



**AGENDA**

**Planning Board**

**Thursday, April 23, 2026: 6:00 PM**

**Douglass Community Center: 1185 W. Pennsylvania Ave**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**1. March 19, 2026 Regular Meeting**

**PRELIMINARY FORUM**

**1. SU-01-26: Special Use Permit for 305 Rothney Avenue; Applicant: Reno Rolle**

Request for a Special Use Permit to expand an existing nonconforming commercial site (former JFR Barn) into a restaurant/event venue with indoor and outdoor gathering spaces. Proposed improvements include additional second-floor space, outdoor structures, landscaping upgrades, and operational enhancements.

**PUBLIC HEARINGS**

**1. PD-01-26: Planned Development District - Conceptual Development Plan for 12.89 Acres on Waynor Road; Applicant: Kevin Lindsay on behalf of Chandler Pond Properties LLC**

Request to rezone approximately 12.9 acres at the northwest corner of Waynor Road and NC Hwy 22 to a Planned Development District with an associated Conceptual Development Plan. The proposal includes a religious institution on approximately 7.4 acres and a 7-lot single-family residential subdivision on the remaining acreage.

**2. OA-02-26 Proposed Southern Pines UDO Text Amendments**

The proposed amendments revise the Unified Development Ordinance to clarify and prioritize how required open space is designed, emphasizing preservation of natural features such as mature trees, sensitive areas, and buffers while maintaining existing open space quantity requirements. The proposed amendments introduce defined open space categories, establish minimum tree preservation expectations, add flexibility through administrative modifications, and include incentives to encourage developments that maximize preservation of existing natural resources.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**ADJOURNMENT**

# Planning Staff Report

**To:** Planning Board

**From:** Gene Ruiz, Planner II

**Date:** April 23, 2026

**Item:** File #SU-01-26 Review of a Special Use Permit (SUP) for 305 Rothney Café Boku

## I. EXECUTIVE SUMMARY

Reno and Lynn Rolles, owners of Barnyard Ventures LLC and the subject property, have submitted a request for a Special Use Permit (SUP) to expand a nonconforming site in accordance with UDO Section 7.1.8. The property consists of an approximately 11,500-square-foot, two-story building on ±1.43 acres, formerly operated as the JFR Barn steakhouse, which remained vacant for over a decade. The site has since undergone approved site plan and Architectural Compliance Permit review to facilitate renovations and reestablishment as Café Boku, including the addition of Mercedes EV charging stations as a supplemental use. As renovations have progressed, the applicant now proposes to expand the site's function beyond a traditional restaurant use to include an event center/venue with associated outdoor gathering spaces and a stage.

The request includes several site and structural improvements associated with the proposed expansion, including the addition of an event center use; installation of a custom-painted 40-foot CONEX container for use as an art installation and storage; construction of two (2) 26-foot by 60-foot pole barns to support outdoor dining and gathering areas within the rear "Barnyard" portion of the site; relocation of the Fire Department Connection (FDC) outside of the fenced service area along Shaw Avenue to improve emergency access; comprehensive landscaping enhancements throughout the site, particularly within the Barnyard area, including fire pits, a water feature, and associated hardscape elements; installation of an eight (8) foot tall privacy fence around the rear Barnyard area to match existing fencing and provide screening, security, and noise attenuation; modification of a previously approved cement patio to a wood-framed deck of equal or improved design; addition of a steel staircase on the north elevation to provide compliant second-floor egress; and connection to a new sewer line along Luther Avenue with written authorization from the adjacent property owner.

The subject property is identified as PARID 00046498 and is located at 305 Rothney.

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**II. PROJECT INFORMATION**

**A. Property Owner:**

Barnyard Ventures, LLC

**B. Applicant & Authorized Agent:**

Reno and Lynn Rolle

**C. Subject Property Description:**

The subject property is located 305 Rothney Ave. formally known as The JFR Barn Steakhouse

**D. Current Zoning: General Business (GB)**

**Overlays:** Urban Village Highway Corridor Overlay

**Figure 1: Vicinity Arial Image Conditions**



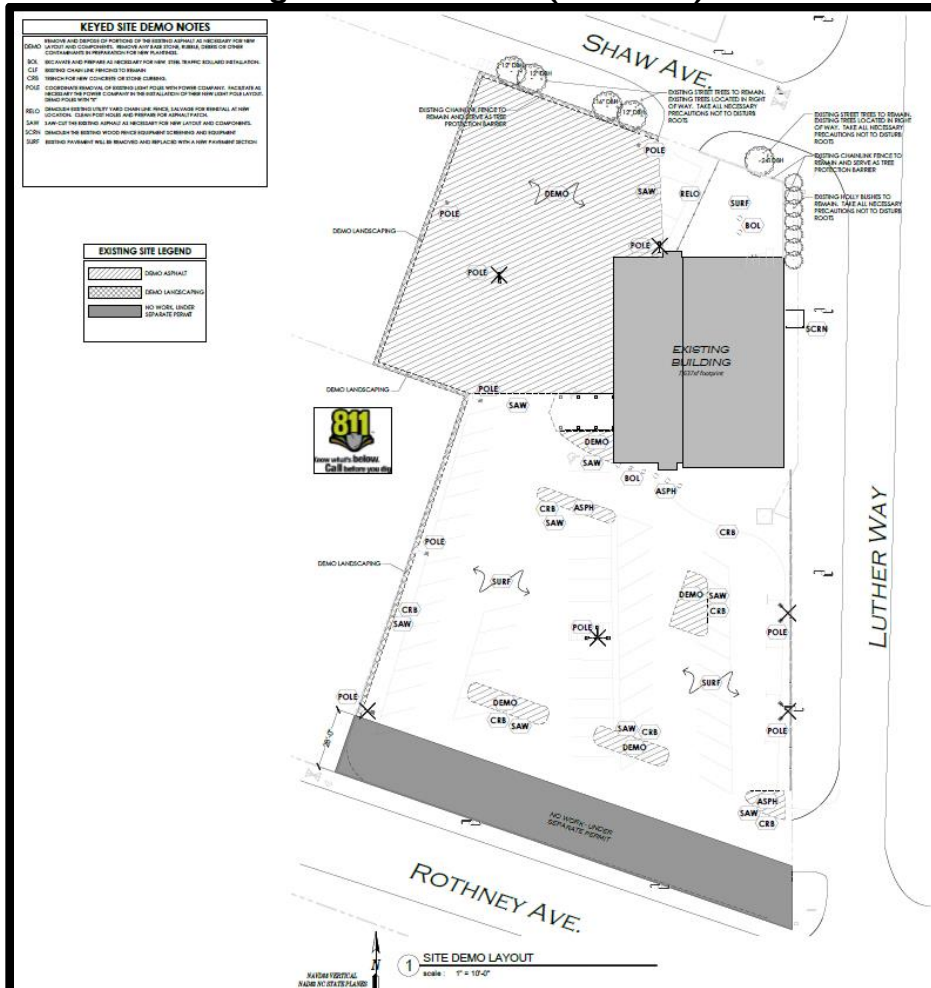
**Figure 2: Vicinity Zoning Map**



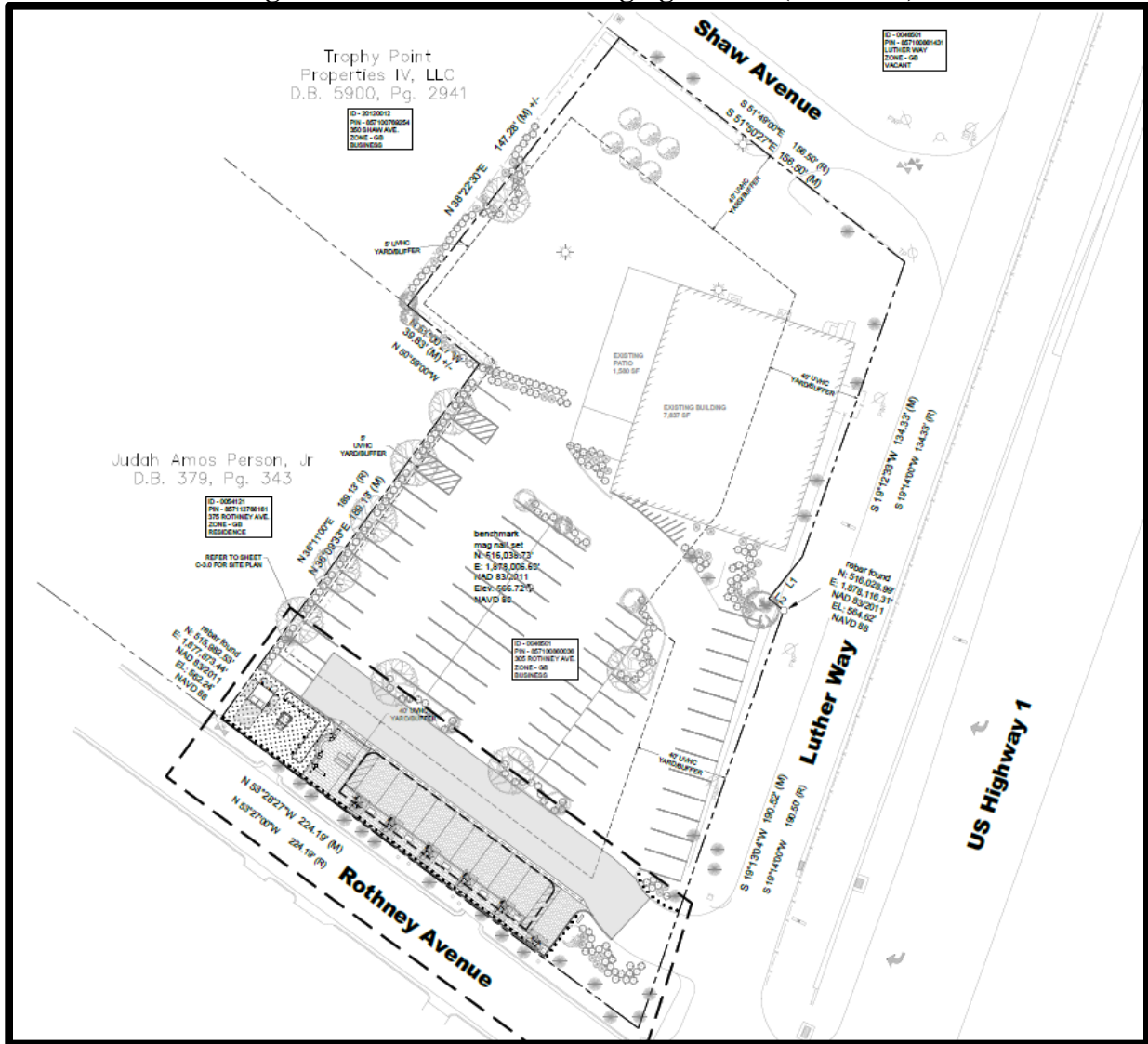
**Figure 3: Drone overhead facing N. West**



**Figure 4: Café Boku (ZP-20-24)**



**Figure 5: Café Boku EV Charging Station (ZP-17-25)**



### III. STAFF REVIEW

#### A. Application Review Dates

- Special Use Permit Amendment Application Submitted: **February 27, 2026**
- Application Deemed Complete: **March 23, 2026**
- Notice of **March 19, 2026**, Planning Board Meeting:
  - Posted On-site: **April 1, 2026**
  - Mailed: **April 1, 2026**
  - Internet: **March 26, 2026**
  - Published: **April 8, and April 15, 2026**
- **Planning Board Preliminary Forum: April 16, 2026**

#### B. Process and Standards for Review

Zoning entitlement has changed in a number of ways since 2011, in some cases due to legislation enabled by changes in State Statutes. Conditional Use Permits are now called “special use permits.” The procedures for the review and approval of a Special Use Permit per UDO §2.21, establish a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. Special Use Permit Criteria, UDO §2.21.6 (A-F)

#### C. Applicable Criteria for Review

A Special Use Permit (SUP) provides a discretionary review process for uses that may have unique characteristics or potential impacts on surrounding properties and are therefore not permitted by right. Approval is not guaranteed and must be justified by the applicant on a case-by-case basis. To receive a SUP, the applicant must demonstrate that the proposed use complies with all applicable zoning and supplemental regulations, is compatible with the surrounding neighborhood, and will not negatively impact adjacent properties or future development. Staff analysis of how the application addresses these six (6) criteria per **UDO §2.21.6 (A-F) and the additional criteria for expansion of a non-conformity found in §7.1.8(B) (1-8) & C (1-5)** begins below:

#### **Special Use Permit - UDO §2.21.6 (A-F)**

##### **A. The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;**

This parcel is zoned General Business (GB) and is located within the Urban Highway Corridor Overlay. The proposed additional land use is permitted within the GB zoning district; however, the expansion triggers additional parking requirements that must be addressed.

The applicant has indicated they are currently coordinating shared parking arrangements with the Veterans Motorcycle Club, Grace Church, Trophy Point Offices, and potential on-street parking opportunities along Rothney Road and Shaw Avenue. According to the applicant, the proposed parking agreements are under legal review by the respective parties, and executed agreements are anticipated to be presented prior to or at the Town Council hearing.

The proposed expansion includes approximately 5,500 square feet of additional interior floor area on the second story of the existing building, which represents roughly one-half of the

existing building area, as well as two outdoor pole barns totaling approximately 3,120 square feet with associated outdoor seating. Based on the proposed uses, the total parking requirement is calculated at 130 spaces. Pursuant to UDO §2.46(D), the Planning Director has approved an administrative relief reduction of 26 spaces, reducing the required parking total to 104 spaces.

The site currently provides 74 parking spaces, including 10 EV charging spaces and 10 compact vehicle spaces. As such, the development remains deficient by 30 parking spaces unless additional off-site parking arrangements are secured. The applicant has stated they are actively negotiating agreements with Grace Church and the Veterans Motorcycle Club, located at 360 Shaw Avenue, to satisfy the remaining parking demand.

The proposed CONEX shipping container generally meets applicable setback requirements. While portable containers are not permitted as a long-term accessory structure under UDO §5.3.2.E.2, except for limited temporary use during construction, and would otherwise be required to be removed upon completion of construction, staff recognizes that the applicant's request is distinguishable in this case. The proposed container is intended to support the ongoing operation of Café Boku by providing storage for outdoor furniture, tables, chairs, and other equipment associated with the proposed outdoor gathering and event venue area. Staff finds this to be a reasonable accessory use given the operational needs of the site. Therefore, staff recommends approval subject to a condition requiring the container to be fully screened from all public rights-of-way and adjoining properties at all times. Any proposed landscaping or existing vegetation used for screening shall be of sufficient height, density, and maturity to effectively satisfy the intent of the screening requirement.

At this time, no additional zoning concerns have been identified, subject to resolution of the outstanding parking deficiency through executed parking agreements acceptable to the Town.

**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;**

The subject property is designated in the Southern Pines 2040 Comprehensive Plan as an Employment Center across all applicable mapping frameworks, including the General Framework Map (Area to Enhance), the Conservation and Development Map (Employment Center), and the Character District Map (Suburban Settlements). Collectively, these designations support a development pattern that encourages commercial, civic, and institutional uses intended to serve the surrounding community.

Consistent with this adopted policy guidance, the proposed special use is compatible with the existing and planned character of the area, which anticipates a mix of neighborhood-serving commercial and civic activity. The request does not introduce a use that is out of character with the surrounding context; rather, it reinforces the intended development pattern and contributes to the activation of the US HWY 1 corridor in a manner consistent with the Town's long-range planning objectives.

In addition, the applicant is proposing site improvements, including relocation of the Fire Department Connection (FDC) along Shaw Avenue, which will improve emergency vehicle access and functionality without encroaching into the fenced service area.

Based on the information provided, the proposed use is not expected to materially injure the use and enjoyment of nearby properties for uses already permitted, but instead supports the orderly development of a cohesive, service-oriented neighborhood environment.

**C. Adequate public facilities shall be provided as set forth herein;**

The subject property is adequately served by existing public utilities, including available water service along Shaw Avenue and sanitary sewer infrastructure along Rothney Avenue. The applicant has indicated an intent to connect to the utility improvements currently being installed by the adjoining property owner to the north, Trophy Properties, in order to enhance service capacity and support the proposed development. Based on the availability of these public utility services, staff finds that adequate public facilities can be provided to serve the proposed special use, subject to all applicable utility connection approvals and permits.

**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;**

No evidence and/or expert testimony was submitted by the applicant addressing orderly development nor impact of 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;**

The subject property is an existing nonconforming site that historically operated as a restaurant prior to remaining vacant for more than a decade. The redevelopment of the property by Café Boku was initially reviewed and approved to reestablish the restaurant use. As part of that original site plan review, the project received an administrative parking reduction pursuant to UDO §2.46.3.D, which authorizes the Planning Director to reduce required parking by up to twenty percent. That approval established a reduced parking requirement of 74 spaces for the restaurant use.

The current request proposes additional second-floor square footage, expanded outdoor seating, and event space, all of which increase the overall intensity of the site and generate additional parking demand. Based on the proposed expansion in floor area and use, approximately 30 additional parking spaces would be needed to fully satisfy current parking requirements. Staff has advised the applicant to coordinate with neighboring businesses and adjacent property owners to secure supplemental parking through formal shared parking agreements.

While on-street parking may provide some incidental overflow capacity, those spaces are public in nature and are not reserved exclusively for Café Boku patrons. Accordingly, staff finds that any approval should be conditioned upon the applicant securing and maintaining adequate off-site parking agreements sufficient to accommodate peak demand associated with both normal restaurant operations and special events.

**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.**

If the proposed off-site parking agreements are finalized, executed, and determined to be compliant with all applicable Unified Development Ordinance requirements, staff finds that the public interest and welfare supporting the proposed use would likely outweigh any individual adverse impacts associated with the request.

The property has historically operated as a restaurant use with access to parking capacity exceeding 100 spaces. As such, the site has previously functioned at a similar level of intensity, and the requested use represents a reinvestment in an existing commercial property rather than the introduction of an entirely new impact-generating use.

Subject to securing adequate parking and compliance with all conditions of approval, the proposed special use is expected to provide economic activity, continued utilization of a previously vacant site, and neighborhood-serving amenities that support the broader public interest.

**Special Use Permit - UDO §7.1.8(B) (1-8)**

This request for a Special Use Permit involves the expansion of an existing nonconforming site. The subject property is considered nonconforming because it does not comply with several current zoning and development standards, including those applicable to the High Corridor Overlay (Urban Village HC) under UDO §3.6.5, such as building setbacks, parking setbacks, required landscape buffers, and maximum permitted parking within the corridor. In addition, the site does not meet certain current architectural and site design standards under UDO §4.10.4 related to building materials, building orientation, reflective metal roofing, screening of rooftop mechanical equipment, and frontage requirements. Because the property lawfully predates many of these standards, the existing nonconformities may remain; however, when an applicant seeks to intensify, enlarge, or expand a nonconforming site or use, the Town must evaluate the request more closely to ensure the proposed changes do not worsen existing deficiencies and that any impacts are appropriately mitigated. For that reason, applications involving the expansion of a nonconformity are subject to additional Special Use Permit criteria and review standards. When a Special Use Permit is being reviewed for the expansion of a nonconformity, additional criteria must be addressed:

**I. The termination of such non-conformity will result in unnecessary hardship;**

The narrative states the property contains a long-vacant former restaurant building that has remained blighted for over a decade. The applicant proposes adaptive reuse of an existing two-story commercial structure rather than demolition or abandonment. A reasonable argument can be made that strict elimination of the existing nonconforming conditions could impede practical reinvestment and reuse of the property.

Important Note: This should not be framed as financial hardship alone. The hardship should focus on the existing site layout, historic building configuration, and practical limitations of retrofitting an older developed parcel.

**2. The continuation of the non-conformity will not be contrary to the public interest;**

The continuation of the existing nonconformity, subject to compliance with all applicable regulations and conditions of approval, will not be contrary to the public interest. The applicant is proposing to rehabilitate a long-blighted property and reactivate a commercial site that has remained vacant for an extended period. The proposed improvements include reinvestment in the structure, upgraded utilities, enhanced fire access, and the establishment of dining and event space that will return the property to productive use. In addition, the project is expected to generate economic activity, support local employment opportunities, and improve the overall appearance and functionality of the site. Collectively, these factors support a finding that continuation of the nonconformity is consistent with and beneficial to the broader public interest.

**3. The continuation of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;**

The continuation of the existing nonconformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district. The applicant has made significant site improvements, including added green space, upgraded building systems, roof and façade repairs, new windows and shutters, enhanced buffers, and a new landscaping plan. These improvements improve the appearance of the property, strengthen compatibility with surrounding development, and complement the adjacent office use to the north.

In addition, these upgrades help mitigate potential external impacts such as parking, noise, lighting, and operational activity. Accordingly, the proposed continuation and expansion of the nonconformity is not expected to impair neighboring conforming properties.

**4. The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies;**

The proposed use will be in harmony with the spirit and purpose of these regulations and the goals, objectives, and policies of the Comprehensive Plan. The applicant is proposing the adaptive reuse of an existing building, reinvestment in an underutilized property, and the creation of commercial activity and community gathering space. These outcomes support economic vitality, redevelopment, and productive reuse of existing commercial land, which are consistent with the intent of the zoning regulations and the broader objectives of the Comprehensive Plan.

**5. The plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district;**

The plight of the applicant for which the continuation of the nonconformity is sought is due to unique circumstances existing on the property and within the surrounding district. The subject property is a previously developed site containing an older commercial building with an existing layout established under earlier regulatory standards. The site has also experienced a prolonged period of vacancy and blighted conditions. As part of the proposed redevelopment, the applicant is in the process of retrofitting the existing structure and site to meet modern requirements related to egress, utilities, fire access, and parking management. These circumstances are specific to the property itself and not the result of actions taken by the

current applicant.

**6. The continuation of the non-conformity will not substantially weaken the general purposes of this UDO or the regulations established for the applicable zoning district;**

The continuation of the existing nonconformity will not substantially weaken the general purposes of this UDO or the regulations established for the applicable zoning district. The property remains located within a commercial zoning district, and the proposed use is commercial in nature and consistent with the intended character of the district. Provided that applicable standards related to parking, screening, safety, and compatibility are maintained, the continuation of the nonconformity can be found consistent with the overall purpose and regulatory framework of the UDO.

**7. The continuation of the non-conformity will not adversely affect the public health, safety, and welfare; and**

The applicant has undertaken an extensive rehabilitation of a former commercial building that had remained vacant for more than ten years, resulting in the productive reuse of a long-dormant property. The applicant has acknowledged the need to operate in compliance with applicable regulations, including Code of Ordinances §90.080, the Town's Noise Ordinance. However, as part of the proposed expansion and event-related operations, matters related to noise impacts, occupancy limits, fire and life safety compliance, and traffic management will continue to require review and coordination with the appropriate departments and agencies.

**8. Mere financial hardship caused by the cost of meeting the requirements of the UDO does not constitute grounds for finding that compliance is not reasonably possible.**

Applicant has not claimed financial hardship to staff.

**Special Use Permit - UDO §7.1.8(C) (1-5)**

**1. The change or expansion is Compatible with the surrounding uses of land and is beneficial to the health, welfare and safety of the community;**

The applicant has undertaken an extensive rehabilitation of a former commercial building that had remained vacant for more than ten years, resulting in the productive reuse of a long-dormant property. The applicant has acknowledged the need to operate in compliance with applicable regulations, including Code of Ordinances §90.080, the Town's Noise Ordinance. However, as part of the proposed expansion and event-related operations, matters related to noise impacts, occupancy limits, fire and life safety compliance, and traffic management will continue to require review and coordination with the appropriate departments and agencies.

**2. All Non-Conforming Signs shall be brought into compliance with the requirements of this UDO;**

All nonconforming signs shall be brought into compliance with the requirements of the Unified Development Ordinance. The applicant has acknowledged this requirement and has indicated that any existing nonconforming signage will be updated or removed as necessary to achieve full compliance with current UDO sign standards prior to installation, replacement, or continued use as required.

**3. Unsightly or unsafe conditions on the site have been or will be mitigated pursuant to the Special Use Permit;**

The applicant has acknowledged the need to bring the property into compliance and has indicated a commitment to correcting existing unsightly or unsafe conditions through the proposed site improvements, renovations, and any additional requirements imposed as conditions of approval. These measures are intended to enhance the appearance, safety, and overall functionality of the property.

**4. Outdoor storage, displays or operations shall comply with the terms of this UDO;**

Outdoor storage, displays, and operations shall comply with the requirements of the Unified Development Ordinance. While portable containers are generally not permitted as a long-term accessory structure under UDO §5.3.2.E.2, except for limited temporary use during construction, staff recognizes that the applicant's request is distinguishable based on the proposed operational needs of the site. The container is intended to support the ongoing use of Café Boku by providing storage for outdoor furniture, tables, chairs, and other equipment associated with the proposed outdoor gathering and event venue area. Staff finds this to be a reasonable accessory use, provided it is appropriately conditioned.

A primary consideration of staff support is that the container be fully screened from all public rights-of-way and adjoining properties at all times. Screening shall be continuous and effective, utilizing landscaping, fencing, existing vegetation, or a combination thereof, with sufficient height, density, and maturity to completely obscure the container from public view and satisfy the intent of the Ordinance. If existing vegetation is proposed to meet this requirement, it must be adequate in its current condition or supplemented as necessary to achieve full screening immediately. The applicant has acknowledged and agreed to this requirement. Any additional outdoor storage, displays, or operational areas shall likewise be maintained in compliance with all applicable UDO standards and any conditions of approval so as not to be visible from adjacent sidewalks, streets, or public rights-of-way.

**5. The expansion does not increase the degree of non-conformity of the property due to the Setback, height, parking or landscaping requirements of this UDO.**

The proposed expansion does not increase the degree of nonconformity of the property with respect to setback, height, parking, or landscaping requirements of the Unified Development Ordinance, subject to the applicant securing the necessary parking arrangements. While the addition of the venue use may increase site intensity, the applicant has proposed mitigation through shared parking agreements with neighboring businesses and the availability of nearby on-street public parking. Any such parking resources are not exclusive to the site and must function within the broader shared parking environment. Continued coordination with adjacent property owners and compliance with all approved parking conditions will be necessary to ensure the expansion does not create a greater degree of nonconformity.

**IV. AGENCY REVIEW AND COMENTS**

A request for comments from agencies was emailed on March 26, 2026, to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation

(NC DOT), U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission (RLUAC). There were responses of “no comment” from Duke Energy, Moore County Economic Development Partnership, RLUAC and US Fish and Wild Life Services. Any comments received after completion of this staff report will be shared during the preliminary forum.

## **V. STAFF RECOMMENDATION**

Approval of the request will result in the expansion of a non-conforming site by allowing the subject property to continue to exist as a restaurant within the HCO building setback with the additional land use of event venue.

- If the applicant secures and maintains shared parking agreements with neighboring businesses to address parking demand during scheduled events (such as weddings, family reunions, or similar gatherings), then the proposed expansion may better demonstrate adequate parking accommodations and compatibility with surrounding properties.

Generally, while the subject property is envisioned to accommodate neighborhood-serving civic, retail, and institutional land uses, the proposed expansion of the existing use, including the event venue component and additional square footage for stage improvements, would not prevent the property from continuing to support or accommodate those anticipated uses in the future. Pursuant to UDO §2.27.7, the Town Council may impose such reasonable standards, conditions, or requirements as it deems necessary to protect the public health, safety, and welfare when considering a Special Use Permit for the proposed expansion.

- The CONEX shipping container approved as part of this Special Use Permit shall be limited to storage of outdoor furniture, tables, chairs, and other equipment associated with the approved outdoor gathering and event venue area for Café Boku. The container shall be fully screened from all public rights-of-way and adjoining properties at all times. Any landscaping or existing vegetation used for screening shall be maintained in sufficient height, density, and maturity to effectively satisfy the intent of the screening requirement and continuously obscure the container from public view.
- Any proposed signage associated with the site shall comply with all applicable requirements of UDO §4.6, including, but not limited to, standards governing the number of signs permitted, total sign area, sign dimensions, permitted sign types, placement, setbacks, location, height, illumination, and any other applicable design or operational requirements. Separate sign permit approval shall be obtained, as required, prior to installation of any signage.

## **VI. ATTACHMENTS**

The following materials have been provided as attachments to this staff report:

1. Application
2. Deed
3. Narrative
4. Site Plan

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

## **VII. PLANNING BOARD ACTION**

*Pursuant to North Carolina General Statute §160D-301(b)(6) and Unified Development Ordinance §2.5.2, the Planning Board may hold a Preliminary Forum on a matter requiring a quasi-judicial decision by the Town Council. However, no part of the forum or any recommendation may be used as a basis for the Town Council's final decision. Therefore, the Planning Board may wish to use the following motion to identify issues to bring to the attention of the Town Council at the evidentiary hearing.*

**I move to adopt the following list of issues for transmission to the Town Council as a result of the April 23, 2026 Preliminary Forum on application SU-01-26:**

**The information presented at the forum indicated that the following issues be considered in applying the criteria for a SUP to application SU-01-26:**

I.

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

I.



Special Use Permit

Fee: \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_ Case No.: SU- \_\_\_\_\_ - \_\_\_\_\_

Project Information:

Street Address: 305 Rothney Ave. Southern Pines, NC 28387
PIN: ~~8571-00-86-0036~~ 857100860036 Parcel ID: ~~8571-00-86-0036~~ 00046498
Site Size: 1.43 acres Zoning: GB- General Business

Applicant:

Name(s): Reno R. Rolle
Email: reno@thebarnsp.com Phone: 805-252-9962
Mailing Address: 468 Yadkin Road Southern Pines, NC 28387

Authorized Agent, if different from Applicant:

Name(s): \_\_\_\_\_
Email: \_\_\_\_\_ Phone: \_\_\_\_\_
Mailing Address: \_\_\_\_\_

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

Name(s): \_\_\_\_\_
Email: \_\_\_\_\_ Phone: \_\_\_\_\_
Mailing Address: \_\_\_\_\_

7.22.25

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a Special Use Permit as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

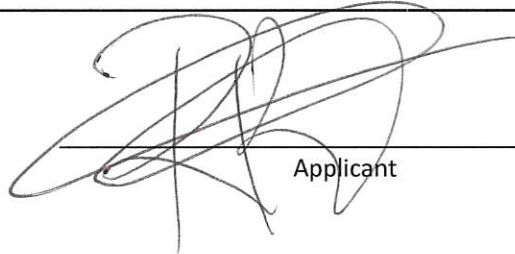
The property which is the subject of this application is located on the west side of Luther Way (St./Ave.), between Rothney (St./Ave.) and Shaw (St./Ave.). The property has a frontage of 364 feet and a depth of 228 feet.

The special use sought is based upon Section(s) 2.21 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

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Date: 2/24/26

  
Applicant

PLANNING DEPARTMENT  
TOWN OF SOUTHERN PINES  
[plan@southernpines.net](mailto:plan@southernpines.net) (910) 692-4003 [www.southernpines.net](http://www.southernpines.net)

APPOINTMENT OF AGENT


The undersigned owner(s), Barnyard Ventures LLC, hereby appoint(s) Reno & Lynn Rolle as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Special Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 20 day of February, 2026.

  
 \_\_\_\_\_  
 Lynn Rolle Property Owner

  
 \_\_\_\_\_  
 Reno Rolle Property Owner

\_\_\_\_\_  
 Agent

For Registration Register of Deeds

William Britton

Moore County, NC

Electronically Recorded

October 24, 2025 1:29:08 PM

Book: 6436 Page: 54 - 56 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$1,900.00

Instrument# 2025015351

## NORTH CAROLINA GENERAL WARRANTY DEED

Prepared by Gary Berman, attorney (without title search)

Return to Grantee

Excise tax \$1,900.00

Grantor's mailing address: 1205 Kinsdale Drive, Raleigh, NC 27614.

Grantee's mailing address: 305 Rothney Avenue, Southern Pines, NC 28387

No part of the property conveyed by this deed is the Grantor's primary residence.

**THIS DEED**, dated October 21, 2025, is from Rothney Barn, LLC (a North Carolina limited liability company), herein called the Grantor, to Barn Yard Ventures, LLC (a North Carolina limited liability company), herein called the Grantee.

The designations Grantor and Grantee as used herein shall include said parties and their successors and assigns.

The Grantor, for valuable consideration, hereby grants, bargains, sells, and conveys to the Grantee, in fee simple, all of the following-described land lying in Moore County, North Carolina, and more particularly described as follows:

Submitted electronically by "Robbins May & Rich LLP"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Moore County Register of Deeds.

**BEGINNING** at an iron rod in the western right-of-way of State Road 1873, said iron rod being located north 44 degrees 28 minutes west 178.72 feet from North Carolina Grid System Monument "Southern" with coordinates Y=514,268,20 and X=1,877,491,60, the same being the northeast corner of the 1.282-acre tract described in Deed Book 512, page 479, Moore County Registry; running thence with the western right-of-way line of State Road 1873, south 19 degrees 14 minutes west 134.33 feet to an iron rod; thence south 38 degrees 40 minutes west 23.14 feet to an iron rod; thence south 50 degrees 59 minutes east 8.18 feet to an iron rod in the right-of-way line of State Road 1873; thence with said right-of-way line, south 19 degrees 14 minutes west 190.5 feet to an iron rod at the intersection of the western right-of-way line of State Road 1873 and the northern right-of-way line of Rothney Avenue; thence with said northern right-of-way line of Rothney Avenue, north 53 degrees 27 minutes west 224.19 feet to an iron pipe; thence north 36 degrees 11 minutes east 189.13 feet to an pipe in the southwestern line of Lot 68 of Pinedene Subdivision, as shown in Map Book 1, Section 1, page 7 of the Moore County Registry; thence with the southwestern line of said Lot 68, north 50 degrees 59 minutes west to a point that is the westernmost corner of Lot 68 and the southernmost corner of Lot 69; thence along the common line of Lots 68 and 69 to a point in the southwestern right-of-way line of Shaw Avenue, at the easternmost corner of Lot 69 and the northernmost corner of Lot 68; thence with the southwestern right-of-way line of Shaw Avenue, south 51 degrees 49 minutes east 156.5 feet to the place of **BEGINNING**, and **BEING** all of the parcel conveyed by deed recorded in Book 4592, page 81, Moore County Registry.

**TO HAVE AND TO HOLD** the aforesaid land and all privileges, improvements, and appurtenances thereto in fee simple.

**AND** the Grantor hereby covenants with the Grantee that the Grantor is legally seized of said real estate in fee simple; that the Grantor has good and lawful authority to sell and convey said real estate; that the Grantor hereby fully warrants the title to said real estate, and will defend the same against the lawful claims of all; and that said real estate is free of all encumbrances, except for unpaid property taxes for 2025 and future years and easement agreement recorded in Book 6372, Page 1, Moore County Registry.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed.

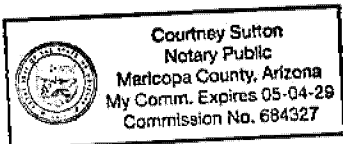
Rothney Barn, LLC

by: [Signature] (SEAL)  
Signature

JUSTIN FEJFAR, MEMBER-MANAGER  
Printed Name; Title

State of Arizona, County of Maricopa

I, Courtney Sutton, a notary public of Maricopa County, Arizona, certify that Justin Fejfar personally came before me this day and acknowledged that he or she is Member-Manager of Rothney Barn, LLC, a North Carolina limited liability company, and that, by authority duly given and as an act of said limited liability company, he or she has signed the foregoing instrument in its name and on its behalf as its act and deed. Witness my hand and notarial stamp or seal, this 21 day of October 2025.



[Signature]  
Notary Public

My commission expires: 05/04/2029

## Written Narrative for Special Use Permit Application

Property Address: 305 Rothney Avenue, Southern Pines, NC 28387

PIN: 8571-00-86-0036

Zoning District: GB - General Business

Applicant: Barn Yard Ventures, LLC/Reno & Lynn Rolle

### Project Overview

The applicant proposes to renovate and reactivate a long-vacant 11,500-square-foot, two-story building on approximately 1.43 acres, previously the iconic JFR Barn steakhouse (Moore County's largest by seating capacity) from 1974 until its closure around 2012. The property has remained blighted and an eyesore for over a decade. Phase 1 focuses on interior renovations to the first floor for a restaurant/event center featuring a superfood-infused cafe offering ultra-healthy pizza, drinks, cocktails, beer, wine, and other food/beverage options. Major systems (HVAC, electrical, plumbing) are being fully updated or replaced to meet current codes.

The use will operate as both a restaurant for daily dining and an event center for private parties, weddings, markets, holiday festivals, and similar gatherings. Phase 2 will activate the second floor for expanded event and dining capacity.

Key elements requiring the Special Use Permit include:

- A custom-painted/decorated 40' Connex container as a dynamic art installation featuring the work of local artists, and storage for event furniture/equipment, not visible to any neighbors or from any road.
- Two 26'x60' pole barns for shaded/sheltered outdoor dining and relaxation in the rear "Barnyard" area.
- Relocation of the Fire Department Connection (FDC) point outside the fenced service area along Shaw Avenue for improved fire access.
- Comprehensive landscaping updates throughout the property, with special focus on the outdoor "Barnyard" (rear portion of the site) featuring the pole barns, three fire pits, a water feature, and other hardscape elements.
- Modification of the previously approved cement patio on the south end of the building to a wood-framed deck (with equivalent or improved design standards).

- Addition of an exterior staircase on the north end of the building to service an existing second-floor exit door, providing compliant exterior egress.
- Tie-in to a new sewer line along Luther Avenue (with written permission from Trophy Point Properties IV, LLC owner John Pandich).

The site provides 65 on-site parking spaces (excluding any EV charging spaces). A written agreement is pending with the Veterans Motorcycle Club (360 Shaw Avenue) to provide up to 30 overflow parking spaces. We are also in active discussions with both Grace Church and Our Savior Lutheran Church for formal written agreements to utilize up to 50 spaces at each church (totaling up to 100 spaces) in their ample parking lots for additional overflow during special events and, upon activation of Phase 2 (second floor), to provide the necessary additional capacity. While on-street parking should easily satisfy any overflow demands, these agreements should be finalized well before the Town Council hearing on May 12, 2026.

To meet parking requirements transparently:

- Routine restaurant operations will be served by the 65 on-site spaces.
- The addition of outdoor seating in the pole barns requires an additional 26 spaces per Town standards; this will be addressed through on-street parking (a minimum of 30 spaces available on Rothney Avenue and 10 on Shaw Avenue, subject to approval by the Fire Marshal and Public Works), and the pending Veterans Motorcycle Club agreement (up to 30 spaces).
- For Phase 2 (second-floor activation) and larger special events, the proposed agreements with Grace Church and Our Savior Lutheran Church will provide up to 100 additional spaces (50 at each church), supplemented by on-street options (Rothney and Shaw), the pending Veterans Motorcycle Club agreement, and potential valet service during high-demand events.

These arrangements would ensure full compliance with UDO parking standards and minimize neighborhood impacts. Sealed engineering drawings for the interior renovations and prior landscape/site plans were previously approved by the Town. Updated sealed engineer drawings and artist renderings for the pole barns, along with details for the proposed deck modification and exterior staircase, will be submitted with this application. The "Barnyard" enhancements are located entirely in the rear of the property and are not visible from any frontage roads (Rothney Avenue, Shaw Avenue, or Luther Avenue), ensuring they remain screened from public view and neighboring streets. The exterior staircase is a functional addition on the north end for safety/egress. This project revives a historic community landmark into a modern, welcoming gathering place (as detailed on [thebarnsp.com](http://thebarnsp.com)).

The narrative below demonstrates compliance with UDO §2.21.7 criteria:

(A) The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations.

The property is zoned GB (General Business), which permits restaurants, event centers, outdoor dining, accessory structures, and similar commercial uses (subject to any supplemental standards). The proposed restaurant/event center use aligns with the GB district's intent for business and commercial activities. The Connex container (as artistic/storage only visible to patrons), pole barns (as open-sided shaded structures for outdoor use), FDC relocation, landscaping enhancements, sewer tie-in, wood-framed deck modification, and exterior staircase (for compliant egress per building code standards) are accessory or site improvements. These comply with dimensional, setback, screening, and design standards (or seek relief only where necessary via this SUP). Parking is provided with 65 on-site spaces plus a pending agreement with the Veterans Motorcycle Club for up to 30 overflow spaces, pending agreements with Grace Church and Our Savior Lutheran Church for up to 50 spaces each (totaling 100 spaces for Phase 2/events), consistent with UDO allowances for satellite/shared parking, on-street credits (minimum 30 on Rothney Avenue and 10 on Shaw Avenue subject to approval, and phased/event accommodations. Prior approved engineering drawings confirm base compliance for interior renovations, system updates (HVAC/electrical/plumbing), and core site work. Submitted sealed drawings and renderings ensure engineering and structural compliance.

(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.

The neighborhood features commercial and mixed uses near downtown Southern Pines, with compatible businesses (e.g., retail, dining). Revitalizing a vacant, blighted former restaurant enhances neighborhood character by eliminating an eyesore and restoring a historic dining hub. The "Barnyard" area—with pole barns (open-sided, agricultural-inspired design), custom-painted Connex container (as functional art), fire pits, water feature, and landscaping—is located entirely in the rear of the property and is not visible from any frontage roads or public rights-of-way. This rear placement, combined with natural screening and site buffers, ensures no visual intrusion or adverse impact on neighboring properties. The deck modification maintains functional outdoor space without expanded footprint or impacts. The exterior staircase on the north end is a minimal, functional addition for egress and does not alter building character or viewshed. Parking is managed with 65 on-site spaces, pending Veterans Motorcycle Club agreement for 30 spaces, pending agreements with Grace Church and Our Savior Lutheran Church for up to 100 spaces total, on-street use (minimum 30 on Rothney and 10 on Shaw, subject to approvals, and potential valet—preventing any neighborhood parking disruption or

injury to nearby uses. No elements will generate excessive noise, light, or activity beyond typical restaurant/event uses in the GB district. The project complements surrounding properties and supports the enjoyment of permitted commercial activities.

(C) Adequate public facilities shall be provided as set forth herein.

Adequate facilities are ensured:

- Utilities: Full HVAC/electrical/plumbing upgrades; permitted sewer tie-in to the new Luther Avenue line (with owner permission).
- Fire safety: Relocated FDC along Shaw Avenue improves emergency vehicle access without encroaching on the fenced service area.
- Parking/Traffic: 65 on-site spaces supplemented by a pending agreement with the Veterans Motorcycle Club for up to 30 spaces, pending agreements with Grace Church and Our Savior Lutheran Church for up to 50 spaces each (totaling 100 spaces for Phase 2/events), on-street parking (minimum 30 on Rothney Avenue and 10 on Shaw Avenue subject to Fire Marshal/Public Works approval, and potential valet service; traffic impacts remain minimal due to reuse of existing site access and established patterns.
- Water/stormwater: Addressed in prior approved site plans; enhanced landscaping improves drainage and aesthetics. All public facilities meet or exceed Town requirements.

(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.

This redevelopment positively impacts surrounding properties by removing blight and introducing a high-quality restaurant/event venue. The rear-only placement of the "Barnyard" enhancements ensures no aesthetic or functional disruption to adjacent parcels or streetscapes. The exterior staircase is a safety-focused addition with minimal visual/functional impact. Aesthetic upgrades (artistic container, landscaped rear oasis, pole barns) increase overall site appeal without negative effects. Parking is adequately addressed with on-site provision, a pending agreement with the Veterans Motorcycle Club (30 spaces at no cost), pending agreements with Grace Church and Our Savior Lutheran Church (up to 100 spaces total), on-street options, and potential valet—avoiding overflow concerns. Property values are likely to benefit from the site's revitalization and removal of a long-vacant eyesore. No impediments to permitted GB uses (e.g., retail, offices, dining) are anticipated.

(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.

No detriments are anticipated:

- Health/Safety: Updated building systems, improved FDC access, fire pits (with standard safeguards), and exterior staircase (providing compliant exterior egress from the second floor) ensure safety.
- Comfort/Welfare: Controlled operations, rear placement of outdoor features (screened from public view), and landscaping buffers minimize any noise or light concerns. The project reuses an established site with no added traffic/safety hazards, and parking is managed via 65 on-site spaces plus pending agreements/on-street/valet options. Overall, it removes a dangerous vacant structure, significantly improving public welfare.

(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.

Public benefits substantially outweigh any minimal or hypothetical impacts:

- Revitalizes a long-blighted property, restoring a community landmark and former dining destination.
- Provides healthy dining options, versatile event space (private parties, weddings, markets, festivals), and a shaded outdoor "Barnyard" oasis for residents and visitors.
- Enhances sustainability and wellness through thoughtful site design.
- Aligns with the Town's Comprehensive Plan goals for economic vitality, community gathering spaces, and adaptive reuse of underutilized properties.
- Ensures parking adequacy with 65 on-site spaces, pending Veterans Motorcycle Club agreement for 30 spaces, pending agreements with Grace Church and Our Savior Lutheran Church for up to 100 spaces total, on-street use (minimum 30 on Rothney and 10 on Shaw, pending Town approval), and potential valet—minimizing community disruption.
- Generates high paying jobs, tax revenue, and positive activity in a high-visibility location. Any individual concerns (e.g., occasional event activity or parking) are mitigated by ample on-site parking, neighbor agreements, operational controls, and phased planning. The project serves broad public interest in blight removal and community enhancement.

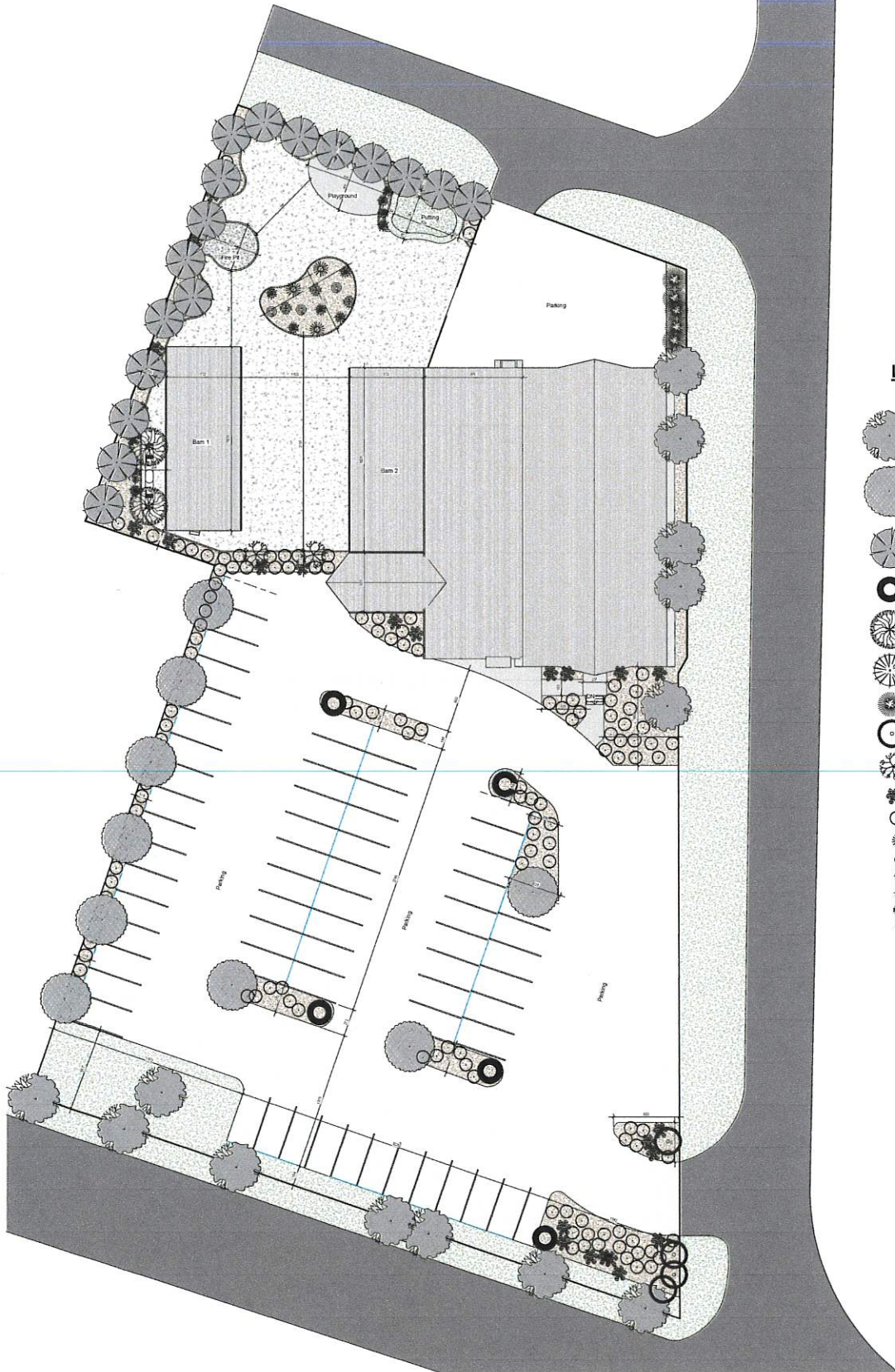
The applicant respectfully requests approval of the Special Use Permit, subject to any reasonable conditions. We are available for questions and will attend the Planning Board and Town Council hearings.

Thank you for your consideration.


















Reno Rolle

Date:4/15/2026

# SITE PLAN



## LEGEND

-  Long leaf Pine
-  Shi Deciduous tree
-  Green Gables
-  Maple tree
-  Live Oak tree
-  Spruce tree
-  Hedgehog Shrub
-  Juniper Shrub
-  Hydrangea
-  Hydrangea
-  Boxwood
-  Switchgrass
-  Snake Plant
-  Blue Fescue
-  White Feather
-  Agave
-  Pink Mahly Grass

# Planning Staff Report

**To:** Planning Board

**From:** Mason Mattox, Planner II

**Date:** April 23, 2026

**Item:** Review of Chandler Pond Way Planned Development District (CDP) on Waynor Road.

## I. EXECUTIVE SUMMARY

Kevin Lindsay, on behalf of Chandler Pond Properties, LLC, has submitted an application for a Planned Development District – Conceptual Development Plan pursuant to §2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO). The request is to rezone the property from Planned Development (PD) to Planned Development (PD) with an approved Conceptual Development Plan to allow for the construction of a religious institution on 7.41 acres and a subdivision of the remaining approximately 5.48 acres into five (7) single-family residential lots. The property is located at the northwest corner of the intersection of Waynor Road and NC Hwy 22.

Staff's review of this request has focused both on consistency with the Town's 2040 Comprehensive Plan and the adequacy of site development standards outlined within the Conceptual Development Plan.

### Issues Addressed

1. The proposal meets the baseline criteria to be considered mixed-use for purposes of Comprehensive Plan consistency through the inclusion of an institutional use and residential uses.
2. Utilities and services are available; therefore, no off-site utility improvements or inefficient extensions of public services are anticipated.
3. The Planned Development zoning is appropriate for establishing site-specific standards during the Conceptual Development Plan phase.
4. The site retains large amounts of conceptual buffering and open space which the Planning Department strongly supports.

### Issues Remaining for Planning Board Consideration

1. The cul-de-sac configuration raises concerns regarding connectivity and long-term maintenance responsibility. A Homeowners Association would be required for the upkeep of this road, which is not recommended as best practice. At this time, per UDO §2.20 town staff will not recommend accepting the road as public Right-of-Way and therefore recommend a different, less maintenance-intensive design alternative.
2. Stormwater maintenance requires further clarification and refinement, again due to long-term maintenance concerns.
3. The established baseline for development standards (buffering, setbacks, parking, height, architecture, signage, lighting, etc.) has not been fully developed.

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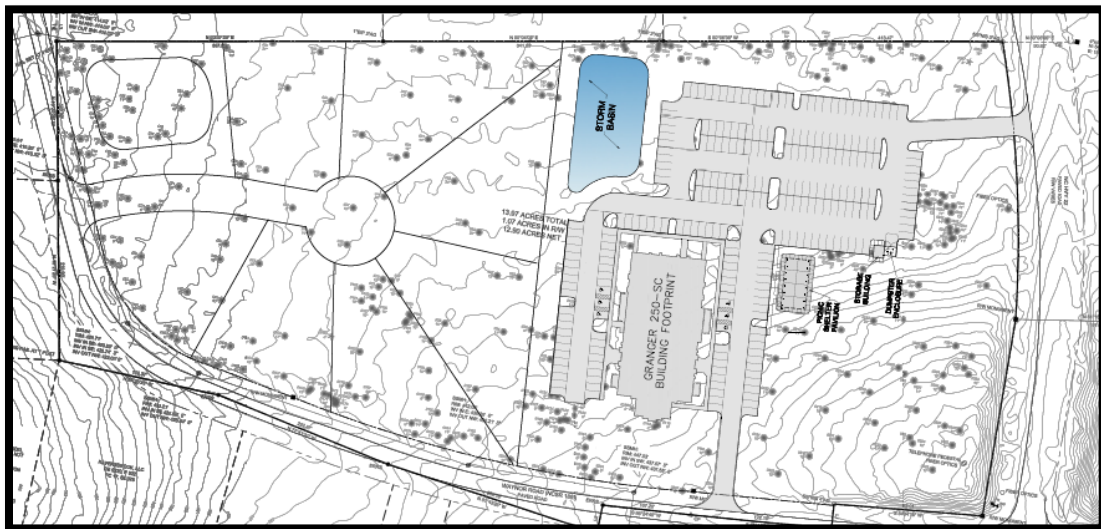
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## II. HISTORICAL BACKGROUND

In June 2025, the Planning Department received an initial inquiry regarding zoning and the potential development of a religious institution on the subject property. At that time, the proposal consisted solely of a single land use (a religious institution). Staff advised that a single-use development would not be consistent with the Town's 2040 Comprehensive Plan, which envisions this area as a mixed-use area, incorporating a range of residential, commercial, and civic uses.

Following this initial inquiry, no further action occurred until a pre-application meeting was held on November 04, 2025, with the applicant's representative. The concept presented at that time again consisted solely of a religious institution land use. Consistent with prior guidance, staff reiterated concerns regarding Comprehensive Plan consistency. Staff further noted that similar inquiries on the same subject property for single land uses, such as a grocery store, were also provided the same information.

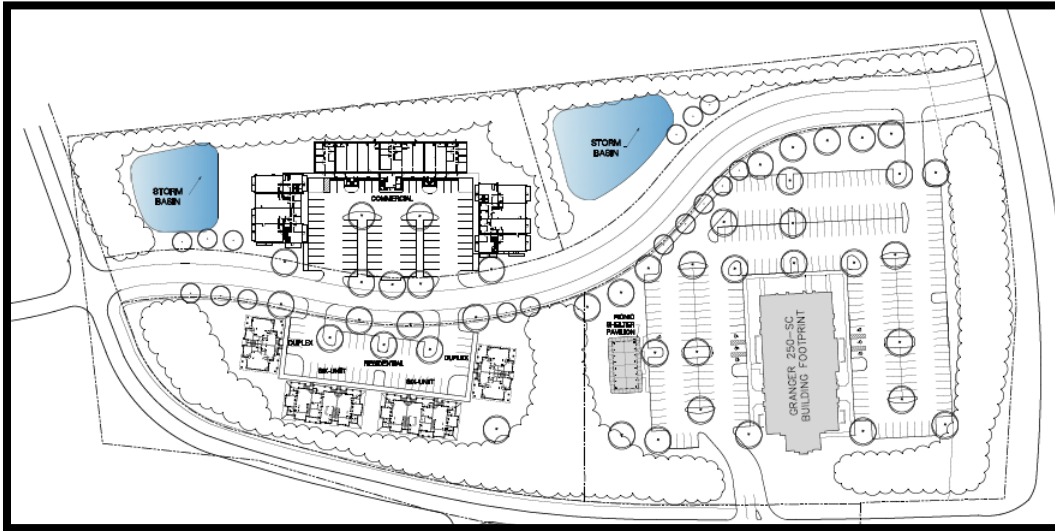
### Conceptual Plan One – With Added Residential Component



On November 19, 2025, the applicant's representative submitted a revised concept plan introducing a residential component, a 7-lot subdivision to the east accessed from Waynor Road and terminating in a cul-de-sac. While technically two land uses, throughout December 2025, staff met with the applicant's representative to discuss site design, land use integration, and compliance with the Comprehensive Plan, even providing sketches

for concept plans that would be acceptable. Staff maintained concerns with the 7-lot subdivision and religious institution plan due to its limited integration of uses.

### Conceptual Plan Two



An incomplete Conceptual Development Plan (CDP) application was then submitted on February 09, 2026, reflecting the same 7-lot subdivision and religious institution layout. Prior to fee acceptance, staff proactively met with the applicant and an Architect consulting for the Church on February 13 to communicate that the application would likely not receive a favorable recommendation due to inconsistencies with the Comprehensive Plan. At that time, the project architect indicated a willingness to revise the design in coordination with staff to address consistency with the Comprehensive Plan. Following these discussions, the Architect then prepared an alternative concept plan informally referred to as “Conceptual Plan Two” that more fully integrated residential, commercial, and civic uses in a manner consistent with the Comprehensive Plan’s vision for mixed-use development, with all land uses sharing a proposed road. This concept was reviewed favorably from Planning Staff, and this was communicated to the applicant.

However, the applicant’s representative then held the required neighborhood meeting showcasing both the original concept “Conceptual Plan One” and the more intensive mixed-use alternative “Conceptual Plan Two.” The applicant informed Planning staff that public feedback indicated opposition to the more intensive mixed-use concept, with a preference expressed for lower density and lower traffic in the area.

Following the neighborhood meeting, Town staff consulted with the Town Attorney regarding the interpretation of “mixed-use” under the Comprehensive Plan and potential legal implications of applying that interpretation to a proposal involving a religious land use. As a background, the Town’s review of this request constitutes a legislative zoning decision. However, because the proposal involves a religious institution, the Town Attorney advised that its decision-making framework cannot impose or appear to impose regulatory standards that could be construed as treating religious land uses less than equal terms with nonreligious assemblies or institutions, or as creating a substantial burden on religious exercise, as governed by the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

Based on legal guidance, staff revisited its prior interpretation of “mixed-use” to ensure that it is applied consistently and without imposing heightened or unique requirements on religious land uses. Under this refined interpretation, the combination of a religious institution and a 7-lot residential component constitutes a mixed-use development pattern for purposes of Comprehensive Plan consistency, even if it does not achieve the level of intensity or integration otherwise encouraged in the Plan for this area.

Staff have emphasized consistently that this interpretation is not specific to the applicant or the proposed religious use, but rather reflects a neutral application of policy intended to encourage higher intensity in the area. While a more intensive and fully integrated mix of uses would better align with the Comprehensive Plan’s long-term goals for this site, the current proposal is no longer considered inconsistent.

Since February, staff have continued to work with the applicant to now address site design concerns. Key issues identified have included:

1. The proposed cul-de-sac street configuration. The Town’s Engineering Department has indicated that they would not recommend acceptance of the cul-de-sac road as public Right-of-Way due to its limited connectivity and lack of broader public benefit. Further, a non-Town maintained street would require the jurisdiction of a five-member Home Owner’s Association, which staff reasonably believe would create issues at a later date *when* the road begins showing signs of age, cracking, etc.
2. The inclusion of a separate stormwater parcel and associated management responsibilities.

During the week of April 06-10, 2026, staff engaged in further discussions with the applicant’s technical and legal representatives to explore alternative design approaches. These included elimination of the cul-de-sac in favor of direct driveway access (including potential shared driveways), consolidation of stormwater management on individual lots, and increased buffering adjacent to industrial uses to the north. While staff generally viewed these alternatives as more consistent with sound planning principles and long-term maintenance considerations, the applicant ultimately expressed a preference to proceed with the original cul-de-sac design. Staff maintains that the identified design concerns relating to stormwater and the cul-de-sac road represent legitimate planning considerations. However, these issues are distinct from the question of Comprehensive Plan consistency and the appropriateness of the rezoning request.

### III. PROJECT INFORMATION

**A. Property Address**

PARID 00991862 and PIN 857400914852

**B. Property Owner:**

Chandler Pond Properties, LLC.

**C. Applicant**

Chandler Pond Properties, LLC (Lynn Clark Samuelson)

**D. Authorized Agent:**

Kevin S. Lindsay, PE (Crawford Design Company)

**E. Existing Zoning:**

Planned Development (PD) without an associated Conceptual Development Plan (CDP). The Urban Transition Highway Corridor Overlay covers a portion of the site, and the entire site is located within Protected Water.

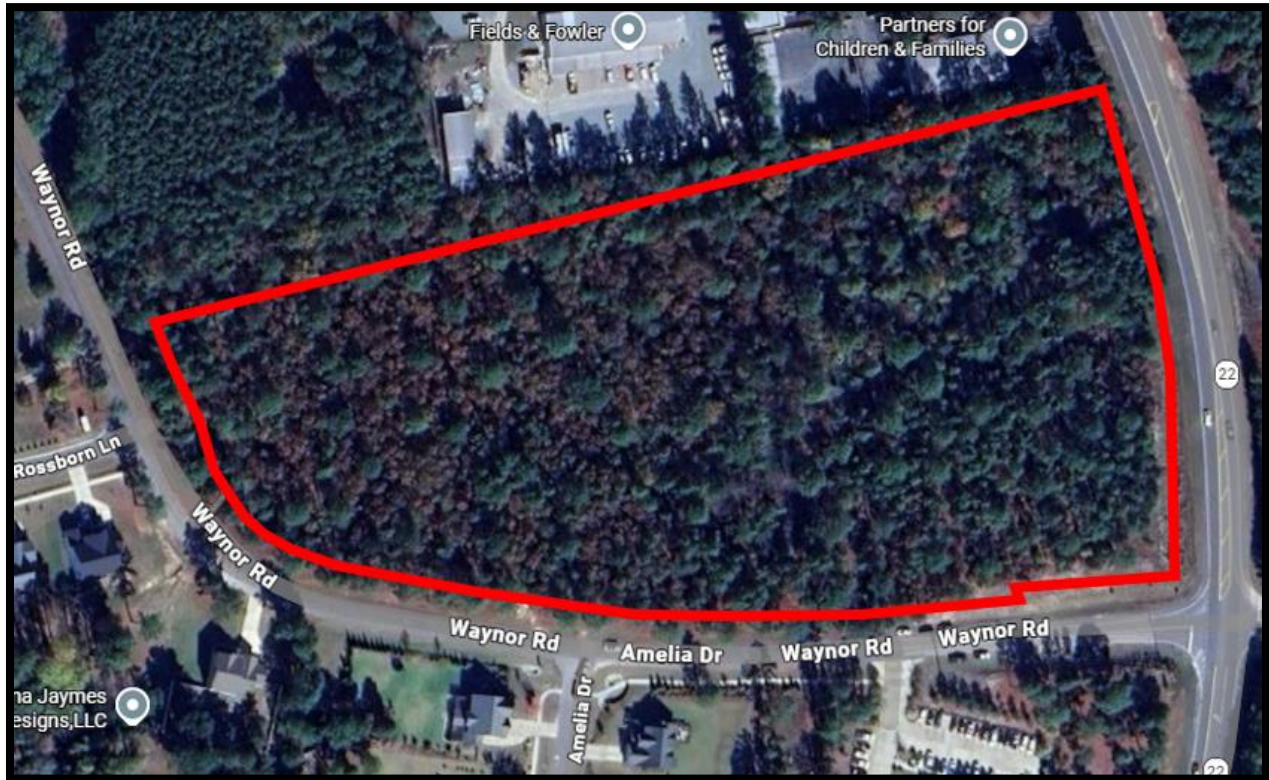


**F. Proposed Zoning:** Planned Development (PD) with an associated Conceptual Development Plan (CDP).

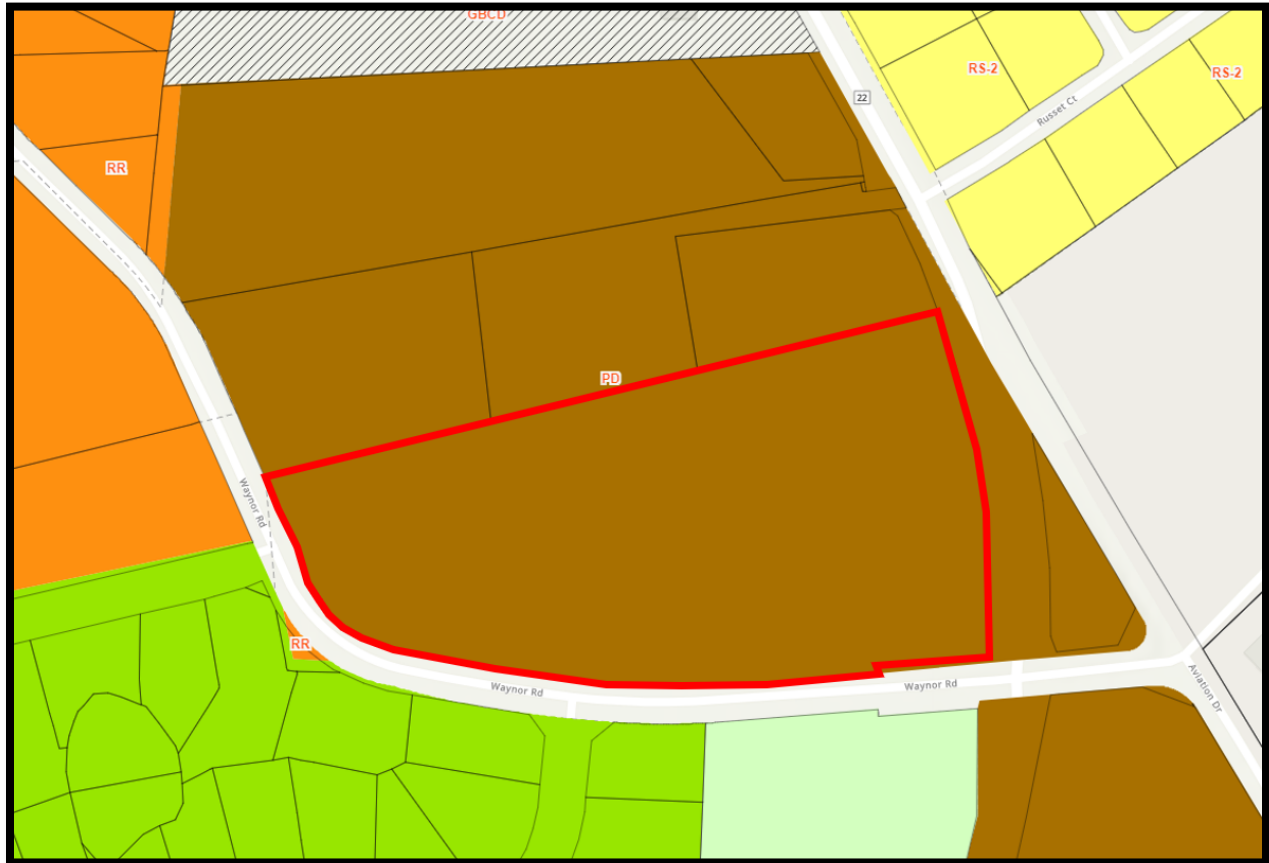
**G. Existing Uses:** None; site is presently vacant of structures or known land uses.

**H. Proposed Uses:** Religious Institution; Single-Family Detached Homes.

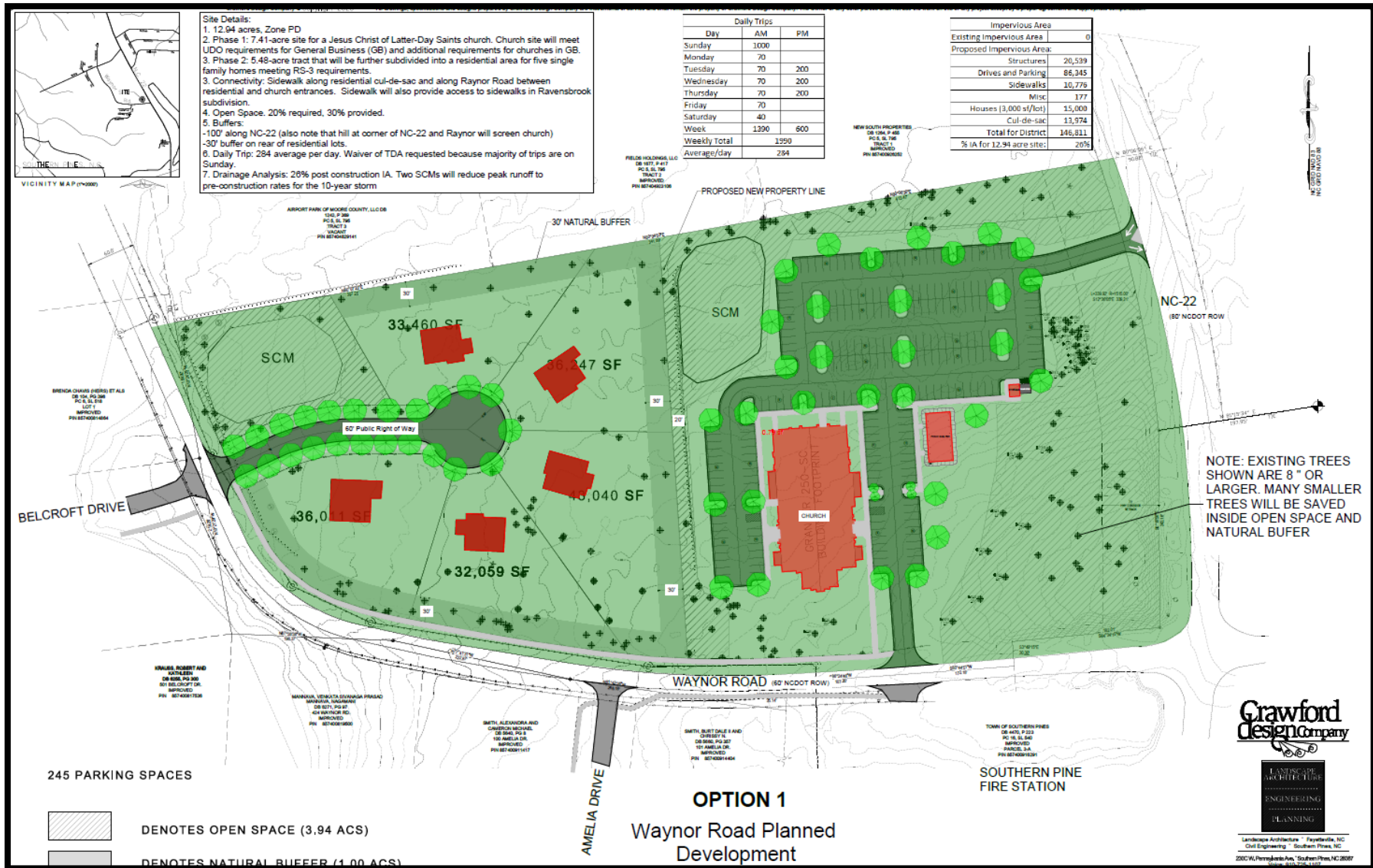
**Figure 1: Aerial Vicinity Map** (Approximate Property Boundary Shown in **Red**).



**Figure 2: Zoning Vicinity Map** (Approximate Property Boundary Shown in **Red**).



**Figure 3: Applicant's Conceptual Development Plan**



## IV. STAFF REVIEW

### 1. Application Review Dates

1. Pre-Application with the Technical Review Committee: **April 04, 2025**
2. Application Submitted: **March 09, 2026**
3. Application Deemed Complete: **March 16, 2026**

#### **April 23, 2026 Planning Board Public Hearing Notice**

- Publication: **April 08 & April 15, 2026**
- Mail: **April 01, 2026**
- Signage: **March 30, 2026**
- Internet: **March 26, 2026**

### 2. Process and Standards of Review

Applications for a Planned Development District (PD) are reviewed under UDO §2.18 through a three-step process: Conceptual Development Plan (CDP), Preliminary Development Plan (PDP), and Final Development Plan (FDP). This application is for a CDP, which establishes the zoning standards for the project through a rezoning process. As such, it must address the criteria for both a zoning map amendment (UDO §2.17.9) and a CDP (UDO §2.18.4(H)).

### 3. Zoning Map Amendment Criteria (UDO §2.17.9)

#### **A. Consistency with Comprehensive Plan**

General Framework – Areas to Transform

- The subject area is designated “Areas to Transform” intended for new employment centers, shopping, entertainment, and mixed residential uses.

Conservation and Development – Mixed-Use Area

- The subject area is within a designated Mixed-Use Area, which calls for integrated uses – residential, commercial, and civic – organized on walkable blocks with active public spaces and diverse housing types.

Character Districts – Complete Community

- These districts are envisioned as self-contained neighborhoods with a mix of uses, identifiable centers, and walkable design.

The narrative states that proposal supports these designations by introducing a mix of institutional and residential uses while avoiding additional high-intensity commercial development.

Staff find that the proposed development introduces one institutional and a residential subdivision land use, which satisfies the very baseline mixed-use criteria. However, staff note that the level of integration between uses remains limited, and the proposal does not fully achieve the intensity, connectivity, or walkable design envisioned by the Comprehensive Plan. Aside from these limitations, and following a neutral application of the definition of “mixed-use,” staff finds that the proposal to be consistent with the Comprehensive Plan at a baseline level, though it represents a lower-intensity development pattern than what is desired for this

area.

### **B. Adverse Impacts on Neighboring Lands**

The narrative indicates that impacts are minimized through low-density residential development, preservation of existing topography, and buffering along NC-22 and adjacent properties. The narrative also emphasizes that traffic impacts are reduced by concentrating peak activity on weekends and avoiding higher-density alternatives. (pp. 3-4, 7).

Staff generally concur that the proposed low-density development pattern may reduce potential impacts relative to more intensive alternatives that could be developed on the site. However, staff also note that the 2040 Comprehensive Plan calls for a higher-intensity, more integrated development pattern in this location, which would likely generate greater activity and associated impacts.

### **C. Suitability as Presently Zoned**

The narrative explains that while PD zoning can allow higher intensity uses, such development would be incompatible with surrounding residential areas. The proposed lower-density mixed uses are presented as more appropriate given surrounding existing conditions. (pp. 6-7).

The site is presently zoned Planned Development and does not have an associated Conceptual Development Plan, required to develop. As such, staff find the request to rezone to achieve the next required entitlement to be reasonable with respect to suitability.

### **D. Health, Safety, and Welfare**

The applicant notes that traffic congestion along NC-22 and Airport Road is a growing concern and that the proposed development would minimize additional impacts by limiting density and aligning peak use with non-peak traffic periods. (pp. 6-7).

Staff acknowledges that the proposed lower-density development is likely to generate fewer impacts than higher-intensity alternatives, however, staff also notes that certain design elements such as the proposed cul-de-sac raise questions about long-term maintenance of private road infrastructure, which might become a burden to homeowners in the future. Staff overall does not find that the rezoning itself would adversely impact public health, safety, or welfare.

### **E. Public Policy**

The proposal responds to concerns raised during the neighborhood meeting, particularly regarding traffic and overdevelopment, and supports broader Comprehensive Plan goals of managing growth and avoiding overconcentration of commercial uses (pp. 1-2, 7).

Staff find that the proposal reflects responsiveness to neighborhood concerns regarding development intensity and traffic. However, the Comprehensive Plan also encourages a more robust mix of uses and greater intensity in this area. While the proposal does not

fully advance those long-term policy objectives, it represents a balance between adjacent community concerns and broader planning goals. Staff find that the request does not conflict with adopted public policy.

**F. Size of Tract**

The narrative states that the tract is sufficient to accommodate development, buffers, an open space, proposing significant open space preservation and natural buffering across the site. (pp. 7-8).

Staff finds that the subject property is of sufficient size to accommodate the proposed uses, including buffering and open space. The tract could support a more intensive and integrated development pattern; however, the current proposal does not exceed the site's physical constraints.

**G. Other Factors**

The narrative outlines a two-phase development approach (religious institution and residential), with each phase functioning independently while maintaining connectivity via sidewalks (p. 6).

Staff find that the proposed phasing plan provides a reasonable framework for development of the site, and note that the relative independence of the phases reflects the limited integration between uses.

**H. Applicant Representations**

The narrative indicates that the Conceptual Development Plan establishes the framework for future development. (p. 8).

Staff concurs that the Conceptual Development Plan establishes the zoning framework for future development of the site. All representations made by the applicant are binding at this stage, and additional technical details and site design will be subject to further review during the Preliminary Development Plan (PDP) and Site Plan phases.

**4. Conceptual Development Plan Criteria (UDO §2.18.4)**

**A. The proposed PD satisfies the criteria for a Zoning Map amendment established in this chapter;**

See Section 3(A-H) above.

**B. The Conceptual Development Plan represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;**

See Section 3(A) above.

**C. The proposed development is appropriate for the area of the Town in which it is located; and**

The applicant identifies compatibility with surrounding land uses, including Ravensbrook Subdivision, institutional uses, and low-density commercial properties. (pp. 5-6). Staff note that the area is most appropriate according to the 2040 Comprehensive Plan for mixed-use development.

**D. The proposed development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.**

The narrative states that water and sewer are available along Waynor Road and that stormwater and infrastructure improvements will be handled on-site without requiring inefficient public extensions. (p. 9). Staff concur with this finding.

**V. ADDITIONAL COMMENTS**

As a Conceptual Development Plan establishes the zoning of a property, it is important that a clear regulatory baseline is provided for key development standards. While the plan identifies buffer areas, it does not establish standards for other fundamental elements such as parking, setbacks, building height, architectural requirements, signage, or lighting. Without these baseline provisions, future development review will default to the UDO and ensuring consistency in future development becomes difficult. For example, there is no building height restriction listed in the UDO for “PD” zoning, so staff and developers will wonder what building height standard to apply if one is not listed in the CDP.

Given that the adjacent Ravensbrook subdivision is zoned RS-3, the applicant may wish to consider using that district as a baseline for certain elements such as setbacks. Alternatively, the narrative could clearly identify which standards default to the UDO and which are proposed to deviate through the CDP process.

**VI. AGENCY REVIEW AND COMENTS**

Planning staff distributed the application for review to the following Agencies and Departments on **March 26, 2026**:

The Town of Southern Pines:

- Engineering and Public Works Department
- Utilities Department
- Fire Department
- Parks and Recreation Department

Outside Agencies:

- The Regional Land Use Advisory Commission (RLUAC)
- The United States Fish and Wildlife Services (USFWS)
- The Moore County Airport
- The Moore County Economic Development Partnership (MCEDP)
- The North Carolina Department of Transportation (NCDOT)

Town staff met on March 24, 2026 to discuss additional site concerns. The Fire Marshal stated that the anticipated occupancy of the Church may impact sprinkling requirements. As of the publication of this report, Town staff do not know the anticipated occupancy of the Church. The Fire Department commented that if the distance of the western parking area (seen below) from the curve to its southernmost point exceeds a certain distance, looping this drive aisle may be required. This factor is also impacted by whether or not the building will be sprinklered.



The Town’s Engineering Department confirmed that a Traffic Impact Analysis (TIA) will be required at or before the Preliminary Development Plan (PDP) phase.

The U.S. Fish and Wildlife Service Raleigh Field Office noted that the site is located within a red-cockaded woodpecker Moore County red zone and near multiple active clusters with potential foraging habitat, and therefore recommends a cavity tree survey be done by a qualified consultant prior to removing any pine trees greater than 10 inches diameter at breast height (DBH) to avoid inadvertent impacts.

Any additional comments received following this staff report’s publication, but prior to the public hearing, will be shared during staff’s presentation.

## **VII. STAFF RECOMMENDATION**

Staff find that the proposal satisfies the minimum criteria for consistency with the 2040 Comprehensive Plan by providing a mix of institutional and residential uses. While the development does not fully achieve the intensity or integration envisioned for this area, it is also not inconsistent with the Plan when applying a neutral definition of “mixed-use” development. The proposal therefore represents a lower-intensity development pattern that will not result in unreasonable adverse impacts to neighboring properties. However, the current Conceptual Development Plan (CDP) does not yet establish a sufficiently defined development framework for the site.

Specifically, the plan lacks confirmed details regarding the neighborhood layout, as well as baseline site development standards necessary to establish clear zoning.

Accordingly, staff recommends that the Planning Board continue the request to allow the applicant time to verify: (1) plans for the residential portion layout, and (2) baseline site development standards, including but not limited to parking, setbacks, building height, architectural requirements, etc.

## VIII. ATTACHMENTS

The following materials have been provided as attachments to this staff report:

1. Draft Planning Board Resolution
2. Application
3. Applicant's Narrative
4. Conceptual Development Plan
5. Conceptual Development Plan Option Two
6. Neighborhood Meeting Report

*Additional documents related to this application including, but not limited to: Property deeds, Authorization of Agent forms, email correspondence, meeting minutes, and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available by public information request.*

## IX. PLANNING BOARD ACTION

A request for approval of a Conceptual Development Plan is a request for a rezoning. Per North Carolina General Statute 160D-604(d), prior to consideration by the Town Council of the proposed Planned Development District - Conceptual Development Plan (CDP), the Planning Board shall advise and comment on whether the proposed CDP is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

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

**I move** that after reviewing the proposed Conceptual Development Plan and considering the criteria for approval of a Planned Development District found in UDO §2.18.4(H):

1. **The requested Conceptual Development Plan is consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment "I" of staff report for PD-01-26;**

**-OR-**

2. The requested Conceptual Development Plan is inconsistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment "I" of staff report for PD-01-26;

**-OR-**

3. The requested Conceptual Development Plan does not satisfy additional UDO criteria for zoning map amendments as set forth in Attachment “I” of staff report for PD-01-26.

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

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**And therefore, I move to:**

1. **Continue consideration of PD-01-26 to the next Planning Board Regular Meeting to allow the applicant additional time to provide: a. Confirmed plans for the neighborhood layout; and baseline site development standards sufficient to establish a clear development framework for the property.**
2. Recommend approval of PD-01-26 to the Town Council;
3. Recommend denial of PD-01-26.



## ATTACHMENT 1

### RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ZONING MAP AMENDMENT APPLICATION FOR A PLANNED DEVELOPMENT DISTRICT PD-01-26

**WHEREAS**, Section 160D-604(d) of the North Carolina General Statutes specifies that the Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but that a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board;

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

**WHEREAS**, the Planning Board conducted a public hearing on April 23, 2026, for consideration of a Planned Development – Conceptual Development Plan for The Chandler Pond Way Planned Development; and

**WHEREAS**, the Planning Board has reviewed the proposed Conceptual Development Plan and finds that additional information is necessary to adequately evaluate the request and establish a clear and predictable development framework for the property;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board hereby continues consideration of application PD-01-26 to a future meeting to allow the applicant additional time to provide the following:

1. Confirmed plans for the neighborhood layout; and
2. Baseline site development standards sufficient to establish a clear development framework for the property, including but not limited to: parking, setbacks, building height, architectural, requirements, signage, and lighting.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that upon receipt of the requested information, the Planning Board will reconsider the application and provide a written recommendation to the Town Council in accordance with N.C.G.S. §160D-604(d).

**ADOPTED** this the 23<sup>rd</sup> day of April, 2026.

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Matthew Walden, Chair

**ATTEST:**

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Cindy Williams  
Secretary to the Planning Board



Planned Development District -  
Conceptual Development Plan

Fee: \$2,210.00      Date Received: \_\_\_\_\_      Case No.: PD-\_\_\_\_-\_\_\_\_

**Project Information:**

Project Name: Waynor Road Planned Development

Physical address: Northwest Corner of Waynor Road and NC-22

PIN: 857400914852

Parcel ID: 00991862

Site Size: 12.9 acres

Zoning: PD

**Applicant:**

Name(s): Chandler Pond Properties, LLC, Lynn Clark Samuelson, Managing Member

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Mailing Address: 16 Liberty Oak Lane, Surfside Beach, SC 29575

**Authorized Agent, if different from Applicant:**

Name(s): Kevin S. Lindsay, PE

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Mailing Address: 230 West Pennsylvania Avenue, Suite C, Southern Pines, NC 28387

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

Name(s): Same as applicant

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

12.4.25

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

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

The property which is the subject of this application is located on the northwest side of Waynor Road (St./Ave.), between \_\_\_\_\_ (St./Ave.) and NC-22 \_\_\_\_\_ (St./Ave.). The property has a frontage of 570 (NC-22) feet and a depth of 1,114 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance**.

The proposed use of the property is as follows:

A Meeting House for Church of Jesus Christ of Latter-Day Saints and Single Family Homes

Date: \_\_\_\_\_

2/9/26

Gyan Clark Samuelson <sup>MM</sup>

Applicant

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

# Waynor Road Planned Development

## Conceptual Development Plan (CDP)

1. Concept: The proposed district is located on a 12.9-acre parcel located at the northwest corner of NC-22 and Waynor Road. The parcel is currently wooded. The proposed Planned Development (PD) District calls for splitting the property into a 7.41-acre site for a Jesus Christ of Latter-Day Saints church and 5.48-acre tract that will be further subdivided into a residential area for five single family homes meeting the RS-3, Unified Development Ordinance (UDO), requirements. Current Zoning is “Planned Development” PD and the portion of the property along NC-22 is in the “Urban Transition Highway Corridor”.
2. Exhibit A shows Option 1:
  - a. The proposed Jesus Christ of Latter-Day Saints Church will comply with the UDO requirements of a General Business (GB) zoning. Regarding the Urban Transition Highway Corridor, an exception is requested for the Vehicle Use Area limitation on parking between the building and the highway. The lot has a prominent hill at the intersection. This hill and a minimum of 100-foot natural buffer will be maintained instead (excepting the “right in” “right out” entrance on NC-22). This will block the majority of parking spaces from view on both NC-22 and Waynor roads.
  - b. The proposed five RS-3 single family lots will comply with RS-3 UDO requirements. While lower in density than that typically found in PD districts, they match the RS-3 zoning across the Waynor Road in Ravensbrook and the sizable area of Rural Residential (RR) just to the north better than a higher density.
3. Exhibit B Shows Option 2:
  - a. Based on comments from Southern Pines Planning Staff to create more inter connection between uses, a greater mixture of uses, and to be more closely aligned with the 2040 comprehensive plan, an alternative Option 2 was prepared (See Exhibit B).
  - b. In this option a right of way runs from NC-22 to Waynor Road, opposite Bellcroft Drive. The church is moved closer to NC-22 (which will require removing the hill, and trees on the hill, located at the northwest corner of the intersection of NC-22 and Waynor Roads).
  - c. A commercial center and a high-density housing area are were also added.
4. A Neighborhood Meeting was conducted on February 24, 2026. The meeting was attended by seven nearby residents. The two options were presented and all seven residents ardently supported Option 1. Stated reasons were:

- a. Traffic congestion. Residents complained that traffic already backs up to the fire stations from the traffic circle at NC-22 and Airport Road during rush hour. Option 2 would only make the situation worse.
- b. Property values. Residents of Ravensbrook (zoned RS-3) complained that the housing shown in option 2 would reduce their property values. Whereas the RS-3 residential in Option 1 would not.
- c. Lack of need. Residents stated that “we already have enough coffee shops, restaurants, stores, and auto repair shops”.
- d. Additional traffic on Waynor Road. Currently, there is little need for anyone other than Ravensbrook residents to drive down Raynor Road past the fire station. Option 2 would dramatically change that for the worse.
- e. Based on input from residents and the owner’s desires, we are submitting for Option 1 approval, while including Option 2 as a lesser desirable alternative for comparison.

**Following paragraphs will be in support of Option 1.**

- 5. Applicable Zoning and Land Use Plans: As per the Southern Pines UDO, the PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, residential, and other uses appropriate for the area as set forth in the Town’s zoning and land use plans. This tract is in a large area of PD zoning and according to the 2040 Comprehensive Plan:

- a. On the “General Framework Map”, (see exhibit C) the site is listed as an “Area to Transform.”

*“Areas to transform provide opportunities to re-imagine Southern Pines Future, and introduce new, energized activity areas that provide key locations for new employment center, shopping centers, entertainment areas, and upper story or adjacent residential units in appropriate locations. In the context of more development, these areas require more deliberate planning and phasing to keep them viable over longer periods of change. However, once completed, redeveloped areas have the potential to serve as new and reinvigorated activity center for the whole of Southern Pines.”*

-Option 1 will transform a wooded area into a church and low-density single-family housing area. While some may argue that the proposed PD does meet the vision described in this paragraph, taking a step back and looking at the larger area, it clearly does. The area around the intersection of NC-22 and Airport Road is listed as a Regional Activity Center and a Growth Priority (the proposed site is not shown as either a Regional, Community or Neighborhood Activity Center, nor is it designated as a Growth Priority Area). The traffic circle at the intersection of NC-22 and Airport Road is .71 miles south of Waynor Road. In the last 20 years that area has transformed from a wooded area to a dense, commercial activity center with a large

apartment complex (which appears to have room for future phases). It includes a Harris Teeter, Ace Provisions, Starbucks, McDonald's, Dollar General, Medical Clinic, large day care facility, and many other restaurants and shops. An ABC store is under construction along with more restaurant and retail space.

-In addition, just .57 miles north of Waynor Road is the Food Lion Shopping Center. While not in Southern Pines, it along with several other retailers (Dollar Tree, O'Reilly Auto Parts, a pharmacy, gas station, and several others) are an activity center for Whispering Pines and the surrounding area. So, there are developed activity centers within one mile to the north and south of the proposed project.

-Two miles north of Waynor Road is the new Magnolia Hill (130 units) apartment complex.

-Due to all of this growth in close proximity, not only is another commercial center / high density housing project not needed, it would be highly undesirable and create the urban sprawl Southern Pines is trying to prevent. The proposed Option 1 minimizes adverse impacts by retaining the prominent wooded hill in the northwest corner of the Waynor Road and NC-22 Intersection. This will help provide a green break from the commercial areas to the north and south. The church's main traffic flow will be on weekends and not conflict with local rush our traffic. Several of those who attended the Neighborhood Meeting on the development complained of traffic already backing up from the traffic circle to the fire station during rush hour. At the Neighborhood Meeting, two options were presented. Option 1 included the church and 5 single family homes. Option 2 included the church with a road connecting it to a commercial and high-density housing. The seven nearby residents who attended were unanimous and very adamant in their support for Option 1 over Option 2.

-The proposed low density residential will minimize additional traffic and matches the zoning of Ravensbrook on the south side of Waynor Road. Several of those who attended the Neighborhood Meeting expressed concern for the impact of Option 2 on their home values in addition to the added traffic.

-The second to last sentence in the 2040 plan is particularly appropriate to this development: *"In the context of more development, these areas require more deliberate planning and phasing to keep them viable over longer periods of change."* The PD process allows the Town and its citizens to adjust PDs to the needs of the community over time. This area has seen rapid commercial and high-density growth in recent years and this proposed project fits very well with the community's current needs. When large areas, such as this area along NC-22 are designated as PD or to be "Transformed", each development must be looked at in the context of what has already been done to prevent it from turning into an undesirable homogeneous urban sprawl.

- b. On the Conservation and Development Map (See Exhibit D), this site it is listed as a “Mixed Use Area”: *“This category describes land offering the opportunity to serve broader economic, entertainment, and housing needs in the community. Land uses and buildings on small blocks encourage active public spaces between buildings. Public spaces should be sized and designed to be gathering places for mixed use areas and their surrounding neighborhoods.”*

-While Option 1 is a mixed use of a church and low density single-family residential, it appears this description is envisioning a more urban environment than where this project is located. This site is specifically bordered by low density commercial properties to the north, a low-density single-family residential subdivision to the west and south, the fire department to the south, and the airport to the east. Further, at 12.9 acres, the site is arguably too small and isolated to create the mixed-use pattern described above. The rights of way needed to create the small blocks described would take up too much of the site in addition to increasing impervious areas and runoff. With a well-developed, designated Regional Activity Center to the South and an existing commercial center to the north—just outside the Town’s boundaries, this area is already well served with a wide variety of dining, shopping, public gathering spaces, and high density “missing middle” housing. When the “mixed use” description is extrapolated to the larger area around the proposed project—which is more suburban than urban—it fits a mixed-use description quite well. The church offers its services to the wider community and the proposed single-family homes will have a very short drive to the commercial centers to the north and south. Also, residents can connect to the Town’s recreational trail system through the Ravensbrook neighborhood. A sidewalk along Waynor Road will connect to the sidewalks going through Ravensbrook and to the Fire Department.

- c. On the Character District Map (See Exhibit E), the site is listed as a “Complete Community”: *“Complete communities represent large, vacant parcels of land aimed at becoming self-sustaining communities in the landscape. Generally speaking, a complete community includes a mixed-use area that may serve a broad economic, entertainment, employment, shopping, or civic needs of the community.”*

-Per the 2040 plan, this site is part of “Complete Community” stretching from this site to the Regional Activity Center south of the Airport Road and NC-22 intersection. It also includes the Community College and O-Neal School. As previously discussed, this area has already become a complete community with everything listed in the description above. Several things should be noted about this “Complete Community” area (See Exhibit F):

1. The Ravensbrook “Suburban Settlement” is much larger now than indicated on the map. It and the Fire Station take up the entire southern boundary of Waynor Road across from the proposed PD.
  2. The new 12-acre Moore Humane Animal Welfare Center is located on the southeast corner of the Waynor Road/NC-22 Intersection.
  3. The Community College, Moore County, and Airport own all of the remaining land around the traffic circle.
  4. The remaining undeveloped land between the Fire Station and traffic circle includes considerable areas in the US Fish and Wildlife wetland inventory—see exhibit F2.
  5. Therefore, while it appears that this area is easily connected to the activity center to the south, in reality it is not.
  6. The area north of this site is listed “Rural Living”. With this in mind, the proposed project fits very well between “Rural Living” to the north, “Suburban Settlement” to the west and south, the fire department, and the new Animal Welfare Center and airport to the east. It provides a church to the community, single family homes matching the adjacent zoning, and avoids adding significant traffic to an already congested rush hour. Also, with several commercial shopping centers constructed in the area in the last twenty years, the proposed open space adjacent to NC-22 will help maintain a more rural appearance and provide a visual break from high density mixed use commercial and residential areas to the north and south.
- The district will have a sidewalk along Raynor road between the church entrance and the residential subdivision entrance. This sidewalk will allow easy access to the sidewalks in Ravensbrook and, through them, to the Town’s Greenway system.

6. Appropriateness of Proposed District:

- a. Surrounding Area: As Exhibits G1&2 show, the area around site has experienced extensive development since 2003. What was once predominantly forest and single-family housing, now contains several commercial developments, apartment complexes, and additional single-family housing. Other major land uses include Sandhills Community College, the O’Neal School, Moore Regional Airport, and several single-family residential subdivisions. New, since 2003, are the Harris Teeter Shopping Center, Food Lion Shopping Center, Ace Provisions Shopping Center, Tyler’s Ridge Apartments, the new Magnolia Hill apartment complex (less than 2-miles north), and several other commercial and residential developments. Recent additions include a McDonalds, Starbucks, Dollar General, and the Ravensbrook Subdivision.
- b. District “Fit”: Traffic congestion along NC-22 and Airport Road has been a growing community concern. Students attending Sandhills and O’Neal and commuters

traveling to Fort Bragg and other places of work often conflict and back up the traffic circle at the intersections of NC-22 and Airport roads. The proposed district will include a church and five single family homes. Under the PD district, much higher densities are allowed and typically proposed as illustrated by Option 2 (Exhibit B). Such a mix of commercial and high-density homes would contribute to the traffic congestion in the area. Instead, the Church's main traffic would be limited to weekends and would not conflict with school and work traffic peak hours. The Church will not include a school or daycare.

7. Conceptual Development Plan (CDP) Requirements:

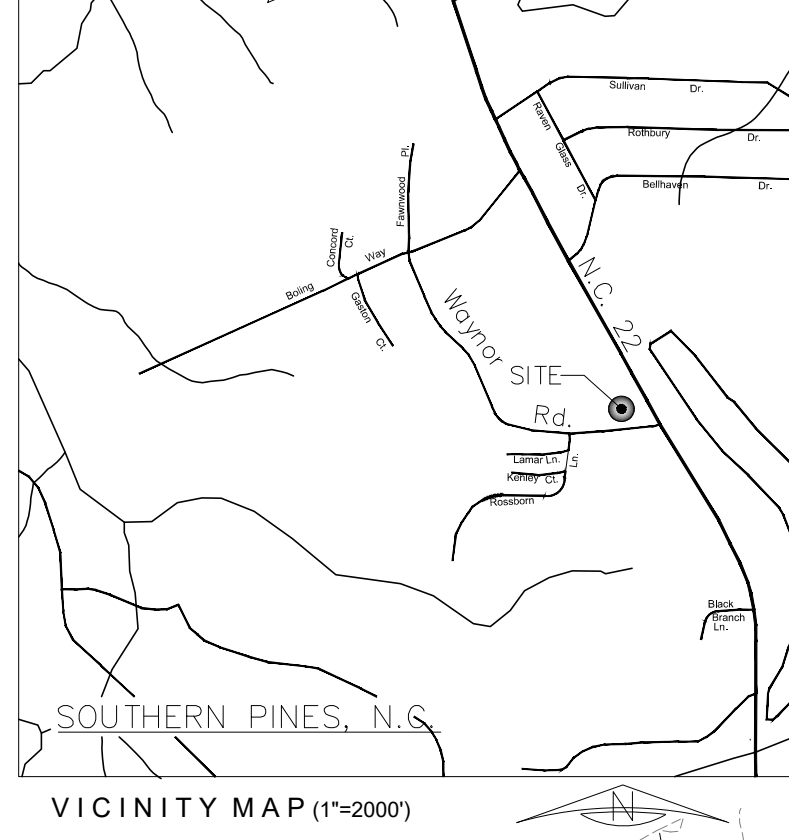
- a. Mix and intensity consistent with Comprehensive Plans: *As stated in paragraph 5, above, the district fits into the 2040 Comprehensive Plan designations of this site as an "Area to Transform", "mixed Use", and as being a "Complete Community" by having more than one use, fitting in with existing uses around it, avoiding additional commercial "sprawl" along NC-22, and by allowing access to the Town's trail system via Ravensbrook. The proposed church matches well with the adjacent low density commercial uses: a small non-retail commercial center, Fields & Fowler Electric, Whispering Pines Animal Hospital, Southern Pines Fire Station, and the Moore Human Animal Welfare Center under construction. The proposed single-family housing matches the zoning of the Adjacent Ravensbrook neighborhood. There is already ample commercial retail space to the north (Food Lion, Dollar Tree, etc.) and south (Harris Teeter, Dollar General, Ace Provisions, McDonalds, Starbucks, ABC store under construction and many others). There is additional room for development within these areas.*
- b. Street layout is consistent with the Town and Development: *The District will have an intersection opposite the fire departments entrance on Waynor Road, a right in/right out on NC-22, and cul-de-sac entrance opposite of Belcroft Drive on Raynor Road. Church traffic will primarily be on weekends and not conflict with Community College, O'Neil School, and commuter traffic. The low-density residential development and off-peak church traffic will avoid significantly stressing the already stressed NC-22 and Airport Road corridors.*
- c. Phasing plan enables each phase to be developed in a way that creates a sustainable neighborhood and enhance each successive phase: *The church will likely be the first phase and the residential subdivision the second phase. Each phase will operate independent of the other but will be connected with a sidewalk along Raynor Road. Each phase will be useful to the community: a place of worship and low-density housing.*
- d. The proposed arrangement of land uses and the phasing plans are compatible with surrounding neighborhoods: *The low-density single-family development matches*

**Site Details:**

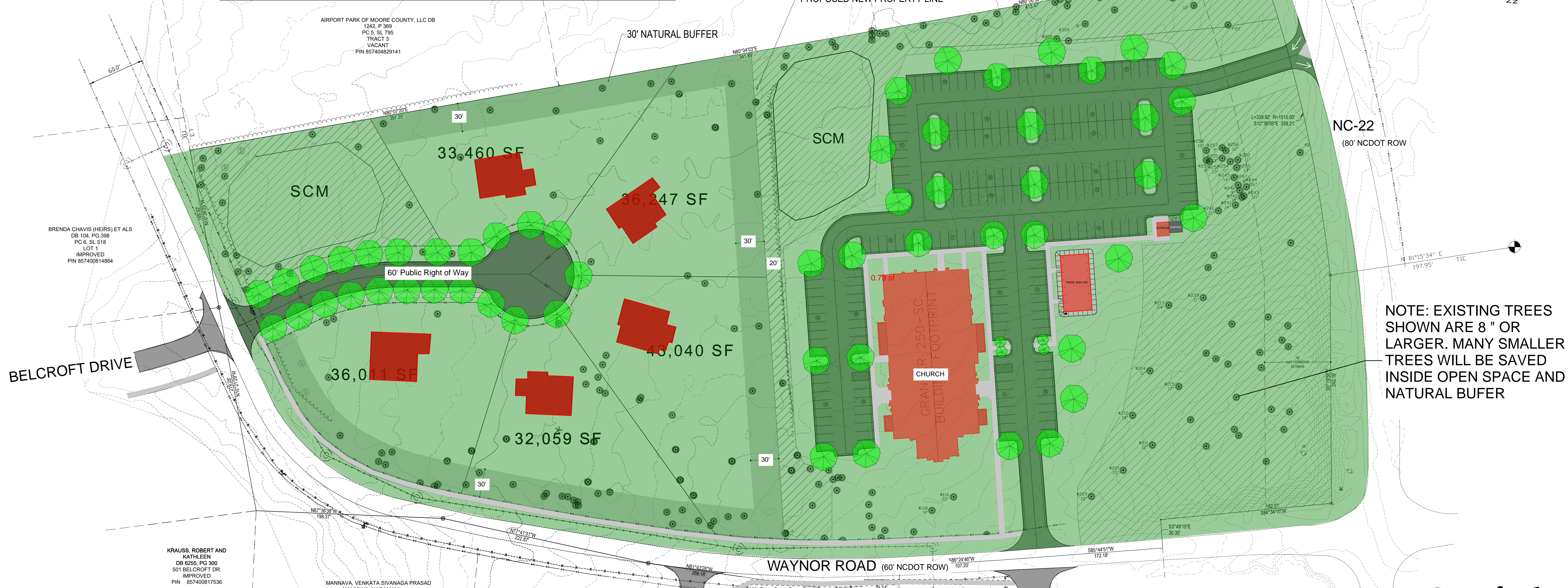
- 12.94 acres, Zone PD
- Phase 1: 7.41-acre site for a Jesus Christ of Latter-Day Saints church. Church site will meet UDO requirements for General Business (GB) and additional requirements for churches in GB.
- Phase 2: 5.48-acre tract that will be further subdivided into a residential area for five single family homes meeting RS-3 requirements.
- Connectivity: Sidewalk along residential cul-de-sac and along Raynor Road between residential and church entrances. Sidewalk will also provide access to sidewalks in Ravensbrook subdivision.
- Open Space. 20% required, 30% provided.
- Buffers:
  - 100' along NC-22 (also note that hill at corner of NC-22 and Raynor will screen church)
  - 30' buffer on rear of residential lots.
- Daily Trip: 284 average per day. Waiver of TDA requested because majority of trips are on Sunday.
- Drainage Analysis: 26% post construction IA. Two SCMs will reduce peak runoff to pre-construction rates for the 10-year storm

Daily Trips		
Day	AM	PM
Sunday	1000	
Monday	70	
Tuesday	70	200
Wednesday	70	200
Thursday	70	200
Friday	70	
Saturday	40	
Week	1390	600
Weekly Total	1990	
Average/day	284	

Impervious Area	
Existing Impervious Area	0
Proposed Impervious Area:	
Structures	20,539
Drives and Parking	86,345
Sidewalks	10,776
Misc	177
Houses (3,000 sf/lot)	15,000
Cul-de-sac	13,974
<b>Total for District</b>	<b>146,811</b>
<b>% IA for 12.94 acre site:</b>	<b>26%</b>



VICINITY MAP (1"=2000')

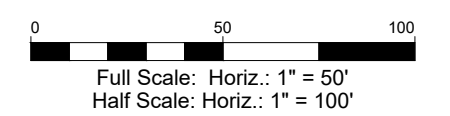


NOTE: EXISTING TREES SHOWN ARE 8" OR LARGER. MANY SMALLER TREES WILL BE SAVED INSIDE OPEN SPACE AND NATURAL BUFFER

245 PARKING SPACES

- DENOTES OPEN SPACE (3.94 ACS)
- DENOTES NATURAL BUFFER (1.00 ACS)
- OPEN SPACE & BUFFER = 38% OF TOTAL PROPERTY

**OPTION 1**  
**Waynor Road Planned Development**  
 CONCEPTUAL DEVELOPMENT PLAN



Landscape Architecture Fayetteville, NC  
 Civil Engineering Southern Pines, NC  
 230C W. Pennsylvania Ave., Southern Pines, NC 28387  
 Voice: 910-725-1107  
 www.crawforddsn.com

Project Manager: KSL  
 CAD Technician: RFN/GER  
 Reviewed / Approved By:  
 Project Number: 25013

S:\LDS Church\25013 LDS Church\CAD\00000\DWG\Plan\_Sett\Current Plan\_Sett\Conceptual\_Site.dwg, Overall Site Plan, Feb. 05, 2026 - 1:27:44 PM

REVISION

DATE

SANDHILLS NC MEETINGHOUSE  
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS  
SANDHILLS NORTH CAROLINA STAKE

NEW CHURCH MEETINGHOUSE  
WAYNOR ROAD & HIGHWAY 22, SANDHILLS, NC

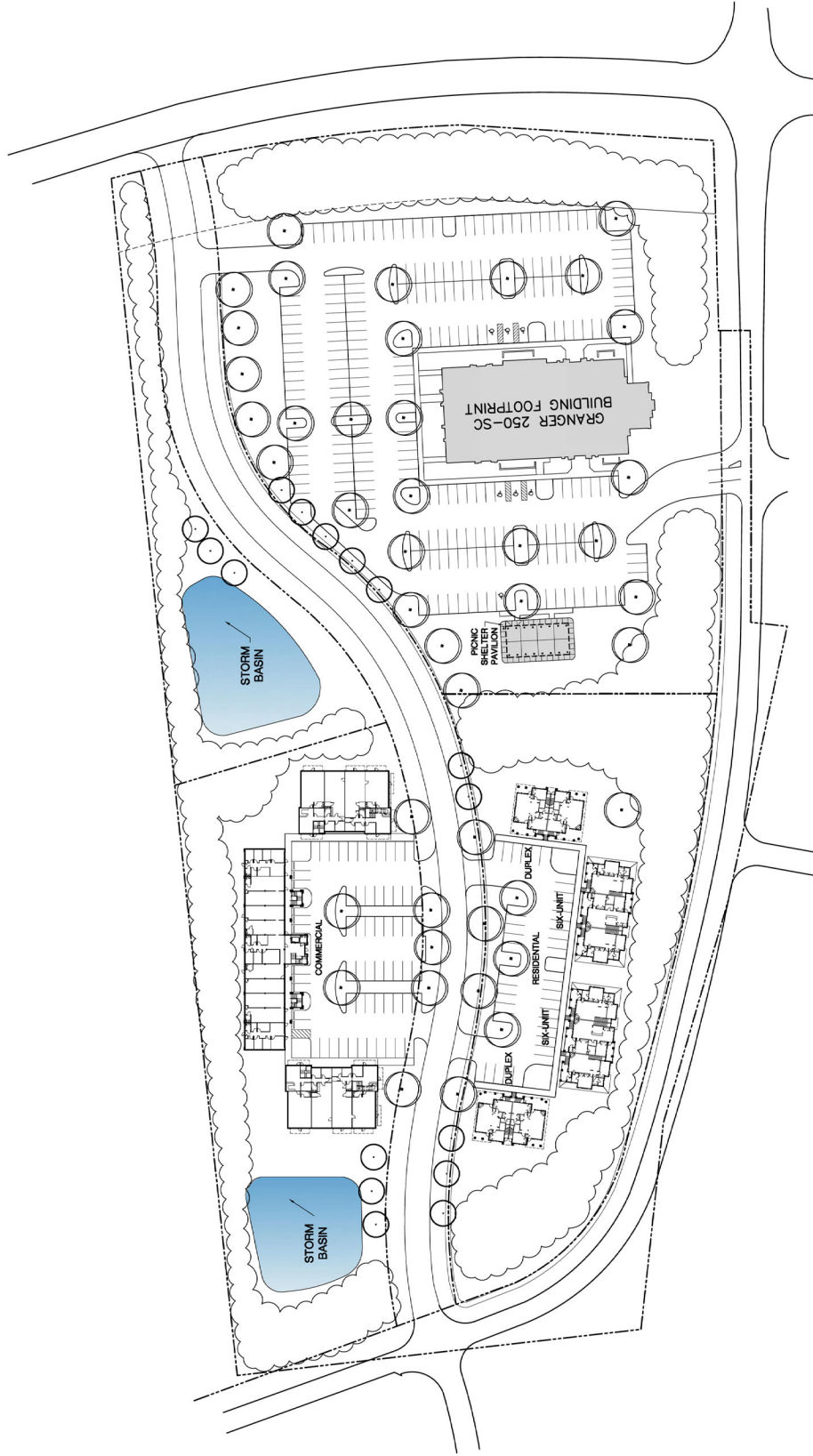
PRELIMINARY

MICHAEL R. McLEOD  
ARCHITECT, PA  
www.michaelrleod.com  
22 SOUTH END COURT, HAMPSHIRE, NC 28443  
Phone: (910) 270-8778 Fax: (910) 270-9481

PRELIMINARY SITE PLAN

19 NOV 2026  
SD1

EXHIBIT B



OPTION 2

1 PRELIMINARY SITE PLAN  
SCALE 1"=50'

PROPOSED PARKING  
PARKING SPACES: 255  
INCLUDING 7 ACCESSIBLE SPACES

## Neighborhood Meeting for: Raynor Road Planned Development

Conducted: Tuesday, February 22, 2026 at Crawford Design Company, 230 West Pennsylvania Ave., Suite C, Souther Pines, NC 28387

### Meeting Summary:

Seven people attended the meeting.

The design Engineer, Kevin Lindsay, went over the Planned Development concept and process of submitting a Conceptual Development Plan (CDP) and Preliminary Development Plan (PDP). And, that we were in the CDP process.

Kevin Lindsay went over two options. Option 1 being the church with a low density residential subdivision and Option 2 being the church with a mix of commercial and high density residential (see attached). Key differences being the right of way through the project in option 2 and the church being closer to NC-22 in option 2 which would result in removing much of the hill at the corner of NC-22 and Waynor Road.

The attendees were unanimous in favoring option 1. They expressed concern over:

- Increased traffic from commercial and apartments/townhomes. Several expressed frustration at traffic already backing up to the fire station during rush hour.
- They expressed concern about their property values in Ravensbrook if option 2 was chosen.
- They expressed concern that the commercial and high density residential in option 2 is not needed. "We have plenty of coffee shops, fast food, and apartments." The large Magnolia Hill apartment complex just built to the north at the corner of NC-22 and McCaskill Roads was mentioned. Also that Ace Provisions area's new McDonald's and Starbucks are not even complete and that an ABC store and more restaurants are coming.
- The expressed concern about increased traffic on Waynor Road--especially if option 2 was chosen. It was also mentioned that there is still underutilized commercial space available in the area. Specifically at the Harris Teeter and Ace Provision shopping centers
- Several attendees said they had no problem with the church, but did not want to see commercial or high density residential.

The Architect, Mike McLeod, joined the meeting by phone and answered specific questions on the church and how it would be used.

- He went over uses and how the church would serve up to four congregations that would be kept to 250 or fewer. That these congregations would rotate through the church on Sundays with no more than two overlapping at one time.
- He also mentioned that once or twice a year a large meeting would take place that would bring additional people to the church for Saturday and Sunday meetings.
- There will be not day care or school at the church.
- There would be teen groups meeting (less than 20) on some mornings and some evening gatherings that would be smaller than Sunday meetings and take place after rush hour traffic.
- A question was asked if the church would own the houses and concern expressed about that. Mr. McLeod said no, the church would not own or control anything other than the church property.
- it was asked if this would be a fundamentalist Mormon church. Mr. McLeod said it would not be.

Kevin Lindsay invited attendees to e-mail him to receive a copy of the options and draft application and to e-mail him any comments they had. Comments and questions were only received from one person--see attached. It should be noted that the comments were from Robert Krauss--who does not appear to have attended the meeting.

### Notes by:

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# Planning Staff Report

**To:** Planning Board  
**From:** James Broadwell, Senior Planner  
**Date:** April 23, 2026  
**Item:** Proposed Open Space and Tree Protection Amendments to the Unified Development Ordinance (UDO)

## I. EXECUTIVE SUMMARY

The Town of Southern Pines Planning Department, in accordance with the 2040 Comprehensive Plan and Phase III of implementing that plan, is proposing to amend the Unified Development Ordinance (UDO) with multiple text amendments aimed to improve the Open Space standards and tree protection provisions during new development. Planning staff request that the Planning Board and Town Council review the proposed changes per UDO §2.17. The proposed amendments are as follows, with reference to applicable UDO sections:

**Amend:** UDO **§3.5.14** (PD)–Planned Development District), **§4.3** (Landscaping), **§4.9** (Open Space), and **§9.3** (Definitions).

Fundamentally, the proposed changes intend to revise the town’s Open Space standards and related sections to foster new development design that better integrates with the natural environment and preserves more existing mature trees. The proposed changes will bring the town’s UDO in closer alignment with the [2040 Comprehensive Plan](#), and especially further **policies 3.2, 4.1, 4.4, 4.7, 4.9, and 4.10**. The changes will also not conflict with NC G.S. §160D-601(d) (Down-Zoning).

With these changes: depending on the natural conditions at the date of development application, Open Space will be prioritized as one or a combination of five types:

1. **Sensitive Natural Areas**
2. **Tree Protection Areas**
3. **Undisturbed Buffers**
4. **Usable Open Space**
5. **Planted Buffers**

A component of the changes that may warrant a policy discussion is found in the proposed §4.9.1(D). As drafted, if a site proposed for development has sufficient natural areas (Open Space types 1, 2, and 3), then 50% of that Open Space must be types 1, 2, and/or 3. One may ask “Why not 100%?” Staff presently believe 50% provides greater flexibility and may often result in better outcomes for Planned Developments that have large areas of Open Space, often with recreational features; incentives are also included to encourage allocating the other 50% as types 1, 2, and/or 3. However, not requiring the full 100% to be preservation types may result in less trees saved and an amendment that’s slightly less consistent with the Comp Plan. Staff find that this question is one best suited for a policy discussion and decision.

The specific text of the proposed changes, along with margin comments providing additional explanation and staff analysis, is in the attachments to this staff report. Planning staff will present the proposed changes at the public hearing on April 23, 2026.

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### I. 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. Overall Timeline:

- **September 2023:** The 2040 Comprehensive Plan was adopted and the Phase I implementation project of “Tree Protection and Landscaping Reform” was chosen (to further Comp Plan policies 3.2, 4.1, 4.4, 4.7, 4.9 and 4.10 especially).

- **October 2023–July 2024:** Planning staff craft the proposed “Tree Protection and Landscaping” amendments (file #OA-03-24) alongside a tree protection focus group of professional experts.
- **July–October 2024:** OA-03-24 Planning Board hearings and review.
- **November 2024:** OA-03-24 Town Council hearing and review (continued).
- **December 2024:** Senate Bill 382 (new “Down-Zoning” rules) is passed by the NC legislature as S.L. 2024-57, which precluded OA-03-24’s legal adoption; the Town Council opted to continue OA-03-24 until possible changes occurred with the Down-Zoning provision.
- **December 2024–February 2026:** OA-03-24 subsequent continuances.
- **February 9, 2026:** The Town Council adopted the proposed amendments to Appendix F (recommended species list) of OA-03-24 only, ended the remainder of the file, and instructed staff to initiate a new file that achieves the same purpose under the Comp Plan without violating the new state Down-Zoning provisions (now known as NC G.S. 160D-601(d)).
- **February–April 2026:** Staff worked with the tree protection focus group, the town’s land use legal consultant, the town attorney, and other stakeholders to reformulate the “Tree Protection and Landscaping Amendments” into the “Open Space and Tree Protection” amendments – now as file #OA-02-26.
- **April 23, 2026:** “Open Space and Tree Protection” Text Amendment Planning Board public hearing.

**D. 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. Only the sections being amended are attached. Margin comments that explain the reason for each proposed amendment are also included.

**2040 Comprehensive Plan Consistency.** The Planning Board’s primary role when reviewing proposed amendments to the UDO is to advise and comment on whether the proposed amendments are consistent with the [2040 Comprehensive Plan](#) (criterion A), timely and salient public policy (criterion C), and impacts to the public at large (criterion E).

The Town of Southern Pines 2040 Comprehensive Plan (Comp Plan) establishes a vision to help guide growth for the next decade. Zoning is adopted (and amended from time to time) in order to implement the vision contained in the plan. In multiple instances, the Comp Plan calls for changes to the UDO that improve protections of the town’s natural character, safeguard Open Space as a meaningful development component, discourage the disturbance of sensitive natural features, and minimize tree loss during new development.<sup>1</sup> For that reason, in the Fall of

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<sup>1</sup> Town of Southern Pines. 2040 Comprehensive Plan, pages 34, 158-161, and 186-190.

2023, updates to the UDO to improve tree protection and landscaping provisions were selected as a top priority for phase I implementation.

Due to changes with the NC legislature, this implementation project had to be largely reformed to ensure consistency with state statute, which is why it's now a part of phase III implementation under the new file # OA-02-26. However, the original tree protection amendments (file OA-03-24) and these proposed amendments both intend to achieve the same purpose and goals within the Comprehensive Plan. Staff find that the changes are especially consistent with policies 3.2, 4.1, 4.4, 4.7, 4.9, and 4.10.<sup>2</sup>

**Proposed Open Space Changes.** Following renewed recommendations from a focus group of technical and industry experts and legal consultation, staff are proposing UDO amendments to foster development design that better integrates with the natural environment and preserves more existing trees. Dedicated Open Space is required for most new development in Southern Pines – 10% for new commercial sites and major subdivisions, and 20% for Planned Developments, for example. The proposed amendments do not alter the required amount of Open Space or the types of projects for which they apply. Rather, they clearly define what Open Space should comprise, prioritize certain types, require a baseline level of tree preservation (if existing), and incentivize maximized tree preservation.

Under the changes, Open Space may be defined as one or a combination of the five types listed below. The composition will depend on the existing natural conditions of the site proposed for development at the date of application, and will follow the order of prioritization listed below. For example, a site that's a 100% mature forest will need to allocate at least 50% of its Open Space as types 1, 2, and/or 3 below, whereas an entirely vacant lot would use types 4 and 5.

Open Space Types by Priority:

1. **Sensitive Natural Areas (SNAs)** – Wetlands, Flood Hazard Areas, Specimen Tree root zones, or other areas of significant natural resources.
2. **Tree Protection Areas (TPAs)** – Existing tree stands that comprise at minimum the following requirements:
  - **Density** – a minimum of 1-inch diameter per 100 square feet of open space.  
For example, for a 100,000 square foot site requiring 20% of Open Space, or 20,000 square feet, 200 total inches of tree diameter would be required (or twenty 10-inch trees).
  - **Dimensions** – TPAs must be at least 20-feet in width.
  - **Maturity** – only trees at least 6-inches in diameter may count toward the TPA tree total.

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<sup>2</sup> Town of Southern Pines. 2040 Comprehensive Plan, pages 176-189.

3. **Undisturbed Buffers** – Buffers adjacent to property lines or rights-of-way that are at least 20-feet in width that comprise the same minimum standards as TPAs.
4. **Usable Open Space** – Recreational type Open Space that is properly landscaped and typically includes amenities like playgrounds, picnic areas, ball fields, and walking trails.
5. **Planted Buffers** – These buffers are planted according to the buffers section of the UDO under §4.3.4 and are at least 20-feet in width.

**New State Down-Zoning Statute (NC G.S. §160D-601(d)) and the Administrative Minor Modifications Provision.** An important note about this text amendment is the careful attention that was taken to ensure compliance with NC G.S. 160D-601(d) (the state Down-Zoning statute change). First, by ensuring Open Space may be defined as any or a combination of the five types mentioned above, no nonconformities are created on existing sites. For example, a commercial site may only meet its 10% Open Space requirement through a 40-foot-wide highway yard planted Buffer. That works fine under this change, as the site's Open Space is a type 5 – Planted Buffer. Only when applications for new development occurs for a site with existing trees or natural features will staff require designating at least 50% of the Open Space as types 1, 2, and/or 3, as applicable.

Additionally, after significant focus group and legal feedback, the new UDO §4.9.1(C) was crafted (Open Space Administrative Minor Modifications). This section ensures that the new standards would not render a property undevelopable, reduce the otherwise allowable density, or make the property inaccessible due to preservation requirements. For example, without an Administrative Minor Modification provision, if a 10,000 square foot site had nine 15-inch trees in the middle of it, the new requirements could largely preclude the ability to develop the site according to what the underlying zoning allows. A requirement for the Planning Director to modify the Open Space prioritization, location, and/or composition under such circumstances will prevent conflict with the Down-Zoning provision, legal precedent<sup>3</sup>, and/or any unreasonable use and design limitations. Lastly, the provision prohibiting a reduction in otherwise allowable density derives directly from the Down-Zoning statute and ensures consistency with its intent.

**Unlocked Incentives.** Finding a way to employ incentives was an idea raised by multiple parties in the crafting of this text amendment. For that reason, four have been outlined in the proposed amendments. If a proposed development designates 100% of its required Open Space as Sensitive Natural Areas, Tree Protection Areas, or Undisturbed Buffers, then the following incentives are unlocked:

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<sup>3</sup> *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)

- **Setbacks:** Front setbacks can be 75% and side and rear setbacks can be 60% of the underlying zoning standards.
- **Street Trees:** The street tree planting rate can drop from one tree per 30-feet to one tree per 50-feet.
- **Shrub Plantings:** For planted buffers less than 50-feet in width, the planting rate can drop to one shrub per 100 square feet.
- **Parking:** the minimum parking requirement applicable is reduced by 50%.

**Town Actions for Preemptive or Unauthorized Clearing.** Under the proposed changes, if preemptive or unauthorized clearing to influence the outcome of a Development’s Open Space takes place, then the proposed UDO §4.9.1(F) permits the town to take one of three possible courses of action. Those actions are:

1. Prohibiting development approval for a period of three years.
2. Require the replanting of all applicable cleared areas with longleaf pines (at the rate of one tree per 400 square feet) and appropriate ground cover plants.
3. Double the width of required buffers, or increase their width to 20-feet, whichever is greater.

These penalty provisions come from the originally proposed tree protection and landscaping amendments file from 2024, but they were amended slightly for greater clarity and overall results (if used). When the original file underwent its hearing process, including penalties for preemptive or unauthorized tree clearing was strongly called for. Moreover, these measures do not present any conflicts with the state Down-Zoning provision, so staff opted to keep them in this proposed amendment package.

**E. Staff Conclusion:**

**Comprehensive Plan Consistency.** Staff find that the proposed amendments to the town’s Open Space standards will likely meaningfully increase the preservation of trees and natural areas during new development and fully align with 2040 Comprehensive Plan and the criteria for text amendments found in UDO §2.17.10. The amendments establish enhanced tools and requirements to more effectively integrate existing natural features with the built environment and the town’s landscaping code. Achieving increased tree preservation and protection is a key priority of the Comp Plan, and why this implementation project was one of the first projects chosen to execute following its adoption.

**Policy Decision–Maximized Preservation vs. Flexibility & Incentives.** Staff also find that one specific element of the proposed amendments warrants a policy discussion and recommendation from the Planning Board. The proposed §4.9.1(D) says: *“if a proposed Development site contains sufficient Sensitive Natural Areas, Tree Protection Areas, and/or Undisturbed Buffers, then these Open Space types*

*shall account for at least 50% of the required Open Space and may satisfy up to 100% of the total Open Space requirement.”*

One may ask why – if a site can reasonably provide 100% of its Open Space requirement as Sensitive Natural Areas, Tree Protection Areas, and/or Undisturbed Buffers – then why not require it?

The requirement that 50% of Open Space consist of preservation-type areas (when such areas exist), while allowing the remaining 50% to be met through Usable Open Space and planted buffers originated with the 2024 amendment package (OA-03-24). The rationale was that this framework would provide greater design flexibility and recognize the Usable Open Space typically incorporated into Planned Developments, which often include recreational amenities. Requiring 100% of Open Space to consist of preserved areas – where such areas exist – in addition to meeting buffer requirements and accommodating desired recreational features, may be viewed as overly restrictive and inflexible. For that reason, the proposal maintains the 50% requirement while introducing incentives to encourage 100% of Open Space as preservation-types.

By including the incentives, staff intend to bridge the gap in promoting development to maximize preservation without instituting requirements that may be too strict. The tree protection focus group overall concurred with retaining this level of flexibility.

However, one could also argue that not requiring Open Space to be 100% preserved areas (if existing) does not align closely enough with the goals and intent of the Comprehensive Plan. Two of the guiding principles and six policies of the Comp Plan revolve around Open Space and natural character preservation. Given that updating the UDO to better reflect these policy goals was a top priority following the Comp Plan’s adoption, staff recommend examining this question in detail from a policy priority perspective during the hearing process.

Both courses of action, being:

- (1) requiring 50% of Open Space to be preservation-type (where such areas exist) while incentivizing the full 100% to be preservation-type (to maintain design flexibility), OR
- (2) requiring 100% of Open Space to be preservation-type (where such areas exist) to maximize the protection of trees and natural areas

are consistent with the Comprehensive Plan. The remaining policy question is which approach better advances its intent.

Planning staff are available during regular business hours prior to the Planning Board public hearing on April 23, 2026 for questions and/or to discuss any of the proposed amendments.

#### **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 (USFWS), the Sandhills Metropolitan Planning Organization, the Moore County Airport, and representatives of the Town of Southern Pines on March 27, 2026.

As of the completion of the staff report, the only comment received has come from the US Fish and Wildlife Service, stating they have no comments. Any responses received from agencies following completion of this staff report but prior to the Planning Board public hearing will be provided verbally at the hearing.

## II. 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.

## III. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed text amendments by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

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

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

1. The proposed amendments are consistent with the Comprehensive Plan and the approval criteria for the reasons set forth in Attachment I of staff report OA-02-26;
2. The proposed amendments are consistent with the Comprehensive Plan and the approval criteria for the reasons set forth in Attachment I of staff report OA-02-26 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Plan and/or the approval criteria for the following reasons:

**And, therefore, I move to:**

1. Recommend approval of OA-02-26 to the Town Council.
2. Recommend approval of OA-02-26 with the following changes:
3. Recommend denial of OA-02-26 to the Town Council.



**ATTACHMENT 1**

**PLANNING BOARD  
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION  
FOR ORDINANCE AMENDMENT APPLICATION  
OA-02-26**

**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 April 23, 2026 to listen to public comments, ask questions of the Town’s Planning staff, and to consider ordinance amendment application OA-02-26.

**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 2040 Comprehensive Plan (Comprehensive Plan).

The Comprehensive Plan was written and adopted with the guiding priority of protecting the town’s natural character, safeguarding open space as a meaningful development component, and minimizing tree loss during new development within the Southern Pines jurisdiction. Policies 3.2, 4.1, 4.4, 4.7, 4.9, and 4.10 specifically call for changes to the UDO that foster these goals. Through standards that require prioritizing delineated types of open space as they pertain to new development, the natural character of Southern Pines will be better protected and integrated into development design. Moreover, the proposed text amendments will protect substantively more mature trees and natural areas without degrading overall development capacity and built environment design. The Planning Board therefore concludes that the proposed amendments to UDO §3.5.14, §4.3, §4.9, and §9.3 are consistent with the Comprehensive Plan. Establishing the requirement to integrate natural features into development design, when such features are existing, fully aligns with policies 3.2, 4.1, 4.4, 4.7, 4.9, and 4.10, as well as key guiding principles within chapter 2 of the Comprehensive Plan.

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

**ADOPTED** this the 23<sup>rd</sup> day of April, 2026.

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Matthew Walden, Chairman

**ATTEST:**

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Cindy Williams  
Secretary to the Planning Board

# Southern Pines Unified Development Ordinance

Adopted October 8, 2013  
Edits through February 10, 2026  
Includes G.S. 160D Revisions

**(D) District Development Standards**

Building heights and Setbacks shall conform to those of the abutting district. Required buffers shall be based on the use established in the FRR district and the abutting use or district, whichever requires the greater buffer.

**3.5.14. PD - Planned Development District**

**(A) Purpose**

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

- (1) Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;
- (2) Exclude heavy commercial and heavy industrial land uses;
- (3) Encourage Development in areas located on major thoroughfares and collector streets;
- (4) Encourage vehicular access from service drive and other local streets;
- (5) Provide performance standards to help ensure Compatible land uses;
- (6) Encourage common or shared parking;
- (7) Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;
- (8) Facilitate clustering of Development thereby increasing the amount of saved land;

- (9) Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;
- (10) Improve connectivity within and between Developments to promote mobility and enhance walkability;
- (11) Integrate public spaces and amenities to promote community gatherings and activities;
- (12) Establish coordinated land plan and consistent treatment of common design elements;
- (13) Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and
- (14) If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.

*(Ord. #1714)*

**(B) Applicability**

A PD district may be established to accommodate large-scale, master-planned, mixed-use Developments that cannot be accomplished through conventional zoning districts. Development within a PD district shall occur in accordance with unique conditions and standards established during the rezoning process that may vary from those contained within other sections of the UDO. Such conditions and standards shall be applicable only to the specific Parcel of land that comprises that PD District, and shall run with the land regardless of ownership.

**(C) Procedures**

PD districts shall be established and developed in accordance with the procedures established in chapter 2 of this UDO.

**(D) Land Use Mix**

Each PD district approval shall identify the authorized land uses, which may include a mix of residential, retail, office, recreational or light industrial uses. The type and location of any and all uses within the PD District must be

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demonstrated to be appropriate for the project area and surrounding area. All land uses listed in the approved zoning application are permitted subject to the conditions established through the rezoning process.

### (E) Development Patterns

The PD district approval may establish any of the Development Patterns described in chapter 6 or accommodate alternative Development Patterns that comply with PD district standards.

### (F) General Provisions

#### (1) Minimum Size and Contiguity

The PD district shall encompass a sufficient area to accommodate the proposed mix of Uses and ensure Compatibility between both internal and external land uses.

#### (2) Ownership and Division of Land

No Tract of land may be considered for a PD District unless such Tract is under single or unified ownership or control. If listed in several ownerships, the application for zoning shall be accompanied by each landowner's written consent. The holder of a written option to purchase or a Developer under contract shall be considered an owner for purposes of this section provided the landowner's (or landowners') written consent is included with the application.

#### (3) Relationship to the UDO

Each proposal for development under the PD district is anticipated to be unique. Except as provided by this section and the PD approval, PD district Development shall be subject to all of the applicable standards, procedures, and regulations in other sections of this UDO. Development Conditions approved as part of the PD District zoning application shall supersede conflicting UDO regulations, unless otherwise prohibited by law. Alternative standards may be approved for Development within the PD district if they:

- (a) Meet or exceed the general intent of the UDO standards for base zoning districts;
- (b) Are appropriate given the specific mix of uses and character of the Development; and

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- (c) Achieve a more efficient, safe or economical land use without detracting from the quality of the Development or detrimentally impacting its surrounding Development or the community as a whole.

#### (4) Relationship to Other Regulations

Unless otherwise specified in the PD approval, all PDs shall be subject to all local, State and Federal regulations.

### (G) Open Space

Unless otherwise authorized for a specific development pattern established in chapter 5, the following Open Space requirements apply within a PD district:

- (1) Not less than twenty (20) percent of the gross land area of the PD shall be devoted to Open Space. The composition of the Open Space shall follow the standards as set in the Open Space section of this Unified Development Ordinance.

- ~~(2) Not less than fifty (50) percent of the required Open Space (ten (10) percent of gross land area) shall be Usable Open Space as defined in this UDO.~~

- ~~(3) The remaining Open Space may be comprised of, but is not limited to, any combination of the following: natural areas, wetlands, trails, boardwalks, parks, ball fields, equestrian fields or tracks, golf courses (not including clubhouse or other vertical structures), buffers (outside of a platted Lot), any water bodies including ponds and lakes, and/or innovative and accessible water quality ponds that are designed as an amenity.~~

- ~~(4)(2)~~ No more than fifty (50) percent of the required Open Space shall consist of ponds, lakes, and/or water quality ponds.

- ~~(5)(3)~~ The site's natural features and surroundings, unique features of the subject and surrounding property shall be considered by the Town when evaluating the configuration and uses of planned Open Space. Where practical, Open Space shall be configured to provide connectivity with other Open Space, both on- and off-site, and to allow for connectivity to and the extension of the existing Greenway Trail System.

**Commented [JB1]:** This change intends to simplify Open Space composition standards under §4.9.

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~~(6)(4)~~ Unless dedicated to and accepted by the Town or a similar legal entity, the owner or property owners association is required to provide for the continuing maintenance of Open Space.

(H) Landscaping, Screening, Buffers and Trees

The standards for landscaping, screening, buffers and trees included in chapter 4 of this UDO shall apply to all Development within the PD District, with the following exceptions:

- (1) Buffer requirements apply only to the perimeter of the PD unless otherwise specified in the PD District Conditions. The minimum required buffer for each sub-area shall be based on the most intensive use authorized within the sub-area that is adjacent to the property boundary and shall meet or exceed the standards established in chapter 4 of this UDO.
- (2) Land uses internal to the PD shall be buffered in accordance with the provisions of chapter 4 unless approved as part of the PD Development Conditions.
- (3) Other deviations from landscaping, buffer, street tree and screening standards of chapter 4 shall not be allowed unless approved as a PD Development Condition.

~~(4) If landscaping, buffer or other requirements are included in a platted Lot, they shall be protected by the PD's Covenants and Restrictions and shall not count as Open Space.~~

(I) Common Sign Plan

Signs within the development shall adhere to the standards set forth in section 4.6 of this UDO or set forth in the Conceptual Development Plan or an amendment thereto. The Applicant may include unique standards for signage with the Conceptual Development Plan that establish more specific design standards (size, height, color, materials, illumination) and Sign locations for the project to ensure a coordinated theme across the PD District. A Unified Sign Plan may then be submitted after the approval of the Conceptual Development Plan and may be approved by the Planning Director as an alternate to individual Sign permits. Any Unified Sign Plan that deviates from the standards set forth in section 4.6 of this UDO or set forth in the approved Conceptual

Development Plan shall require approval by the Board of Adjustment pursuant to section 2.22.

(Ord. #2052)

(J) Landmark Signs

The Town Council may approve the establishment of one or more on-premises Landmark Signs as a condition of approval within a PD district subject to the requirements of section 4.12.

(Ord. #2052)

(K) Storm Water Control

Storm water management shall meet or exceed the State's minimum requirements for storm water management. A common master storm water management plan may be developed for the project as a whole and may employ Best Management Practices. This neither prohibits the Development of the PD district in phases nor the phased implementation of the storm water management system.

(L) Street Design

- (1) Street design shall adhere to the Town's standards as set forth in chapter 4 of the UDO. The Applicant may submit alternative street design standards that vary in response to proposed function of the street, anticipated adjacent land uses, character of the Neighborhood, anticipated traffic volume (subject to Town and/or NCDOT approval), hierarchy within the street network, and need for traffic calming measures. At a minimum, turn lanes shall be studied and contemplated in relation to all intersections of Arterial streets within the site and shall be considered for appropriateness as part of the Traffic Impact Analysis (TIA), which must be approved by the Town.
- (2) Streets within the PD may be private or may be dedicated to the Town of Southern Pines with the Town's consent. Dedicated streets may be maintained by the Town of Southern Pines or NCDOT according to rules of the applicable jurisdiction.

Commented [JB2]: This section is not consistent with UDO §4.3.4(B)(5)

- (1) All Subdivisions, Development subject to Site Plan approval, and planned Developments shall provide street trees along their frontage with adjacent public streets.
  - (2) Street trees shall be selected from the list of large trees, or, where power lines are located, small trees included in section 4.3.9.
  - (3) Planting strips shall be a minimum of six (6) feet wide.
  - (4) Planting location shall take into consideration planned roadway widening, public safety, standard drainage requirements and maintenance of sight distances for traffic safety. Street trees may be planted within the Right-of-Way, within planting strip abutting the Right-of-Way or other location approved by the Permit Issuing Authority.
- (C) Street trees, unless subject to overhead power lines, shall be planted at the rate of one (1) two-inch Caliper tree per thirty (30) feet of property line abutting a public street, excluding driveways and Traffic Visibility Zones. This rate may be varied based upon existing trees and the crowns of planted trees.  
*(Ord. #1890, 1-6-21)*
- (D) Trees used to meet buffer, 4.3.5 and Vehicle Use Area requirements in sections 4.3.4, 4.3.5 and 4.3.6, may be used to meet the street requirements to the extent that the trees are located within twenty-five (25) feet of a street.

**4.3.4. Buffers**

Buffers provide Compatible transitions between differing land uses, reduce the visual impacts of Development and retain existing plant materials.

**(A) Applicability**

These standards apply to all new Multi-Family, commercial, industrial and mixed-use Development; substantial modifications subject to Architectural Compliance Permit review; and all Development subject to Subdivision approval.

**Amended**

2-10-2026

- (1) Buffers are required along the common property lines between Developments in different zoning districts or between Developments of different uses as established in this section.
  - (2) Buffer requirements shall not apply when a public street or railroad Right-of-Way separates applicable zoning districts or uses.
- (B) Buffer Requirements**
- (1) Exhibit 4-2 and 4-3 establish the minimum buffer widths for proposed Development. Chapters 5 and 6 establish buffer requirements for specific uses and Development Patterns.
    - (a) Buffers within and surrounding PDs shall be established during the PD approval process.
    - (b) Exhibit 4-3 establishes minimum buffer widths for the sides of properties abutting the highway corridor within HCO districts. These apply to Front Yard buffers, as well as for the Side and Rear Yards abutting properties of similar zoning. Exhibit 4-2 shall apply to the Side and Rear Yards of all Development on property in a HCO District that is adjacent to property zoned for residential use.
  - (2) Exhibit 4-4 establishes the minimum planting requirements within required buffers. Large trees, small trees and shrubs shall be dispersed along the entire length of the buffer. Species shall be planted in locations in which they are expected to thrive and should be dispersed in irregular patterns that reflect natural patterns rather than in formal rows or patterns.
  - (3) Buffers may have undulating boundaries provided that the narrowest point of the buffer is not narrower than eighty (80) percent of the minimum buffer width and the total area of the buffer is equal to or greater than the product of the length of the buffer times the minimum required buffer width.

4-7

**Exhibit 4-2: Minimum Buffer Widths**

Zoning District or Use of Proposed Development	Zoning/Use of Abutting Development					
	RE, RR, RS-1, RS-2, RS-3	RM-1, RM-2	NB, OS	GB	I	Single-Family Residence
RE, RR, RS-1, RS-2, RS-3	none	none	none	30'	80'	none
RM-1, RM-2	10'	10'	none	20'	80'	20' if Multi-Family Building proposed
NB, OS	20'	20'	none	none	20'	20'
GB	50'	30'	none	none	20'	20'
I	80'	80'	20'	20'	10'	30'
Golf Course	10'	10'	10'	10'	30'	10'
Active Recreational Facilities	20'	20'	none	10'	30'	20'
Institutions (public, private or religious)	20'	20'	none	none	20'	20'
Shopping Centers	80'	80'	10'	10'	20'	80'

(Ord. # 1716)

**Exhibit 4-3: Minimum Buffer Widths in Highway Corridor Overlay Districts**

Planted Buffer	Urban Transition Corridor Overlay District	Urban/Village Corridor Overlay District
Highway Yard	50'	40'
Side and Rear Yard	15'	5'

**Exhibit 4-4: Minimum Planting Required in Buffers**

Plant Type	Minimum Planting Rate	Additional Conditions
Large Trees	One tree per 400 square feet	<ul style="list-style-type: none"> <li>• At least 50 percent of large trees shall be evergreens</li> <li>• Longleaf pines shall be a minimum 2 inch Caliper and 8 feet tall</li> <li>• Other large trees shall be a minimum 2 inch Caliper</li> </ul>
Small Trees	One tree per 400 square feet	<ul style="list-style-type: none"> <li>• At least 20 percent and not more than 30 percent of small trees shall be deciduous</li> <li>• At least 50 percent of evergreen trees shall be species other than pines</li> <li>• Small trees shall be a minimum 1.5 inch Caliper</li> </ul>
Shrubs	For buffers 20 feet or narrower – one shrub per 50 square feet	<ul style="list-style-type: none"> <li>• Not more than 30 percent of shrubs shall be deciduous</li> <li>• Shrubs shall be at least 18 inches in height at time of planting and reach a height of at least 4 feet within five years of planting</li> </ul>
	For buffers between 20 and 50 feet wide – one shrub per 75 square feet	
	For buffers 50 feet or wider – one shrub per 200 square feet	

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

- (4) The entire buffer shall be located on the property subject to the Development Approval requiring the buffer. However, if the affected property owners enter into an agreement to establish and maintain a buffer meeting the requirements for the most intensive zoning or use to be developed next to the less intensive use, the Planning Director may allow the buffer to be located on one or both of the affected properties.
- (5) Buffers may be established in required Setback areas and may be counted towards required open space if located in a Common Area measuring at least twenty (20) feet in width.
- (6) When an easement crosses a buffer or is located within a buffer area, the TRC shall recommend, and the Planning Director shall approve all plantings in the easement to ensure that the plantings do not interfere with the use of the easement. When an easement is located along a property line that requires a buffer, the portion of the buffer located outside the easement shall be at least half the width of the required buffer.
- (7) The Planning Director, at time of Site Plan approval, may reduce buffer widths and required plantings by up to fifty (50) percent if the Site Plan indicates that existing condition or vegetation, alternate landscaping, walls, opaque fence or topographic

features will achieve the intent of this section and are designed to complement adjacent properties.

(8) No additional plantings are required within an Undisturbed Buffer unless more than 400 contiguous square feet of the required area is devoid of trees. In such cases, that portion shall be planted pursuant to the Buffer planting standards, less any preservation credits earned pursuant to the existing vegetation credits section of this UDO.

**(C) Permitted Uses Within Buffer Areas:**

- (1) Buffers shall be left in an undisturbed natural vegetative state or provided with supplemental plantings.
- (2) Selective thinning of vegetation under one and one-half (1.5) inch Caliper and removal of dead vegetation shall be permitted as long as the intent of the buffer requirement is maintained.
- (3) All Longleaf Pines (*Pinus Palustris*), Loblolly Pine (*Pinus Taeda*) shall be maintained in a buffer area. The buffer shall be cleared of the following under story trees: Black Jack Oak (*Quercus Marilandica*), and Turkey Oak (*Quercus Laveus*)
- (4) Driveways may cross a buffer at as near a perpendicular angle as practical. Walkways and paths may pass through a buffer.
- (5) Grading in the designated buffer may be allowed subject to PD, Subdivision, Special Use or Architectural Compliance Permit approval, if the re-vegetation plan is determined to meet the intent of this section.
- (6) When stormwater improvements are located within the buffer, the TRC shall recommend and the Director shall approve plantings to ensure that the vegetation does not interfere with the function of the stormwater improvement.

*(Ord. # 1919)*

**(D) Landscaping Design Requirements for Buffer Areas:**

- (1) Existing Vegetation. Buffers require provision of both physical separation and landscape elements to meet the intent of this ordinance. Existing vegetation shall be used to meet all or part of the requirements of this section wherever possible, if it provides the same level of opacity, as the required buffer. Vegetation to be saved shall be identified on Site Plans along with protection measures to be used during grading and construction.
- (2) Planted Vegetation. Exhibit 4-4 allows for a mix of large hardwood and/or pine trees, small trees/large shrubs and smaller shrubs to provide variable height screening and a naturalized planting typical of the ecosystem of the site or surroundings. Evergreen trees, other than pine, should be added to the wider buffers to provide a more opaque screen, as well as a more natural appearance to the buffer. A plant mix shall be designed to create a buffer that will give a satisfactory screen within five years of planting, under normal maintenance, while allowing room for the various plants to grow. In calculating buffer planting requirements, areas of driveways and sight distance triangles shall be excluded.

**4.3.5. Landscape Screens**

- (A) The intent of a screen is to use plant materials and/or other landscape architectural elements to obscure views from adjacent properties. Breaks in screens shall be permitted to provide adequate ingress and egress as needed.
- (B) The following uses shall be screened from unobstructed off-site views:
  - (1) Loading docks for semi-trailers and trucks over thirty-five (35) feet in length;
  - (2) Mini-warehouses;
  - (3) Correctional institutions;

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- (I) A Developer or homeowner's association may request non-standard street lighting within a Development provided that the street light fixture types and locations must be approved by the Town of Southern Pines; the Developer or homeowner's association shall be responsible for all installation costs and monthly operation costs associated with non-standard lighting; the Developer or homeowner's association shall be responsible for any costs associated with deletion of non-standard street lights and any costs associated with installing the Town's standard street lights prior to the expiration of the ten (10) year contract with Progress Energy; the Developer shall include all responsibilities of the homeowner's association pertaining to non-standard lighting in the Development covenants. The Developer shall inform all purchasers of property in the Development of these same responsibilities; non – standard street lighting shall not be used on arterial streets and the Developer or the homeowner's association will not have the option of deleting the private, non-standard street lighting at any time in the future. Staff consultation includes discussion of reflector caps or similar devices to reduce Light Pollution.
- (J) The Applicant, Developer, homeowner's association or other responsible organization representing the Subdivision Development will be responsible for the installation, maintenance and power consumption for all landscape lighting or any other device or fixture requiring electrical power.

**4.8.8. Excessive Illumination**

Lighting within any Lot that unnecessarily illuminates any other Lot and substantially interferes with the use or enjoyment of such other Lot is prohibited. Lighting unnecessarily illuminates another Lot if it clearly exceeds the standard set forth in section 4.15.6 or if the standard set forth therein could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

**4.9. OPEN SPACE / ~~GREENSPACE~~**

This section 4.9 shall be referred to as the Town of Southern Pines Open Space Standards ~~or open space standards.~~

**4.9.1. Usable Open Space Required**

- (A) Except as provided in ~~paragraph (C) of~~ this section or within a PD district, Conditional Zoning district, or authorized Development Pattern, every new commercial, industrial, institutional, and Multi-Family Development and Major Subdivision shall be developed so that at least ten (10) percent of the total area of the Development remains permanently as ~~Usable~~ Open Space.  
(Ord. #3031)

(B) For purposes of this section, Usable-Open Space means an area that may be defined as any of the five (5) Open Space types listed below, and a combination may be used to satisfy the total Open Space requirement. Development Applicants must determine the Open Space type(s) and label them on the plans based on the site's existing natural conditions as of the date of Development application, to be confirmed by town staff during Development review. Technical surveys performed by the Applicant may be required by staff to make a determination as to whether the standards for an Open Space type are met. Finally, the Development plans shall apply the applicable Open Space type(s) in the following order of priority to preserve:

- (1) Sensitive Natural Areas – delineated wetlands, flood hazard areas, the critical root zones of Specimen Trees, or other areas of significant natural resources. Sensitive Natural Areas must be entirely protected before any site disturbance pursuant to the Existing Vegetation Credits section of this UDO.
- (2) Tree Protection Areas (TPA) – existing tree stands that comprise at least the minimum density, dimensional, and maturity standards described below.

**Commented [JB3]:** This portion intends to make it clear that applicants must provide any technical surveying, if necessary, on the site plan (wetlands, tree diameters in proposed open space, etc.) to determine if the open space type's standards are met. It's then on the staff to confirm it. If there's any doubt, the staff and town arborist can always visit the site to measure tree diameters, etc., to confirm if a TPA or Sensitive Natural area is indeed in the location shown on the site plan.

There are certainly scenarios where detailed surveys wouldn't be necessary. For example, in a PD with 20 acres of dedicated open space, if those 20 acres are clearly a mature forest and the developer is claiming it as a TPA, staff would not require a detailed tree survey.

(a) TPAs should reflect the character of the land as of the date of Development application. TPAs shall be left in their natural or undisturbed state except for the installation of pervious surface pedestrian trails.

(b) Protection – TPAs shall be entirely protected before any site disturbance pursuant to the Existing Vegetation Credits section of this UDO.

(c) Composition Standards – TPAs must comprise the following density, dimensional, and maturity standards:

1. Density - a minimum ratio of 1-inch diameter-breast-height (DBH) per 100 square feet;  
For example, for a 50,000 square foot site requiring 10% (or 5,000 square feet) of Open Space, 50 total inches DBH would be required to meet the density standard – or five 10-inch diameter trees.

2. Dimensions – TPAs must be a minimum of 20 feet in width and maintain protection of all applicable critical root zones; and

3. Maturity – only trees greater than or equal to 6-inches DBH may count toward the TPA density requirement.

(d) TPAs that do not meet the requisite density requirement may be augmented with additional tree plantings to meet the TPA standard, provided that supplemental plantings are placed outside of the existing critical root zones and are a minimum of 2-inch caliper.

(e) Trees identified by the developer as unhealthy and at risk of dying, to be confirmed by the Town’s Arborist during site plan review, may be removed. However, the TPA must still meet all composition standards described above. Additionally, any Invasive Species within the TPA may be removed.

(3) Undisturbed Buffers.

(a) Undisturbed Buffers must be entirely protected before any site disturbance pursuant to the Existing Vegetation Credits section of this UDO.

(b) Undisturbed Buffers must comprise the same density, dimensional, and maturity standards as TPAs.

(c) No additional plantings are required within an Undisturbed Buffer unless more than 400 contiguous square feet of the required area is devoid of trees. In such cases, that portion shall be planted pursuant to the Buffer planting standards, less any preservation credits earned pursuant to the existing vegetation credits section of this UDO.

(d) Trees identified by the developer as unhealthy and at risk of dying, to be confirmed by the Town’s Arborist during site plan review, may be removed. However, Undisturbed Buffers must still meet all composition standards described above. Additionally, any Invasive Species within the Undisturbed Buffer may be removed.

(4) Usable Open Space – If a proposed development site does not comprise Open Space types (1), (2), or (3), or has already designated at least 50% of the required Open Space using those types, Usable Open Space may be utilized. Usable Open Space is an area that:

(a) Is not encumbered with any substantial structure;

(b) Is not devoted to use as a roadway, parking area, or sidewalk, provided, however that Multi-user Trails may be counted as Usable Open Space;

(c) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;

**Commented [JB4]:** These standards ensure that TPAs and Undisturbed Buffers have at least a minimum substantive composition.

**Commented [JB5]:** This standard ensures a minimum density. It’s a relatively low density as to ensure some tree stands don’t get eliminated from qualifying as a TPA. An even more permissive option could be 1-inch DBH per 200 square feet. Staff decided to go with the 1” per 100sf because if we need to make it less restrictive down the line we can, whereas we cannot go back to make it more restrictive under G.S. 160D-601(d) (SB 382 / S.L. 2024-57).

**Commented [JB6]:** The Tree Protection Focus Group recommended increasing from 20 to 30 feet in width because existing trees, even if younger than specimen trees, usually need more root zone area than newly planted trees. However, after consulting with the town’s land use law legal consultant, he pointed out there could be a scenario under SB 382 / S.L. 2024-57 where this creates a nonconformity. Depending on interpretation, when does a planted buffer become an undisturbed buffer for the purposes of minimum width? If one is redeveloping a site and – though may meet the Open Space percentage requirement – may not meet this minimum width requirement. For this reason, staff adjusted back down to 20-foot width.

**Commented [JB7]:** To ensure trees are mature enough to verify long-term viability.

(d) Is legally and practically accessible to the residents and/or visitors of the Development for which the required Open Space is provided, or to the public if the Open Space is dedicated to the Town pursuant to this section.

(e) If applicable and feasible, includes existing trees that are not otherwise incorporated in Open Space types (1), (2), or (3) above.

(f) Is properly landscaped and may include recreational amenities like open play fields, playgrounds, picnic areas or similar facilities, outdoor recreational or pedestrian areas, or other areas consistent with the objective of this section.

(5) Planted Buffers – If a proposed development site does not comprise Open Space types (1), (2), or (3), or has already designated at least 50% of the required Open Space using those types, planted Buffers may be utilized. Planted Buffers must be at least 20-feet in width to count as Open Space, must meet the planting rate requirements of this UDO, and may use a combination of planted and Undisturbed Buffers, if applicable.

(C) Open Space Administrative Minor Modifications. Developments shall comply with the Open Space prioritization and composition standards to the maximum extent feasible. However, the Planning Director shall modify the Open Space prioritization and/or composition standards to the extent necessary to avoid:

(1) Rendering a site undevelopable,

(2) Reducing the allowable density otherwise authorized by the underlying zoning district and standards of this UDO,

(3) Rendering a site inaccessible, or

(4) Precluding a proposed Development from meeting one or more other applicable standards of this UDO without modification.

(D) If a proposed Development site contains sufficient Sensitive Natural Areas, Tree Protection Areas, and/or Undisturbed Buffers, then these Open Space types shall account for at least 50% of the required Open Space and may satisfy up to 100% of the total Open Space requirement.

(E) Incentives. If a proposed Development designates the entirety of its required Open Space as Sensitive Natural Areas, Tree Protection Areas, and/or Undisturbed Buffers, then the town shall afford the following incentives:

(1) Setbacks – the minimum setbacks shall be reduced according to the “Building Setback Reduction” standards found under the Administrative Relief section of this UDO.

(2) Street trees – the street tree planting rate shall be reduced to one 2-inch Caliper tree per 50 feet of property line abutting a public street, excluding driveways and Traffic Visibility Zones.

(3) Shrub plantings in Buffers – the shrub planting rate for all required landscape Buffers less than 50 feet in width shall be reduced to one (1) shrub per 100 square feet.

(4) The minimum parking requirement, pursuant to the parking section of the UDO, for the proposed Development shall be reduced by 50%.

(F) Preemptive Clearing. In the event that preemptive or unauthorized site clearing occurs with the clear intent to influence the design and outcome of a proposed Development and/or the type of its required Open Space, the Town shall take one of the following actions, regardless of whether the tree removal was a willful violation of this UDO or not:

(1) Prohibit the approval of a Site Plan, Major Subdivision Plat, or Building Permit for a period of three (3) years from the date of the most recent unauthorized tree removal activities for which the Development Approval is sought.

**Commented [JB9]:** This is a policy choice and should be well evaluated. Requiring only 50% allows for more flexibility and usable open space to be better employed in PDs especially; since PDs require 20% Open Space, a portion of that Open Space is typically devoted to recreational amenities. With this in mind, 100% Undisturbed areas may not be the most desired outcome in every instance. However, it could result in more tree loss even with the incentives. To fully maximize natural areas saved, requiring 75% or 100% of Open Space types 1, 2, or 3 may be something to consider (if they're present on site of course).

**Commented [JB10]:** Because Planned Developments require 20% open space and often call for a sizable portion of usable Open Space, requiring types 1-3 to comprise 100% of the requirement may not always be the best outcome. Requiring 50%, but incentivizing up to 100% of types 1-3, allows for some flexibility for PDs while promoting entirely tree protection areas for more standard applications.

**Commented [JB11]:** The tree protection focus group highlighted that more space between shrubs would help the vitality at this rate.

**Commented [JB8]:** This provision requires staff to adjust the Open Space's configuration and makeup if an issue presented itself that meets the listed criteria. This provision also ensures the amendments align with G.S. §160D-601 (down-zoning provisions from SB 382).

**Commented [JB12]:** The following 3 punitive measures originated from the Planning Board in 2024. Andy Bleggi and a few other board members recommended presenting options for punitive measures, as the first one (no approvals for 3 years) could present erosion control and other issues in certain contexts. "unauthorized" was added in the event Open Space type 1, 2, or 3 clearing happened after development plan approval.

- (2) If the soil has not been graded nor compacted, the applicant shall provide new longleaf pines at a minimum 2-inch caliper and wiregrass and/or another appropriate ground cover plantings (following guidance in Appendix F) for all applicable cleared areas at the densities of:
  - (a) For longleaf pines – one 2-inch caliper tree per 400 square feet, and
  - (b) For wiregrass or another appropriate ground cover – one plant per 100 square feet.
- (3) Any Buffer otherwise required by this UDO shall have a minimum width that is 100% greater than the otherwise required width or 20-feet, whichever is greater. Such Buffers shall comply with the Buffer planting rate standards of this UDO, and the selected plantings shall include at least three different native species.
- (G) The following activities are exempt from the Open Space standards of this section:
  - (1) The removal or replacement of specific trees approved by the Planning Director as part of an administrative minor modification during Site Plan review;
  - (2) Tree removal associated with normal forestry activity that is conducted on land taxed on the basis of its present-use value as forestland pursuant to NCGS Chapter 105, Article 12, in accordance with a forest management plan prepared or approved by a registered forester;
  - (3) Agricultural, forestry, or horticultural land activities;
  - (4) The selective and limited removal of trees less than 2-inch diameter for the purpose of performing authorized field survey work and preliminary testing;
- (5) The removal of trees or vegetation for the purpose of sale by established commercial garden centers, greenhouses, or nurseries;
- (6) Tree removal for non-Development purposes on properties zoned for single-family, two-family, three-family, and four-family Dwelling Units;
- (7) Permitted temporary uses pursuant to this UDO;
- (8) Tree removal for utilities and public works projects;
- (9) Repair or re-use of existing buildings or lands where there is no enlargement or additions to existing structures;
- (10) The removal of dead, diseased, or naturally-fallen trees, trees that pose an imminent threat of falling onto an existing structure or adjacent trees, trees that are so close to an existing structure as to endanger the stability of the structure, or the removal of trees otherwise found by the Town to be a threat to the public health, safety, or welfare, as verified by a certified arborist, registered landscape architect, or registered forester;
- (11) The removal of Invasive Species, provided the removal results in the complete removal of the Trees (including roots), as verified by a certified arborist, registered landscape architect, or registered forester;
- (12) The selective and limited removal of trees or vegetation necessary to obtain clear visibility within intersection sight distance regulations of this UDO;
- (13) The removal of trees that the Town Engineer determines to be a hazard to traffic or to interfere with the provision of utility lines or public services; and
- (14) The removal of trees as necessary for rescue in an emergency.

**Commented [JB13]:** For new plantings, the trees will need more space for the root systems to flourish. For a 10,000 square foot site, this would mean the planting of 25 two-inch caliper longleaf pines. Though this may seem like a lot, some trees will likely not make it over time, so an extra number planted will likely even out to an appropriate equilibrium. Additionally, the focus group for this project emphasized planting specifically pine savannah species because they will best represent the natural environment of the sandhills.

**Commented [JB14]:** These exemptions are modeled off of Holly Springs UDO §4.4(E), Apex UDO §2.3.15(C), and NCGS § 105, Article 12; they intend to cover reasonable and statutorily protected tree removal activities that may conflict with the Open Space composition standards.

(B)

- ~~(1) Is not encumbered with any substantial structure;~~
- ~~(2) Is not devoted to use as a roadway, parking area, or sidewalk, provided, however that Multi-user Trails may be counted towards required open space;~~
- ~~(3) Reflects the character of the land as of the date Development began. Wooded Areas shall be left in their natural or undisturbed state except for the cutting of trails for walking, bicycling or jogging. Areas not wooded shall be landscaped for open play fields, picnic areas or similar facilities, or be properly vegetated and landscaped with the objective of creating a Wooded Area or other area that is consistent with the objectives of this section;~~
- ~~(4) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;~~
- ~~(5) Is part of an independent Lot shown on the plan as being reserved for open space; and~~
- ~~(6) Is legally and practicably accessible to the residents of the Development from which the required open space subdivided or to the public if the open space is dedicated to the Town pursuant to section 4.9.3.~~

~~(C)(H)~~ Areas Not Allowed as Open Space

The following areas shall not count toward common open space set-aside requirements:

- (1) Private Lots, Yards, balconies and patios dedicated for use by a specific Dwelling Unit;
- (2) Electric or gas transmission line rights-of-way;
- (3) Public Right-of-Way or private streets and drives;
- (4) Open parking areas and driveways for Dwellings;

- (5) Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;
- (6) Designated outdoor storage areas;
- (7) Land areas between Buildings of less than forty (40) feet;
- (8) Land areas between Buildings and parking lots or driveways of less than forty (40) feet in width;
- (9) Required Setbacks; and
- (10) Detention/Retention facilities except as provided section 4.9.7.

~~(D)(I)~~ Subdivided residential Developments of five (5) or fewer Dwelling Units are exempt from the requirements of this section.  
(Ord. #3031)

**4.9.2. Ownership and Maintenance of Recreational Areas and Required Open Space:**

- (A) Open space required to be provided by the Applicant in accordance with these open space standards shall not be dedicated to the public but shall remain under the ownership and control of the Developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in section 4.9.4. Open space shall be designated as an independent Lot on the plat and shall be noted as being reserved for their intended purposes.
- (B) The person or entity identified in paragraph (A) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- (C) Open space may be dedicated to a registered land trust, if approved by the Town Council.

Southern Pines Unified Development Ordinance

- (7) **TIA:** Traffic Impact Analysis
- (8) **TRC:** Technical Review Committee
- (9) **UDO:** Unified Development Ordinance

**9.3. DEFINITIONS**

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

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

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

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

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

Amended

2-10-2026

Chapter 9. Definitions

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

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

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

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

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

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

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

**Buffer:** Land with existing or planted vegetation located between a structure and the right-of-way or a side or rear Lot line intended to obstruct views from rights-of-way and nearby properties.

9-2

**Commented [JB15]:** Clarifying definitions between planted and undisturbed buffers will help improve landscaping plans and Open Space plans.

Southern Pines Unified Development Ordinance

**Buffer, Undisturbed:** A natural area used to satisfy Buffer requirements. Activities typically associated with the development process, including, but not limited to, grading and installing stormwater improvements, are prohibited in Undisturbed Buffers.

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

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

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

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

**Built-Upon Area:** Impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. In order to comply with G.S. 143-214.7, the following shall not be considered Built-Upon Area or an impervious or partially impervious surface:

- (A) A slatted deck.
- (B) The water area of a swimming pool.
- (C) A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric.
- (D) A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).

Amended

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- (E) Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
- (F) Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer’s specifications over a pervious surface.

**Caliper:** A standard measure of size for newly planted trees. Caliper refers to the trunk diameter, in inches, at a point six (6) inches above the ground (for trees equal to or less than a 4” Caliper), at a point twelve (12) inches above the ground (for trees larger than 4” Caliper), or as defined by the American Standard for Nursery Stock ANSI Z60.1.

**Certified Arborist:** A professional tree care specialist who maintains the designation of Certified Arborist as defined and governed by the International Society of Arboriculture (ISA). For the purposes of this UDO, a certified arborist may also refer to a professional tree care specialist who maintains the designation of consulting arborist with the American Society of Consulting Arborists (ASCA).

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

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

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

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

**Compatible/Compatibility** - A condition in which land uses or conditions can coexist in a relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by

**Commented [JB16]:** Clarifying this definition will help staff during site plan review processes, as well as assessing damage done during construction.

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care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

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

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

**Hearing Body:** The entity assigned responsibility for conducting a hearing on any application pursuant to this UDO.

**Illuminating Engineering Society of North America (IES or IESNA):** The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

**Intermediate Care Home:** A facility maintained for the purpose of providing accommodations for not more than nine occupants needing medical care and supervision at a lower level than that provided in a Nursing Care Institution but at a higher level than that provided in institutions for the handicapped or infirm.

**Intermediate Care Institution:** An institutional facility maintained for the purpose of providing accommodations for more than nine persons needing medical care and supervision at a lower level than that provided in a Nursing Care Institution but at a higher level than that provided in institutions for the handicapped or infirm.

**Invasive Species:** Exotic vegetation transported outside their historic home ranges and considered invasive in North Carolina due to their tendency to overcrowd vegetation in native natural habitats. Species considered Invasive Species in this UDO are those listed as such in the North Carolina State University Extension Gardener Plant Toolbox.

**Large Scale Retail:** Retail Development including of one or more businesses that encompass at 25,000 square feet or more of Gross Leasable Floor Area.

Amended

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**Legislative Decision:** The adoption, amendment, or repeal of a regulation under North Carolina General Statute or an applicable local act. The term also includes the decision to approve, amend, or rescind a Development agreement consistent with the provisions of Article 10 of Chapter 160D, North Carolina General Statute.

**Legislative Hearing:** A hearing to solicit public comment on a proposed Legislative Decision.

**Licensed Landscape Contractor:** Any person licensed by the North Carolina Landscape Contractors' Licensing Board who for compensation or other consideration, does landscape construction or contracting as described in North Carolina General Statute Chapter 89D-11(3).

**Light Pollution:** Any adverse effect of manmade light including, but not limited to, Light Trespass, up-lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

**Light Trespass:** Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

**Lot:** A Parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent domain condemns, purchases or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a Parcel of land otherwise characterized as a Lot by this definition or a private road is created across a Parcel of land otherwise characterized as a Lot by this definition and the interest thus obtained or the road so created is such as effectively to prevent the use of this Parcel as one Lot, then the land on either side of this strip shall constitute a separate Lot. The permit-issuing authority and the owner of two or more contiguous Lots may agree to regard the Lots as one Lot if necessary or convenient to comply with any of the requirements of this ordinance.

**Lot Area:** The total area circumscribed by the boundaries of a Lot, except that:

- (A) When the legal instrument creating a Lot shows the boundary for purposes of computing the Lot Area shall be the street Right-of-Way

**Commented [JB17]:** The proposed TPA and Undisturbed Buffer Open Space types allow for the removal of invasive species, and this definition is necessary for species delineation during Development review.

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line or if the Right-of-Way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street; and

- (B) In a residential district, when a private road that serves more than three Dwelling Units is located along any Lot boundary, then the Lot boundary for purposes of computing the Lot Area shall be the nearest boundary of the traveled portion of that road.

**Major Amendment:** Any change to a PD plan, Architectural Compliance permit or other approval not classified as a Minor Amendment.

**Major Work:** Exterior work that is involves a significant alteration, addition, reconstruction or demolition of an existing Building or structure, or the erection of new Buildings or structures.

**Manufactured Home:** A Dwelling Unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the Building site.

**Manufactured Home, Class A:** A Dwelling Unit constructed with one or more components which are pre-fabricated and hauled to the site that are capable of producing a Dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Uniform Residential Building Code as amended.

**Manufactured Home, Class B:** A Dwelling Unit that:

- (A) Is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended; and
- (B) Is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site; and
- (C) Meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development and (iv) conforms to the following appearance criteria.

Amended

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

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

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

**Multi-Family Residence:** A Building including three (3) or more Dwelling Units.

**Multi-Use Trail or Path:** A trail designed for Compatible and safe concurrent use by pedestrians and bicyclists.

**Neighborhood:** An area of a community with characteristics which distinguish it from others that may include distinct ethnic or economic bases, housing types, schools, or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers, or major drainage channels.

**Non-conforming Project:** Any structure, Development or undertaking that is incomplete at the effective date of this UDO and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

**Nursing Care Home:** A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

**Nursing Care Institution:** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

**Open Space:** Land area that preserves Sensitive Natural Areas, preserves Tree Protection Areas, preserves Undisturbed Buffers, creates Usable Open Space, and/or creates new planted Buffers.

**Commented [JB18]:** A definition of Open Space was necessary to further reinforce the 5 types that it may be defined by.

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**Open Space, Usable:** Usable Open Space areas are comprised of, but not limited to, any combination of the following: natural areas, wetlands, trails, boardwalks, parks, ball fields for structured recreation, picnic areas, playgrounds, equestrian fields or tracks, golf courses (not including clubhouse or other vertical structures), buffers (outside of a platted Lot), any accessible water bodies including ponds and lakes, and/or innovative and accessible water quality ponds (that are designed as an amenity).

**Ordinary Maintenance:** Exterior work that is undertaken on a frequent and routine basis to maintain the functional and structural integrity of an existing Building, structure, or architectural or appurtenant features. Ordinary Maintenance is defined further as being repair work that maintains, and does not change, the architectural material, design, style, size and scale, arrangement, detailing or texture of the feature.

**Outlot:** A Parcel of real property having access to at least one public street, private roadway or private drive that is part of a larger commercial Development, but that may be sold or leased without further Subdivision.

**Parcel:** An area of land not dedicated for public or common use capable of being described with such definiteness that its location and boundaries may be established and includes but is not limited to Lots.

**Parking Aisles.** That portion of the Vehicle Use Area consisting of lanes providing access to parking spaces.

**Permit Issuing Authority:** A person or entity authorized by this UDO to grant Development Approval, whether discretionary or administrative.

**Planning Director or Director:** The person designated by the Town Manager to carry out the responsibilities established in this UDO or the Planning Director's designee.

**Planning Jurisdiction:** The area within the Town limits as well as the area beyond the Town limits within which the Town is authorized to plan for and regulate Development, as set forth in this UDO.

**Premises:** A single piece of property as conveyed in a deed or a Lot or a number of adjacent Lots on which is situated a land use, a Building or group of Buildings designed as a unit or on which a Building or a group of Buildings are to be constructed.

Amended

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**Principal Use Classification:** ~~Exhibit 3-15~~ Exhibit 3-15 establishes use classifications. For purposes of this UDO, each numbered row is assumed to represent a separate Principal Use Classification.

**Quasi-judicial Decision:** A decision involving the finding of facts regarding a specific application of a Development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, Special Use Permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of Subdivision plats and Site Plans are Quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

**Registered Landscape Architect:** A professional who—on the basis of demonstrated knowledge acquired by professional education or practical experience, or both—has been granted and holds a current certificate entitling them to practice mathematical, physical, social, and natural science principles in landscape architectural consultation, evaluation, planning, design, and construction services, and to use the title “Landscape Architect” in North Carolina under the authority of NCGS Chapter 89A. Practice includes preparation, submittal, and administration of plans, drawings, specifications, permits, and other contract documents for work involving natural and built environment.

**Residence, Accessory Dwelling:** A residential Dwelling that is secondary to the Principal Use.

**Residence, Multi-Family:** A Building including three (3) or more Dwelling Units.

**Residence, Condominium:** A Multi-Family Residential use consisting of individually owned Dwelling Units and common elements owned by an association of the owners of the Dwelling Units.

**Residence, Multi-Family Conversion:** A Multi-Family Residence containing not more than four Dwelling Units and results from the conversion of a single Building containing at least 2,000 square feet of Gross Floor Area that was in

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**Commented [JB19]:** Updating the Usable Open Space definition further delineates its difference from other types of Open Space. This type is generally the “recreation” type of Open Space.

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existence on the effective date of this provision and that was originally designed, constructed and occupied as a Single-Family residence.

**Residence, Townhouse:** A Single-Family attached Dwelling in which each Dwelling Unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other Dwelling Unit and in which each Dwelling Unit has living space on the ground Floor and a separate ground Floor entrance and each Dwelling Unit is conveyed through a Subdivision plat.

**Residence, Two-Family or Duplex:** A Two-Family Residential use in which the Dwelling Units share a common wall (including without limitation the wall of an attached garage or porch) and in which each Dwelling Unit has living space on the ground Floor and a separate ground Floor entrance.

**Residential Zone:** Areas zoned for residential use include Residential Single-Family (RS), Residential Multi-Family (RM), Rural Residential (RR), Rural Estate (RE), and Planned Development (PD) districts.

**Retention Pond:** A pond that has a permanent pool and which also collects storm water runoff, filters the water and releases it slowly over a period of days.

**Reviewing Body or Recommending Body:** The entity assigned responsibility for reviewing and making recommendations or taking action on an application pursuant to this UDO.

**Right-of-Way:** An interest in land to the Town, County or State that provides for the perpetual right and privilege of the Town, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and Signage, sanitary sewer, stormwater drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of- way.

**Sensitive Natural Areas** – delineated wetlands, flood hazard areas, the critical root zones of one (1) or more Specimen Trees, or other areas of significant natural resources.

**Setback:** The shortest distance between the Building and the property line.

Amended

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**Setback, Front:** The shortest distance between the Building Front and the front property line or the distance from the street centerline where the Right-of-Way line is undefined.

**Setback, Exterior Side:** The shortest distance between the street side of the Building and the side property line abutting a street or the distance from the street centerline where the Right-of-Way line is undefined.

**Setback, Interior Side:** The shortest distance from the side of a Building and the property line abutting another Lot or Parcel.

**Setback, Rear:** The shortest distance from the rear of a Building and the property line abutting another Lot or Parcel.

**Shopping Center:** A collection of commercial businesses located in one or more Buildings on a site that is under common ownership or management. Shopping Centers may include Outlots.

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

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

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

**Sign, Digital:** A sign, any portion of which displays moving, static or stationary illuminated digital images, produced by technology such as LED (light emitting diode) or LCD (liquid crystal display) display screens, plasma, high-definition, interactive touch-screen, or other such technology.

**Sign, Dynamic Digital:** Dynamic Digital Sign means any electronic display or signage capable of changing its content or appearance based on real-time data, interaction with individuals or vehicles, or environmental conditions. This includes, but is not limited to, signs that alter their images, text, brightness, or messages in response to movement, presence, or other external stimuli.

**Sign, Electronic Message Center:** An electrically activated, changeable Sign with a variable message and/or graphic presentation capability that can be

**Commented [JB20]:** Adding this definition further reinforces SNAs as a type of Open Space.

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(E) The division of a Tract into Parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(Ord. #1871, 8-24-20)

**Temporary Emergency, Construction or Repair Residence:** A residence (which may be a Manufactured Home if permitted in the district in which located) that is:

- (A) Located on the same Lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster;
- (B) Located on the same Lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or
- (C) Located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

**Tourist Home:** A Dwelling Unit used for periods of less than 30 days for the lodging of transients and travelers for compensation.

**Town:** The Town of Southern Pines, North Carolina.

**Town Engineer:** The person designated by the Town Manager to carry out the responsibilities established in this UDO or the Town Engineer's designee.

**Tract:** A Lot. The term Tract is used interchangeably with the term Parcel, particularly in the context of Subdivisions, where one "tract" is subdivided into several "Lots".

**Travel Trailer:** A structure that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definition criteria of a Manufactured Home.

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**Tree Protection Area:** One of the five types of Open Space. More specifically, an area shown on a development plan, master plan, and/or preliminary plan and recorded on the final plat for the protection of existing tree stands that comprise at least the minimum density, dimensional, and maturity standards according to the Open Space section of this UDO.

**Use, Accessory:** A use incidental to and customarily associated with a specific Principal Use located on the same Lot, Tract or Parcel.

**Use, Principal:** The primary or main use of land or structures, as distinguished from a secondary or Accessory Use.

**Vehicle Use Area.** That portion of a Lot of Parcel that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of Circulation Areas, loading and unloading areas and parking areas (spaces and aisles).

**Watershed.** The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

**Wooded Area:** An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater Caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

**Yard:** The area between a Building and the property line.

**Yard, Front:** The area between the Building Front and the front property line.

**Yard, Side:** The area between the side of a Building and the side property line that extends from the Building Front to the rear-most part of the Building.

**Yard, Rear:** The area between the rear of a Building and the rear property line.

**Zoning Map or Official Zoning Map:** The map pursuant to this UDO and showing the boundaries of zoning districts established herein.

(Ord. #1716; Ord. #1703; Ord. #1820; Ord. #1981; Ord. #2052; Ord. #3024; Ord. #3116; Ord. #3141)

**Commented [JB21]:** This definition was added to further reinforce the TPA as one of the five types of Open Space.

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Amendments

Agenda/Ordinance Number	Text Amendment Summary	Date Adopted
Ord. #3031	Amending the Authorized Land Use Table, provisions related to Conditional Zoning districts, and open space.	3/13/24
Ord. #3044	Amending limitations on telecommunications towers.	5/14/24
Ord. #3116	Amending provisions related to performance guarantees; certificates of occupancy; WPO district; curbs, gutters and sidewalks; Board of Adjustment voting; and the definition of built-upon area.	5/13/25
Ord. #3141	Amending sign regulations in Chapters 2 and 4 of the UDO	8/26/25
Ord. #3148	Amending exhibit 3-1 and section 8.11(C)	9/9/25
Ord. #3149	Amending the PD amendment process	9/23/25
Ord. #3154	Creating the minor-2 and minor-3 Subdivision provisions within §2.19, §2.49, §2.50, Appendix A, and Appendix B; clarifying the original "minor Subdivision" as the "minor-1 Subdivision."	12/9/25
<u>Ord. 3166</u>	<u>Amend the recommended landscaping species list under Appendix F.</u>	<u>2/10/26</u>
Ord. #3167	Amending procedural and Temporary Sign provisions.	2/10/26
<u>Ord. #XXXX</u>	<u>Amend the Open Space chapter of the UDO along with related sections under "Planned Development" in chapter 3 and "Landscaping" in chapter 4; add definitions in chapter 9.</u>	<u>MM/DD/YY</u>

**Commented [JB22]:** Ordinance #3166 was not notated in the text amendment summary of the 2/10/26 UDO update, and it should be added to the summary.

File Number	Zoning Map Amendment Summary	Date Adopted
Z-01-14	Rezoning of the Southern Pines Corporate Park from Industrial (I) to Planned Development (PD)	5/13/14
Z-03-14	Rezoning of Property from OS-CD to RM-2; 360 N. Bennett St.	5/13/14
Z-04-14	Rezoning of Property from RS-1 to NB; 1064 W. Massachusetts Avenue	5/13/14
Z-02-15 1539	Rezoning of Property from GB to RM-2; Between Midlothian Drive and Clark Street	11/10/15
Z-01-16	Rezoning of Property from RS-1 to NB-CD: 1650 W. New York Avenue - American Legion Post 177	3/8/16
Z-02-16	Rezoning of 1515 Midland Rd from RS-2 to RS-1CD	2/14/17
Z-03-17	Rezoning of 93.04 ac. on Waynor Rd from RR to RS-3	10/16/17
Z-04-17	Rezoning of 2250 E Connecticut Ave and Lot 1A Ft. Bragg Rd from RS-3 to RE	10/16/17
Z-06-17	Rezoning of Waynor Road & Hwy 22 from PD to FRR	11/14/17

Amended

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