



AGENDA

Town Council Business Meeting

Tuesday, February 10, 2026: 6:00 PM

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

a. Adoption of Agenda

4. PUBLIC COMMENTS

5. CONSENT AGENDA

a. Budget Amendments: Reservoir Dam

Recognizing interest and a portion of Q1 sales tax exceeding budgeted amounts, then appropriating these revenues and monies from the Garage CPF to the Reservoir Dam project to allow for water level controls

b. Budget Amendments: Whitehall Carriage House & Town Hall Loan Payment

Recognizing interest and sales tax revenues, then appropriating them to an installment loan payment for the Town Hall and the Whitehall CPF toward the Carriage House project

c. Resolution #1144 - Request to NCDOT to Lower the Speed Limit on Airport Road north of the Airport/22 Traffic Circle adjacent to the Caropines subdivision located in Southern Pines.

d. Meeting Minutes

Staff has prepared the following meeting minutes for approval:

- January 13, 2026, Town Council Business Meeting
- January 20, 2026, Town Council Work Session Meeting

6. ACTION ITEMS

a. Comprehensive Plan Phase 3 Implementation Projects

At the January 20, 2026 Work Session, the Planning Director presented a draft list of projects for Phase 3 of implementing the 2023 Comprehensive Plan. Planning staff are seeking Town Council approval of a final list of projects.

7. PUBLIC HEARINGS - LEGISLATIVE

a. Character District Amendments to Zoning Map and UDO (Continued from Nov. 6, 2026 Meeting)

A continuation of a legislative public hearing that first began at the November 12, 2024 meeting and that has been continued six times. The public hearing is regarding the creation of a Downtown Character District and a West Southern Pines Character District.

b. Landscaping & Tree Protection Amendments to UDO (Continued from Nov. 6, 2025 Meeting)

A continuation of a legislative public hearing that first began at the November 12, 2024 meeting and that has been continued six times. The public hearing is regarding proposed amendments to the UDO covering topics related to landscaping and tree protection requirements for new commercial development and subdivisions.

c. Waiting Periods, Signs & Appendix B Amendments to the UDO

The Town of Southern Pines Planning Department is proposing UDO text amendments that remove prohibited waiting periods for refiling applications, align temporary political sign regulations with state law, and update Appendix B to reflect recent state legislation and technical standards, including pavement design, roadway

testing, ADA compliance, and sight distance measurements. The Planning Board has recommended approval of the proposed amendments.

8. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's Website at sopinesnc.info/agendas. Video of the Town Council meetings will be live-streamed on the website for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream.



ORDINANCE #3161
AMENDING THE GARAGE PROJECT FUND BUDGET

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of designing and constructing a new garage to service Town vehicles and equipment.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Transfer to CPF – Reservoir Dam Improvements	<u>\$ 300,000</u>
Total Additional Project Appropriation	<u>\$ 300,000</u>

Section 4: The following amount is reduced for the project:

Design	<u>\$ 300,000</u>
Total Reduced Project Appropriation	<u>\$ 300,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective February 10, 2026.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 10, 2026 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3162
AMENDING THE RESERVOIR DAM IMPROVEMENTS PROJECT FUND BUDGET

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of funding and tracking of various projects to rehabilitate and upgrade the dam facilities at Reservoir Park.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Design & Construction	<u>\$ 800,000</u>
Total Additional Project Appropriation	<u>\$ 800,000</u>

Section 4: The following additional revenue is anticipated to be available for this project:

Transfer In – General Fund	\$ 474,400
Transfer In – Garage CPF	300,000
Interest	<u>25,600</u>
Total Additional Project Revenues	<u>\$ 800,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective February 10, 2026.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 10, 2026 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3163
AMENDING THE 2025-2026 FISCAL YEAR BUDGET
Reservoir Dam Improvements

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 10th day of February, 2026 that the Operating Budget for the Fiscal Year 2025-2026 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
-------------------	------------------	-------------	-----------------	-----------------

Revenues/Fund Balance Appropriations:

General Fund	Interest on Investments	10-329-0000	\$98,215	
General Fund	Fund Balance Appropriations	10-397-1000	\$376,185	

Expenditures:

General Fund	Transfer to CPF – Reservoir Dam Improvements	10-670-5300	\$474,400	
--------------	---	-------------	-----------	--

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 10, 2026 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3164

**AMENDING THE 2025-2026 FISCAL YEAR BUDGET
Town Hall Financing Payment and Whitehall Carriage House Work**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 10th day of February, 2026 that the Operating Budget for the Fiscal Year 2025-2026 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
-------------------	------------------	-------------	-----------------	-----------------

Revenues/Fund Balance Appropriations:

General Fund	Interest on Investments	10-329-0000	\$151,785	
General Fund	Local Option Sales Tax	10-345-0000	\$112,186	
General Fund	½% Sales Tax	10-345-0100	\$114,991	
General Fund	Article 44 Sales Tax	10-345-0300	\$53,288	

Expenditures:

General Fund	Installment Purchase-Town Hall	10-692-0540	\$327,250	
General Fund	Transfer to CPF – Recreation Improvements	10-670-5800	\$105,000	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 10, 2026 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3165

AMENDING THE RECREATION IMPROVEMENT PROJECT FUND BUDGET

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of various recreation & park improvements.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Construction	<u>\$ 105,000</u>
Total Additional Project Appropriation	<u>\$ 105,000</u>

Section 4: The following additional revenue is anticipated to be available for this project:

Transfer In – General Fund	<u>\$ 105,000</u>
Total Additional Project Revenues	<u>\$ 105,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective February 10, 2026.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of February 10, 2026 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



RESOLUTION #1144
REQUESTING NCDOT TO LOWER THE SPEED LIMIT ON A PORTION OF
AIRPORT ROAD

WHEREAS, the Town Council of Southern Pines is comprised of persons elected to both legislate and represent the interests of the population of the Town; and

WHEREAS, the Town Council wishes to increase the safety of the travelling public along a portion of Airport Road that passes through an area of incorporation and is heavily travelled by students of the O'Neal school, the Sandhills Community College (SCC), and Moore County School students taking classes at SCC; and

WHEREAS, the subject section of Airport Road is maintained and overseen by the North Carolina Department of Transportation (NCDOT); and

WHEREAS, the section of Airport Road has an existing speed limit of 55MPH and all roads within the corporate limits have speed limits of 45mph unless otherwise posted,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 10th day of February, 2026, that;

1. The Town Council requests that the North Carolina Department of Transportation reduce the speed limit along Airport Road (SR-2035) in both directions between the Airport Rd./NC 22 traffic circle and the Whispering Pines corporate limits from 55MPH to 45MPH
2. The Mayor and other Town officials are authorized to execute any additional documents that may be required by NCDOT with regard to this request.

This the 10th day of February, 2026.

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, January 13, 2026: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Mayor Pro Tem Pate moved to approve the presented meeting agenda, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

4. PUBLIC COMMENTS

Patricia Bentley criticized the members of Council who campaigned in favor of the 2023 Comprehensive Plan and then voted against the middle housing ordinance, citing the increasing cost of trying to move to Southern Pines.

Beth Ann Pratt thanked the three Councilmembers who voted in favor of the middle housing ordinance and expressed her disappointment in the two who voted against it. Ms. Pratt feels that we need to ensure homeownership remains attainable for young families and workforce professionals.

Ms. Pratt also commented on the planned tree removal in Knollwood Heights, citing the time that has passed since the trees were marked, and requested an update from staff.

5. CONSENT AGENDA

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

Motion passed.

a. Request: ROW Reduction on E. New York Ave.

A reduction of the ROW of E. New York was discussed at the August 23, 2025 Council Work Session. Council indicated an interest in moving forward with the reduction and asked Town Attorney McCarley to work with the property owner to prepare the appropriate documents. A plat showing the reduction has been prepared and reviewed by Staff. Staff ask that Council authorize the Town Manager and Planning Director to sign the plat.

b. Historic District Commission Reappointments

Dr. Robert Brown and Mr. Lane West are interested in being re-appointed to the Historic District Commission. Dr. Brown and Mr. West have each served one four-year term, both of which expired on December 13, 2025. Dr. Brown and Mr. West are eligible to be appointed to a second four-year term that would end on January 12, 2030.

c. Adoption of Minutes

Staff has prepared the December 9, 2025, Town Council Business Meeting Minutes for approval.

6. PUBLIC HEARINGS - LEGISLATIVE

a. Humane Society Petition for Annexation

The Humane Society of Moore County has petitioned to annex approximately 12.472 acres
Mayor Clement opened the public hearing.

Planning Director BJ Grieve presented the request and staff report to the Council. Planning Director Grieve noted that the staff recommendation is to annex both the petitioners request of 12.472 acres and the rights of way for both NC22 and Waynor Road. The right-of-way on Aviation Drive is not included because that is the boundary between Whispering Pines and Southern Pines per a previous annexation agreement.

Discussion ensued regarding annexation of the right-of way and potential issues regarding police jurisdiction.

Public comment was requested and none voiced.

Mayor Clement closed the public hearing.

Mayor Pro Tem Pate moved to approve Ordinance #3157 - To Extend the Corporate Limits of the Town of Southern Pines: Humane Society of Moore County AX-03-25, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

7. PUBLIC HEARINGS - EVIDENTIARY

a. Trimble Plant Road Preliminary Development Plan

The applicant proposes a Planned Development District Preliminary Development Plan to modernize and expand an existing industrial property on approximately 21.69 acres by adding a new 40,000 square foot industrial flex building to an existing 232,402-square-foot facility.
Mayor Clement opened the public hearing.

Town Attorney Mac McCarley qualified the Council by asking Councilmembers to disclose the following relative to the application and property: any specialized knowledge; a fixed opinion not subject to change; close relation to the applicant or property owner; and/or a financial interest in the outcome. All Councilmembers answered no.

Town Attorney McCarley asked the applicant if they wished to challenge any members of Council standing and the applicant answered no.

Mayor Clement swore in all those who wished to testify.

Town Planner II Mason Mattox presented the request and staff report to the Council.

Staff report = Exhibit A

Staff presentation = Exhibit B

Bob Koontz of Koontz Jones Design & V3 represented the applicant and addressed any questions from the Council.

Councilmember Petersen questioned the validity of the legal entity and claimed the legal holder had lapsed. Upon discussion with other Councilmembers and Town staff the question was deemed

irrelevant.

Mayor Clement asked for public comment and none were voiced.

Mayor Clement closed the public hearing.

Mayor Pro Tem Pate moved to adopt Attachment One of the staff report, as drafted, as Findings of Fact for PD-06-25; seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

Mayor Pro Tem Pate moved to therefore approve the Preliminary Development Plan for PD-06-25, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

8. ADJOURNMENT

Mayor Pro Tem Pate addressed a public comment and asked the staff to provide the public with an update regarding the tree removal in Knollwood.

Councilmember Curtin shared that he feels the Council and staff need to endeavor to do a better job on defining terms such as 'missing middle' so that the verbiage is not misunderstood by the public. He also stated that he will work to articulate votes better in the future.

Upon motion by Councilmember Gray, seconded by Mayor Pro Tem Pate, and carried unanimously, Council adjourned at 6:32 pm.
Motion passed.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, January 20, 2026: 3:00 PM

Town Council Work Session

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. ACTION ITEMS

a. Review and Request Adoption of the FY25 Audit

Finance Director Brubaker-Speis and representatives of Mauldin & Jenkins, our audit firm, will present the FY25 audit and request adoption.

Finance Director Tess Brubaker-Speis introduced Lee Ann Bagasala from Mauldin & Jenkins and shared that the audit was delayed due to the federal government shutdown, affecting the availability of necessary guidance documents.

Ms. Bagasala introduced herself and members of the audit team and proceeded to review the audit report. Ms. Bagasala informed the Council that the audit opinion is unmodified or clean, indicating no material weaknesses or significant deficiencies and covered federal and state programs including ARPA funding, Clean Water State Revolving funds, and Powell bill funds.

Audit Opinions and Compliance Reports

- The audit team issued four audit opinions, all of which were clean.
- Required communications and GASB standards were discussed.
- The audit team provided recommendations for process and internal control improvements.
- The town's financial statements were reviewed for significant accounting policies and management estimates.

Town Management and Audit Adjustments

- The audit team reported full cooperation from town management.
- A management representation letter was signed, confirming the accuracy of the information provided.
- The audit team did not find any significant issues or disclosures requiring further attention.
- One audit adjustment was made, related to payroll benefit expenses, which was deemed immaterial.

Discussion ensued with Councilmembers requesting clarification on the liability understatement related to compensated absence and the selection of audit topics or strategic methodology for picking grants.

The Council commended staff on their working relationship with the Audit team.

Councilmember Petersen moved to adopt the Fiscal Year 2025 Audit, seconded by Councilmember Curtin; the vote was unanimous.
Motion passed.

b. Approve Resolution #1143 to Modify the Capitalization Threshold for Leases and Subscription-Based Information Technology Arrangements

Staff recommends increasing the Town's capitalization threshold for GASB 87 Leases and GASB 96 Subscription-Based Information Technology Arrangements from \$20,000 to \$50,000. This is a threshold that determines whether an agreement is reported on the Town's financial statements as a right-to-use asset. The threshold for recognizing all other capital assets would remain at \$20,000, which was last updated in 2023.

Councilmember Petersen requested that GASB be defined within the body of the resolution.

Finance Director Brubaker-Speis reviewed the request for the Council.

Mayor Pro Tem Pate moved to approve Resolution #1143 to Modify the Capitalization Threshold for Leases and Subscription-Based Information Technology Arrangements, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

c. Ordinances #3158 & #3159 - Budget Amendments - FEMA Reimbursement from Tropical Storm Chantal

Ordinances amending the General Fund and Utility Fund for FEMA reimbursement and expenditures related to Tropical Storm Chantal response. Labor and equipment costs are excluded since they are expected to be absorbed within existing budgeted funds; however, they may be eligible for FEMA reimbursement. Longleaf Dam Sewer Line repairs and relocation are also excluded, as design and estimates/quotes for the work are still underway.

Finance Director Brubaker-Speis reviewed the request for the Council.

Discussion ensued on FEMA reimbursements for Tropical Storm Chantal and noted the outstanding project reimbursement for the Longleaf sewer line and dam failure..

Mayor Pro Tem Pate moved to adopt Ordinances #3158 & #3159 Budget Amendments, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

d. Approve Resolution #1142 — Directing the Clerk to Investigate an Annexation Petition Received Under G.S. 160A-31

A petition has been received requesting the annexation of 609 Clark Street to allow the owner to access the Town's utilities.

Town Manager Parson reviewed the request for the Council.

Mayor Pro Tem Pate moved to approve Resolution #1142 - Directing the Clerk to Investigate an Annexation Petition Received Under G.S. 160A-31, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

e. Written Decision for The Oaks Major Subdivision

Planning staff have prepared a draft Written Decision summarizing Town Council approval of MAPP-05-25, The Oaks Major Subdivision.

Planning Director BJ Grieve presented the item to the Council.

Discussion ensued regarding the Written Decision.

Councilmember Curtin moved to approve the Written Decision for The Oaks Major Subdivision, seconded by Mayor Pro Tem Pate; the vote was unanimous.
Motion passed.

f. Written Decision for Trimble Plant Road PDP

Planning staff have prepared a draft Written Decision summarizing Town Council approval of PD-06-25, Trimble Plant Road Preliminary Development Plan.
Planning Director BJ Grieve presented the item to the Council.

Discussion ensued regarding the Written Decision and Planning staff noted that the Written Decision was emailed to the applicant twice without any response, but the decision contains no conditions, so moving forward should not be an issue.

Mayor Pro Tem Pate moved to approve the Written Decision for Trimble Plant Road PDP, seconded by Councilmember Curtin ; the vote was unanimous.
Motion passed.

g. Resolution #1141 Adopting the Cape Fear Hazard Mitigation Plan

Moore County has been working along with representatives from its municipalities toward a Cape Fear Hazard Mitigation Plan. The Final draft, including background and purpose, can be reviewed at [Cape Fear RHMP 12.2.25 - Adobe cloud storage](#)

As a result of the Disaster Mitigation Act of 2000 and NC Senate Bill 300 each local government, including counties, cities, towns, and villages are required to have an approved Hazard Mitigation Plan in order to apply for hazard mitigation funding. The types of plans throughout North Carolina vary from multi-jurisdictional plans, town plans, city plans, and some village plans. North Carolina has approximately 180 hazard mitigation plans that must be updated every five years.

The counties of Moore, Chatham, Lee, Harnett, Johnston and their incorporated jurisdictions have developed a regional hazard mitigation plan with the assistance of a contractor. This plan incorporates five (5) multi-jurisdictional hazard mitigation plans into one (1) regional plan. The Southern Pines Fire Department regularly participates in the Hazard Mitigation Planning Meetings along with other counties and municipalities of this region.

Town Manager Parsons presented the request to the Council.
The Council appreciates the efforts of Chief Cameron and the fire department in developing the plan.

Councilmember Gray moved to adopt Resolution #1141 — Adopting the Cape Fear Hazard Mitigation Plan, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

h. Ordinance #3160 updating the Town Code regarding Utility late fees and shutoffs

Follow up from October 2025 temporary suspension of late fees and disconnections for past due balances of water and sewer fees.
Town Manager Parson and Finance Director Brubaker-Speis presented the request to the Council.

Discussion ensued regarding the suspension and impact of removing the \$6 late fee and \$20 shut off fee as well as the importance of maintaining a fair policy for utility customers.

Councilmember Gray moved to approve Ordinance #3160 - Updating the Town Code of Ordinances regarding Utility late fees and shutoffs, seconded by Councilmember Curtin; the vote was unanimous.
Motion passed.

5. COUNCIL UPDATES AND DISCUSSION

a. Discussion regarding Outdoor Special Event permitting

Staff wishes to discuss with the Town Council current rules and Codes around alcohol and permitted events and whether changes in current Codes are desired.

Town Manager Parsons, Deputy Chief Robert Heaton, Recreation Director Greg Thompson and Town Attorney Mac McCarley were present to discuss outdoor special event permitting.

Discussion ensued regarding the current limitations on permits, including alcohol sales, and considered expanding the types of beverages allowed under the OSC permit. Input was requested from the Police and Recreation Departments on best practices and revenue generation. Also discussed was:

- complexity of reviewing event applications
- different considerations for events in neighborhoods versus downtown areas
- operational-based policy for event approvals, focusing on event size and potential damage
- profitable versus non-profit events and potential for bias
- security and emergency services impact
- scheduling events that conflict with town-based programs

b. Whitehall Sitework Update

Providing council with an update on work related to the Whitehall Carriage House and site. Including completed, in-progress and pending projects; as well as an update on current budget spending.

Asst. Town Manager Jessica Roth presented an update of the work at Whitehall, including tree removals and grading for a new driveway and parking lot..A budget amendment is requested to cover the remaining quoted costs and expedite the project completion.

The Council supports the request and advises staff to move forward on the budget ordinance.

c. Planning Department Update

Planning staff will briefly update the Town Council on agenda items coming in February. Staff will also present a brief list of projects to be considered for Phase 3 of Comprehensive Plan implementation.

Planning Director Grieve presented an update on the following items:

- Historic District Plan and the need to review and refresh it to reflect current conditions and values.
- Comprehensive Plan and Implementation updates noting significant progress in meeting short-term priorities.
- Upcoming files for the February meeting agenda include character districts, landscaping, and tree protection amendments.
- temporary signage amendments during municipal elections

6. COUNCIL ROUNDTABLE

Mayor Pro Tem Pate

- expressed his confidence in the Town's checks and balances to prevent mismanagement of funds.

Councilmember Curtin

- feels the last full survey was in 2010 and would like more information on the Historic District planning priorities. Councilmember Curtin asks for:

1. Brief summary of coverage of survey
2. Recent spot checks or surveys
3. Plan or time for future updates
4. How the insights from West Southern Pines informed the main district's efforts

Mayor Clement had nothing significant to share.

Councilmember Gray

- Martin Luther King Jr. weekend events, including the postponement of the Sunday service, due to weather, to the West Southern Pines Cultural and History Center (25th at 3:30 pm)
- praises the finance team for their efficient operations

Councilmember Petersen

- commends Councilmember Curtin on his efforts
- interested in the integration of the Historic District with the Town's current goals. Believes that Planner II Mason Mattox will provide valuable insight and education on the Historic District.
- suggest meeting with the multi-modal committee to better understand their activities and align their expectations with our own
- Political signs issues and feels that the Town should dovetail with the state regulations.
- questioned if partial implementation of the tree amendments is possible.

7. ADJOURNMENT

Upon motion by Councilmember Gray, seconded by Mayor Pro Tem Pate and carried unanimously, Council adjourned at 5:32 pm.
Motion passed.

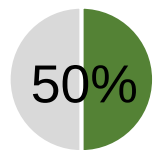
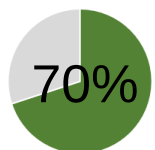
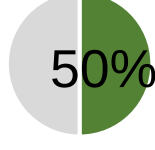
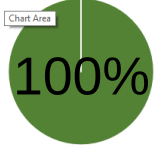
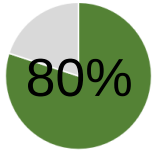
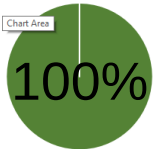
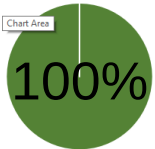
Respectfully submitted:

Elizabeth Robertson, Town Clerk

Phase 1 Implementation Projects:

- 1. Protection/enhancement of community character. (Policy 3.1, 3.2)
- 2. More *legislative* development approval processes. (Policy 3.3, 3.4)
- 3. More protection of existing trees during development. (Policy 4.3, 4.4, 10.6)
- 4. Better define a “tourist home.” (Policy 7.7 – Step 1)
- 5. Accessory Commercial Units (ACUs) for small businesses and entrepreneurship. (Policy 9.4, 9.7)
- 6. Require sidewalks with commercial development. (Policy 4.12, 8.1)
- 7. Begin discussions regarding future of Old US 1 Triangle w/ landowners. (Policy 7.4, 9.2, 9.7, 11.2)

% Complete:





Southern Pines

NORTH CAROLINA

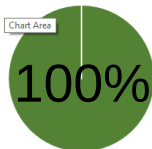
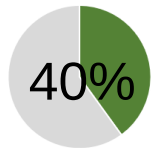
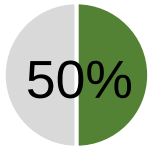
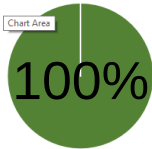
2040 Comprehensive Plan

Adopted September 12, 2023

Phase 2 Implementation Projects:

% Complete:

- 1. Protect/Enhance Community Character (Goal 3):
 - a. Parking Code Revisions (Policy 3.2, 3.9)
- 2. Expand housing options (Goal 7)
 - a. Promote Diversity of Housing (Policy 7.1)
 - b. Encourage more Workforce Housing (Policy 7.5)
- 3. Improve Transportation Options (Goal 8):
 - a. Apply for NCDOT Multimodal Planning Grant (March 2025)
 - b. Complete Streets Audit (Policy 5.3, 8.3)
- 4. Expand Local Business & Employment (Goal 9):
 - a. Accessory Commercial Units as small-business incubation. (Policy 9.4, 9.6)
- 5. UDO Cleanup
 - a. Sign Code Revisions (Policy 3.2, 3.11, 7.4)
 - b. Senate Bill 166 Updates
 - c. Remove Vestiges in UDO (ex. MRO, Chapter 6)
 - d. Add Watershed Credit Transfers to UDO



DRAFT Phase 3 Implementation Projects:

1. Improve Communication & Coordination (Goal 2):
 - a. Conduct 3-year Comp Plan review (Policy 2.2)
2. Protect/Enhance Community Character (Goal 3):
 - a. Temporary signage corrections
 - b. “Right-sizing” parking (Policy 3.2, 3.9)
3. Protect Green Infrastructure (Goal 4)
 - a. Tree protection measures (Policies 4.1, 4.3, 4.4)
 - b. Examine SWM practices and opportunities (Policies 4.5, 4.6, 4.7, 4.8, 4.10)
4. Expand Housing Options (Goal 7):
 - a. Accessory Dwelling Units (Policy 7.1, 7.5)
5. Improve Transportation Options (Goal 8):
 - a. Transition “BPAC” to “MMAC.” (Policy 8.8)
6. Expand Local Business Opportunities (Goal 9)
 - a. Looks at expanding HBB opportunities rather than ACUs (Policy 9.3, 9.4).
7. Protect Historic Resources (Goal 10)
 - a. Evaluate the National Register and local historic districts. (Policies 10.1, 10.2)




**Southern
Pines**

NORTH CAROLINA

2040 Comprehensive Plan

Adopted September 12, 2023

Agenda Item

To: Reagan Parsons, Town Manager

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

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

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

Date: February 10, 2026

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is continuing with implementation of the 2040 Comprehensive Plan by proposing a Zoning Map amendment to modify the boundary of the Downtown Transition Overlay as well as text amendments to amend the Downtown Overlay and West Southern Pines Overlay. The text amendments relate to implementing character-based zoning standards for commercial and multi-family development. The proposed amendments are an implementation of Policies 3.1 and 3.2 in the 2040 Comprehensive Plan. Planning staff request Town Council review and an approval decision per UDO §2.17. The boundaries of the proposed Zoning Map amendment and the proposed UDO text amendments were provided in the December 17, 2024 staff report and attachments, available at these links:

1. [December 17, 2024 staff report.](#)
2. [Proposed Zoning Map](#)
3. [Unified Development Ordinance \(UDO\) showing proposed text changes.](#)

II. TOWN COUNCIL REVIEW:

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

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

1. Clarifying language for sidewalk locations.

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

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

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

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

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

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

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

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

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

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

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

At the December 17, 2024, regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to its March 11, 2025, meeting considering recently adopted state legislation (i.e., Senate Bill 382 modifying NCGS §160D-601 Procedure for Adopting, Amending, or Repealing Development Regulation) that amended provisions for down-zoning. The Town Council wished to provide Planning staff and legal counsel sufficient time to review the proposed text amendment in light of the state-level changes. At the January 28 and February 25, 2025, work session meetings of the Council, Planning Director BJ Grieve provided planning updates to the Council regarding the status of state-level legislation in light of North Carolina communities’ concerns over the amended provisions for down-zoning.

At the March 11, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to the June 10, 2025 meeting to allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

At the June 10, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to the September 9, 2025 meeting to again allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

At the September 9, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 60 days to the November 6, 2025 meeting to again allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

At the November 6, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments an additional 90 days to the February 10, 2026 meeting to again allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

Planning staff have consulted with the Town Attorney and a land use law consultant, and at this time recommend making a final determination on files Z-04-24 and OA-04-24.

III. PLANNING BOARD REVIEW:

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

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

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

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

IV. APPLICATION REVIEW:

Application Review Dates

- Notice of October 24, 2024 Planning Board Public Hearing:
 - Posted On-site: **September 30, 2024**
 - Mailed: **October 1, 2024**

- Internet: **August 15, 2024**
- Planning Board Preliminary Forum: **October 24, 2024**
- Notice of November 12, 2024, Town Council Public Hearing:
 - Posted On-site: **September 30, 2024**
 - Mailed: **October 28, 2024**
 - Publication Dates: Emailed to The Pilot on **October 28, 2024**
 - Internet: **October 29, 2024** (revisions)
- Town Council Regular Meeting/Public Hearing: **November 12, 2024**
- Town Council Regular Meeting/Public Hearing (continued): **December 17, 2024**
- Town Council Regular Meeting/Public Hearing (continued): **March 11, 2025**
- Town Council Regular Meeting/Public Hearing (continued): **June 10, 2025**
- Town Council Regular Meeting/Public Hearing (continued): **September 9, 2025**
- Town Council Regular Meeting/Public Hearing (continued): **November 6, 2025**
- Town Council Regular Meeting/Public Hearing: **February 9, 2026**

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

A. Review Process for a Zoning Map Amendment:

Zoning map amendments are reviewed pursuant to UDO §2.17.

B. Criteria for a Zoning Map Amendment Review:

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

2.17.9. Criteria for UDO Text Amendments

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

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

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

(C) Suitability as Presently Zoned. *The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the*

others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the Neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.

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

C. Review Process for a Text Amendment:

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

D. Criteria for a Text Amendment Review:

When reviewing amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider the guidance of the following criteria, as set forth in UDO §2.17.10.:

2.17.10. Criteria for UDO Text Amendments

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

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

- (B) Health, Safety, and Welfare.** *The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*
- (C) Public Policy.** *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*
- (D) Other Factors.** *The Hearing Body may consider any other factors relevant to a text amendment application under state law.*
- (E) Impacts.** *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

E. Staff Comments:

Town Council's Role

The Town Council's primary role when reviewing proposed Zoning Map and UDO text amendments is to determine whether the proposed amendments are consistent with the Comprehensive Plan. The Town Council shall also determine if the amendments are reasonable by considering factors including, but not limited to, area attributes, affects on landowners and the community, and why the action is in the public interests. In this case, the proposed amendments are a direct implementation of Policies 3.1 and 3.2 in the 2040 Comprehensive Plan.

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

Narrative on Character Districts

Following the adoption of the 2040 Comprehensive Plan in September 2023, the Town Council chose seven Comprehensive Plan initiatives that were most important to immediately implement. One of those seven was the identification and codifying of character-based zoning for West Southern Pines, Downtown, and Downtown-Adjacent Character Districts. With the Town Council's initial guidance given, the Planning Department began work on the project.

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

Date	Event / Activity
Sep 9, 2023	2040 Comprehensive Plan adopted.
Sep 2023	“Phase 1 Projects” identified by Town Council.
Oct 2023	Planning staff contract Inspire Placemaking Collective to lead Character Districts’ implementation.
Nov 2023	Initial planning between town staff and Inspire.
Dec 7, 2023	First Character District stakeholder meetings: 1. Downtown Transition (now Downtown Overlay) 2. West Southern Pines 3. Downtown Adjacent (“Pinedene”)
Jan 23, 2024	Inspire’s Initial Assessment Report published.
Feb 15, 2024	Second Character District stakeholder meetings (with the three separate districts).
Mar 28, 2024	Character District public forum meeting at the E.S. Douglass Community Center.
Apr 2024	Planning staff and consultants determined the “Focus Area C” (“Pinedene”) Character District requires more flexibility then can be achieved in a UDO text amendment. A “Design Guide,” under the Comprehensive Plan, was determined the best way forward—separating and changing this district’s implementation.
Jun 18, 2024	Draft Zoning Map and UDO text amendments sent to stakeholder groups for feedback.
Aug 2, 2024	Draft amendments sent out for agency comments.
Aug 15, 2024	Draft Zoning Map and UDO text amendments published to the town website.
Oct 2, 2024	2,195 Ordinance Amendment postcards mailed to all landowners the three character districts—notifying of the Planning Board public hearing.
Oct 24, 2024	Planning Board Public Hearing on: • Zoning Map Amendment for modifications to the boundary of the Downtown Overlay (Z-04-24) • “Character District” zoning overlay commercial design standards for Downtown and West Southern Pines (OA-04-24) • The “Pinedene” Design Guide as a Comprehensive Plan amendment
Oct 28, 2024	2,195 Ordinance Amendment postcards mailed to all landowners the three character districts—notifying of the Town Council public hearing.
Nov 12, 2024	Town Council Regular Meeting where the council opted to continue the Z-04-24 and OA-04-24 public hearing to the December 17, 2024 regular meeting.

During development of the Character District, the area depicted as “Focus Area C” in the Comprehensive Plan changed from a regulatory Character District implemented via zoning to a Design Guide adopted as an Appendix to the

Comprehensive Plan. A Comprehensive Plan amendment requires a different process, so what is now known as the “Pinedene Design Guide,” is not included in this staff report. Staff will report on the Pinedene Design Guide in a separate report (LRP-01-24).

Staff Conclusion

Regarding the Zoning Map Amendment (Z-04-24) for the Downtown Overlay and UDO text amendments for Downtown and West Southern Pines Overlays (OA-04-24), staff assess that each meet their corresponding criteria for approval pursuant to UDO §2.17. These proposed changes directly result from the Comprehensive Plan implementation strategy, and reflect the priorities and values of the community as a whole.

Unfortunately, after in-depth review, staff, the Town Attorney, and the town’s land use law consultant all find that these proposed changes would be inconsistent with NC state statute. The changes would create types of nonconformities that local governments are prohibited from creating under Session Law 2024-57 (Senate Bill 382). For this reason, staff recommend denying both Z-04-24 and OA-04-24.

F. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport and representatives of the Town of Southern Pines on August 2, 2024.

As of the completion of the staff report on November 21, 2024, responses have been received from RLUAC and NCDOT that they have no comment on the proposed amendments. Staff will provide any responses received from other agencies following completion of this staff report, but prior to the public hearings, verbally at the hearings.

V. ATTACHMENTS:

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

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

VI. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for map amendments and text amendments found in UDO §2.17.9 and UDO §2.17.10, including consistency with the Comprehensive Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing

plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance:

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

1. The proposed map amendment (Z-04-24) is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the Z-04-24 & OA-04-24 staff report;
2. The proposed map amendment (Z-04-24) is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the Z-04-24 & OA-04-24 staff report, but with the following edits or additions to the resolution...
3. **The proposed map amendment (Z-04-24) is consistent with the 2040 Comprehensive Plan, but is inconsistent with North Carolina Session Law 2024-57 (Senate Bill 382), given the nonconformities it would create in the Southern Pines jurisdiction.**
4. The proposed map amendment (Z-04-24) is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

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

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

1. The proposed text amendments (OA-04-24) are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the Z-04-24 & OA-04-24 staff report;
2. The proposed text amendments (OA-04-24) are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the Z-04-24 & OA-04-24 staff report, but with the following edits or additions to the resolution...
3. **The proposed text amendments (OA-04-24) are consistent with the 2040 Comprehensive Plan, but are inconsistent with North Carolina Session Law 2024-57 (Senate Bill 382), given the nonconformities they would create in the Southern Pines jurisdiction.**

And, therefore, I move to:

1. Approve OA-04-24 with modifications recommended by the Planning Board and by the Town Council following the November 12, 2024 public hearing, and as attached to the ordinance (*if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution*);
2. Approve OA-04-24 with modifications recommended by the Planning Board and as attached to the ordinance, and with the following additional changes... (*if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed*);
3. **Deny OA-04-24 in order to prevent inconsistencies between the Southern Pines Unified Development Ordinance and North Carolina General Statute.**
4. Deny OA-04-24 (*for any other reason than mentioned above*); OR
5. Other...

Agenda Item

To: Reagan Parsons, Town Manager

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

Subject: OA-03-24: Open Space and Landscaping Amendments to the Unified Development Ordinance (UDO)

Date: February 10, 2026

I. SUMMARY OF AMENDMENT REQUEST

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

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

A full copy of the UDO showing all proposed amendments using **red text** for all changes and underlining for additions and ~~strikeout~~ for deletions, along with margin comments providing explanatory context for many of the changes: tinyurl.com/TOSPOA0324.

II. TOWN COUNCIL REVIEW

On November 12, 2024, the Planning Department presented a public hearing draft of the proposed landscaping and open space—including tree protection areas and plans—text amendment. Planning staff presented the proposed amendments. Planning staff responded to a variety of questions and comments from the Town Council, including penalties for unauthorized tree removal where tree protection areas would be required, cleared areas landscaping standards, and Appendix F's list of recommended species. Seven members of the public spoke on the proposed amendments, specifically on the topics of clearcutting, landscape buffering, requirements “running with the land,” concerns about too many

penalty options for developers who clear-cut without approvals, Appendix F's recommended list of species, support of preservation efforts, and the importance of inspections. Additional discussion was had about tree protection fencing and site inspections during construction.

Ann Peterson moved to continue the public hearing to the December 17, 2024, regular business meeting of the Council so that councilmembers could meet with Planning staff and provide additional feedback and discuss concerns. Motion carried unanimously by all members of the Council. Afterward, Planning staff met with Councilpersons Goodman and Peterson. A list of proposed changes and additional comments from those meetings can be found in the [section IV.C Staff Comments of the December 17, 2024, Town Council staff report for OA-03-24](#).

At the December 17, 2024, regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to its March 11, 2025, meeting considering recently adopted state legislation (i.e., Senate Bill 382 modifying NCGS §160D-601 Procedure for Adopting, Amending, or Repealing Development Regulation) that amended provisions for down-zoning. The Town Council wished to provide Planning staff and legal counsel sufficient time to review the proposed text amendment in light of the state-level changes. At the January 28 and February 25, 2025, work session meetings of the Council, Planning Director BJ Grieve provided planning updates to the Council regarding the status of state-level legislation in light of North Carolina communities' concerns over the amended provisions for down-zoning.

At the March 11, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to the June 10, 2025 meeting to allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

At the June 10, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to the September 9, 2025 meeting to again allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

At the September 9, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 60 days to the November 6, 2025 meeting to again allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

At the November 6, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments an additional 90 days to the February 10, 2026 meeting to again allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

Planning staff have consulted with the Town Attorney and a land use law consultant, and at this time recommend making a final determination on file OA-03-24.

III. PLANNING BOARD REVIEW

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

IV. APPLICATION REVIEW

Application Review Dates

- Notice of Planning Board Public Hearing
 - Internet: **June 28, 2024**
 - Published: **July 3** and **July 10, 2024**
- Planning Board Public Hearing: **July 18, 2024**
- Planning Board Public Hearing (continued): **September 19, 2024**
- Planning Board Public Hearing (continued): **October 17, 2024**
- Town Council Regular Meeting/Public Hearing: **November 12, 2024**
- Town Council Regular Meeting/Public Hearing (continued): **December 17, 2024**
- Town Council Regular Meeting/Public Hearing (continued): **March 11, 2025**
- Town Council Regular Meeting/Public Hearing (continued): **June 10, 2025**
- Town Council Regular Meeting/Public Hearing (continued): **September 9, 2025**
- Town Council Regular Meeting/Public Hearing (continued): **November 6, 2025**
- Town Council Regular Meeting/Public Hearing: **February 9, 2026**

A. Review Process

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

B. Criteria for Review

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

2.17.10. Criteria for UDO Text Amendments

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

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

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

- (C) Public Policy.** *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*
- (D) Other Factors.** *The Hearing Body may consider any other factors relevant to a text amendment application under state law.*
- (E) Impacts.** *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

C. Staff Comments

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

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

“... and the Planning Director shall order the excavation, grading, filling, clearing, or alteration of land to be immediately stopped. The stop order shall be in writing and state the work to be stopped, specific reasons for the stoppage, and conditions under which the work may be resumed. The stop order shall be directed to the holder of the Development Approval and owner of the property involved, if the owner is not the holder of the Development Approval. If the soil within the approved Tree Protection Area has been graded or compacted, then the Tree Protection Plan shall be revoked—following provisions within section 8.19.2. Revocation of Permits or Approvals—and a new Tree Protection Plan shall be initiated. If the soil has not been graded or compacted, then the Developer shall pay the Restoration Fee and shall follow replanting rates within this section.”

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

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

1. The Town must protect, within its statutory authority, the jurisdiction from developers who violate the proposed tree protection regulations. What should happen to repeat violators?

2. The Restoration Fee for unauthorized tree removal in proposed UDO §2.49.10(A)(2) will likely be an hourly fee rather than a static fee.
3. When considering flexibility in open space administration, a certified arborist employed or contracted by the Town should be consulted, especially if it is to verify that there are few or no prioritized tree protection areas identified.
4. Who administers UDO §4.13.4(D)(4) and where are the records located?
5. Reconsider the boundary mentioned in UDO §4.5.3(A) Parking Space Requirements.

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

Staff Conclusion

Staff assess that OA-03-24 meets the criteria for approval pursuant to UDO §2.17. These proposed changes directly result from the Comprehensive Plan implementation strategy, and reflect the priorities and values of the community as a whole.

After an in-depth review, staff, the Town Attorney, and the town's land use law consultant find that many of these proposed changes would be inconsistent with NC state statute, some could be amended to be consistent with state statute, and some are consistent with state statute. Major parts of the landscaping code changes would create types of nonconformities that local governments are prohibited from creating under Session Law 2024-57 (Senate Bill 382). Next, the proposed tree protection changes may create nonconformities under Session Law 20224-57, but the purpose and components of those changes can likely be reformulated to sufficiently avoid creating nonconformities on existing properties. Finally, the proposed planting species guidelines in Appendix F do not create any nonconformities, and those changes can be adopted within the context of Session Law 2024-57.

For these reasons, staff recommend approving only specific portions of OA-03-24 within Appendix F, and initiating a new tree protection ordinance amendment file that will align with NC state statutes.

D. Outside Agency Comments

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

V. TOWN COUNCIL ACTION

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

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

1. The proposed text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the November 12, 2024, staff report for OA-03-24;
2. **The proposed text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the staff report for OA-03-24, but only with certain changes to ensure consistency with North Carolina Session Law 2024-57.**
3. The proposed text amendment is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. Approve OA-03-24 as attached to [the ordinance](#) with the list of proposed changes in Section IV(C) of the December 17, 2024, staff report and with finalized illustrations to replace the drafts provided for the hearing.
(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);
2. Approve OA-03-24 as attached to [the ordinance](#) with numbers (##, ##, etc.) from the list of proposed changes in Section IV(C) of the December 17, 2024, staff report and with finalized illustrations to replace the drafts provided for the hearing.
(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);
3. **Approve only the amendments within OA-03-24 as follows:**
 1. **Strike UDO Appendix F, Section F-10, subsections a) through f) as well as Sections F-11 through F-16, as shown, and**

2. **Add the chart listing recommended small trees, large trees, small shrubs, and large shrubs under UDO Appendix F Section F-10, as shown except for:**
 - **the proposed small tree number 23, and**
 - **the proposed large tree number 20, and**
3. **Strike the sentence “Sections F-11 through F-16 contain descriptions of the trees and shrubs listed here” from Appendix F Section F-10.**
4.
(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed);
5. Deny OA-03-24
(the Town Council shall state any reasons for denial of the proposed amendment);
OR
6. Other...

Planning Staff Report

To: Town Council
From: BJ Grieve, Planning Director
Date: February 10, 2026
Item: Political Signs & Miscellaneous Text Amendments to the Unified Development Ordinance (UDO) and UDO Appendices

I. EXECUTIVE SUMMARY

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments covering three main topics. 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. Delete UDO §2.5.16(B), §2.21.10 and §2.26.3(B) because these sections require waiting periods for refile development applications and recent changes to North Carolina state law (Session Law 2025-94) now prohibit these types of waiting periods.
2. Amend UDO §4.6.16(F) to allow Temporary Signs posted up to 30 days prior to the beginning of voting to be located within town rights of way adjoining private property with the property owner's permission. The proposed revisions will ensure the UDO is more consistent with North Carolina state law regarding allowed locations in state rights of way for political signs prior to elections.
3. Amend Appendix B of the UDO primarily related to recent changes to North Carolina state law (Session Laws 2025-94 & 2024-133) limiting minimum standards in local regulations for pavement design for roads and parking areas to no more restrictive than North Carolina Department of Transportation minimums. Other proposed amendments to Appendix B are related to clarifying roadway base testing requirements, updating asphalt specifications, meeting Americans with Disabilities Act (ADA) alignment standards and clarifying sight distance measurements.

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 Town Council public hearing on February 10, 2026.

I. PLANNING BOARD REVIEW & RECOMMENDATION:

At the January 22, 2026 Planning Board regular meeting, a public hearing was held on the proposed amendments as described above. Planning staff presented a summary of the proposed amendments to the UDO and answered a question from the Planning Board about sign placement in railroad rights of way. Engineering staff presented a summary of the proposed amendments to Appendix B of the UDO and answered a question from the Planning Board about durability of the new asphalt standards. No members of the public spoke, and there were no questions from the Planning Board. After closing the public hearing, the Planning Board made a motion to adopt a Resolution regarding consistency between the proposed amendments and the Comprehensive Plan, and recommended approval of OA-01-26 to the Town Council. The motion carried unanimously by a vote of 7-0.

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 ~~strikeouts~~ for proposed deletions and underline for proposed additions. For clarity and context, the entirety of each section being amended is attached. Margin comments that explain the reason for each proposed amendment are also included. Planning staff is available during regular business hours prior to the Town Council public hearing on February 10, 2026 for questions and/or to discuss any of the proposed amendments. Each topic will be presented to the Town Council and public at the February 10, 2026 Town Council meeting.

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 (USFWS), Moore County Economic Development Partnership, Central Pines Regional Council, the Sandhills Metropolitan Planning Organization, the Moore County Airport, and representatives of the Town of Southern Pines on December 30, 2026.

As of the completion of the staff report, responses have been received from RLUAC and USFWS stating they have no comments. Any responses received from agencies following completion of this staff report but prior to the Town Council public hearing will be provided verbally at the hearing.

III. ATTACHMENTS:

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

IV. TOWN COUNCIL ACTION:

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

I move that after considering the criteria for text amendments found in in UDO §2.17.10, the Town Council finds that:

1. **The proposed text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement that plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the staff report for OA-01-26;**

2. The proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement that plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the staff report for OA-01-26, but with the following edits or additions to the resolution...
3. The proposed text amendment is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...;

And, therefore, I move to:

1. **Approve the proposed amendments to the UDO as shown on the attachments to staff report OA-01-26 in the February 10, 2026 Town Council packet** *(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);*
2. Approve the proposed amendments to the UDO as shown on the attachments to staff report OA-01-26 in the February 10, 2026 Town Council packet, with the following additional changes... *(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed);*
3. Deny OA-01-26 *(the Town Council shall state any reasons for denial of the proposed amendment); OR*
4. Other...



ATTACHMENT A

**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-01-26**

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 January 22, 2026 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-01-26.

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 Comprehensive Plan emphasizes transparent, fair, and predictable development review processes, and recognizes that development regulations must adapt to changes in state law and evolving legal frameworks. The Comprehensive Plan also notes that development regulations are implementation tools that should be periodically updated to remain consistent with governing statutes and best practices. Recent changes to North Carolina law (Session Law 2025-94) prohibit local governments from imposing refiling waiting periods for development applications. Removing these provisions ensures that the UDO remains legally compliant and avoids procedural barriers that could unnecessarily delay lawful development review. This amendment supports proactive, long-range planning and implementation, including maintaining legally sound regulations.

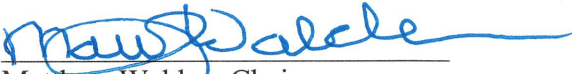
The Comprehensive Plan places a strong emphasis on community involvement, civic participation, and inclusive decision-making, recognizing these as essential to Southern Pines' long-term quality

of life. Allowing political signage in town rights of way a manner more consistent with state law for state rights of way supports the Plan's goal of encouraging public engagement in local governance and elections, while still maintaining reasonable regulations to protect public safety and community character. Additionally, the Plan acknowledges that signage standards should be periodically refined through UDO updates to reflect changing legal and community contexts. The proposed amendment achieves this by aligning local regulations with state law while preserving orderly placement standards.

Finally, the Comprehensive Plan recognizes that engineering and construction standards should support the Plan's transportation vision while remaining consistent with state and federal requirements. Updating Appendix B to remain consistent with governing statutes and to reflect NCDOT minimum standards and ADA requirements ensures that local infrastructure regulations promote public safety, accessibility, and multimodal mobility, all of which are core objectives of the Plan's transportation and mobility policies. Clarifying technical standards further supports efficient project review and implementation, advancing the Plan's goal of sound infrastructure investment and long-term fiscal responsibility.

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

ADOPTED this the 22nd day of January, 2026.


Matthew Walden, Chairman

ATTEST:


Cindy Williams
Secretary to the Planning Board

Showing OA-01-26 Proposed Amds.

Southern Pines Unified Development Ordinance

Adopted October 8, 2013

Edits through December 9, 2025

Includes G.S. 160D Revisions

Southern Pines Unified Development Ordinance

Development, unless otherwise exempted, to ensure compliance with adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan. This part describes procedural elements common to all applications. The specific procedures followed in reviewing various applications for Development Approval differ. Subsequent sections of this chapter address the procedures and requirements for particular applications. Generally, the procedures for all applications have five common elements:

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

2.3. APPROVALS REQUIRED

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

2.4. AUTHORITY TO CONDITION DEVELOPMENT APPROVALS

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

Chapter 2. Development Processes

2.5. CATEGORIES OF DEVELOPMENT APPROVALS

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

(Ord. #1919)

2.5.1. Legislative Development Approval

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

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

2.5.2. Quasi-judicial Development Approval

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

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

2.5.3. Administrative Development Approval

- (A) Administrative Development Approvals involve the application of the standards of the UDO to an application by an administrative official or agency (typically the Planning Director, Town Engineer or Town Manager). A public hearing is not required. Administrative approvals may be referred to as Administrative Decisions. Applications for administrative Development Approvals must be made by a person with an interest in the property, such as a landowner, lessee, a person holding an option or contract to purchase or lease or an authorized agent of the landowner. Administrative Development Approvals shall be in writing, in print or electronic form.

Southern Pines Unified Development Ordinance

- (B) No administrative official shall make an Administrative Decision when a conflict of interest exists, per G.S. 160D-109(c).

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

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

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

2.5.5. Authorizing Use or Occupancy before Completion of Development

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

Chapter 2. Development Processes

- (2) The security shall be sufficient to ensure compliance and be approved by the Town Attorney prior to the Planning Director authorizing the intended use or occupancy.

(Ord. #1919)

- (B) The authorization identified in this section is limited to the following:

- (1) When, because of weather conditions or other factors beyond the control of the Applicant, exclusive of financial hardship, it would be unreasonable to require the Applicant to comply with all of the requirements of this UDO prior to commencing the intended use of the property or occupying any Buildings;
- (2) The authorized use or occupancy is consistent with an approved phasing plan;
- (3) When the Town Council imposes additional requirements pursuant to SUPs or the Applicant proposes to install amenities beyond those required by this UDO; or
- (4) When the Developer is selling only undeveloped Lots after Final Plat approval and acceptance of surety or improvements.

Exhibit 2-1: Review Process Overview

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Approvals Requiring a Public Hearing:					
Comprehensive Plan Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.16
UDO Text Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
UDO Map Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
Planned Development District:					2.18
Pre-Application Conference (required)	---	---	---	---	2.5.7 / Advisory
Neighborhood Meeting (required)	---	---	---	---	2.15 / Applicant responsibility
Conceptual Development Plan	Legislative Hearing	Planning Board	Town Council	Superior Court	2.18.4

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Preliminary Development Plan (includes contingent zoning approval, preliminary plat approval is a Quasi-judicial Decision)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.18.5
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Development Plan (includes final zoning approval and may include Final Plat approval)		Planning Director/TRC	Planning Director	Town Council	2.18.7
Major Subdivision:					2.20
Pre-Application Conference (required)	---	---	---	---	2.20.2 / Advisory
Neighborhood Meeting (recommended)	---	---	---	---	2.20.3 / Applicant responsibility
Preliminary Plat (includes SUP approval)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.20.4
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Plat	---	Planning Director/TRC	Planning Director	Town Council	2.20.8
Special Use Permit	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.21
Variance	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.22
Appeals	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.23
Vested Rights Determination	Evidentiary Hearing	Planning Director	Town Council	Superior Court	2.24
Development Approval Revocation	Evidentiary Hearing	Planning Director	Planning Board	Town Council	2.25
Certificate of Appropriateness – Major Work	Evidentiary Hearing	Planning Director	Historic District Commission	Board of Adjustment	2.28
Vacations of Streets and Alleys	Legislative Hearing	Planning Director/TRC	City Council	Superior Court	2.29
Approvals NOT Requiring a Public Hearing:					
Architectural Compliance Permit (non-compliant with Section 4.10 and/or greater than or equal to 10,000 square feet Gross Floor Area)	---	Planning Director	Town Council	Superior Court	2.26
Architectural Compliance Permit (compliant with Section 4.10 and less than 10,000 square feet Gross Floor Area)	---		Planning Director	Town Council	2.26

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Minor-1, Minor-2, and Minor-3 Subdivisions (includes Lot splits, Lot consolidation, dedications, and conveyances to the public)	---	TRC	Planning Director	Town Council	2.32/ 2.49/ 2.50
Vacations of, Easements or Plats	---	Planning Director/TRC	Town Council	District Court	2.33
Plats, Amending	---	TRC	Planning Director	Town Council	2.34
Zoning Permit / Change of Use	---	TRC	Planning Director	Board of Adjustment	2.35
Land Disturbance Permit (Grading and Erosion Control Plan)	---	TRC	Planning Director	Board of Adjustment	2.36
Building Permit	---	TRC	Planning Director	Board of Adjustment	2.37 / TRC review not required for detached single - family Dwellings
Certificates of Occupancy	---	TRC	Planning Director	Board of Adjustment	2.39
Floodplain Development Permit	---	TRC	Planning Director	Board of Adjustment	2.40
Sign Permit	---	TRC	Planning Director	Board of Adjustment	2.41
Driveway Permit / Right-of-Way Permit	---	TRC	Planning Director	Board of Adjustment	2.42
Home Occupation Permit	---	TRC	Planning Director	Board of Adjustment	2.43
Temporary Use Permit	---	TRC	Planning Director	Town Council	2.44
Certificate of Appropriateness – Minor Work	---	Planning Director	Planning Director	Historic District Commission	2.45
Administrative Relief	---	TRC	Planning Director	Board of Adjustment	2.46
Watershed Protection Permit (inside of CB zoning district)	---	TRC	Planning Director	Town Council	2.47
Watershed Protection Permit (outside of CB zoning district)		Planning Director	Town Council	Superior Court	2.47
Site Plan (Engineering and Construction Plans)	---	Planning Director Town Engineer Fire Marshal	TRC	---	2.20.5 / 2.48
Improvement Guarantees (optional)	---	TRC	Town Manager	---	2.20.6

(Ord. #1714; Ord. #1716; Ord. #1703; Ord. #1890; Ord. #1919; Ord. #2092; Ord. #3031; Ord. #3154)

Amended

12-9-25

2-5

2.5.6. Burden of Persuasion Regarding Approval

- (A) The Applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that the requirements of the applicable ordinance(s) have been met. If the Applicant shows they meet all the requirements of this UDO, the Applicant is entitled to approval. If the Applicant fails to produce sufficient evidence to show they meet all the criteria, then the Hearing Body may deny the application or impose conditions to ensure compliance with this UDO.
- (B) Regarding appeals, neither party has the burden of proof or any right to any affirmative decision. An appeal of an Administrative Decision presents a question of law, which the Hearing Body considers de novo, meaning the Hearing Body is not bound by the ordinance interpretation of Town staff. Instead, the Hearing Body must interpret the ordinance to reflect the Town Council's intent when it adopted the ordinance. The Hearing Body shall not reverse or modify an Administrative Decision unless it finds that the administrative officer erred in the application or interpretation of the terms of this UDO or related policies adopted by the Town.

2.5.7. Pre-Application Conference

Before any application is filed with the Planning Director, the Applicant is strongly encouraged to attend a pre-application meeting with the Planning Director. The purpose of the pre-application meeting is to discuss, in general, the procedures and substantive requirements for the application.

2.5.8. Application Requirements

- (A) Appendix A of this UDO lists the detailed submittal requirements for each application listed in this chapter. Requests for any Development Approval required by this UDO shall be made on applications provided by the Planning Department, which may include submittal requirements, instructions for completing forms, internal procedures for filing of applications, and provisions for waiver by establishing administrative guidelines. All Applicants shall complete a written application containing the information established in Appendix A of this UDO.
- (B) Applications for Development Approvals will be accepted only from the owners or lessees of property, persons who have contracted to purchase

property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons. The Planning Director shall require evidence of the Applicant's authority to submit the application when there is a reasonable basis for questioning this authority.

- (C) Town Initiated Requests. The Town Manager, Mayor, Chair of the Planning Board or Town Council may initiate a request for any Development Approval or permit on behalf of the Town. Such requests shall not be subject to fees but shall otherwise follow the same procedures established herein.

(Ord. #2052)

2.5.9. Official Filing Date

The time for processing applications for Development Approval shall commence on the date that the Planning Director certifies that a completed application has been filed. Modification of any application by the Applicant following its filing and prior to action shall restart specified review times.

2.5.10. Application Processing

Following the Determination that an application is complete, the Planning Director shall review the application, forward the application for review to applicable advisory bodies, prepare all required reports, and schedule the matter for public hearing and/or decision within the time and in the manner required by this UDO.

2.5.11. Computation of Time

Unless otherwise specifically provided, time shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days intermediate Saturdays, Sundays and holidays shall be excluded. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

2.5.12. Streamlining the Review and Approval Process

- (A) **Accelerated Review.** The Planning Director shall be authorized to shorten the time required to process applications, provided there is no conflict with notification requirements.
- (B) **Concurrent Review.** For multi-step applications (e.g., Planned Developments and Subdivisions) and for Developments requiring multiple approvals, the Applicant may request concurrent review of multiple applications. The Decision-Making authority shall review such applications concurrently but take independent actions on each application. Approval of one application does not guarantee approval of others that are reviewed concurrently.

2.5.13. Applications to be Processed Expeditiously

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the Applicant, the Town shall process applications as expeditiously as possible, while ensuring compliance with this UDO. Maximum time frames for actions are established in subsequent sections.

2.5.14. Continuance

- (A) Nothing in this section precludes an Applicant and the Planning Director from mutually agreeing to a continuance or extension of any time limit provided by this section.
- (B) If the Planning Director receives the written request for a continuance at least seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant's request for a continuance will be automatically granted. An Applicant is not entitled to more than two (2) automatic continuances.
- (C) If the Planning Director receives the written request for a continuance less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant is not entitled to an automatic continuance. The Hearing Body will consider the request for a continuance and shall only grant such request upon a demonstration by the Applicant of good cause for a continuance.

- (D) If an Applicant receives a continuance, the Applicant shall reimburse the Town for all advertising costs associated with rescheduling the public hearing for the application. If the Applicant does not reimburse the Town for such costs by ten (10) days prior to the rescheduled hearing, the hearing will be cancelled and the application will be deemed withdrawn. (Ord. # 1716; Ord. #1919)

2.5.15. Staff Consultation after Application Submitted

Upon receipt of a formal application, the Planning Director may confer with the Applicant to ensure that the Applicant understands the requirements of this UDO, to determine whether Applicant intends to submit additional information or to clarify that the application represents precisely and completely what the Applicant proposes to do.

2.5.16. Withdrawal of Pending Applications

- (A) An Applicant may withdraw an application at any time prior to issuance of a Development Approval. The Applicant shall provide written notice of the withdrawal to the Planning Director.
- (B) ~~If the Planning Director receives an Applicant's written notice of withdrawal less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant shall be precluded from re-filing the same or substantially same application for the subject property for a period of three (3) months.~~
- (C) If an application is withdrawn, fees and costs will neither be refunded nor credited to any subsequent application.

2.6. COMPLETENESS REVIEW

2.6.1. Applications to Be Complete

- (A) No application is considered to have been submitted under this ordinance unless it is complete, all the information required herein is included, and all filing fees have been paid. The Planning Director shall determine whether an application has been submitted by conducting a completeness review pursuant to this section. (Ord. #1919)

Commented [BG1]: Subsection (B) needs to be removed per SL 2025-94 wherein a change was made to G.S. 160D-601. New subsection (e) under G.S. 160D-601 reads "A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from re-filing a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval." Subsections (A) and (C) still provide useful rules regarding withdrawing applications.

- (2) Additionally, the Town Engineer will periodically inspect the installation of all facilities and improvements to be dedicated to the Town for compliance with all standards and specifications.
- (M) **Maintenance of Dedicated Areas Until Acceptance.** All facilities and improvements with respect to which the Applicant makes an offer of dedication to public use shall be maintained by the Applicant until such offer of dedication is accepted.
- (N) **Maintenance of Common Areas, Improvements and Facilities.** Applicant shall be responsible for maintaining all common areas, improvements or facilities required by this UDO except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.

(Ord. # 1716)

2.21. SPECIAL USE PERMIT

2.21.1. Purpose

This section establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the use complies with the SUP approval criteria. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

(Ord. # 1919)

2.21.2. Applicability

The provisions of this section apply to any application for approval of a SUP. Only those uses that are authorized as Special Uses in a zoning district, as set forth in Exhibit 3-15 shall be authorized by the Planning Board.

(Ord. # 1919)

2.21.3. SUP Process Overview.

The approval process and typical timing for Special Use Permit approval are summarized in Exhibits 2-17 and 2-18. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-17: SUP Approval Process Summary

SUP Process
Planning Board Preliminary Forum
Town Council Public Hearing

(Ord. #1959)

Exhibit 2-18: Timing

SUP Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Board Preliminary Forum Notice	25 days (from Completeness Certification)
Planning Board Decision	30 days (from Planning Board Preliminary Forum)
Town Council Public Hearing	25 days (from Planning Board Decision)
Town Council Decision	30 days (from Town Council Public Hearing)

(Ord. # 1919; Ord. #1959)

2.21.4. Initiation

The SUP application shall be filed with the Planning Director in compliance with Appendix A.

(Ord. # 1919)

2.21.5. Completeness

- (A) The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of section 2.6. No application is considered to have been submitted under this ordinance

unless it is complete, unless all of the information required herein is included, and all filing fees have been paid.

- (B) Upon finding that the application is complete and considering TRC comments, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

(Ord. #1716; Ord. #1919; Ord. #1959)

2.21.6. Criteria

A Special Use is permitted only if the Applicant demonstrates that:

- (A) The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;
- (B) The proposed special use shall conform to the character of the Neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
- (C) Adequate public facilities shall be provided as set forth herein;
- (D) The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the Neighborhood;
- (E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and
- (F) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

(Ord. # 1716; Ord.#1919)

2.21.7. Conditions

- (A) In approving any SUP, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare. Standards and conditions shall not include requirements for which the Town does not have authority

under statute to regulate, as identified in G.S. 160D-705(c). Such additional standards may include, but need not be limited to:

- (1) Adequate and reasonable mitigation of potentially adverse effects on adjacent properties. In making such a Determination, consideration shall be given to:
 - (a) The location, type, orientation, design and height of Buildings or structures;
 - (b) The type and extent of landscaping and screening on the site; and
 - (c) Whether the proposed use is consistent with any policy of the Comprehensive Plan that encourages mixed uses and/or densities;
- (2) Provision of adequate public facilities or services;
- (3) Dedication of easements or land in fee title;
- (4) Funding for extraordinary costs associated with the Development through direct contribution or agreement to establish an acceptable funding mechanism;
- (5) Creation of restrictive covenants;
- (6) Development phasing;
- (7) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
- (8) Adequate measures to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;
- (9) Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment or other sustainability requirement;
- (10) Provision of performance guarantee to the same extent and with the same limitations as in section 2.20.6 of this UDO and as acceptable in form, content, and amount to the Town Attorney to

ensure continued compliance with all conditions and requirements as may be specified; or

- (11) Other conditions that the Town Council finds are necessary to achieve the purposes of this section and UDO.

(Ord. #1716; Ord. #1919; Ord. #1959)

- (B) The Town Council may not attach conditions that provide regulatory relief from specific requirements set forth in this UDO unless the Development in question presents extraordinary circumstances that justify the variation from the specified requirements.

- (C) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this ordinance.

2.21.8. Planning Board Action

- (A) The Planning Board shall conduct a Preliminary Forum on the application.

- (B) In response to Planning Board discussion at the Preliminary Forum, the Applicant may modify the application prior to submission to the Town Council and the Planning Director may likewise revise the staff report.

(Ord. #1716; Ord. #1919; Ord. #1959)

2.21.9. Town Council Action

- (A) The Town Council shall take no final action on any matter before it without first obtaining a staff report from the Planning Director.

- (B) Within thirty (30) days of the Planning Board Preliminary Forum, the Town Council shall conduct an Evidentiary Hearing and approve, conditionally approve or deny the Application. If the application is conditionally approved, the Town Council shall obtain written consent to conditions by the landowner or permit Applicant. If the Application is denied, the Town Council shall advise the Applicant of the reason for denial.

(Ord. #1919; Ord. #1959)

2.21.10. ~~Withdrawal and Subsequent Applications~~

~~(A) An application for a SUP may be withdrawn at any time.~~

~~(B) If the application has been advertised in compliance with state law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within one (1) year of withdrawal.~~

~~(C) No application for a SUP for any Lot or Parcel that requests the same use and same conditions shall be considered within one (1) year of a final decision denying the application.~~

(Ord. #1919)

2.21.11-2.21.10. Effect of Approval

- (A) Once a SUP is granted, such use may be enlarged, extended, increased in intensity, or relocated following the same process as the initial application unless the initial approval specifically established alternative procedures for consideration of future expansion or enlargement.

- (B) The provisions of this UDO relative to expansion of nonconforming uses, do not supersede this requirement unless the special permitted use for which the Development Approval was initially granted is no longer a use permitted as of right or as a special use in the zoning district in which it is located.

(Ord. #1919)

2.21.12-2.21.11. SUP Amendments

- (A) **Major Amendments.** Except as allowed under Minor Modifications below, all changes to approved Special Use Permits are Major Amendments and shall follow the same process applicable for the original approval.

- (B) **Minor Modifications.** The Planning Director is authorized to review and approve administratively a minor modification to an approved Special Use Permit, subject to the following limitations.

- (1) **General Limitations.** The minor modification:

- (a) Does not involve a change in uses permitted or the density of overall Development permitted;
- (b) Does not increase the impacts generated by the Development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original Development Approval; and

Commented [BG2]: This whole section may be removed. First, the issue of withdrawal for any type of Development Approval is addressed in UDO 2.5.16. There doesn't need to be a special section under Special use Permit addressing application withdrawal. Second, subsections (B) and (C) need to be removed per SL 2025-94 wherein a change was made to G.S. 160D-601. New subsection (e) under G.S. 160D-601 reads "A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refileing a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval."

- (c) Meets all other requirements of this UDO and complies with all conditions of the Special Use Permit approval.

(Ord. #1703; Ord. #1919)

2.21.13.2.21.12. Revocation of Special Use Permits.

Any Special Use Permit granted under the authority of this chapter is subject to revocation for any or all of the following reasons:

- (A) Non-compliance with any conditions or requirements imposed by the UDO or by the Town Council at the time of approval of the Special Use Permit.
- (B) Violation of any provisions of the UDO pertaining to the use of the land, construction or uses of Buildings or structures or activities conducted on the Premises by the Applicant or agents of the Applicant.
- (C) Violation of any other applicable UDO provisions or any state or federal law or regulation by the Applicant or agents of the Applicant, provided that such violations relate to the conduct or activity authorized by the Special Use Permit or the qualifications of the Applicant or its agents to engage in such conduct or activity.

(Ord. #1919)

2.21.14.2.21.13. Recording Procedures

Development Approvals for SUPs shall be recorded in the Moore County Registry. Nothing authorized by the SUP may be undertaken until the owner of record of the property Signs a written acknowledgment that the approval has been issued so that the permit may be recorded and indexed under the record owner's name as grantor.

(Ord. #1919)

2.22. VARIANCE

2.22.1. Purpose and Applicability

The Board of Adjustment shall have the power to vary the certain UDO regulations when the Applicant demonstrates that the criteria in this section justify relief from the strict application of the regulations in this UDO. No change in permitted uses may be authorized by variance.

2.22.2. Variance Process Overview

The approval process and typical timing for Variances are summarized in Exhibits 2-19 and 2-20. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-19: Variance Approval Process Summary

Variance Process
Application, Review and Notice
Board of Adjustment Public Hearing

Exhibit 2-20: Timing

Variance Timing	
Completeness Review	5 business days (from Application Submittal)
Board of Adjustment Public Hearing	30 days (from Completeness Certification)
Board of Adjustment Decision	30 days (from Board of Adjustment Public Hearing)

2.22.3. Initiation

The Variance application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall state fully the special conditions applying to the Building, other structure or land for which such variance is sought and how the application satisfies the criteria established herein.

2.22.4. Completeness

- (A) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6.
- (B) Upon finding that the application is complete and considering TRC comments, the Planning Director shall prepare a report making findings

2.24.2. Common Law Vested Rights

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

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

(Ord. #1919)

2.25. DEVELOPMENT APPROVAL REVOCATION**2.25.1. Initiation**

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

(Ord. #1714; Ord. #1919)

2.25.2. Reviewing Body Action

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

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

(Ord. #1919)

2.25.3. Grounds for Revocation

The following are grounds for revocation of a Development Approval:

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

2.25.4. Appeals

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

(Ord. #1919)

2.25.5. Right Cumulative

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

2.26. ARCHITECTURAL COMPLIANCE PERMIT**2.26.1. Purpose**

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

(Ord. # 1716; Ord. #2092)

2.26.2. Applicability

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

2.26.3. Architectural Compliance Permit Process Overview

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

Exhibit 2-23: Approval Process Summary

Architectural Compliance Permit Process
Application, Review
Town Council Decision

Exhibit 2-24: Timing

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

(Ord. #2092)

2.26.4. Initiation

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

(Ord. #2092)

2.26.5. Completeness

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

Commented [BG3]: Subsection (B) needs to be removed per SL 2025-94 wherein a change was made to G.S. 160D-601. New subsection (e) under G.S. 160D-601 reads “A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.” Subsection (A) should remain as a description of the review process.

2.26.6. Town Council Action

If Town Council review is required per this section, the Town Council shall approve, conditionally approve, or deny the application based on the criteria in the following section.

(Ord. #2092)

2.26.7. Criteria

No Architectural Compliance Permit shall be approved unless:

- (A) For Buildings with ten thousand (10,000) square feet or more of Gross Floor Area or that do not comply with the commercial Building design standards in Section 4.10, the application is consistent with the applicable Comprehensive Plan goals and policies;
- (B) The application substantially conforms with the applicable Multi-Family or commercial design standards and other applicable provisions of the UDO; and
- (C) The application is consistent with applicable conditions of prior Development Approvals.

(Ord. # 1716; Ord. #2092)

2.26.8. Effect of Approval

Development activities subject to this section shall conform to the approved application and any conditions or restrictions. Any deviation from the approved Architectural Compliance Permit, unless approved in advance and in writing by the Planning Director is deemed a violation of the UDO.

(Ord. #1919; Ord. #2092)

2.27. DESIGNATION OF HISTORIC DISTRICTS**2.27.1. Approval Criteria and Decision**

The Town Council may designate from time to time one or more historic districts within the jurisdictional boundaries of the Town. No historic district(s) shall be designated until:

- (A) The Southern Pines Historic District commission shall have made an investigation and report on the historic significance of the Buildings,

structures, features, sites or surroundings included in any such proposed district and shall have prepared a description of boundaries of such district.

- (B) The Southern Pines Historic District Commission shall have requested an analysis and recommendation based on the report required in (A) of this subsection from the NC Department of Cultural Resources, including the proposed boundaries of the district. If the department has not provided the requested analysis and recommendations within (30) thirty days after a written request for such analysis and recommendations have been mailed to it, the Town Council is relieved of any responsibility for securing such analysis and recommendations and may at any time thereafter take any necessary action to adopt or amend this UDO.

2.28. CERTIFICATE OF APPROPRIATENESS – MAJOR WORK**2.28.1. Applicability**

- (A) A Certificate of Appropriateness issued by the Historic District Commission is required prior to any Major Work or the issuance of a Building permit or other permit for Major Work. A Certificate of Appropriateness shall be required whether or not a Building permit is required. Any Building permit or other permit not issued in conformity with this section shall be invalid.
- (B) Major Work includes any of the activities defined as Major Work herein as interpreted by the Planning Director.
- (C) Major Work excludes any activities defined as Minor Work or Ordinary Maintenance.

2.28.2. Application Submittal Requirements

- (A) Applications for Certificates of Appropriateness shall be filed with the Planning Director.
- (B) The Commission may specify criteria for situations in which the Planning Director may waive any of the application material requirements.
- (C) No application shall be accepted by the Planning Director unless it complies with the requirements of Appendix A. Applications that are not

complete shall be returned forthwith to the Applicant, with a notation of the deficiencies in the application.

2.28.3. Notification of Affected Property Owners

Prior to an Evidentiary Hearing on an application for a Certificate of Appropriateness for Major Work, the Planning Director shall provide notice in accordance with section 2.10.

(Ord. #1919)

2.28.4. Evidentiary Hearing

- (A) An Evidentiary Hearing shall be conducted by the Commission in accordance with section 2.14 of this UDO within sixty (60) days of the acceptance of a complete application, or within such further time consented to by written notice from the Applicant. The Commission shall approve, approve with conditions or deny the application based on the criteria established in section 2.28.10. If the application is conditionally approved, the Commission shall obtain written consent to conditions by the landowner or permit Applicant.
- (B) Failure of the Commission to take final action on an application within the prescribed time limit, or extensions thereof shall result in approval of the application as submitted.

(Ord. #1919)

2.28.5. Relocation or Demolition

- (A) An application for a Certificate of Appropriateness authorizing the relocation, demolition or destruction of a Building or structure within the Historic District may not be denied. However the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use off or return from such property by virtue of the delay. During such period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the Building. If the Commission finds that the Building has no particular Significance or value toward maintaining the character of the Historic

District, it shall waive all or part of such period and authorize earlier demolition or removal.

- (B) In every case, the record of the Commission's action shall include the reasons for its action.

2.28.6. Actions Subsequent to Decision

The Planning Director shall notify the Applicant of the Commission's decision in writing and shall file a copy of it with the Town's Planning Department. If the Applicant is denied, the notice shall include the reasons for such action.

2.28.7. Appeal of Decision

A decision by the Commission on an application for a Certificate of Appropriateness may be appealed to the Board of Adjustment following the same procedures and timelines described in this ordinance for appeals of Administrative Decisions and Determinations.

(Ord. #1890; Ord. #1919)

2.28.8. Submission of New Application

If the Commission denies an application for a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantive change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

2.28.9. Modifications to Applications

An approved or pending application for a Certificate of Appropriateness may be modified by a written request from the Applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the Commission finds that the modification constitutes a substantial change which might affect surrounding property owners, it shall request the Applicant to notify affected property owners following the procedures set forth herein before taking action on the modification. The Commission shall thereupon treat the request in the same manner as another application as outlined in herein.

Commented [BG4]: This section does not specifically create any sort of waiting period, it just prohibits the same submittal. Ok per Planning Director and Town Attorney to leave as-is.

2.28.10. Criteria

- (A) In considering an application for a Certificate of Appropriateness, the Commission shall take into account the historical and/or architectural Significance under consideration and the exterior form and appearance of any proposed additions or modifications to that structure that are visible from a public Right-of-Way. The Commission shall not consider interior arrangement or use.
- (B) The Commission shall consider the following factors when determining whether the application is or is not congruous with the historic aspects of the Historic District:
 - (1) The height of the Building in relation to the average height of the nearest adjacent and opposite Buildings.
 - (2) The Setback and placement on Lot of the Building in relation to the average Setback and placement of the nearest adjacent and opposite Buildings.
 - (3) Exterior construction materials, including texture and pattern.
 - (4) Architectural detailing, such as lintels, cornices, brick bond and foundation materials.
 - (5) Roof shapes, forms and materials.
 - (6) Proportion, shape, positioning and location, pattern and size of any elements of fenestration.
 - (7) General form and proportions of Buildings and structures.
 - (8) Appurtenant fixtures and other features such as lighting.
 - (9) Structural conditions and soundness.
 - (10) Architectural scale.
 - (11) Secretary of the Interior Guidelines.
- (C) Prior to approving the application, the Commission shall make the following findings:
 - (1) Work is Compatible and appropriate in preserving, retaining, repairing, or restoring the defining historic character of a property

and the district. Specifically, the work is considered Compatible and appropriate in terms of material, design, dimensions, mass, scale, orientation, color and other applicable considerations;

- (2) Work does not damage or remove significant character defining features of the Building and will not adversely affect its contribution to the larger historic district; and
- (3) Work is consistent with the adopted design standards for the historic district.

(Ord. #1919)

2.28.11. Parking Waiver

Where the Historic District Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces required by this ordinance for a Building or structure for which a Building permit is requested would render the Building and/or parking area incongruous with the historic aspects of the district, it shall recommend to the Planning Board a waiver, in part or in whole, of the off-street parking requirements. The Planning Board may authorize a lesser number of off-street parking spaces, provided that:

- (A) The Planning Board finds that the lesser number of off-street parking spaces will not create problems due to increasing on-street parking; and
- (B) Will not constitute a threat to the public safety.

2.28.12. Restoration or Reconstruction

- (A) Where it is found by the Historic District Commission that an application for a Building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original configuration of a structure of historic and/or architectural significance to the historic district, such activity may be approved by the Town Council, following approval by the Historic District Commission. This allows the waiver of zoning requirements which would otherwise prevent the authentic restoration or reconstruction of a structure so long as said improvement shall meet the requirements of the Commission.

- (B) The Town Council shall not be authorized, in action undertaken by this section, to approve a use of property which is not a use permitted by right or as a special use within the district in which the property is located.
- (C) In addition to any other conditions the Town Council may make regarding such authorization, any items restored, reconstructed or maintained on, over or within a public sidewalk, public alley area or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the Town of Southern Pines harmless against any and all liability, costs, damage or expenses suffered by the Town of Southern Pines as a result of or growing out of the restoration, reconstruction or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed or maintained. Any such item projecting over the Right-of-Way of a street or alley shall be, at its lowest point, twelve (12) feet above the travel way.

(Ord. #1919)

2.29. VACATION OF STREETS OR ALLEYS

2.29.1. Purpose and Applicability

This section establishes the process for approving the elimination of a Street or Alley, in whole or in part.

2.29.2. Initiation

The process may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing.

(Ord. # 1716)

2.29.3. Notice

The Town Manager shall cause the notice to be published once a week for four successive weeks prior to the hearing, mail a copy of the notice by registered or certified mail to all the owners of property adjoining the street or alley and post notice in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. No street or alley under the control of the Department of Transportation may be

Amended

12-9-25

closed unless the Department of Transportation consents thereto. The cost of notice shall be borne by the Applicant for the vacation.

(Ord. # 1716)

2.29.4. Decision

At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the Town Council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the Subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the Council may adopt an order closing the street or alley. A certified copy of the order shall be filed in the office of the register of deeds.

2.29.5. Appeals

Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the Council's order to the District Court within 30 days after its adoption.

2.29.6. Ownership

- (A) Except as provided in paragraph (C) of this section, upon the closing of a street or alley in accordance with this section, all right, title, and interest in the Right-of-Way shall be conclusively presumed to be vested in those persons owning Lots or Parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.
- (B) The provisions of this subsection regarding division of Right-of-Way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

2-57

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

2.29.7. Recording Procedures

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

(Ord. #1714)

PART III – PERMITS AND APPROVALS NOT REQUIRING A PUBLIC HEARING

2.30. ADMINISTRATIVE DEVELOPMENT APPROVALS

2.30.1. Generally

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

(Ord. #1919)

Amended

12-9-25

2.30.2. Application for Permit

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

2.30.3. Records

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

2.30.4. Plans and Specifications

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

2.30.5. Completeness Review

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

(Ord. #1919)

2.30.6. Resubmittals Due to Incompleteness

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

2-58

2.30.7. Resubmittals Due to Non-Compliance

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

2.30.8. Limitations on Issuance of Permits

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

authorized land-disturbing activities shall be similarly demarcated for so long as any land-disturbing activity continues.

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

Commented [BG5]: If read carefully, in the context of Administrative Approvals, this is not a waiting period "prohibiting a landowner, developer or applicant from refileing a denied application for a...development approval."

2.30.9. Issuance of Development Approval

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

(Ord. #1919)

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

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

- (A) The most recent edition, including all subsequent amendments, of the North Carolina Building Code, as adopted by the North Carolina Building

- (3) The loading area requirements of this section cannot be satisfied because there is not sufficient area available on the Lot that can practicably be used for loading and unloading.

4.6. SIGNS

This section shall be known as the Town of Southern Pines Sign Code and may be referred to as the Sign code throughout this UDO.

4.6.1. Purposes

This Sign Code is intended to promote the public health, safety and general welfare through reasonable, consistent, content neutral, and non-discriminatory Sign standards. The Sign regulations are intended to:

- (A) Encourage the effective use of Signs as a means of communications in the Town;
- (B) Regulate the appearance and design of Signs in a manner that promotes and enhances the beautification of the Town, and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community;
- (C) Improve pedestrian and traffic safety;
- (D) Minimize the possible adverse affect of Signs on nearby public and private property;
- (E) Foster the integration of Signage with architectural and landscape designs;
- (F) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of Signs that compete for the attention of pedestrian and vehicular traffic;
- (G) Allow Signs that are Compatible with their surroundings and aid orientation, while precluding the placement of Signs that contribute to Sign clutter or that conceal or obstruct adjacent land uses or Signs;
- (H) Encourage and allow Signs that are appropriate to the zoning district in which they are located and consistent with the category of use, activity and function to which they pertain;
- (I) Curtail the size and number of Signs and Sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (J) Establish Sign size in relationship to the scale of the Lot and Building on which the Sign is to be placed or to which it pertains;
- (K) Prescribe time, place, and manner regulations appropriate for different locations, uses, and zoning districts consistent with applicable state and federal law;
- (L) Preclude Signs from conflicting with the Principal Permitted Use of the site and adjoining sites;
- (M) Regulate Signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (N) Except to the extent expressly preempted by state or federal law, ensure that Signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe Signs;
- (O) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (P) Protect property values by precluding, to the maximum extent possible, Sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement;

(Q) Protect property values by ensuring that Sign types, as well as the number of Signs, are in harmony with Buildings, Neighborhoods and conforming Signs in the area; and

(R) Enable the fair and consistent enforcement of these Sign regulations.
(Ord. #3141)

4.6.2. Applicability

The provisions of this Sign Code are applicable to all Signs, except as specifically provided in this section, authorized as part of a Variance, PD, Conditional Zoning district, or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.
(Ord. #3031)

4.6.3. Substitution of Noncommercial Speech for Commercial Speech

Any Sign erected pursuant to this Sign Ordinance, or otherwise lawfully existing with a commercial message, may, at the option of the owner, contain a noncommercial message. The noncommercial message may occupy the entire Sign face or any portion thereof. The Sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the Sign, provided that the Sign is not a prohibited Sign or Sign type.
(Ord. #3141)

4.6.4. Severability clause.

If any provision of the Sign Code is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Sign Code or this UDO regulating Signs, and all of such provisions shall remain in full force and effect.
(Ord. # 1716)

4.6.5. Determining the Number of Signs

(A) For the purpose of determining the number of Signs, a Sign shall be considered to be a single display surface or display device containing

elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single Sign.

(B) A multi-sided Sign shall be regarded as one Sign.

(C) One (1) Logo Emblem Sign is allowed in addition to the permitted number of Wall Signs.

4.6.6. Computation of Sign Area

(A) The surface area of a Sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(B) If the Sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the Sign area. The area between a Wall Sign and a Logo Emblem Sign is exempt from the computation of Sign area. In the instance an establishment has a Wall Sign and Logo Emblem Sign on the same frontage, the area between the Wall Sign and the Logo Emblem Sign will not count towards the computation of the Sign area; only the surface area of the Sign shall be included in the computation of the Sign area.

(C) With respect to two-sided, multi-sided or three dimensional Signs, the surface area shall be computed by including the total of all sides designed either to attract attention or communicate information that can be seen at one time by any person from any vantage point. For example, with respect to a typical two-sided Sign where a message is

printed on both sides of a flat surface, the Sign area of one side (rather than the sum total of both sides) shall be regarded as the total Sign area of that Sign, since one can see only one side of the Sign from any vantage point.

- (D) With respect to V-shaped Signs, the surface area shall be calculated as in paragraph (C) above provided that the angle of the intersecting Sign planes does not exceed ninety (90) degrees. If the angle of the intersecting Sign planes exceeds ninety (90) degrees, Sign area shall be computed as it would for a one-sided Sign.
- (E) In computing items of information, letters less than three (3) inches in height, if contained in a Wall Sign, shall not be counted.

4.6.7. Total Sign Area

- (A) **Total Sign Area Limited.** Unless otherwise provided in this section 4.6, the total surface area devoted to all Signs on any Lot shall not exceed the limitations set forth in this section, and all Signs except Temporary Signs shall be included in this calculation.
- (B) **Residential Districts.** Unless otherwise provided in this article or chapter 5, the maximum Sign area permitted on any Lot in any residential district is four (4) square feet.
- (C) **GB and I Districts.** Subject to the other provisions of this section, the maximum total Sign area on any Lot in the GB or I district shall be determined by multiplying the number of feet of street frontage of the Lot by one (1) foot. However, in no case may the total Sign area exceed five-hundred (500) square feet.
- (D) **Other Commercial Districts.** Subject to the other provisions of this section, the maximum Sign area permitted on any Lot in a commercial district other than the GB district or I district shall be determined by multiplying the number of feet of street frontage of the Lot by one-half (0.5) feet. However, in no case may the total Sign area exceed one-hundred (100) square feet.

- (E) **Multiple Frontage Lots.** If a Lot has frontage on more than one (1) street, then the total Sign area permitted on that Lot shall be the sum of the Sign area allotments related to each street on which the Lot has frontage. However, the total Sign area that is oriented toward a particular street may not exceed the portion of the Lot's total Sign area allocation that is derived from frontage on that street.
- (F) **Lots with No Frontage.** Whenever a Lot has no street frontage on any Lot boundary and an Applicant desires to install on such a Lot a Sign that is oriented toward a street, then the total Sign area permitted on that Lot shall be the Sign area that would be allowed if the Lot boundary closest to the street toward which such Sign is to be oriented fronted on such street.
- (G) **Wall Signs.** The area of any Sign located on a wall of a structure may not exceed fifty (50) percent of the total surface area of the wall on which the Sign is located.
- (H) **Signs within the Historic District Overlay.** Subject to other provisions of this section, the maximum total Sign area permitted for Signs for on-premises commercial Signs located within the Historic District Overlay is fifteen (15) square feet for establishments with frontage on one street and twenty-five (25) square feet for establishments with frontage on two streets. Properties located Residential zoning districts within the Historic District Overlay are limited to a maximum total Sign area of four (4) square feet.

(Ord. #3141)

4.6.8. Freestanding Sign Area

- (A) For purposes of this section, a side of a Freestanding Sign is any plane or surface included in the calculation of the total Sign area as provided in section 4.6.6. For example, Wall Signs typically have one side. Freestanding Signs typically have two sides (back-to-back), although four-sided and other multi-sided Signs are also common.

- (B) A single side of a Freestanding Sign may not exceed thirty-five (35) square feet on Lots with less than four-hundred (400) feet of frontage and fifty (50) square feet on Lots with four-hundred (400) or more feet of frontage on the street toward which the Sign is primarily oriented.
- (C) With respect to Freestanding Signs that have no discernible "sides", such as spheres or other shapes not composed of flat planes, no such Freestanding Sign may exceed the maximum total surface area allowed under paragraph (B) of this section for a single side of a Freestanding Sign.

4.6.9. Number of Signs Allowed

(A) Freestanding Signs

- (1) Except as authorized by this section, no Development shall have more than one (1) Freestanding Sign.
- (2) If a Development is located on a corner Lot that has at least one-hundred (100) feet of frontage on each of the two (2) intersecting public streets, then the Development may have not more than one (1) Freestanding Sign along each side of the Development bordered by such streets.
- (3) If a Development is located on a Lot that is bordered by two public streets that do not intersect at the Lot's boundaries (double front Lot), then the Development may have not more than one (1) Freestanding Sign on each side of the Development bordered by such streets.
- (4) For property with no less than nine-hundred (900) feet of frontage that abuts the US Highway 1 corridor that has topography substantially or completely blocking the view of a business Sign by passerby motorists from each direction, the positioning of one (1) additional Sign (no more than (2) two frontage Signs in total), one at each end of the property will be permitted. This is intended to provide the business with reasonable highway motorist exposure as other businesses

have located on either side of the highway corridor. The additional Sign must conform to the requirements as specified in this section 4.6 of the UDO, and shall not to exceed sixteen (16) square feet in size.

- (5) All Freestanding Signs shall be of a shape that the ratio between the maximum and minimum dimensions shall not exceed 2 to 1.

(B) Wall and Logo Emblem Signs

- (1) Only one (1) Wall Sign and one (1) Logo Emblem Sign per establishment are permissible except as authorized in this section.
- (2) A second Wall Sign may be established if the business has frontage on more than one street.
- (3) A secondary Wall Sign may be placed between the business establishment and its principal parking area if there is no parking between the business establishment and a street. The area of the secondary Wall Sign shall not exceed the lesser of thirty-five (35) square feet or the maximum size allowed for the street facing Wall Sign.
- (4) A Plaque-inset Sign that does not exceed 3.5 square feet is not considered a Wall Sign.

4.6.10. Sign Location and Height Requirements

- (A) No Sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space.
- (B) No Wall Sign attached flat to a Building may project more than twelve (12) inches from the Building wall. Projecting Signs may, however, exceed the twelve (12) inch limit. One Projecting Sign not to exceed four (4) square feet in Sign area, may be allowed per establishment in

the CB zoning district. The bottom edge of such Projecting Signs must be located at least eight (8) feet above the sidewalk.

- (C) No Sign or supporting structure may be located in or over the traveled portion of any public Right-of-Way unless the Sign is attached to a structural element of a Building and an encroachment permit has been obtained from the Town.
- (D) No part of a Freestanding Sign may exceed a height, measured at average grade at the base of the Sign, established in Exhibit 4-9.

Exhibit 4-9: Maximum Sign Height

District	Height
All residential districts and uses	7 feet
All non-residential districts and uses	10 feet

- (E) Additional Sign height restrictions for Lots located within an airport hazard overlay district are established section 3.6.7.
(Ord. #3141)

4.6.11. Sign Illumination and Signs Containing Lights

Unless otherwise prohibited by this section 4.6, Signs may be illuminated only if such illumination is in accordance with this section.

- (A) No Sign within one-hundred-fifty (150) feet of a Residential Zone may be illuminated between the hours of 12 midnight and 6:00 a.m..
- (B) Lighting directed toward a Sign shall be shielded so that it illuminates only the face of the Sign and does not shine directly into a public Right-of-Way or residential Premises.
- (C) Subject to paragraph (E) of this section, illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited.

- (D) Subject to paragraph (E) of this section, any illuminated Sign shall be lighted with non-flashing and motionless illumination. Signs shall not include or have the appearance of animation or electronic changeable message(s).

- (E) Exceptions to these Sign illumination requirements as follows:

- (1) Paragraph (C) does not apply to:
- (a) Strings of miniature white lights in the **CB** District;
 - (b) Lights used on theater marquees in the Central Business District;
 - (c) A single lighted Window Sign measuring no larger than one square foot in area; and
 - (d) Architectural accent lights for which the source is completely screened from view from all streets, sidewalks and abutting property lines. Such accent lights shall be downlit, shall not illuminate more than thirty (30) percent of the length of any wall and shall be subject to approval through the Architectural Compliance Permit process.

(Ord. #3141)

4.6.12. Subdivision and Multi-Family Development Entrances

- (A) At any entrance to a residential Subdivision or Multi-Family Development, there may be either one double faced identification Sign not to exceed thirty-two (32) square feet in size or two (2) single faced Signs not to exceed thirty-two (32) square feet per face. Such Signs must be of a Monument style and shall not exceed six (6) feet in height.
- (B) In addition to any Signs at an entrance, Subdivisions may have Signs within the Development at the entrances to specific sections within the Subdivision. A section may have two (2) single face Signs not to exceed sixteen (16) square feet in size per face. The Subdivision may have one (1) section Sign (up to two (2) Sign faces) for each thirty (30)

Lots, Townhouses or Condominium Dwelling Units. Section Signs shall be available to PD districts and shall not be visible from the main thoroughfare or any other street from which the Subdivision obtains access. Such Signs must be of a Monument style and shall not exceed six (6) feet in height.

- (C) At any entrance to an office/commercial/industrial Development there may be one double-faced Sign not to exceed one-hundred (100) square feet in size. Such Signs must be of a Monument style. Maximum height of such Sign(s) is ten (10) feet. To qualify for such Signage the Development must be a minimum of fifty (50) acres in size; the Development is limited to two (2) Signed entrances with a minimum one thousand (1,000) feet of separation between Signs on the same street. Such Signs shall be located parallel to the entrance road outside of any Traffic Visibility Triangle.
- (D) At any entrance to an office-subdivision there may be one (1) double-faced Sign not to exceed thirty-two (32) square feet in size. Such Signs must be of Monument style. Maximum height of such Sign(s) is seven (7) feet. To qualify for such Signage, the Development must be a minimum of ten (10) acres in size. The Development is limited to two (2) Signed entrances with a minimum one-thousand (1,000) feet of separation between Signs on the same street. Such Signs shall be parallel to the entrance road outside of any Traffic Visibility Triangle.
(Ord. #3141)

4.6.13. Shopping Center Signs

- (A) Shopping Centers are required to maintain a Unified Sign Plan.
- (B) Signs in Shopping Center Developments are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs and certain Temporary Signs delineated in section 4.6.16.
- (C) One (1) Monument Sign per Shopping Center is permitted. However, for Developments having multiple arterial street frontages one additional Monument Sign may be approved for each arterial street

frontage. Monument Sign area is calculated at one (1) square foot of Sign area for each linear foot of street frontage or one-hundred (100) square feet of Sign area, whichever is less. Monument Signs shall not exceed a height of ten feet. Additional Monument Signs may be permitted for out-Parcel Buildings within a Shopping Center Development provided that:

- (1) There is only one (1) Freestanding Sign per out-Parcel;
 - (2) The maximum Sign area for the Monument Sign is thirty-two (32) square feet;
 - (3) The maximum height of the Monument Sign is ten (10) feet; and
 - (4) The Sign is not located within one hundred (100) feet of any other Freestanding Sign.
- (D) One Wall Sign per separate business establishment is permitted. A second Wall Sign may be established if the business establishment has frontage on more than one street or if the business establishment's parking is not located between the establishment and street. Allowable Wall Sign area is determined as follows:
- (1) Establishments with a Building Frontage of fifty (50) feet or less shall have no Sign greater than thirty-five (35) square feet.
 - (2) Establishments with a Building Frontage greater than fifty (50) feet shall have a maximum Wall Sign area of one (1) square foot of Sign area for each 1 foot of Building Frontage or two-hundred (200) square feet of Sign area, whichever is less.
- (E) One (1) Projecting Sign per separate business establishment is permitted. Projecting Signs may exceed the twelve (12) inch limit for Signs attached to a wall. Projecting Signs are not to exceed four (4) square feet in Sign area. The bottom edge of such Projecting Signs must be located at least eight (8) feet above the sidewalk.

4.6.14. Landmark Signs

- (A) Landmark Signs are on-premises monument structures identifying the name of a specific sub-area or major mixed-use Development. Landmark Signs shall only display the name of the sub-area or overall Development and shall not depict the name of any businesses or Subdivisions within the project area.
- (B) Landmark Signs are only permitted in the PD (Planned Development) zoning classification.
- (C) The location and number of Landmark Signs permitted within a Development will be determined during the Planned Development application process for the entire Development. For Existing Developments eligible for Landmark Signs, the location and number of Landmark Signs will be determined by the Town of Southern Pines Planning Staff.
- (D) No Landmark Sign shall be located within one thousand two hundred (1,200) feet of another Landmark Sign.
- (E) If a Landmark Sign is used as part of commercial Development project, the Sign shall be counted as an authorized Monument Sign.
- (F) Landmark signs must be submitted to the Town Council for review and approval through the Architectural Compliance Permit process. Landmark Signs must complement the character and architectural design of the Development. Landmark Signs must also be consistent with other permitted signage to create a unified signage character for the entire Development.
- (G) Landmark Signs shall not exceed the following dimensional restrictions:
 - (1) The maximum height for a Landmark Sign is twenty-five (25) feet;

- (2) The base of the structure shall not exceed one hundred square feet; and
- (3) The maximum profile area of the Landmark Sign shall not exceed one-hundred and fifty (150) square feet. Profile area is the area within the maximum height and width extent of the Sign as viewed horizontally from any side.
- (H) Illumination of Landmark Signs must be internal to the Sign monument or lit from above in a downward fashion. No up-lighting of these Signs will be permitted.
(Ord. #3141)

4.6.15. Signs Exempt from These Regulations

The following Signs are exempt from regulation under this chapter except for those stated in sections 4.6.17(D) through 4.6.17(G).

- (A) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as Signs giving property identification names or numbers or names of occupants, including identification on mailboxes, and Signs posted on private property relating to private parking or warning the public against trespassing or danger from animals. In the HCO district, such Signs shall not exceed two (2) Signs per zoning Lot nor two (2) square feet in area per display surface and shall not be taller than three (3) feet in height
- (B) Noncommercial Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including notice of community events, legal notices, identification and informational Signs and traffic, directional or regulatory Signs.
- (C) Noncommercial Signs erected by a regulated public utility.
- (D) Noncommercial flags, pennants or insignia no greater than fifteen (15) square feet each in Residential zones. The number of such

noncommercial flags, pennants or insignia shall be limited to three (3) per Premises.

- (E) Memorial Signs or tablets and names and construction dates of Buildings when cut into any masonry surface or mounted bronze Plaque.
- (F) Integral decorative or architectural features of Buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- (G) Signs directing and guiding traffic and parking on private property that do not exceed four (4) square feet each and that bear no advertising matter visible from public Right-of-Way.
- (H) Devices, depictions, letterings, or symbols painted on or otherwise affixed to currently licensed motor vehicles and not used in violation of this chapter.
- (I) School identification Signs that do not exceed one per abutting street and sixteen (16) square feet in area. The Development in which the school is located cannot exceed (1) one Sign per street frontage per section 4.6.9.

(Ord. #3141)

4.6.16. Certain Temporary Signs Not Requiring Permits

The following Temporary Signs are permitted without a zoning special use or Sign permit. However, such Signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter except those contained in sections 4.6.7 (Total Sign Area) and 4.6.9 (Number of Signs Allowed). Other Temporary Signs not listed above shall be regarded and treated in all respects as permanent Signs, except that (as provided for the Historic Overlay District) Temporary Signs shall not be included in calculating the total amount of permitted Sign area.

(Ord. # 1919)

- (A) Real estate on which the Sign is located (including Buildings) that is for sale, lease or rent, in addition to any other permissible signs may have one additional sign as defined below.
 - (1) Signs not exceeding six (6) square feet in area and shall be removed not more than seven (7) days after sale, lease or rental.
 - (2) For Lots of less than five (5) acres, a single Sign on each street frontage may be erected. For Lots of five (5) acres or more in area and having a street frontage in excess of four hundred (400) feet, a second Sign not exceeding six (6) square feet in area may be erected.
 - (3) Each Sign shall be located no closer than ten feet to the paved portion of a road (street) or ten (10) feet from the edge of the travel portion of a non-paved road (street).
 - (4) In the HCO districts such Signs may include up to sixteen (16) square feet per display surface for property zoned non-residential or located within an approved Planned Development.
- (B) Properties under construction may have one sign in addition to any other permissible signs. Not more than one such Sign may be erected per site and it shall not exceed four (4) square feet in area per display surface for Single-Family or Duplex construction or thirty-two (32) square feet in area for Multi-Family or non-residential construction. Such Signs shall not be erected prior to the issuance of a Building permit and shall be removed within ten (10) days after the issuance of a Certificate of Occupancy.
- (C) On commercial sites where a business is opening or closing, one Sign in addition to any other permissible signs is allowed provided such Sign does not exceed thirty-two square feet in area and is erected for a period not to exceed sixty (60) days.

(D) Signs attached temporarily to the interior of a Building window or glass door, such Signs, individually or collectively, may not cover more than fifty percent of the surface area of the transparent portion of the window or door to which they are attached.

(E) During the months of October, November, and December, displays, including lighting are allowed. Such displays shall be removed within ten (10) days following the end of December.

(F) During the period beginning on the 30th day before the beginning date of early voting for a primary, general, or special election, an unlimited number of Temporary Signs may be placed on private property and on adjoining town right of way provided the Temporary Sign is placed with the adjoining private property owner's permission. The maximum allowable Sign area of each such Temporary Sign shall be six (6) square feet. No such Temporary Sign shall exceed 42 inches in height. Each Sign shall be located on private property but in no case shall such a Temporary Sign be allowed closer than ten-three (103) feet to the back of curb or to the paved portion of a road where no curb is present, or ten-three (103) feet from the edge of the travel portion of a non-paved road. Such Temporary Signs and may not be attached to a tree or other living plant material. Such Signs must be removed within ten (10) days following the election day for which the Signs are intended to serve. If the period of time between a primary and a general or special election for which the primary is serving is less than four (4) weeks, measured from the date of the primary voting day to the date of the general or special election voting day, the Signs shall be allowed to remain in place. Such Signs may be erected at officially designated polling places on the day of the election.

(G) Properties on which a special event is to take place may have one banner or sign in addition to any other permissible sign(s). Such Signs may not exceed thirty-two (32) square feet and may be erected up to fourteen (14) days before the event and must be removed not later than three (3) days after the event.

(H) Any residential property may have one (1) Sign not exceeding four (4) square feet in area per display surface per lot or parcel.

(I) In the C.B. district, Signs placed by the occupant of the Premises within twelve (12) feet of the Premises if:

- (1) The Sign does not interfere with vehicular or pedestrian traffic;
- (2) The Sign's area is no greater than six square feet;
- (3) The Sign is removed when the Premises are not open for business.

(Ord. #3141)

4.6.17. Miscellaneous Restrictions and Prohibitions

(A) No Off-Premises Signs (except those exempted from regulation or from permit requirements under sections 4.6.13 and 4.6.14) may be located in any district. Off-Premises Signs are prohibited in all HCO Districts, except those which existed on March 1, 1995 in, the Town of Southern Pines that:

- (1) Are located along federal aid primary highways for which Sign compensation is regulated by state and federal law; and
- (2) Were erected and are permitted and maintained in compliance with state regulations.

(B) All Signs, including the supports, frames and embellishments thereto, shall be located outside of any public Right-of-Way.

(C) No Sign shall be attached, affixed or painted on any utility pole, light standard, telecommunications pole, any tree or other natural object.

(D) No Sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(E) Signs shall not include or have the appearance of animation or changeable information. Without limiting the foregoing, banners,

Commented [BG6]: During the November 2025 local election it was observed that the current language is difficult to comply with and to enforce. These changes now more closely mimic state regulation of political signs as found in G.S. 136-32.

1. Temporary signs prior to elections may now be located within town rights of way.
2. Those signs must be located three feet from the edge of pavement or back of curb in order to maintain a small separation to the road.
3. A limit is added to the maximum height because it's the small size of the signs that make them acceptable within three feet of the road. This height restriction prevents a creative one foot by six foot sign that gets attention but block visibility.
4. Also clarifies "Temporary Sign(s)" as opposed to just signs because there are two definitions in the UDO and this is specific to Temporary Signs prior to elections only.

streamers, animated display boards, pennants and propellers are prohibited. The restriction of this section shall not apply to exempt flags, pennants or insignia.

- (F) Freestanding Signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the Sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (G) No Portable Signs except those meeting the requirements of Section 4.6.16 shall be allowed in any zoning district.
- (H) Canopy Signs are permitted when suspended or attached to the underside of a canopy provided such Signs do not exceed six (6) square feet in area and shall be located at least eight feet above the sidewalk.
- (I) The Sign area of a Sign permanently painted, affixed or placed in a Building window that is visible from a street Right-of-Way shall be restricted to no more than forty (40) percent of the total window area.
- (J) Awning Signs shall be located on the awning valance and shall not exceed twelve (12) square feet in area or cover more than twenty (20) percent of the awning area.
- (K) No Sign on a vehicle shall be located in any zoning district when the vehicle on which the Sign appears is placed so that the practical effect of the Sign on the vehicle is to advertise the entity or activity to which the Sign refers rather than to identify the vehicle, unless the vehicle is being used off-premises in the regular course of business or is being operated, loaded, or unloaded.
- (L) Nothing in this code shall be interpreted to allow for the use of Digital Signs, Dynamic Digital Signs, Electronic Message Centers, or apparatus as part of a permissible Sign. This provision is not intended to limit the use of LED bulbs to illuminate Signs.

(Ord. # 3141)

(M) **Traffic Safety Precautions.** Notwithstanding any other provision in this section, the following restrictions shall apply to Signs to preserve the safety of pedestrian, bicycle and vehicular movement:

- (1) No permanent Sign or part thereof shall be located within a Traffic Visibility Triangle as defined by the Town or N.C.D.O.T., nor within the public Right-of-Way.
- (2) No Sign shall make use of the words "STOP", "SLOW", "CAUTION", "DANGER" or any other word, phrase, symbol, light or character in such manner as is reasonably likely to be confused with traffic directional and regulatory Signs.
- (3) No Sign shall be erected so that by its location, color, nature or message is likely to be confused with or obstruct the view of traffic Signals or Signs or is likely to be confused with the warning lights of an emergency or public safety vehicle.
- (4) No Sign shall contain flashing lights.
- (5) No Sign shall be located within any public or private Right-of-Way except as specifically approved through the PD process.

(N) Signs in Residential Districts

- (1) Lighting of Signs in Residential and Planned Development districts is permitted with only direct illumination. All fixtures must be concealed and spillover of light must be minimal.
- (2) No Sign shall be erected or displayed in any Residential or Planned Development district except as exempted by section 4.6.15, or specifically allowed by this Sign Code.

4.6.18. Sign Removal

Any Temporary Sign erected in violation of the provisions of this chapter may be removed immediately by the administrator. Any Sign so removed shall be retained at a designated municipal facility until recovered by the

Sign owner following payment to the Town of a \$5.00 fee per Sign. Any Sign not recovered within ten (10) days will be destroyed.

4.6.19. Discontinued Signs

Upon the discontinuance of business occupancy of an establishment for a consecutive period of ninety (90) days, the administrator shall require the removal of the on-premises Sign(s) advertising or identifying the establishment. The administrator shall give thirty (30) days notice to the property owner to remove the Sign(s), including all of its attendant supports, frames and hardware unless such Sign is proposed to be used by a new establishment on the Premises in conformance with all current regulations of this section 4.6. Failure to remove the Sign(s) within the thirty (30) day period shall constitute a violation of this UDO.

4.6.20. Non-Conforming Signs

A non-conforming Sign is a Sign that was lawfully erected but which no longer complies with the Sign regulations of this UDO.

- (A) In order to comply with G.S. 160D-912.1, a lawfully erected on-premises advertising sign may be relocated or reconstructed within the same parcel so long as the square footage of the total advertising surface area is not increased, and the sign complies with the local development rules in place at the time the sign was erected. The construction work related to the relocation of the lawfully erected on-premises advertising sign shall commence within two years after the date of removal. The Town shall have the burden to prove that the on-premises advertising sign was not lawfully erected.
- (B) Expansion and enlargement. A non-conforming Sign shall not be enlarged or expanded.
- (C) Moving. A non-conforming off-premises Sign shall not be moved in whole or in part to any other location unless the move results in the entire Sign being brought into compliance with all applicable regulations of this UDO.
- (D) Loss of Non-Conforming Status. If an off-premises Sign is destroyed by any means, by more than fifty (50) percent of the replacement cost of the Sign, it shall not be reestablished except in compliance with all applicable regulations.
- (E) Repairs. Repairs to damage to a non-conforming Sign shall be completed within three (3) months of the time of such damage.

(Ord. #3141)

4.6.21. Signs Within the Historic District Overlay

- (A) Signs in the Historic District shall obtain a Certificate of Appropriateness prior to any installation, with the exception of certain Temporary Signs not requiring a permit.
- (B) Signs in the Historic District are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs, Awning Signs and certain Temporary Signs as set forth in UDO Section 4.6.16.
- (C) One (1) Monument Sign per Parcel is permitted. However, the Monument Sign shall be located on private property and subject to the following:
 - (1) When multiple tenants share a structure located on a single Parcel, only one (1) Monument Sign is permitted.
 - (2) The maximum Sign area for the Monument Sign is ten (10) square feet.
 - (3) The maximum height of the Monument Sign is four (4) feet; and
 - (4) The Monument Sign is not located within any site distance triangle and does not interfere with any vehicular or pedestrian way.
- (D) One (1) Wall Sign per separate business establishment is permitted. A second Wall Sign may be established if the business establishment has frontage on more than one street or if the business establishment's

parking is not located between the establishment and the street. Wall Signs shall not exceed six (6) square feet in area.

- (E) One (1) Projecting Sign per separate business establishment is permitted. Projecting Signs may exceed the twelve (12) inch limit for Signs attached to a wall. Projecting Signs are not to exceed four (4) square feet in Sign area. The bottom edge of such Projecting Signs must be located at least seven (7) feet above the sidewalk.
- (F) Canopy Signs are permitted when suspended or attached to the underside of a canopy provided such Signs do not exceed four (4) square feet in area and shall be located at least seven (7) feet above the sidewalk.
- (G) Awning Signs are permitted to be located on the awning valance and shall not exceed six (6) square feet in area or cover more than twenty (20) percent of the awning area.
- (H) The Sign area of a Sign permanently painted, affixed or placed in a Building window that is visible from a street Right-of-Way or pedestrian way shall be restricted to no more than forty (40) percent of the total window area.

(Ord. #1775)

4.7. FENCES AND WALLS

All fences and walls shall comply with the requirements of this section unless specifically approved as part of a Planned Development, Architectural Compliance Permit, Conditional Zoning or Special Use Permit, Variance or Certificate of Appropriateness.

(Ord. #2052)

- (A) Except as otherwise provided in this section, fences that are no taller than six (6) feet may be built along interior side and rear property lines.

- (B) Exterior Side Yard fences that are no taller than six (6) feet shall be at least two feet from the Right-of-Way and no closer than two (2) feet from the inside edge of the sidewalk.
- (C) Fences in Front Yards are discouraged, but must be:
 - (1) Located least two (2) feet from the Right-of-Way and no closer than two (2) feet from the inside edge of the sidewalk;
 - (2) Less than sixty (60) percent opaque;
 - (3) Be designed as picket or wrought-iron style fences (chain link and chicken wire are prohibited); and
 - (4) Not exceed four (4) feet in height, except that wrought iron and split rail style fences may be up to five (5) feet tall.

(Ord. #1714)

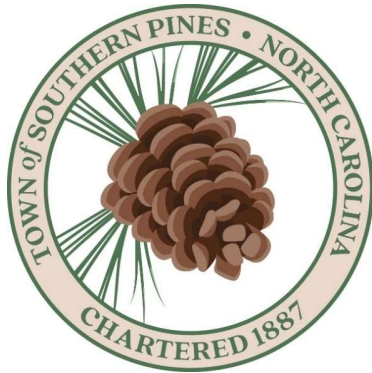
- (D) Perimeter chain link fences that are installed in any Institutional, Commercial or Residential Development must locate the fence no closer to the property line than the middle of the Setback or buffer. Existing vegetation cannot be removed in the Setback/buffer. If berms are located in the buffer or Setback then the fence must be behind the berm, inside the Development. The fence cannot be taller than (6) six feet from ground level and must be of a non-reflective color such as brown, black or dark green.
- (E) Fences shall be considered to be structures that are subject to the zoning district Setback requirements if they are located in a Yard adjacent to a street Right-of-Way, exceed (6) six feet in height and are substantially opaque.
- (F) No fence shall obstruct any traffic safety visibility zone.
- (G) Barbed wire, razor wire or other fence materials designed to cut or puncture are prohibited in all districts, except in the I and GB districts. In the HCO districts, such fences shall be limited to side and rear property lines that are screened from the highway corridor and abutting residential properties.

Showing OA-01-26 Proposed Amds.

Town of Southern Pines, North Carolina

Unified Development Ordinance

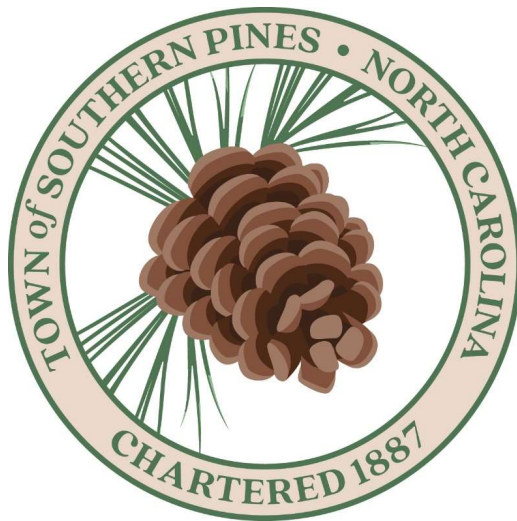
Appendices



Updated

December 9, 2025

APPENDIX B: ENGINEERING AND CONSTRUCTION STANDARDS MANUAL



Engineering and Construction Standards Manual December 9, 2025

CHAPTER 2: STREETS

1. GENERAL NOTES

- A. All work and materials shall conform to the latest edition of the NCDOT Standard Specifications for Roads and Structures unless otherwise specified in this manual.
- B. Depending on the proposed construction activities, a bond may be required for possible damages to Town streets and, shall be in an amount established by the Town.
- C. The contractor shall maintain two-way traffic at all times when working within existing streets in accordance with the latest edition Manual for Uniform Traffic Control Devices (MUTCD) and NCDOT.
- D. Street cuts and sidewalks should be completely repaired in an expedient manner. Unless otherwise noted in construction documents, cuts must be filled per Standard Details, with flowable fill or suitable material to within 1.5" of finished grade within 3 days of initial work. Finished roadway surfaces, sidewalks and curbs must be restored within 15 days of initial work.
- E. Trench Backfill Requirements:
 - 1. All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Materials deemed by the Inspector as unsuitable for backfill purposes shall be removed and replaced with select backfill material.
 - 2. All trenches in the street right-of-way shall be backfilled immediately after the pipe is laid. No more trench shall be opened in advance of pipe laying than is necessary to expedite the work. One block or 200' (whichever is less) shall be the maximum length of open trench on any line under construction.
 - 3. All trench backfill shall be compacted to 8" below the finished surface to a 100% density in accordance with AASHTO T 99 as modified by NCDOT. All trench backfill greater than 8" below the finished surface shall be compacted to 95% density in accordance with AASHTO T 99 as modified by NCDOT.
 - 4. All trench backfill shall be compacted in maximum 6" lifts.
- F. All subgrade shall be compacted to a depth of 8" below the finished surface to a 100% density in accordance with AASHTO T 99 as modified by NCDOT. All embankment shall be compacted to 95% density in accordance with AASHTO T 99 as modified by NCDOT for depths greater than 8".
- G. All trench backfill, subgrade, embankment fill, and ABC shall require density tests be performed at a frequency as follows. Test reports shall be conveyed to the Town on a weekly basis.

Road subgrade	1 test group for every 500' 1,000 feet of road
Parking subgrade	1 test group for every 103,000 square feet/yards
Aggregate Base Course	Same as subgrade
Trenches	1 test group for every 500' 2,000 feet of trench or every road crossing
Embankment Fill	1 test group for every 105,000 square feet cubic yards or fraction thereof.

*A test group shall consist of 1 test for every ~~2'~~ of fill in the test location other lift
- H. All manholes, junction boxes, water valve boxes and other appurtenances shall be covered at subgrade level with a steel plate until the first lift of surface course asphalt is placed. At that time, the utility may be raised to the finished grade.
- I. A tolerance for grading the subgrade shall be +/- 1/2" from the established grade will be permitted after the subgrade has been graded to a uniform surface. A tolerance of +/- 1/4" will be permitted under concrete pavement mainline lanes. Perform the grading operation such that the maximum difference

Commented [JM1]: Revisions match NCDOT testing standards.

between the established grade and the graded subgrade within any 100' section is ½" for normal subgrade and ¼" for subgrade for concrete pavement.

- J. A proof roll witnessed by an accredited testing firm and the Town Inspector shall be required prior to placing curb and gutter, ABC, and asphalt. A report of the proof roll shall be provided to the Town Engineer. Equipment to be used for the proof rolls shall be a loaded tandem dump truck. Proof rolls shall not occur more than 10 days prior to the placement of the associated work.
 1. Proof rolls will not be performed on frozen subgrades and inclement weather will void any proof roll if the associated work has not been completed.
 2. A motor grader may be used in some circumstances for a proof roll on curb and gutter only. Prior approval by the Town Engineer is required for use of a motor grader.
 3. Weight requirements for equipment:

Motor Grader	30,000 lbs
Tandem Truck	45,000 lbs
- K. Upon completion of the subgrade proof rolling, a report from an accredited testing laboratory shall be provided to the Town Engineer. The report shall present the results of a Proctor analysis demonstrating that the subgrade compaction is acceptable in accordance with standard requirements of NCDOT in all the significant fill areas. The testing firm shall also inspect the subgrade to verify conformance with the pavement design report and provide a report of the findings to the Town Engineer. Upon acceptance and approval, the stone base course may be placed. However, no stone base may be placed prior to backfilling behind the curb. The stone base course materials should be placed and compacted to grade. Compaction and thickness testing shall be performed at a rate of 1 set of tests/ 500-1,000 linear feet with a minimum of three tests. Once the thickness and density of the ABC stone has been verified, and prior to the placement of concrete or asphalt, another proof roll of the ABC stone shall be performed under the supervision of the accredited testing laboratory and the Town Engineer. Once a passing proof roll is achieved, concrete and/or asphalt should be placed as soon as possible. In the event that inclement weather occurs after the ABC stone proof roll and before the placement of concrete or asphalt, or if a period of greater than 10 days lapses before paving, another proof roll of the ABC stone will be required. The contractor shall bear the cost of laboratory testing and inspections.
- L. Concrete or asphalt shall not be placed in inclement weather. The contractor shall protect freshly placed concrete or asphalt in accordance with Section 420 (Concrete Structures), Division 6 (Asphalt Pavements), and Division 7 (Concrete Pavements and Shoulders) of NCDOT Standard Specifications. Prior to any concrete being placed, a pre-pour meeting shall be required. Schedule the pre-pour meeting with the inspector.
- M. All concrete used for streets, curb and gutter, sidewalks and drainage structures, etc. shall be approved NCDOT mixes, unless otherwise directed by the Town Engineer or project special provisions. Concrete testing shall follow requirements and frequency set forth by NCDOT and ACI.
- N. The concrete temperature at the time of placement shall be between 50°F and 95°F except where other temperatures are required by NCDOT Specifications, Section 420. Do not place concrete without permission when the air temperature measured at the location of the concrete operation in the shade away from artificial heat is below 35°F. When such permission is granted, uniformly heat the aggregates and/or water to a temperature not higher than 150°F. Heated concrete shall be between 55°F and 80°F at the time of placement.
- O. All excess concrete on the front edge (lip) of gutter shall be removed when curb and gutter is poured with a machine.
- P. Straight forms shall not be used for forming curb and gutter in curves.

Commented [JM2]: Revisions match NCDOT testing standards.

- Q. Contraction joints, expansion joints and joint sealer shall follow NCDOT Specifications and Town Standard Details.
- R. All concrete shall be cured with curing compound. Use white pigmented curing compound which meets ASTM C 309, as required by NCDOT Section 825 and Section 1026, applied at a uniform rate per manufacturer's instructions. Apply the membrane curing compound after the surface finishing is complete and immediately after the free surface moisture disappears, but at no point, more than 24 hours of after placement of the concrete.
- S. All curb and gutter shall be backfilled with soil approved by the Town Engineer within 7 days after construction, but not before 3 curing days has elapsed. Do not place ABC or pavement adjacent to the curb before the 3 curing days has elapsed.
- T. Prior to any asphalt being placed, a pavement coordination meeting shall be required. Schedule the pavement coordination meeting with the Town Inspector. All testing reports shall be provided to the Town Engineer prior to scheduling the pavement ~~coordinateion~~ coordination meeting.
- U. Asphalt shall not be placed unless the minimum temperatures are met in NCDOT Specifications, Section 610. Do not place plant mix base course that will not be covered with surface or intermediate course during the same calendar year or within 15 days of placement if the plant mix is placed in January or February. The asphalt supplier and/or paving contractor shall perform all required field and laboratory testing in accordance with the current NCDOT standards during the production and installation of the paving materials. The results of the field and laboratory testing data will be provided to the Town Engineer for review and for final approval of the paving materials.
- V. When delaying the installation of the final lift of asphalt, drainage shall be maintained on the streets between the first lift of ~~S9.5A-5B~~ and the second lift of ~~S9.5A-5B~~ when the street is accepted. Use Southern Pines Standard Details to accommodate drainage in low areas.
- W. Surfaces shall be tacked when asphalt is being placed over existing asphalt streets or adjoining concrete, storm drain and sanitary sewer structures. In the event more than 1 lift of asphalt is placed in a single day, tack is still required between lifts.
- X. All asphalt cuts shall be made with a saw when preparing street surfaces for patching or widening strips. Milling is an acceptable alternative to saw cuts when applicable.
- Y. Paper joints shall be used to seal the ends of an asphalt pour so that future extensions can be made without causing rough joints.
- Z. When placing asphalt against existing surfaces, a straight edge shall be used to provide a smooth and consistent transition between the two surfaces at that location.
- AA. Dead-end streets without cul-de-sacs shall be required to install object signs designating the dead-end.
- BB. Fire apparatus access road shall be capable of supporting the imposed load of fire apparatus weighing at least 75,000 lbs in any weather condition, including during development construction. ~~Furthermore,~~ The access road minimum unobstructed width shall be 20', exclusive of shoulders, with a 13'-6" unobstructed vertical height (IFC Section 503.2.1) and shall not exceed a 10% grade. In the event a fire hydrant is located on the access road, the minimum width of the road shall be 26', exclusive of shoulders (IFC Appendix D). Grades steeper than 10% as approved by the fire chief. See Appendix A for dead-end access road turnarounds.
- CC. During phasing of residential developments temporary turnarounds are required for fire apparatus access. The temporary turnaround is required for streets 150' + from the intersecting street without a designed cul-de-sac.

Commented [JM3]: Typo correction.

Commented [JM4]: S9.5A asphalt is no longer readily available, so changed to S9.5B.

Commented [JM5]: Simplifying change.

DD. All permanent striping shall conform to NCDOT Specifications, and MUTCD standards and specifications. Temporary striping may be paint and conform to NCDOT specifications for the duration of time in which the striping can be installed prior to installing the permanent striping.

EE. Traffic Calming Devices shall be prohibited unless approved by the fire code official (2018 NC Fire Code 5.3.4.1).

2. STANDARDS OF STREET DESIGN

A. **Streets** (Public and Private): Refer to Appendix A for Street Classifications.

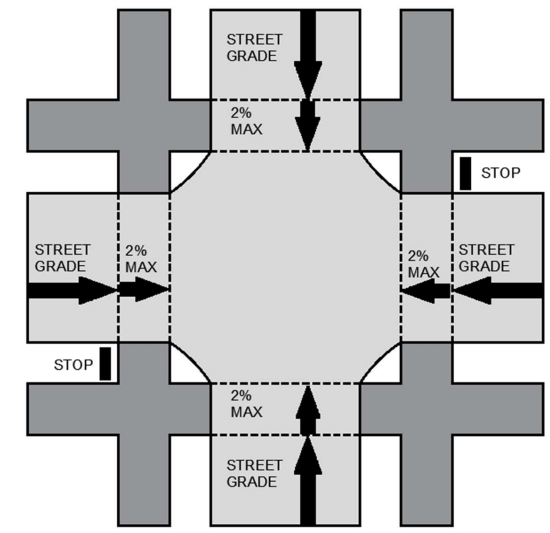
B. Intersections:

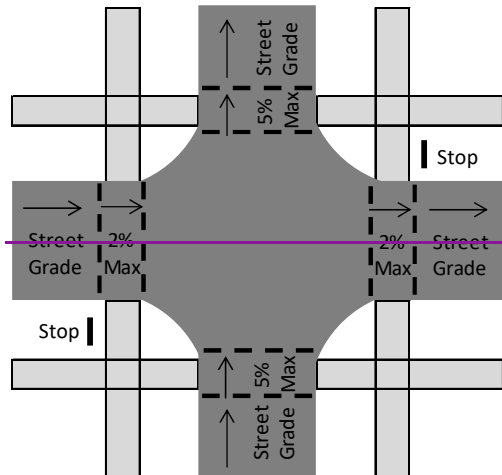
1. Maximum Street Grade at Intersections (See Diagram 2-1):

- STOP or YIELD Condition: Vertical alignment is 2% maximum through the crosswalk areas (marked or unmarked). Outside of the crosswalk areas, the vertical alignment is 5% maximum within 100' of an intersection.
- THROUGH MOVEMENT Condition: Vertical alignment is ~~5~~2% maximum through the crosswalk areas. Where feasible, it is recommended that the vertical alignment for a through movement street also be set at 2% maximum through the crosswalk areas (marked or unmarked).
- Insofar as practical, streets shall intersect at an angle of 90° for a minimum of 50' from the roadway intersection. In no case shall the angle be less than 75°. Intersections having more than 4 corners shall be prohibited. Proposed streets which intersect opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite each other.

Commented [JM6]: Americans with Disability Act (ADA) maximum is 2%.

DIAGRAM 2-1: INTERSECTION GRADES





C. Intersection Sight Distance:

1. Minimum sight triangles will be provided at each intersection corner. Sight distance shall be measured a minimum of 15-feet from the edge of the travel lane or 10-feet from the back of curb, whichever is greater.
2. Sight triangles shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction between a height greater than 2' above the property line grade as established by the Town Engineer. The following are exempted from this provision:
 - a. Existing public utility poles.
 - b. Existing trees trimmed (to the trunk) to a height at least 9' above the level of the intersection.
 - c. Other plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave in all seasons a clear and unobstructed cross-view.
 - d. A supporting member or appurtenance to a permanent building lawfully existing on the effective date of this ordinance.
 - e. Official warning signs or signals.

Commented [JM7]: Change proposed to simplify measurement of sight distances.

- D. Stopping Sight Distance:** Intersections designs shall account for stopping sight distances in accordance with Tables 2-1 and 2-2.

TABLE 2-1: STOPPING SIGHT DISTANCE

Vehicle Speed (mph)	MINIMUM STOPPING SIGHT DISTANCE (ft)						
	UPGRADES			FLAT	DOWNGRADES		
	9 %	6 %	3 %	0 %	-3 %	-6 %	-9 %
25	140	145	150	155	160	165	175
30	180	185	200	200	205	215	230
35	225	230	240	250	260	275	290
40	270	280	290	305	315	335	355
45	320	330	345	360	380	400	430
50	375	390	405	425	450	475	510

TABLE 2-2: DESIGN INTERSECTION SIGHT DISTANCE, LEFT TURN FROM STOP

Design Speed (mph)	Stopping Sight Distance (ft)	Intersection Sight Distance for Passenger Cars	
		Calculated (ft)	Design (ft)
15	80	165.4	170
20	110	220.5	225
25	155	275.6	280
30	200	330.8	335
35	250	385.9	390
40	305	441.0	445
45	360	496.1	500
50	425	551.3	555

E. Cul-de-sac Streets:

- Shall not exceed a more than 500 feet of length from the connection to the intersecting street to the furthest paved point. Temporary cul-de-sacs on stub streets shall not exceed one-thousand (1,000) feet unless no other practicable alternative is available.
 - The preliminary and final site plan shall show a stub connecting the cul-de-sac to adjoining areas or parcels where future roadways are delineated on a recorded subdivision or site plan (provided reasonable connection can be achieved without the need for a bridge or other feature to negate substantial topography). The stub shall be improved as pedestrian walkway, trail, or bikeway.
 - The radius for the circular terminus, or turnaround, shall be not less than 43'.

F. A Traffic Impact Analysis (TIA) and Traffic Design Analysis (TDA): Are required per section 4.11 Transportation/Traffic Analyses of the UDO.

G. Pavement Design: ~~The pavement designs presented in Table A-1 shall be considered the minimum design requirements. A pavement design report produced and certified by a professional engineer, using AASHTO methodology shall be provided to the Town Engineer during the Engineering Plan review. The report shall be based on field and lab testing of in-place subgrade materials by a qualified geotechnical firm and shall incorporate the following criteria: 25-year design life, 4% annual growth rate, and appropriate traffic projections with truck factor. The traffic projections shall account for offsite areas that the road will, or is planned to connect to, based on the current zoning or land use. If the design structural coefficient exceeds that of the standard, the design structure shall be used.~~

- All public roads and private roads classified as collectors or higher shall follow the NCDOT's Pavement Design Procedure. The design engineer shall provide a design report verifying compliance with the design procedure manual.
- Private residential local roads shall follow NCDOT's Subdivision Road Minimum Construction Standards. The design engineer shall provide a design report verifying the roadway classification, subgrade soil type, and documentation of the minimum pavement design to be used for the project.

G-H. Driveways

- Refer to Southern Pines Standard Details for driveway layout and separation requirements.
- Driveway Permits and inspections are required per UDO.

Commented [JM8]: Changes are being proposed due to changes in NCGS from Session Law 2025-94 limiting pavement design standards to NCDOT minimums.

H.I. Design Vehicles

1. Site designs and/or street designs shall evaluate the minimum turning radius for the vehicular traffic intended for use to support the proposed improvement. The evaluation of the vehicular turning radius shall include, but not be limited to, parcel delivery trucks, garbage trucks, semi-truck and trailers and current Southern Pines Fire Department fire apparatus vehicles. See Appendix A for appropriate design vehicles.
2. Regardless of the street classification or design vehicle, radii may need to be adjusted to meet the requirements of the proposed usage and vehicle. The Town Engineer may request the additional requirements based on the proposed usage warrants.

J. Roadway Geometric Design

1. All commercial collector and higher roads shall be designed in accordance with the NCDOT's Roadway Design Manual. The design engineer shall provide a design report verifying compliance with the standards.
2. All residential roads shall be designed in accordance with NCDOT's Subdivision Road Minimum Construction Standards. The design engineer shall provide a design report verifying compliance with the standards.
3. In no case shall a road exceed a maximum of a 10% grade.
4. Roads built without curb and gutter shall not exceed a 5% grade.
5. Cul-de-sac radius shall be in accordance with the Town's standard details.

Commented [JM9]: Changes are proposed to capture certain design elements previously covered under Table 2-3 which has now been deleted.

TABLE 2-3: STANDARDS OF STREET DESIGN

Street Type	Alley	Local	Collector	Arterial
Average Daily Traffic (ADT)	100	200	more than 800	
		Sub-Collector 800		
Longitudinal Grade ⁽⁴⁾ — Min	1%	1%	1%	See NCDOT Roadway Design Standards
Max: level/rolling	10%	10%	8%	
hilly	10%	10%	10%	
(stop/yield) at intersection	5%	2%	2%	
(thru movement) at intersection	5%	5%	5%	
Within 100' of an intersection	5%	5%	5%	
Minimum vertical curvature, K (L/A) — crest	12	20	30 (residential) 44 (non-residential)	See NCDOT Roadway Design Standards
— sag	26	30	50 (residential) 64 (non-residential)	
Min Horizontal Centerline Curve Radius		150'	230'	
Crown/Cross Slope	2%	2%	2%	
Min Tangent between Reverse Curves		50'	100'	
Street Intersection Radius ⁽²⁾	20'	30'	30'	
Design Speed — Min	15 mph	25 mph ⁽³⁾	40 mph	
Max	15 mph	40 mph	40 mph	
Design Vehicle	SU-30	SU-30		WB-62
Residential			SU-30	
Non-Residential			WB-62 or WB-40	
Driveway and Intersection Dimensions	See details for typical dimensions and separations			
Pavement Schedule ⁽¹⁾				
surface course (S9.5A)	2"	1.5"	2"	See NCDOT Roadway Design Standards
intermediate course (I19.0C)	0"	1.5"	3"	
base course	8" ABC or 4" B25-0C			
Dead-End Fire Apparatus Access Roads				
Length	0-150'	150'-500'	500'-750'	750'+
Width	20'	20'	20'	Special Approval Required
Vertical clearance	13.5'	13.5'	13.5'	
Maximum grade	10%	10%	10%	
Turnaround required	None	86' ϕ Cul-De-Sac 120' Hammerhead (Temporary)		

Notes:

1. Prior to substituting B25-0C, approval shall be obtained from the Town Engineer.
2. Radius measured from edge of pavement.
3. Design speeds are 5 MPH over the speed limit. Town wide speed limit is 35MPH unless otherwise posted. Design speeds less than 40 MPH must be approved by Council.
- 4.1. Maximum grade on roads without curb and gutter shall be 5%.

Commented [JM10]: Pavement design standards are now limited by Session Law 2025-94. Other items in this table already match NCDOT standards, so the table is being deleted and section J. above now references the applicable NCDOT standards.

3. GRADING

- A. The maximum slope for cuts and fill embankments is 3:1. Fill embankment materials shall be placed and thoroughly compacted in successive layers $\leq 10''$ in depth for the full width of the cross-section, including the width of the slope area. No stumps, trees, brush, rubbish or other unsuitable materials or substances shall be placed in the embankment.
- B. Longitudinal grades shall have a minimum grade of 1% and a maximum grade of 10%. Grades shall not exceed 5% on roads without curb and gutter.
- C. Transverse grade or crown shall be 2% with $\pm 0.5\%$ tolerance unless otherwise approved by the Town Engineer.

4. ROADWAY BASE

- A. Stone base course shall conform in all respects to Section 520 (Aggregate Base Course), Section 1006 (Aggregate Quality Control/Quality Assurance), Section 1010 (Aggregate for Non-Asphalt Type Bases) of the NCDOT Standard Specifications for Roads and Structures.
- B. The stone base shall be compacted to 100% in accordance with AASHTOT180 as modified by NCDOT when conventional density test #3 is used. When nuclear density testing is performed, a nuclear target density of at least 98% shall be obtained. In addition, the nuclear density of any single test location shall be at least 95% of the nuclear target density.
- C. ABC will not be allowed within widening strips less than 5' in width.
- D. Prior to the placement of base material, all subgrade, trench, and embankment testing shall be completed and provided to the Town.

Commented [JM11]: This is clarifying when testing needs to occur.

5. ROADWAY INTERMEDIATE AND SURFACE COURSE

- A. Plant mixed asphalt shall conform in all respects to Section 610 (Asphalt Concrete Plant Mix Pavements) of the NCDOT Specifications for Roads and Structures.
- B. A pavement coordination meeting shall be required prior to placing any asphalt. All testing reports shall be provided to the Town prior to scheduling of the meeting.
- C. An approved NCDOT Job Mix Formula shall be required to be submitted prior to paving.
- D. The contractor shall have a third party QMS Roadway Technician on-site during the paving operation. A report of the Technician's inspections and testing shall be provided to the Town.
- E. The contractor may elect to leave the final lift of asphalt surface course, for residential subdivision streets, withheld until the portion platted is occupied (occupied means a certificate of occupancy has been issued) and no conflicts exist between the water and sewer services and the proposed driveways. A subdivision improvement agreement will be required for the final lift of asphalt.
- F. Roadway Final Lift Inspection Procedures:
 - 1. Contractor puts down intermediate course and/or first lift of surface course and raises structures to final grade (including concrete collars 1" to 1.5" below final grade). Asphalt is to be placed around structures to prevent damage.
 - 2. Contractor submits Record Drawings to the Town Engineer.
 - 3. Upon approval by the Town Engineer, Contractor may request final inspection for water and/or sanitary sewer. Owner, along with the Town Inspector, shall then verify the water services and/or sanitary sewer laterals are not in conflict with driveways and/or other proposed infrastructure.
 - 4. The final asphalt must be placed before 2 years have lapsed since the approval of the intermediate asphalt layer. The Town must approve surety to cover the 2-yr period.

5. After placement of the final asphalt, the Contractor may request final inspection for the roadway, and upon approval, the 1-yr warranty of the roadway begins.
- G. In the event construction traffic must be routed on newly paved streets, a bond shall be provided to the Town until construction activities are completed.
- H. Prior to placing the final layer of surface course asphalt, the Town inspector shall be given a 48 hr notification to inspect the roadway for deficiencies. All deficiency repairs are to be completed prior to application of final layer.
- I. Cores or nuclear density may be used on base, intermediate and first lift of surface course mixes. Cores will not be permitted on the final lift of surface course. Only nuclear density testing shall be used on the final lift of surface course.
- J. Access must be maintained during the paving operation. Residents, emergency vehicles, solid waste collection and mail delivery will need to be addressed during the pavement coordination meeting.

6. SIDEWALKS AND RAMPS

- A. Where sidewalks and pedestrian routes within street crossings (including marked and unmarked crosswalks) are provided, they must be constructed so they are accessible to all potential users, including those with disabilities and conform to the Americans with Disability Act.
- B. Sidewalks shall be constructed of not less than NCDOT, Class B concrete, and shall be 4" thick, constructed on an adequately graded base, except where a sidewalk crosses a driveway it shall be 6" thick. Subgrade shall be compacted to 95% of the maximum density obtainable in accordance with AASHTO T 99 as modified by NCDOT. The surface of the sidewalk shall be steel trowel and light broom finished and cured with an acceptable curing compound. Tooled joints shall be provided at intervals of not less than 5', and $\frac{1}{2}$ " expansion joints at intervals of not more than 50'. $\frac{1}{2}$ " expansion joints will be required where the sidewalk joins any rigid structure. The sidewalk shall have a maximum lateral slope of 2% toward the street.
- C. All expansion joints shall be filled with joint sealer.
- D. Planting strip adjacent to sidewalk shall be graded to $\frac{1}{4}$ "/ft, except where excessive natural grades make this requirement impractical. In such cases, the Town Engineer may authorize a suitable grade.
- E. Sidewalk widths shall be a minimum of 5' unless otherwise specified.
- F. Approval of sidewalk construction plans must be obtained as part of the plan review process. Except in unusual circumstances, the sidewalk must be located a minimum of 6' from the back of the curb or at the back of the right-of-way. A recorded public sidewalk easement is required for all sidewalk located outside public right-of-way; the width shall be equal to the distance from the right-of-way line to the back of the sidewalk plus two feet or to the face of building, whichever is less. The sidewalk easement must be recorded with the Moore County Register of Deeds prior to issuance of a certificate of occupancy for the corresponding building(s).
- G. Running slope of directional ramps shall be from 7.5% to 8.33% maximum. Ramp length is not required to exceed 15' regardless of the resulting slope, which shall be uniform for the length of the ramp. Curb ramps are required where sidewalks intersect curbing at any street intersection and at Type III driveway connections.
- H. Truncated domes shall be Federal Standard Color Code number 20109, "Red Brown."
- I. Refer to the MUTCD (latest edition) for construction zone pedestrian routes and signalization and controls for actuators. Curb ramps shall be designed and constructed in accordance with the Americans with Disability Act.

- J. Where pedestrian routes are contained within a street or right-of-way, the grade of pedestrian access routes shall not exceed the general grade established for the adjacent street or highway.

7. DRIVEWAYS

- A. All driveway entrances and other openings onto town-maintained streets shall, at a minimum, conform to the requirements set forth in this section. Driveway entrances to state-maintained streets shall also conform to the standards contained herein as well as those of the North Carolina Department of Transportation. In the event of a conflict between the two sets of standards, the most restrictive standard shall apply.
- B. A Driveway Permit from the Town of Southern Pines is required prior to making connection to a Town street. Refer to the Land Development details for driveway layout requirements.
- C. The Town requires inspections of the street connections. Provide a minimum notice of 48 hours to schedule the inspection.
- D. Depending on the type of connection to streets or roadways, additional right of way, dedicated to the Town, may be required for improvements to the existing roadway. The cost of the right of way acquisition and street improvements is the responsibility of the Developer.
- E. Medians or islands may be permitted for street type driveways and private street entrances only, upon approval of the Town Engineer and subject to the following conditions:
 1. The raised median or island shall be constructed on private property to the rear of the right-of-way line.
 2. The minimum width of the median or island as measured nearest the right-of-way line (excluding the nose) shall be 15', the minimum length shall be 50'.
 3. For street type driveways with a median or island, the combined width of pavement of the separated driveway segments shall not exceed 48'.
- F. The standards for driveway spacing delineated in this section are intended as general guidelines for driveways with low and moderate traffic volumes. Spacing for high volume driveways (such as shopping centers, major apartment complexes, etc.) shall be determined by the Town Engineer based upon actual traffic conditions and needs.
- G. The number of permissible driveways on an individual property shall be determined as follows in Table 2-4:

TABLE 2-4: MAXIMUM NUMBER OF DRIVEWAYS BY STREET

Maximum Number of Driveways by Street		
Frontage	Arterial	All Other
<50'	1	1
51'-150'	1	2
151'-500'	2	3
>500'	3	4
See UDO Section 3.6.5 for additional limitations on the number of driveways for property located within highway corridor overlay district.		

- H. Applicants for driveways may be required to dedicate right-of-way for and construct or reimburse the cost of constructing medians, acceleration and deceleration lanes and traffic storage lanes to connect a driveway to a street. The need for these improvements will be determined by the Town Engineer and in cases involving driveway connections onto state-maintained roads, the consent of the North Carolina Department of Transportation must also be obtained. The need for the improvements must be reasonably attributable to the traffic utilizing the driveway and the improvements must be designed to serve the driveway traffic.

8. PARKING

- A. Off-street parking spaces shall be provided in accordance with the requirements in Chapter 4.5 Off Street Parking and Loading of the Southern Pines UDO. The Planning Department reviews and approves the parking requirements and the Planning Director shall be authorized to approve any alternate parking plans for developments.
- B. ~~A pavement design report produced and certified by a professional engineer, using AASHTO methodology shall be provided to the Town Engineer during the Engineering Plan review. The report shall be based on field and lab testing of in-place subgrade materials by a qualified geotechnical firm and shall incorporate the following criteria: 25-year design life, 4% annual growth rate, and appropriate traffic projections with truck factor. The traffic projections shall account for offsite areas that the parking lot will connect to or is planned to connect to, based on the current zoning or land use. The minimum structure shall be the equivalent to an Alley in Table A-1. A parking lot pavement design shall follow the procedure found in NCDOT's Subdivision Road Minimum Construction Standards. The design engineer shall provide a design report verifying the appropriate comparable classification, subgrade soil type, and documentation of the minimum pavement design to be used for the project.~~
- C. Concrete parking areas shall be designed and constructed the same as pavement except that the concrete surface shall be a minimum of six (6) inches in thickness.
- D. When justified, the Town Engineer may allow other paving materials to be used so long as a design report is produced and certified by a professional engineer that an equivalent level of stability is achieved.
- E. When parking areas are not required to be paved with asphalt, concrete, or other paving material in accordance with Chapter 4.5 Off Street Parking and Loading of the UDO, the parking areas shall be designed and constructed the same as pavement with a minimum depth of six (6) inches of base stone and two (2) inches of surface stone.

9. NCDOT COORDINATION

- A. Any connection or potential impact to a NCDOT roadway shall require approval by NCDOT. It is recommended coordination meetings take place early in the development process with the

Commented [JM12]: Changes are being proposed due to changes in NCGS from Session Law 2024-133 limiting pavement design standards for parking areas to NCDOT minimums.

developer, NCDOT and Town of Southern Pines discussing potential requirements for roadway improvements, access to the site and right of way dedications. NCDOT has the ultimate authority for any work in NCDOT right of way.

- B. It is the sole responsibility of the requesting party to determine if a street is State maintained or not.
- C. Plan submittals, review and approvals should be coordinated concurrently with both, NCDOT and the Town of Southern Pines, to avoid conflicting requirements. The coordination should account for the review process of the two agencies may not coincide and communication of submittals from the requesting party is essential in avoiding delays. In situations where an agency's regulation differs from that of the other agency, the more restrictive of the two shall govern.
- D. NCDOT and the Town of Southern Pines require approvals for connections to existing roadways. The Town of Southern Pines will approve any connections to Town streets. Prior to obtaining Site Plan approval or Town driveway permit, the requesting party shall provide the Town of Southern Pines an approved driveway permit from NCDOT allowing access to the site from a NCDOT street.
- E. During construction of the project, both NCDOT and the Town of Southern Pines have enforcement authority to ensure safety in the right of way is not being compromised. Both agencies have the ability to affect the project's progress if there is reason to believe proper construction practices are not being adhered to and/or if unsuitable materials are being used in the right of way. Failure to comply with permits and the approved plans may result in revocation of permits.

10. BRIDGES

- A. The use of a bridge for a publicly maintained project shall require prior approval by the Town Engineer.
- B. The layout and design of bridges shall follow the current applicable NCDOT policies and manuals and shall be designed under the responsible charge of a registered design professional.
- C. The bridge shall be designed to include support for lighting, public water lines and other public utilities. Private utility lines are not allowed to be attached to the structure.
- D. Design submittals shall include copies of foundation reports, design load assumptions, and bridge design calculations for structural components.
- E. The developer shall be responsible for providing geotechnical testing, engineering oversight and construction observation of the bridge and associated structures by a qualified individual. Copies of the inspection reports and the design engineer's as-built certification shall be provided with the as-built drawings for the bridge.

11. GREENWAYS

- A. Greenways constructed in the jurisdiction of the Town of Southern Pines shall follow current guidelines by NCDOT, NCDOT Greenway Specification Z-200, MUTCD, AASHTO, FHWA, ADA and this manual.
- B. Construction of greenways and trails shall require permits be obtained from each agency having jurisdiction within the construction area. Potential agencies requiring permits for greenway construction are: NCDOT, FEMA Conditional Letter of Map Revision (CLOMR/LOMR), U. S. Army Corps of Engineers, DWQ and NCDEQ.
- C. Minimum stopping sight distance for various design speeds, vertical and horizontal curves, and grades need to be considered to ensure safe braking distance on a shared use path. The AASHTO

Guide for the Development of Bicycle Facilities provides methodologies, tables and graphs of stopping sight distance for various combinations of grade and design speed.

- D. Horizontal radii shall be a minimum 90' centerline radius.
- E. Radii at greenway intersections shall be a minimum 20' to accommodate maintenance vehicles.
- F. Greenway intersections should be aligned at 90° angles when possible.

TABLE 2-5: GREENWAY MINIMUM STOPPING SIGHT DISTANCE

A	English Units - Minimum Length of Crest Vertical Curve (L) Based on Stopping Sight Distance														
%	20	40	60	80	100	120	140	160	180	200	220	240	260	280	300
2												30	70	110	150
3								20	60	110	140	180	220	260	300
4						15	55	95	135	175	215	256	300	348	400
5					20	60	100	140	180	222	269	320	376	436	500
6				10	50	90	130	171	216	267	323	384	451	523	600
7				31	71	111	152	199	252	311	376	448	526	610	700
8			8	48	88	128	174	228	288	356	430	512	601	697	800
9			20	60	100	144	196	256	324	400	484	576	676	784	900
10			30	70	111	160	218	284	360	444	539	640	751	871	1000
11			38	78	122	176	240	313	396	489	592	704	826	958	1100
12	5	45	85	133	192	261	341	432	533	645	768	901	1045	1200	

1. When $S > L = 2S - 900/A$ Shaded area represents $S = L$
 2. When $S < L = AS^2/900$
- L = Minimum Length of Vertical Curve (ft)
 A = Algebraic Grade Difference (%)
 S = Stopping Sight Distance (ft)
 Height of Cyclist's Eye = 4.5'
 Height of Object = 0'
 Minimum Length of Vertical Curve = 3'
 Source: AASHTO, Guide for the Development of Bicycle Facilities

- G. Shared-use trails shall be constructed to a minimum width of 10'. Trails to be used for pedestrians only shall be constructed to a minimum width of 6'.
- H. Shoulders for all trails shall have a minimum 2' width on each side of the trail. 5' shoulders shall be required in fill areas and 3' shoulders in cut areas.
- I. A clear, unobstructed, space from the edge of pavement of 10' shall be required. Trees greater than 15" in diameter may remain, provided they are at least 2' clear of the trail.
- J. Greenways and trails shall not be constructed with a crown. All greenways and trails shall be constructed with cross-slopes between 1% - 2%.

- K. Longitudinal slope shall be less than 5% unless existing contours prohibit. In the event grades are steeper than 5%, an 8.33% grade shall not be longer than 200', a 10% grade shall not exceed 30' and a 12.5% grade shall not exceed 10' without a rest area.
- L. Rest areas shall be greater than 5' in length, have a width greater than the width of the trail segment to and from the rest area, have a grade less than 5%, have a cross-slope that exceeds 2%, have a minimal change of grade and cross-slope on the segment connecting the rest area with the main pathway and have accessible designs for amenities such as benches, where provided.
- M. The typical section for greenways shall include:
 - 1. Geotextile fabric for soil stabilization placed on subgrade compacted to a density of 92% in accordance with AASHTO T99 as modified by NCDOT.
 - 2. ABC shall be placed at a 6" compacted depth with a density of 92% in accordance with AASHTO T180 as modified by NCDOT for both nuclear and ring test.
 - 3. Asphalt option: place asphalt, 2" of S9.5A-5B placed in one lift, in accordance with Section 610 of the Standard Specifications, compacted to at least 85%. Coring of the final surface course will not be allowed.
- N. Provide a 54" safety rail when the following is within 6' of the edge of pavement:
 - 1. Slope $\geq$ 3:1 & drop of 6'.
 - 2. Slope $\geq$ 2:1 & drop of 4'.
 - 3. Slope $\geq$ 1:1 & drop of 1'.
- O. The current North Carolina Building Code requires handrails for instances where the distance from the top of a boardwalk deck to the bottom of the creek or top of ground is 30" or more. For instances where the distance is less than 30", a 6" toe board shall be used to prevent falls.
- P. Bridges shall have at least 10' clear inside dimensions. For bridges 10' in width, a design load of H5 shall be required. For bridges 12' in width, a design load of H10 shall be required.
- Q. Overhead clearance shall be 8' minimum of vertical height for pedestrian trails and 10' of vertical height for multi-use trails.
- R. During paving operations, dump truck loads shall be prohibited to 15 tons to prevent damage to the compacted ABC.
- S. In environmentally sensitive areas, alternative seeding specifications may be required.

Commented [JM13]: S9.5A asphalt is no longer readily available, so changed to S9.5B.