard in effect at the time of an application will apply.

3.0 CONCEPTUAL DEVELOPMENT PLAN APPLICATION - See Exhibit I

4.0 EXISTING CONDITIONS

4.1 Existing Natural Features

4.1.1 Prevalent Tree Canopy and Vegetation

The tree canopy type and vegetation of the prevalent tree canopy and vegetation are included in Existing Conditions in Exhibit IV and can be seen in the aerial photographs of the property. The property consists mainly of Longleaf Pines and some Scrub Oaks where trees remain. Much of the property has been previously cleared, especially the southernmost large parcel, which was previously a golf driving range. A large borrow pit area is also located on the property. This area was used to construct the adjoining shopping center. Tree canopy and vegetation will be further identified as required during the site plan permitting process.

4.1.2 Orchards or Other Agricultural Groves

No portion of the site is currently being used for an orchard or agricultural use nor do any exist on the site.

4.1.3 Streams, Wetlands and Floodplain

The proposed development area lies outside of any protected watershed district established by NCDWQ. The project will comply with all state and local standards for storm water management and utilize best management practices and engineered storm water facilities as required. There are no streams or wetlands located on the property. No areas of the property are located within a designated floodplain.

4.1.4 Topographic Features

A topographic map with two (2') foot contours is included on the Existing Conditions Map - Wetlands and Topographic Information found in Exhibit V.

4.1.5 Unique Land Formations, Endangered/Threatened Species

There is no woodpecker habitat on the property as it was cleared less than 30 years ago and there are now very few remaining trees on the property.

All development and building permits within the site are subject to all Local, State and Federal permitting guidelines, rules and regulations. Additional studies will be conducted as required for permitting.

4.2 Existing Man-made Features

4.2.1 Streets, Roads, Parking or Other Structures

There are no existing streets, roads, sidewalks, walkways and associated drainage structures on the site. All previous development structures have been removed. There are roadway stub outs that connect to the property located at Southern Road and Old Morganton Road. An existing sidewalk is located within the public right-of-way along Morganton Road.

4.2.2 Storm Water Facilities and Structures

There are currently no storm water facilities or structures on the site. New stormwater facilities will be provided for each individual phase of development and approved as required.

4.2.3 Utilities

Water – Water line connections for the project/development are located along Hwy 15-501 (18" water main) and Morganton Road (16" water main). Extensions of water mains will be installed by the developer(s) of the properties within the CDP and are described in section 5.5.

Sewer - Gravity sewer is available to the site along Hwy 15-501, Morganton Road, Southern Road and Old Morganton Road. Discussions and design requirements are ongoing with the Town's Engineering and Utilities Department(s) to assess to what extent the existing sewer main(s) are to be upgraded. Extensions of gravity sewer will be installed by the developer(s) of the properties within the CDP and are described in section 5.5.

Electric - Electric power is available for the site and has been installed to serve previous adjacent developments. In addition, a Duke Energy substation is located adjacent to the property with transmission lines running through the property. These lines are shown on Exhibit – IV Existing Conditions. All new electric lines will be installed underground. Power distribution lines area also located within the power easement on the property from US Highway 15/501.

Gas – Natural gas is available for the site and has been installed in previous adjacent development. Natural gas lines may be extended and connected to the development areas.

Telephone/Cable – Telephone and cable service is available for the site. All new service lines will be installed underground.

4.2.4 Buildings, Structures, Signs and Historical Structures

There are no historical structures on the site. An existing historical cemetery is located on the property and will be preserved.

4.3 Existing Legal Features

4.3.1 Zoning Information - The subject property is currently zoned Planned Development (PD) and General Business (GB – on Parcel 2 in Section 4.3.5). There is no approved Conceptual Development Plan (CDP) in place for the PD zoned area. The 0.40-acre parcel zoned GB is to be rezoned to PD and subject to the requirements of the CDP. The property is designated as Traditional Mixed-Use in the Town's CLRP.

4.3.2 Property Lines and Legal Description - see Exhibit IV

4.3.3 Right of Ways - Adjacent rights-of-ways along property edges are Morganton Road, Old Morganton Road, Patriot Boulevard, Southern Road, Short Street, and US Highway 15/501. Roadways are depicted in Exhibit IX – Conceptual Transportation Plan (CTP).

4.3.4 Easements - Utility easements are depicted in Exhibit IV.

4.3.5 Ownership Information - See Exhibit V for depictions of the tracts listed in the table below. Copies of the corresponding recorded deeds evidencing ownership are provided as Exhibit XII.

Tract	Owner	Deed Book	Page Number(s)	Acres
1	Hyperactive Commercial Investments, LLC	4917	528	44.29
2	Hyperactive Commercial Investments, LLC	4917	528	0.04
3	Morganton Road Enterprises, LLC	5288	32	51.16
4	Robert W and Julie M Van Camp Trustees	2783	119	3.05
5	R & T Properties of North Carolina, LLC	3264	271	0.24

Property to be rezoned is described by using the property descriptions of the attached deeds in Exhibit XII, save and except, any portions of that property that have been previously platted as lots, right-of-way or common area.

4.3.6 Adjacent Parcel information - the adjacent parcel owners, zoning, use, pin numbers and Parcel ID numbers are listed on the Adjacent Property Owners found in Exhibit VI.

5.0 DEVELOPMENT CONDITIONS

5.1 Development Program

The development may include many of the uses included in the Multi-family Residential (RM-1 and RM-2), General Business (GB), and Office/Services (OS) zoning districts.

Uses on the property may be mixed on individual properties or within individual buildings to promote a mixture of uses throughout the CDP area. A list of the permitted uses for the property has been included in Exhibit VII. These uses have been derived from Exhibit 3-15: Table of Uses in the UDO. GB and OS uses that are not intended for the property have been removed from the list.

The allowable development program and permitted uses for each section of the Conceptual Plan development areas are presented by their LBCS code in Exhibit VII. Each area is graphically depicted in the Land Use Plan included in Exhibit VII. The Conceptual Master Plan is included in Exhibit VIII. Plan acreages for the individual development areas illustrated in Exhibit VIII are included in Table 1.0 below and development densities and program are included in Table 1.1.

Table 1.0 – Land Use Areas

LAND USE TABLE:	
CATEGORY	AREA
Retail	+/- 37.4 acres
Multi-Family/Residential	+/- 12.7 acres
Mixed Use	+/- 17.5 acres
Retail/Office	+/- 18.3 acres
Total Developable Acreage	
	+/- 85.9 acres

Table 1.1 Development Program

CATEGORY	CDP AREA	TOTAL
Acreage		+/- 98.78 acres
Residential	650 Units	Units may be Multi-Family, Townhomes, and Single Family Detached up to a density of 16 dwelling units per acre as defined in the Morganton Road Overlay Section 3.6.6(K)(1)
Office	Up to 400,000 sf	Commercial/Retail may be converted to Office within the maximum limits stated above on a 1:1 square foot ratio. At no time may the total of all office and commercial/retail buildings exceed 700,000 sf *
Commercial/Retail	Up to 650,000 sf	

Notes:

- * In no case may any combination of retail or office uses exceed 700,000 sf combined. Mix examples include 400,000 sf retail and 300,000 sf office; or another scenario would be 500,000 sf of retail and 200,000 sf of office.

5.2 Development Standards

In general, dimensional standards for the development, including building height, buffers, setbacks, and landscaping will follow the standards of the UDO, unless other standards are included in this document. Any modified standard in this document will supersede the UDO requirements. See list of deviations included as Exhibit XIV.

The required open space is presented below in Table 2.0. Open space is further discussed in Section 5.5.2 below.

Table 2.0 – Open Space

Category	Required
Overall Open Space	19.8 acres; 20% minimum
Usable Open Space	9.9 acres; 10% minimum

- Usable open space will be calculated as defined by the UDO and may include trails, open areas, amenity areas, linear park areas, multi-use paths, and other recreational areas.

5.3 Treatment of Onsite Natural and Man-Made Features

5.3.1 Natural Features

There are no wetlands located on the property and the site does not fall within a regulated watershed. There are also no endangered species located on the property.

5.3.2 Man Made Features – Power transmission lines will remain on the property. Smaller distribution lines will be buried from US Highway 15/501 to the southwest corner of the Town of Southern Pines soccer fields located on parcel with PIN: 857100674447. A historic cemetery is located on the site. The location of the cemetery has been studied and surveyed. The cemetery will remain on site and be protected.

5.4 Statement Regarding Public Facilities

Any community greenway trails, or multi-modal trails will be added to the Town of Southern Pines greenway system upon completion and dedication. The greenway trails within the linear park are anticipated to be dedicated to the Town of Southern Pines. Future connection points may also be provided to the Town's greenway system.

5.5 Additional Design Conditions

The following additional development standards will control development on the site:

5.5.1 Vehicular Circulation, Street Cross Sections, and Parking

The vehicular circulation within the CDP area provides for interconnectivity between adjoining properties at existing stub out locations and a new Parkway Connector that will connect US 15/501 to Morganton Road. This connector road will be more than a mile in length and provide a new important connection for the Town of Southern Pines. Roadways described above are indicated on Exhibit IX – Conceptual Transportation & Drainage Plan and include the following:

- Parkway Connector – Connecting US 15/501 to Morganton Road
- Old Morganton Road – Connect to existing stub out
- Southern Road – Connect to existing stub out

Street standards supplementing the current Town of Southern Pines standards that may be included within the project boundary are included in Exhibit X. These cross sections will apply to the CDP Area. The functional classification of streets is illustrated in Exhibit IX – Conceptual Transportation and Drainage Plan. Upon completion, the streets will be dedicated to the Town of Southern Pines as described in Section 8 of this document.

Roadways adjacent to the community are governed by the NCDOT and will require a Traffic Impact Analysis at the time of PDP. Ingress/egress connection to these streets and proposed mitigation requires NCDOT approval of all mitigation measures and will be implemented per the requirements of and as established by the NCDOT.

Roadway connections to Southern Road and Old Morganton Road will be constructed to utilize the existing roadway cross section, dimensions, and design of each street to be consistent with previous development. Engineering standards for the pavement, sidewalks, and trails will meet engineering standards for the Town of Southern Pines in place at the time of development. These connections to US Highway 15/501, Morganton Road, Southern Road, and Old Morganton Road will be constructed based on the timing in Section 10 Phasing of the CDP document.

Ingress/Egress Points

Arrows shown on Exhibit IX are conceptual and subject to change. Access driveways to the Parkway Connector will be limited to no more than one driveway cut per 400'. Access drives will align with other driveways across the parkway where possible. Future connections to other surrounding roadways may be made if the opportunity is made available without revision to this document to provide additional locations for emergency service vehicles as necessary.

No direct access, besides the Parkway Connector as depicted throughout the CDP, will be provided to West Morganton Road by development in Phases 3, 4 and/or 9 as depicted on Exhibit VIII of the CDP.

Full movement intersections on the Parkway Connector will be limited to the intersections of Old Morganton Road and Southern Road and the default design of all other accesses to the parkway collector road will be right-in, right-out intersections. This default design may be reviewed on a case-by-case basis at Preliminary Development Plan after a Traffic Impact Analysis is conducted and submitted per the requirements of the UDO.

Cul-de-sacs - Cul-de-sacs will be limited in the development, however, in some instances cul-de-sacs may be provided based on land features and parcel boundaries.

Sidewalks/Multi-use-paths – Concrete sidewalks and/or asphalt multi-use paths will be provided throughout the development. Trails and sidewalks may be located within the building/parking setbacks along the main roadways to create a linear park system and connections to development areas. These pathway areas will be considered per Section 5.5.4 of this document. The type and location of paths located along the connector roadways has been shown on Exhibit VII. Paths along Southern Road will be sidewalks on one side of the road to match the existing roadway. Old Morganton Road will include a multi-use path on the north side of the roadway and a sidewalk on the south side to match the existing condition. Trails and sidewalks outside of the roadway areas will be defined during the PDP phase and based on topography, location, and proximity to other pedestrian paths within the development.

Sidewalks and trails along the main roadways will be installed with the development of each roadway per the Phasing plan in Section 10 of this document. Sidewalks and trails within the individual phase will be developed with the individual phase of development. Sidewalks and trails within the right-of-way will be dedicated to the Town. If trails along the major roadways fall outside of the right-of-way, an easement will be provided for the Town to maintain these areas.

Parking - Parking for large scale retail development may be located in the front of the buildings, between the street and building front. Smaller mixed-use, office, and retail developments will follow the standards of UDO Section 3.6.6(F)(2). Parking for large scale retail development and/or shopping centers must maintain a parking level between 1 parking space per 250 sf and 1 parking space per 200 square feet of retail/restaurant building square footage.

Mixed-use sections of the CDP area may propose shared parking, dependent upon uses within the proposed development. Shared parking for mixed-use development may follow the standards set forth in Section 6.4.4(B) of the UDO. Parking will be reviewed at the time of the PDP for the individual development areas and dependent upon proposed uses for the property.

5.5.2 Open Space, Amenity and Pedestrian Circulation

A network of pedestrian sidewalks, multi-modal trails and open spaces will be provided throughout the development. A minimum of 19.8 acres (20%) of total

open space shall be provided. A minimum of 9.9 acres (10%) of the provided open space shall be usable open space as described in Section 3.5.14 of the UDO. A running tabulation will be provided during the PDP process for each individual phase.

A linear park will be developed along the “Parkway Connector” within the development. The minimum width of the park shall be 80’. The area will be measured and extend from the right-of-way to any building or parking areas. The linear park area is not required to have uniform width on both sides of the right-of-way. A 20’ minimum setback is required on each side of the road. This setback zone, described in Section 5.5.4 of this document, will provide trails and outdoor recreation opportunities for residents, workers, and patrons of businesses within the development. Plans for the area will be reviewed during the PDP process and must meet the UDO open space standards and standards included in this document to qualify as open space. This area will include patio areas, sitting areas, park features, trellises, and other outdoor features. This area will count toward the usable open space requirements for the overall CDP area.

The table below defines the requirements of the linear park. The linear park must meet the following standards to be considered open space.

Park Standards	Dimensional Standards and Location	Additional Conditions
Width	The Linear Park shall be a minimum of 80’ in width and shall be a minimum of 20ft wide measured from the Right of Way line of the public street	Shall be of a minimum width of 80ft
		Does not have to be a uniform width except where the minimum width applies
Location	The Linear Park shall extend the length of the Connector Parkway from Morganton Rd to NC Hwy 15-501	May be located on both sides of the Parkway to the extent that the dimensional standards of the park can be met.
		Shall abut the right of way of the public street
Cemetery Park	The Linear Park will include the existing cemetery locate on the property	May be located on both sides of the Parkway to the extent that the dimensional standards of the park can be met.
		May be located only on one side of the street.
		Shall abut the right of way of the public street

Park Amenities	Minimum Standards	Additional Conditions
Benches	Benches shall be required at a minimum interval of 300'	Park Benches shall be of a commercial grade material suitable for the public environment
		Benches shall have an accessible route to the bench or seating area
		To be maintained by the owner of each property having frontage along the linear park
Seat Walls	May replace benches and sitting areas	To be maintained by the owner of each property having frontage along the linear park
Bike Racks	Bike Racks shall comply with Town Standards at a minimum interval of 1,000'	Bike racks shall conform to the Town Standards for Bike Rack
		One Bike Rack shall be placed in the location of any seating area provided in the Linear Park
		To be maintained by the owner of each property having frontage along the linear park
Trash Receptacles	Waste Stations (trash) shall be required at a minimum interval of 600'	To be maintained by the owner of each property having frontage along the linear park
Pet Waste	Pet waste Stations shall be required at a minimum interval of 1 per 1,000 If	Where there is a pet waste station there shall be a waste receptacle
		To be maintained by the owner of each property having frontage along the linear park
Shade Structures	Shade Structures shall be required at a minimum interval one structure per every two benches, or a minimum interval of one structure per 600'	To be maintained by the owner of each property having frontage along the linear park

Pedestrian Paths	Minimum Standards	Additional Conditions
Multi-Modal Path	Any multi-modal path within the Linear Park shall conform to Town Standards for dimensions and specifications.	The multi-modal paths shall extend along the "Parkway" Road.
		May be located out of the public road right of way but shall be located within the boundary of the "Linear Park"
		Development properties shall make connections to the Multi-Modal Path where they install sidewalks and other pedestrian ways for accessibility
		The multi-modal paths shall be located in the public right-of-way
Sidewalks	Any sidewalks within the Linear Park shall conform to Town Standards for dimensions and specifications.	

Landscaping		
Plant Type	Minimum Planting Rate	Additional Conditions
Large Trees	One tree per 2,000 square feet not exceeding a spacing of 50 linear feet	* At least 50% of the trees shall be evergreens
		Longleaf Pines shall be a minimum 2" caliper
		Other Large Trees shall be minimum 2" caliper
		Trees shall be randomly spaced but not less than the minimum planting rates
Small Trees	One tree per 2,000 square feet not exceeding a spacing of 50 linear feet	At least 20 percent and not more than 30 percent of small trees shall be deciduous
		At least 50 percent of evergreen trees shall be species other than pines
		Small trees shall be a minimum 1.5-inch caliper
		Trees shall be randomly spaced but not less than the minimum planting rates
Shrubs	Shrubs are required at a rate of one shrub per three linear feet adjoining areas of hardscaped park amenities	When shrubs are used, they should be used to amenitize hardscape features in the Linear Park such as: Outdoor Seating areas, gathering spaces, resting points, etc.
Turf	Turf shall be a Bermuda variety	Where turf is installed spray type irrigation is required.

5.5.3 Architectural Standards

The Town of Southern Pines Council will review and approve all multi-family and non-residential building plans for compliance with the Town's architectural standards in Section 4.10.4 of the UDO. All development and building permits are subject to all Local, State and Federal permitting guidelines, architectural review, rules, and regulations. In addition, all buildings described above will require an Architectural Compliance Permit.

To limit the height along the Parkway Connector and other main street connections within the CDP area, buildings will be required to maintain a maximum height of 35' within 50' of the Parkway Connector right-of-way. Outside of this area buildings may be permitted up to 45' per UDO standards for the General Business (GB) district. In addition, special architectural features up to sixty (60) feet, may be permitted to add character to the development. These features will be reviewed during Architectural Compliance Permit review.

5.5.4 Landscaping, Setbacks, and Buffering

Landscape standards will meet or exceed the requirements of the Town of Southern Pines UDO per Section 3.5.14(H). Landscape buffers will be installed per the UDO unless otherwise specified in this document.

Streetscape – Street trees will be planted along the public main streets within the development. Street trees will be adjusted to accommodate existing driveways and future driveway locations within the development.

To reflect the natural appearance of the local area, street trees may be planted with random spacing, rather than at regimented distances on center to provide a more natural character within the development area. Street tree plantings will be installed at a rate of one tree for every 30' of roadway on both sides of the street, however, trees may exceed 30' on center and be planted with random spacing as described above. Street trees will not exceed a maximum of 80' on center. Loblolly Pine trees will make up a substantial portion of the street tree plantings to maintain the character of Southern Pines. Loblolly Pines will be installed in containers at the largest available size, even if below the Town of Southern Pines minimum size requirement, to increase survivability and health of the trees. Any existing trees maintained within the right-of way will be credited toward the street tree requirements.

Street trees will be installed during reasonable planting times based upon the individual plant species. Bonding of these improvements will be permitted per the Town's UDO standards in Section 4.3.12, in effect at the time of the approval of this CDP.

Buffers and Setbacks - Landscape buffers are not required within a planned development; however, The Applicant will provide additional areas of landscape buffers and setbacks along the new Parkway Connector to create a

linear park area for the development and provide a visually pleasing roadway. The proposed development standards for this landscape area are provided above in Section 5.52 and dimensional standards are included below (measurements are from the right-of-way):

Building Setback = 25'

Parking Area Setback = 25' * (does not include internal drives)

Landscape Buffer = 20' *

Maximum Building Height = 35' within first 50' (see Section 5.5.3 for additional information related to building height)

* These development standards may be modified to locate facilities around site specific features which are located on the property.

A 20' perimeter landscape buffer will be required along the boundaries of the CDP that abut adjoining properties. This perimeter buffer will follow the planting standards of the Town's UDO. Buffers between properties within the PD district are not required. The Applicant may elect, in the future, to install a landscape buffer at its discretion as part of future land planning within the PD.

5.5.5 Utilities

Drainage easement areas will be provided as required by the UDO and applicable regulations, the same being designed during, detailed and located during the detailed engineering and permitting of future development phases.

Electric, water, sewer and gas utilities are currently available on the property as described in Section 4.2.3 of this document. Any new utility lines will be installed per the policies of the local utility providers and the Town of Southern Pines for underground utilities.

From time to time, temporary services may be required and shall be allowed at community facilities, temporary construction offices, temporary sales centers, and other common amenities such as parks.

Water and sewer utilities will be provided by the Town of Southern Pines.

Water – Water line connections for the project/development are located along Hwy 15-501 (18" water main) and Morganton Road (16" water main). The connector road that will connect to Morganton Road and Hwy 15-501 and will include the installation of a new connecting 12" diameter water main along the Parkway Connector to serve the site improvements and future development. Additional water main connections on Southern Road (8" Water Main) and Old Morganton Road (8" Water Main) will be extended to the Parkway Connector water main as described above. These extensions of water mains will be installed by the developer(s) of the properties within the CDP.

Sewer - Gravity sewer is available to the site along Hwy 15-501, the proposed improvements will connect to the existing sewer main and may require a downstream upgrade of the existing sewer main north of Brucewood Road. Discussions and design requirements are ongoing with the Town's Engineering and Utilities Department(s) to assess to what extent the sewer main(s) are to be upgraded. As with the water main extension the spine road connection will also include gravity sewer to be located in the new connector road to provide service to surrounding properties to be developed as included in this CDP. Other sewer connections will include an 8" gravity sewer main along the Southern Road connection and an 8" gravity sewer main along the Old Morganton Road extension. The Southern Road and Old Morganton Road connections will be extended for the use of future development properties. These extensions of sewer mains will be installed by the developer(s) of the properties within the CDP.

Cable will be provided by Spectrum. Power and electric utility will be provided by Duke Energy.

5.5.6 Street Lighting

Street lighting will be designed in conformance with the requirements of Section 4.8 in the Town of Southern Pines UDO. All lighting will be LED lighting. The cost of installation and maintenance of any specialty street lighting shall not be the responsibility of the Town of Southern Pines. Appropriate lighting in parking areas and amenity locations will be provided as required by the UDO.

5.5.7 Signage

Creating a consistent character for the signs in the CDP area is important to maintain consistency throughout the development and enhance the aesthetic character, while providing adequate signage to identify tenants and projects within the overall area. Signs will reflect the architectural character of Southern Pines and the future architecture of the Morganton Park area. Below are specific design criteria, sign elevations, materials, and requirements for the signage to be included throughout the overall CDP area. In addition, general signage locations are indicated on Exhibit VII – Land Use Plan within these documents. Any sign that is not specifically identified in this section will follow the standards of Section 4.6 in the UDO.

Sign areas to be computed per Section 4.6.6 of the UDO unless otherwise specified below. Any sign within the development area not specifically described below will meet all Town of Southern Pines standards.

- Overall Morganton Park South signs (landmark/monument) – US 15/501 entrance and Morganton Road entrance

Signage along the major connection roads (Parkway Connector, Southern Road, and Old Morganton Road) may vary for the UDO standards. These standards are defined below.

- Off premises signs are permitted at the intersection of the Parkway Connector and both US 15/501 and Morganton Road. These signs will serve to indicate establishments throughout the overall Morganton Park South development area.
 - These “landmark” signs are intended to identify the overall Morganton Park area. In addition, these signs may identify a limited number of establishments within the development area. The place identifier, “Morganton Park”, does not count toward the overall sign area for these two (2) signs. See Exhibit XI – Signage Standards
 - Sign dimensions are as follows:
 - US 15/501 sign
 - Maximum sign height = 10’
 - Maximum sign area (tenants) = 200 sf
 - Morganton Road sign
 - Maximum sign height = 8’
 - Maximum sign area (tenants) = 100 sf
 - Signs may have uplighting or be internally lit. All uplights must be shielded from view and directed toward the sign only.
 - These monuments will be made of brick and reflect the elevations shown in Exhibit XI – Signage Standards.
 - The maximum number of tenant panels for each sign are indicated on the elevations shown in Exhibit XI – Signage Standards.
- Retail Entry and Wayfinding Signs – located at the entrances along the Parkway Connector to the Phase 1 Shopping Center development area
- These signs are intended to identify the main tenants within the Phase One development area only.
 - Locations for these signs are indicated on Exhibit XI – Signage Standards
 - These monuments will be made of brick and reflect the elevations shown in Exhibit XI – Signage Standards.
 - Tenant panel general layouts for each sign are indicated on the elevations shown in Exhibit XI – Signage Standards.
 - Signs will be internally lit.
 - Sign dimensions are as follows:
 - Maximum sign height = 5’
 - Maximum sign area (tenants) = 20 sf
- Building Mounted Signage
- Anchor Retail Store – The large retail anchor stores, in excess of 45,000 sf, may request additional building mounted wall signage. These buildings have multiple access points for customers and separate customer pick-up locations for online orders. In addition, these stores may have separate smaller retail stores located within a single large retail building. Individual retailers within the single building may also have wall mounted signage on the building at a

reduced scale. Exhibit XI includes signage for the large retail anchor tenant to be located in Phase 1 of the development. Other future anchor retail stores may request additional signage during the Preliminary Development Plan and/or the Architectural Compliance Permit process.

- Signs for "Shopping Centers" will follow Section 4.6.13 and maintain a Unified Sign Plan. Signs in this section will be permitted in the Unified Sign Plan.

5.5.8 Accessory Uses

Accessory dwellings and uses may be incorporated in various areas per Section 5.2 and 5.3 of the Towns UDO.

5.5.9 Temporary Uses/Special Events

Temporary construction trailers including, but not limited to real estate, construction and sales offices may be installed during the period of construction and real estate sales. Other temporary uses may include tree or sod farms and plant nurseries (but such tree, sod or plant operations shall be temporarily operational during and as a part of development installation and landscaping). Any temporary uses or special events must obtain the appropriate permits from the Town of Southern Pines.

5.5.10 Storm Water Management and Water Quality Management

The proposed development area lies outside of any protected watershed district established by NCDWQ. The project will comply with all state and local standards for storm water management and erosion control. Best management practices and engineered storm water facilities, as required at the time of development of each phase shall be provided in accordance with NCDENR guidance and Town of Southern Pines requirements to control runoff as required.

Drainage facilities will be located in the general locations as shown on Exhibit IX and may be either site specific or designed as regional stormwater control. Stormwater may be controlled and collected in wet ponds, dry ponds, or stored in underground facilities. The locations shown on the plan are subject to change throughout the continued development of the property based on detailed engineering and grading plans. Stormwater must be maintained on the overall property to meet the Town of Southern Pines, NCDENR, NCDWQ and any other stormwater regulations. Adequate stormwater control must be in place (regional facility) or designed as part of each phase of development.

The installation/maintenance of any proposed storm water devices shall not be the responsibility of the Town of Southern Pines. The overall site will meet the maximum built upon area as required by the state standards in this watershed at the time of this application.

- Adjacent property Impervious surface
 - o R&T Properties, Parcel ID # 20070557 (0.24ac) and ID # 00055645 (4.84ac), currently has an impervious surface percentage below the permitted 70% maximum requirement within the Urban Village Highway Corridor Overlay District (UVHCOD). Any dedication of right-of-way for the purpose of constructing the Parkway Connector and a connection from the Parkway Connector, including any sidewalks or other required structures, to the R&T Properties site which will utilize the land included in parcel ID # 20070557. Upon the dedication of right-of-way and construction of access will not modify or incur the current impervious percentage permitted on the R&T Properties parcels for future development or use of these properties. The area of land used as the denominator for purposes of calculating the impervious surface percentage within the UVHCOD on the R & T Properties parcels shall continue to be based upon the current area of land contained within the UVHCOD on the R & T Properties parcels and shall not be reduced due to: (a) the loss of land area pursuant to any dedication of right-of-way for the Parkway Connector and/or (b) the increase of impervious area due to the construction of a connection from the Parkway Connector to the R & T Properties parcels.

6.0 Property Maintenance

Each property developed within the Morganton Park South area will maintain its own facilities, which will include any area between the right-of-way and development. Areas within the linear park outside of the right-of-way and not dedicated to the Town (trails and sidewalks) will be maintained by the individual property owner. Right-of-way areas, once dedicated to the Town of Southern Pines, will be maintained by the Town.

7.0 Conceptual Transportation Plan

A Conceptual Transportation and Drainage Plan – Exhibit IX has been provided as required by the UDO. This plan illustrates the proposed street network for the CDP area and identifies roadway connections to adjacent properties. During the Preliminary Development Plan (PDP) process for each proposed development within the CDP, a detailed site and development specific Traffic Impact Assessment (TIA) will be provided. This TIA will be coordinated with the Town of Southern Pines and NCDOT and assess the traffic improvement needs of the development.

8.0 Statement about Dedication of Streets

All main connector streets indicated in the Conceptual Transportation and Drainage Plan – Exhibit IX will be dedicated to the Town of Southern Pines. Streets will be maintained by the developer until such time as turned over to the Town of Southern Pines. All parking areas within the development will remain private and maintained by the developer and/or Property Owner's Association.

9.0 Annexation

Any areas within the property that are not currently part of the Town of Southern Pines, will be offered for annexation and accepted by the Town of Southern Pines prior to the approval of the first set of building permits, unless otherwise specified through additional agreements that may supersede this requirement.

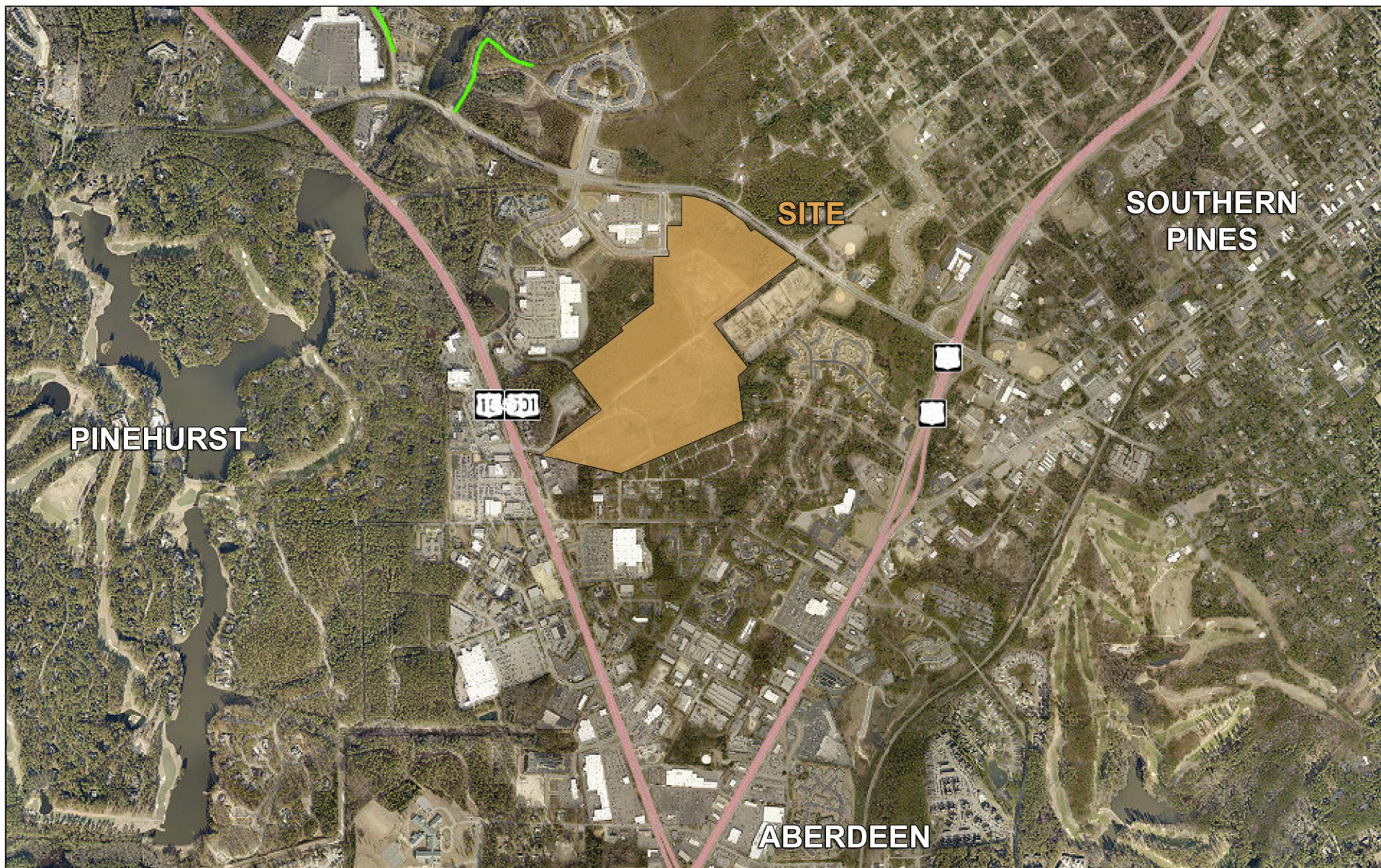
10. Phasing

This project is projected to have a 20-year build-out. All phases have been labeled on Exhibit XI - Phasing Plan and are governed by this section. Due to the large-scale of this project and the uncertainty of economic factors that influence land development, some flexibility in phases is necessary. Pursuant to Section 2.9 of the UDO, the proposed phasing plan (Section 10 of the CDP booklet) is not tied to an event and or a particular date (not uncommon with large scale, long-term planned communities). Phasing and requirements for each phase will be reviewed at such time as a PDP is submitted for an individual phase. To clarify, the event to which the phasing will be tied the following information is provided:

- Parkway Connector – will be constructed with the first phase of development within the CDP area.
- Southern Road – will be planned and constructed with any development of Phase 5 and/or Phase 6. This road will be accepted by the Town prior to the issuance of a certificate of occupancy for any development within the phases 5 and/or 6.
- Old Morganton Road – will be planned and constructed with any development of Phases 3,4, and/or 7. This road will be accepted by the Town prior to the issuance of a certificate of occupancy for any development within the phases 3,4 and/or 7.

At the time of construction of the roadways described above, public water and sewer utilities will be installed within the right-of-way, per the Town of Southern Pines engineering standards, to serve all properties along the road extension. Conceptual utility design plans are required during the Preliminary Development Plan process and will be submitted with any application for a Preliminary Development Plan. Details related to the construction and timing of these improvements will be described in a development agreement between the Town of Southern Pines and the developer of these improvements, prior to the commencement of construction of the project. The Development Agreement will include a provision reflecting the developer's commitment to maintain vegetated medians along the Parkway Connector.

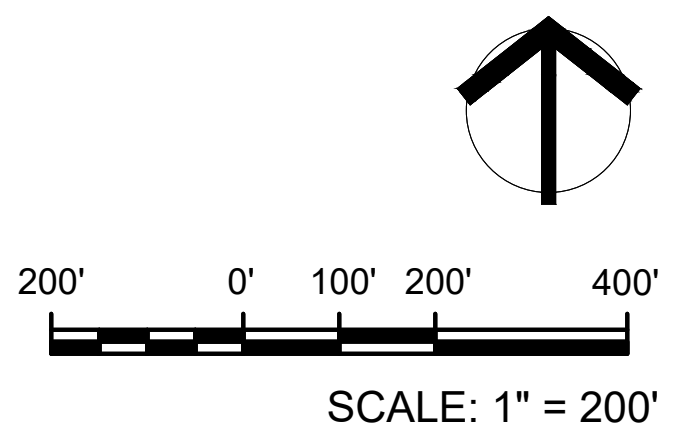
If development, as described above, does not trigger construction of both Southern Road and Old Morganton Road within 10 years of the first certificate of occupancy for the first phase of development in the CDP area, any remaining unbuilt connector road will be designed, permitted, and constructed by the property owner(s) of record, at the time of the expiration, at their expense within 18 months of the trigger date. Town Council may extend this period of development for a one (1) year period, up to a total of (2) extensions upon request by the landowner or applicant.



Site Location Map (NOT TO SCALE)

EXHIBIT II

Southern Pines, North Carolina



Morganton Park South

Exhibit V - Ex. Conditions Property Information

Southern Pines, North Carolina

LEGEND:



PROPERTY OWNER:
VAN CAMP, ROBERT W & JULIE M TRUSTEES
1001 OPPENHEIMER DR APT 201
LOS ALAMOS, NM 87544
PARCEL ID: 00052502 PIN: 857100572972
DB: 2783 PG: 119



PROPERTY OWNER:
MORGANTON ROAD ENTERPRISES, LLC
VAN CAMP, THOMAS M TRUSTEE & OTHERS
PO BOX 1389
PINEHURST, NC 28370
PARCEL ID: 98000749 PIN: 857100575720
DB: 5288 PG: 32



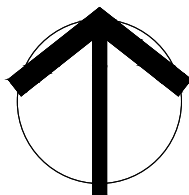
PROPERTY OWNER:
HYPERACTIVE COMMERCIAL INVESTMENTS, LLC
25 SHAW ROAD
PINEHURST, NC 28374
PARCEL ID: 00049222 PIN: 857100562348
DB: 4917 PG: 528



PROPERTY OWNER:
HYPERACTIVE COMMERCIAL INVESTMENTS, LLC
25 SHAW ROAD
PINEHURST, NC 28374
PARCEL ID: 20070558 PIN: 857100357805
DB: 4917 PG: 528



PROPERTY OWNER:
R & T PROPERTIES OF NORTH CAROLINA, LLC
1337 WINSTEAD PLACE
GREENSBORO, NC 27408
PARCEL ID: 20070557 PIN: 857100359844
DB: 3264 PG: 271

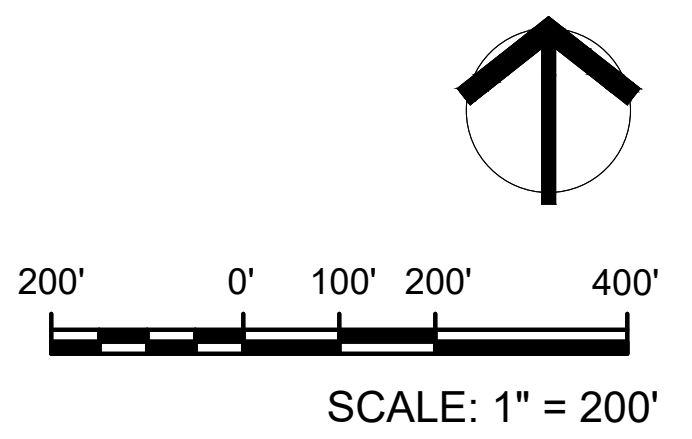
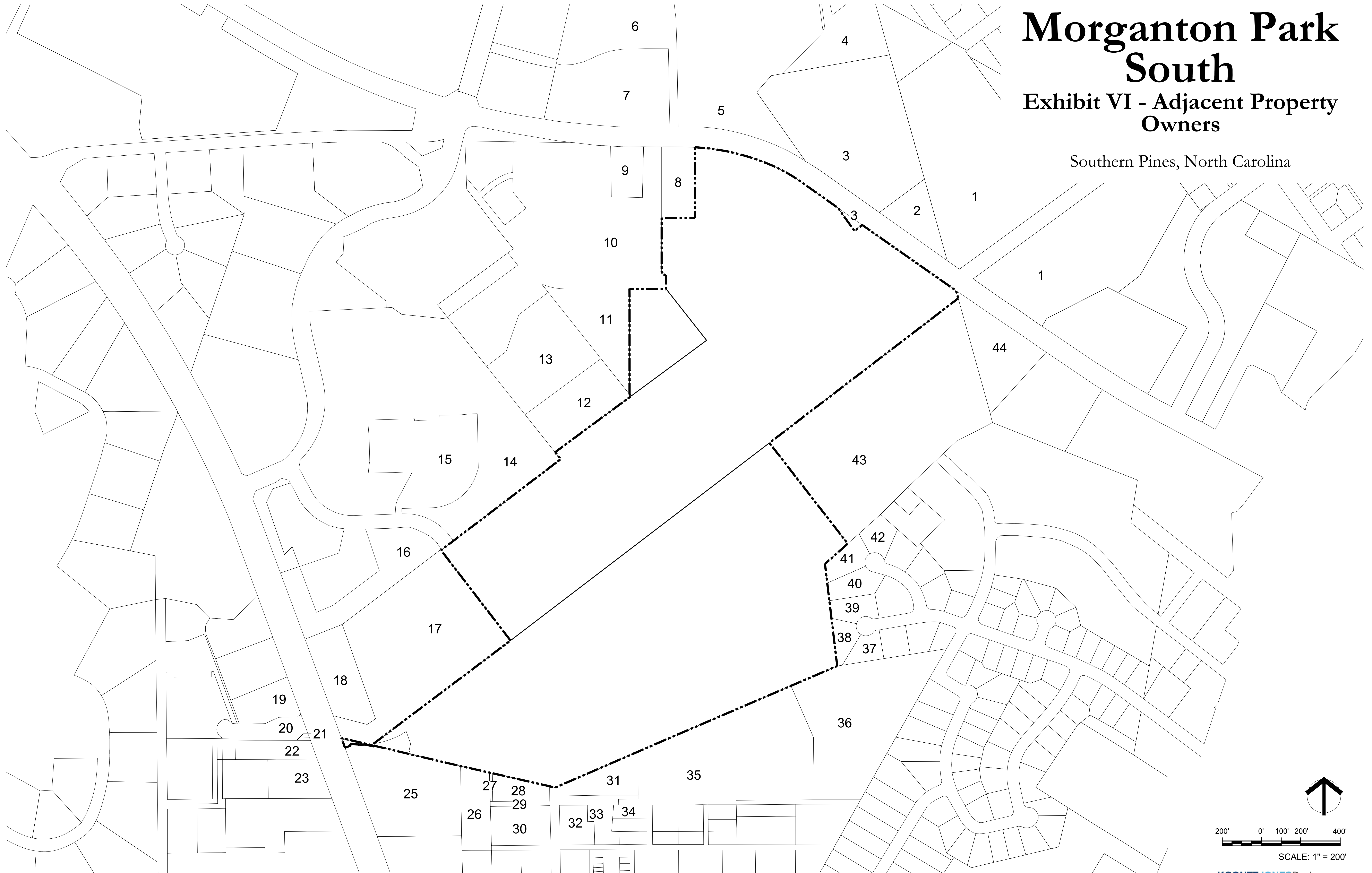


SCALE: 1" = 200'

Morganton Park South

Exhibit VI - Adjacent Property Owners

Southern Pines, North Carolina

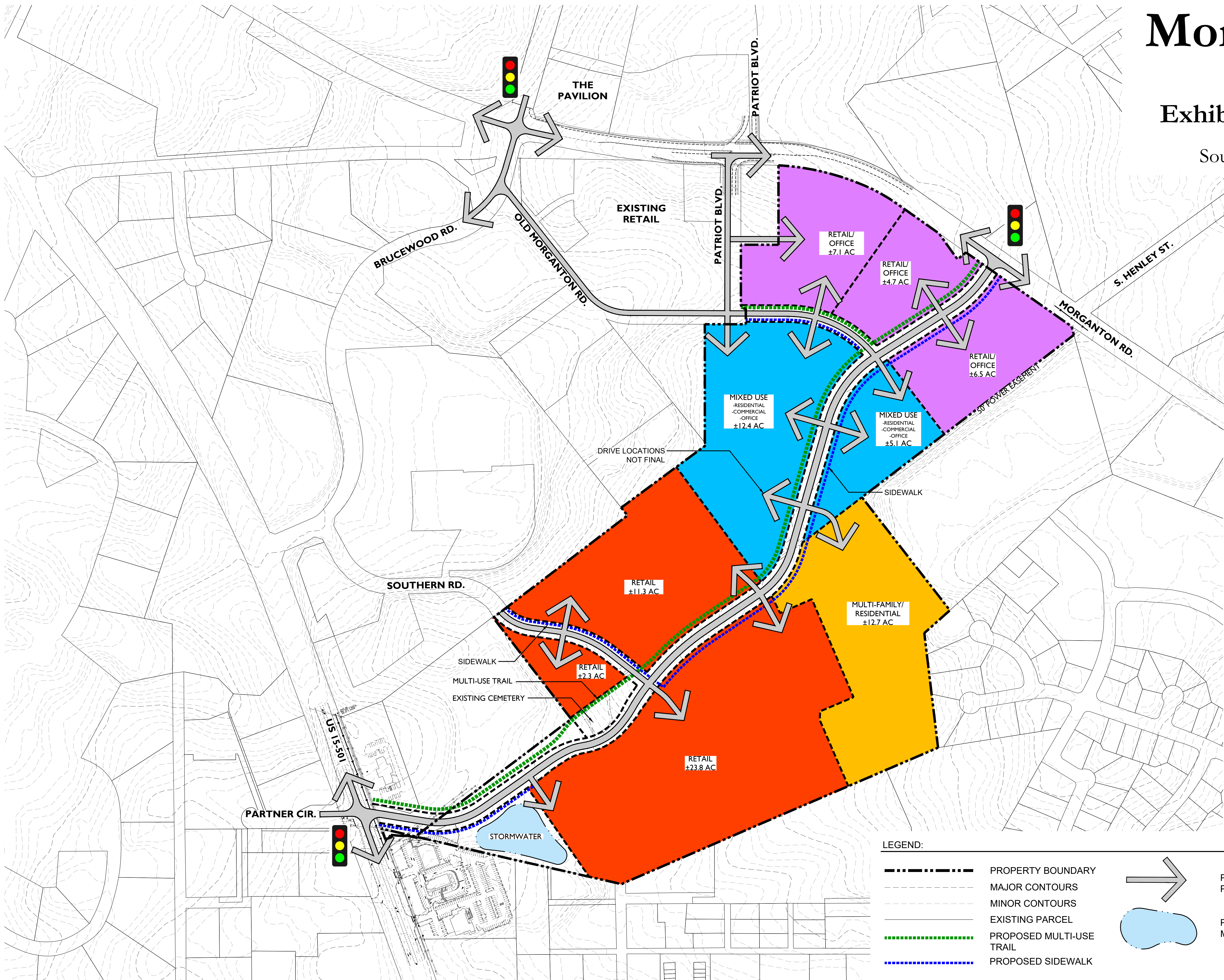


KOONTZ JONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

Morganton Park South

Exhibit VII - Land Use Plan

Southern Pines, North Carolina



LAND USE LEGEND:

	RETAIL	= ±37.4 ACRES
	MULTI-FAMILY/RESIDENTIAL	= ±12.7 ACRES
	MIXED USE	= ±17.5 ACRES
	RETAIL/OFFICE	= ±18.3 ACRES

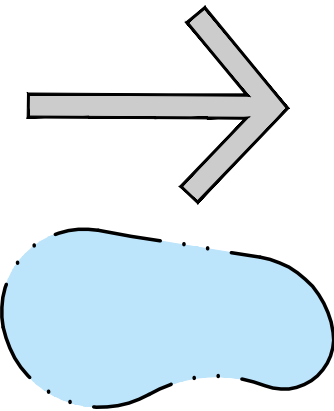
OPEN SPACE REQUIREMENT:

OPEN SPACE SUMMARY:	
CATEGORY	REQUIRED
Overall Open Space	19.8 acres; 20% minimum
Usable Open Space	9.9 acres; 10% minimum

OPEN SPACE NOTES:
1. OPEN SPACE WILL BE PROVIDED THROUGHOUT THE COMMUNITY AS REQUIRED BY THE TOWN'S UDO. A MINIMUM OF 20% OF THE SITE MUST BE DEDICATED TO OPEN SPACE WITH 50% OF THE OVERALL OPEN SPACE BEING USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. EACH PRELIMINARY DEVELOPMENT PLAN (PDP) PREPARED FOR ANY AREA OF THE OVERALL MORGANTON PARK SOUTH PROPERTY SHALL PROVIDE A TABULATION ILLUSTRATING THE OPEN SPACE BEING PROVIDED WITH EACH PHASE, PREVIOUSLY PROVIDED OPEN SPACE FROM OTHER PHASES, AND THE BALANCE OF OPEN SPACE THAT MUST BE PROVIDED IN FUTURE PHASES TO MEET THE OPEN SPACE REQUIREMENTS OF SECTION 3.5.14. SPECIFIC LOCATIONS FOR COMMON AREAS AND OPEN SPACE WILL ALSO BE IDENTIFIED DURING EACH PDP.

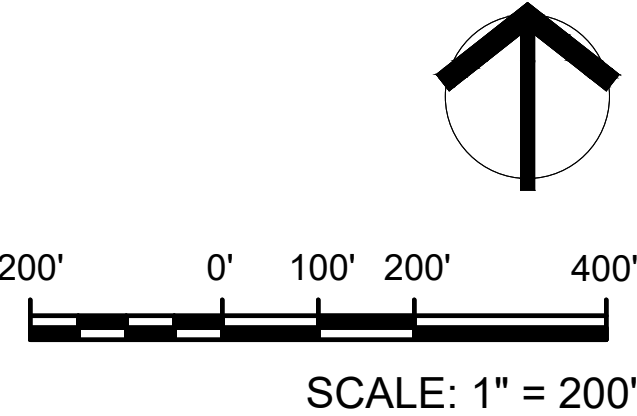
LEGEND:

	PROPERTY BOUNDARY
	MAJOR CONTOURS
	MINOR CONTOURS
	EXISTING PARCEL
	PROPOSED MULTI-USE TRAIL
	PROPOSED SIDEWALK



PROPOSED CIRCULATION PATTERN

PROPOSED STORMWATER MANAGEMENT LOCATION



LAND USE	LBCS CODE	DESCRIPTION	MULTI-FAMILY	MIXED-USE	RETAIL	RETAIL/OFFICE
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000.00	Homes, apartments, housing for the elderly, and hotels				
Private Dwelling	1100.00	Single-Family homes, doubles, apartments, Condominiums, mobile homes, Townhouses; excludes households with special provisions				
Single-Family	1110.00					
Single-Family detached	1111.00	Typical Single-Family Dwelling	X	X		
Single-Family attached (Townhomes) (Ord. # 1601)	1112.00	Each Dwelling Unit on a separate Lot; fire wall may protrude from roof or roofs may be staggered	X	X		
Two-Family (double or Duplex)	1120.00		X	X		
Accessory Dwelling	S1130		X	X		
Multi-Family	S1200	Three or more Dwelling Units				
Multi-Family	1151.00	Three or more Dwelling Units	X	X		
Multi-Family condominium	1153.00	Three or more Dwelling Units that are individually owned and common elements owned by the unit owners as tenants-in-common	X	X		
Housing Services	1200.00	Housing and custodial services for those who cannot care for themselves				
Retirement housing services	1210.00	offer minimal convenience services	X	X		
Congregate living services	1220.00	provide convenience services such as housekeeping, transportation, recreational programs	X	X		
Assisted-living board and care and adult care groups	1230.00	Adult care, group homes, board and care (excludes rehab uses in code #6520)	X	X		
Hotels, Motels, or Other Accommodation Services	1300.00	Lodging and short term accommodation for travelers				
Hotel, motel, tourist home or tourist court	1330.00	Hotels that do not have gambling services; includes extended-stay hotels	X	X	X	X
GENERAL SALES OR SERVICES	2000.00	Comprises the vast majority of establishments associated with commercial land use				
Retail Sales or Service and Repair	2100.00	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair				
Automobile sales or service establishment	2110.00	Motor vehicle and parts dealers including repair and maintenance				
parts, accessories, or tires	2115.00	Automotive parts and supply stores, automotive stereo stores, tire and tube shops		X	X	X
gasoline service	2116.00	Gas stations with or without convenience stores or food marts, includes truck stops		X	X	X
automotive repair and maintenance	2117.00	Repair garages, body and paint shops, oil change, car wash		X	X	X
Heavy consumer goods sales or service	2120.00	Heavy or durable goods sales or services				
furniture or home furnishings	2121.00	Furniture, flooring, bedding stores, window treatment		X	X	X

hardware, home center	2122.00	Home building and repair supplies, lighting supply		X	X	X
lawn and garden supplies	2123.00	Nursery and garden products predominantly grown elsewhere, outdoor power equipment sales or services		X	X	X
department store, warehouse club, or superstore	2124.00	Large variety of goods		X	X	X
electronics and appliances	2125.00	Household type appliances, tvs, stereos, including repair shops and cell phone stores		X	X	X
Durable consumer goods sales or service	2130.00	Wide range of product lines such as apparel appliances, hardware, jewelry, etc.				
computer and software	2131.00	Computers and prepackaged software without other electronic equipment, including repair, support, and training		X	X	X
camera and photographic supplies	2132.00	Primary retail cameras and photographic supplies or retail with repair and film developing		X	X	X
clothing, jewelry, luggage, shoes, clocks, sewing	2133.00	Including shoe repair and tailoring		X	X	X
sporting goods, toy and hobby, and musical instruments	2134.00			X	X	X
books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc,	2135.00			X	X	X
Consumer goods, other	2140.00	Establishments that retail merchandise (except groceries or health items) not included in preceding codes				
florist	2141.00			X	X	X
art dealer, supplies, sales and service	2142.00	Including frame shops		X	X	X
mail order or direct selling establishment	2144.00	Retailing other than in stores		X	X	X
Grocery, food, beverage, dairy	2150.00	Retail food and beverage merchandise from fixed point-of-sale locations				
grocery store, supermarket, or bakery	2151.00	Included are meat and seafood markets and delicatessens		X	X	X
convenience store	2152.00	Excludes those with fuel pumps		X	X	X
specialty food store	2153.00	Retail specialty food items such as coffee and gourmet foods		X	X	X
fruit and vegetable store	2154.00			X	X	X
beer, wine, and liquor store	2155.00			X	X	X
Health and personal care	2160.00	Retail health and personal care merchandise from fixed point-of sale locations				
pharmacy or drug store	2161.00	Primarily retail prescription or nonprescription drugs		X	X	X
cosmetic and beauty supplies and personal grooming products	2162.00	Primarily retail cosmetics, perfumes, toiletries		X	X	X
optical and contact lenses	2163.00	Retail prescription or nonprescription eyeglasses		X	X	X
Markets for farm produce or crafts	2199.00			X	X	X

Finance and Insurance	2200.00	Use this category when difficult to differentiate an establishment into a subcategory				
Bank, credit union, or savings institution	2210.00	Central banking functions		X	X	X
Credit and finance establishment	2220.00	Credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing		X	X	X
Investment banking, securities, and brokerages	2230.00	Securities underwriting, brokering, exchange services, managing portfolios		X	X	X
Insurance-related establishment	2240.00	Insurance underwriting, selling insurance		X	X	X
Fund, trust, or other financial establishment	2250.00	Pool assets on behalf of shareholders or beneficiaries		X	X	X
Real Estate, and Rental and Leasing	2300.00	Rent or lease assets				
Real estate services	2310.00	Lease real estate (except buildings) such as manufactured home sites and vacant Lots; includes real estate appraisers		X	X	X
Rental and leasing	2330.00	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators				
cars	2331.00	Lease passenger cars without drivers		X	X	X
consumer goods rental	2335.00	Rent personal and household-type goods and a range of consumer, commercial, and industrial equipment geared toward consumers		X	X	X
intellectual property rental	2336.00	Establishments that assign patents, trademarks, brand names, and franchise agreements		X	X	X
Business, Professional, Scientific, and Technical	2400.00	Perform professional, scientific, and technical services				
Professional services	2410.00	Services provided depend on worker skills and knowledge rather than equipment				
legal services	2411.00	Title abstract, lawyers, notaries		X	X	X
accounting, tax, bookkeeping, payroll services	2412.00			X	X	X
architectural, engineering, surveying and related services	2413.00	Architectural, engineering, building inspection, surveying and mapping, and laboratory testing (except medical, veterinary, or auto emission)		X	X	X
graphic, industrial, interior design services	2414.00	Interior, industrial, and graphic design		X	X	X
consulting services (management, environmental technical)	2415.00	Advise and assist businesses on management, scientific, and technological issues		X	X	X
scientific research and Development services	2416.00	Conduct research or analyze in the physical, engineering, cognitive, or life sciences		X	X	X
advertising, media, and photography services	2417.00	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers		X	X	X
veterinary services	2418.00	Veterinary medicine, testing services for veterinary practitioners		X	X	X

Administrative services	2420.00	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)				
office administrative services	2421.00	Office administration such as billing, record keeping, personnel, organizational planning		X		X
facilities support services	2422.00	provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.		X		X
employment agency	2423.00	Provide employee placement, temporary help		X		X
copy center, private mail center, other business support services	2424.00	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, etc.		X		X
collection agency	2425.00	collect payments, compile credit information, repossesses tangible assets		X		X
Travel arrangement and reservation services	2430.00	Promote or sell travel, includes convention and visitors' bureaus		X	X	X
Food Services	2500.00	Prepare meals, snacks, and beverages				
Full-service restaurant	2510.00	Provide services to patrons who order and are served while seated or in combination with takeout		X	X	X
Cafeteria or limited service restaurant	2520.00	Provide services to patrons who order or select items and pay before eating; may be consumed on premises, taken out, or delivered		X	X	X
drive-through restaurants	2521.00	Provides drive-in, drive-through or drive-up service to patrons; includes most fast-food restaurants			X	
Snack or nonalcoholic bar	2530.00	Prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, coffee, juices for consumption on or near the premises, snowball stand		X	X	X
Bar or drinking place	2540.00	Bars, taverns, nightclubs primarily serving alcoholic beverages; may provide limited food and entertainment		X	X	X
Mobile food services	2550.00	Prepare and serve meals and snacks for immediate consumption from motorized vehicles		X	X	X
Personal Services	2600.00	Catch-all category for personal service establishments not classified elsewhere such as bail bonding, wedding planning, psychic services, etc.				
Personal care	2610.00	Hair, nail, and skin care and related personal care				
hair, nail, and cosmetic skin care	2611.00	Barber or beauty shop		X	X	X
dieting and weight reducing	2612.00			X	X	X
tanning salon	2614.00			X	X	X
electrolysis, ear piercing, and other personal care services	2616.00			X	X	X
Dry cleaning and laundry	2620.00					
dry cleaning and laundry	2622.00				X	X
linen and uniform supply	2623.00				X	X
Photofinishing	2630.00	Primarily engaged in developing film or making slides, etc.		X	X	X

Parking Lot and parking garage	2640.00			X	X	X
Special Services	2650.00					
massage therapist	2651.00			X	X	X
Pet and Animal Sales or Service (except Veterinary)	2700.00	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking				
Pet or pet supply store	2710.00	Retail pets, pet foods, pet supplies		X	X	X
MANUFACTURING AND WHOLESALE TRADE	3000.00	When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing				
Miscellaneous Manufacturing	3400.00	Use for manufacturing establishments not classified elsewhere				
Jewelry and silverware	3410.00			X	X	X
Dolls, toys, games, and musical instruments	3420.00			X	X	X
Office supplies, inks, etc.	3430.00	Except paper		X	X	X
Signs	3440.00			X	X	X
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000.00					
Utilities and Utility Services	4300.00	Provide utility services such as electric power, gas, water and sewage removal				
Electric power	4310.00	Provide electric power generation, transmission, control, and distribution				
service distribution lines	4315.00		X	X	X	X
electric substations	4316.00		X	X	X	X
Natural gas, petroleum, fuels	4320.00	Operate gas distribution systems, gas marketers, gas brokers, transmit and distribute gas				
natural gas service	4329.00	Provide natural gas service distribution to retail customers (includes distribution lines and valves)	X	X	X	X
Water, steam, air conditioning supply	4330.00	Public and private utility establishments that offer drinking water, water treatment, water supply, or hot or cool air supply				
water service	4339.00	Provide water service distribution to retail customers (includes distribution lines pumps and valves)	X	X	X	X
ARTS, ENTERTAINMENT, AND RECREATION	5000.00					
Performing Arts or Supporting Establishments	5100.00	Produce or organize and promote live presentations, excludes nightclubs				
Theater, dance or music establishment	5110.00	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment		X	X	X
Agent for management services	5150.00	Agents representing artists, athletes, entertainers, etc.		X		X
Independent artist, writer, or performer	5160.00	Independent individuals engaged in art, productions		X		X
Museums and Other Special Purpose Recreational Institutions	5200.00	Public and private museums, historical sites, zoos, and similar establishments				

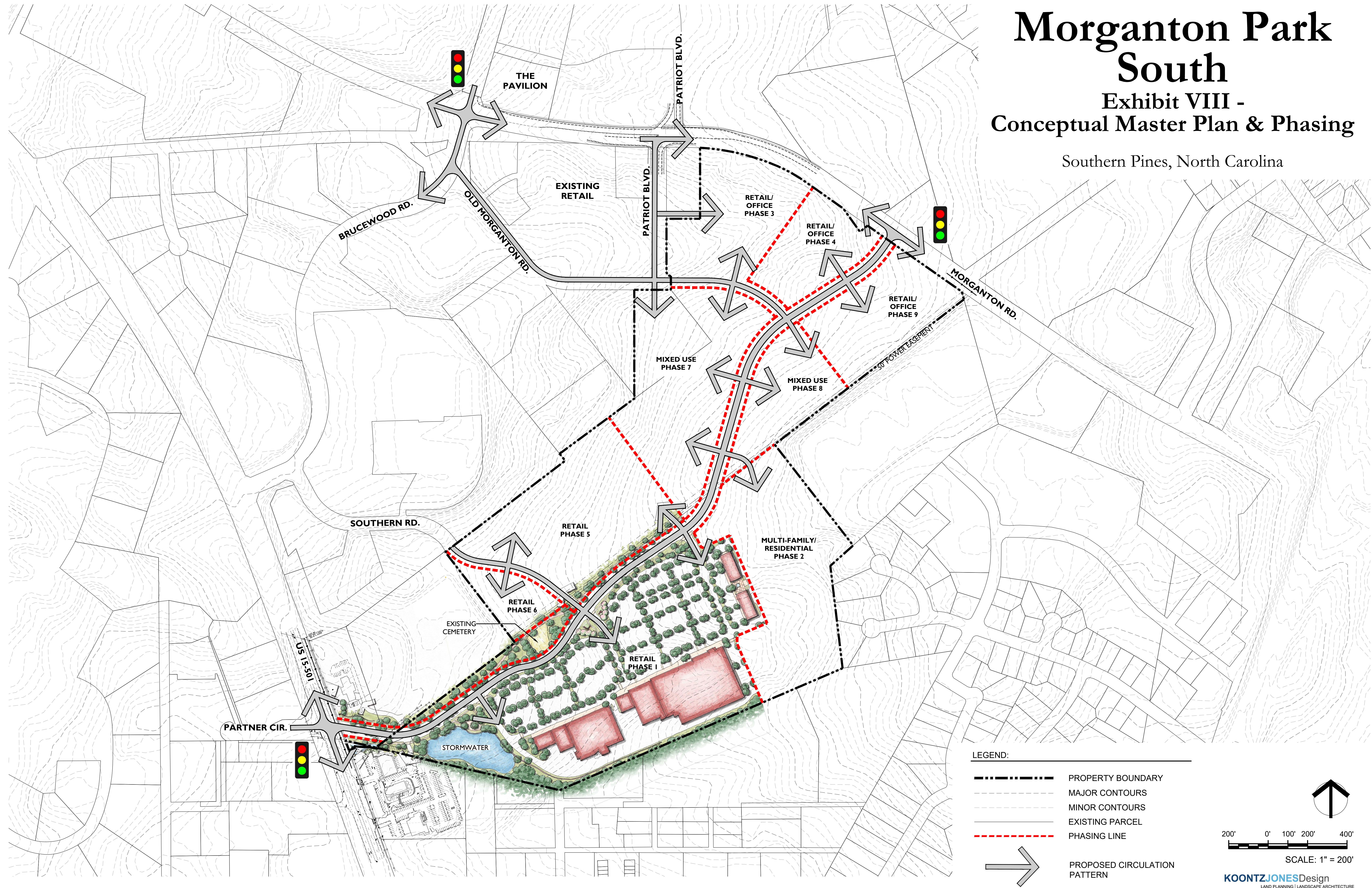
Museum	5210.00			X		
Amusement, Sports, or Recreation Establishment	5300.00	Operate facilities offering activities and provide services				
Amusement or theme park establishment	5310.00	Operate a variety of attractions such as mechanical rides, water rides, games		X	X	X
Games arcade establishment	5320.00	Operate arcades and parlors, except gambling, billiard, or pool		X	X	X
Miniature golf establishment	5340.00			X	X	X
Fitness, recreational sports, gym, athletic club, multipurpose facility	5370.00	Includes archery and shooting ranges, horseback riding, ball parks and courts, fitness clubs, and more				
public facilities	5371.00			X	X	X
private facilities	5372.00			X	X	X
Bowling, billiards, pool	5380.00			X	X	X
Skating rink, roller skating	5390.00			X	X	X
Natural and other Recreational Parks	5500.00	All parks without special economic functions	X	X	X	X
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000.00					
Educational Services	6100.00	Offer teaching and learning				
Nursery or preschool	6110.00			X	X	X
Public Administration	6200.00	All government functions, includes federal, state and local government agencies				
Legislative and executive functions	6210.00	Government and public administrative offices		X		X
Public Safety	6400.00	Government-owned establishments providing fire and rescue, police, and emergency response services				
Fire and rescue	6410.00			X	X	X
Police	6420.00	Includes combined police and fire departments		X	X	X
Emergency response	6430.00	Provide ground or air transportation for medical relief purposes		X	X	X
Health and Human Services	6500.00	Provide health care, social assistance, and associated services				
Ambulatory or outpatient care services	6510.00	Offer health care services directly to patients without providing inpatient services				
clinics and health spas (Ord. # 1601)	6511.00	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers		X	X	X
family planning or outpatient care clinic	6512.00	Provide outpatient family planning services and outpatient care		X		X
medical or diagnostic laboratory	6513.00	Provide analytic or diagnostic services including medical imaging		X		X
Nursing, supervision and other rehabilitative services, except	6520.00	Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes convalescent homes, nursing homes, inpatient care hospices, alcoholism or drug addiction rehabilitation, mental health Halfway Houses, group homes, and psychiatric convalescent homes		X	X	X

Social assistance, welfare, and charitable services	6560.00	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters				
child and youth services	6561.00	Offer services such as adoption, foster care, drug prevention services		X	X	X
child daycare	6562.00	Provide care for infants and preschool children, offer pre-kindergarten education programs		X	X	X
Associations, Non-Profit Organizations, Clubs	6800.00	Includes grant making, civic, professional, and similar organizations				
Business association or professional membership	6820.00	Promote the business interests of their members organization or of their profession		X	X	X
Unclassifiable or No Function	9900.00					
Subdivisions	9930.00					
major	9931.00		X	X	X	X
minor	9932.00		X	X	X	X
Combination Uses	9940.00		X	X	X	X
Home Occupations	9950.00		X	X	X	X

Morganton Park South

Exhibit VIII - Conceptual Master Plan & Phasing

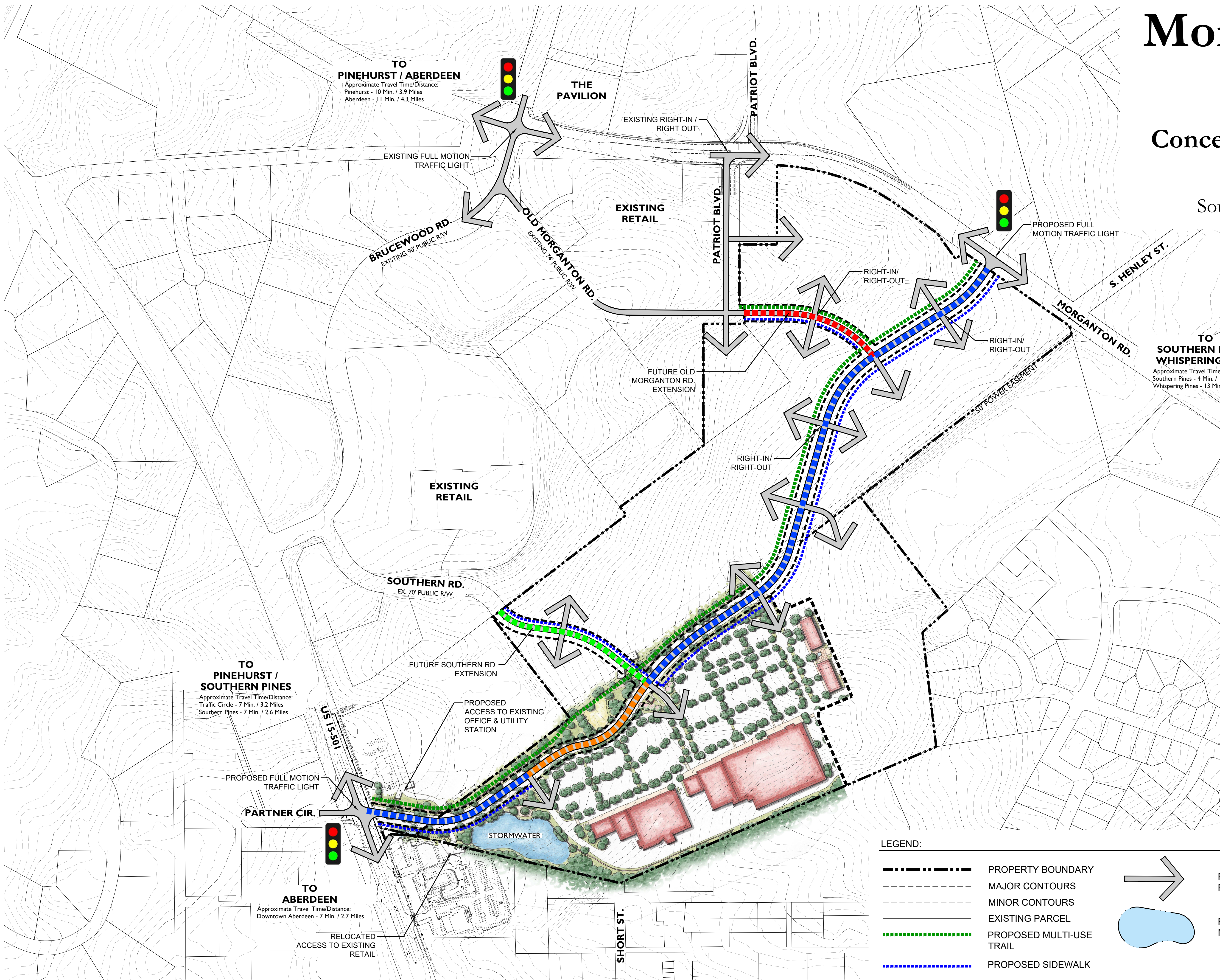
Southern Pines, North Carolina



Morganton Park South

Exhibit IX - Conceptual Transportation & Drainage Plan

Southern Pines, North Carolina



TRANSPORTATION LEGEND	
	= PROPOSED 91' RIGHT-OF-WAY PARKWAY CONNECTOR
	= PROPOSED 75' RIGHT-OF-WAY PARKWAY CONNECTOR
	= PROPOSED 70' RIGHT-OF-WAY SOUTHERN ROAD
	= PROPOSED 74' RIGHT-OF-WAY OLD MORGANTON ROAD

*SEE EXHIBIT X OF THE CONCEPTUAL DEVELOPMENT PLAN FOR ROADWAY CROSS-SECTIONS

- TRANSPORTATION PLAN NOTES:**
- REFER TO SECTION 5.5.1 OF THE CONCEPTUAL DEVELOPMENT PLAN - VEHICULAR CIRCULATION AND STREET CROSS SECTIONS
 - REFER TO SECTION 5.5.2 OF THE CONCEPTUAL DEVELOPMENT PLAN - OPEN SPACE, AMENITY, AND PEDESTRIAN CIRCULATION
 - REFER TO SECTION 8.0 OF THE CONCEPTUAL DEVELOPMENT PLAN - STATEMENT ABOUT DEDICATION OF STREETS. ALL PARKING AISLES AND SPACES WITHIN THE DEVELOPMENT WILL BE PRIVATE AND MAINTAINED BY THE DEVELOPER AND/OR THE PROPERTY OWNERS ASSOCIATION
 - REFER TO SECTION 5.4 OF THE CONCEPTUAL DEVELOPMENT PLAN - STATEMENT REGARDING PUBLIC FACILITIES
 - ANY DEVIATION FROM THE TOWN OF SOUTHERN PINES STANDARD STREET DESIGN REQUIREMENTS ARE DETAILED IN SECTION 5.5.1 OF THE CONCEPTUAL DEVELOPMENT PLAN AND ILLUSTRATED IN EXHIBIT X
 - FOR FURTHER INFORMATION RELATED TO EXISTING TRANSPORTATION FACILITIES, PROPOSED LOCAL PROJECTS, OTHER PLANNED IMPROVEMENTS TO COMMUNITY TRANSPORTATION FACILITIES, TRANSPORTATION FACILITY TIME LINE, AND PROPOSED TRAFFIC CIRCULATION, REFER TO THE TRAFFIC IMPACT ANALYSIS
 - ALL TRAVEL DISTANCES & TIMES WERE OBTAINED FROM GOOGLE MAPS AND REFLECT TYPICAL DRIVING TIMES OBSERVED AT THE TIME OF OBSERVATION. TRAVEL TIMES MAY FLUCTUATE BASED ON TIME, WEATHER, CONSTRUCTION, TRAFFIC ACCIDENTS, AND INCREASES IN TRAFFIC DUE TO HOLIDAYS AND SPECIAL EVENTS.
 - CONCEPTUAL TRANSPORTATION PLAN PREPARED BY KOONTZ JONES DESIGN BASED ON INFORMATION PROVIDED IN THE TRAFFIC IMPACT ANALYSIS PREPARED BY KIMLEY HORN

- DRAINAGE PLAN NOTE:**
- STORMWATER MANAGEMENT FOR THE TRANSPORTATION FACILITIES AND FUTURE DEVELOPMENT WILL BE PROVIDED USING BEST MANAGEMENT PRACTICES, IN REGIONAL STORMWATER DETENTION FACILITIES. FACILITIES WILL BE LOCATED IN THE GENERAL LOCATIONS AS SHOWN ON THE PLAN. THESE LOCATIONS ARE SUBJECT TO CHANGE THROUGHOUT THE CONTINUED DEVELOPMENT OF THE PROPERTY BASED ON DETAILED ENGINEERING PLANS. STORMWATER MUST BE MAINTAINED ON THE OVERALL PROPERTY TO MEET THE TOWN OF SOUTHERN PINES AND ALL STATE AND FEDERAL STANDARDS.

LEGEND:

- PROPERTY BOUNDARY
- MAJOR CONTOURS
- MINOR CONTOURS
- EXISTING PARCEL
- PROPOSED MULTI-USE TRAIL
- PROPOSED SIDEWALK

PROPOSED CIRCULATION PATTERN

PROPOSED STORMWATER MANAGEMENT LOCATION

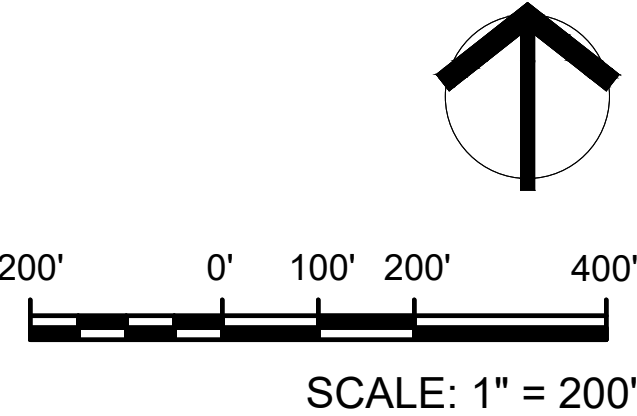
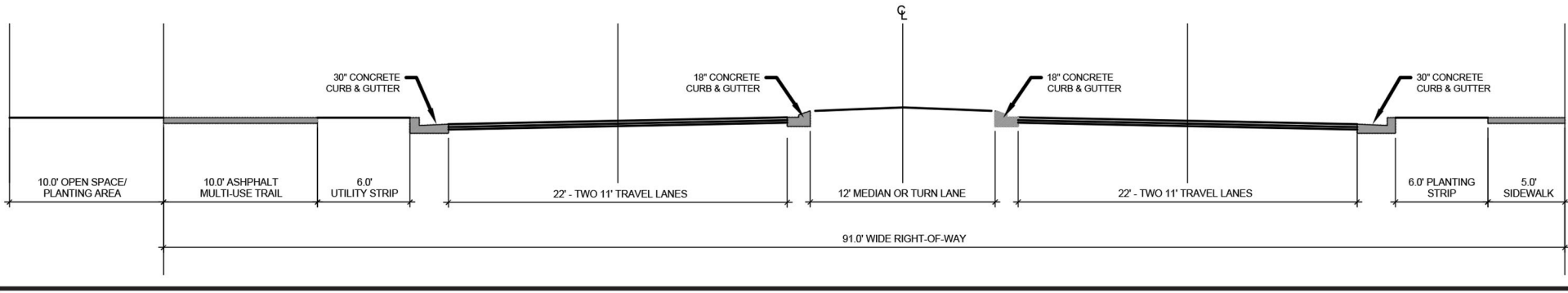
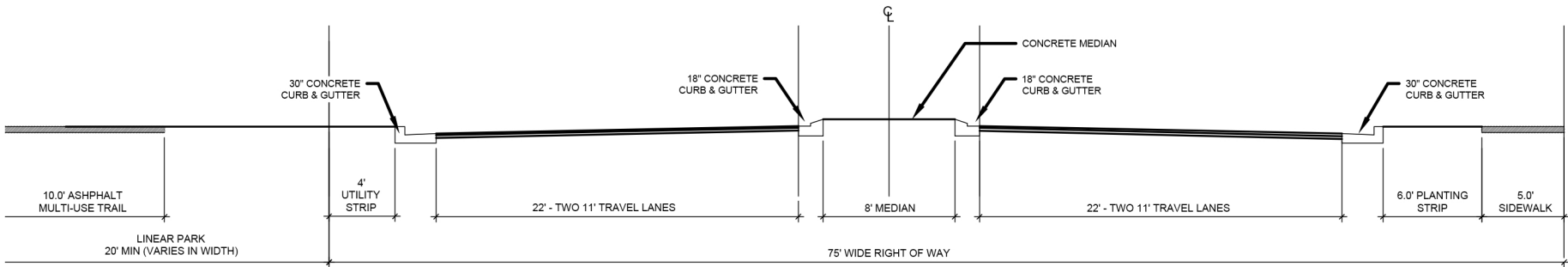


Exhibit X



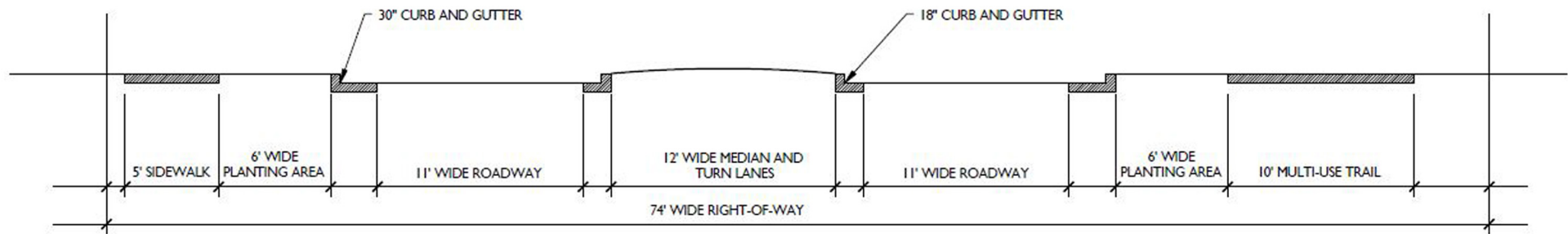
91' Right-of-Way (Parkway Collector Street) NOT TO SCALE



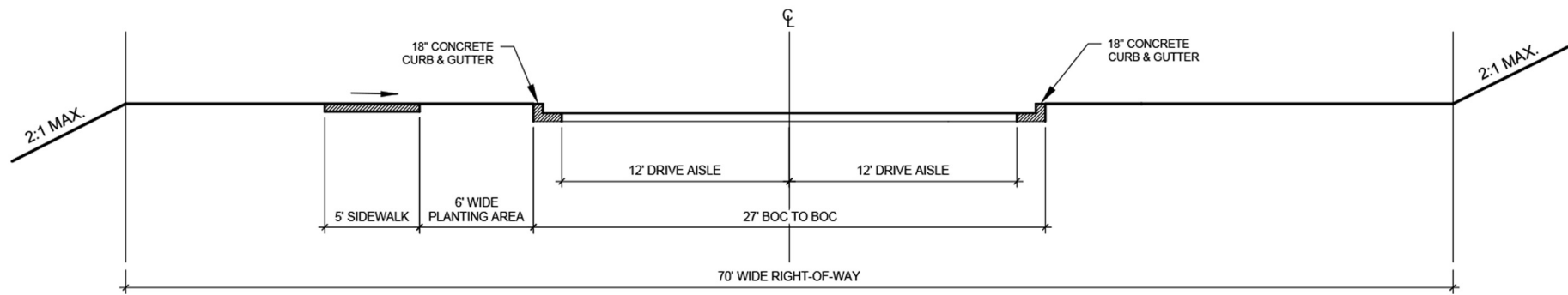
75' Right-of-Way (Parkway Collector Street) NOT TO SCALE

Morganton Park South
Exhibit X- Street and Sidewalk Standards | Sections
Southern Pines, North Carolina

Exhibit X



74' Right-of-Way (Old Morganton Road) NOT TO SCALE
*OR TO MATCH EXISTING OLD MORGANTON ROAD CROSS SECTION



70' Right-of-Way (Southern Road) NOT TO SCALE
*OR TO MATCH EXISTING SOUTHERN ROAD CROSS SECTION

Morganton Park South

Exhibit X- Street and Sidewalk Standards | Sections
Southern Pines, North Carolina

Morganton Park South

Exhibit XI - Signage Plan

Southern Pines, North Carolina

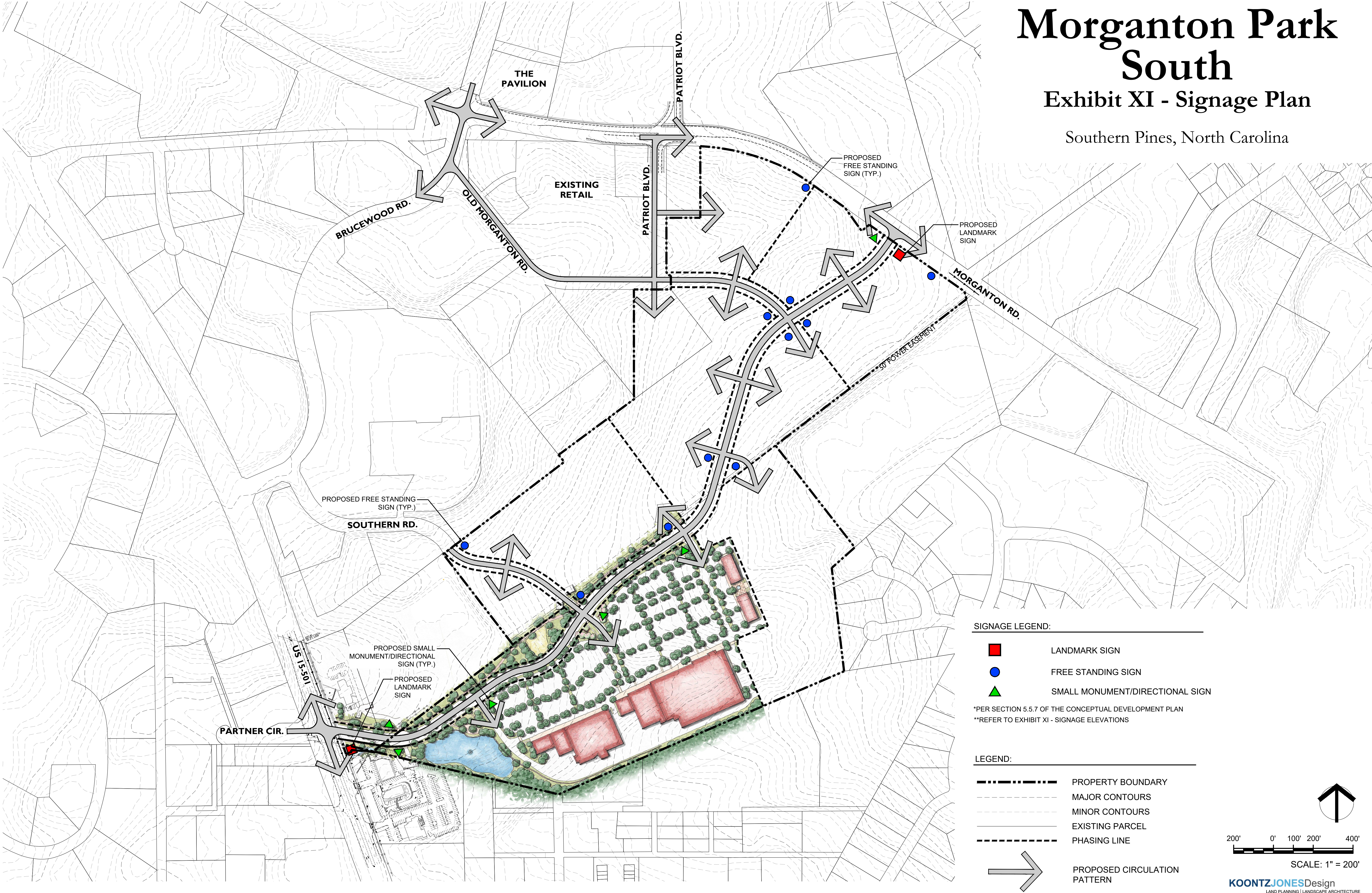
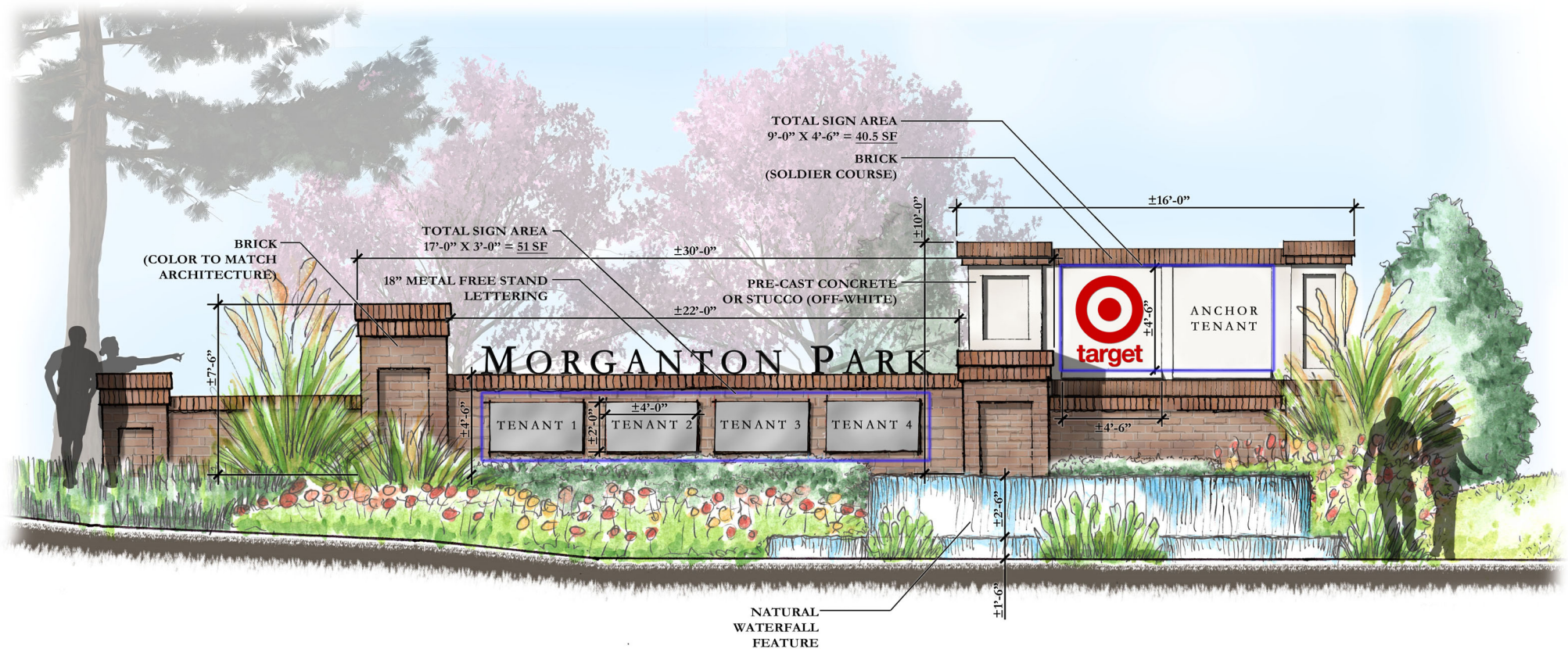


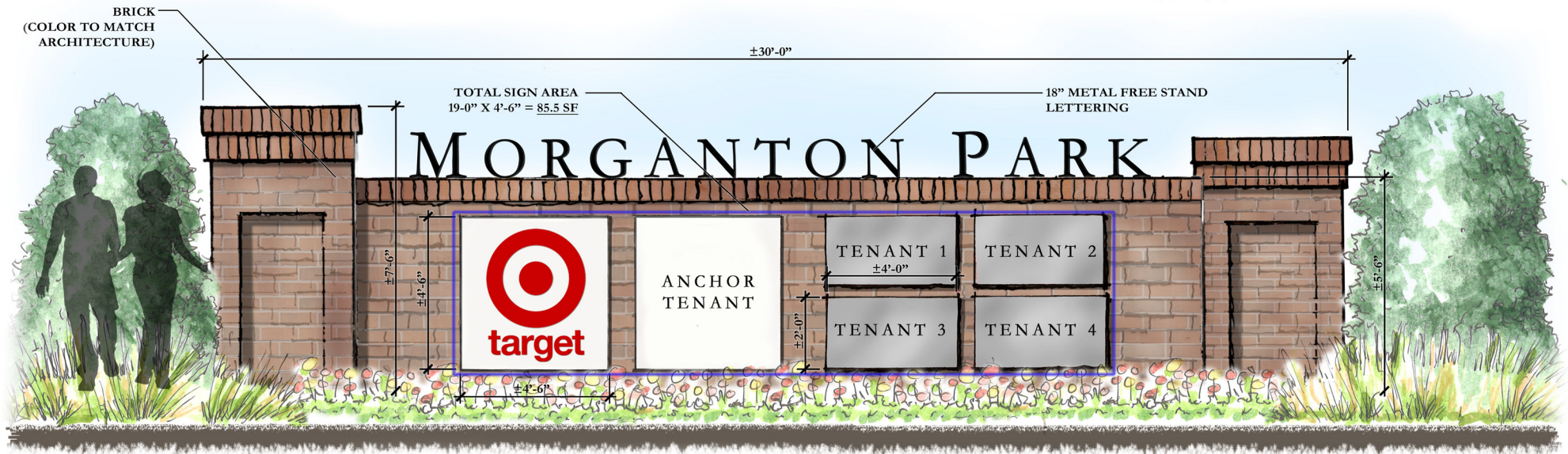
Exhibit XI



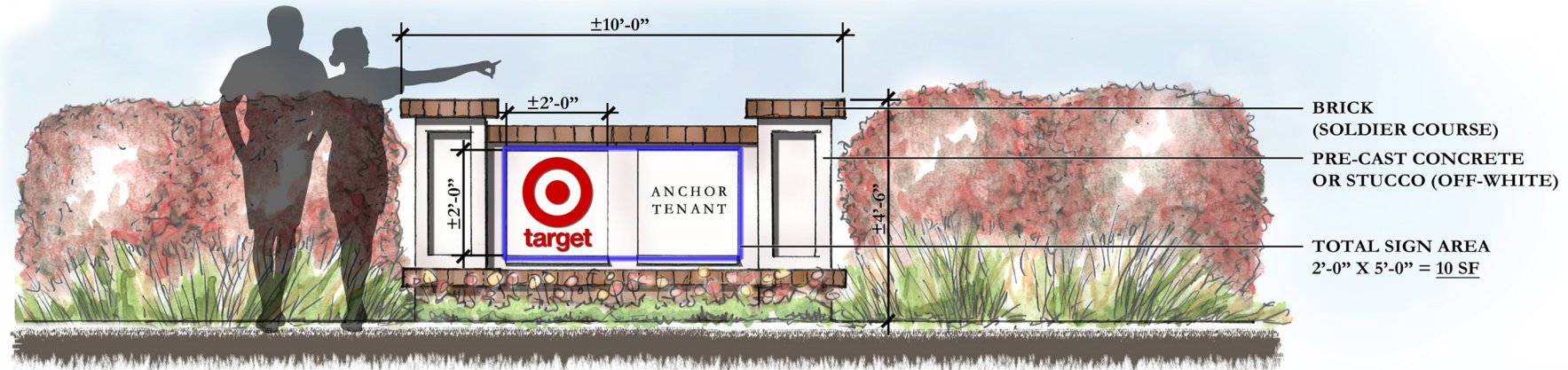
Landmark Sign
NOT TO SCALE

Morganton Park South
Exhibit XI- Signage Standards | Elevations
Southern Pines, North Carolina

Exhibit XI



Free Standing Sign
NOT TO SCALE



Small Monuement / Directional Sign
NOT TO SCALE

Morganton Park South

Exhibit XI- Signage Standards | Elevations
Southern Pines, North Carolina

From: [RLUAC Executive Director](#)
To: [Cindy Williams](#)
Subject: RE: Town of Southern Pines Planning Board Pending Applications
Date: Tuesday, November 5, 2024 10:59:06 AM
Attachments: [Town of Southern Pines Courtesy Review - Z-05-24.pdf](#)

Cindy,

A review letter for the rezoning case is attached. No comments on the other case.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission
6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Thursday, October 31, 2024 12:05 PM
To: Archie Daniel <adaniel@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; DeAngelo Jones <djjones1@ncdot.gov>; Director <director@rluac.com>; Greg Thompson <GThompson@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Rick Cloutier <rcloutier@moorecountyaairport.com>; Ron Istre <RIstre@southernpines.net>
Cc: Gene Ruiz <GRuiz@southernpines.net>; Mason Mattox <MMattox@southernpines.net>
Subject: Town of Southern Pines Planning Board Pending Applications

Good afternoon,

Please review the attached legal notices, etc. and respond with any comments or concerns at your earliest convenience.

Sincerely,

Cindy Williams
Planning Department
Town of Southern Pines

From: [Ron Istre](#)
To: [Cindy Williams](#)
Subject: RE: Town of Southern Pines Planning Board Pending Applications
Date: Friday, November 1, 2024 8:40:34 AM

No comments at this time.

Ron Istre
Utilities Superintendent



801 SE Service Rd
Southern Pines, NC 28387

910-692-1983 ext. 6228

ristre@southernpines.net

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

From: Cindy Williams <CWilliams@southernpines.net>

Sent: Thursday, October 31, 2024 12:05 PM

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

Cc: Gene Ruiz <GRuiz@southernpines.net>; Mason Mattox <MMattox@southernpines.net>

Subject: Town of Southern Pines Planning Board Pending Applications

Good afternoon,

Please review the attached legal notices, etc. and respond with any comments or concerns at your earliest convenience.

Sincerely,

Cindy Williams
Planning Department
Town of Southern Pines
801 SE Service Rd.
Southern Pines, NC 28387
(910) 692-4003

801 SE Service Rd.
Southern Pines, NC 28387
(910) 692-4003

MEMO

To: Town Council
From: Mason Mattox, Planner I

Date: December 17, 2024
Re: Proposed Amendment to Code of Ordinances §70.07

A Proposal to Amend the Town of Southern Pines Code of Ordinances §70.07 regarding the use of roller skates, skateboards, and the like.

I. OVERVIEW

The initiative to re-evaluate the Town's Code of Ordinances as they pertain to skateboarding and similar activities began in September of 2021, and was paused awaiting completion of a Town Skate Park. The Town's Skate Park located within Memorial Park officially opened in December of 2024, creating a refreshed interest from Town Management in revisiting the permitted locations of skateboarding and like activity, in part, to allow for the public to access the skate park by skating.

In examining the initiative to amend the Town's Code of Ordinances, Planning staff have observed the following goals from Council and Town Management:

- To ensure public safety is maintained.
- To promote the usage of alternative means of transportation (non-automobile) within the community, and
- To allow skateboarders access to the Town Skate Park by means of skateboarding.

Note that the terms 'skating' and 'skateboarding' refer to the broader like activity such as roller-skating, riding scooters, etc., but does not include bicycling and the law as it pertains to bicycling, which remains separate.

II. CURRENT ORDINANCE

§70.07 USE OF ROLLER SKATES, SKATEBOARDS, AND THE LIKE PROHIBITED FROM ROADWAY.

No person on roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall go on any roadway, except while crossing a street at a crosswalk or intersection; except on streets set aside as play streets and except on streets in single family residential areas that are not thoroughfare or collector streets. Additionally, no person shall ride the devices on any sidewalk in any business district in the Town.

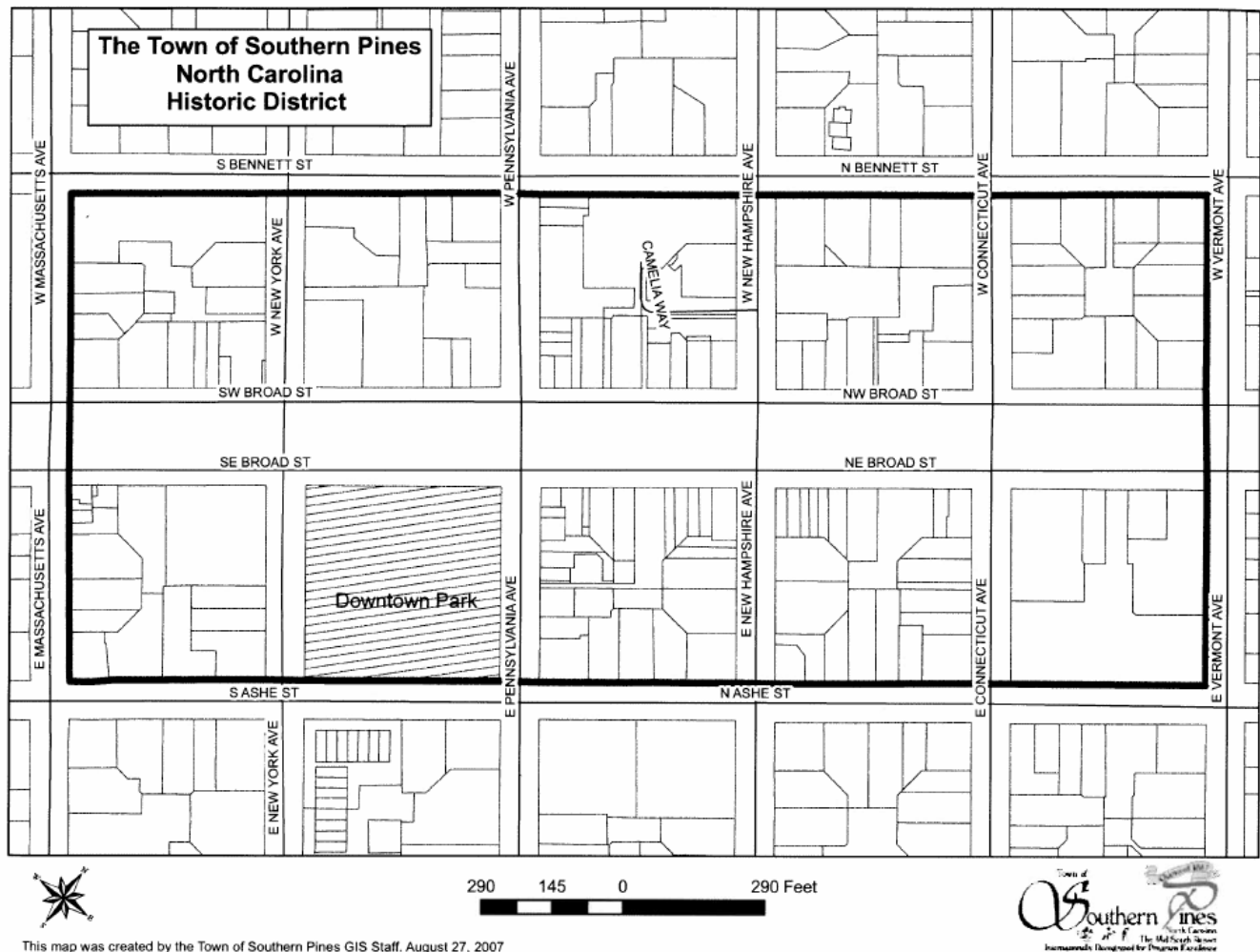
III. AMENDED ORDINANCE TEXT PROPOSALS AND MAP

Planning staff has drafted revisions to the language of The Code of Ordinances §70.07, and has offered two variations for a proposed amendment, believing that both forms closely follow the comments and requests of Town Council following the October 22, 2024 Town Council Work Session discussion.

Based on Town Council discussion and subsequent staff research, Planning staff chose to forego the 2021

proposed pedestrian district map and instead use the Local Historic District for purposes of clarity and simplicity. Note that any sidewalks closest to the Historic District boundary on S. Bennet St., W. Mass. Ave., S. Ashe St., and W. Vermont Ave. are included in the restricted area. See figure below:

Figure One. Town of Southern Pines Local Historic District Boundary:



Proposed Text Amendment - Option One:

Amended Ordinance Option One would allow for the use of skateboards on all public streets and sidewalks in Town, with the exception of sidewalks located within the Town's Local Historic District. The proposed text reads as follows:

§70.07 USE OF ROLLER SKATES, SKATEBOARDS, AND THE LIKE PROHIBITED FROM ROADWAY FROM SIDEWALKS IN THE HISTORIC DISTRICT.

~~No person on The use of roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall go on any roadway, except while crossing a street at a crosswalk or intersection; except on streets set aside as play streets and except on streets in single family residential areas that are not thoroughfare or collector streets. Additionally, no person shall ride the devices on any sidewalk in any business district in the Town be permitted on public streets and sidewalks; except those sidewalks located within the Town's Local Historic District.~~

Proposed Text Amendment - Option Two:

Amended Ordinance Option Two would allow for the use of skateboards on all public streets and sidewalks in Town, with the exception of sidewalks and streets located within the Town's Local Historic District. The proposed text reads as follows:

§70.07 USE OF ROLLER SKATES, SKATEBOARDS, AND THE LIKE PROHIBITED ~~FROM ROADWAY FROM STREETS AND SIDEWALKS IN THE HISTORIC DISTRICT.~~

~~No person on~~ The use of roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall ~~go on any roadway, except while crossing a street at a crosswalk or intersection; except on streets set aside as play streets and except on streets in single family residential areas that are not thoroughfare or collector streets. Additionally, no person shall ride the devices on any sidewalk in any business district in the Town~~ be permitted on public streets and sidewalks; except those streets and sidewalks located within the Town's Local Historic District.

IV. RECOMMENDATION

Town staff believes that adopting option one while utilizing the existing Local Historic District boundary best represents the desires of Town Council, and the future needs of the community as a whole, considering safety, and other factors. Chief of Police Nick Polidori has endorsed option one, and has not cited any foreseeable safety concerns as of 12/09/2024.

The creation of a new pedestrian district may create confusion in terms of wayfinding and signage; as such, it has been proposed that the area of Town in which skateboarding is not permitted on sidewalks mirrors the Town's Local Historic District Zoning overlay.

The allowance of skateboarding on all public streets and some sidewalks will also enable and promote the usage of alternative means of transportation within the community, especially for those who wish to skateboard to the Town's recently opened Skate Park located within Memorial Park.



**ORDINANCE #3094
AMENDING CHAPTER 70 OF THE TOWN'S CODE OF ORDINANCES
TO REDEFINE THE PERMITTED LOCATIONS OF SKATEBOARDING
AND LIKE ACTIVITY**

WHEREAS, the Town of Southern Pines enforces regulations regarding roller skates, skateboarding, and the like; and

WHEREAS, Chapter 70 of the Town's Code of Ordinances defines rules and regulations for General Provisions;

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina that the Town's Code of Ordinances are amended as follows:

1. Amend the Code of Ordinances by adopting "Attachment A" in its entirety.
2. This ordinance amendment is effective December 17, 2024.

Adopted this 17th day of December 2024.

I certify that this ordinance was adopted by the Town Council of Southern Pines at its meeting of December 17, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

ATTACHMENT A

The Town's Code of Ordinances is amended to alter the following section in Chapter 70, General Provisions.

§70.07 USE OF ROLLER SKATES, SKATEBOARDS, AND THE LIKE PROHIBITED FROM SIDEWALKS IN THE HISTORIC DISTRICT.

The use of roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall be permitted on public streets and sidewalks; except those sidewalks located within the Town's Local Historic District.



MEMO

To: Town Council
From: BJ Grieve, Planning Director
Date: December 17, 2024
Re: Phase 2 Comprehensive Plan Implementation.

The Southern Pines 2040 Comprehensive Plan was adopted on September 12, 2023. Soon afterwards, on October 24, 2023, the Town Council approved a list of projects that made up Phase I of implementing the new plan. One year later, at the October 22, 2024 Work Session, the Planning Director presented a status report on each of those Phase I projects.

Most of the Phase I projects are either complete or close to complete. After reviewing the status of the Phase I implementation projects, the Planning Director presented a list of potential projects for Phase 2 of Comprehensive Plan implementation. Unfortunately, time was short and a discussion on Phase 2 projects was continued to the November 19, 2024 Work Session.

At the November 19, 2024 Work Session the Planning Director presented the list of potential Phase 2 projects again and Town Council provided feedback on priorities. The Council concluded by asking staff to prepare a final list of Phase 2 projects as well as an assessment of projected work and level of controversy for each project (as was done for Phase I).

Attached to this memo is the revised list of Phase 2 projects as well as the assessment of reasonably foreseeable work and level of controversy. Planning staff is requesting approval of the list of Phase 2 implementation projects in order to begin work immediately.

Potential Phase 2 Implementation Projects:

1. Protect/Enhance Community Character (Goal 3):
 - a. Parking Code Revisions (Policy 3.2, 3.9)
2. Expand housing options (Goal 7)
 - a. Promote Diversity of Housing (Policy 7.1)
 - b. Encourage more Workforce Housing (Policy 7.5)
3. Improve Transportation Options (Goal 8):
 - a. Apply for NCDOT Multimodal Planning Grant (March 2025)
 - b. Complete Streets Audit (Policy 5.3, 8.3)
4. Expand Local Business & Employment (Goal 9):
 - a. Accessory Commercial Units as small-business incubation. (Policy 9.4, 9.6)
5. UDO Cleanup
 - a. Sign Code Revisions (Policy 3.2, 3.11, 7.4)
 - b. Senate Bill 166 Updates
 - c. Remove Vestiges in UDO (ex. MRO, Chapter 6)
 - d. Add Watershed Credit Transfers to UDO



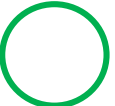
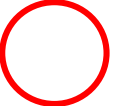

**Southern
Pines**

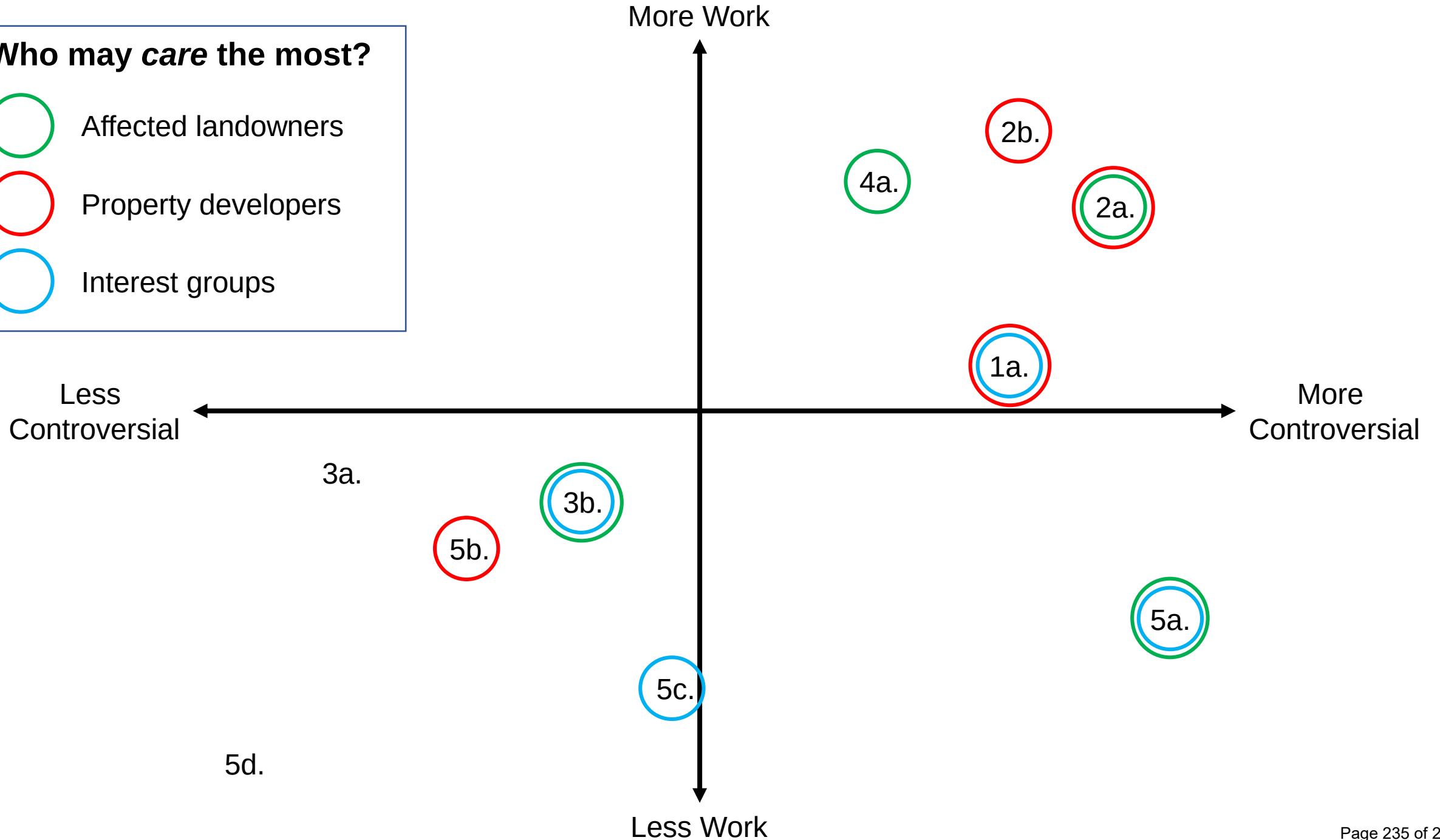
NORTH CAROLINA

2040 Comprehensive Plan

Adopted September 12, 2023

Who may *care* the most?

-  Affected landowners
-  Property developers
-  Interest groups



MEMO

To: Reagan Parsons, ICMA-CM, Town Manager
From: Jessica Roth, ICMA-CM, Assistant Town Manager
Date: December 11, 2024
Re: 2025 Council Appointments

Individual councilmembers are appointed by the body each year to serve in various capacities and manage certain responsibilities. These appointments have been included on the December 17, 2024 Council agenda for consideration.

Role	Description	Schedule ¹	2024 Appointee
Mayor Pro-Tem	Perform the duties of Mayor in the Mayor's absence or disability – lead Council meetings, attend meetings or events, etc.	As needed	Bill Pate
Treasurer	2 nd signature on checks issued by Town. Other financial oversight, as needed.	Checks are signed weekly	Ann Petersen
Vice Treasurer	Perform duties in the Treasurer's absence or disability	As needed	Debra Gray
Central Pines Regional Council Managing Board	The Managing Board oversees the CPRC, including policy direction, managing a budget of over \$45 million and 55 employees, and administrative oversight for the Durham-Chapel Hill-Carrboro MPO. The CPRC includes 40 municipalities and 7 counties and each has a voting seat on the Board. Visit www.centralpinesnc.gov for more details.	The 2025 schedule includes 6 Wednesday evening meetings in Durham.	Delegate: Ann Petersen Alternate: Taylor Clement
Sandhills Metropolitan Planning Organization (SMPO)	A federally identified transportation planning organization that discusses, ranks, and recommends transportation priorities within the Pinchurst-Southern Pines Metropolitan Planning Area (MPA).	The Governing Board meets the 3rd Wednesday of every month at 10am in Pinehurst.	Delegate: Taylor Clement Alternate: Brandon Goodman

¹ Meeting schedules or expectations are always subject to change, especially for external organizations.

Moore County Economic Development Partnership	MCEDP is the formal economic development “arm” for Southern Pines. The Town contributes financially each year to supporting MCEDP. Their role is to facilitate economic, community, and workforce development initiatives to bring quality jobs and capital investment to Southern Pines and Moore. The Council delegate attends MCEDP meetings and informs the full Council on activities. Visit www.moorecountyedp.org for more details.	As needed	Delegates: Taylor Clement rotate among other members
Tri-Cities Work Group	This group includes Aberdeen, Pinehurst, and Southern Pines. Participants include each municipality’s Mayor plus an additional elected official and senior staff. The group works together through local opportunities, concerns, and similar involving the 3 local governments.	6 meetings/year with each municipality hosting twice. These are currently lunch meetings on Tuesdays.	Delegates: Bill Pate rotate among other members
Other TBD	It is likely that other opportunities or needs will arise, which might result in temporary commitments (work group or committee) or an ongoing role. These will be addressed, if and when, the need arises.		