



AGENDA

Thursday, April 17, 2025: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. March 20, 2025 Regular Meeting

3. PUBLIC HEARINGS & PRELIMINARY FORUMS

a. Z-03-25 & MAPP-01-25: Village Walk Conditional Zoning District and Major Subdivision Preliminary Plat

Trevor Hansen of Koontz Jones Design PLLC, on behalf of Moore HL Properties Inc., has submitted a request to rezone five parcels in between SW Service Road and S Hale Street from Office/Service (OS) to Residential Mixed Housing Conditional Zoning District (RM-1CD) with several proposed conditions. They have also submitted a watershed protection permit and major subdivision preliminary plat to subdivide +2.86 acres of land into 12 single-family 0.04-acre lots, three four-family 0.08-acre lots, and one common area 2.17-acre lot—a total of 16 lots. A public hearing on the rezoning and preliminary forum on the major subdivision will be held concurrently by the Planning Board.

b. OA-01-25 Proposed Text Amendments to the Southern Pines Unified Development Ordinance

4. UNFINISHED BUSINESS

5. NEW BUSINESS

6. PUBLIC COMMENTS

7. ADJOURNMENT

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, March 20, 2025, at 6:00 PM

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

Chair Matthew Walden, Vice Chair Kim Wade, Jennifer Garner, Monica Brickey, Andrew Speck, Jason Scribner and Michael Skolnick were present.

Monica Brickey made a motion, which was seconded by Andrew Speck, to approve the Minutes of the February 20, 2025 regular meeting. The motion carried.

PUBLIC HEARING:

Z-01-25: Request to Rezone a Single Parcel from RS-1 to Neighborhood Business Conditional Zoning District (NB-CD)

Blake Webb of Taproot Companies, LLC and Ameeta Swaby of Meet on May, LLC, on behalf of The Cottages on May Homeowners Association Inc., submitted a request to rezone a single parcel from RS-1 to Neighborhood Business Conditional Zoning District (NB-CD) to allow office administrative services as the use of the subject property with proposed conditions. The parcel is identified as PIN 858220706632 (PARID 00032175) and is owned by The Cottages on May Homeowners Association Inc.

Monica Brickey made a motion, which was seconded by Andrew Speck, to open the public hearing. The motion carried.

Planner Mason Mattox provided an overview of the application accompanied by a Power Point presentation.

Member Garner inquired about the change to maximum occupancy as it creates a significant change in parking demand.

Member Skolnick asked when the Fire Department would make its final determination regarding maximum occupancy.

Mr. Mattox responded that the Fire Marshal would be meeting with the applicant.

Mr. Mattox provided the list of conditions that have been offered by the applicant.

Member Garner asked how many parking spaces are on Springwood Way.

Mr. Mattox responded approximately 11 spaces.

Skyler Crowder stated that the occupancy of the clubhouse is 30 guests and Main Street Cycles has agreed that their lot may be used for overflow parking. They currently have a maximum of 10 members of Meet on May at the present time and the space is generally occupied from 9:00 AM to 2:00 PM.

Lindsay Bryceland, HOA President, stated that the developer built the clubhouse with no foresight. The building was initially rented to a real estate company and the neighbors were in favor of renting out the building for the additional income.

There was no public comment.

Kim Wade made a motion, which was seconded by Andrew Speck, to close the public hearing. The motion carried.

Monica Brickey made a motion, which was seconded by Andrew Speck, that after reviewing the proposed amendment to the Town of Southern Pines Zoning Map, and after considering the criteria for approval of map amendments found in UDO §2.17.9, the proposed amendment is consistent with the 2040 Comprehensive Plan for the reasons set for in Attachment 1 of staff report Z-01-25; and therefore, to recommend approval of Z-01-25 to the Town Council with the conditions on the Neighborhood Business Conditional Zoning District as listed in Attachment 3 of the Planning Board's March 20, 2025 staff report. The motion carried by a 7-0 vote.

PUBLIC HEARING:

Z-02-25: Request to Rezone a Single Parcel from Central Business (CB) to Central Business Conditional Zoning District (CB-CD)

Abbey George of VirtoKids LLC, on behalf of Southern Pines Associates, Inc., submitted a request to rezone a parcel from Central Business (CB) to Central Business Conditional Zoning District (CB-CD) to allow a child daycare with specific conditions. The parcel is identified as PIN 858106289730 (PARID 00040701) and is owned by Southern Pines Associates, Inc.

Monica Brickey made a motion, which was seconded by Jason Scribner, to open the public hearing. The motion carried by a vote of 6-0 with Member Garner being recused.

Planner Mason Mattox provided an overview of the application accompanied by a Power Point presentation.

Monica Brickey made a motion, which was seconded by Andrew Speck, to close the public hearing.

Monica Brickey made a motion, which was seconded by Andrew Speck, that after reviewing the proposed amendment to the Town of Southern Pines Zoning Map, and after considering the criteria for approval of map amendments found in UDO §2.17.9, the proposed amendment is consistent with the 2040 Comprehensive Plan for the reasons set for in Attachment 1 of staff report Z-02-25; and therefore, to recommend approval of Z-02-25 to the Town Council with the conditions on the Central Business Conditional Zoning District as listed in Attachment 3 of staff report Z-02-25.

The motion carried by a 6-0 vote, which Jennifer Garner abstaining due to a conflict of interest.

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

Alaina Mallette stated that a Conditional Zoning District rezoning was on the agenda for the April regular meeting. The Board decided to hold an agenda meeting.

Andrew Speck made a motion, which was seconded by Monica Brickey, to adjourn the meeting. The motion carried.

The meeting adjourned at 6:39 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

An audio recording of the meeting is available upon request.

Agenda Item

To: Planning Board

Via: BJ Grieve, Planning Director

From: Alaina Mallette, Senior Planner

Subject: Z-03-25; WP-01-25; MAPP-01-25: Request to Rezone and Subdivide Five Adjoining Parcels Situated Between SW Service Road and S. Hale Street from OS to RM-1CD and into 16 Lots

Date: April 17, 2025

I. SUMMARY OF APPLICATION REQUEST

Trevor Hansen of Koontz Jones Design PLLC, on behalf of Moore HL Properties Inc., has submitted a request to rezone five parcels in between SW Service Road and S Hale Street from Office/Service (OS) to Residential Mixed Housing Conditional Zoning District (RM-1CD) with several proposed conditions. They have also submitted a watershed protection permit and major subdivision preliminary plat to subdivide +2.86 acres of land into 12 single-family 0.04-acre lots, three four-family 0.08-acre lots, and one common area 2.17-acre lot—a total of 16 lots.

II. PROJECT INFORMATION

A. Physical Addresses

660 SW Service Rd
PIN 857108887345 (PARID 96000398);
PIN 857108888362 (PARID 00039171);
PIN 857108889334 (PARID 00033309);
PIN 857108980445 (PARID 00039172);
and
PIN 857100981555 (PARID 20190151)

B. Property

Owner/Applicant
Travis Greene
Moore HL
Properties, Inc
55 Walnut Creek
Rd
Pinehurst, NC
28374

C. Authorized

Agent
Trevor Hansen
Koontz Jones
Design, PLLC
140 Applecross
Rd, Ste B
Pinehurst, NC
28374

D. Existing Zoning

The subject properties are presently zoned Office Services (OS). A previous rezoning request was made on the subject parcels to permit commercial mini- or self-storage, but was deemed inconsistent with the Comprehensive Plan at the time (Z-04-20), thus the rezoning request was denied. There is one prior approved entitlement: a conditional use permit to subdivide the properties into 20 lots, which was approved October 12, 2021.¹ The record states that six rows of buildings with 32 dwelling units (i.e., townhomes) and two office commercial units (i.e., finance and insurance, real

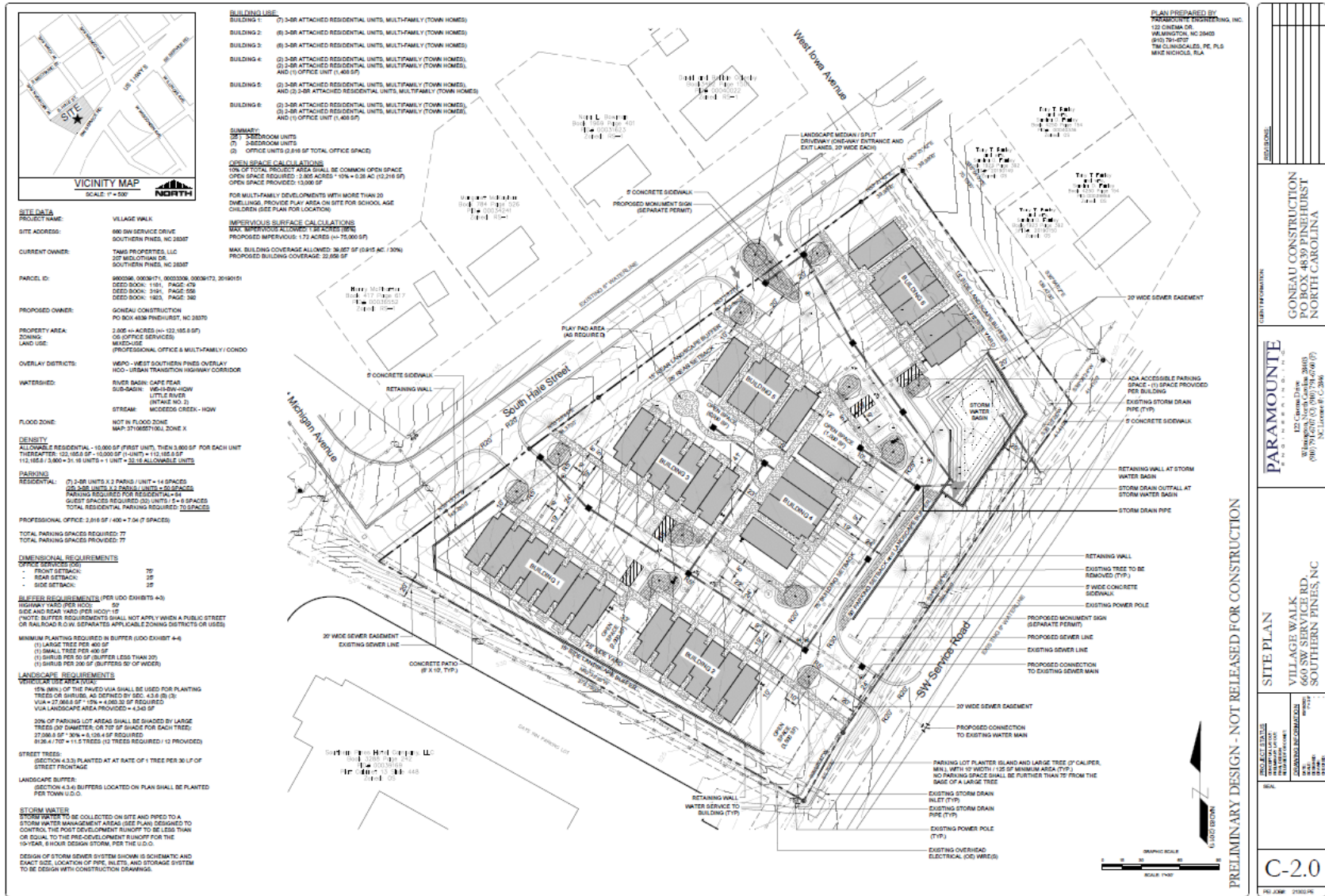
¹ A Major Subdivision Preliminary Plat used to require a Conditional Use Perming, now it may be reviewed alone. In this case, it is being reviewed concurrently with a rezoning to Conditional Zoning District.

estate/rental/leasing, and business/professional services land uses) were approved. 0.3 acres of open space was also approved (see Figure 1).

Figure 1. Drone Imagery of the Subject Parcels (Facing South)

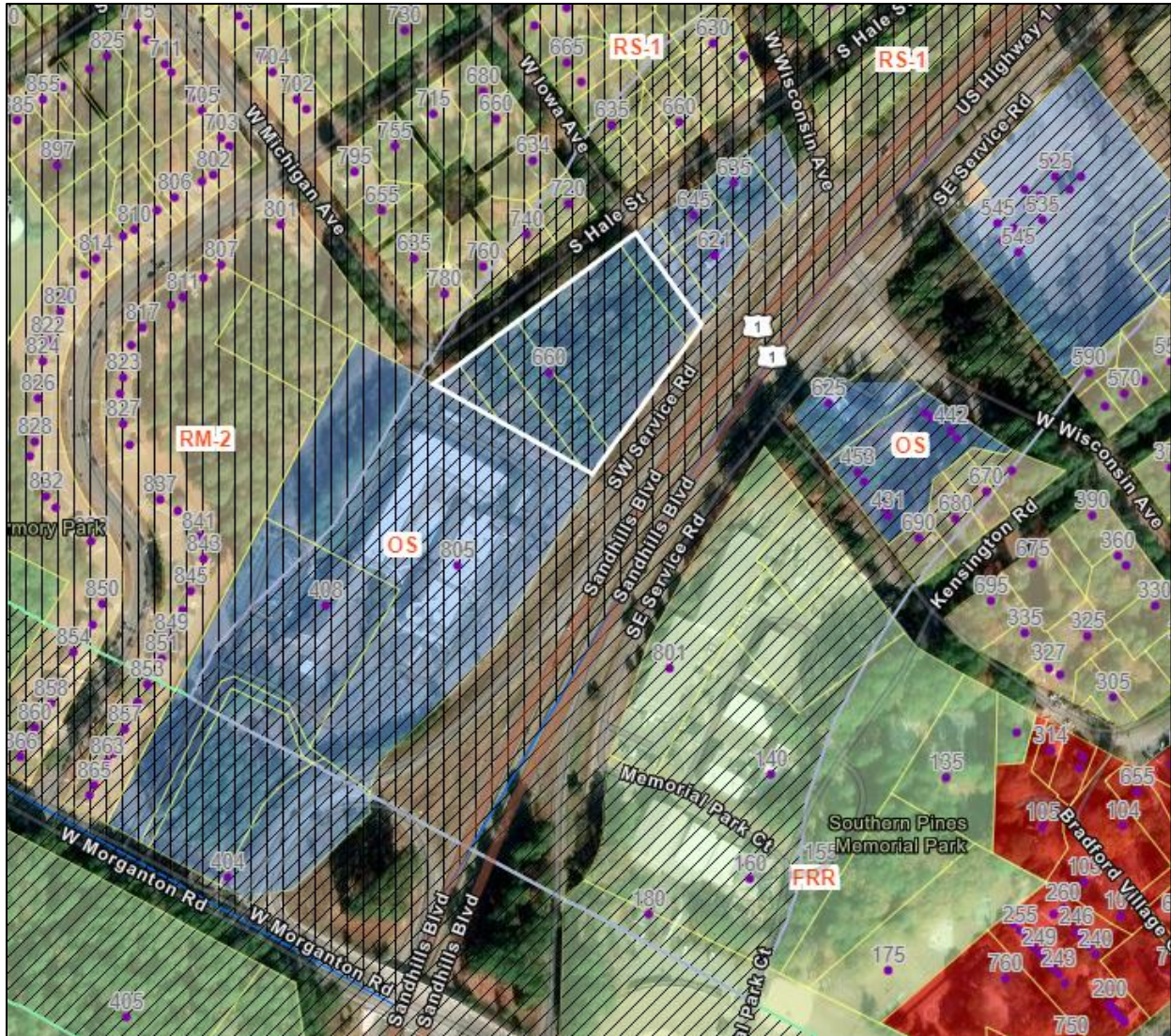


Figure 2. Site Plan for Prior Village Walk Entitlement



The subject properties are completely within the Urban Transition Highway Corridor Overlay (HCO), West Southern Pines Overlay (WSPO), and the Little River Watershed Protection Overlay (WPO) for high quality protected waters.

Figure 3. Zoning Vicinity Map of Subject Parcels (Outlined in White). Hashed lines represent WSPO and Urban Transition HCO, which both intersect with the subject parcels. Not shown: WPO, which also intersects the properties.



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

General Framework Map Designation: Area to Enhance. These areas include established residential neighborhoods that are now stable, but should consider small-to-medium improvements. Any proposed changes to properties should be sensitive to the uses, densities, location, character, and views from surrounding homes and neighborhoods.

Conservation and Development Map Designation: Neighborhood. New development should provide different home types on different lot sizes that vary enough to provide a range of home choices in the same neighborhood (e.g., mix home types, lot sizes, or home sizes). New development should consider “missing middle” home choices—such as duplex, triplex, quadplex, or cottage courts—to create more variety in terms of size and scale of buildings. New neighborhoods should also include a comprehensive and connected network of open space throughout the site. The “Map Category Crosswalk” is shown on 2040 Comprehensive Plan pages 62 to 63, which includes RM-1 zoning as an appropriate rezoning category.

Character District Map Designation: West Southern Pines (WSP). The WSP Character District predominantly contains buildings oriented toward a gridded street network. Mature trees, narrow streets, and low-profile homes on small lots is characteristic to the character district. Single-family detached homes on small lots, courtyard cottages, and stacked quadplexes are all considered appropriate residential building types in the WSP Character District. Development should prioritize infill, mix of uses, buildings one to three stories, and be walk-bike-auto-bus oriented. Regarding open space, there should be trails, common green, play fields, playgrounds, pocket parks, and/or community gardens. Monument and entrance signs are not consistent with the character, but ground signs mounted on poles or posts are consistent.

Figure 4. Stacked Quadplexes, Conceptually in the Comprehensive Plan (Left) and As Proposed by Applicant (Right)



Figure 5. Single-Family Detached Home on Small Lot and Courtyard Cottages, Conceptually in the Comprehensive Plan (Left) and As Proposed by Applicant (Right)

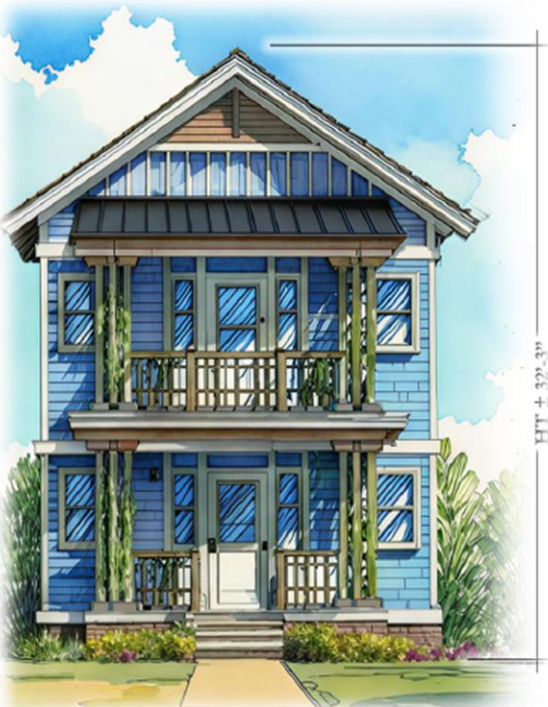
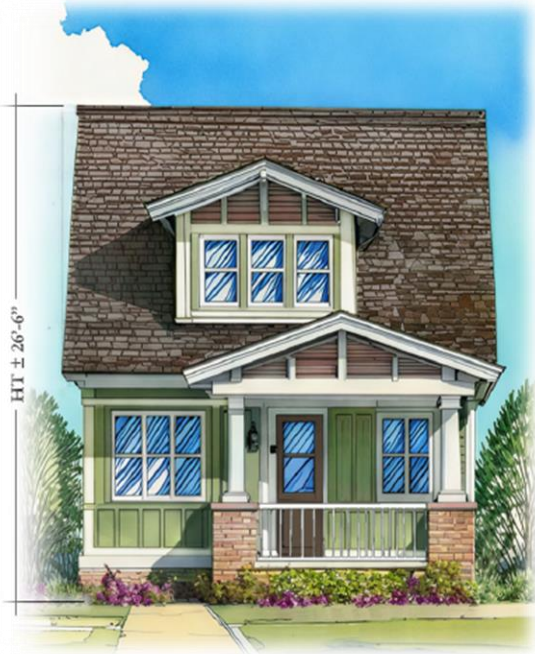


Figure 6. Snapshot of the Applicant's Conceptual Site Plan and Proposed Subdivided Lots



III. STAFF REVIEW

1. Application Review Dates (Conditional Zoning; Major Subdivision)

- Pre-Application Meetings: **November 2023** and **October 2024**
- Application Submitted: **March 10, 2025; March 27, 2025**
- Application Complete: **March 17, 2025; March 27, 2024**
- Updated Materials Submitted: **April 2, 2025**
- Technical Review Committee Meeting: **March 18, 2025**
- Planning Board Public Hearing Notice
- Publication: **April 2, 2025** and **April 9, 2025**
- Mail: **March 28, 2025**
- Signage: **April 1, 2025**
- Internet: **March 27, 2025**
- Planning Board Agenda Meeting: **April 10, 2025**
- Planning Board Regular Meeting: **April 17, 2025**

2. Review Process and Standards

Rezoning (Conditional Zoning District)

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.

Major Subdivision Preliminary Plan

Per UDO §2.19 General Subdivision Regulations and §2.20 Major Subdivision, the procedures for review and approval of a major subdivision require adherence to supplemental criteria. These sections of the UDO establish a process and standards to review and approve plats. UDO standards for approval criteria for a Major Subdivision Preliminary Plat are found in UDO §2.20.4(G), and apply to the review of this major subdivision preliminary plat.

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

The Applicant’s 21 proposed conditions and proposed site plan/preliminary plat can be found in Attachment 3 and 4, respectively.

(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” above for more information. Generally speaking, this area of SW Service Street and S Hale Street, as a Neighborhood area to be enhanced, is anticipated to provide different home types (i.e., missing middle

housing) on different lot sizes that also include connected network of open space sensitive to the uses, densities, location, character, and views from surrounding homes and neighborhoods. The proposed conditional zoning district would allow both single-family detached dwellings (LBCS 1111)—similar to what is all around it—and quadplexes (LBCS 1151) at a density greater than the surrounding area, which is also consistent with Policy 7.1 Support Housing Diversity in the Community. The project transitions from the quadplexes along SW Service Road to the single-family homes on small lots along S Hale Street.

The site would include partially undisturbed street trees along S Hale Street—only disturbance would be for undergrowth (see Figure 1). No specific vegetation has been marked for protection, which means there is no assurance on which trees will be protected, but this will be reviewed during site plan review. The Applicant is proposing a system of sidewalk connections throughout the development and pocket parks connecting to new proposed sidewalk along S Hale Street, which is consistent with the area’s vision to have interconnected usable open space.

Five areas of inconsistency have been identified. Regarding highway yard buffer trees, the development is required to provide 50 feet of buffer landscaping along SW Service Road, pursuant to UDO §4.3. This area currently contains a 20’ sewer easement, which cannot contain buffer plantings. Staff believe that the **existing trees within the remaining 30 feet with some additional plantings in areas devoid of vegetation would be sufficient to meet the buffer intent** (see Figure 1 for images of existing trees). Preserving trees like these would have a community benefit and are supported by Comprehensive Plan Policies 4.9 and 4.10, which call for the preservation of our town’s natural character and minimizing tree loss during development. Furthermore, the buffer may not be developed with structures anyways, so no loss of developable area would occur if the existing trees are preserved. Flexibility may also be administered for tree protection, but must be requested prior to land clearing.

Furthermore, the surrounding neighborhood does not have **opaque or semi-opaque fencing in the front yards facing S Hale Street** nor **housing facing the inner courtyards** (i.e., the inner square of the originally gridded blocks). Comprehensive Plan Policy 7.2 states that (1) the scale of homes and spaces between them should convey a welcoming environment, including maximum fence height and minimum materials and landscaping; and (2) similar home types and styles should face each other on a street. Removal of the fencing along S Hale Street and orienting front doors of homes along S Hale Street towards the street would be more consistent. Furthermore, the **proposed 1.5-story home with a dormer and its gable ends facing the side lots would be most appropriate along S Hale Street** considering the low-profile of the homes within the surrounding area. The Applicant has not committed to S Hale Street-facing buildings’ orientation nor design.

Lastly, the applicant is proposing **one monument/landmark sign along the SW Service Road and two “secondary” monument signs along S Hale Street**, and

the WSP Character District only permits ground signs mounted on poles or posts. The Applicant states that it will follow UDO signage requirements, which do not allow monument/landmark signs in residential districts except Planned Developments, limit freestanding signs to one per development (even if there are two streets along it), and it may not be more than four square feet. The Applicant is, therefore, showing deviation from both the Comprehensive Plan and UDO. See Figure 7 for distinction between signs.

Although the proposed seven-foot monument sign along the SW Service Road does not face residential properties, it would have the appearance of gateway signage. Staff believe that one (or up to two, one per street frontage) four-foot ground sign would be more consistent with the neighborhood (see Figure 7).

Figure 7 Comparison of Monument and Ground Signs.

Monument Sign. A freestanding sign with the lettering/artwork incorporated into a monument-type base that sits directly on the ground. The monument is typically made of stone or masonry with an internal structural framework, rather than support poles. Sign content may be carved directly into the monument or attached to the monument. Monument signs are primarily used in vehicle-oriented locations, and therefore should be of a size and height visible to drivers (sometimes twice as high, or twice as wide as a ground sign).



Ground Sign. A sign supported by one or more posts or poles that are anchored in the ground. The bottom of the sign is raised off the ground. Ground signs are intended for use in walkable, pedestrian-oriented locations, and therefore should be of a size and height visible to pedestrians. They are typically made of wood, metal, or a composite material. The sign may include information for multiple tenants, or just one.



In summary, the proposed conditional zoning district is mostly consistent with the 2040 Comprehensive Plan's vision of adding a mixture of housing densities and protecting some of the existing trees on the site, but falls short on five design elements: commitment to retain existing street trees, fencing, building orientation, low-profile homes along S Hale Street, and signage.

(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.

A buffer reduction is requested in the highway yard from the required 50' to 30', considering the location of the sewer utility easement. There is also requested reduction in the minimum 25' side buffers to a proposed minimum of 12.5' (despite the conceptual site plan showing 15'). Simultaneously, there is (1) already a 20' sewer utility easement crossing the property line that cannot have deep-rooted plantings like shrubs or trees, (2) a proposed vehicle use area (VUA) abutting the buffer, and (3) a proposed fence. **All these factors combined, functionally, create a narrower buffer than 12.5' and reduce the growing area for proposed landscaping.**

For instance, the buffer between Days Inn and the proposed two-story garages is proposed to be about 8' with a fence (as shown with the red star in Figure 7). The Town Engineer had concerns that the garages are close to the utility easement, which compounds the issue. To address these concerns, the Applicant has proposed allowing buffering to meander into cleared areas while double counting vehicle use area landscaping, which is a deviation from UDO requirements. The Applicant has not shown where the buffer would meander, and states that this would be finalized during site plan review.

Staff believe that all cleared areas on side lots (i.e., side lot with Days Inn and with Sandi's Daycare highlighted in orange on Figure 8) could be planted to buffer density standards while double counting VUA landscaping. Plantings in the stormwater pond that do not impact function—such as wildflower mixes, grasses, trees, and shrubs—would also be alternative design option that more closely meet the intent of the landscaping code and neighborhood character.

Planning staff do not find any additional negative impacts, especially considering the Applicant's proposed conditions, narrative, conceptual site plan and subdivision preliminary plat.

Figure 8. A Conceptual Cross-Section from the Edge of the Days Inn Hotel to the Proposed Cottages (Figure prepared by Town Staff)

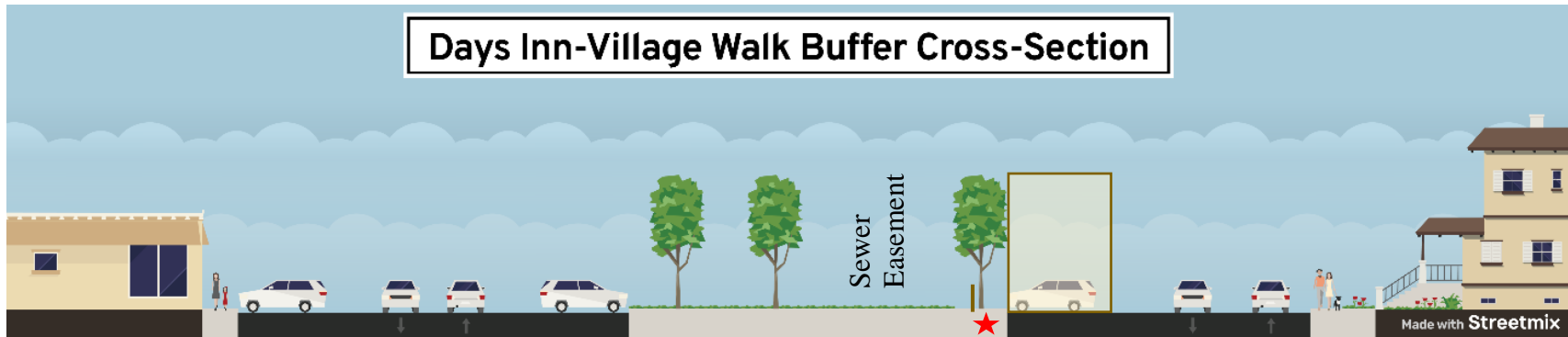
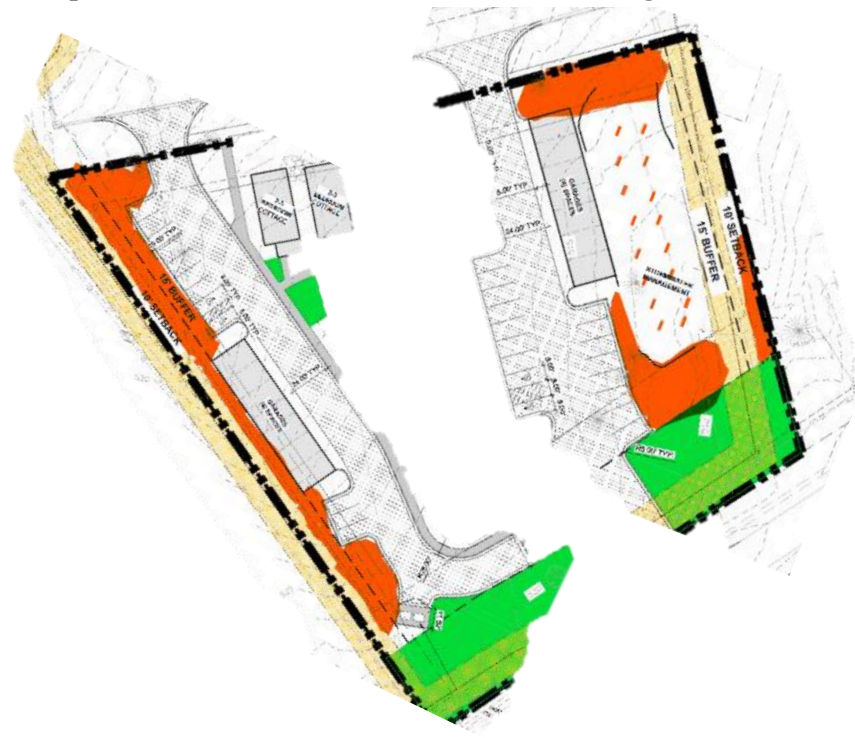


Figure 9. Planning Staff's Proposed Side Yard Buffer Areas Shown in Orange



(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.

The site currently is zoned for uses linked to office services, which permits more land uses (residential and commercial) than what the Applicant is proposing. The previous entitlement was approved in October 2021 when it was under previous ownership, and sold entitled to the current landowner. Considering this context, Planning staff believe that the site is neither suitable nor unsuitable as currently zoned.

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

The two health, safety, or welfare concerns that have been shared with Planning staff by referral agencies at this time, and are as follows:

- 1. Regional Land Use Advisory Commission (RLUAC) Comments.** RLUAC identified the properties as “Important Areas to Protect” due to their location within the watershed’s high-quality water drainage area. RLUAC suggests that the Applicant limit stormwater runoff impacts. The Watershed Protection Permit would permit up to 70% impervious surface on the site, if approved. The Applicant is proposing less than the maximum allocation permitted, if approved, i.e., 58% impervious surface. Furthermore, the Applicant will be required to keep the current runoff for a heavy rain event at or below the current rate, and the Applicant intends to do so with an on-site stormwater pond. Therefore, staff believe that this concern has been properly mitigated.
- 2. NC DOT Comments.** The NC DOT’s comments are in Attachment 6 for reference. Town staff have noted all of the NC DOT comments and will ensure that all requested information is submitted with the engineered site plan, which is reviewed by the Technical Review Committee following rezoning and major subdivision approvals

Based on the application materials and routine analysis of the subject parcels and surrounding areas, staff believe that health, safety, and welfare concerns can be properly addressed during site plan review with the Technical Review Committee. Therefore, no additional concerns have been noted.

(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.

Regarding parking, only 46 to 50 (depending on number of bedrooms per unit in the quadplexes) vehicle parking spaces and 1 bicycle parking are required based on UDO Exhibit 4-6. The Applicant has confirmed their desire to create more visitor parking beyond the minimum to 53 vehicle and 6 bicycle parking spaces, respectively. Planning does not believe that the request for parking beyond the minimum is unreasonable.

Parking within WSP Character District is envisioned to be street, public lot, or driveway access, not a private lot as is proposed. However, the housing density, surrounding area, and site design—especially the inclusion two-story garages—are all factors to consider when determine appropriateness of proposed parking. All parking spaces are on the edges of the site with the buildings facing the center courtyard. Planning believes that effective landscaping (i.e., a combination of buffer and VUA landscaping) would reduce the impact of the private lot on adjacent properties.

*(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 five parcels, totaling approx. 2.86 acres. Planning believes that the size of the tract is suitable for the proposed development.

*(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 ranges of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

The rezoning request is for a conditional zoning district; therefore, Applicant representations may be taken into consideration while reviewing and making final recommendations and decisions.

4. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria.

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

See Section III.3.A for staff's Comprehensive Plan consistency analysis.

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

See section III.3 letter A, B, D, and E for comments on compliance with UDO regulations.

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

This application would be consistent with the proposed RM-1 conditional zoning district (Z-03-25), which permits up to 32 dwelling units based on density (i.e., minimum lot size requirements). 24 dwelling units are proposed. The conditional zoning also permits a reduced front yard setback from 25' to 20' along S Hale Street, as is shown on the preliminary plat. All other RM-1 dimensional standards are met under this application. Concerns about impacts to neighboring lands have been described in section III.3.B.

- (4) **Impacts on Adjacent Properties.** *The proposed Subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties;*

Potential adverse impacts on adjacent properties have been described in section III.3.B and III.3.D.

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

The conceptual utility layout (see Attachment 5) does not comply with the Town's looping requirements for water main lines. The conceptual utility plan will need to be updated as shown in Figure 10 below. Otherwise, Town utilities are readily available for extension to 24 proposed dwelling units, and town staff do not anticipate any issues in accommodating such services if the water looping issue is addressed.

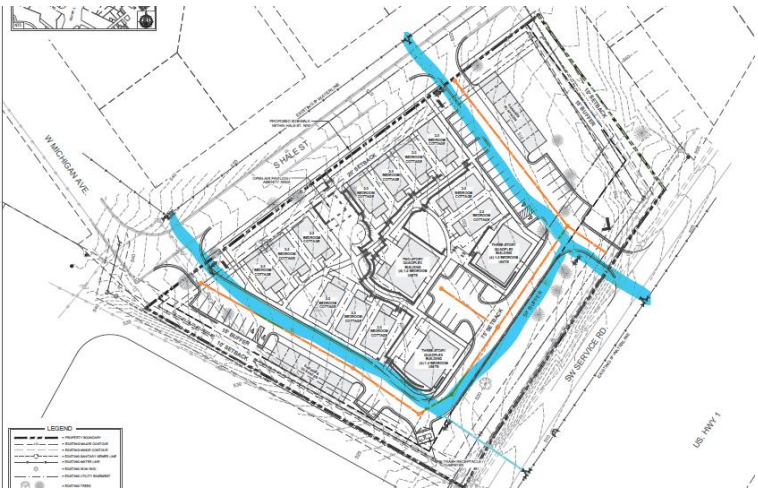


Figure 10. Adequate Water Looping Highlighted in Blue

5. Outside Agency Comments

A request for comments on the rezoning application was emailed to agencies on March 20, 2025; and for the major subdivision preliminary plat on March 27, 2025. 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). RLUAC submitted a letter dated March 22, 2025, and follow-up email on March 28, 2025, and NCDOT submitted an email on April 7, 2025 (see Attachment 6), which have been discussed in section III.3.D of this report.

The application was discussed with members of the Technical Review Committee on March 18, 2025. All comments have been reflected in section III.3 of this staff report. Any additional agency or public comment received prior to the public hearing will be shared during staff's presentation.

6. Staff Comments and Recommendation²

Planning staff recommend that the hearing bodies approve the conditions on the Residential Mixed Housing (RM-1) Conditional Zoning District as submitted in the application as well as the watershed protection permit while also considering the following Town staff concerns.

1. Insufficient commitment to retain the existing trees for the 30-foot buffer along SW Service Road, which would help preserve community character.
2. Fencing along S Hale Street is inconsistent with Comprehensive Plan Policy 7.2 and UDO §4.7(C), which discourages fences in front yards.
3. Courtyard-oriented (rather than street-oriented) homes along S Hale Street are inconsistent with Comprehensive Plan Policy 7.2.
4. There is no commitment to place the proposed 1.5-story homes with a dormer along S Hale Street, which would be more consistent with the low-profile of homes within the West Southern Pines character district.
5. Monument signs along S Hale Street and SW Service Road are not consistent with the WSP Character District or the UDO, and should be limited to up to two four-foot pole-mounted ground signs.
6. Side and Highway yard buffer planting locations should meander in all cleared areas on each side (as shown in Figure 7) considering an existing 20' sewer utility easement crossing the property lines, the proposed vehicle use areas (VUA) abutting the buffer, and proposed fences and building locations.
7. Inadequate looping of water main lines throughout the site. The conceptual utility plans should be updated.

² 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).

This list of concerns doubles as our recommended list of issues to transmit to the Town Council regarding their major subdivision preliminary plat.

IV. ATTACHMENTS³

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

1. Draft Planning Board Resolution to Adopt a Written Recommendation on the Proposed Conditional Zoning District
2. Zoning Map Amendment (Conditional Zoning District) and Major Subdivision Preliminary Plat Applications
3. Applicant's Proposed Conditions on Conditional Zoning District
4. Narratives for Each Application
5. Site Plan and Major Subdivision Preliminary Plat
6. Agency and Public Comments
7. Applicant's Neighborhood Meeting Report

³ 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.

V. ACTION 1 OF 2 FOLLOWING PLANNING BOARD'S LEGISLATIVE HEARING⁴

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

* * *

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

- 1. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-03-25 with the exception of seven areas of inconsistency also stated in Attachment 1;**
2. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-03-25 as revised by the Planning Board;
3. The proposed amendments are inconsistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-03-25 as revised by the Planning Board;

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

And, therefore, I move to:

- 1. Recommend approval of Z-03-25 to the Town Council with the conditions⁵ on the RM-1 Conditional Zoning District as submitted by**

⁴ The Planning Board shall consider the criteria for zoning map amendments found in UDO §2.17.9, including consistency with the 2040 Comprehensive Plan. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed map amendment by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

⁵ 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

the Applicant and consideration of additional conditions related to the seven areas of Comprehensive Plan inconsistency listed in Attachment 1.

2. Recommend approval of Z-03-25 to the Town Council with the conditions on the RM-2 Conditional Zoning District as submitted by the Applicant, and with additional information submitted by January 30, 2025, regarding the seven additional issues identified in the January 23, 2025, staff report, as amended by the Planning Board in Attachment 1.
3. Recommend denial of Z-03-25 to the Town Council

VI. ACTION 2 OF 2 FOLLOWING PLANNING BOARD’S PRELIMINARY FORUM TO A QUASIJUDICIAL REVIEW PROCESS

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

To assist the Planning Board in performing this task, town staff have prepared the following draft motions to identify issues to bring to the attention of the Town Council at the evidentiary hearing.

* * *

I move to adopt the following for transmission to the Town Council as a result of the April 17, 2025 Preliminary Forum on application MAPP-01-25:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a Major Subdivision Preliminary Plat to application MAPP-01-25:

1. **Insufficient commitment to retain the existing trees for the 30-foot buffer along SW Service Road, which would help preserve community character.**
2. **Fencing along S Hale Street is inconsistent with Comprehensive Plan Policy 7.2 and UDO §4.7(C), which discourages fences in front yards.**

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.

3. **Courtyard-oriented (rather than street-oriented) homes along S Hale Street are inconsistent with Comprehensive Plan Policy 7.2.**
4. **There is no commitment to place the proposed 1.5-story homes with a dormer along S Hale Street, which would be more consistent with the low-profile of homes within the West Southern Pines character district.**
5. **Monument signs along S Hale Street and SW Service Road are not consistent with the WSP Character District or the UDO, and should be limited to up to two four-foot pole-mounted ground signs.**
6. **Side and Highway yard buffer planting locations should meander in all cleared areas on each side (as shown in Figure 7) considering an existing 20' sewer utility easement crossing the property lines, the proposed vehicle use areas (VUA) abutting the buffer, and proposed fences and building locations.**
7. **Inadequate looping of water main lines throughout the site. The conceptual utility plans should be updated.**
8. ...

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

- 1.



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
FOR A CONDITIONAL ZONING DISTRICT
Z-03-25**

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 April 17, 2025, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application #Z-03-25.

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 generally 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 with the Applicant’s twenty-one proposed conditions for the five subject parcels located between SW Service Road and S Hale Street identified as Parcel Identification Numbers 96000398, 00039171, 00033309, 00039172, and 20190151, totaling 2.86 acres.

This area of SW Service Street and S Hale Street is considered a Neighborhood area to be enhanced and is anticipated to provide different home types (i.e., missing middle housing) on different lot sizes with a connected network of open space. Proposed development should be sensitive to the uses, densities, location, character, and views from surrounding homes and neighborhoods. The proposed conditional zoning district would allow both single-family detached dwellings (LBCS 1111)—similar to what is all around it—and quadplexes (LBCS 1151) at a density greater than the surrounding area, which is consistent with Policy 7.1 Support Housing Diversity in the Community. The Applicant is proposing a system of sidewalk connections throughout the

development and pocket parks connecting to new proposed sidewalk along S Hale Street, which is consistent with the area’s vision to have interconnected usable open space.

For these reasons, the application and the Applicant’s proposed conditions for a RM-1 Conditional Zoning District is generally consistent with the 2040 Comprehensive Plan’s vision. However, the Planning Board finds that the Applicant should adequately address the following seven issues related to Comprehensive Plan consistency as well as reasonably foreseeable adverse impacts on neighboring lands and on general health, safety, and welfare.

1. Insufficient commitment to retain the existing trees for the 30-foot buffer along SW Service Road, which would help preserve community character.
2. Fencing along S Hale Street is inconsistent with Comprehensive Plan Policy 7.2 and UDO §4.7(C), which discourages fences in front yards, and should be removed.
3. Courtyard-oriented (rather than S Hale Street-oriented) homes are inconsistent with Comprehensive Plan Policy 7.2.
4. There is no commitment to place the proposed 1.5-story homes with dormer along S Hale Street, which would be more consistent with the low-profile of homes within the West Southern Pines character district.
5. Monument signs along S Hale Street and SW Service Road are not consistent with the WSP Character District or the UDO, and should be limited to up to two four-foot pole-mounted ground signs.
6. Side and Highway yard buffer planting locations should meander in all cleared areas on each side (as shown in Figure 7) considering an existing 20’ sewer utility easement crossing the property lines, the proposed vehicle use areas (VUA) abutting the buffer, and proposed fences and building locations.
7. Inadequate looping of water main lines throughout the site. The conceptual utility plans should be updated.

The Planning Board recommends the Town Council adopt this zoning amendment (i.e., #Z-03-25), which rezones the properties from OS to RM-1CD (Conditional District) with the conditions submitted by the Applicant and attached to the Planning Department’s staff report and with consideration of the seven issues listed in this resolution.

ADOPTED this the 17th day of April, 2025.

Matthew Walden, Chairperson

ATTEST:

Cindy Williams
Secretary to the Planning Board



Conditional Zoning District Application

Fee: \$1,500.00 Date Received: Case No.: Z- -

Project Information:

Street Address: 660 SW Service Rd. Southern Pines, NC 28387

PIN: 857108887345; 857108888362; 857108889334; 857108980445; 857100981555 Parcel ID: 96000398; 00039171; 00033309; 00039172; 20190151

Site Size: 2.86 Acres Current Zoning: OS

Applicant:

Name(s): Moore HL Properties

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

Mailing Address: 55 Walnut Creek Road, Pinehurst, North Carolina 28374

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design, PLLC

Email: thansen@koontzjones.com Phone:

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

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

Name(s): Moore HL Properties

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

Mailing Address: 55 Walnut Creek Road, Pinehurst, North Carolina 28374

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to approve a zoning map amendment to RM-1 - Conditional Zoning District per the requirements of the Town of Southern Pines Unified Development Ordinance (UDO) §2.17. The information included is submitted in support of this application. I grant Town of Southern Pines staff, Planning Board and Town Council access to the subject property/properties while this zoning map amendment application is under review.

Date: 03/10/2025


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), Moore HL Properties, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an amendment to the zoning of the property 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 Planning Board and Town Council for a rezoning of the subject property to a Conditional Zoning District; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with, or arising out of, any application for an amendment to the zoning of the subject property under the Town of Southern Pines Unified Development Ordinance.

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

Signed this _____ day of _____, _____.



Property Owner

Property Owner


Agent



Watershed Protection Permit Application

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

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

Project Information:

Project Name: Village Walk Townhomes Zoning District: OS Total Property Acreage: 2.86
PIN: 857108887345; 857108888362; 857108889334; 857108980445; 857100981555 Parcel ID: 96000398; 00039171; 00033309; 00039172; 20190151 Watershed: LR #2
Type of Development: Multi-Family Total Built-Up Area*: 1.61 Acres
% of Total Property Acreage Proposed to be Built-Up Area*: up to 65%

Applicant:

Name(s): Moore HL Properties Email: carolinabuilder@gmail.com
Mailing Address: 55 Walnut Creek Rd, Pinehurst, NC 28374 Phone: 910-295-5973

Authorized Agent, if different from Applicant:

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

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

Name(s): Moore HL Properties
Email: carolinabuilder@gmail.com Phone: 910-295-5973
Mailing Address: 55 Walnut Creek Road, Pinehurst, North Carolina 28374


Applicant

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

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

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

APPOINTMENT OF AGENT

The undersigned owner(s), Moore HL Properties, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an amendment to the zoning of the property 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 Planning Board and Town Council for a rezoning of the subject property to a Conditional Zoning District; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with, or arising out of, any application for an amendment to the zoning of the subject property under the Town of Southern Pines Unified Development Ordinance.

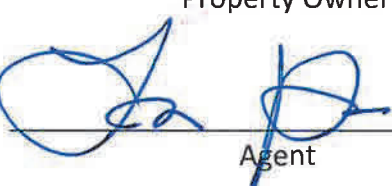
This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 10 day of March, 2025.



 Property Owner

 Property Owner



 Agent



Major Subdivision Preliminary Plat Application

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

Subdivision Name: Village Walk Cottage Court Street Address: 660 SW Service Rd. Southern Pines, NC 28387

PIN: 857108887345; 857108889334; 857108980445; 857100981555 Parcel ID: 96000398; 00039171; 00039172; 20190151 Zoning District: CZ-RM-1

Project acreage in: Lots 0.56 + Roads 0.70 + Open Space 0.48 + Common Area 1.12

+ Other (describe) _____ = Total Project Acreage 2.86 AC

Number of Lots: 16 Minimum Lot Size: 1,695 SQ. FT. (0.04 AC) Setbacks: 0' Front, 0' Interior Side, 0' Exterior Side, 0' Rear (10' Min. Building Separation)

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

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

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

Applicant:

Name: Koontz Jones Design, PLLC

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

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

Contact Person, if different from Applicant:

Name: _____

Phone: _____ Email: _____

Mailing Address: _____

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

Name(s): Moore HL Properties, Inc.

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

Mailing Address: 55 Walnut Creek Road

Date: _____ Signature of Applicant

APPOINTMENT OF AGENT

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

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

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

Signed this 27 day of March, 2025.



Property Owner

Property Owner


Agent

**VILLAGE WALK COTTAGE COURT
CZD-RM-1
EXHIBIT B - LIST OF CONDITIONS**

Condition #1 - Land Uses

- Land uses shall be LBCS 1111 single-family detached residences and LBCS 1151 multi-family residences

Condition #2 - Number of Units

- “Cottage Courtyard” style development shall be a combination of 12 single-family detached residential units, and 12 multi-family residential units distributed evenly between three (3) Quadplex, stacked buildings

Condition #3 – Subdivision

- The development will deviate from the Town’s Subdivision requirements per the following items:
 - Lots shall not be required to front a public or private street.
 - Minimum lot size, density and width requirements shall be removed.
 - Lot lines are to be offset by a minimum of 5 feet beyond the building footprints indicated on the plan to allow for flexibility in final building placement.
 - Lots shall not encroach beyond the overall project site building setbacks.
 - Lots shall have a zero-lot line setback on all sides. The building footprint shall be located anywhere within the lot, provided that 10 feet minimum separation is maintained between adjacent buildings.
 - Minor amendments to the approved preliminary plat shall be allowed per Section 2.20.4(I)(1) of the Town’s UDO.

Condition #4 - Architectural Character

- Proposed single-family detached residential units shall be designed to fit the West Southern Pines Character District descriptions, and shall be up to two (2) stories

Condition #5 - Building Setback

- A reduction of the front setback along Hale St from twenty-five (25) feet to twenty (20) feet is permitted (per Exhibit 3-6 of the UDO)



Condition #6 - Building Separation

- A minimum of ten (10) feet separation between buildings shall be maintained.

Condition #7 - Single-family Detached Building Height

- Single-family detached residences shall not exceed the Town's standard for residential single family zoned lots building height maximum of thirty-five (35) feet.
- The height limit of the (7) single-family detached residences fronting Hale St shall be allowed to deviate from the West Southern Pines Character District standards of a twenty-five (25) feet height limit (Section 3.6.4) due to the unique topography of the site.
- Per Exhibit E, a cross section illustrating the relation of elevation and grades between the existing homes across Hale St, the road, and the single-family cottages fronting Hale St has been provided with this application

Condition #8 - Multi-family Building Height

- Multi-family buildings may exceed the Town's standards of RM-1 District forty (40) feet maximum building height (per Exhibit 3-6 of the UDO) to forty-five (45) feet.

Condition #9 - Single-family Detached Building Design

- To be consistent with the Town's 2040 Comprehensive Plan and the West Southern Pines Character district standards, the cottages shall be 80% cementitious siding and wood structures on brick foundations for all sides of the building facing public streets.

Condition #10 - Multi-family Building Design

- The one (1) quadplex building located in the center amongst the single-family cottages shall be two (2) stories. The two (2) quadplex buildings closest to US 1 Service Road shall be three (3) stories.
- Multi-family buildings may reduce the amount of brick required to use cottage style materials for the development. The exact percentage reduction to be determined during Architectural Compliance Permit submission and review.

Condition #11 - Pedestrian Connectivity

- Pedestrian connectivity shall be provided throughout the community, with walking paths in the common open space and connections to the surrounding neighborhood via a sidewalk located in the Hale St right-of-way.

Condition # 12 - Streets and Access

- The main entrance to the site shall be provided off the US Highway 1 Service Road. Two secondary entrance locations shall be provided off Hale Street.

Condition # 13 - Garage/Storage

- The garage and storage units shall be two-story buildings, with garage units on the ground level and storage space on the second level. The buildings shall be designed to resemble single-family cottage homes.

Condition #14 - Landscape Buffer Reduction

- For any buffers with a 6 ft height opaque fence, may request a reduction in the required plantings by up to 50%, per Section 4.3.4 (B)(7) of the Town's UDO.

Condition #15 - Landscape Buffer Along Utility Easements

- Landscape Buffer plantings along and adjacent to existing utility easements shall be allowed to meander into cleared areas outside of the required buffer widths along the property boundaries.
 - In tighter areas where there is limited space for the required plantings, "double counting" of buffer landscape and vehicle use area perimeter landscape shall be allowed. Identification of these areas shall be determined with the Town during the site plan review.

Condition #16 – Existing Vegetation within Hale St R/W

- There is significant existing vegetation and trees within the Hale St R/W along the northern boundary of the project site that enhance the existing streetscape character.
- Trees shall not be removed within this R/W outside of ingress/egress driveways into the site, grading necessary to tie in these driveways, and any Town or project required infrastructure.

Condition #17 – Existing Vegetation within Hale St R/W

- A sidewalk within the R/W shall be installed. It will be located close to Hale St and the existing back of curb to accommodate the existing vegetation/street trees within the Hale St R/W.

Condition #18 - Open Space

- As it relates to the pocket gardens between the single-family detached and multi-family units, a reduction in open space width between buildings from forty (40) feet (per Section 4.9.1(C)(8) of the UDO) to ten (10) feet may be counted toward open space requirements. The areas will be high in landscape character and contain passive seating areas.

Condition # 19 - Signage

- A main-entrance community sign monument for the development shall be placed at the main entrance from the US 1 Service Road. Additionally, smaller secondary signs will be provided at the two (2) entrances off Hale Street (per Section 4.6.12 (A) of the UDO). All signs shall follow the standards for Residential Subdivision Signage per Section 4.6.12 of the Town's UDO.
- The sign monument at the Service Rd entrance shall be a maximum of 7 feet in height.
- The sign monuments at the (2) Hale St entrances shall be a maximum of 4 feet in height.

Condition # 20 – Decorative Fence

- A decorative 4ft maximum height fence may be located along the northern property boundary and front yard of the single-family detached cottages facing Hale St.
 - The proposed fence shall follow all requirements for fences in front yards as outlined in Section 4.7 (C) of the Town’s UDO.
 - A conceptual character elevation of the fence has been provided with the application, per Exhibit H.
 - Entry gates through the fence from the sidewalk on Hale St shall include trellis archway structures as indicated in Exhibit H.

Condition # 21 – Construction Entrance

- The Service Rd Entrance will serve as the dedicated and sole construction entrance for onto the site during construction. No construction traffic will be allowed along Hale St outside of necessary project specific items that directly interface along Hale St.

**EXHIBIT A
VILLAGE WALK
CONDITIONAL DISTRICT NARRATIVE**

The development of the property described as Village Walk in the submitted exhibits is planned to be a new infill community with a mixture of “missing middle” housing options and development patterns within the West Southern Pines District of Southern Pines. The +/- 2.86 site located off US Highway 1 between the Service Road and Hale Street is comprised of five (5) smaller tracts all zoned Office/Service (OS). The combined tracts are comprised of approximately 2.86 acres (the “Combined Tract”). The Applicant is seeking to rezone the Combined Tract to a Conditional District Residential Mixed Housing (CZ-RM-1), known as “Village Walk” that will allow a combination of single family detached cottages and multi-family quadplex uses. Under the Southern Pines Unified Development Ordinance (the “UDO”), the RM-1 zoning district is intended to “allow primarily Single-Family and Multi-Family Residences at a medium-density (approximately 10-12 Dwelling Units per acre)”. Under an RM-1 district, the project permits up to 33 residential units on the property.

The conditional zoning district application proposes a “Cottage Courtyard” style development with twelve (12) single-family detached residential lots/units, and twelve (12) multi-family residential units distributed evenly between three (3) Quadplex, stacked lots/buildings. The units are clustered and oriented towards common green space gardens and shared amenities, with interconnected walking paths to foster community interaction and engagement amongst residents. The unique design is consistent with the Town’s 2040 Comprehensive plan, providing “missing middle” housing options for both renters and owners at a scale that is compatible with the surrounding West Southern Pines Neighborhood. The development will meet the Town’s standards for an RM-1 district and offer a quality design with unique conditions and standards that reflect a “Cottages Courtyard” development pattern, as recommended in the Town’s 2040 Comprehensive Plan and West Southern Pines Character District.

The cottage courtyard mixed-residential development will consist of 24 residential units with shared community amenities. These amenities will potentially include a covered open-air pavilion with a grilling area and fireplace, a community fire pit, common space seating areas, and trellis/ pergola shade structures. The property falls within a high-quality watershed and there is no floodplain. As a result, a watershed protection permit application has been submitted to allow for increased impervious surface and allow up to 70% impervious surface. Overall impervious surface to be developed on the property will fall well below the permitted 70%. This site is a residential infill location in the West Southern Pines character district of Southern Pines. Increased impervious surface in infill locations for residential development is consistent with the Town’s 2040 Comprehensive Plan (2040CP).

Design elements for the project are described below.

- **Major Subdivision**

- A Major Subdivision application has been submitted for the Village Walk CZD-RM-1 district which will subdivide the project site into twelve (12) single-family cottage lots, three (3) multi-family quadplex lots, and one (1) common area lot. Due to the unique



layout of cottage court developments, there are no standards currently in place for this development pattern within the Town's UDO. Therefore, we are requesting unique conditions that deviate from the current Major Subdivision and Preliminary Plat requirements and criteria (Section 2.20.4 of the UDO). Please note the following deviations:

- Lots shall not be required to front a public or private street.
- Minimum lot size, density and width requirements shall be removed.
 - Lot lines are to be offset by a minimum of 5 feet beyond the building footprints indicated on the plan to allow for flexibility in final building placement.
 - Lots shall not encroach beyond the overall project site building setbacks.
- Lots shall have a zero-lot line setback on all sides. The building footprint shall be located anywhere within the lot, provided that 10 feet minimum separation is maintained between adjacent buildings.

- **Architectural Character**

- The single-family residential units will be designed to fit the West Southern Pines Character District descriptions. The multi-family residential units will be designed to fit both the West Southern Pines District's character and the multi-story buildings in downtown Southern Pines. All buildings are intended to both complement and add to the surrounding neighborhood. The project is also intended to be visually appealing from US Highway 1.
- The project requests to exceed the Town's standard for residential building height of thirty-five (35) feet. This request is being made to allow the residential buildings to have a sloped roof and remain in character with the smaller cottages. Flat roofs combined with the rest of the development would deviate from the intended cottage character designated in the Comprehensive Plan.
- A request to reduce the amount of brick on the multi-family buildings to use cottage style materials is requested for the development. This request will allow the buildings to blend with the cottage units as described in the Comprehensive Plan.
- Per the UDO, the project must obtain an Architectural Compliance Permit from the Town Council. All multi-family structures require approval of an Architectural Compliance Permit.

- **Single-Family Detached Cottages**

- The proposed plan includes 12 single-family detached cottages. Cottages will have a mixture of 2 and 3 bedrooms per unit.
- It is intended that the cottages will be 1-2 stories and will not exceed the Town's standard for residential building height of thirty-five (35) feet.
- New cottages will be designed to reflect the traditional arts/crafts and New England style cottages found in Southern Pines and Moore County. The cottages will be 80%

cementitious siding and wood structures on brick foundations for all sides facing public streets, per the West Southern Pines Character District Standards, Section 3.6.4(F)(3) of the Town's UDO. Per Exhibit A, design character elevations of the cottages have been provided within the application. Each cottage will be of a varied design style and color.

- Cottage units will be separated by at least 10 feet, and residential sprinklers will be provided in all buildings.

- **Quadplex Stacked Buildings**

- The proposed plan includes (3) quadplexes, stacked buildings with four (4) units in each building. The units will have a mixture of 1, 2, and 3 bedrooms.
- It is intended that the quadplex buildings will be 2 or 3 stories. As mentioned previously in the Architectural Character section, the project requests to exceed the Town's standard for residential building height of thirty-five (35) feet.
- The one (1) quadplex building located in the center amongst the single-family cottages will be designed to reflect the traditional arts and crafts and New England-style cottages found in Southern Pines and Moore County. The building will have cementitious siding and wood structures on brick foundations. Per Exhibit B, a design character elevation of this building has been provided within the application.
- The two (2) quadplex buildings fronting the US 1 Service Road will be three (3) stories and designed to bridge the design style of the single-family cottages and the multi-story brick buildings found in downtown Southern Pines. The buildings will combine cementitious siding and brick on brick foundations. Per Exhibit C, a design character elevation of this building has been provided within the application.
- The ground level units of these buildings will be ADA accessible.
- The quadplex buildings will have a minimum of 10' separation from adjacent buildings and residential sprinklers will be provided in all buildings.

- **Pedestrian Connectivity**

- Pedestrian connectivity will be provided throughout the community, with walking paths in the common open space and connections to the surrounding neighborhood. Two points of connection along Hale Street will allow residents access to the neighborhood street and sidewalk network for walking and biking to West Southern Pines and downtown Southern Pines. The property is four (4) blocks from Morganton Road and (8) blocks from Pennsylvania Ave, which leads to the center of West Southern Pines and downtown Southern Pines.

- **Streets and Access**

- The main entrance to the site will be provided off the US Highway 1 Service Road. Two secondary entrance locations will be provided off Hale Street. None of the entrances into the community will be gated.

- **Parking Areas**

- Adequate parking will be provided on-site to meet UDO standards for single-family and multi-family uses.
- The community will have a combination of surface parking and enclosed garage and storage units at a ratio that meets the UDO standards. These standards are as follows from Section 4.5 of the Town's Udo:

Land Use	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
1 and 2 Family residences	2 spaces per Dwelling Unit	
Multi-Family	1 space per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	1 space per 10 Dwelling Unit
0-1 bedrooms	2 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
2-3 bedrooms	2.5 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
4 or more bedrooms	1 space per 5 Dwelling Units for visitors	

- The garage and storage units will be two-story buildings, with garage units on the ground level and storage space on the second level. The buildings will be designed to resemble single-family cottage homes.
- Additional parking beyond the required parking will be provided for visitors of the single-family detached cottage units.

- **Buffers/Setbacks**

- Buffers and setbacks will be provided at a minimum per the RM-1 district standards and Highway Corridor Urban Transition Overlay District requirements. The standards of the overlay district in Section 3.6.5 of the UDO are significantly greater than those of the standard zoning district and are as follows:
 - All US 1 frontage requires a 75' building setback, 50' parking lot setback and 50' Highway yard, and 15' side yard landscape buffer. Each of these standards will be met.
 - The RM-1 district requires the following dimensional requirements which will be met:

Dimensional Requirements Table			
	Type	Requirement	Requested Condition
1	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	Front Setback Hale Street 25'	Front Setback Hale Street 20'
2	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	Exterior Side Setback 15'	Exterior Side Setback 15'
3	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	Interior Side Setback 10'	Min. Building Separation 10'

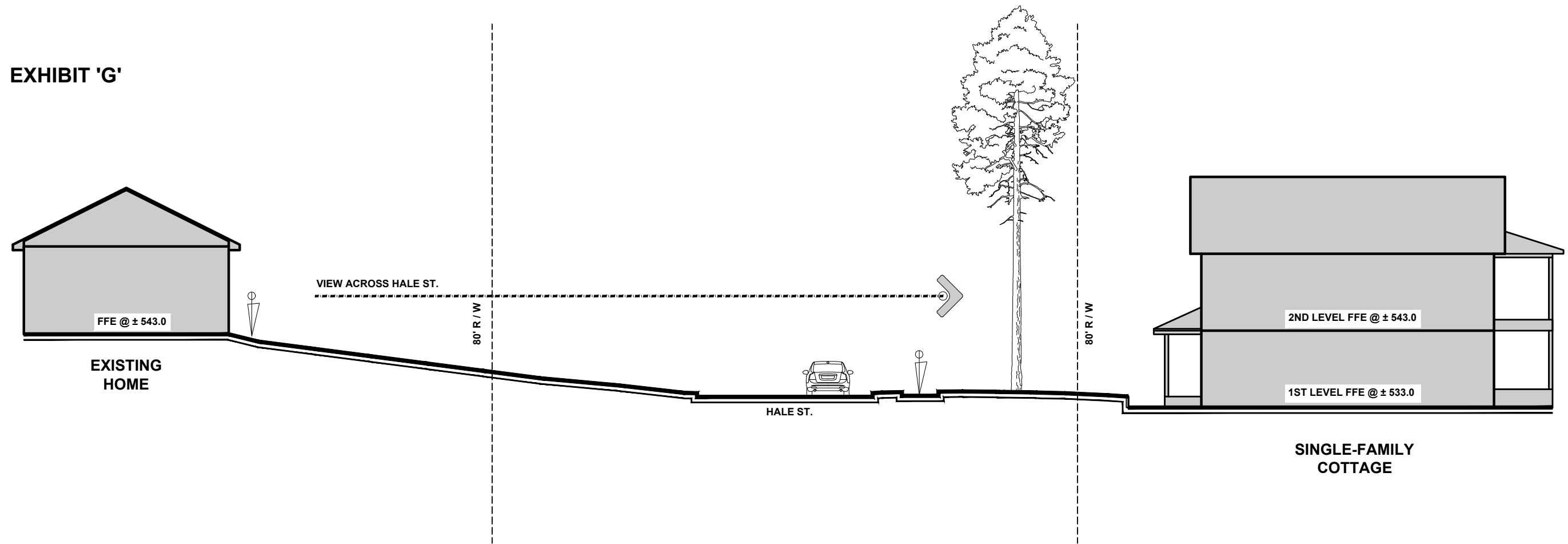
4	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	Rear Setback 30'	Rear Setback 30'
5	Building Height, Setbacks, and Lot Dimensions Exhibit 4-1	Max. Building Height 40'	Max. Building Height 45'
6	Hwy Corridor Overlay District Minimum Buffer Widths Exhibit 4-3	Highway Yard 50'	Highway Yard 50'
7	Hwy Corridor Overlay District Minimum Buffer Widths Exhibit 4-3	Side and Rear Yard 15'	Side and Rear Yard 15'
8	Hwy Corridor Overlay District Development Standards Exhibit 3-13	Building Setback 75'	Building Setback 75'

- Due to the development pattern of a “Cottage Courtyard” community, a request is made to reduce the front setback along Hale Street to 20’.
- There is also a request to separate buildings by a minimum of 10 feet. This will be critical to the layout and design of the units in the context of the “Cottage Courtyard” style development.
- **Landscaping and Fencing**
 - Landscaping will be provided as required by the Town of Southern Pines UDO, including plantings required by the Urban Transition Highway Corridor Overlay District. Much of the site is currently wooded. Due to the topography of the site and the nature of a “Cottage Courtyard” development, many trees within the property boundary will be removed.
 - Planting buffers and screening will be provided on adjacent property boundaries where necessary and required by the Town’s UDO. Effort will be made to preserve existing trees in the buffer areas of the project and the existing trees fronting Hale Street along the northern side of the project. Any tree saved in the buffer areas may count toward planting credit as permitted in the UDO.
 - A combination of decorative and screen fencing is proposed for the three sides of the project site (north, east, and west). A lower, 4’ max height 60% transparent, decorative wood fence will run between the single-family cottage units and the northern property boundary along Hale Street. A minimum 6’ height opaque screening fence will run on the eastern and western property boundaries. For any buffers with a 6 ft height opaque fence, we will request a reduction in the required plantings by up to 50%, per Section 4.3.4 (B)(7) of the Town’s UDO.

- Per Exhibit F, a conceptual character image of the 4' height decorative fence has been provided with this application.
 - Landscaping for parking lots and other areas of the site will be provided as required by the Town of Southern Pines UDO.
- **Open Space and Common Areas**
 - Multi-family residential development requires 10% open space. The development will provide approximately +/- 17.5% (+/- 0.50 acres) open space as indicated on the site plan. This open space will be in buffer areas, stormwater features, community gardens and amenity areas throughout the property as indicated on the site plan. Due to the unique design and layout of Cottage Courtyard developments, we request a reduction in what can be counted as open space between buildings, from 40' to 10'. Though small, the pocket gardens between units will be high in landscape character and are essential to the overall vision for the project. These spaces will create character and offer passive outdoor seating areas for the community's residents and are critical open space components of the design. Per Exhibit D, design character elevation of the community pavilion has been provided within the application.
 - While usable open space is not required within the RM-1 district, usable open space has been included for the community in the shared amenity areas and totals 8.6% (0.25 acres) of the total open space. This number does not reflect areas with sidewalks considered usable open space within the community.
 - To ensure a high-quality landscape and open space, the community's HOA will own and maintain all exterior areas between the cottages and the quadplex buildings.
- **Stormwater**
 - Stormwater management best practices will be applied on the site as necessary and required to control stormwater runoff throughout the project. All storm-water will be handled on site in a series of ponds, basins, bioswales or other devices.
 - The project site is located within a high-quality watershed (HQW). To control and treat stormwater runoff for the project, stormwater best management practices will be applied as necessary and required by the Town of Southern Pines and State of North Carolina. Any required stormwater management devices will be permitted as required by the appropriate state and local agencies.
 - Stormwater devices may be located in buffer areas within the property.
- **Utility Service**
 - The Town of Southern Pines can provide adequate water and sewer service to service this development. Utilities are currently within close proximity, along the streets and adjacent properties near the proposed site or located directly on the property. All utilities on the site will be located underground.
- **Signage**
 - A main-entrance community sign monument for the development will be placed at the main entrance from the US 1 Service Road. In addition, smaller secondary signs will be provided at the two (2) entrances off Hale Street.
 - All signs will indicate the community's name and/or logo and follow the sign standards in Section 4.6 of the Town's UDO. Any additional directional or on-site signage for parking areas, parks, or amenities will follow the Town of Southern Pines sign standards in Section 4.6 for size, materials, and height.

The descriptions and narrative described above will apply to the entire project as indicated in the Conditional Zoning District plan document. For further clarification a list of conditions (Exhibit G) has been provided with this application.

EXHIBIT 'G'



HALE ST. COMPARATIVE CROSS SECTION (EXISTING AND PROPOSED HOMES)

SCALE: 1" = 15'-0"

DISCLAIMER:
THIS SECTION IS CONCEPTUAL AND IS FOR ILLUSTRATION PURPOSES ONLY AND IS SUBJECT TO CHANGE.
ELEVATIONS INDICATED ARE APPROXIMATE AND ESTIMATIONS ONLY.

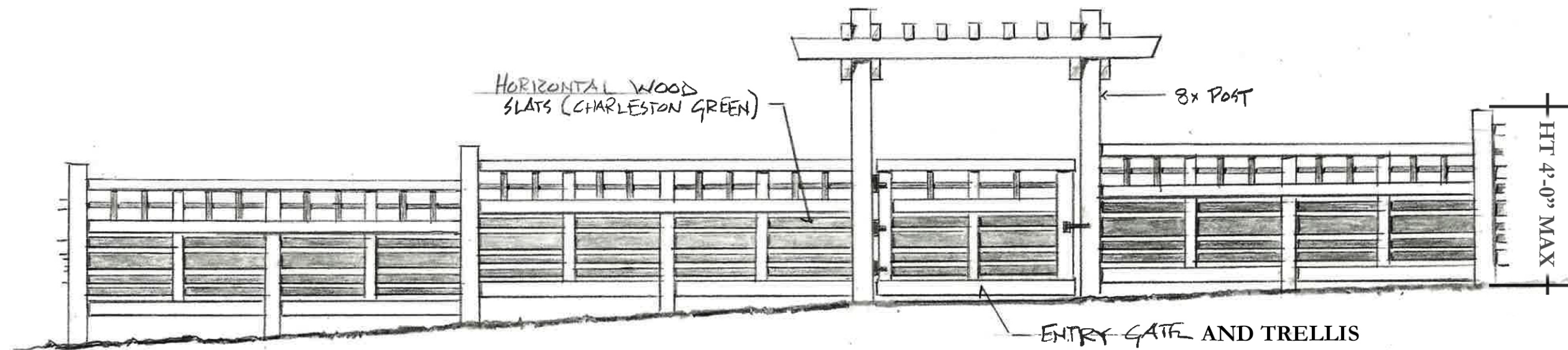


EXHIBIT H

4' HEIGHT DECORATIVE FENCE

NOTE:
**FENCE DESIGN WILL FOLLOW STANDARDS FOR FRONT
 YARD FENCES AS OUTLINED IN SECTION 4.7 OF THE UDO**

PREPARED BY:



DISCLAIMER:
 THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY AND IS
 SUBJECT TO CHANGE WITHOUT NOTICE.

VILLAGE WALK

SOUTHERN PINES, NC

EXHIBIT 'E'

THREE-STORY QUADPLEX

MARCH 10, 2025



THREE-STORY QUADPLEX - FRONT ELEVATION

SCALE: 1/8" = 1'-0"

PREPARED BY:



DISCLAIMER:
THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY AND IS
SUBJECT TO CHANGE WITHOUT NOTICE.

VILLAGE WALK

SOUTHERN PINES, NC

EXHIBIT 'D'

TWO-STORY QUADPLEX

MARCH 10, 2025



TWO-STORY QUADPLEX - FRONT ELEVATION

SCALE: 1/8" = 1'-0"

PREPARED BY:



DISCLAIMER:
THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY AND IS
SUBJECT TO CHANGE WITHOUT NOTICE.

VILLAGE WALK
SOUTHERN PINES, NC

EXHIBIT 'C'

SINGLE FAMILY
DETACHED COTTAGES

MARCH 10, 2025



SINGLE FAMILY DETACHED COTTAGES - FRONT ELEVATIONS

SCALE: 1/8" = 1'-0"

PREPARED BY:
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

DISCLAIMER:
THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY
AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

VILLAGE WALK
SOUTHERN PINES, NC

EXHIBIT 'F'

COMMUNITY PAVILION

MARCH 10, 2025



COMMUNITY PAVILION - ELEVATION

SCALE: 1/8" = 1'-0"

PREPARED BY:



DISCLAIMER:
THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY
AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

Watershed Protection Permit Application - NARRATIVE

Project Information:

Project Name: Village Walk Townhomes

Zoning District: RM-1

PIN: 857108887345; 857108888362; 857108889334; 857108980445; 857100981555

Parcel ID: 96000398; 00039171; 00033309; 00039172; 20190151

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

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

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

The proposed townhome development is consistent with the Comprehensive Plan.

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

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

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

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

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

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

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

Trevor Hansen, PLA

**VILLAGE WALK COTTAGE COURT
MAJOR SUBDIVISION JUSTIFICATION**

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

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

Not Applicable.

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

The proposed application conforms to all standards set forth in the CZD-RM-1 district and the development standards within the UDO. This project is also consistent with the goals and objectives of the 2040 Comprehensive Plan and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines.

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

The proposed development complies with the UDO and will meet all the requirements outlined for the Conditional Zoning District, in addition to applicable state and federal regulations.

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

The proposed development corresponds with and meets all standards and requirements set forth in the Village Walk CZD-RM-1 application, narrative, and list of conditions and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses within the underlying zoning district. The development of twelve (12) single-family detached residential and three (3) Quadplex multi-family lots is compatible with the Village Walk CZD-RM-1.

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

The units are densely clustered and oriented towards common green space gardens and shared amenities, with interconnected walking paths to foster community interaction and engagement amongst residents. The unique design is consistent with the Town's 2040 Comprehensive Plan providing "middle missing" housing options for both renters and owners at a scale that is compatible with the surrounding West Southern Pines Character District. The development will meet the Town's standards for an RM-1 district and offer a quality design with unique conditions and standards that reflect a



“Cottage Courtyard” development pattern, as recommended in the Town’s 2040 Comprehensive Plan. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

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

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

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR VILLAGE WALK COTTAGE COURT

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

RECITALS

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

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

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

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

ARTICLE I: DEFINITIONS

1. "Association" shall mean the Village Walk Cottage Court Homeowners Association, Inc., a North Carolina nonprofit corporation, its successors, and assigns.

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

ARTICLE II: PROPERTY RIGHTS

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

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

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

ARTICLE III: HOMEOWNERS ASSOCIATION

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

2. Voting Rights:

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

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

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

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

4. Assessments:

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

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

ARTICLE IV: USE RESTRICTIONS

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

2. Architectural Control:

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

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

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

4. Parking and Vehicle Restrictions:

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

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

5. Pets:

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

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

6. Trash and Recycling:

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

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

7. Lawn and Open Space Maintenance:

- The Association shall be responsible for the maintenance of all lawns and open spaces within the Subdivision, including mowing, fertilizing, and landscaping.

- No Owner shall alter, landscape, or plant in these areas without the prior written approval of the Association.

ARTICLE V: INSURANCE AND MAINTENANCE

1. Insurance:*

- The Association shall maintain adequate property insurance covering the Common Areas and any improvements thereon against loss or damage by fire, flood, storm, and other hazards, including liability insurance covering the Common Areas and the Board of Directors.

- Each Owner shall be responsible for obtaining insurance coverage for their Lot and townhome, including casualty, liability, and flood insurance if applicable.

2. Maintenance:

- The Association shall maintain the Common Areas, including roads, open spaces, and landscaping. Maintenance shall include, but not be limited to, repair, replacement, and upkeep of all common facilities, utilities, and infrastructure.

- Each Owner shall maintain their townhome and Lot in good condition and repair, including, but not limited to, exterior surfaces, roofs, windows, doors, and landscaping within the Lot boundaries.

ARTICLE VI: EASEMENTS

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

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

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

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

ARTICLE VII: AMENDMENT

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

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

ARTICLE VIII: GENERAL PROVISIONS

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

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

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

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

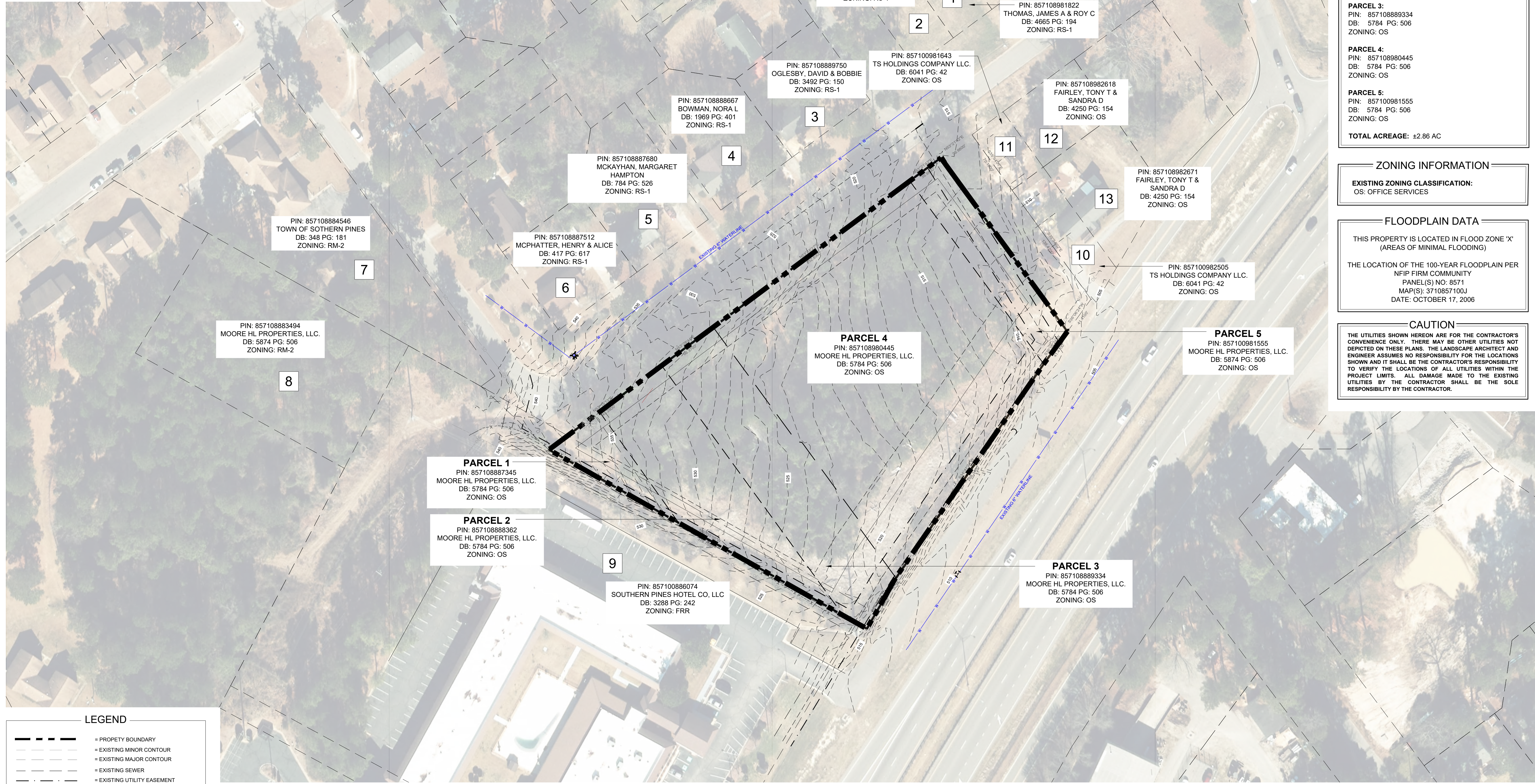
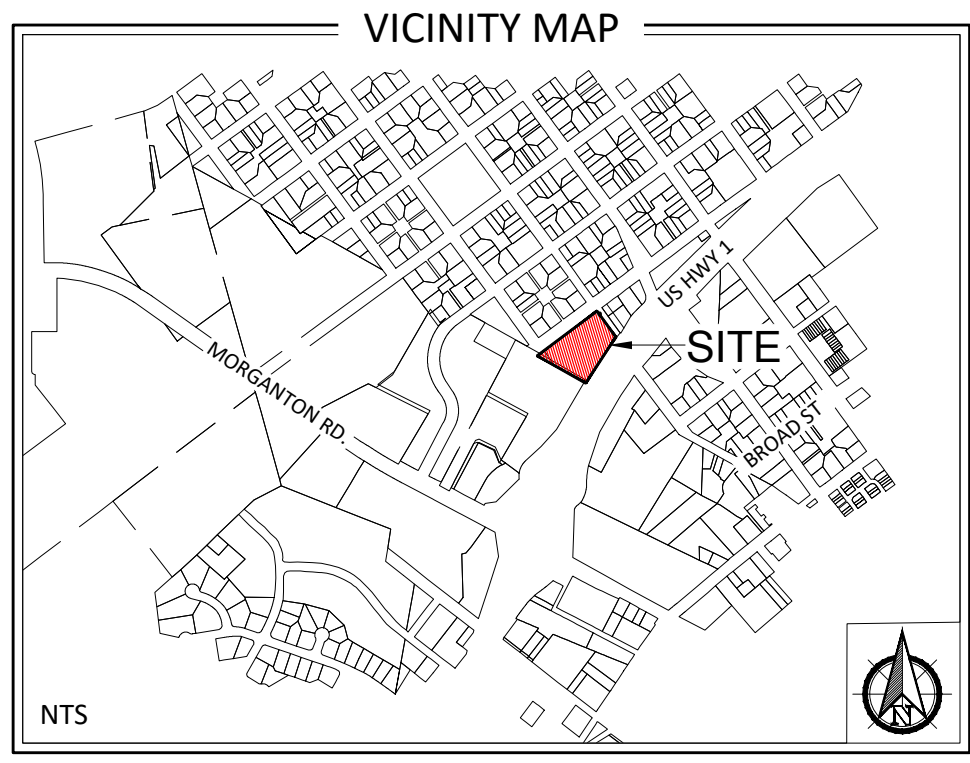
Headings are for convenience only and shall not affect the meaning or interpretation of any provision herein.

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

[DEVELOPER'S NAME]

[DEVELOPER'S SIGNATURE]

EXHIBIT A: Legal Description of Property



PROPERTY INFORMATION

PROPERTY OWNER/APPLICANT:
MOORE HL PROPERTIES, LLC.
55 WALNUT CREEK ROAD
PINEHURST, NC 28374

PROPERTY ADDRESS:
660 SW SERVICE RD
SOUTHERN PINES, NC 28387

PARCEL 1:
PIN: 857108887345
DB: 5784 PG: 506
ZONING: OS

PARCEL 2:
PIN: 85710888362
DB: 5784 PG: 506
ZONING: OS

PARCEL 3:
PIN: 857108889334
DB: 5784 PG: 506
ZONING: OS

PARCEL 4:
PIN: 857108880445
DB: 5784 PG: 506
ZONING: OS

PARCEL 5:
PIN: 857100981555
DB: 5784 PG: 506
ZONING: OS

TOTAL ACREAGE: ±2.86 AC

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:
OS: OFFICE SERVICES

FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8571
MAP(S): 3710857100J
DATE: OCTOBER 17, 2006

CAUTION

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

LEGEND

	PROPERTY BOUNDARY
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	EXISTING SEWER
	EXISTING UTILITY EASEMENT
	EXISTING WATER LINE

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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

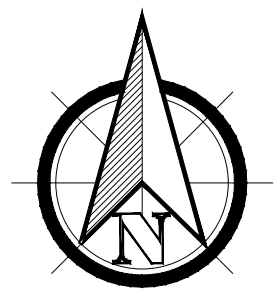
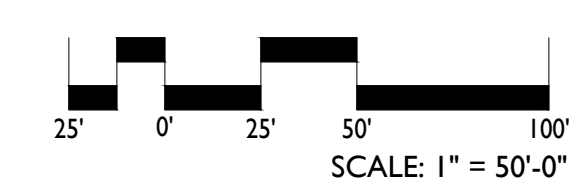
140 APPLE CREEK RD., SUITE B
PINEHURST, NC 28374
P: (910) 684-6867
W: www.koontzjones.com

REVISIONS:

REVISIONS:

REVISIONS:

VILLAGE WALK COTTAGE COURT
CONDITIONAL ZONING DISTRICT
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS



DATE: 03-10-2025
DESIGNED BY: REK
DRAWN BY: CN
CHECKED BY: TH
SCALE: 1" = 50'-0"
PROJECT #: K12D2102
SHEET NUMBER:
L-1.0



SUB LOT SETBACKS

SETBACKS (ZERO LOT LINES):
 FRONT: 0'
 SIDE: 0'
 REAR: 0'

FINAL BUILDING FOOTPRINT MAY BE LOCATED ANYWHERE WITHIN THE LOT, PROVIDED A 10' MINIMUM SEPARATION BETWEEN ADJACENT BUILDINGS IS MAINTAINED.

FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NCEM FIRM COMMUNITY PANEL(S) NO: 8571
 MAP(S): 37 10857100J
 DATE: OCTOBER 17, 2008

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:
 OS: OFFICE SERVICES

PROPOSED ZONING CLASSIFICATION:
 CZD-RM-1: CONDITIONAL ZONING DISTRICT

OVERALL PROJECT SETBACKS
 FRONT: 20' (REQUESTED REDUCTION UP TO 75% OF 25')
 INTERIOR SIDE: 10'
 EXTERIOR SIDE: 15'
 REAR: 30'

MAX BUILDING HEIGHT: 45'

PROPERTY INFORMATION

PROPERTY OWNER/APPLICANT:
 MOORE HL PROPERTIES, LLC
 55 WALNUT CREEK ROAD
 PINEHURST, NC 28374

PROPERTY ADDRESS:
 660 SW SERVICE RD
 SOUTHERN PINES, NC 28387

PARCEL 1:
 PIN: 857108887345
 DE: 5784 PG: 506
 ZONING: OS

PARCEL 2:
 PIN: 857108880362
 DE: 5784 PG: 506
 ZONING: OS

PARCEL 3:
 PIN: 857108880334
 DE: 5784 PG: 506
 ZONING: OS

PARCEL 4:
 PIN: 857108880445
 DE: 5784 PG: 506
 ZONING: OS

PARCEL 5:
 PIN: 857100981555
 DE: 5784 PG: 506
 ZONING: OS

TOTAL ACREAGE: ±2.86 AC

PROPOSED IMPERVIOUS SURFACE: ±70,317 SF
 (±1.61 AC) 67.7% OF OVERALL PARCEL

REQUIRED OPEN SPACE: ±0.29 AC (10.0% OF SITE)
 PROPOSED OPEN SPACE: ±0.50 AC (17.5% OF SITE)

RESIDENTIAL
 (2-) 3-BEDROOM COTTAGES: 12 UNITS
 (3) FOURPLEX BUILDINGS (1-3) BEDROOM: 12 UNITS

TOTAL UNITS: 24 UNITS / 8.4 DUA

PARKING REQUIREMENTS:
 (2-) 3-BEDROOM @ 2 SPACES PER UNIT + 1 SPACE PER 5 DWELLING UNITS:
 = 26 SPACES REQUIRED
 FOURPLEX @ 2 SPACES PER UNIT + 1 SPACE PER 5 DWELLING UNITS:
 = 27 SPACES REQUIRED

TOTAL VEHICLE PARKING SPACES REQUIRED: 53
 TOTAL BICYCLE PARKING SPACES REQUIRED: 6

GARAGE PARKING
 = 12 VEHICLE SPACES PROVIDED

SURFACE PARKING
 = 41 VEHICLE SPACES PROVIDED
 = 6 BICYCLE SPACES PROVIDED

TOTAL VEHICLE AND BICYCLE PARKING SPACES PROVIDED: 59

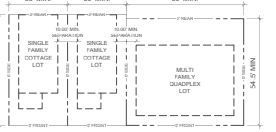
CAUTION

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LOT TABLE

LOT	TYPE	AREA (SF)
LOT 1	SINGLE FAMILY COTTAGE #1	±1,809 SF
LOT 2	SINGLE FAMILY COTTAGE #2	±1,809 SF
LOT 3	SINGLE FAMILY COTTAGE #3	±1,695 SF
LOT 4	SINGLE FAMILY COTTAGE #4	±1,695 SF
LOT 5	SINGLE FAMILY COTTAGE #5	±1,695 SF
LOT 6	SINGLE FAMILY COTTAGE #6	±1,695 SF
LOT 7	SINGLE FAMILY COTTAGE #7	±1,704 SF
LOT 8	SINGLE FAMILY COTTAGE #8	±1,704 SF
LOT 9	SINGLE FAMILY COTTAGE #9	±1,853 SF
LOT 10	SINGLE FAMILY COTTAGE #10	±1,742 SF
LOT 11	SINGLE FAMILY COTTAGE #11	±1,742 SF
LOT 12	SINGLE FAMILY COTTAGE #12	±1,742 SF
LOT 13	MULTI FAMILY QUADPLEX #1	±3,847 SF
LOT 14	MULTI FAMILY QUADPLEX #2	±3,270 SF
LOT 15	MULTI FAMILY QUADPLEX #3	±3,780 SF
LOT 16	COMMON AREA	±93,000 SF

COTTAGE COURT LOT TYPICALS
 (SINGLE FAMILY COTTAGE MIN. LOT SIZE 10.00 AC.)
 (MULTI FAMILY QUADPLEX MIN. LOT SIZE 10.00 AC.)



PAVEMENT LEGEND

- SIDEWALK
- ASPHALT

LEGEND

- PROPERTY BOUNDARY
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- EXISTING IRON ROD
- EXISTING UTILITY EASEMENT
- EXISTING TREES
- OPEN SPACE
- EXISTING SEWER EASEMENT



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

REVISIONS:

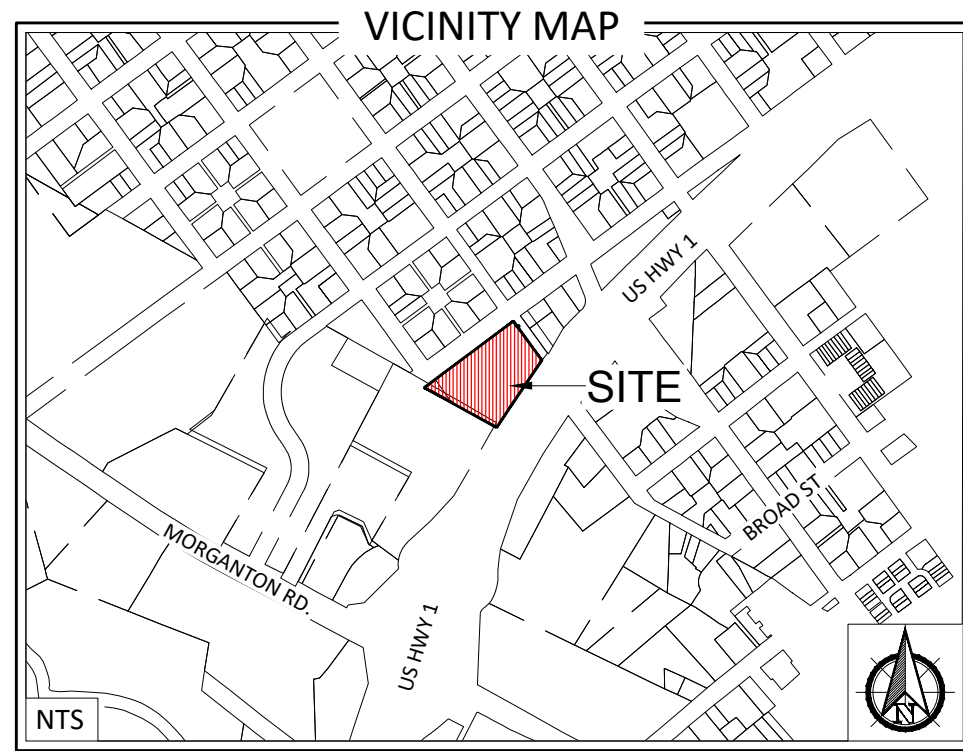
COONTZ JONES Design
 LAND PLANNING / LANDSCAPE ARCHITECTURE

100 APPLE CREEK RD., SUITE B
 SOUTHERN PINES, NC 28387
 P: (710) 684-9497
 W: www.coontzjones.com

VILLAGE WALK COTTAGE COURT
 PRELIMINARY PLAN
 SOUTHERN PINES, NORTH CAROLINA
 CONCEPTUAL SITE PLAN

DATE: 2025-04-02
DRAWN BY: CH TWB
CHECKED BY: JCK
SCALE: 1" = 30'-0"
PROJECT #: 2022-002
SHEET NUMBER: L-1.1

SCALE: 1" = 30'-0"



SUB LOT SETBACKS

SETBACKS (ZERO LOT LINES):
 FRONT: 0'
 SIDE: 0'
 REAR: 0'

FINAL BUILDING FOOTPRINT MAY BE LOCATED ANYWHERE WITHIN THE LOT, PROVIDED A 10' MINIMUM SEPARATION BETWEEN ADJACENT BUILDINGS IS MAINTAINED.

FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8571
 MAP(S): 3710857100J
 DATE: OCTOBER 17, 2006

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:
 OS: OFFICE SERVICES

PROPOSED ZONING CLASSIFICATION:
 CZD-RM-1: CONDITIONAL ZONING DISTRICT

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 FRONT: 20' (REQUESTED REDUCTION UP TO 75% OF 25')
 INTERIOR SIDE: 10'
 EXTERIOR SIDE: 15'
 REAR: 30'

MAX BUILDING HEIGHT: 45'

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 MOORE HL PROPERTIES, LLC.
 55 WALNUT CREEK ROAD
 PINEHURST, NC 28374

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 SOUTHERN PINES, NC 28387

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 DB: 5784 PG: 506
 ZONING: OS

PARCEL 2:
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 DB: 5784 PG: 506
 ZONING: OS

PARCEL 3:
 PIN: 857108889334
 DB: 5784 PG: 506
 ZONING: OS

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 PIN: 857108980445
 DB: 5784 PG: 506
 ZONING: OS

PARCEL 5:
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 DB: 5784 PG: 506
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TOTAL ACREAGE: ±2.86 AC

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 (3) FOURPLEX BUILDINGS / (1-3) BEDROOM: 12 UNITS

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TOTAL VEHICLE AND BICYCLE PARKING SPACES PROVIDED: 59

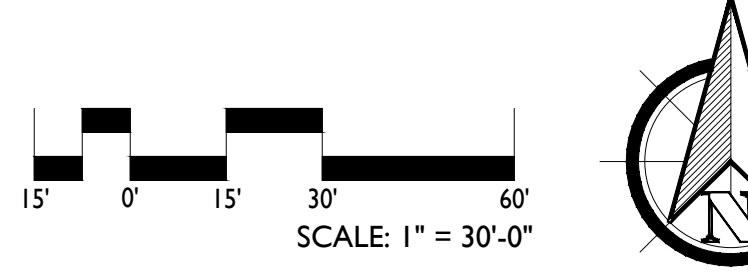
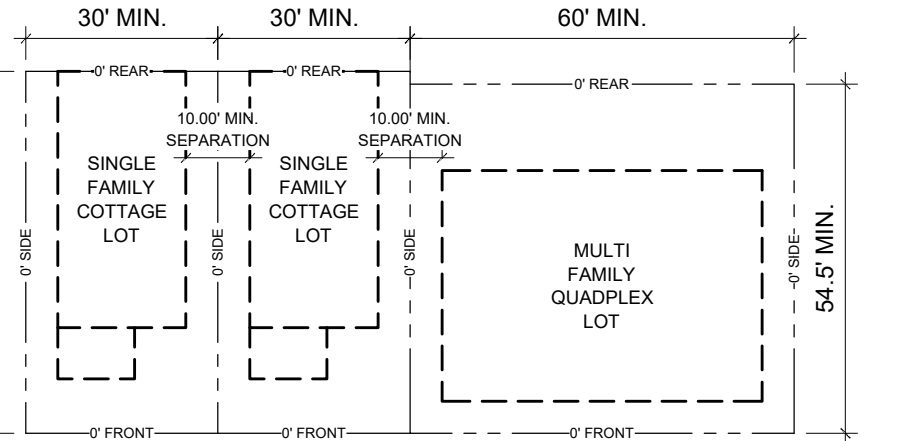
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LOT 16	COMMON AREA	±93,000 SF

COTTAGE COURT LOT TYPICALS
 (SINGLE FAMILY COTTAGE MIN. LOT SIZE ±0.04 SQ. AC.)
 (MULTI FAMILY QUADPLEX MIN. LOT SIZE ±0.08 SQ. AC.)



PAVEMENT LEGEND

- SIDWALK
- ASPHALT

LEGEND

- PROPERTY BOUNDARY
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- EXISTING IRON ROD
- EXISTING UTILITY EASEMENT
- EXISTING TREES
- OPEN SPACE
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PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

REVISIONS:

COONTZJONESDesign
 LAND PLANNING | LANDSCAPE ARCHITECTURE

140 APRILCROSS RD., SUITE B
 PINEHURST, NC 28374
 P: (910) 684-6467
 W: www.coontzjones.com

VILLAGE WALK COTTAGE COURT
 PRELIMINARY PLAN
 SOUTHERN PINES, NORTH CAROLINA
 CONCEPTUAL SITE PLAN

DATE: 2025-04-02
 DESIGNED BY: TWH
 DRAWN BY: CN
 CHECKED BY: REK
 SCALE: 1" = 30'-0"
 PROJECT #: K1D22102
 SHEET NUMBER: L-1.1



LEGEND

- PROPERTY BOUNDARY
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
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- EXISTING IRON ROD
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- EXISTING TREES
- PROPOSED SANITARY SEWER LINE
- PROPOSED WATER LINE

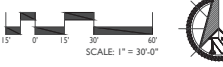


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 (AREAS OF MINIMAL FLOODING)
 THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
 NFIP FIRM COMMUNITY
 PANEL(S) NO: 8571
 MAP(S): 371057103J
 DATE: OCTOBER 17, 2006

ZONING INFORMATION
 EXISTING ZONING CLASSIFICATION:
 OS: OFFICE SERVICES
 PROPOSED ZONING CLASSIFICATION:
 C2-RM-1: CONDITIONAL ZONING

PROPERTY INFORMATION
 PROPERTY OWNER/APPLICANT:
 MOORE HL PROPERTIES, LLC.
 55 WALNUT CREEK ROAD
 PINEHURST, NC 28374
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 660 SW SERVICE RD
 SOUTHERN PINES, NC 28387
 PARCEL 1:
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KOONTZ JONES Design
 LAND PLANNING / LANDSCAPE ARCHITECTURE
 140 W PINECROSS RD, SUITE B
 SOUTHERN PINES, NC 28387
 P: (910) 694-8867
 W: www.kjdesign.com

REVISONS:
 1. 2025.04.03 - REVISIONS

DATE: 03.10.2025
 DRAWN BY: RJK
 CHECKED BY: JWB
 SCALE: 1" = 30'-0"
 PROJECT #: 2405002
 SHEET NUMBER:
L-1.2

VILLAGE WALK COTTAGE COURT
 CONDITIONAL ZONING DISTRICT
 SOUTHERN PINES, NORTH CAROLINA
 CONCEPTUAL UTILITY LAYOUT PLAN

DATE: 03.10.2025
 DRAWN BY: RJK
 CHECKED BY: JWB
 SCALE: 1" = 30'-0"
 PROJECT #: 2405002
 SHEET NUMBER:
L-1.2



From: [Jones, DeAngelo J](#)
To: [Cindy Williams](#); [Archie Daniel](#); [Cory Albers](#); [David Byrd](#); [Director](#); [Greg Thompson](#); [James Michel](#); [Ken Skipper](#); [JuarezPozos, Dagoberto](#); ncsandhillsrcw@fws.gov; [Cloutier, Rick](#); [Ron Istre](#)
Cc: [Alaina Mallette](#)
Subject: RE: [External] Z-03-25 Village Walk Conditional Zoning District
Date: Monday, April 7, 2025 3:13:10 PM
Attachments: [image001.png](#)

Hello Cindy

I have reviewed the plans for Village Walk Cottage Court. Comments are as follows:

1. A driveway permit will be required for the connection on the SW Service Road (SR 1872)
2. A 3-party encroachment will be required for the water main tie-ins along the SW Service Road (SR 1872).
3. Show impacts of utility conflicts with existing drainage system. Show how driveway drainage will interface with existing drainage system.
4. Provide grading and drainage plan.
5. Design detail of the proposed driveway connecting to SR 1872 is required.
6. Provide driveway profile .
7. Provide additional detail of the water main location relative to the edge of pavement of US 1 needs to be shown.
8. Please indicate existing sewer main on the plans.

If there are any additional questions please let me know.

Have a great day!

DeAngelo J. Jones

Senior Assistant District Engineer
North Carolina Department of Transportation
Division of Highways
Division 8, District 2

(910)944-7621
djjones1@ncdot.gov

902 N Sandhills Blvd
PO Box 1067
Aberdeen, NC 28315





TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: Z-03-25 – Village Walk

Location: Between South Hale Street and US Highway 1

PIN#s: 857108887345, 857108888362, 857108889334, 857108980445, and 857100981555

March 22, 2025

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

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

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

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

Thank you for allowing RLUAC to review this case.

Kia Anthony, Chairman

Vagn K. Hansen II, AICP, Executive Director

From: [Director](#)
To: [Cindy Williams](#)
Subject: Re: MAPP-01-25 Village Walk Major Subdivision
Date: Friday, March 28, 2025 11:55:57 AM

Cindy,

The comment letter provided for the conditional zoning case for the subject property is applicable to the subdivision review as well.

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

On Thu, Mar 27, 2025 at 1:43 PM Cindy Williams <CWilliams@southernpines.net> wrote:

Good afternoon,

Please review the attached Notice and site plan and respond with any comments or concerns at your earliest convenience.

Sincerely,

Cindy Williams

From: [Nora Bowman](#)
To: [James Michel](#)
Cc: [Alaina Mallette](#); [BJ Grieve](#)
Subject: Concern Regarding Village Walk Development
Date: Wednesday, April 9, 2025 5:20:50 PM

Dear Town of Southern Pines Planning Department,

My name is Nora Bowman, and I reside at 740 South Hale Street in Southern Pines. I am reaching out to express my concerns regarding the proposed Village Walk development located at 660 SW Service Road.

My neighborhood is located directly behind this project, along South Hale Street. While my neighbors and I understand that the development is still in its early stages, we would like to respectfully request that all construction traffic be routed exclusively via SW Service Road for both entry and exit to the site.

We believe that using SW Service Road for construction access—and eventually as the primary access for the Village Walk development—will significantly benefit both our neighborhood and the development itself. This route will help reduce the impact of construction-related traffic and noise, which could otherwise pose risks to the public health, safety, comfort, and general welfare of our community. Additionally, directing construction traffic away from South Hale Street will help minimize further wear and tear on a roadway that is already showing signs of damage from recent nearby construction activity.

Some of our neighbors were able to attend the recent neighborhood meeting held by Koontz Design. While that meeting was informative, many in the community still have broader concerns, and we trust that future opportunities will be provided for residents to voice those as the project progresses.

On behalf of the residents of our neighborhood, thank you for your time, consideration, and attention to this important matter.

Sincerely,

Nora Bowman

740 S Hale Street
Southern Pines, NC

NEIGHBORHOOD MEETING REPORT

DATE: March 26, 2025

PROJECT: Village Walk Cottage Court

LOCATION: 660 SW Service Rd
Southern Pines, NC 28387

SUBMITTED BY: Trevor Hansen

ATTENDEES: Trevor Hansen, Koontz Jones Design, PLLC
Devin Macfarlane, Koontz Jones Design, PLLC
Travis Greene, Moore HL Properties, Inc.

A Neighborhood Meeting was held on Thursday, March 20th, 2025, from 4:00pm to 6:00pm in the Center Room of the Southern Pines Train Station, located at 235 NW Broad Street in Southern Pines. The town of Southern Pines encourages applicants to hold a neighborhood meeting to provide citizens and property owners of affected areas with an opportunity to learn about applications for development approval. The owner and project team met with adjoining property owners to present the project and solicit feedback on the preliminary plans and exhibits for the proposed 2.8-acre "Village Walk Cottage Court" Conditional Zoning District. All adjoining property owners were notified by letter (see attached copy) a minimum of ten (10) days prior to the meeting.

The meeting was informal in nature, allowing property owners to attend at their convenience to review preliminary plans and exhibits and ask questions to the development team. No formal presentation was provided. Illustrative drawings of the overall master plan, architectural elevations, 3D model renderings, the submitted Conditional Zoning District narrative, and a site location map were provided for review by the owner's authorized agent. The owner and project team were available to answer questions regarding the proposed project.

Three individuals took the opportunity to attend the meeting, review plans, and discuss the project with the development team. A sign-in sheet requesting the name, address, and email address was kept and is attached to this document.

Trevor Hansen and Devin Macfarlane of Koontz Jones Design and Travis Green of Moore HL Properties were in attendance to provide information and review plans with attendees. Questions relating to aspect of the proposed development were raised and responded to by the project team. The following is a list of the questions posed by attendees and responses made by the project team:

- What is being proposed for the site?



- The project team showed plans and illustrative exhibits for the proposed development and provided a summary of what will be included in the development. It was explained that a total of 24 dwelling units, consisting of single-family detached cottages and multi-family attached quadplex units will be developed. It was explained to attendees where access will be provided, primarily from SW Service Rd as well as from Hale Street, overall proposed parking, and sidewalk accessibility along Hale Street. The project team highlighted that cottages will be appealing from both the front and rear of the units, with vegetation and fencing to buffer the development. Plans and exhibits were shown to explain the “Cottage Court” orientation with communal open space in the center of the development. It was explained that this proposed development reduces the number of dwelling units and the amount of required parking in comparison to the previously approved Special Use Permit for this site, filed by the previous landowner. Illustrative plans and illustrative exhibits were shown to help communicate the design intent and overall character of the proposed Cottage Court development.
- Why is this project going through the Conditional Zoning District process?
 - The project team explained the process of applying for a Conditional Zoning District. It was explained that going through a Conditional District rezoning would require us to establish site and project-specific conditions and deviations from the Town’s UDO standards, but that it will follow a recommended development pattern, Cottage Court, outlined in the Town’s Comprehensive Plan. It was also explained that there are no current UDO development and design standards for the proposed Cottage Court development pattern and that the Conditional Zoning District process was the only available process to approve this project type and create those standards for development.
- What is being done to deal with traffic in and out of the site?
 - The project team explained the requirements for site accessibility and fire code would require a minimum two points of egress. The projected team also explained that the previously approved SUP and site plan allowed for more units (34) than the (24) units that we were proposing, and that the traffic into this development, if approved, would be less than the previous SUP approval.
- Is the applicant aware of the adjacent daycare next door?
 - The project team let the adjoining owners know they were aware of the daycare and noted that the proposed plan will include a six foot (6’) tall opaque fence running along the edge of the daycare property and the site will conform to all buffer requirements of the UDO.
- How will the development affect views across Hale Street?
 - The project team explained how the proposed development will feature attractive facades to both the back and front of all proposed structures, and the architectural style will be designed to reflect the character of historic craftsman homes in Southern Pines. It was explained that the site will conform with the buffer requirements of the UDO, and existing vegetation within the Hale St right-of-way will be preserved where possible.

- What will the proposed units cost?
 - The project team explained that unit costs have not been determined at this point in the process, but that the differing unit types and densities will offer a variety of pricing options. The owner is planning to sell the units, but there is a possibility that future owners may lease them out to renters.

The project team considered all comments and feedback from the attendees; however, it was determined that this did not warrant any revisions to the layout, design, and/or proposal of the submitted application.



Trevor Hansen, PLA

These notes reflect the author's interpretation of the events during the referenced meeting. Any additions or modifications required should be submitted to the author in writing.

Agenda Item

To: Planning Board

From: BJ Grieve, Planning Director

Subject: OA-01-25: Various Text Amendments To the Unified Development Ordinance (UDO).

Date: April 17, 2025

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments related to recent changes in North Carolina General Statute (NCGS) passed as Session Law (SL) 2024-49 (SB 166). Planning staff is also using this opportunity to propose a suggested change to the Watershed Protection Overlay (WPO) that came from the Division of Energy, Mineral and Land Resources at NCDEQ and a staff-recommended change to Board of Adjustment voting requirements to improve consistency with state law. The planning staff is requesting Planning Board and Town Council review and approval per UDO §2.17. The proposed amendments are as follows, with reference to applicable section(s) of the UDO:

1. Amend UDO §2.20.6 to add language taken directly from NCGS §160D-804.1(1b), (1C) and (2) to add details about extensions, inspections and releases of collateral for Subdivision Performance Guarantees.
2. Amend UDO §2.39.2(B) with language taken directly from NCGS §160D-1110(h) to make clear that the town may not withhold a Certificate of Occupancy to compel completion of work with respect to another property or parcel unless the town determines a public safety issue, and to further clarify specific things that may NOT qualify as public safety issues.
3. Amend UDO Exhibit 3-14 to add Footnote #6 to enable the transfer of Watershed Exemption Allocation from Moore County to Southern Pines. This change comes as a suggestion from Mr. Shelton Sullivan at Division of Energy, Mineral and Land Resources at NCDEQ because the ability to transfer exemption allocation is not presently written into our local Watershed Protection Ordinance.
4. Amend UDO §4.11.10(B) to add a subsection (2) with language taken directly from NCGS §160D-804(k) to clarify that nothing in the UDO shall limit the use of curb and gutter design standards from NCDOT for subdivision roads “adjacent to, and serving, dwellings subject to the North Carolina Residential Code.”
5. Amend UDO §4.11.10(K) with language taken directly from NCGS §160D-804(c) to make clear that “for Subdivisions of 20 individual lots or less located within the

Extraterritorial Planning Area, pedestrian facilities, including sidewalks, are not required within rights of way for new streets designated as public” that are “to be submitted to the North Carolina Department of Transportation for review, unless the Town accepts long-term maintenance responsibilities by written agreement with the NCDOT prior to construction.”

6. Amend UDO §8.14.4(A) to make it consistent with NCGS §160D-406(i) to reflect that the concurring vote of four-fifths of the Board of Adjustment is needed to grant a variance, whereas a majority of the regular board is needed to decide an appeal.
7. Amend UDO Chapter 9 definitions with language taken directly from NCGS §143-214.7(D) to make the town’s definition of “Built-Upon Area” the same as the state definition.

The specific text of each proposed amendment, along with margin comments providing additional explanation and staff analysis of each change may be found in the attachments to this staff report. Planning staff will also present the proposed changes at the public hearing on April 17, 2025.

II. 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:

The proposed amendments to the UDO are depicted on a copy of the UDO that is attached to this staff report using ~~strikeout~~ for deletions and underline for additions. Only the sections being amended are attached. Margin comments that explain the reason for each proposed amendment, as well as the section of NCGS from which each amendment originates, are also included. This package of text amendments is primarily related to recent changes in NCGS, therefore there is no discussion on how each change implements the 2040 Comprehensive Plan. Planning staff is available during regular business hours prior to the Planning Board public hearing on April 17, 2025 for questions and/or to discuss any of the proposed amendments. Each topic will be presented to the Planning Board and public at the April 17, 2025 Planning Board Regular meeting.

The Planning Board's primary role when reviewing proposed amendments to the UDO is to advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan. In this case, the proposed amendments to the UDO are primarily to improve consistency with recent changes in state law. An additional change is simply improving the Watershed Protection Ordinance to allow transfer of exemption allocation, and another change is to correct an error in the Board of Adjustment voting language in the UDO.

D. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport and representatives of the Town of Southern Pines on March 28, 2025.

As of the completion of the staff report on April 11, 2025 no comments have been received. Any responses received from agencies following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

III. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Sections of the current UDO with proposed amendments, using ~~strikeout~~ for proposed deletions and underline for proposed additions.

IV. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed text amendments by the Town Council, the Planning Board shall advise and comment on whether the proposed

amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

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

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

- 1. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-25;**
2. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-25 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-25 as revised by the Planning Board as follows;

And, therefore, I move to:

- 1. Recommend approval of OA-01-25 to the Town Council.**
2. Recommend approval of OA-01-25 to the Town Council with the following changes:
3. Recommend denial of OA-01-25 to the Town Council.



ATTACHMENT A

**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-01-25**

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

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

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on April 17, 2025 to listen to public comments, ask questions of the Town’s Planning staff and to consider ordinance amendment application OA-01-25.

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

The 2040 Comprehensive Plan identifies many ways to improve the efficiency of providing town services. Multiple policies identify and prioritize opportunities to achieve operational efficiencies that will save taxpayers money over the short- and long-term. To that end, the proposed amendments to be clearer and more consistent with current state statutes and best practices for municipal zoning are in the public interest because greater clarity and legal defensibility in the process of administering local land use regulations results in more efficient and fair public service delivery.

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

ADOPTED this the 17th day of April, 2025.

Matthew Walden, Chairman

ATTEST:

Cindy Williams
Secretary to the Planning Board

Southern Pines Unified Development Ordinance

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

- (2) **Inspection Schedule.** It shall be the responsibility of the Applicant to notify the Town Engineer of the commencement of construction of improvements twenty-four (24) hours prior thereto.
 - (3) **Compliance with Standards.** The Applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.
- (J) **Acceptance of Improvements**
- (1) Approval of the installation and construction of improvements by the Town Council in accordance with General Statutes and section 100.20 et.seq. of the Town's Code of Ordinances shall constitute acceptance by the Town of the improvement for dedication purposes.
 - (2) The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements have been accepted by the Town Council.
 - (3) When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of the Town, and the Applicant has submitted as-built reproducible copies to the Town Engineer, the Town Manager shall recommend that the Town Council accept the dedications and improvements for maintenance by the Town. This shall not apply to improvements maintained by another entity.
- (K) **Site Cleanup.** The Applicant shall be responsible for removal of all equipment, material, and general construction debris from the Subdivision and from any Lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the Town is prohibited.
- (L) **Failure to Complete Improvements.** If no Subdivision Performance Guarantee has been executed and no security has been posted, the failure to complete all required public improvements within the period specified by the Town shall result in expiration of plat approvals. If a Subdivision

Performance Guarantee has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Town may:

- (1) Declare the Subdivision Performance Guarantee to be in default and require that Subdivision Performance Guarantee all public improvements be installed regardless of the extent of completion of the Development at the time the agreement is declared to be in default;
- (2) Suspend Final Plat approval until the public improvements are completed and record a document to that effect with the Town Department of Records for the purpose of public notice;
- (3) Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
- (4) Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the Subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
- (5) Exercise any other rights available under the law.
(*Ord. # 1716; Ord. #1919*)

2.20.6. Subdivision Performance Guarantee

- (A) **Applicability.** The Town Manager may waive the requirement for the completion of required improvements prior to action on the Final Plat if the Applicant enters into a Subdivision Performance Guarantee by which the Applicant covenants and agrees to complete all required on- and off-site public improvements no later than one (1) year following the date upon which the Final Plat is recorded, unless the Developer determines that the scope of work for the required improvements necessitates a longer duration. Such period shall only be extended for a duration necessary to complete the improvements.
- (B) **Dedication Required.** If the Applicant chooses to phase a Subdivision or enter into a Subdivision Performance Guarantee in lieu of completing all required improvements, the Town Council may require the Applicant to

dedicate land or complete and dedicate some required public improvements prior to approval of the Final Plat.

- (C) **Preparation of Agreement.** The Applicant shall bear the responsibility to prepare a Subdivision Performance Guarantee. The Town Attorney shall approve any Subdivision Performance Guarantee as to form.
- (D) **Covenants to Run with the Land.** The Subdivision Performance Guarantee shall provide that the covenants contained therein shall run with the land and bind all successors, heirs, and assignees of the Applicant. The Subdivision Performance Guarantee shall be recorded with the register of deeds. All existing lien holders shall be required to subordinate their liens to the covenants contained in the Subdivision Performance Guarantee.
- (E) **Performance Security**
 - (1) Whenever the Town Manager permits an Applicant to enter into a Subdivision Performance Guarantee, the Applicant shall be required to provide sufficient security to ensure completion of the required public improvements.
 - (2) The performance security shall be in an amount approved by the Engineering Official as reflecting one hundred and twenty-five (125) percent of the cost of the improvements in the approved Engineering Plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Performance Guarantee.
 - (3) In addition to all other security, when the Town participates in the cost of an improvement, the Applicant shall provide a surety bond from the contractor, with the Town as a co-obligee.
 - (4) The Town Manager is authorized to sign the agreement on behalf of the Town after the Town Attorney has approved same as to form.

(Ord. #1871; Ord. #1919)

- (F) **Type of Security.** The security shall be in the form of a surety bond, a letter of credit, cash, or cash escrow as follows:
 - (1) **Surety Bond.** A surety bond shall be executed by a surety company licensed to do business in the state in an amount equal to the cost estimate, as approved by the Town Engineer, of all uncompleted and unaccepted improvements required by these regulations (other

than gas, telecommunications and electric lines), with the condition that the Applicant shall complete such improvements per the terms of the Subdivision Performance Guarantee. The Town Engineer may sign the bond instrument on behalf of the Town, and the Town Attorney shall approve same as to form.

- (2) **Letter of Credit.** The Applicant shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the Town Engineer, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations.
- (3) **Cash or Cashier's Check.** The Applicant shall provide to the Town cash or a cashier's check in an amount equal to the cost estimate as approved by the Engineering Official of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon completion of the required site improvements and their acceptance by the Town Engineer, the amount will be refunded to the Applicant by the Town.
- (4) **Cash Escrow.** If security is provided in the form of a cash escrow, the Applicant shall deposit with the Planning Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount of at least the amount specified by the Town Engineer. A surety bond or cash escrow account shall accrue to the Town for administering the construction, operation, and maintenance of the improvements.

(Ord. #1919)

(G) Extension

- (1) The Applicant shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the Subdivision Performance Guarantee or any extension.
- (2) If the improvements are not completed to the specifications of the Town, and the current Subdivision Performance Guarantee is likely to expire prior to completion of the required improvements, the Subdivision Performance Guarantee shall be extended, or a new Subdivision Performance Guarantee issued, for an additional period.

Commented [BG1]: Taken from NCGS 160D-804.1(1b), which was added in 2019 (SL 2019-79). Since extensions aren't presently addressed in UDO, should be added here.

(3) An extension shall only be for a duration necessary to complete the required improvements.

the Town that the improvements for which Subdivision Performance Guarantee is being required are complete, or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the local government.

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Commented [BG2]: Taken from NCGS 160D-804.1(1c) with revisions per SL 2024-49 (SB166). Since inspection of improvements performed under a SPG isn't presently addressed in UDO, should be added here.

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(H) Inspection

(1) The Town shall conduct an inspection of the improvements subject to the Subdivision Performance Guarantee within 30 days of a request received from the Applicant and advise the Applicant whether the improvements are completed to the required specifications.

(H)(K) Reimbursement. Where oversized facilities are required, the Subdivision Performance Guarantee shall specify a reimbursement procedure.
(Ord. #1919)

(2) In the event the Town and the Applicant disagree whether a required improvement is completed to the specifications of the Town, the Applicant may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the specifications of the Town.

(H)(L) Temporary Improvements. The Applicant shall construct and pay for all costs of temporary improvements required by the Town Engineer and shall maintain said temporary improvements for the period specified.
(Ord. #1716; Ord. #1890, 1-6-21)

(G)(I) Reduction of Guarantees

2.20.7. Development Agreements

(1) When an Applicant has given security in any of the forms provided herein, and when fifty (50) percent of the required site improvements have been completed and accepted by the Town Engineer, or whenever any segment or segments of the required site improvements have been completed and accepted by the Town Engineer, the Applicant may substitute for the original guarantee a new guarantee in an amount equal to one hundred and twenty-five (125) percent of the cost of the remaining site improvements. The cost estimate shall be approved by the Town Engineer.

(A) **Purpose.** This section promotes and facilitates orderly and planned growth and Development through the provision of certainty in the Development Approval process by the Town and through corresponding assurances by Developers in accordance with G.S. 160D, Article 10. The Development Agreement is intended to:

(2) Such new guarantee need not be in the same form as the original guarantee so long as such guarantee is one that is listed herein. However, in no event shall the substitution of one security for another in any way change or modify the terms and conditions of the performance agreement or the obligation of the Applicant as specified in the Subdivision Performance Guarantee.

- (1) Implement the CIP and the conditions of Development Approval
- (2) Eliminate uncertainty in the Development Approval process;
- (3) Assure Applicants that, upon approval of their project, they may proceed in accordance with the policies, rules, and regulations identified in the Development Agreement;
- (4) Achieve the Town's goals and objectives through assurances that public facilities will be provided concurrent with Development;
- (5) Provide a mechanism to allow regulatory flexibility for specific Development proposals that achieve the Town's goals and objectives;

(Ord. #1919)

(J) Release

(1) The Subdivision Performance Guarantee shall be returned or released, as appropriate, within 30 days upon acknowledgement by

(6) Consistently implement G.S. §160D, Article 10.
(Ord. #1919)

Commented [BG3]: Taken from NCGS 160D-804.1(2), with revisions per SL 2024-49 (SB166). Since release of collateral isn't presently addressed in UDO, should be added here.

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2.37.3. Initiation

The Applicant shall submit a complete application for a Building Permit to the Chief Building Inspector.

(Ord. #1919)

2.37.4. Action

- (A) A Building Permit shall be issued by the Chief Building Inspector upon Determination that the application complies with all applicable codes, ordinances and Development Approvals.
- (B) A Building permit shall expire by limitation six (6) months after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of twelve (12) months, the permit shall expire.

(Ord. #1919)

2.37.5. Enforcement

These regulations shall be enforced by the Chief Building Inspector. It shall be a violation of these regulations for any person to change or permit the change in the use of land or Buildings or structures or to erect, alter, move or improve any Building or structure until a Building permit has been obtained under the following conditions.

(Ord. #1919)

2.38. PUBLIC USE RESERVATION**2.38.1. Applicability**

This provision shall apply to any Building permit for which a Site Plan is required and not otherwise subject to the approval of the Town Council where such a Building permit is requested within a planned Right-of-Way for public streets or utilities for which dedication or reservation is not otherwise required, or the planned site of public Buildings or facilities, including but not limited to fire stations, police stations, parks and greenways, schools, utilities treatment, storage, transmission, or collection facilities, and waste disposal facilities shown on the Comprehensive Plan.

2.38.2. Review and Action

The Planning Director shall forward the request to Town Council at its next regularly scheduled meeting. The Town Council shall decide at that meeting whether it wishes to require the reservation. If the Council does wish to require the reservation, it shall have a period of six (6) months in which to acquire the reserved area by purchase or eminent domain. If the Council has not purchased the reservation interest or begun condemnation proceedings within the seven (7) month period, the Building permit Applicant may treat the land as free of the reservation and the permit shall then be issued.

(Ord. # 1716)

2.39. CERTIFICATES OF OCCUPANCY**2.39.1. Purpose**

A Certificate of Occupancy is required to ensure that all applicable requirements have been met prior to the occupancy of a structure or land.

2.39.2. Applicability

(A) A Certificate of Occupancy shall be obtained prior to the occupancy or use of a structure subject to Building Permit requirements. No vacant land shall be occupied or used, except for agricultural uses, and no Building hereafter erected, reconstructed, altered, or enlarged shall be occupied or used until a certificate of occupancy has been issued. All of the requirements and conditions contained in any Development Approvals applicable to the property shall be required to have been met before the issuance of any Certificate of Occupancy.

(B) In order to comply with G.S. 160D-1110(h), the Town shall not withhold a Certificate of Occupancy in order to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with this UDO, unless otherwise authorized by law or unless the Town reasonably determines the existence of a public safety issue directly related to the issuance of a Certificate of Occupancy. For the purposes of this subsection, a "public safety issue" shall not include improvement, installation, placement, repair, or replacement of any of the following:

- (1) Landscaping around dwellings subject to the North Carolina Residential Code within individual lots.
- (2) Landscaping within common areas within a subdivision development.
- (3) Street lighting fixtures within common areas of a subdivision development.

2.39.3. Certificate of Occupancy for a Building

- (A) A Certificate of Occupancy for a new Building or the alteration of an existing Building shall be applied for coincident with the application for a Building Permit.
- (B) Said certificate shall be issued within three (3) days after written request to the Planning Director after the erection, reconstruction, alteration, or enlargement of such Building or part thereof has been completed and has been found to comply with applicable regulations.
- (C) Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the Planning Director for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a Building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the Town relating to the use or occupancy of the Premises or any other matter covered by this UDO, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- (D) A request for a Certificate of Occupancy for any Change of Use of a Building shall be made in writing at least ten (10) days in advance of such change, and shall be issued within three (3) days after such request if the new use complies with the provision of this UDO.

2.39.4. Certificate of Occupancy for Land

A Certificate of Occupancy for use of vacant land or the change in the character of the use of land, as herein provided, shall be applied for before any such land is occupied or used. A Certificate of Occupancy shall be issued within three (3)

days after the application has been made, provided such use complies with the provisions of these regulations.

2.39.5. Compliance

Certificate of Occupancy shall state that the Building or proposed use of a Building or land complies with all applicable Building and health laws and ordinances and with the provisions of this UDO. A record of all certificates shall be kept on file in the office of the Planning Director.

2.40. FLOODPLAIN DEVELOPMENT PERMIT

2.40.1. Purpose

Floodplain Development Permits shall be required prior to any Development within a Flood Hazard Area as defined in section 4.13 of this UDO.

2.40.2. Designation of Flood Damage Prevention Administrator

The Planning Director is hereby appointed to administer and enforce the provisions of this section and flood hazard regulations of section 4.13 of this UDO. The Planning Director is further authorized to render interpretations of the flood hazard area regulations that are consistent with its spirit and purpose.

2.40.3. Initiation and Action

Application for a Floodplain Development Permit involving any Flood Hazard Area shall be made to the Planning Director prior to any Development activities. The Planning shall issue a Floodplain Development Permit if the application demonstrates compliance with all applicable provisions of this UDO.

2.41. SIGN PERMIT

2.41.1. Purpose

This section documents the procedures for issuance of Sign Permits for Signs that comply with this section and section 4.6 of this UDO.

2.41.2. Applicability

Except as otherwise provided in the Sign regulations of this UDO, no Sign may be erected, moved, enlarged or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a

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Commented [BG4]: Change from SL 2024-49 (SB166). This describes a pretty specific situation. Probably 90% or more of the time these issues are completed or bonded prior to a Final Plat being approved. However, from time to time during the development approval process staff may get a request from an applicant wanting to put off installation of street trees or street lighting until as late as possible. At that moment early in the process, a development may commit to installing street trees or street lights prior to CO when they have money from the sold lot. Unfortunately, once the lot is sold and the home is built, the developer may forget and the builder or builder's manager(s) may not know of the requirement. This leaves staff in an awkward situation later when a family is waiting to move in to their new house and street trees or street lights are missing...neither of which are quick to install. Therefore, since this can't be done now anyways, staff feels it's important to have this new section of state statute clearly stated in the UDO so staff is more likely to see it and less likely to get into those situations.

Southern Pines Unified Development Ordinance

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

(D) Interference Prohibited

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

3.6.8. WPO - Watershed Protection Overlay District

(A) Purpose

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

(Ord. # 1919)

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

Amended

5-14-24

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

(B) Applicability and Procedures

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

(C) Water Quality Areas

The following Watershed protection areas are established:

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

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Southern Pines Unified Development Ordinance

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

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

(D) Development Density and Intensity Requirements

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

(E) Cluster Development

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

- (1) Minimum Lot sizes are not applicable to cluster Development projects; however the total number of Lots or Dwelling Units shall not exceed the number of Lots allowed for Developments in the applicable zoning district. Built-Upon Area of the project shall not exceed that allowed for the balance of Watershed.

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- (2) All Built-Upon Area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.
 - (3) The remainder of the Tract shall remain in a vegetated or natural state, not to be developed at any future date. Where the Development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management and maintenance. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds and individual property owners shall be responsible for maintenance.
- (F) **Buffers Required**
- (1) A minimum of thirty (30) foot vegetative buffer is required for Development activities along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
 - (2) No new Development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.

Exhibit 3-14: WPO District Development Density and Intensity Requirements

Location	Maximum Density or Intensity
Critical Area	New Development shall be limited to either one (1) Dwelling Unit per acre or twelve (12) percent built upon land area.
High Quality Water (HQW) / Protected Area	<p>New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the Development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. 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. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.</p> <ul style="list-style-type: none"> • For Commercial Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*. • For Residential Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.
Rest of Watershed (WS-III)	New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent Built-Upon Area. If the new Development exceeds either of these thresholds the project may apply for the 5/70 exemption*.

Table Notes:

*** 5/70 Exemption Allocation for Non-Residential and High- Density Attached Residential Development:** New Development may be developed at up to seventy (70) percent built-upon land area as follows:

1. The total area subject to this provision shall not to exceed five (5) percent of Southern Pines' jurisdiction as of July 1, 1993 within the Watershed and outside of the Critical Area.
2. Development in the **CB** district shall qualify for this allocation on a first come, first serve basis until the five (5) percent is exhausted.
3. Development outside of the **CB** district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:
 - a. The use and location of the use are consistent with the Comprehensive Plan;
 - b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;
 - c. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the Neighborhood and the Town as a whole; and
 - d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town.
4. All allocations shall be deducted from the five (5) percent total area allocation and shall be monitored by the Planning Director.
5. If this exemption is granted, a State stormwater permit shall not be required.

5-6. Moore County may transfer part of its right to 5/70 land area within the same water supply watershed to Southern Pines, upon submittal of an approved joint resolution between the Moore County Board of Commissioners and the Town Council and approval by the N.C. Environmental Management Commission

Exemptions: Those areas bounded by a pre- existing natural or permanent obstruction which prevents surface storm water runoff from

Commented [BG5]: This addition was recommended by Mr. Shelton Sullivan, Water Supply Watershed Program Coordinator with the Division of Energy, Mineral and Land Resources at NCDEQ. Mr. Sullivan recommended this addition in an email to Moore County Planning Director Debra Ensminger and Southern Pines Town Manager Reagan Parsons dated December 6, 2024. Moore County and Southern Pines had agreed to transfer 121 acres in the Little River (Intake No. 2) Watershed from Moore County to Southern Pines and a joint resolution to do so was submitted to the N.C. Environmental Management Commission for review. Mr. Sullivan recommended that while not specifically required, the authorization to perform these transfers, authorized per 15A NCAC 02B .0624(7)(c)(v), should be written into Southern Pines' UDO. Moore County has transfers authorized in its UDO, Section 16.9. This language is taken from the aforementioned section of NCAC as well as the 2023 Model Water Supply Watershed Ordinance.

reaching any designated water supply as determined in writing by the North Carolina Division of Water Quality, and the exception would have only an insignificant impact on the available allocation as determined by the Town Council.

All Development shall comply with the provisions of section 4.13 of this UDO.

(G) Public Health Regulations

- (1) Public health, in general. No activity, situation, structure or land use shall be allowed within the Watershed, which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and Hazardous Materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.
- (2) Abatement. The Planning Director shall monitor land use activities within the Watershed areas to identify situations that may pose a threat to water quality.
- (3) Where the Planning Director finds a threat to water quality and the public health, safety and welfare the Planning Director shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.
- (4) Stormwater runoff from Development should be transported by vegetated conveyances to the maximum extent practicable

3.6.9. FHO - Flood Hazard Overlay

- (A) Purpose
The **FHO** district is established as an overlay district of all general zoning districts for the purpose of protecting people and property from the hazards of flooding.
- (B) Areas of Applicability
The flood hazard districts are further described in section 4.13 of this UDO.
- (C) District Development Standards

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3.7. USE MATRIX AND INTERPRETATION

3.7.1. Table of Authorized Uses Established

Exhibit 3-15 lists the Principal Uses allowed by right within zoning districts as well as uses that may be authorized subject to approval of a Conditional Zoning district or Special Use Permit. Function codes of the Land Based Classification Standards (LBCS) of the American Planning Association (APA) correspond to the authorized uses and shall be used to define uses. All uses are subject to the standards and regulations within this UDO.

- (A) **LBCS Hierarchy.** The LBCS function codes establish a four-digit hierarchy of uses with digits to the right expressing greater specificity. Where no entry appears in the zoning district columns of Exhibit 3-15 (for example 1000, 1100 and 1110), the uses described more specifically in the rows below (1111 and 1112 in the above example) indicate whether or not a specific use is authorized. Where an entry appears in the zoning district columns of Exhibit 3-15 for a general use (for example 2520) and also for a more specific use (for example 2521) within the same classification, the more specific code and its entry shall govern.
- (B) **Zoning Permit Uses.** A “**Z**” indicates the listed use is allowed by right within the respective zoning district subject to issuance of a zoning permit in accordance with the procedures established in chapter 2. Note that standards for development of the listed use may be established in the zoning district standards or elsewhere in this UDO.
- (C) **Supplemental Conditions.** A “**ZS**” indicates that the listed use is allowed by right, but is also subject to supplementary conditions for specific uses set forth in Chapter 5 of this UDO.
- (D) **Conditional Zoning.** A “**CZ**” indicates that the use is only allowed in a Conditional Zoning district in accordance with the procedures established in Chapter 2 of this UDO.

arrangement, width and location indicated on any official thoroughfare plan for state and local streets.

- (B) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
- (C) Residential sub-collector and local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential Neighborhoods or to facilitate access to Neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through-traffic.

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

4.11.7. Street Connections Required

- (A) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street Right-of-Way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single Tract) at the point where the connection to the anticipated or proposed street is expected.
- (B) The Permit Issuing Authority may:
 - (1) Waive the requirement to develop the street when the Right-of-Way is extended, if it is determined that the Development of such street is not practicable.
 - (2) Require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. However, no temporary dead-end street or cul-de-sac in excess of one-thousand (1,000) feet may be created unless no other practicable alternative is available.

- (3) Authorize the Applicant to pay a fee in lieu of constructing the road connection at the time of Development.

4.11.8. Relationship of Streets to Topography

- (A) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Sections 4.13 and 4.14, and street grades shall conform as closely as practicable to the original topography.
- (B) The maximum grade at any point on a street constructed without curb and gutter shall be five (5) percent unless no other practicable alternative is available. In no case, however, may streets be constructed with grades that exceed ten (10) percent.

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

4.11.9. Blocks

When any newly created block exceeds six hundred (600) feet in length, the Town may require a cross-block connection to enhance mobility for bicyclists and pedestrians. Such connections shall be at least fifteen (15) feet in width and shall, at the Town’s discretion include a sidewalk or Multi-Use Trail that meets the minimum design specifications.

4.11.10. Street Width, Sidewalk and Drainage Requirements in Subdivisions:

- (A) Street rights-of-way shall be designed and constructed in conformance with the provisions listed below unless otherwise allowed for by the Town Council as part of a Special Use Permit or Planned Development application. The Town Engineer may require modifications to these standards based on natural and built conditions to effectively serve the following functions:
 - (1) To safely and efficiently carry motor vehicle traffic;
 - (2) To provide a safe and convenient passageway for bicycle and pedestrian traffic; and

(3) To serve as an important link in the Town's drainage system.
(Ord. # 1919)

(B) Curbs and Gutters.

(1) All streets, except as provided in paragraph (C) and section 4.11.14, shall be constructed with curb and gutter and shall conform to the other requirements of this paragraph. Only standard ninety (90) degree curb may be used, except that concrete roll-type curb shall be permitted along local and residential sub-collector streets within residential Subdivisions. Asphalt raised curb (wedge curb) may be permitted by the Town Council in Subdivision extensions where the existing Subdivision already has asphalt curb in fifty (50) percent or more of the existing footage of streets for the total Development that was approved under a master plan prior to the adoption of the UDO.

~~(2)~~ (2) In order to comply with G.S. 160D-804(k), nothing in this UDO shall limit or prohibit the use of curb and gutter design standards adopted by the NCDOT for subdivision roads adjacent to, and serving, dwellings subject to the North Carolina Residential Code.

(C) Public Streets without Curbs and Gutters. When the Town Council determines that due to site-specific drainage requirements and proposed street grade, shoulders and drainage swales would be more appropriate than curb and gutter, the streets shall be constructed according to the criteria indicated in Exhibit 4-18 or 4-19 as well as the construction standards and specifications in Appendix B. The Town Engineer may require modifications to these standards based on natural and built conditions to effectively serve the functions listed in paragraph (A) of this section.

(1) The standards in Exhibit 4-16, 4-17, 4-18, and 4-19, are minimums. Additional Right-of-Way may be needed to

accommodate the streets due to road design and topographical conditions.

(2) Where curbs and gutters are not used, the installation, maintenance and repair of pipes and culverts under Private Streets, Private Drives and driveways shall be the responsibility of the property owner(s) relying on such access to the Private Street.

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

(D) If a substantial section of a proposed street does not abut property to which pedestrian access from the street will be needed, parking and sidewalks, as required by paragraph A of this section, may be waived by the Town Council. The remaining design standards of this section and the construction standards in Appendix B shall continue to apply.

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

(E) In circumstances when sidewalks otherwise would be required on both sides of the street, an unpaved greenway or multi-use path may be permitted if the Town Council determines that the proposed greenway or multi-use path provides an equal level of service (that paved sidewalks would provide) to the users of the facility. Such a greenway or multi-use path may be substituted for a sidewalk on one or both sides of the street if:

- (1) If located adjacent to private streets, provisions are made that reasonably assures that the greenway or multi-use path will be installed and maintained in perpetuity as private without cost to the Town. If located adjacent to public streets, provisions are made that reasonably assures that the greenway or multi-use path will be installed without cost to the Town and then dedicated for public use; and,
- (2) The Town Manager reviews and approves the appropriateness of the substitution and the adequacy of the provision for installation and maintenance.

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Commented [BG6]: Taken directly from SI 2024-49 (SB166) and inserted where it seems most logical and most likely to be seen and acknowledged by all parties in the future.

- (F) Provision for Bicycles. All streets and stormwater improvements shall be designed to minimize bicycle safety hazards. Where sufficient Right-of-Way exists on collector and arterial streets, the Town may require the Developer to establish bike lanes.
- (G) On-street Parking. On street parking shall not be allowed along public residential sub-collector, collector or arterial streets unless provisions are made for sidewalks or a Multi-Use Trail.
- (H) Whenever the Permit Issuing Authority finds that a means of pedestrian access is necessary from the Subdivision to schools, parks open space, playgrounds or other roads of facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the Applicant may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.
- (I) In industrial districts sidewalks may be installed on only one side of the street if the Tract being developed provides greenways that satisfy the following conditions:
 - (1) The greenway is at least fifty (50) percent of the length of the required sidewalk on one side of the street;
 - (2) They provide reasonable connectivity to streets, sidewalks, and greenways within or adjoining the Development;
 - (3) They are constructed and maintained to the same standards as the Town’s public greenways;
 - (4) The public is entitled to use the greenways to the same extent as the sidewalk;
 - (5) Provision is made that reasonably assures that the greenway will be installed and maintained in perpetuity as private without cost to the Town; and
 - (6) The Town Manager reviews the proposed greenway and the provisions for its installation and maintenance and determines that it satisfies the requirements set forth above.

- (J) No fence, wall, Building shrub or tree trunk shall be located within two (2) feet of the outer edge the sidewalk except on commercial local streets.
- (K) In order to comply with G.S. 160D-804(c), for Subdivisions of 20 individual lots or less located within the Extraterritorial Planning Area, pedestrian facilities, including sidewalks, are not required within rights of way for new streets designated as public and to be submitted to the North Carolina Department of Transportation for review, unless the Town accepts long-term maintenance responsibilities by written agreement with the NCDOT prior to construction. Sidewalks are not required on a cul-de-sac serving only Lots of Single-Family residences when either:
 - (1) The cul-de-sac is no more than three-hundred (300) feet in length; or
 - (2) The cul-de-sac is more than three hundred (300) feet in length and serves no more than six (6) residences or Lots, and the Planning Department, in consultation with Public Services Department, determines that there is no reasonable possibility that the street Right-of-Way to which the cul-de-sac connects will include a sidewalk.
- (L) Where a previous Special Use Permit was approved with greenways located on street Right-of-Way, greenways may be substituted for sidewalks in those approved greenway locations.
(Ord. # 1919)
- (M) The Town Council may approve alternative sidewalk arrangements in conjunction with planned Development, Subdivision, special use or architectural compliance permit approval. Alternatives include the provision of Multi-User Trails in lieu of sidewalks, location of sidewalks within easements located adjacent to public Right-of-Way or other pedestrian accommodations that adequately provide for pedestrian circulation.

Commented [BG7]: Taken from SL 2024-49 (SB166), this reflects a situation in the ETJ that is now exempted from sidewalks per NCGS 160D-804(c)(5) unless the town accepts maintenance responsibility. Following release of draft text amendments when legal notice was posted, TRC added on April 8, 2025: “unless the Town accepts long-term maintenance responsibilities by written agreement with the NCDOT prior to construction.” This is consistent with state statute and allows for a possible situation where a subdivision in the ETJ can provide an addition to a Greenway if the town accepts maintenance responsibility.

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- (C) Make recommendations in connection with the execution and detailed interpretation of the Comprehensive Plan and this UDO, and make such changes and adjustments in the plan as may be deemed desirable from time to time.
 - (D) Develop and recommend to the Town Council policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
 - (E) Recommend, from time to time, legislation which may be desirable to further the purpose of Town planning.
 - (F) Make recommendations to the Town Council concerning:
 - (1) Development and amendment of the Comprehension Plan and Official Map;
 - (2) Development and amendment of this UDO and a Zoning Map;
 - (3) Planned Development Districts;
 - (4) Special Use Permits;
 - (5) Plats and other land Subdivision; and
 - (6) Development Agreements.
- (Ord. #1919)*
- (G) In addition to all other powers and duties provided by the provisions of this UDO, the Planning Board shall have such other powers and/or duties as may be provided by the Town Council.

8.14. BOARD OF ADJUSTMENT

8.14.1. Appointment and Terms of Board of Adjustment

- (A) There shall be a Board of Adjustment consisting of five regular members and three alternates. Three regular members and two alternates, appointed by the Council, shall reside within the Town. Two regular members and one alternate, appointed by the county board of commissioners, shall reside within the Town's Extraterritorial Planning Area. If, despite good faith efforts, sufficient numbers of residents of the

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- Extraterritorial Planning Area cannot be found to fill the seats reserved for residents of such area, then the county board of commissioners may appoint other residents of the county (including residents of the Town) to fill these seats. If the county board of commissioners fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Council may make them.
- (B) Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms only.
(Ord. #1981)
 - (C) Regular Board of Adjustment members may be removed by the Council at any time for failure to attend three consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures.
 - (D) If a regular or alternate in-town member moves outside the Town or if an Extraterritorial Area regular or alternate member moves outside the Planning Jurisdiction, that shall constitute a resignation from the board effective upon the date a replacement is appointed.
 - (E) Extraterritorial planning area members may vote on all matters coming before the Board.
 - (F) The in-town alternate may sit only in lieu of a regular in-town member and the Extraterritorial Area alternate may sit only in lieu of the regular Extraterritorial Area member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

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8.14.2. Meetings of the Board of Adjustment

- (A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can hear an application within 30 days of submittal.
- (B) The Board shall conduct its meetings in accordance with the evidentiary procedures set forth in chapter 2 of this UDO.
(Ord. #1919)
- (C) All meetings of the board shall be open to the public and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

8.14.3. Quorum

- (A) A quorum for the board of adjustment shall consist of the number of members equal to four-fifths of the regular board membership (excluding vacant seats). A quorum is necessary for the board to take official action.
- (B) A member who has withdrawn from the meeting without being excused shall be counted as present for purposes of determining whether a quorum is present.

8.14.4. Voting

- (A) The concurring vote of four-fifths of the regular board membership ~~(excluding vacant seats)~~ shall be necessary to grant a variance. reverse any order, requirement, decision, or Determination of the administrator or to decide in favor of the Applicant any matter upon which it is required to pass under any ordinance (including the issuance of a Special Use Permit) or to grant any variance. All other actions of the board shall be taken by majority vote, a quorum being present. A majority of the regular board membership shall be required to decide an appeal of an Administrative Decision or Determination or to determine an appeal in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the

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board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

- (B) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with paragraph (C) or has been allowed to withdraw from the meeting in accordance with paragraph (D).
- (C) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) If the matter at issue involves the member's own official conduct; or
 - (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (4) If a member has such close personal ties to the Applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (D) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (E) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (F) A roll call vote shall be taken upon the request of any member.

8.14.5. Board of Adjustment Officers:

- (A) At its first regular meeting in July, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its

Commented [BG8]: Somehow this section of our UDO has gotten out of synch with NCGS 160D-406(i) and this amendment will make it consistent with that section of state statute.

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members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.
- (C) The chairman and vice-chairman may take part in all deliberations and may vote on all issues.

8.14.6. Responsibilities

- (A) Power to hear and decide administrative appeals from any order, decision, requirement or interpretation of the Planning Director.
- (B) Power to hear and decide administrative appeals from any order, decision, requirement or interpretation of the Town Engineer or Code Enforcement Officer pursuant to a requirement or other provision in this UDO, but not including any matter related to a technical code referenced in section 2.31 or any engineering design standard.
- (C) Decide upon applications for variances and from flood hazard district overlay requirements.
- (D) Decide upon questions involving interpretations of this UDO or the Zoning Map, including disputed district boundary lines and Lot lines.
- (E) In exercising the abovementioned powers, the Board of Zoning Adjustment may, in conformance with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or Determination appealed from and may make such order, requirement, decision, or Determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(Ord. #2052)

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8.15. SPECIAL PROJECT ADVISORY COMMITTEE

8.15.1. Appointment and Composition

- (A) The Town Council may establish Special Project Advisory Committees to assist the Planning Board to carry out its planning responsibilities. Members of such an Advisory Committee sit as non-voting members of the Planning Board, but may participate in formal recommendations by the Planning Board to the Town Council.
- (B) The Town Council also may establish Special Project Advisory Committees as an independent advisory group, committee or commission to make recommendations on any issue directly to the Council.
- (C) An ordinance establishing a Special Project Advisory Committee shall specify the composition and duties of the committee.
(Ord. #1919)
- (D) One or more citizens that are residents of the Town or Extraterritorial Planning Area may be appointed to a Special Project Advisory Committee, to lend their talents, energies and expertise to the Town, to a term defined by the Town Council but not exceeding one year. Members may be appointed to not more than two (2) successive complete terms.
- (E) The Town Council may remove Special Project Advisory Committee members at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. If a member moves outside the Town or Extraterritorial Planning Area, that shall constitute a resignation from the Committee, effective upon the date a replacement is appointed by the Council.

8.15.2. Responsibilities

- (A) The purpose of the Special Project Advisory Committee is to serve as a body to guide, advise and make recommendations concerning issues related to planning. Advisory Committees provide judicious advice, from a citizen perspective, to the Town Council which is the Town's elected policy-

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Chapter 9. Definitions

9.1. RULES OF INTERPRETATION

9.1.1. Generally

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

9.1.2. Rules of Construction

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

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

9.1.3. Responsibility for Interpretations

All interpretations shall be the responsibility of the Planning Director.

9.2. ABBREVIATIONS

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

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

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9.3. DEFINITIONS

As used in the UDO, the following terms shall have the meanings assigned to them in this section. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

Administrative Decision: Decisions made in the implementation, administration, or enforcement of Development regulations that involve the Determination of facts and the application of objective standards set forth in this Chapter or local government Development regulations. These are sometimes referred to as ministerial decisions or administrative Determinations.

Adult Bookstore: An establishment having as a substantial or Significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Area", or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motels and Hotels: A place where motion pictures not previously submitted to or not rated by the Motion Picture Association of America are shown in rooms designed primarily for lodging, which said motion pictures have as the dominator primary theme matters depicting, describing or relating to Specified Sexual Activities.

Adult Motion Picture Theater: An enclosed Building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, for observation by patrons therein.

Applicant: A person, including any governmental entity, seeking Development Approval approval or a refund, a waiver or a credit.

Bed and Breakfast Home: A private home of not more than 4 guest rooms that offers bed and breakfast accommodations, and that:

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- (A) Does not serve food or drink to the general public for pay;
- (B) Serves only the breakfast meal, and that meal is served to overnight guests of the business;
- (C) Includes the price of breakfast in the rate; and
- (D) Is the permanent residence of the owner or manager of the business.

Bed and Breakfast Inn: A private home of more than 4 but not more than 12 guest rooms that offers bed and breakfast accommodations, and that:

- (A) Does not serve food or drink to the general public for pay;
- (B) Serves only the breakfast meal, and that meal is served to overnight guests of the business;
- (C) Includes the price of breakfast in the rate; and
- (D) Is the permanent residence of the owner or manager of the business.

Best Management Practices (BMP): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Boarding House: A residential use consisting of at least one Dwelling Unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate Dwelling Units. A rooming house or Boarding House is distinguished from a Tourist Home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory or Accessory Structure: A Building or structure that is located on the same Lot as a Principal Building or Structure, used incidentally to a Principal Building or used for purposes that are secondary the Principal Use of the site. For example, a storage shed is considered an Accessory Building when located on a Lot with a Single-Family residence.

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Southern Pines Unified Development Ordinance

Building, Principal or Principal Structure: The Building or structure on a Lot that houses the Principal Use. For example, in the example for the previous definition, the Single-Family home would be the Principal Building

Building Front or Frontage: The length of that side of the Principal Building that faces the street. For corner Lots, the front shall be determined by the Planning Director based on other Development along the faces of the block on which the corner Lot is located.

Built-Up Area: Built-upon areas shall include that portion of Development project that is covered by impervious or partially impervious cover including Buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) Impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. In order to comply with G.S. 143-214.7, the following shall not be considered Built-Up Area or an impervious or partially impervious surface:

- (A) A slatted deck.
- (B) The water area of a swimming pool.
- (C) A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric.
- (D) A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).
- (E) Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
- (F) Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.

Caliper: A standard measure of size for newly planted trees. Caliper refers to the trunk diameter, in inches, at a point six (6) inches above the ground (for trees equal to or less than a 4" Caliper), at a point twelve (12) inches above the

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ground (for trees larger than 4" Caliper), or as defined by the American Standard for Nursery Stock ANSI Z60.1.

Child Care Home: A home for not more than nine orphaned, abandoned, dependent, abused or neglected children together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

Child Care Institution: An institutional facility housing more than nine orphaned, abandoned, dependent, abused or neglected children.

Circulation Area: That portion of the Vehicle Use Area used for access to parking or loading areas or other facilities on the Lot. Driveways and other maneuvering areas (other than Parking Aisles) comprise the Circulation Area

Combination Use: A use consisting of a combination on one Lot of two or more Principal Uses separately listed in Exhibit 3-15.

Compatible/Compatibility - A condition in which land uses or conditions can coexist in a relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility does not require homogeneity, but does consider the relative scale, design and intensity of nearby structures, uses and activities.

Conditional Zoning: A legislative Zoning Map amendment with site-specific conditions incorporated into the Zoning Map amendment.

Conservation Easement: The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall either remain in its natural, scenic, open or wooded state; or be used for agricultural purposes authorized specifically authorized by the easement.

Conversion Schedule: A table submitted with the application for zoning approval identifying the proposed range of conversion between different types of uses within a PD district.

Council or Town Council: The Town Council of the Town of Southern Pines.

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Commented [BG9]: This change makes our definition mimic the language that SB 166 amended into G.S. 143-214.7(D). Note: another way to do this would be to change the definition to simply read "As set forth in North Carolina General Statute." However, a challenge with simply adding "See NCGS" cross-references in local regulations is that many times a person will not then go look up the definition and flip back and forth between a local UDO and NCGS. So the preferred option is to simply have the statutory language here, even though this may then require amendment if the statute changes.